



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.14.

2/3/2022

### Subject:

Public Hearing, Re: Adoption of EAR Based Amendments, 2017-2.2. DEO #17-3ER

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners consider adoption of the Evaluation and Appraisal Report (EAR-based) amendments, 2017-2.2 (DEO #17-3ER)

### Summary Explanation and Background:

Pursuant to Florida Administrative Code Rule Chapter 73C-49, a local government must submit an Evaluation and Appraisal Report (EAR) every seven years for the principal process of updating their comprehensive plans to reflect changes in state legislative requirements, since the last update of the comprehensive plan to the Florida Department of Economic Opportunity (DEO). Brevard County's deadline to adopt the 2016 EAR is March 31, 2021.

While there are numerous minor updates proposed in this EAR amendment 2017-2.2, the primary changes since the Board's approval of the transmittal on November 2, 2017, are to address the legislation establishing "Peril of Flood" (Florida Statutes 163.3178(2)(f)) enacted during the 2015 Legislative Session. During the transmittal phase of the EAR, DEO provided an Objections, Recommendations and Comments (ORC) Report indicating the proposed amendments to coastal redevelopment component in the Coastal Management Element needed to include:

1. Development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Best practices, development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

In order to satisfy DEO concerns, staff coordinated with various agencies and participated in the East Central Florida Regional Planning Council's (ECFRPC) development of a Regional Resiliency Action Plan (RRAP). In addition, the County was awarded a state-funded planning grant through the Florida Department of Environmental Protection (FDEP) Florida Resilient Coastlines Program - aimed at preparing Florida coastal communities for current and future effects of coastal flooding and addressing compliance with the "Peril of Flood" statute. This resulted in a new objective and thirteen (13) proposed policies developed through cross-departmental coordination and DEO guidance to ensure consistency with Peril of Flood requirements of Section 163.3178(2)(f), F.S.

The proposed Amendment 2017-2.2 includes all of the Board's previously approved text modifications which were transmitted to DEO in 2017; and also includes verbiage that was not previously presented to DEO in the transmittal, which are highlighted in yellow in the Ordinance:

- Thirteen (13) new Coastal Management Element policies developed specifically to comply with Section 163.3178(2)(f), F.S. ("Peril of Flood"); and
- Recent Board approved amendments (i.e., Private Property Rights & Finished Floor Ratio in PUD); and
- A portion of the currently adopted Conservation Element (Objectives 4, 8 & 11) which were inadvertently omitted from the transmittal package; and
- Changes to the portions of Coastal Management Element which were affected by the new Peril of Flood policies.

Additions to the Comprehensive Plan are shown as underlined and deletions are shown as strikethrough.

On January 10, 2022, the Planning and Zoning Board heard the request and unanimously recommended approval as presented.

### **Clerk to the Board Instructions:**

Once the Ordinance is filed with the State, please return a copy to Planning and Development.





February 4, 2022

**MEMORANDUM**

**TO:** Tad Calkins, Planning and Development Director

**RE:** H.14., Public Hearing Adopting Evaluation and Appraisal Report (EAR-based) Amendments, 2017-2.2. DEO #17-3ER

The Board of County Commissioners, in regular session on February 3, 2022, adopted Ordinance No. 22-03, amending Article III, Chapter 62 of the Code of Ordinance of Brevard County, entitled, "The Comprehensive Plan", setting forth Plan Amendment 2017-2.2; approved staff's recommendations of Chapter 10: Coastal Management Element, adding a new objective for new policies 14.1 through 14.13, developed specifically to comply with Section 163.3178(2)(f), F.S. (Perils of Flood); and approved the following changes to Policy 14.6 and 14.9 of the EAR-based Amendments:

Policy 14.6 The County must develop mechanisms 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 unless it can be clearly demonstrated that:

- a. Strict application will be contrary to the public interest;
- b. The public values being protected are insignificant and strict application will result in an excessive hardship to the project;
- c. Strict application will place an excessive hardship on the project, and an alternative action is available which is equal to or superior than the original requirements in reaching the policy's objective, or;
- d. The activity is not financially feasible for the local government.

Policy 14.9 Based on the 2021 Resilient Brevard Community Survey, completed by the Eastern 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 unless it can be clearly demonstrated that:

- a. Strict application will be contrary to the public interest;
- b. The public values being protected are insignificant and strict application will result in an excessive hardship to the project;
- c. Strict application will place an excessive hardship on the project, and an alternative action is available which is equal to or superior than the original requirements in reaching the policy's objective, or;
- d. The activity is not financially feasible for the local government.

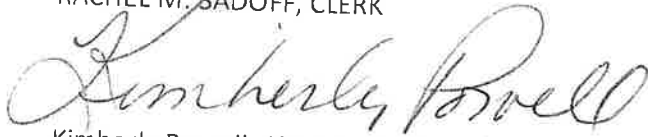
Such adaptation strategies may include:

- a. Multi-use stormwater parks,
- 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); and providing for inclusion in the Brevard County Code of Ordinances. Enclosed is a fully-executed Ordinance and staff recommendations of Chapter 10: Coastal Management Element.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, appearing to read "Kimberly Powell", is written over the typed name.

Kimberly Powell, Clerk to the Board

/sm

Encls. (2)

cc: Jennifer Jones, Zoning  
County Attorney

## **CHAPTER 10: COASTAL MANAGEMENT ELEMENT**

Objective 14 (Coastal Development and Redevelopment) – Added a new objective as an umbrella for new policies developed specifically to comply with Section 163.3178(2)(f), Florida Statutes (“Peril of Flood”).

Policy 14.1 – Created a new policy to utilize a range of sea level rise projections as recommended in the adopted East Central Florida Regional Resilience Action Plan for planning purposes.

Policy 14.2 – Created a new policy to consider designating Adaptation Action Areas in areas identified as vulnerable to coastal flooding, storm surge, and sea level rise.

Policy 14.3 – Created a new policy to consider identifying areas which may benefit from nature-based design standards and/or Low Impact Development projects.

Policy 14.4 – Created a new policy to consider the results of the Vulnerability Analysis when planning for development, redevelopment, and improvements to critical facilities and infrastructure.

Policy 14.5 – Created a new policy to consider initiatives that focus on solutions for flood impacts, and develop methodologies for prioritizing public project expenditures.

Policy 14.6 – Created a new policy to develop mechanisms 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 14.7 – Created a new policy to identify development and redevelopment performance standards designed to minimize or withstand permanent and/or temporary inundation from flooding, sea level rise, and storm surge.

Policy 14.8 – Created a new policy to 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 14.9 – Created a new policy 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.

Policy 14.10 – Created a new policy to educate the community about flood mitigation principles, strategies, and engineering solutions that can be implemented to protect property and reduce insurance losses.

Policy 14.11 – Created a new policy to pursue private and public funding sources for the implementation of flood resiliency strategies and consider removing real property structures from coastal FEMA flood zones through acquisition of repetitive loss properties, for use as green space or stormwater management.

Policy 14.12 – Created a new policy to continue to implement policies within the Comprehensive Plan, including but not limited to the Conservation Element, to ensure avoidance and minimization of impacts to natural coastal ecosystems, including wetlands, floodplains, aquifer recharge areas, and dunes.

Policy 14.13 – Created a new policy to continue to analyze best available data to maintain or update relevant and current coastal hazard vulnerability projections and update maps, as applicable and continue to identify and understand the risks, vulnerabilities, and opportunities for strategies within short, mid, and long-term planning horizons.

---

**Modifications not previously transmitted to DEO:**

**CHAPTER 1: CONSERVATION ELEMENT**

- Objective 4 (Flood Plain Areas), Policies 4.1 through 4.10 – Reincluded, as policies were inadvertently left out of transmittal package
- Objective 8 (Vegetation), Policies 8.3 through 8.10 – Reincluded, as policies were inadvertently left out of transmittal package
- Objective 11 (Energy Conservation), Policies 11.1 through 11.4 – Reincluded, as policies were inadvertently left out of transmittal package

**CHAPTER 9: TRANSPORTATION ELEMENT**

- Policy 1.3 – Scrivener's error corrected - Level of Service remain unchanged.

**CHAPTER 10: COASTAL MANAGEMENT ELEMENT**

- Objective 4 (Beaches and Dunes), Policy 4.1 A – revised to clarify reference lines
- Policy 6.6 – deleted as this is addressed in Objective 14 and Policies 14.1 – 14.13
- Policies 6.6, 6.7, 6.8, 6.9 were moved from 7.2, 7.4, 7.6, 7.7
- Appendix – updated Map 2 Evacuation Routes with more current data
- Appendix – deleted Map 3 Coastal High Hazard Area, as it is subject to change

**CHAPTER 11: FUTURE LAND USE ELEMENT**

- Policy 2.8 D and E – Updated per text amendment adopted March 4, 2021 regarding gross floor area and floor area ratio within PUDs
- Objective 22 (Residential Density Rightsizing Study Areas) – added language to encompass policies

**CHAPTER 15: PROPERTY RIGHTS ELEMENT**

- New element adopted December 2, 2021

**CHAPTER 16: GLOSSARY**

- Coastal High Hazard Area – deleted reference to Map 3 Coastal High Hazard Area



**BOARD OF COUNTY COMMISSIONERS**

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

February 3, 2022

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: Adoption of Evaluation and Appraisal Report (EAR) Based Amendments 17-3ER (2017-2.2)

Dear Mr. Eubanks,

Enclosed please find the Comprehensive Plan Amendment adoption package for the County-initiated application for amendment being considered for adoption: 17-3ER (2017-2.2). Proposed changes are more fully described in the attached staff report. The evaluation and appraisal addresses changes in statutory requirements enacted since the previous EAR update of the comprehensive plan and updates the plan based on changes in local conditions.

The Local Planning Agency held a public hearing regarding the adoption of the 17-3ER (2017-2.2) Plan Amendment on January 10, 2022, unanimously recommending approval.

The Brevard County Board of County Commissioners approved the adoption of 17-3ER (2017-2.2) Plan Amendment package during a public hearing on February 3, 2022.

Copies of the proposed amendment 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 Fish and Wildlife Conservation Commission, the Florida Department of Education, and the Florida Department of Agriculture and Consumer Services.

The plan amendment's "content and effect" is included in this mailing.

The amendment package was adopted by Brevard County on February 3, 2022.

The adopted amendment package is not within an area of critical state concern.

The adopted amendment package is not within the Wekiva River Protection Area.

The adopted amendments are not being adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

The contact person for the 17-3ER (2017-2.2) Plan Amendment package is:

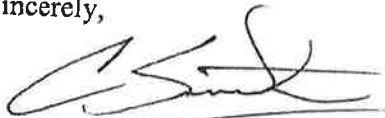
Cheryl Campbell, Planner III  
Cheryl.Campbell@brevardfl.gov  
Planning and Development Department  
2725 Judge Fran Jamieson Way, Building A Viera, FL 32940  
PHONE (321) 350-8271 - FAX (321) 633-2087

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,



Curt Smith, vice-chair  
Brevard County Board of County Commissioners

cc: Board of County Commissioners  
Frank Abbate, County Manager  
Abigail Jorandby, County Attorney  
Tad Calkins, Director, Planning and Development Department (w/out encl.)  
East Central Florida Regional Planning Council  
St. Johns River Water Management District  
Florida Department of Transportation, District Five  
Florida Department of Environmental Protection  
Florida Division of Agriculture and Consumer Services  
Florida Department of State, Bureau of Historic Preservation  
Florida Fish and Wildlife Conservation Commission  
Florida Department of Education  
Patrick Air Force Base Military Installation



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

February 16, 2022

Honorable Rachel M. Sadoff  
Clerk  
Board of County Commissioners  
Brevard County  
Post Office Box 999  
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Ms. Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your corrected electronic copy of Brevard County Ordinance No. 22-03, which was filed in this office on February 16, 2022.

Sincerely,

Anya Owens  
Program Administrator

AO/lb



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

February 9, 2022

Honorable Rachel M. Sadoff  
Clerk  
Board of County Commissioners  
Brevard County  
Post Office Box 999  
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Ms. Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 22-03, which was filed in this office on February 8, 2022.

Sincerely,

Anya Owens  
Program Administrator

AO/lb



ORDINANCE NO. 22- 03

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY; ENTITLED "THE COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 2017-2.2; AMENDING SECTION 62-501, ENTITLED "CONTENTS OF THE PLAN"; SPECIFICALLY AMENDING SECTION 62-501 TO ADOPT EVALUATION AND APPRAISAL REPORT RECOMMENDATIONS INCLUDING PART I, ENTITLED CONSERVATION ELEMENT, PART II, ENTITLED SURFACE WATER MANAGEMENT ELEMENT, PART III, ENTITLED RECREATION AND OPEN SPACE ELEMENT, PART IV, ENTITLED HISTORIC PRESERVATION ELEMENT, PART V, ENTITLED HOUSING ELEMENT, PART VI, ENTITLED POTABLE WATER ELEMENT, PART VII, ENTITLED SANITARY SEWER ELEMENT, PART VIII, ENTITLED SOLID WASTE AND HAZARDOUS MATERIALS ELEMENT, PART IX, ENTITLED TRANSPORTATION ELEMENT, PART X, ENTITLED COASTAL MANAGEMENT ELEMENT, PART XI, ENTITLED FUTURE LAND USE ELEMENT, PART XII, ENTITLED INTERGOVERNMENTAL COORDINATION ELEMENT, PART XIII, ENTITLED CAPITAL IMPROVEMENTS ELEMENT, PART XIV ENTITLED PUBLIC SCHOOL FACILITIES ELEMENT, AND PART XV, ENTITLED THE GLOSSARY; RE-ADOPTING THE FUTURE LAND USE MAP TO ADDRESS LAND USE CHANGES AND CORRECT SCRIVENER'S ERRORS; 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, 2017, for adoption as the Fall Plan Amendment Cycle 2017-2; 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

OFFICIALLY FILED WITH THE SECRETARY OF STATE ON FEBRUARY 16, 2022.

WHEREAS, on October 23, 2017, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 2017-2.2, and considered the findings and advice of all interested parties submitting comments; and

WHEREAS, on November 2, 2017, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the findings and recommendations, the input from all interested parties submitting written or oral comments, the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved the transmittal of Plan Amendment 2017-2.2 to the Department of Economic Opportunity for review; and

WHEREAS, on January 12, 2018, the Department of Economic Opportunity issued an Objections, Recommendations and Comments Report regarding the 2017-2.2 plan amendment package; and

WHEREAS, on January 10, 2022, the Local Planning Agency held a duly noticed public hearing and considered the Objections, Recommendations and Comments Report, any and all revisions to Plan Amendment 2017-2.2 as transmitted to the Department of Economic Opportunity, input from all interested parties submitting written or oral comments, and recommended the revised 2017-2.2 plan amendment package to the Board of County Commissioners for adoption; and

WHEREAS, on February 3, 2022, the Brevard County Board of County Commissioners held a duly noticed public hearing, and considered the Objections, Recommendations and Comments Report, any and all revisions to Plan Amendment 2017-2.2 as transmitted to the Department of Economic Opportunity, input from all interested parties submitting written or oral comments, the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, adopted Plan Amendment 2017-2.2; and

WHEREAS, Plan Amendment 2017-2.2 adopted by this Ordinance complies with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 2017-2.2 adopted by this Ordinance is based upon findings of fact as included in Exhibit A.

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 2017-2.2 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 2017-2.2, 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 with Florida Statutes, Section 163.3184(9), or until the Administration Commission issues a final order determining the amendment to be in compliance 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, ORDERED AND ADOPTED in regular session, this 3 day of FEBRUARY 3, 2022.

ATTEST

  
\_\_\_\_\_  
Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
CURT SMITH - VICE CHAIR

(as approved by the Board on FEBRUARY 3, 2022)

# EXHIBIT A

## 2017-2.2 COMPREHENSIVE PLAN AMENDMENTS

PART I	CONSERVATION ELEMENT
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 ELEMENT
PART XIV	PUBLIC SCHOOL FACILITIES ELEMENT
PART XV	PROPERTY RIGHTS ELEMENT
PART XVI	GLOSSARY

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

## TABLE OF CONTENTS

Objective 1—Air Quality .....	<u>21</u>
Objective 2—Energy .....	<u>32</u>
Objective 3—Surface Water .....	<u>43</u>
Objective 4—Flood Plain Areas .....	<u>98</u>
Objective 5—Wetlands .....	<u>1414</u>
Objective 6—Minerals .....	<u>2223</u>
Objective 7—Soil Erosion.....	<u>2526</u>
Objective 8—Vegetation.....	<u>2729</u>
Objective 9—Wildlife.....	<u>2930</u>
Objective 10—Aquifer Protection .....	<u>3233</u>
Objective 11—Energy Conservation.....	<u>3235</u>
APPENDIX.....	<u>3636</u>

## **DIRECTIVES**

*Directives are principles or guidelines that provide the general philosophical outlook of Brevard County with regard to the element of the Plan in which it is stated. Directives do not necessarily require specific actions for implementation. However, they shall guide specific actions wherever possible.*

### Air Quality

In order to maintain its "attainment" status, Brevard County should develop a complete air monitoring program. More complete baseline data would allow better assessment of large-scale development which could degrade air quality. Areas of localized poor air quality should be identified, and a program for reduction or elimination of the pollution source should be developed in conjunction with FDEP and EPA.

Stationary air pollution sources and new transportation projects listed on the adopted Transportation Improvement Program should be evaluated for their cumulative effects on air quality. These sources should include sources adjacent to, as well as within, the county.

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

Conversion of power plant to coal should not cause degradation of air quality below minimum standards. Best available technology should be utilized for all new power plants.

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

## **GOALS, OBJECTIVES AND POLICIES**

### **GOAL**

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

### **Air Quality**

#### **Objective 1**

Air quality within Brevard County shall meet or exceed the minimum air quality as adopted by the Florida Department of Environmental Protection.

#### **Policy 1.1**

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

#### **Policy 1.2**

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

#### **Policy 1.3**

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

##### **Criteria:**

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

## **CONSERVATION ELEMENT**



**Policy 1.4**

Brevard County shall continue to enforce the noise regulations in the land development code.

**Policy 1.5**

Brevard County shall continue to enforce regulations within the land development code that address the location of facilities that potentially generate noxious emissions.

**Policy 1.6**

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

**Policy 1.7**

Conversion of power plant to coal should not cause degradation of air quality below minimum standards. Best available technology should be utilized for all new power plants.

**Policy 1.8**

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

**Energy****Objective 2**

Reduce per capita energy consumption within Brevard County.

**Policy 2.1**

Brevard County shall address various energy saving methods including:

**Criteria:**

- A. Encouraging appropriate Planned Unit Development and multi-use

developments;

- B. Regulating subdivisions to address bicycle and pedestrian pathways; and
- C. Regulating land clearing and landscaping regulations to augment passive cooling by trees.

#### **Policy 2.2**

Brevard County shall continue to implement the Florida ~~Energy Efficient Code Building Code, Energy Conservation~~ for new construction and substantially rehabilitated structures.

#### **Policy 2.3**

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

#### **Policy 2.4**

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

#### **Policy 2.5**

Brevard County should pursue transportation options that would decrease per capita energy consumption.

#### **Policy 2.6**

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

### **Surface Water**

#### **Objective 3**

Improve the quality of surface waters within Brevard County and protect and enhance the natural functions of these waters.

#### **Policy 3.1**

Brevard County shall cooperate with the Florida Department of Environmental Protection (FDEP) to require small package treatment plants adjacent to surface waters to comply with existing federal, state, or regional rules and regulations, and to ensure that the necessary renovations to achieve compliance are completed in a timely manner.

### **Policy 3.2**

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

#### **Criteria:**

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

### **Policy 3.3**

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

#### **Criteria:**

- A. Maintain a fifty (50) foot surface water protection buffer from the ordinary

high water line, mean high water line, or safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping. In lieu of an approved ordinary high water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved administratively as defined in ordinance. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.

- B. Except as allowable under Policies 3.3.C and 3.3.D, primary structures shall not be permitted within the surface water protection buffer. The County shall establish allowable uses within the surface water protection buffer. Stormwater management for all alterations associated with allowable uses shall be required to protect water quality of the receiving water body. Provisions for the alteration and/or removal of non-native invasive plants, mitigation projects, and the planting of native species shall be established by the County.
- C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, an alternative to the fifty (50) foot surface water protection buffer described above shall be available for those lots which have insufficient lot depth to construct a primary structure. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the surface water protection buffer to be reduced to twenty five (25) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Where applicable, stormwater management measures shall be consistent with DEP 62-25, as amended and FS 373, as amended.
- D. For residential lots located along areas of the Indian River Lagoon and its tributaries added to the State's designation of Class II Waters as of February 17, 2016, and platted or established by deed on the official record books of Brevard County prior to that date, an alternative to the fifty (50) foot surface water protection buffer described above shall be available for those lots which have insufficient lot depth to construct a primary structure. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the surface water protection buffer to be reduced to twenty five (25) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These

additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Avoidance and minimization of buffer impacts shall be required. Where applicable, stormwater management measures shall be consistent with DEP 62-25, as amended and FS 373, as amended. Lots located along areas of Aquatic Preserves and Outstanding Florida Waters shall maintain a fifty (50) foot surface water protection buffer in accordance with Policy 3.3.A, B, and C.

- E. Within the surface water protection buffer the maximum amount of impervious surface is thirty (30) percent.
- F. Prohibit shoreline alteration other than that allowed by ordinance, unless the alteration is in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses.
- G. Prohibit channelization, dredging and filling, and impoundment of natural waters of the State unless the activity is clearly in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses. Dredging shall not be permitted in or connected to Class II Waters, Outstanding Florida Waters (OFWs), Aquatic Preserves, areas that contain ten percent (10%) seagrass or more, and conditionally approved shellfish harvesting waters unless the activity is a federal navigation project, in the public interest, such as approved maintenance dredging of existing public or private navigational channels, or where dredging may improve water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility structures and utility crossings, or for shoreline hardening as allowed by this element.
- H. Prohibit discharges of any substances below ambient water quality standards.

#### **Policy 3.4**

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

##### **Criteria:**

- A. A twenty five (25) foot surface water protection buffer from the ordinary high water line, mean high water line, or the safe upland line as determined

or approved by the FDEP Bureau of Survey and Mapping shall be established. In lieu of an approved ordinary high water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved by the director. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.

- B. Except as allowable under Policies 3.4.C and 3.4.D, primary structures shall not be permitted within the surface water protection buffer. The County shall establish allowable uses within the surface water protection buffer. Stormwater management for all alterations associated with allowable uses shall be required to protect water quality of the receiving water body. Provisions for the alteration and/or removal of non-native invasive plants, mitigation projects, and the planting of native species shall be established by the County.
- C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, an alternative to the twenty five (25) foot surface water protection buffer described above along Class III waters shall be available for those lots which have insufficient lot depth to construct a primary structure. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the surface water protection buffer to be reduced to fifteen (15) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Where applicable, stormwater management measures shall be consistent with DEP 62-25, as amended and FS 373, as amended.
- D. Prohibit shoreline alteration other than that allowed by ordinance, unless it is in the public interest or prevents or repairs erosion; and does not adversely impact water quality, natural habitat and adjacent shoreline uses.
- E. Except for properties on existing residential manmade canals, the maximum amount of impervious surface within the surface water protection buffer is thirty (30) percent.
- F. Prohibit discharges of any substances below ambient water quality standards.

## **Flood Plain Areas**

### **Objective 4**

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

### **Policy 4.1**

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

#### **Criteria:**

- A. Within the 100-year riverine floodplain (that is the area that is below the 100-year flood elevation but above the 25-year flood elevation):
  1. Residential density shall be limited to no more than two dwelling units per acre.
  2. Commercial, institutional, and industrial land uses shall be limited to a filled footprint of no more than 15,000 square feet per acre, except for redevelopment as specified in Policy 4.3.
  3. Development shall not adversely impact the drainage of adjoining properties. There shall be no net loss of flood storage capacity of the 100-year riverine floodplain, except undeveloped parcels created prior to the effective date of this policy may fill up to 1/3 acre filled footprint for development without providing compensatory storage.
  4. The following uses are not compatible with the resource requirements of the 100-year riverine floodplain and shall not be permitted. These include, but are not limited to:
    - a. Placing, depositing or dumping of solid waste except for

treated municipal solid sludge.

- b. Processing and storing of threshold amounts of hazardous materials.
- c. Disposal of hazardous materials.

B. Within the 25-year riverine floodplain (that is the area that is at or below the 25-year flood elevation but above the 10-year flood elevation):

- 1. Residential density shall be limited to not more than one dwelling unit per two and one-half acres.
- 2. Commercial land uses shall be limited to a filled footprint of no more than 3,000 square feet per acre and commercial uses shall be no greater than one acre, except for redevelopment as specified in Policy 4.3.
- 3. Industrial land uses shall be prohibited, unless the activity is in the best public interest, or except for mining where it does not increase the filled footprint within the 25-year floodplain.
- 4. Development shall not adversely impact the drainage of adjoining properties. There shall be no net loss of flood storage capacity of the 25-year riverine floodplain.

C. Within the 10-year riverine floodplain (that is the area that is at or below the 10-year flood elevation but above the mean annual flood elevation):

- 1. The 10-year riverine floodplain should be maintained in its natural state unless a project has a special reason or need to be located there. These special reasons and needs are further defined in the land development regulations. These needs may include but are not limited to agriculture and passive recreation.
- 2. Residential density shall be limited to not more than one dwelling unit per ten acres; and
- 3. Commercial, institutional, and industrial land uses shall be prohibited unless they are in the public interest and the location of the use is integral to its operation.



4. Development shall not adversely impact the drainage of adjoining properties. There shall be no net loss of flood storage capacity of the 10-year riverine floodplain.
- D. Within the mean annual riverine floodplain (that is the area that is at or below the annual flood elevation) residential, commercial, institutional, and industrial land uses shall be prohibited unless the project has a special reason or need to locate within the annual floodplain and it is in the best public interest. The annual riverine floodplains within Brevard County should be left in their natural state, and re-established where feasible.
- E. The best available data shall be utilized to determine appropriate floodplain elevations.

#### **Policy 4.2**

The following criteria shall apply to all riverine floodplains:

##### **Criteria:**

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

#### **Policy 4.3**

To facilitate redevelopment of commercial and industrial land uses, the filled footprint restrictions may be modified if compensatory storage is provided. Noncontiguous compensatory storage, hydrologically connected to the impacted

floodplain may be considered. Redevelopment means the renovation of a previously developed obsolete commercial or industrial parcel of land or building site which suffers from structural vacancy due to the expiration of its former use and requires intervention to achieve a subsequent useful function and come into compliance with all other current environmental and land development regulations.

#### **Policy 4.4**

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

#### **Policy 4.5**

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

##### **Criteria:**

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

#### **Policy 4.6**

Brevard County shall continue to ensure that alterations of isolated one-hundred

year floodplains do not adversely impact the drainage of adjacent properties or public drainage facilities.

#### **Policy 4.7**

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

##### **Criteria:**

- A. Prohibit development within the annual coastal floodplain.
- B. Limit development water-ward of the Brevard County Coastal Construction Setback Line to those structures necessary to protect the natural dune system and to provide beach access.
- C. 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 U.S. Southern Building Code, or other applicable regulations.

#### **Policy 4.8**

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

#### **Policy 4.9**

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

#### **Policy 4.10**

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

##### **Criteria:**

- A. The facilities are water-dependent, such as mosquito control facilities; or,

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

## Wetlands

### Objective 5

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

#### Policy 5.1

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

#### Policy 5.2

Brevard County shall adopt regulations which 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 ~~as of the effective date of the required~~ in ordinance.
- B. Wetlands shall be considered functional unless the applicant demonstrates that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland functions.

- C. If an activity is undertaken which degrades or destroys a functional wetland, the person performing such an activity shall be responsible for repairing and maintaining the wetland. If it is not feasible or desirable for the responsible person to perform the repair and maintenance of the wetland, then the responsible person shall mitigate for the wetland loss. Mitigation can include, but not be limited to: wetland restoration, wetland replacement, wetland enhancement, monetary compensation or wetland preservation.
- D. Wetland activity conducted by a public agency may not be utilized for wetland mitigation credit by private persons unless approved by Brevard County.
- E. The following land use and density restrictions within wetlands are established as a maximum density or most intense land use that may be considered only if the other criteria established in Conservation Element Policy 5.2 are met:
  - 1. Residential land uses within wetlands, that are a part of a formal subdivision or site plan, on properties containing wetlands shall be limited to the following:
    - a. Residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Policy 5.2.E (7), for subdivisions and multi-family parcels greater than five acres in area, New Town Overlays, PUDs, and if applicable, mixed-use land development activities as specified in Policy 5.2.E (6).
    - b. For development activities on property greater than five (5) acres, density may be transferred to an upland portion of the site if consistent with all county land development regulations and compatible with adjacent uses.

- c. Except as allowable in Policy 5.2.E(1)a, subdivided lots and multi-family parcels shall contain sufficient uplands for the intended use and for any buffering necessary to maintain the function of the wetland(s), and shall be compatible with adjacent uses.
- 2. Residential land uses within wetlands and created by metes and bounds, which are not part of a formal subdivision, on properties containing wetlands shall be limited to the following:
  - a. Residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. The preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts as described in Policy 5.2.E (1)a above. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Policy 5.2.E (7).
  - b. Except as allowable in Policy 5.2.E (2)a, properties shall contain sufficient uplands for the intended use and for any buffering necessary to maintain the function of the wetland(s), and shall be compatible with adjacent uses.
  - c. In addition to impacts allowable in Policy 5.2.E (2)a, on properties where sufficient uplands for the intended use and for any buffering necessary to maintain the function of the wetland(s) exist except for access, wetland impacts may be permitted for single access to the uplands.
- 3. Commercial and industrial land development activities shall be prohibited in wetlands contained in properties designated on the Future Land Use Map as commercial or industrial, and in surrounding upland buffers for such wetlands, except as provided below for I-95 interchanges, mitigation qualified roadways, abutting properties, and access to uplands. In no instance shall a proposed land development activity result in increased flooding on adjacent properties. Where the State does not require a buffer,

wetland buffers specifications shall be established in land development regulations and be based on peer-reviewed publications to include, but not be limited to, Buffer Zones for Water, Wetlands, and Wildlife in the East Central Florida Region, (1990, Brown, M.T., Schaefer, and K. Brandt, published by the Center for Wetlands, University of Florida). Where impacts are permitted, the applicant is encouraged to propose innovative wetland preservation alternatives.

- a. Impacts to wetlands are permissible for commercial or industrial land development activities on a property that is designated as commercial or industrial on the Future Land Use map, and is located within one-half mile of the intersection of the off-ramp of the I-95 interchange with the connecting roadway. The one-half mile radius shall extend from the end of the limited access boundary of I-95. This shall not include those interchanges where I-95 intersects a limited access highway as defined by Florida Statute. Where the State does not require mitigation for any wetland impact, mitigation shall be provided to meet the County's no net loss policy as defined in Objective 5.
- b. In mitigation qualified roadways, commercial or industrial land development activities may be permitted in wetlands contained in properties designated for commercial or industrial land uses on the Future Land Use Map. Mitigation qualified roadways are depicted and identified in a table on Map 8.

An amendment to the Comprehensive Plan shall be required to add a mitigation qualified roadway to Map 8 and the associated table. Impacts to high functioning and landscape level wetlands shall be prohibited unless the proposed impacts are found to be in the public interest, or overriding public benefit. Where the State does not require mitigation for any wetland impact, mitigation shall be provided to meet the County's no net loss policy as defined in Objective 5.

- c. Commercial or industrial land development activities may be permitted in wetlands contained in properties designated for commercial or industrial land uses on the Future Land Use Map prior to February 23, 1996, if the property abuts land(s)

#### CONSERVATION ELEMENT

developed as commercial or industrial as of December 31, 2010, and has sufficient infrastructure available to serve the commercial or industrial use. This shall not apply to properties that are addressed under Policies 5.2.E.3.a, b, and d. Impacts to high functioning and landscape level wetlands shall be prohibited unless the proposed impacts are found to be in the public interest, or overriding public benefit. Where the State does not require mitigation for any wetland impact, mitigation shall be provided to meet the County's no net loss policy as defined in Objective 5.

- d. Impacts to wetlands for commercial or industrial land development activities limited solely to providing access to uplands, and for no other purpose than providing access as required by Brevard County land development regulations may be permitted in wetlands contained in properties designated on the Future Land Use Map as commercial or industrial of February 23, 1996, only if all of the following criteria are met:
  - (i) Sufficient uplands exist for the intended use except for access to uplands.
  - (ii) The property was not subdivided from a larger property after December 31, 2010. This shall not preclude a single shared access through wetlands for properties subdivided after December 31, 2010.
  - (iii) Where the State does not require mitigation for any wetland impact, mitigation shall be provided to meet the County's no net loss policy as defined in Objective 5.

4. Institutional and Residential Professional development activities within wetlands shall be limited to the following:

- a. Institutional or Residential Professional land development on properties which contain wetlands and which are designated on the Future Land Use Map as Neighborhood Commercial or Community Commercial shall be considered commercial as set forth in Policy 5.2.E.3. The property shall have sufficient infrastructure available to serve the use.



- b. Institutional or Residential Professional land development on properties which contain wetlands and which are designated on the Future Land Use Map as residential shall be limited to properties of at least 5 acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than 5 acres, as unbuildable.
- 5. In the event that the denial of commercial or industrial development activities in wetlands results in an inordinate burden under the Bert Harris Property Rights Act or a taking under state or federal law, an affected property owner may appeal such denial to the Board of County Commissioners in the manner provided in Section 62-507(b)(2), Code of Ordinances of Brevard County, Florida.
- 6. Beginning on January 1, 2010, mixed-use land development activities may be permitted in wetlands only if all of the following are met:
  - a. The land development activities that impact wetlands must be part of a mixed use development that includes a minimum of three of the following land uses: residential, commercial (retail services and/or office), recreation/open space and institutional uses. Industrial land uses shall be prohibited in mixed use land development activities within wetlands. For purposes of this policy mixed use land development activities shall be consistent with the following criteria:
    - (i) The mixed use land development activity includes a variety of densities, intensities and types designed to promote walking between uses and utilizes a variety of transportation modes such as bicycles, transit and automobiles; and
    - (ii) The residential component of the land development activity is an integrated part of the project and comprises not less than 30% of the gross square footage of land uses within the development as shown on a site plan or a Sketch Plan complying with the standards set forth in Chapter 11, Policy 9.9.2 Objective 9.

- (iii) The development is in conformance with an integrated site plan or commercial subdivision which includes both vertical and horizontal mix of uses within a defined area.
  - b. Impacts to wetlands from mixed-use development activities (including without limitation impacts resulting from associated improvements such as sidewalks, parking areas and driveways) do not exceed the limitation set forth in Policy 5.2 E(7); and
  - c. To the extent direct impacts to wetlands are caused by a particular building or buildings within a mixed-use development, not less than 30% of the gross square footage of such building or buildings must be for residential use; or such building or buildings shall be physically attached to a building having not less than 30% of its gross square footage permitted for residential use.
7. Impacts to wetlands from residential and mixed-use land development activities, on a cumulative basis, shall not exceed 1.8% of the non-commercial and non-industrial acreage of a DRI, PUD, parcel acreage or, if the project is within a New Town Overlay (as defined in Chapter 11, ~~Policy 9.2~~Objective 9), 1.8% of the non-commercial and non-industrial acreage within the applicable New Town Overlay.
  8. Allowable wetland impacts shall be kept to a minimum and related to structural building area requirements, on-site disposal system requirements, the 100 year flood elevation requirement for first floor elevations, required stormwater management and parking, and required access to the on site structures. Minimization shall include application for available land development regulation waivers that would result in reduced wetland impacts.
  9. Dumping of solid or liquid wastes shall be prohibited.
  10. Applying or storing pesticides and herbicides should be prohibited unless such application is required for protection of the public health or removal of invasive, exotic, or nuisance plant species for management and mitigation or conservation purposes approved by Brevard County or removal of invasive, exotic, or nuisance plant

species for management and mitigation or conservation purposes approved by Brevard County.

11. The County shall develop incentives to minimize impacts to highly functional wetlands.

F. Agricultural Activities

1. An exemption for agricultural pursuits, utilizing best management practices which do not result in permanent degradation or destruction of wetlands, shall be included within the land development regulation.
2. Wetland impacts for activities listed in agricultural zoning classifications as permitted, permitted with conditions, or approved by the Board of County Commissioners as a Conditional Use on properties designated as bona fide agricultural lands per F.S. 193.461 and 823.14, may be allowed subject to the following criteria:
  - a. The property shall be classified as bona fide agricultural per F.S. 193.461 and 823.14 for not less than ten consecutive years as of the date of the proposed impact;
  - b. The property shall have Agriculture Future Land Use designation or DRI Future Land Use designation and the proposed use is consistent with the defined agricultural uses under an approved DRI Development Order.
  - c. Upon approval of the impact, no less than 50 percent of the property area shall retain bona fide agricultural use pursuant to F.2.a above;
  - d. Impacts to high functioning or landscape level wetlands shall be prohibited unless the proposed impacts are found to be in the public interest, or overriding public benefit; and
  - e. The property shall have an agricultural zoning classification or be zoned PUD and the proposed use is consistent with the defined agricultural uses in the PUD zoning resolution or approved Preliminary Development Plan.

Where the allowable use is residential, residential policies shall apply.

Sufficient buffer setbacks of the activity from incompatible land uses shall be provided. Buffer setbacks shall be established through the land development regulations. The property shall meet all other State regulatory criteria.

#### **Policy 5.3**

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

#### **Policy 5.4**

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

#### **Policy 5.5**

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

#### **Policy 5.6**

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

### **Minerals**

#### **Objective 6**

Brevard County shall continue to implement regulations regarding mining, borrow operations and private lakes which protect environmental systems and permit appropriate utilization of the mineral resources.

#### **Policy 6.1**

Mining regulations ~~entitled Land Alteration~~ shall continue to include, at a minimum, the following provisions to prevent adverse effects on water quality and

quantity.

**Criteria:**

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

**Policy 6.2**

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

**Criteria:**

- A. Mining operations should not adversely impact protected wetlands or other water dependent systems, and shall be set back a minimum of 100 feet from such wetlands, except as allowable per Policy 5.2.F.<sup>1</sup>
- B. Mining operations shall not cause salt water intrusion. Monitoring by the mining operator shall be required to insure this requirement.

**Policy 6.3**

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

**Criteria:**

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

depths greater than eight (8) feet. Pretreatment of stormwater, for example via swales, shall be required.

**Policy 6.4**

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

**Criteria:**

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

**Policy 6.5**

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

**Criteria:**

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

#### Policy 6.6

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

**Criteria:**

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

#### Soil Erosion

### Objective 7

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

#### Policy 7.1

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

##### Criteria:

- A. Require permitting prior to ~~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 ~~along property lines~~ unless exempt by ordinance.
- D. Require areas cleared of vegetation to be revegetated with biologically appropriate vegetation, to prevent wind or water erosion, within ninety (90) days of initial land clearing activity where no approved landscape plan exists or no active development order has been issued. Native vegetation should be utilized to the maximum extent possible.
- E. Exempt single-family residential lots of two and one-half (2 1/2) acres or less in size, from the requirement of written notification to clear land, if the activity complies with ordinance, after the issuance of a Certificate of Occupancy for the single-family residential lot.
- F. Exempt land clearing in conjunction with agricultural purposes or normal silviculture ~~utilizing best management practices~~ conducted in accordance with F.S. 193.461, as amended.

#### Policy 7.2

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

#### Policy 7.3

In those cases where soil erosion is of concern, especially properties along the Atlantic Ridge, Brevard County shall request review by the LANDCAN~~Brevard Soil~~

#### CONSERVATION ELEMENT



~~and Water Conservation District.~~ Brevard County shall consider their recommendations in the design, review and development of projects. Projects should minimize impervious surfaces by using pervious surfaces where ever feasible, such as for overflow parking.

#### **Policy 7.4**

Brevard County will participate with the LANDCAN~~Brevard Soil and Water Conservation District~~ to educate the public about the causes of soil erosion, as well as methods for preventing or repairing such erosion.

#### **Policy 7.5**

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

#### **Policy 7.6**

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.

##### **Criteria:**

- A. Turbidity screens shall be utilized for all projects which have the potential to release sediments.
- B. All runoff shall be detained prior to release to allow pollutants, soil, particulates and organic materials to settle out.
- C. Phased projects should be cleared in conjunction with construction of each phase.
- D. Areas cleared of vegetation should be revegetated with appropriate vegetation, to prevent wind or water erosion, within ninety (90) days of initial land clearing activity where no approved landscape plan exists or no active development order has been issued.

### **Vegetation**

#### **Objective 8**

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

#### **Policy 8.1**

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

#### **Policy 8.2**

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

#### **Policy 8.3**

Brevard County shall continue to review all development plans for compliance with vegetative protection regulations developed by ordinance and adopted in Chapter 62, Article XIII B, Division 2 of the Land Development Regulations that meet the objectives of ~~9J-5.006 and 9J-5.013~~ F.S. 163.3177 and F.S. 163.3178. Brevard County shall continue to encourage the use of community green space and clustering developments through the open space ordinance, and shall coordinate with the Building and Construction Advisory Committee, the Brevard County Home Builders Association and other appropriate groups to continuously improve environmental design incentive program.

#### **Policy 8.4**

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

#### **Policy 8.5**

Brevard County shall conserve, appropriately use and protect vegetative communities, including forests, from inappropriate development through the continued implementation of the Landscaping, Land Clearing and Tree Protection ordinance, using the following minimum criteria:

##### **Criteria:**

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

#### **Policy 8.6**

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

#### **Policy 8.7**

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

#### **Policy 8.8     Reserved**

#### **Policy 8.9**

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

#### **Policy 8.10**

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

### **Wildlife**

#### **Objective 9**

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

#### **Policy 9.1**

Brevard County shall continue to obtain and utilize information from the U.S. Fish and Wildlife Service, Florida ~~Game and Freshwater Fish Commission~~ Fish and Wildlife Conservation Commission, Florida Department of Environmental Protection, Florida Natural Areas Inventory, East Central Florida Regional Planning Council and other agencies to inventory and identify crucial habitat for endangered or threatened wildlife species and species of special concern within the County, and to determine loss rates and rarity of such habitat.

#### **Policy 9.2**

By 2002, Brevard County shall continue to make available Natural Resources of Regional Significance state and federal maps as adopted ~~Florida Department of Environmental Protection in 1998 and revised in 2004, and the Florida Natural~~

### **CONSERVATION ELEMENT**

~~Inventory (FNAI) adopted 2000, and revised in 2006 to provide crucial habitat review at the pre-application stage of all projects requiring site-plan or subdivision approval to guide future development away from crucial habitats.~~

### **Policy 9.3**

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

### **Policy 9.4**

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

### **Policy 9.5**

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

### **Policy 9.6**

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

### **Policy 9.7**

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

### **Policy 9.8**

Brevard County shall delineate and protect linkages between natural systems and the open space systems.

### **Policy 9.9**

On February 7, 2003, the Florida Fish and Wildlife Conservation Commission approved the Brevard County Manatee Protection Plan (MPP). The MPP includes the following major components: habitat protection, education, boat facility siting, State of

Florida manatee protection boat speed zones, manatee mortality, law enforcement, and boating safety. In addition to the criteria established in the MPP and incorporated into the Coastal Element, the following criteria shall also apply:

**Criteria:**

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

**Policy 9.10**

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

**Policy 9.11**

**CONSERVATION ELEMENT**

February 2022~~December 2016~~

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

#### **Policy 9.12**

Brevard County ~~Office of~~ Natural Resources Management Department shall continue to comply with the county-wide scrub-jay ~~Habitat management~~ Conservation agreement ~~Plan~~ as approved by the US Fish and Wildlife Service ~~on July 10, 2003 and revised in 2007~~. Management plans shall be developed for other species, as deemed necessary.

#### **Policy 9.13**

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

#### **Policy 9.14**

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

#### **Policy 9.15**

~~By 2016, the~~ County shall continue to implement ~~develop~~ 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 ~~Game and Fresh Water Fish Commission~~ Fish and Wildlife Conservation Commission, and the U.S. Fish and Wildlife Service, and other agencies or groups as appropriate. Brevard County encourages the development of post-development wildlife management plans which would enhance the wildlife potential of existing developments.

#### **Policy 9.16**

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

### **Aquifer Protection**

#### **Objective 10**

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

#### **Policy 10.1**

~~By 2016, Brevard County shall continue to implement undertake a surficial and Floridan aquifer protection study, including modeling of wellfield cones of influence. This study will be coordinated with other appropriate agencies and will become the basis for an the aquifer management plan protection ordinance.~~

**Policy 10.2**

~~Until an aquifer management plan is adopted by Brevard, a~~At a minimum, the following criteria shall be incorporated into the land development regulations to protect the aquifer.

**Criteria:**

- A. In Type 1, 2, and 3 aquifer recharge areas, post-development groundwater recharge volume shall equal pre-development recharge volume. The maximum allowable impervious surfaces in these areas shall be: Type 1 - 25%; Type 2 - 35%; and Type 3 - 45% unless the developer can demonstrate that post-development recharge volume shall equal pre-development recharge volume and dependent upon additional regulations and local conditions. Citrus, improved pasture, row crop agricultural operations, and normal silvicultural operations using Best Management Practices shall be exempt.
- B. For water quality purposes, stormwater run-off in Type 1, 2, and 3 aquifer recharge areas should be directed through a vegetated stormwater management system which at a minimum has a soil depth of at least two feet above the seasonal high water table. Citrus, improved pasture, row crop agricultural operations, and normal silvicultural operations using Best Management Practices shall be exempt. If alternative methods can be shown to meet an equal or greater degree of stormwater treatment these methods may be considered.
- C. Within Type 1 aquifer recharge areas, the following are prohibited:
  - 1. New septic tanks.
  - 2. New underground storage tanks.
  - 3. Storage of threshold amounts of hazardous materials.
  - 4. Disposal of hazardous materials.
- D. Within Type 2 aquifer recharge areas, the following are prohibited:
  - 1. Storage of threshold amounts of hazardous materials.
  - 2. Disposal of hazardous materials.
- E. Within Type 3 aquifer recharge areas, the disposal of hazardous materials is prohibited.

- F. Groundwater withdrawals shall be managed to prevent salt water intrusion and adverse affects to existing wells. Anyone proposing a new public water supply well must own or control all areas within 500 feet of the proposed well.
- G. An applicant can show that the area does not function as a recharge area by providing additional information about hydrogeologic conditions on site which may include vertical permeability as found in the Aquifer Protection ordinance.

#### **Policy 10.3**

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

#### **Policy 10.4**

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

#### **Policy 10.5**

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

#### **Policy 10.6**

~~By 2002,~~ Brevard County shall continue to develop and adopt within its Land Development Regulations to regulate land uses which involve the storage, production, use and disposal of threshold amounts ~~(to be determined)~~ of regulated substances identified as priority pollutants by the Environmental Protection Agency in 40 CFR ~~122.21-401.15, as amended~~ within Type 1, Type 2, and Type 3 aquifer recharge areas. These regulations shall meet the state criteria for protecting wellfields.

### **Energy Conservation**

#### **Objective 11**

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

#### **Policy 11.1**



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

**Policy 11.2**

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

**Policy 11.3**

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

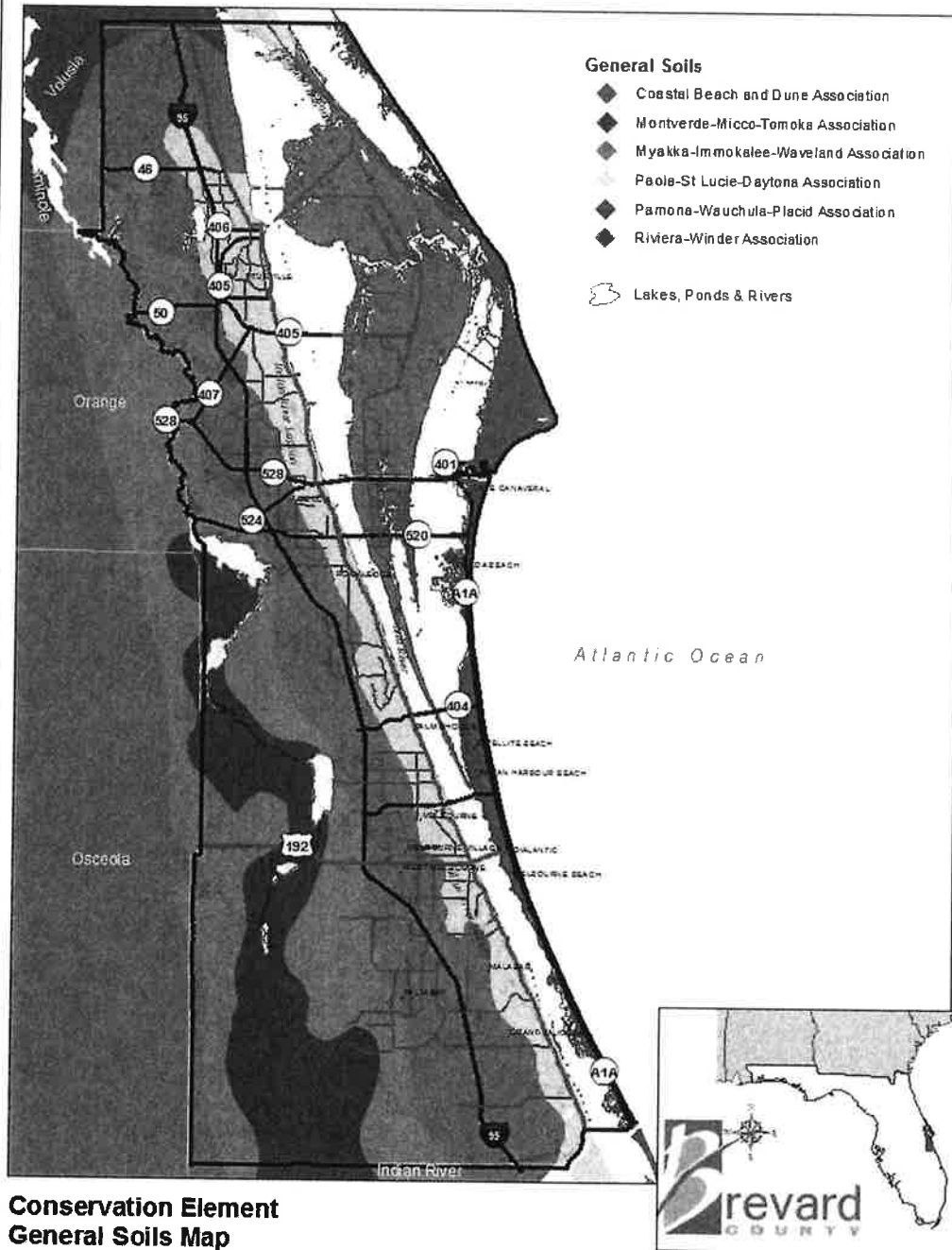
**Policy 11.4**

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

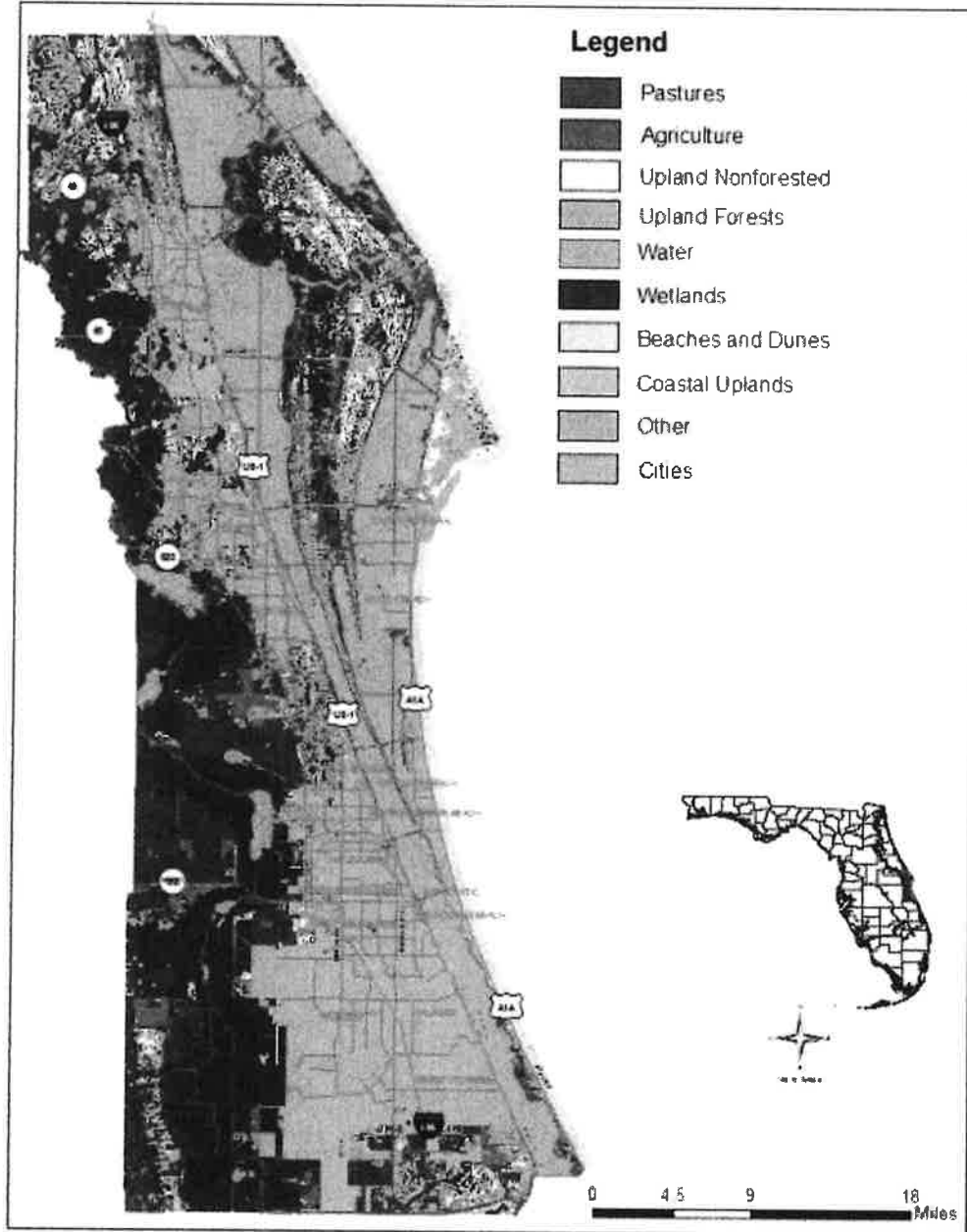
## APPENDIX

### LIST OF MAPS

Map	Title
1	General Soils
2	Vegetation
<del>3</del>	<del>Biologically Diverse Habitat</del>
<del>43</del>	<del>Floodplains</del>
<del>54</del>	<del>Surface Water - Classification</del>
<del>65</del>	<del>Wetlands</del>
<del>7</del>	<del>Marine Facilities</del>
<del>86</del>	<del>Mitigation Qualified Roadways</del>
<del>97</del>	<del>Landscape Level Polygon</del>



Map 1  
Soils



**Conservation Element  
Vegetation**

Prepared by: Brevard County Natural Resources Management Office  
Notes: State Plane 1984, Florida East  
Vegetation by SJRWMD based on aerial photography, FLUCFCS codes.  
General soil map produced by mapping soil series by their order classifications.

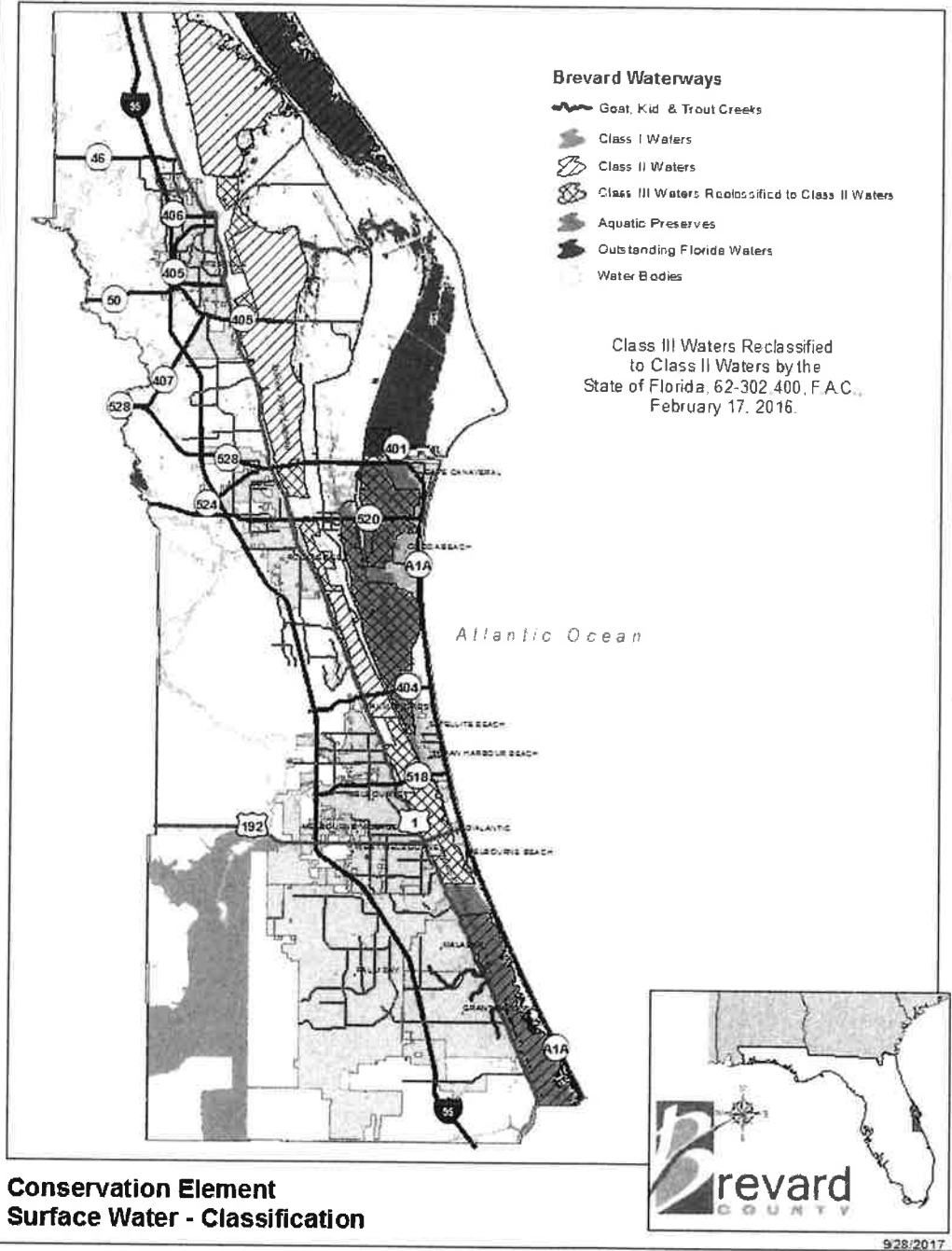
**Map 2  
Vegetation Including Wetlands**

**CONSERVATION ELEMENT**

February 2022December 2016



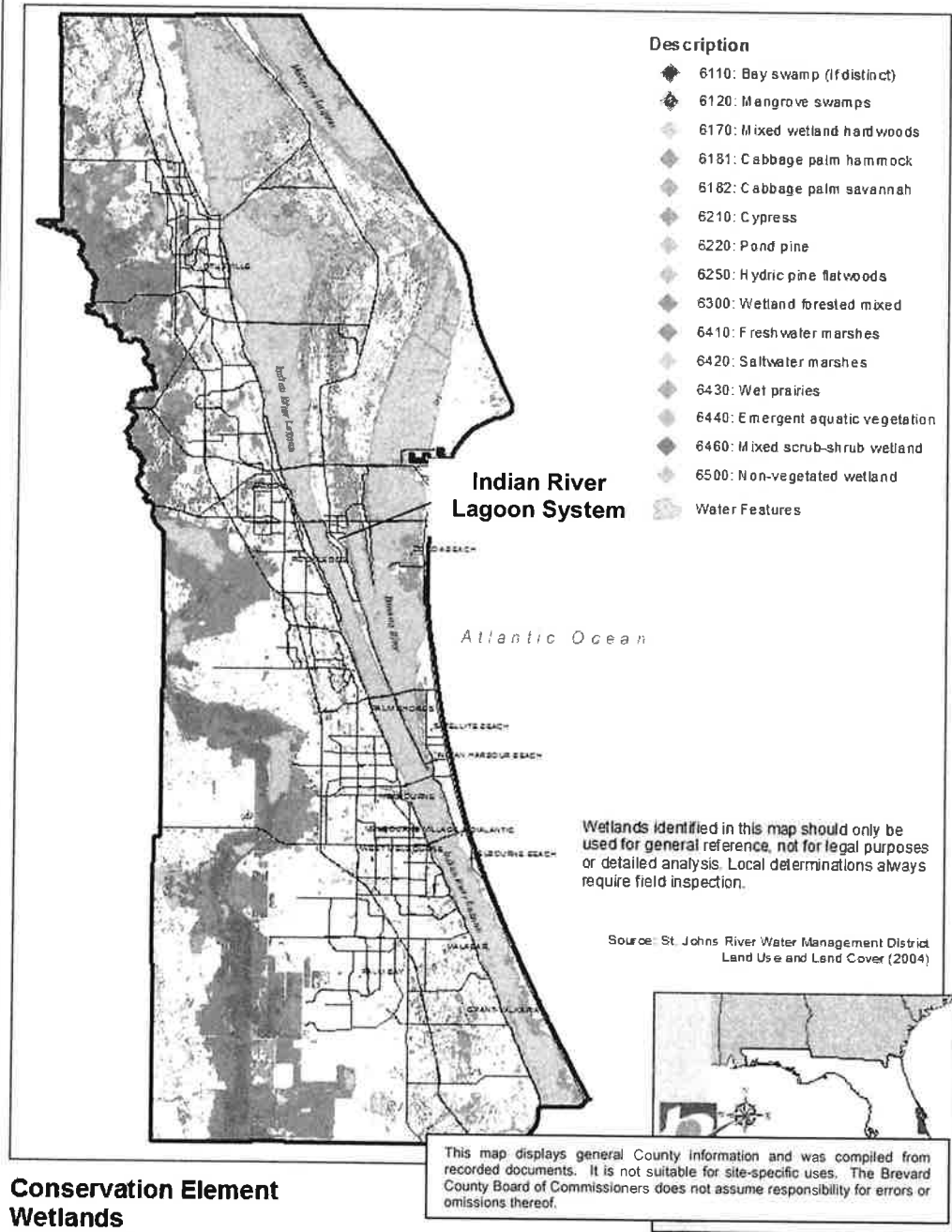
**CONSERVATION ELEMENT**



Map 4  
Flood Plains Surface Water - Classification

CONSERVATION ELEMENT

February 2022 December 2016

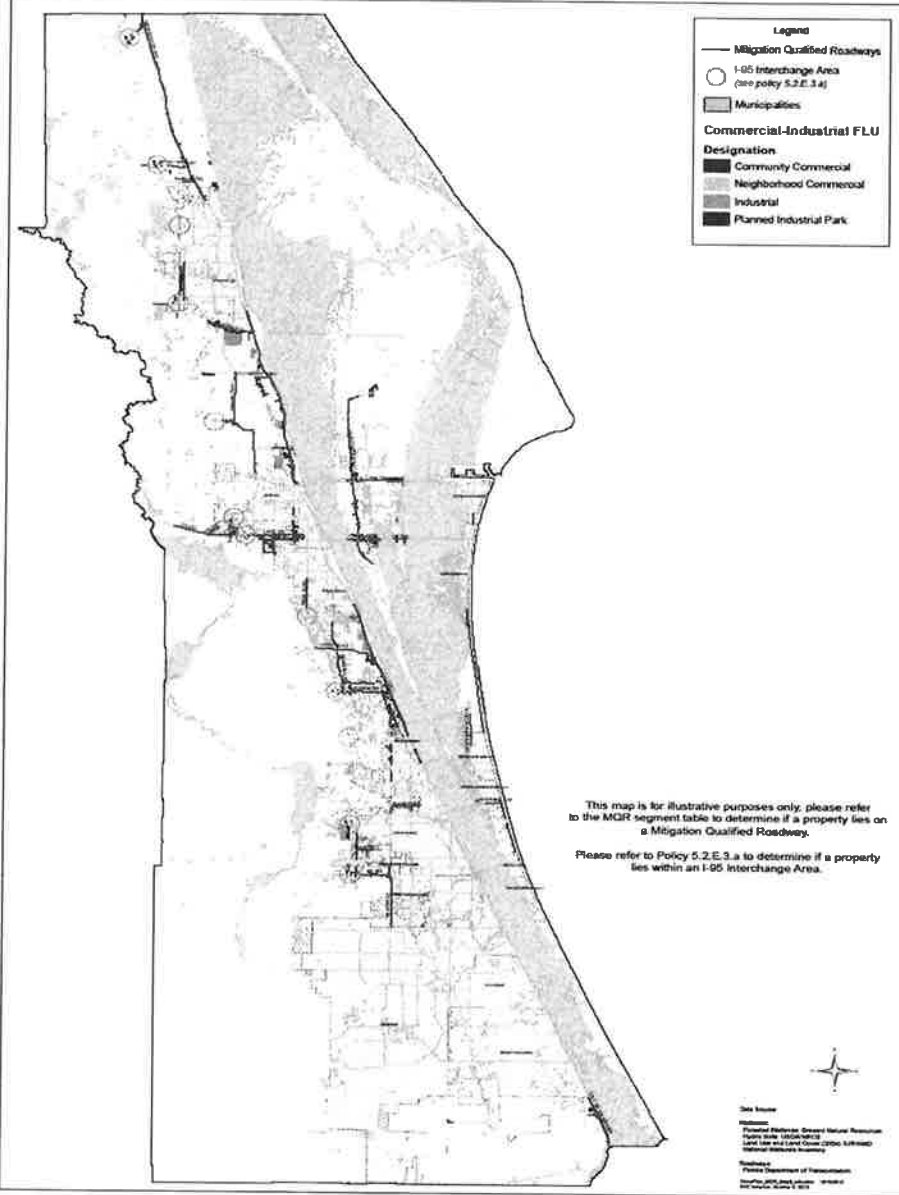


**Map 5**  
**Surface Water – ClasificationWetlands**

**CONSERVATION ELEMENT**

February 2022December 2016

# Brevard County - Comprehensive Plan



Mitigation Qualified Roadways/I-95 Interchange Areas

Map 6  
Wetlands Mitigation Qualified Roadways



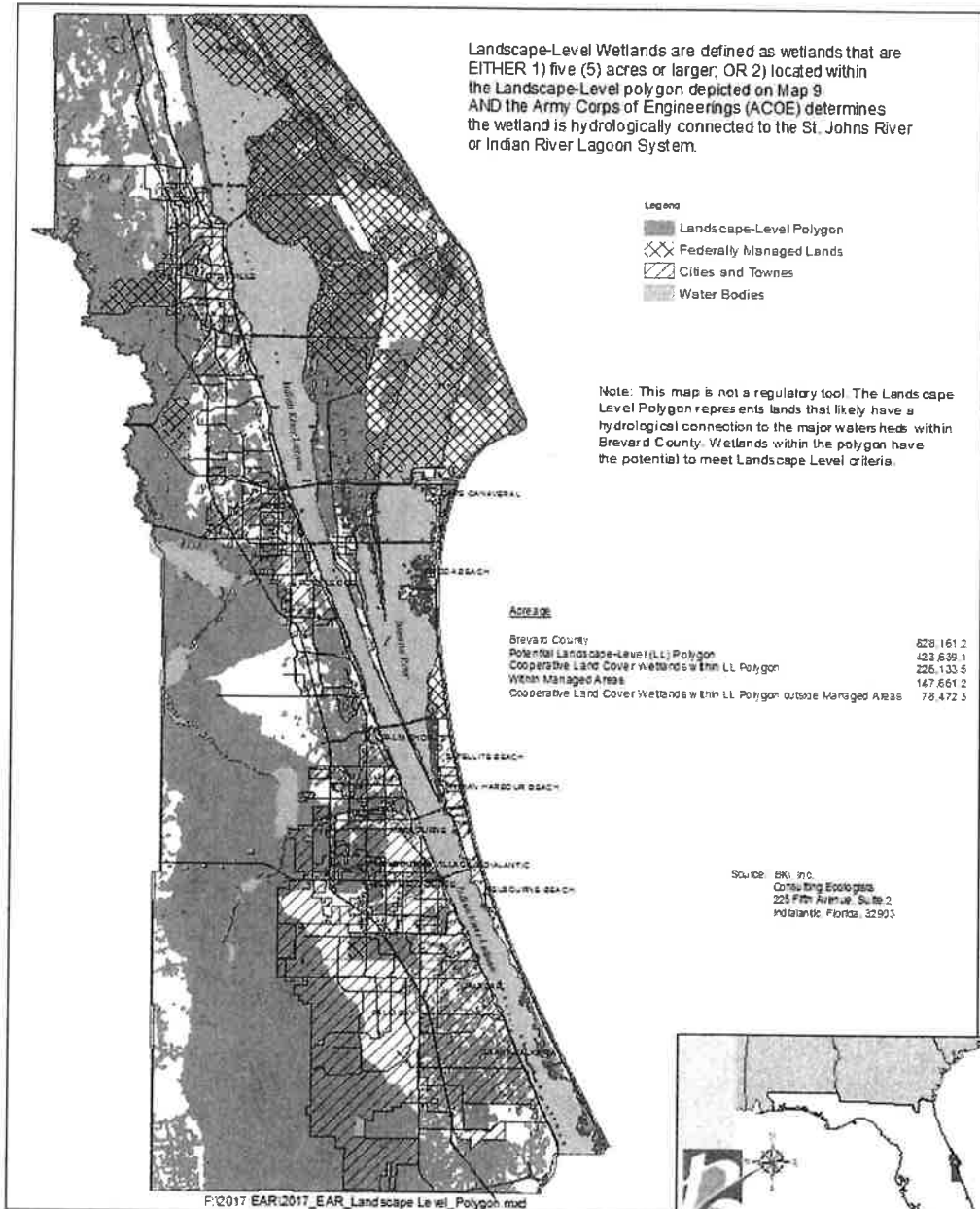
MQR SEGMENT NAME (Segments apply ONLY in unincorporated areas of Brevard County)	FROM	TO
Stack Way Rd (CR 5A)	I-95 interchange area*	U.S. Highway 1
U.S. Highway 1	County Line Rd	Kingman Rd (Titusville City Northern Boundary)
SR 46 / Main St	I-95 interchange area*	Approx. 300' west of Turpentine Rd
SR 46 / Main St	I-95 interchange area*	U.S. Highway 1
Parrish Rd	Singleton Ave	U.S. Highway 1
Cheney Hwy (SR 50)	I-95 interchange area*	Approx. 3,800' west of I-95 interchange area*
South Street	Cheney Hwy (SR 50)	Fox Lake Rd
Columbia Blvd (SR 405)	Woodland Hills Dr	U.S. Highway 1
U.S. Highway 1	Titusville City Boundary	Cocoa City Boundary
Grissom Pkwy	Titusville City Boundary	Cocoa City Boundary
Port St. John Pkwy	I-95 interchange area*	Grissom Pkwy
Kings Hwy	U.S. Highway 1	Approx. 325' west of Koesaw
Curtis Blvd	Pay Blvd	Approx. 210' east of Song Dr
Pay Blvd	Carole Ave	Adobe Ave
Canaveral Groves Blvd	U.S. Highway 1	Approx. 350' west of Morris Ave
SR 520	I-95 interchange area*	Penny Ln
SR 524	SR 520	Cocoa City Boundary
Friday Rd	SR 520	Cocoa City Boundary
Lake Dr	SR 520	Cocoa City Boundary
School St	Clearlake Rd	Pineda St
King St (SR 520)	I-95 interchange area*	Cocoa City Boundary
Peachtree St	Clearlake Rd	Pineda St
Pineda St	Peachtree St	School St
Burnett Rd	Lake Dr	Pluckebaum Rd
Range Rd	Lake Dr	Pluckebaum Rd
Pluckebaum Rd	Burnett Rd	Approx. 700' east of Range Rd
Clearlake Rd	SR 520	Tate St
Pike Blvd	I-95 interchange area*	Eyster Blvd
U.S. Highway 1	Rockledge City Boundary	Post Rd (Melbourne City Boundary)
Murrell Rd	Wickham Rd	Rockledge City Boundary
Viera Blvd	Stadium Pkwy	U.S. Highway 1
Spyglass Hill Rd	Murrell Rd	Pinehurst Ave
Wickham Rd	I-95 interchange area*	New Haven Ave (SR 192)
Sunrise Blvd	Wickham Rd	U.S. Highway 1
Pineda Cswy	Wickham Rd	RR Crossing
Aurora Rd	Citrus St	Melbourne City Boundary (Approx. 235' east of Alpha Dr)
Croton Rd	Carlton Dr	Melbourne City Boundary (Approx. 100' north of Leewood Blvd)
John Rhodes Blvd	Melbourne City Boundary (N end of Lamplighter Village)	New Haven Ave (SR 192)
Elba Rd	John Rhodes Blvd	Distribution Dr
New Haven Ave (SR 192)	I-95 interchange area*	Minton Road
Babcock St	Mico Rd	Approx. 680' north of Mico Rd
Mico Rd	Babcock Road	Approx. 1,310' east of Babcock St
US 1/SR 5/Dixie Hwy	Serene St (Grant - Valkaria City Boundary)	Sebastian Inlet Bridge (South Brevard County Line)
Mico Rd	US 1/SR 5/Dixie Hwy	Approx. 340' west of Pine Ridge Trail
N Courtenay Pkwy	Pine Island Rd	SR 520
Courtenay Pkwy	SR 520	Approx. 470' south of Island Beach Blvd.
Sea Ray Dr	N Courtenay Parkway	Banana River Dr
Marine Harbor Dr	N Courtenay Parkway	Tropical Tr
Tropical Tr	Marine Harbor Dr	Barge Canal
N Banana River Dr	Barge Canal	Stafford Ave
Merritt Island Cswy (SR 520)	Indian River Lagoon (east shore)	New Found Harbor (west shore)
Merritt Island Cswy (SR 520)	Newfound Harbor (east shore)	Banana River (west shore)
Milford Point Dr	Merritt Island Cswy	Approx. 625' north of Merritt Island Cswy
Banana River Dr	Merritt Island Cswy	Approx. 1,200' south of Merritt Island Cswy
Newfound Harbor Dr	Merritt Island Cswy	Approx. 175' south of Keseler Dr
Atlantic Ave	Grant	Barlow
Orlando Ave (SR A1A)	11th St (Cocoa Beach City Boundary)	Atlantic Ave (SR A1A)
Atlantic Ave/SR A1A	Indian Village Trail (Cocoa Beach City Boundary)	Grosse Pointe Ave (Indian Atlantic City Boundary)
SR 513/S Patrick Dr	Pineda Cswy	Satellite Beach City Boundary (Approx. 185' north of Siena Ct)
Bau Gallie Blvd	Harbor City Parkway	SR A1A

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

## Reverse Side of Map 86

### CONSERVATION ELEMENT

February 2022December 2016



Conservation Element  
Landscape-Level Polygon Map



9/29/2017

Map 7  
Marine Facilities Landscape Level Polygon

CONSERVATION ELEMENT

February 2022 December 2016

**CHAPTER II**

**SURFACE WATER MANAGEMENT ELEMENT**

## TABLE OF CONTENTS

Objective 1-Master Stormwater Management Plan Implementation.....	1
Objective 2-Meeting Future Needs.....	5
Objective 3-Concurrency Management .....	6
Objective 4-Natural Drainage Functions .....	8

## GOALS, OBJECTIVES AND POLICIES

### **GOAL**

A SAFE, EFFICIENT, ENVIRONMENTALLY SOUND AND COMPREHENSIVE SURFACE WATER MANAGEMENT SYSTEM IN BREVARD COUNTY.

### **~~Master~~ Stormwater Management Plan Implementation**

#### **Objective 1**

Correct existing deficiencies to ensure preservation and improvement of surface water quality, according to priorities established within the County's ~~Master~~ Stormwater Management Plans.

#### **Policy 1.1**

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

##### **Criteria:**

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

### **SURFACE WATER MANAGEMENT ELEMENT**

~~February 2022~~~~December 2009~~

### Policy 1.2

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

**Criteria:**

- A. Health and safety.
- B. Flooding potential.
- C. Impact of stormwater on the water quality of the receiving water bodies.

### Policy 1.3

The Natural Resources Management ~~Office~~ Department shall be the lead agency for the development and implementation of the ~~Master~~ 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)-~~Indian River Lagoon Comprehensive Conservation and Management Plan (CCMP)~~, Total Maximum Daily Loads (TMDL's) and the National Pollution Discharge Elimination System (NPDES) permit schedule and requirements.

### Policy 1.4

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

### Policy 1.5

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

**Criteria:**

- A. Stormwater management facilities within existing developments should be retrofit to provide for treatment of runoff (including sediment removal where appropriate) prior to release to receiving waters. The Level of Service Standards for these facilities shall be 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 should 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 rate of runoff is equivalent to the pre-development state.
- C. Properties with vegetated shorelines should modify the shorelines 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 rates should be equivalent to the pre-development state.

#### **Policy 1.6**

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

#### **Policy 1.7**

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

#### **Policy 1.8**

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

#### **Policy 1.9**

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

#### **Policy 1.10**

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

#### Policy 1.11

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

#### Policy 1.12

Land use decisions relating to water resources and natural drainage features should be consistent with comprehensive water basin management plans. Area wide water quality management plans should be considered during the continued development of the BMAP Stormwater Management Master Plan. ~~During the development of the Master Stormwater Management Plans, A~~ all new development shall meet the established stormwater requirements. If during the time that the Master Stormwater Ordinance Management Plan is being implemented, 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. ~~without awaiting completion of the Master Stormwater Management Plan.~~

#### Policy 1.13

During continued development of the ~~Master Stormwater Ordinance Management Plan~~, the County shall initiate ~~provide for~~ the adoption of retention and detention standards for stormwater throughout Brevard County.

#### Policy 1.14

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

#### Policy 1.15

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



#### **Policy 1.16**

No new structures (such as dams, weirs, locks, levees or other artificial mechanisms) designed to control the stage and/or flow of waters of the State shall be constructed, except where no practical alternative exists and where such structures are necessary to protect the public safety, safeguard existing flood control structures, habitable structures and other public investments, 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 1.17**

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

### **Meeting Future Needs**

#### **Objective 2**

Require stormwater management facilities to meet future development requirements, consistent with the County's ~~Master Stormwater Management Plan and this Comprehensive Plan.~~ Ordinance

#### **Policy 2.1**

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

### **Policy 2.2**

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

### **Policy 2.3**

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

### **Policy 2.4**

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

### **Policy 2.5**

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

### **Policy 2.6**

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

## **Concurrency Management**

### **Objective 3**

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

### **Policy 3.1**

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

#### **Criteria:**

- A. Retention and detention requirements shall at a minimum meet SJRWMD ~~St. Johns River Water Management~~ 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 3.2

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

#### Criteria:

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

### Policy 3.3

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

### Policy 3.4

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

### Policy 3.5

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

### Policy 3.6

Brevard County should investigate the delegation of stormwater permitting from the SJRWMD ~~to Johns River Water Management District~~ or the FDEP ~~Florida Department of Environmental Regulation~~, as appropriate. If Brevard County accepts delegation, this program shall be properly funded and adequately staffed.

### Policy 3.7

~~Until the Master Stormwater Management Plan is developed,~~ The Natural Resources Management Department ~~Office~~ shall review and comment on the impact of new development on stormwater conveyance systems. If the conveyance system is determined to be ~~presently~~ deficient, ~~as determined by the Natural Resources Management Office,~~ the developer shall be required to retain additional runoff on site, or make improvements to the conveyance system equal to the impact of the new development.

## Natural Drainage Functions

### Objective 4

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

#### **Policy 4.1**

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

#### **Policy 4.2**

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

#### **Policy 4.3**

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

#### **Policy 4.4**

Brevard County should continue ~~and participate in a County-wide task force~~ to coordinate stormwater management plans within the County with municipalities and State and Federal land holders.

#### **Policy 4.5**

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

#### **Policy 4.6**

Brevard County shall fulfill the intent of the Conservation and Coastal Management elements of this Comprehensive Plan for the protection of the County's natural drainage features.

#### **Policy 4.7**

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

**Criteria:**

- A. The facilities are water-dependent, such as boat ramps, docks, mosquito control facilities excluding their chemical storage areas, or other uses described as water-dependent in the glossary of this Comprehensive Plan ; or,

- B. The facilities are water-related, or surface water management facilities or other uses described as water-related in the glossary of this Comprehensive Plan ; or,
- C. The facilities are not adversely affected by periodic flooding or standing water, such as highway bridges and some recreational facilities; or,
- D. The building structures are flood proofed and located above the 100-year flood elevation or removed from the floodplain by appropriately constructed dikes or levees; or,
- E. The facilities are found to be in the public interest and there is no feasible alternative.

**Policy 4.8-**

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

~~Criteria:~~

- ~~A. The facilities are water dependent, such as mosquito control facilities excluding their chemical storage areas; 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 4.89**

By 2002, Brevard County shall continue its implementation of a mosquito impoundment management plan which should address the following criteria, at a minimum:

**Criteria:**

- A. Acquisition of impoundments for maintenance and operation.

- B. Appropriate water management system shall be utilized.
- C. Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.
- D. Proposed alteration of an impoundment should be reviewed by Mosquito Control. Brevard County should compensate property owners for mosquito impoundments when this use precludes all use by the owner or when no alteration would be acceptable to Mosquito Control.
- E. Non-permitted alteration of an impoundment shall be enforced by Brevard County.
- F. All mosquito impoundments should be evaluated and those found to be breached or non-functional should be repaired ~~returned to their natural condition~~ by the appropriate Mosquito Control District. ~~This would include, but not be limited to, removal of existing dikes and re-establishment of historical tidal channels.~~
- G. Those fully functioning impoundments determined to be needed by the Mosquito Control District, should be placed under a rotational impoundment management plan as approved by the Florida Coordinating Council on Mosquito Control.
- H. Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.
- I. Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.
- J. The primary use of mosquito control impoundments shall be to protect human health through the control of mosquito populations. Secondary uses may include stormwater management, habitat improvement, wildlife management, and other uses as appropriate. Brevard County shall encourage multiple uses of mosquito control impoundments.
- K. Brevard County should develop a program to acquire right-of-way or easements for drainage systems and mosquito control systems which the County maintains, if not already acquired.

**SURFACE WATER MANAGEMENT ELEMENT**

February 2022~~December 2009~~

**Policy 4.910**

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 4.1011**

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

**Policy 4.1112**

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

**Policy 4.1213**

Brevard County shall continue to participate in the development and implementation, as appropriate, of the ~~Surface Water Improvement Management (SWIM) BMAP~~ asin Plans, as developed in coordination with the FDEP and SJRWMD ~~t. Johns River Water Management District, municipalities and counties and other agencies~~.



**~~BREVARD COUNTY COMPREHENSIVE PLAN~~**  
**CHAPTER III**

**RECREATION AND OPEN SPACE ELEMENT**

## TABLE OF CONTENTS

Park and Open Space System.....	1
<u>Public and Private Access to Waterways.....</u>	<u>4</u>
Maintenance of Parks and Open Space System.....	4
Level of Service.....	5
Public and Private Partnerships.....	6
<del>Brevard County Parks and Recreation Department.....</del>	<del>9</del>

## GOALS, OBJECTIVES, AND POLICIES

### **GOAL 1**

PROVIDE A PARK AND OPEN SPACE SYSTEM WHICH OFFERS OPPORTUNITIES FOR A VARIETY OF PASSIVE AND ACTIVE RECREATION, PROMOTES VISUAL APPEAL AND PROVIDES RELIEF FROM EXPANSES OF DEVELOPMENT.

### **Parks and Open Space System**

#### **Objective 1**

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

#### **Policy 1.1**

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

#### **Policy 1.2**

A system of parks and recreational facilities meeting the needs of the population shall be maintained to provide for the acceptable levels of service.

#### **Policy 1.3**

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

#### **Policy 1.4**

Brevard County establishes three Parks Operations Areas:

- North Area Parks Operations;
- Central Area Parks Operations;
- South Area Parks Operations.

#### **Policy 1.5**

Provide adequate maintenance to ensure that existing facilities remain open to the public.

#### Policy 1.6

Develop and enhance existing parks and open space sites to provide additional recreational facilities based on the recreational needs of the public and as funding become available.

#### Policy 1.7

Acquire additional parks and an open space site based on the recreational needs of the public and as funding becomes available.

#### Policy 1.8

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

##### Criteria:

- A. ~~The greenways network plan shall inventory and contain ranking criteria for appropriate properties to be considered for acquisition and greenway development. The criteria shall, among other things, prioritize sites that can be integrated into a greenway network and which preserve viable natural resources.~~
- B. ~~Brevard County shall coordinate efforts with municipalities, utilities and resource management agencies to identify appropriate opportunities for the utilization of power line and drainage corridors for greenway developments.~~
- C. ~~The County shall seek coordination with municipalities in creating regulations and incentives for new developments, especially those falling within any planned greenway corridors, to dedicate land and easements for the creation of buffers along surface waters and for connections between existing or planned natural, recreation or other community resources.~~

#### Policy 1.9

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

- Regulations which preserves scenic vistas and establishes vegetative coverage requirements for developing and redeveloping properties; and
- Regulations concerning the provision of oceanfront and riverfront breezeways.

#### Policy 1.10

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

##### Criteria:

- A. — ~~All oceanfront property shall provide for the preservation of at least a thirty (30) percent of each property's ocean frontage as open space.~~
- B. — ~~Additional breezeway space shall be required for building heights exceeding thirty five feet pursuant to land development regulations.~~
- C. — ~~Construction shall be located west of Brevard County's Coastal Setback Line to maintain a corridor of open space parallel to the Atlantic Ocean.~~

#### Policy 1.11

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

##### Criterion:

~~Affected properties are those properties between the mean low water line of the river up to an upland distance of two hundred and fifty feet (250) or to the closes dedicated public right of way running parallel to the river. This policy would only affect those properties adjacent to one of the rivers associated with the Indian River Lagoon and the St. John's River systems.~~

- A. — ~~Where development would jeopardize or cause irreversible damage to linkages between surrounding natural systems, development shall be subject to the criteria in the Conservation and Future Land Use Elements.~~
- B. — ~~Site plans should be designed to link on site open space areas with off-site parcels of open space land, where applicable.~~

#### Policy 1.12

Brevard County shall maintain, and update as may be necessary, an inventory of County-owned or managed by agreement parks that are open to the public by Parks Operations Area. This inventory will be used to assess whether the adopted Levels of Service are being achieved and maintained. ~~On an annual basis, t~~The inventory of parks including any lands purchased for recreation and/or conservation purposes will be reviewed for amendment to the Future Land Use Map, as needed.

## **GOAL 2**

PROVIDE A COMPREHENSIVE PROGRAM OF ACTIVE AND PASSIVE RECREATION THAT MEETS THE NEEDS OF THE PUBLIC.

### **Public and Private Access to Waterways**

#### **Objective 2.1**

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

#### **Policy 2.1.1**

~~By 2011, the~~ The County shall identify, inventory and characterize its system of waterways in terms of use, capacity and relationship to recreational and commercial working waterfronts.

#### **Policy 2.12**

~~By 2012, the~~ The County shall use this data when identifying future public access opportunities, for integrating waterways with recreational and commercial working waterfronts and when coordinating with other jurisdictions on the potential regional aspects.

### **Maintenance of Parks and Open Space System**

#### **Objective 32**

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

#### **Policy 32.1**

Recreational programs shall be offered at existing facilities based on facility capacities, staff resources and the leisure pursuit interests of the public.

#### **Policy 32.2**

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

**Policy 32.3**

~~The County will strive to coordinate Existing joint-use agreements with Brevard County schools. Shall be maintained and the joint development of future school recreational areas should be coordinated between the school's administrative personnel and the County.~~

**Policy 32.4**

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

**Policy 32.5**

~~Persons with disabilities shall be provided access to county owned or operated recreational facilities in accordance with the Americans with Disabilities Act.~~

**Policy 32.6**

~~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 32.7**

~~Brevard County shall encourage cultural and related programs.~~

**GOAL 3**

**ATTAIN PUBLIC AND PRIVATE SUPPORT FOR THE ACQUISITION, DEVELOPMENT, OPERATION AND MAINTENANCE OF RECREATIONAL FACILITIES AND OPEN SPACE AREAS AND FOR THE DEVELOPMENT AND OPERATION OF RECREATIONAL PROGRAMS.**

**Level of Service**

**Objective 43**

**Provide adequate funding to achieve the appropriate levels of service in a cost effective manner.**

**Policy 43.1**

~~Ad valorem taxes, dedications and fees in lieu thereof, user fees, local, state and federal grants and cooperation with the other governmental agencies, not for profit organizations, and private sector shall be among the v~~Various means shall be utilized by Brevard County to fund the acquisition and development of parks and recreational areas and to provide recreational programs.

### Policy 43.2

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

#### Criteria:

- A. — ~~User fees may be implemented through fees for rental of facilities, events, parking fees, campsite, golf courses, and program fees or other fees directly related to a recreation service being provided.~~

### Policy 43.3

~~Monitor Existing~~ joint-use and contractual agreements ~~between the County and other governmental units should be continually monitored~~ to ensure cost effectiveness and that County needs are served.

## Public and Private Partnerships

### Objective 54

Coordinate public and private resources to meet recreational demands.

### Policy 54.1

Development of residential areas shall provide active recreation and open space areas, to augment public recreational facilities and to provide direct, convenient facilities to meet the recreational needs of the residents.

### Policy 54.2

Brevard County may acquire lands, funds, or both, to gain additional neighborhood or community parks necessary to support new residential development.

#### Criteria:

- A. — ~~An equivalent value of land may be donated to serve as neighborhood or community park or a substantial portion thereof, or 2 acres of land for every one thousand (1,000) potential residents anticipated to occupy the development.~~
- B. — ~~Or an equivalent value of money may be deposited in a non-lapsing Trust Fund, administered by the Brevard County Finance Department in cooperation with the Parks and Recreation Department, equal to or exceeding the value of the dedicated land. The Brevard County Property Appraiser's office assessed value of the land may be presumed to be the actual value in the absence of certified appraisal information.~~



- ~~C. — Monies deposited pursuant to the requirements of this subsection shall be expended for the sole purpose of providing, maintaining and managing a neighborhood or community park to be located not greater than a 5 mile radius from the residential developments.~~
- ~~D. — These donations shall be a precondition to final subdivision plat approval.~~
- ~~E. — The subject neighborhood or community park shall be established within the boundaries of the residential development and under the responsibility of a Home Owners Association, or equivalent body, for the purpose of assuming the long term maintenance and operation of the park. Recorded covenants running in perpetuity with the land shall restrict the use of the land to park and recreation purposes. Approval of the subdivision plat shall require depiction of the community park area and the presence of Home Owner Association Documents.~~

## APPENDIX A

### LIST OF TABLES

<u>Table</u>	<u>Title</u>
--------------	--------------

- |    |   |
|----|---|
| 1. | <u>Park Inventory by Park Operations Area</u> |
|----|---|

**TABLE 1**  
**Brevard County Parks and Recreation Department**

**Parks included in Calculation for Acceptable Levels of Service**  
**September, 2012**

**NORTH AREA PARKS OPERATIONS**

Park Name	Acreage	Park Classification
1. Bernice G. Jackson Park	21.62	Community Park
2. Blue Hole Park	.46	Neighborhood Park
3. Chain of Lakes	270.19	Urban District Park
4. Cuyler Park	13.31	Community Park
5. Fay Lake Wilderness Park	192.70	Urban District Park
6. Fay Park	11.10	Community Park
7. Fox Lake Park	31.57	Urban District Park
8. Friendship Park	.96	Neighborhood Park
9. Gibson Complex and Fields	28.90	Community Park
10. Harry T. & Harriette V. Moore Memorial Park	11.93	Community Park
11. Hatbill Park	15.00	Boating Area
12. Holder Park	40.95	Community Park
13. Kennedy Point Park	5.38	Community River Park
14. Manatee Hammock	26.45	Urban District River Park
15. Mims Launch Ramp	.75	Boating Area
16. Nicol Park	5.27	Community River Park
17. North Brevard Senior Center	17.10	Community Park
18. Parrish Park - Scottsmeer	16.95	Neighborhood Park
19. Parrish Park - Titusville	36.60	Urban District River Park
20. Port St. John Boat Ramp	1.30	Boating Area
21. Port St. John Community Center	5.48	Community Park
22. Rotary Riverfront Park	5.79	Community River Park
23. Sandrift Recreation Center	2.40	Community Park
24. Scottsmeer Landing	3.05	Community River Park
25. Scottsmeer Meeting Hall	.46	Community Park
26. Sherwood Park	4.00	Neighborhood Park
27. Singleton Tennis Courts	4.42	Community Park
28. Six Mile Creek	4.15	Community River Park
29. Space Coast Communities Sports Complex	207.14	Regional Park
30. Stuart Park	3.00	Neighborhood Park
31. Tom Statham Park	5.15	Community River Park
32. W.W. James Park	53.17	Community Park
33. William J. Manzo Memorial Park	2.48	Community River Park
<b>TOTAL ACREAGE</b>	<b>1,048.91</b>	

**RECREATION AND OPEN SPACE ELEMENT**

February 2022 May 2014

*CENTRAL AREA PARKS OPERATIONS MAINLAND SERVICE SECTOR*

Park Name	Acreage	Park Classification
1. Cocoa West Recreation Complex	19.39	Community Park
2. F. Burton Smith Regional Park	1,080.36	Regional Park
3. James C. Bourbeau memorial Park	194.54	Community River Park
4. Lee Wenner Park	11.55	Community River Park
5. Leroy Wright Recreation Area	32.65	Community River Park
6. McClarty Park	19.85	Community Park
7. Pineda Park	8.00	Community Park
8. Riverwalk A family Park	6.37	Community River Park
9. Silver Pines Park	3.77	Neighborhood Park
10. Beach Access Sites	3.61	Beach Access Sites
11. Cherie Down Park	6.99	Community Beach Park
12. Dolphin Park	.72	Neighborhood Park
13. Harbor Point Park	.09	Neighborhood River Park
14. Intracoastal Waterway Park	8.50	Community River Park
15. Kelly Park	15.37	Community River Park
16. Kelly Park West	40.93	Community River Park
17. Kings Park	240.00	Community River Park
18. Kiwanis Island Park	18.38	Community River Park
19. Lori Wilson Park	32.43	Regional Beach Park
20. Manatee Cove	29.49	Community River Park
21. Margaret & Danny Strickland Park	.14	Neighborhood River Park
22. Mitchell Ellington Park	114.15	Urban District Park
23. Osteen Park	3.80	Community River Park
24. Pineview Park	3.77	Neighborhood Park
25. Robert P. Murkshe Memorial Park	2.50	Community Beach Park
26. Rotary Park Merritt Island	37.77	Community Park
27. Ulumay Wildlife Sanctuary	436.53	Conservation Area
28. Veterans Memorial Park	2.63	Community River Park
29. Watts Park	2.07	Neighborhood River Park
30. Woody Simpson Park	12.00	Community Park
<b>TOTAL ACREAGE</b>	<b>2,388.38</b>	

**RECREATION AND OPEN SPACE ELEMENT**

February 2022May 2014

## SOUTH AREA PARKS OPERATIONS

Park Name	Acreage	Park Classification
1. Beach Access Sites	5.57	Beach Access Sites
2. Bonsteel Park	2.34	Community Beach Park
3. Canova Beach Park	9.10	Community Beach Park
4. Christenson's Landing	36.90	Boating Area
5. Coconut Point Park	36.90	Community Beach Park
6. Eau Gallie Causeway Boat Ramp	1.40	Boating Area
7. Erna Nixon Park	53.93	Community Park
8. First Street Boat Ramp	.54	Boating Area
9. Fisherman's Landing	7.48	Community River Park
10. Flutie Athletic Complex	29.00	Community Park
11. Howard E. Futch Memorial Park	12.39	Regional Beach Park
12. Irene H. Canova Park	3.30	Community Park
13. Joh Jorgensen's landing	.49	Boating Area
14. Juan Ponce Deleon Landing Park	13.66	Community Beach Park
15. Judith Resnick Memorial Park	10.06	Community Beach Park
16. Kiwanis Park At Geiger Point	7.00	Community River Park
17. Lake Shephard Boat Ramp	.12	Boat Ramp
18. Lake Washington Park	25.96	Community River Park
19. Long Point Park	84.50	Urban District River Park
20. Max K. Rodes Park	134.38	Community Park
21. Micco Park	9.32	Community Park
22. Oars and Paddles Park	4.27	Community River Park
23. Palm Bay Aquatic Center	2.80	Community Beach Park
24. Palm Bay Regional Park	200.00	Regional Park
25. Pineda Causeway	.20	Boating Area
26. POW/MIA Park	4.58	Community River Park
27. Police Foundation Park	6.34	Neighborhood Park
28. Rotary Park at Suntree	10.36	Community River Park
29. Sarno Lakes	45.00	Community Park
30. Seagull Park	1.60	Neighborhood Beach Park
31. South Beach Community Park	67.22	Community Park
32. South Mainland Community Center Micco	10.38	Community Park
33. South Patrick Community Park	8.12	Neighborhood Park
34. Spessard Holland North Beach Park	4.53	Community Beach Park
35. Spessard Holland South Beach Park	6.50	Community Beach Park
36. S.P.R.A. Park	.83	Neighborhood Beach Park
37. Viera Regional Park	124.62	Regional Park
38. Wickham Park	391.04	Regional Park
<b>TOTAL ACREAGE 1,339.75</b>		

## RECREATION AND OPEN SPACE ELEMENT

February 2022May 2014

TABLE 1

**Brevard County Parks and Recreation Department****2017 Acceptable Level of Service Acreage**July, 2017

<u>North Area</u>	
<u>Bernice G. Jackson Park</u>	<u>21.62</u>
<u>Blue Hole Park</u>	<u>.45</u>
<u>Chain of Lakes</u>	<u>270.19</u>
<u>City Point Community Church</u>	<u>.40</u>
<u>Cuyler Park</u>	<u>13.31</u>
<u>Fay Lake Wilderness Park</u>	<u>192.70</u>
<u>Fay Park</u>	<u>11.10</u>
<u>Fox Lake Park</u>	<u>31.57</u>
<u>Friendship Park</u>	<u>.96</u>
<u>Gibson Complex and Fields</u>	<u>22.71</u>
<u>Harry T. &amp; Harriette V. Moore Memorial Park</u>	<u>11.93</u>
<u>Hatbill Park</u>	<u>15.00</u>
<u>Holder Park</u>	<u>40.95</u>
<u>Kennedy Point Park</u>	<u>5.38</u>
<u>Manatee Hammock</u>	<u>26.45</u>
<u>Mims Launch Ramp</u>	<u>.75</u>
<u>Nicol Park</u>	<u>5.27</u>
<u>North Brevard Senior Center</u>	<u>16.68</u>

## RECREATION AND OPEN SPACE ELEMENT

February 2022~~May 2014~~

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

<u>Central Area</u>	
<u>Cherie Down Park</u>	<u>6.99</u>
<u>Cocoa West Recreation Area</u>	<u>18.85</u>
<u>Dolphin Park</u>	<u>.72</u>

<i>F. Burton Smith Regional Park</i>	<i>1,103.95</i>
<i>Harbor Point Park</i>	<i>.09</i>
<i>Intracoastal Waterway Park</i>	<i>8.50</i>
<i>James G. Bourbeau Memorial Park</i>	<i>194.54</i>
<i>Kelly Park East</i>	<i>15.37</i>
<i>Kelly Park West</i>	<i>40.93</i>
<i>Kings Park</i>	<i>240.00</i>
<i>Kiwanis Island Park</i>	<i>23.93</i>
<i>Lee Wenner Park</i>	<i>11.55</i>
<i>Leroy Wright Recreation Area</i>	<i>55.56</i>
<i>Lori Wilson Park</i>	<i>34.50</i>
<i>Manatee Cove Park</i>	<i>29.52</i>
<i>Margaret &amp; Danny Strickland Park</i>	<i>.25</i>
<i>McLarty Park</i>	<i>19.85</i>
<i>Mitchell Ellington Park</i>	<i>114.15</i>
<i>Osteen Park</i>	<i>3.60</i>
<i>Pineda Park</i>	<i>4.52</i>
<i>Pineview Park</i>	<i>3.77</i>
<i>Riverwalk – A Family Park</i>	<i>6.37</i>
<i>Robert P. Murkshe Memorial Park</i>	<i>2.50</i>
<i>Rotary Park Merritt Island</i>	<i>37.90</i>
<i>Silver Pines Park</i>	<i>3.77</i>
<i>Uhumay Wildlife Sanctuary</i>	<i>436.53</i>
<i>Veterans Memorial Park</i>	<i>68.66</i>

# RECREATION AND OPEN SPACE ELEMENT

February 2022May 2014



<i>Watts Park</i>	<i>2.07</i>
<i>Woody Simpson Park</i>	<i>8.91</i>
<i>Beach Access Sites</i>	<i>3.64</i>
<i>Total ALOS Park Acreage – Central Area</i>	<i>2,501.49</i>

<u><i>South Area</i></u>	
<i>Bonsteel Park</i>	<i>2.34</i>
<i>Brevard Zoo Linear Park</i>	<i>37.03</i>
<i>Canova Beach Park</i>	<i>9.10</i>
<i>Christenson's Landing</i>	<i>3.92</i>
<i>Coconut Point Park</i>	<i>36.90</i>
<i>Eau Gallie Causeway Boat Ramp</i>	<i>1.40</i>
<i>Erna Nixon Park</i>	<i>53.93</i>
<i>First Street Boat Ramp</i>	<i>.64</i>
<i>Fisherman's Landing</i>	<i>7.48</i>
<i>Flutie Athletic Complex</i>	<i>36.49</i>

<i>Howard E. Futch Memorial Park</i>	<i>12.39</i>
<i>Irene H. Canova Park</i>	<i>3.95</i>
<i>John Jorgensen's Landing</i>	<i>1.01</i>
<i>Juan Ponce de León Landing Park</i>	<i>13.66</i>
<i>Judith Resnick Memorial Park</i>	<i>10.06</i>
<i>Kiwanis Park at Geiger Point</i>	<i>7.00</i>
<i>Lake Shepard Boat Ramp</i>	<i>.12</i>
<i>Lake Washington Park</i>	<i>26.83</i>
<i>Long Point Park</i>	<i>84.50</i>
<i>Max K. Rodes Park</i>	<i>134.38</i>
<i>Micco Park</i>	<i>9.27</i>
<i>Pineda Causeway</i>	<i>.97</i>
<i>POW/MIA Park</i>	<i>4.90</i>
<i>Police Foundation Park</i>	<i>6.34</i>
<i>Rotary Park at Suntree</i>	<i>10.36</i>
<i>Sarno Lakes</i>	<i>41.25</i>
<i>Seagull Park</i>	<i>1.60</i>
<i>South Beach Community Park</i>	<i>65.65</i>
<i>South Mainland Community Center - Micco</i>	<i>10.38</i>
<i>South Patrick Community Park</i>	<i>8.12</i>
<i>Spessard Holland North Beach Park</i>	<i>9.25</i>
<i>Spessard Holland South Beach Park</i>	<i>5.25</i>
<i>S.P.R.A. Park</i>	<i>.83</i>
<i>Viera Regional Park</i>	<i>124.62</i>

# RECREATION AND OPEN SPACE ELEMENT

February 2022May 2014

<i>Wickham Park</i>	<i>476.27</i>
<i>Beach Access Sites</i>	<i>5.57</i>

*Total ALOS Park Acreage – South Area* *1,270.87*

*Total ALOS Park Acreage*

*Unincorporated Brevard County* *4,801.98*

~~BREVARD COUNTY COMPREHENSIVE PLAN~~  
CHAPTER IV

HISTORIC PRESERVATION ELEMENT

## TABLE OF CONTENTS

Historical Resource Inventory .....	1
Preservation of Historical Resources .....	5
Public Awareness.....	10
Public and Private Partnerships.....	12
<u>Historical Homes</u> .....	12

## GOALS, OBJECTIVES AND POLICIES

### **GOAL**

IDENTIFY, PROTECT, PRESERVE, RECOGNIZE, AND MITIGATE IMPACTS UPON THE RESOURCES WHICH ARE SIGNIFICANT IN TERMS OF HISTORIC, ARCHAEOLOGICAL, ARCHITECTURAL AND CULTURAL VALUES, AND SERVE AS REMINDERS OF BREVARD COUNTY'S HERITAGE.

### **Historical Resource Inventory**

#### **Objective 1**

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

#### **Policy 1.1**

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

##### **Criteria:**

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

#### **Policy 1.2**

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

**Criteria:**

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

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

### **Policy 1.3**

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

#### **Criteria:**

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



#### **Policy 1.4**

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

##### **Criteria:**

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

#### **Policy 1.5**

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

##### **Criteria:**

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

#### **Policy 1.6**

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

**Criteria:**

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

**Policy 1.7**

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

**Policy 1.8**

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

**Preservation of Historical Resources**

**Objective 2**

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

**Policy 2.1**

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

**Criteria:**

- A. The ordinance should provide protection for the resources listed on the National Register of Historic Places, the Florida Master Site File, the Local Register of Historic Places, and those to be discovered in the future.
- B. The ordinance should outline standards for the identification and evaluation of historic resources.

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

#### **Policy 2.2**

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

#### **Policy 2.3**

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

##### **Criteria:**

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

#### **Policy 2.4**

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

**Criteria:**

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

**Policy 2.5**

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

**Policy 2.6**

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

**Criteria:**

- A. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

- B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- C. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- D. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- F. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- H. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
- I. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

- J. Whenever possible, new additions or alterations to structures shall be done in a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

**Policy 2.7**

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

**Policy 2.8**

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

**Criteria:**

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

**Policy 2.9**

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

**Criteria:**

- A. The Board of County Commissioners should appoint three members to the Historical Commission for each district. Members should be appointed based upon their knowledge in dealing with historic and archaeological resources. Expertise in the fields of anthropology, archaeology, architecture, civil engineering, history, law and planning should be considered.
- B. The Historical Commission should be provided adequate office space and access to County staff as necessary. All actions of the Historical Commission shall be coordinated through the County Historic Preservation Officer.
- C. The Historical Commission shall be responsible for the preparation of an annual report of their activities for presentation to the Board.

**Policy 2.10**

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

**Policy 2.11**

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

**Policy 2.12**

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

**Policy 2.13**

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

**Criteria:**

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

**Public Awareness****Objective 3**

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

### **Policy 3.1**

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

#### **Criteria:**

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

### **Policy 3.2**

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

#### **Criteria:**

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

### **Policy 3.3**

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

### **Policy 3.4**

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



**Criteria:**

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

**Public and Private Partnerships**

**Objective 4**

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

**Policy 4.1**

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

**Policy 4.2**

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

**Policy 4.3**

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

**Policy 4.4**

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

**Historical Homes**

**Objective 5**

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

#### Policy 57.1

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

##### Criteria:

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

#### Policy 57.2

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

##### Criteria:

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

#### Policy 57.3

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

##### Criteria:

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

# **HOUSING ELEMENT**

## **CHAPTER V**

## TABLE OF CONTENTS

<u>Affordable Housing .....</u>	<u>2</u>
<u>Housing Programs Awareness .....</u>	<u>7</u>
<u>Equal Housing Opportunities.....</u>	<u>8</u>
<u>Adequate Residential Choices.....</u>	<u>8</u>
<u>Residential Environments .....</u>	<u>10</u>
<u>Residential Types .....</u>	<u>13</u>
<u>Public and Private Partnerships.....</u>	<u>15</u>

## GOALS, OBJECTIVES AND POLICIES

### **GOAL**

TO PRODUCE AND PRESERVE AFFORDABLE HOMEOWNERSHIP AND MULTIFAMILY HOUSING .TO BENEFIT VERY LOW, LOW AND MODERATE INCOME RESIDENTS OF BREVARD COUNTY. PROVIDE ADEQUATE AND AFFORDABLE HOUSING, IN SUITABLE RESIDENTIAL ENVIRONMENTS THAT MEET THE PUBLIC'S PHYSICAL AND SOCIAL NEEDS, WHILE STRIVING TO ENSURE EQUAL HOUSING OPPORTUNITIES FOR ALL RESIDENTS OF BREVARD COUNTY.

### **Affordable Housing**

#### **Objective 1-Affordable Housing**

Brevard County should act within its authority to substantially increase the supply of affordable housing through implementation of programs that meet the needs of eligible households . Eligible households are determined by HUD, as adjusted for family size.

#### **Policy 1.1**

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

##### **Criteria:**

- A. Brevard County defines Affordable Housing as a single or multi- family owner occupied or rental housing unit that has a gross household income mortgage or rental payment, including utilities, not exceeding 30% of the gross income of households at or below 120% of the Area Median Income (AMI), as adjusted for family size;
- B. Brevard County defines Workforce Housing as a single or multi-family owner occupied, ~~or multi-family owner occupied~~, or rental housing unit that has a gross household income including utilities, not exceeding 30% of the annual gross income of households at or below 140% of the Area Median Income (AMI), as adjusted for family size.
- C. Housing costs include: contract rent and utilities; and payment of principal, interest, taxes and insurance for owner occupied units.

#### **Policy 1.2**

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

**Policy 1.3**

The Brevard County should increase the supply of affordable housing within the County by utilizing the following strategies:

**Criteria:**

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

- K. Review the County's permitting process on a continual basis and conduct pre-application meetings with affordable housing developers.
- L. Continue to utilize a joint review of development plans at scheduled meetings to expedite the permitting process.
- M. Establish and maintain the Affordable Housing Council, pursuant to Florida Statute 420.9076, as part of the process by which each new proposed regulation will be reviewed for its impact upon housing.

**Policy 1.24**

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

**Policy 1.35**

The Housing and Human Services Department ~~Community Development Program~~ should focus on the development and rehabilitation of housing which is affordable to the very low income households.

**Policy 1.46**

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

**Criteria:**

- A. The following funding sources when available should include, but not be limited to:
  - 1. Public Housing Authorities
  - 2. Community Development Block Grant Program
  - 3. Community Reinvestment Act
  - 4. State Housing Initiatives Partnership (SHIP) Program
  - 5. Rural Development
  - 6. HOME Investment Partnership Program
  - 7. Florida Housing Finance Corporation
  - 8. Brevard County Housing Finance Authority
  - 9. Non-profit Organization
  - 10. Tax Increment Financing

11. Interest on Real Estate Escrow Accounts
12. General Obligation Bonds
13. Housing Finance Authority Reserves
14. Private Investments
15. Tax Credit Program
16. Local Option Sales Tax
17. Property Tax Relief

#### **Policy 1.57**

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

##### **Criteria:**

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

#### **Policy 1.68**

Housing and Human Services Department will support and provide input to Brevard County should coordinate with entities that provide services to the homeless in order to determine to identify the need for temporary shelters and transitional housing so as to target identify available funding to these areas.

#### **Policy 1.79**

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

#### **Policy 1.810**

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

#### **Policy 1.911**



~~The Brevard~~ County shall continue to encourage the use of the Affordable and Workforce Housing Incentives ~~sSections~~ of the County Land Development Regulations ~~adopted on May 3<sup>rd</sup>, 2007.~~

**Policy 1.1012**

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

**Policy 1.1113**

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

**Policy 1.1214**

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

**Policy 1.1315**

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

**Policy 1.1416**

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

**Policy 1.1517**

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

**Policy 1.1618**

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

**Policy 1.1719**

The County shall ~~further continue and~~ maintain , develop and review procedures to expedite review of affordable housing developments and housing for essential employees and special needs groups. ~~Such procedures shall be included in the within~~ its Land Development Regulations.

**Housing Programs Awareness**

**Objective 2-Housing Programs Awareness**

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

**Policy 2.1**

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

**Policy 2.2**

A Housing Resource webpage and brochure will be available to provide information, on the housing assistance programs to provide information, on the housing assistance programs available from the public and private sectors throughout the County will be maintain.

**Policy 2.3**

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

**Criteria:**

- A. At a minimum, information should be maintained and distributed on general housing and population characteristics, housing units by type, residential building permits by type and general location, housing vacancy rates, and land use acreage.

- B. This information should be updated in coordination with the 5 Year Consolidation Plan where possible~~on an annual basis where possible, or when more current information becomes available.~~

#### **Policy 2.4**

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

#### **Policy 2.5**

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

#### **Policy 2.6**

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

#### **Policy 2.7**

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

### **Equal Housing Opportunities**

#### **Objective 3–~~Equal Housing Opportunities~~**

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

#### **Policy 3.1**

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

### **Adequate Residential Choices**

#### **Objective 4—~~Adequate Residential Choices~~**

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

#### **Policy 4.1**

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

##### **Criteria:**

- A. ~~The zoning and IL~~and development regulations shall continue to designate lands for single-family, multi-family and mobile home residential development in a range of densities consistent with the service sectors, Future Land Use Map, and this Comprehensive Plan.
- B. ~~The zoning and IL~~and development regulations shall continue to designate lands for residential development where the public facilities and services are available at the adopted levels of service in this Comprehensive Plan. Where public facilities are not available, residential development should only be permitted at densities which allow for self-sufficiency for water and sewer service.
- C. ~~The zoning and IL~~and development regulations should continue to provide for a variety of minimum lot sizes, minimum floor areas, setbacks, and residential land use mixes that allow for choice in housing types, designs and price levels.
- D. ~~The zoning and IL~~and development regulations shall continue to provide for appropriate land use relationships to be considered in the review of development proposals to ensure land use compatibility between residential and surrounding uses.

#### **Policy 4.2**

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

#### **Policy 4.3**

The County shall update, as needed, the location evaluation matrix and needs analysis methods in the land development regulations to aid in determining favorable

locations for affordable/workforce housing development and determining eligibility for funding and incentives. ~~Current mapping resources and programs~~ The Community Characteristics Inventory Maps, developed by the Brevard County Transportation Planning Organization in June of 2007, and as revised, may be adopted into the Comprehensive Plan and land development regulations to help evaluate and guide in the location and development of affordable/workforce housing. ~~(See Attached Maps- (3))~~

#### **Policy 4.4**

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

#### **Policy 4.5**

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

#### **Policy 4.6**

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

#### **Policy 4.7**

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

### **Residential Environments**

### **Objective 5 –~~Residential Environments~~**

Brevard County shall reduce the degree of substandard housing conditions, improve residential environments, and ensure for relocation housing or assistance to ensure that adequate housing and suitable residential neighborhoods are available for all residents of the County.

#### **Policy 5.1**

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

##### **Criteria:**

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

#### **Policy 5.2**

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

##### **Criteria:**

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

### **Policy 5.3**

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

#### **Criteria:**

- A. Redevelopment plans which will result in the displacement of households shall make advance written determination of the extent of displacement and shall provide a relocation plan with strategies for mitigation. Provisions for notice and hearing should be included.
- B. The provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended, shall be used to guide mitigation.

### **Policy 5.4**

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

#### **Criteria:**

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

### **Policy 5.5**

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

#### **Policy 5.6**

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

#### **Policy 5.7**

The County, as needed, will study manufactured housing, mobile home parks and subdivisions that provide affordable/workforce housing inventory, and will consider creating solutions to help upgrade these uses while maintaining affordability. The Affordable/Workforce Housing Team, the Affordable Housing Council and/or Legal staff will evaluate existing policies and regulations and develop recommendations and options for consideration by the Board of County Commissioners.

#### **Policy 5.8**

Every five (5) years, The Housing and Human Services Department shall survey and report affordable housing needs through a 5 Year Consolidated Plan. By December 31, 2012, Brevard County shall conduct an affordable housing study to assess affordable housing needs allowing the utilization of the newly released 2010 Census Baseline data for the analysis.

### **Residential Types**

#### **Objective 6–Residential Types**

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

#### **Policy 6.1**

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

#### **Policy 6.2**

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

#### **Policy 6.3**



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

#### **Policy 6.4**

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

#### **Objective 7- Historical Homes**

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

#### **Policy 7.1**

~~—Brevard County should continue to implement the policies of the Historic Preservation element of the Comprehensive Plan regarding the identification, evaluation, protection and preservation of the housing which is historically significant.~~

##### **Criteria:**

~~Historically significant housing would include that listed on the National Register of Historic Places, the Florida Master Site File, or the Local Register of Historic Places when established.~~

#### **Policy 7.2**

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

##### **Criteria:**

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

#### **Policy 7.3**

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

**~~Criteria:~~**

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

**Public and Private Partnerships**

**Objective 7.8 — ~~Public and Private Partnerships~~**

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

**Policy 7.8.1**

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

**Policy 7.8.2**

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

**Policy 7.8.3**

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

**Policy 7.8.4**

Review of amendments to the Housing Element of the Comprehensive Plan will be conducted by the Affordable Housing/Workforce Housing Team and representatives of the Affordable Housing Council. ~~The Technical Advisory Group for~~

~~the Housing Element and representatives of the Affordable Housing Council should be responsible for reviewing comprehensive plan amendments to the Housing Element.~~

**BREVARD COUNTY COMPREHENSIVE PLAN**

**CHAPTER VI**

**POTABLE WATER ELEMENT**

**TABLE OF CONTENTS**

	<b>Page</b>
<b>Goals, Objectives, and Policies</b>	<b>1</b>
<b>Appendix (List of Maps)</b>	<b>7</b>

## **POTABLE WATER ELEMENT**

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

#### **GOAL 1**

BREVARD COUNTY SHALL PURSUE A POTABLE WATER SUPPLY WHICH DOES NOT DEplete THE FRESHWATER RESOURCE AND IS SAFE, ENVIRONMENTALLY SOUND, AND EFFICIENT.

#### **Objective 1**

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

#### **Policy 1.1**

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

#### **Policy 1.2**

By 2011, the County shall include the following provisions within Land Development Regulations as they pertain to subdivision and site plan reviews in an effort to reduce per capita consumption:

- A. Irrigation systems installed after January 1, 2010, shall be designed to use non-potable water or reclaimed water as the source. Connection to a reclaimed water system is required when available, in accordance with Potable Water Element Policy 1.4
- B. New industrial or commercial development that does not require water meeting potable water quality standards shall be designed to use non-potable water or reclaimed water. Connection to a reclaimed water system is required when available, in accordance with Potable Water Element Policy 1.4
- C. Irrigation systems installed after January 1, 2010, shall utilize micro-irrigation techniques to the greatest extent practical.
- D. Landscaping for new development shall utilize waterwise landscaping principles including limits on the use of landscaping that requires irrigation.
- E. Brevard County shall maintain at a minimum, but not limited to, the following practices and provisions:

- a. Showerhead exchange program;
- b. Toilet rebate program;
- c. Maintain water main replacement program;
- d. Require low flow plumbing fixtures;
- e. Require dual piping for reclaimed water in reclamation areas.
- f. Provision of leak detection/ water conservation kits;
- g. Provision of water conservation and restriction messages on utility bills.

### **Policy 1.3**

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

### **Policy 1.4**

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

### **Policy 1.5**

By 2011, Brevard County shall adopt land development regulations to further reduce per capita consumption of potable water.

### **Policy 1.6**

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

### **Objective 2**

All Brevard County Utilities Department public water supply systems serving Brevard County residents shall be maintained at accepted water quality standards to protect the health of the users of potable water.

### **Policy 2.1**

Brevard County shall meet or exceed the water quality standards found in Chapter 62-550, F.A.C.

### **Policy 2.2**

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

### Policy 2.3

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

### Policy 2.4

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

### Objective 3

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

### Policy 3.1

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

#### POTABLE WATER

<u>SERVICE AREA</u>	<u>LEVEL OF SERVICE STANDARD</u>
MIMS	Residential - 400 gal/residential unit/day Non-Residential - 250 gal/equivalent unit/day
TITUSVILLE	104 gal/capita/day
COCOA	234 gal/ERC/day
SOUTH BREVARD	125 gal/capita/day

### Policy 3.2

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

### Policy 3.3

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

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

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

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

Brevard County shall pursue agreements with the other water suppliers in Brevard to adopt and utilize this or a similar procedure.

### Policy 3.4

Newly proposed service areas, expanding restricted service areas, or Public Service Commission (PSC) regulated service areas shall be reviewed and approved by Brevard County and applicable agencies.

### Policy 3.5

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

### Objective 4

Provide the facilities necessary to meet the projected needs of the County-operated public water supply system for the next twenty years by implementing the Brevard County Water Supply Plan dated 2009.



**Policy 4.1**

Brevard County shall continue to implement an wellfield expansion program to increase the safe yield of the surficial aquifer in the north county area, in order to provide an adequate and dependable water supply source to meet the current and future needs of the County-operated water system.

**Policy 4.2**

Brevard County supports the efforts of the Brevard Water Supply Board to meet the future needs of Brevard County which is consistent with and supportive of the provisions found in the Brevard County Comprehensive Plan, the Water Supply Plans of the County, the St. Johns River Water Management District, the City of Cocoa, the City of Titusville, and the City of Melbourne.

**Policy 4.3**

Brevard County shall continue cooperative efforts with other governmental entities, both within the County and outside of the County, for the planning, implementation, and management of water resources and supplies.

**Policy 4.4**

A potable water interconnect should be established and maintained between all of the publicly owned water systems in order to provide potable water during emergencies.

**Policy 4.5**

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

**Policy 4.6**

Brevard County shall evaluate the Water Supply Plan and its projections at least every five years and amend the Water Supply Plan and Comprehensive Plan as may be necessary. Brevard County shall also update the Water Supply Plan within 18 months after the St. Johns River Water Management District approves an update to the regional water supply plan if the changes to the regional water supply plan affect Brevard County.

**Policy 4.7**

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

**Objective 5**

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

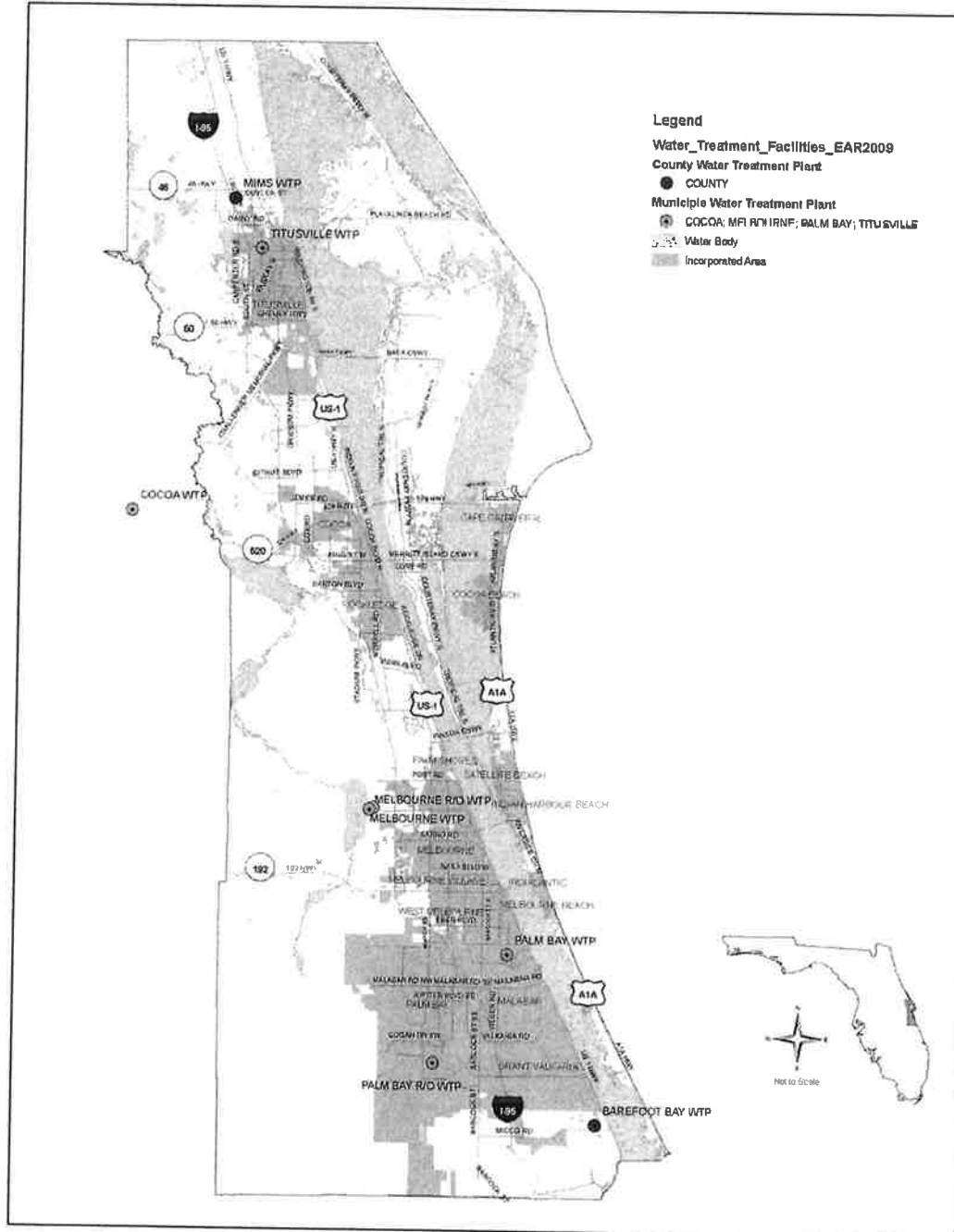
**Policy 5.1**

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

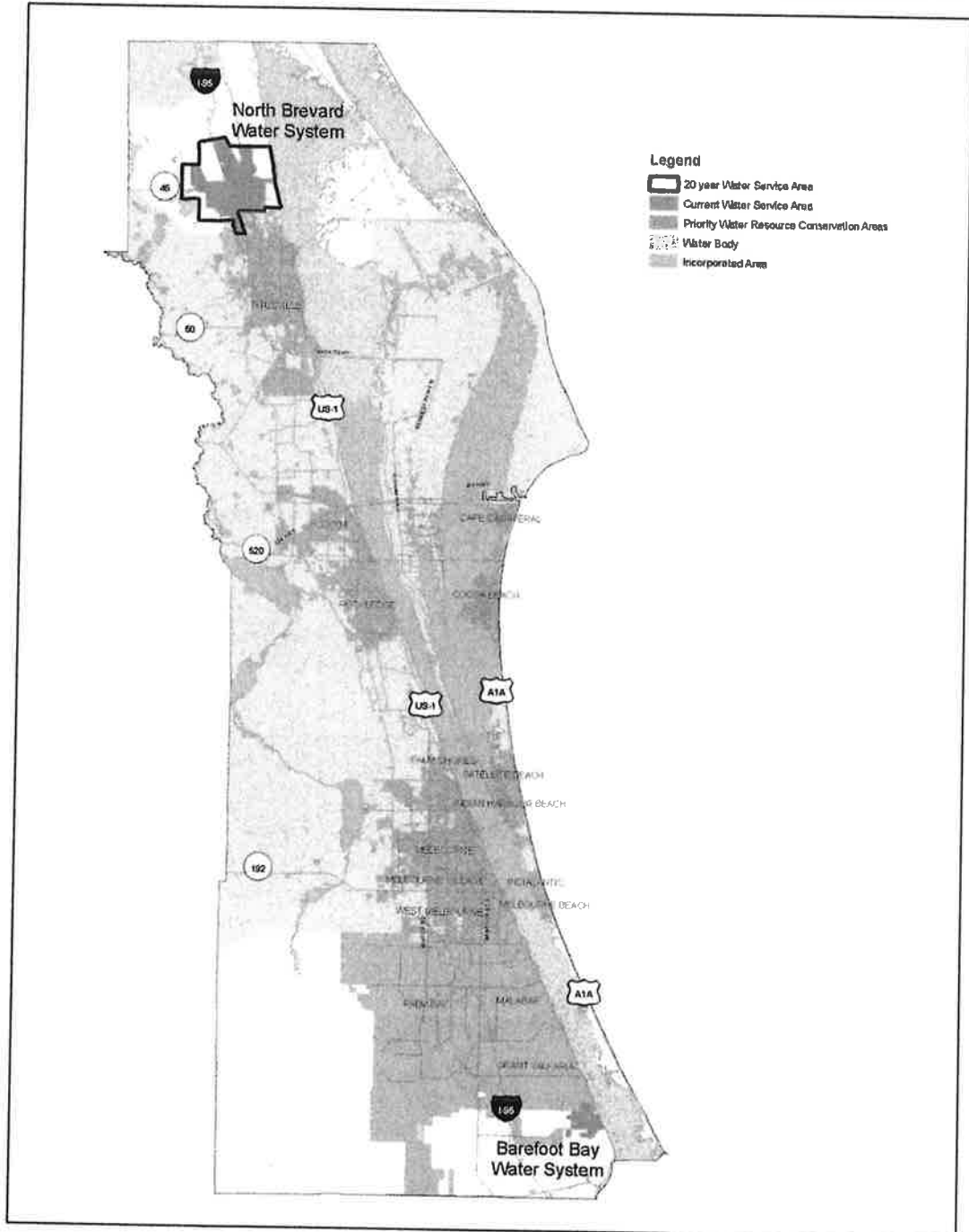
## **APPENDIX**

### **LIST OF MAPS**

<b>Map</b>	<b>Title</b>
<b>1</b>	<b>Potable Water Treatment Plants</b>
<b>2</b>	<b>Existing Potable Water Customers and Future Service Areas</b>



**Potable Water Element**  
**Potable Water Treatment Plants**



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

~~BREVARD COUNTY COMPREHENSIVE PLAN~~  
CHAPTER VII

SANITARY SEWER ELEMENT

## TABLE OF CONTENTS

Operations and Maintenance .....	1
Planning and Evaluation.....	2
Service Provision and Expansion .....	3
Maintaining a Public Benefit .....	8
Reclaimed Water System .....	8
APPENDIX.....	10

	Page
Goals, Objectives, and Policies .....	1
Appendix A (List of Maps) .....	10

## GOALS, OBJECTIVES AND POLICIES

### **GOAL**

BREVARD COUNTY SHALL OPERATE AND MAINTAIN AN ENVIRONMENTALLY SOUND, AND EFFICIENT WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL SYSTEM THAT PROTECTS THE PUBLIC HEALTH.

### Operations and Maintenance

#### **Objective 1**

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

#### **Policy 1.1**

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

#### **Policy 1.2**

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

#### **Policy 1.3**

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

#### **Policy 1.4**

Florida Department of Health in Brevard County shall permit the use of on-site sewage treatment and disposal systems only in areas where a sewer system is not available, and then only when the system is consistent with the regulations found in Section 381, F.S. and Chapter 64E10D-6, F.A.C.

#### **Policy 1.5**

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



**Criteria**~~Criterion:~~

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

**Planning and Evaluation**

**Objective 2**

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

**Policy 2.1**

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

**Policy 2.2**

In cases where infrastructure is inadequate to meet the needs of new development, the developer shall be allowed to construct infrastructure improvements to provide the necessary capacity.

**Policy 2.3**

The utilization of County-owned sewer facilities should be maximized through innovative redesigns and improvements.

**Policy 2.4**

Brevard County shall continue to evaluate its own sanitary sewer service areas in order to respond when needs are identified.

**Policy 2.5**

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

**Policy 2.6**

Brevard County shall continue to implement the Capital Improvement Program to correct existing deficiencies in the County-owned sewer facilities.

**Policy 2.7**

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

### **Policy 2.8**

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

## **Service Provision and Expansion**

### **Objective 3**

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

### **Policy 3.1**

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

### **Policy 3.2**

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

### **Policy 3.3**

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

### **Policy 3.4**

Maximize reuse of treated wastewater and other conservation techniques to recover and diminish the demand for fresh water.

### **Policy 3.5**

Brevard County shall ensure the provision of sanitary systems coordinated with other public facilities and services through the Capital Improvement Program.

### **Policy 3.6**

In order to be provided sewer service by County facilities, new development must be located within existing or future sewer service areas.

### **Policy 3.7**

The "user pays" concept, which encourages the users of public facilities to be financially responsible for bearing any added, marginal costs of additional public facilities created by new development, should be one of the primary revenue bases for financing expansion, operation and maintenance of all County-owned wastewater facilities and services.

### **Policy 3.8**

Brevard County shall provide adequate wastewater treatment plant capacity to maintain the proportion of the permit plant capacity divided by the number of equivalent units as more than 200 gallons per day per equivalent unit, except in the South Central Service Area service area, where the equivalent unit per day will be 165 gallons per day.

### **Policy 3.9**

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

### **Policy 3.10**

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

### **Policy 3.11**

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

### **Policy 3.12**

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

### **Policy 3.13**

Coordinate the extension of sanitary sewer service areas with the Future Land Use Element of this Comprehensive Plan and the Comprehensive Plans of all affected local governments.

### **Policy 3.14**

Brevard County shall continue to review and comment on wastewater infrastructure plans for developments connecting to the County owned sewer system for consistency with the County's Comprehensive Plan.

### Policy 3.15

All new development requiring a centralized sewer system within future sewer service areas shall connect to the public wastewater treatment plant if there is sufficient available capacity, or the building permit will be denied.

### Policy 3.16

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

#### Criteria:

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

### Policy 3.17

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

#### Criteria:

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

5. To serve residential development using a transfer of density to protect an environmentally sensitive area. Such development shall be located as an extension of existing residential uses, and shall be of an overall project density no greater than that permitted in the density area.
- B. Under no circumstances shall the development of a private treatment plant be used to increase the density of an area beyond the density permitted by the Future Land Use element or any other portion of the Comprehensive Plan.
- C. Private treatment plants shall meet the technical standards of the Florida Department of Environmental Protection.
- D. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaim water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer.
- E. ~~An binding development~~ agreement ~~may~~ shall be established for all new private treatment plants and such agreement will, at a minimum, address the following:
  1. Execution of a closure agreement with a permanent service provider, such as a municipality or the County. The closure agreement shall identify the amount of and payment schedule for connection or impact fees, as may be applicable.
  2. Terms of closure for the private treatment plant facility, including the ownership of the private treatment plant and land.
  3. Escrow account for the purpose of funding the prepayment of connection charges for connecting units served by private treatment plants to the permanent service provider shall be made by the developer into the escrow account at the time of certificate of occupancy.

4. Other facility requirements and costs such as force mains, pump stations, a reuse needs analysis, and other related infrastructure needs.
5. Timing and conditions for connection to the permanent service provider.
6. Notification of ultimate owners within the project that the private treatment plant is temporary and will eventually be connected to a permanent system, subject to applicable fees, regulations and benefits.

**Policy 3.18**

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

**Policy 3.19**

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

**Policy 3.20**

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

**Criteria:**

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

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

#### **Maintaining a Public Benefit**

##### **Objective 4**

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

##### **Policy 4.1**

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

##### **Policy 4.2**

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

##### **Policy 4.3**

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

#### **Reclaimed Water System**

##### **Objective 5**

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

**Policy 5.1**

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

**Policy 5.2**

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

**Policy 5.3**

~~By 2025,~~ Brevard County shall strive to reuse or otherwise reclaim 75 percent of the wastewater generated by public sewer systems operated by the County.

**Policy 5.4**

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

**Policy 5.5**

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

**Policy 5.6**

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

**Policy 5.7**

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

**Policy 5.8**

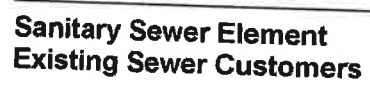
Brevard County shall support and encourage the use of reclaimed reuse water for industrial purposes through cooperative efforts with municipalities and other reuse water generators.

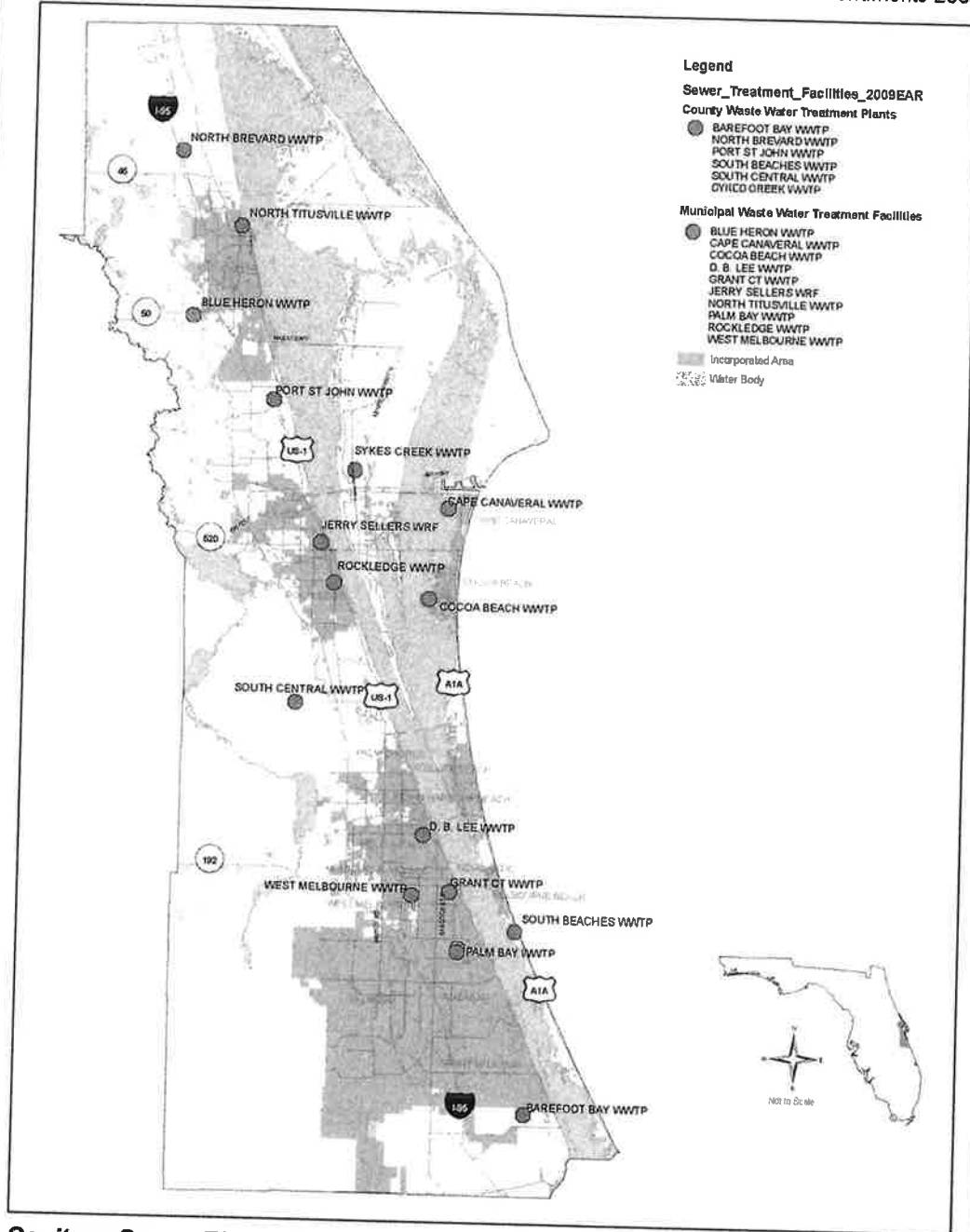


## APPENDIX

### LIST OF MAPS

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





**Sanitary Sewer Element  
Waste Water Treatment Plants**



-  HIGHLY SUITABLE (1,2)
-  UNACCEPTABLE (10,11,12)

EXHIBIT 55-2

Date: November 1987  
Source: Brevard Soil and Water Conservation District

**SANITARY SEWER ELEMENT**  
**VII - 13**

## **CHAPTER VIII**

### **SOLID WASTE AND HAZARDOUS MATERIALS ELEMENT**

## TABLE OF CONTENTS

Environmentally Sound Operations.....	1
Efficiency.....	1
Resource Recovery .....	2
Proper Waste Disposal Activities .....	3
Concurrency Management.....	3
Hazardous Waste.....	4
Enforcement.....	5
Emergency Response .....	5
Hazardous Waste Collection.....	6
Intergovernmental Coordination .....	6

## **SOLID WASTE MANAGEMENT ELEMENT GOALS, OBJECTIVES, AND POLICIES**

### **GOAL 1**

BREVARD COUNTY SHALL ENSURE AN ENVIRONMENTALLY SOUND AND EFFICIENT SOLID WASTE MANAGEMENT SYSTEM WHICH UTILIZES RESOURCE RECOVERY, RECYCLING, AND SOURCE REDUCTION.

#### **Environmentally Sound Operations**

##### **Objective 1**

The County shall ensure that the solid waste management system is operated in an environmentally sound manner and is, at a minimum, consistent with federal and state requirements.

##### **Policy 1.1**

Ensure that Brevard County's leachate ~~Leachate management program prevents surface water pollution and the stormwater, and L~~ landfill ~~G~~ gas ~~M~~ management ~~Programs~~ systems minimize ground and surface water and air pollution by solid waste facilities.

#### **Efficiency**

##### **Objective 2**

Maintain or improve the existing efficiency of the solid waste management system.

##### **Policy 2.1**

All collection components of the system shall be conducted in a manner which is consistent with Chapter 94 of the Brevard County Code.

##### **Policy 2.2**

The private franchised collectors and County disposal operations shall be monitored annually to ensure that reasonable fees for the collection and disposal of solid waste are maintained ~~as outlined in Chapter 94 of the Brevard County Code.~~

##### **Policy 2.3**

Brevard County shall ensure that the solid waste collection system has capacity to accommodate twice per week solid waste collection service to improved residential properties.

#### Policy 2.4

~~The level of service standard shall be established to~~ Brevard County shall provide for the disposal of all solid waste generated by Brevard County's population.

##### ~~Criteria~~ Criterion:

~~The level of service standard for solid waste disposal shall, at a minimum, be 8.32 pounds per capita per day.~~

#### Resource Recovery

##### Objective 3

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

##### Policy 3.1

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

##### Criteria:

- A. Implement curbside collection program for the reuse and recycling of materials including, but not limited to glass, paper, plastic, aluminum, metal, and green waste.
- B. Maintain and enforce procedures for the removal and recycling of abandoned solid waste objects and materials as described in Chapter 705, F.S. and Chapter 94, Chapter 46, Brevard County Code.
- C. Resource recovery feasibility assessments shall, at a minimum, include consideration of recycling, waste-to-energy, and composting.

##### Policy 3.2

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



## Proper Waste Disposal Activities

### Objective 4

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

#### Policy 4.1

Prohibit improper disposal of solid and hazardous waste by strict enforcement of ~~Chapter 94 of the Brevard County Code-~~

~~Criteria Criterion: and ensuring~~

~~Brevard County shall ensure updating and enforcement of the County Code Solid Waste regulations and shall conform to U.S. EPA, and Chapter 103, F.S., Florida Department of Environmental Protection solid waste legislation regulations.~~

#### Policy 4.2

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

## Concurrency Management

### Objective 5

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

#### Policy 5.1

Brevard County shall develop a financial plan to provide adequate funds for renewal and replacement of the solid waste system on an annual basis to replace equipment and facilities as needed.

#### Policy 5.2

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

#### Policy 5.3

~~Brevard County shall review and update the capital improvements program annually.~~

## GOAL 2

BREVARD COUNTY SHALL ENSURE A SAFE, ENVIRONMENTALLY SOUND, AND EFFICIENT COUNTY-WIDE HAZARDOUS MATERIALS MANAGEMENT SYSTEM.

### Hazardous Waste

#### Objective 6

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

#### Policy 6.1

~~All appropriate public agencies and organizations should develop and implement public information programs.~~

##### ~~Criteria Criterion:~~

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

#### Policy 6.2

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

##### Criteria Criterion:

~~Brevard County shall research and compile information from available sources on hazardous waste source reduction and recycling possibilities.~~

#### Policy 6.3

Brevard County shall continue to publish solid waste recycling information guides to help facilitate the recycling of waste materials, including, but not limited to such as batteries, fluorescent lamps, mercury devices, paints, pesticides, oil, etc.

### SOLID WASTE AND HAZARDOUS MATERIALS ELEMENT

February 2022 November 2017 December 2009

## Enforcement

### Objective 7

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

#### Policy 7.1

Brevard County shall continue ~~and expand to operate~~ the household hazardous waste collection centers ~~or system to manage~~ receive hazardous wastes from ~~households residents and facilitate the proper management of hazardous waste,~~ small ~~from small~~ businesses, and other low-volume generators.

#### Policy 7.2

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

#### Policy 7.3

All hazardous waste incineration or treatment facilities ~~units~~ and specialized units shall be required to acquire any and all county, state and federal permits.

**Criterion:**

~~Hazardous waste shall be incinerated only in accordance with applicable standards of the State of Florida and Brevard County.~~

#### Policy 7.4

Brevard County shall train and equip all involved enforcement and compliance personnel to ensure adequate enforcement of local hazardous materials codes.

#### Policy 7.5

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

## Emergency Response

### Objective 8

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

### **Policy 8.1**

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

### **Policy 8.2**

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

### **Policy 8.3**

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

## **Hazardous Waste Collection**

### **Objective 9**

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

### **Policy 9.1**

Brevard County shall maintain household hazardous waste collection ~~centers~~ station at the Central Disposal Facility at the County's solid waste facilities and provide, ~~where feasible,~~ recycling services for wastes collected, where feasible.

### **Policy 9.2**

~~Brevard County shall explore the establishment of additional transfer facilities within the County.~~

## **~~Intergovernmental Coordination~~**

### **~~Objective 10~~**

~~Brevard County shall continue coordinating with the County Departments involved in hazardous material management. Public and private sector entities will be encouraged to become involved in the development of an optimal hazardous materials management system.~~

**Policy 10.1**

~~Establish a Hazardous Materials Task Force to be responsible for preparing recommendations and implementing programs and activities that would provide for an efficient and safe Hazardous Materials Management System.~~

**Policy 10.2**

~~Brevard County shall establish a hazardous materials incident procedure which describes all involved departments' role and assures the proper handling of the event.~~

**Criteria:**

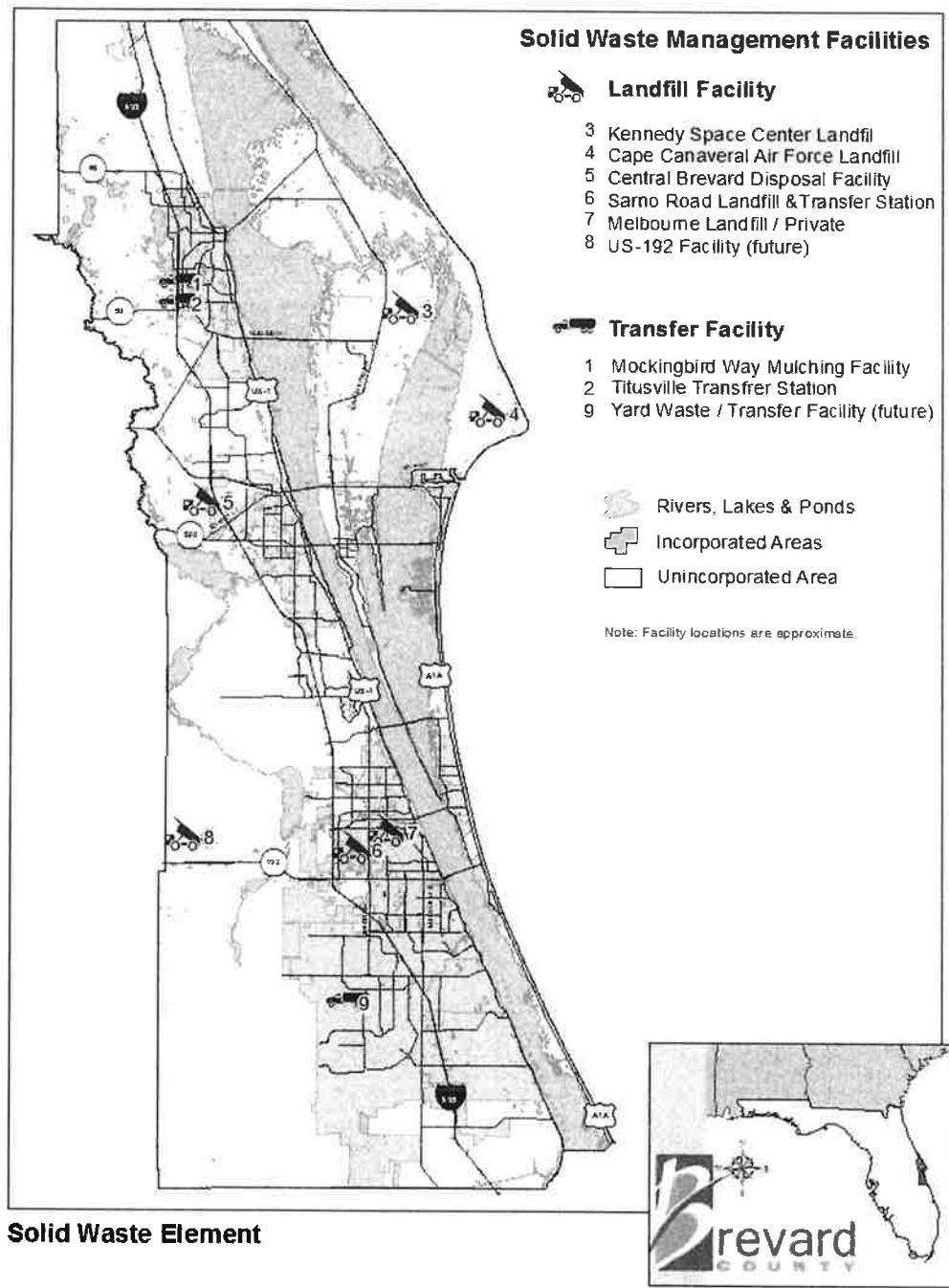
A. — The purpose of the Hazardous Materials Task Force shall be to coordinate a county wide effort to develop an optimal hazardous materials management system.

B. — The Hazardous Materials Task Force should be comprised of, but not limited to, representatives from all relevant agencies and organizations.

## **APPENDIX**

### **LIST OF MAPS**

<b><u>Map</u></b>	<b><u>Name</u></b>
<b>1</b>	<b>Solid Waste Management Facilities</b>



**Map 1**  
**Solid Waste Management Facilities**

**SOLID WASTE AND HAZARDOUS MATERIALS ELEMENT**

**CHAPTER IX**  
**TRANSPORTATION ELEMENT**



## TABLE OF CONTENTS

Monitoring and Evaluation .....	1
Prioritization of Transportation Improvements .....	4
Concurrency Management .....	8
Multi-modal Transportation.....	11
Airport, Sea-Port, <u>Spaceport</u> and Rail Facilities .....	12
Land Use and Transportation Coordination .....	14
Public Participation.....	15
Intergovernmental Coordination .....	15
Scenic Highways .....	17
Roadway Network .....	19
Complete Streets .....	20

## GOALS, OBJECTIVES AND POLICIES

### **GOAL**

A SAFE, CONVENIENT AND ENERGY EFFICIENT TRANSPORTATION SYSTEM IN BREVARD COUNTY THAT SUPPORTS THE COMMUNITY DEFINED BY THIS COMPREHENSIVE PLAN AND ENHANCES THE MOBILITY OF PEOPLE AND GOODS WHILE REDUCING RELIANCE UPON THE AUTOMOBILE AND MINIMIZING IMPACTS TO NEIGHBORHOODS, CULTURAL RESOURCES AND NATURAL HABITATS.

### **Monitoring and Evaluation**

#### **Objective 1**

Routinely monitor and evaluate the performance of county and state roadways and other modes (bicycle, pedestrian, transit, port, airport, and rail facilities) as appropriate.

#### **Policy 1.1**

Brevard County shall participate with the ~~Spacecoast~~ Space Coast Transportation Planning Organization (TPO), the Florida Department of Transportation (FDOT) and other local governments to establish a performance monitoring system for arterial and collector roadways.

##### **Criteria:**

- A. Brevard County should, at a minimum, utilize the traffic count data provided annually by the ~~Brevard Space Ceoast~~ TPO. The Space Ceoast TPO annually conducts and publishes traffic counts on arterial and collector roadways, in cooperation with the local governments and the FDOT.
- B. Brevard County shall coordinate with the ~~Space-coast Coast Transportation Planning Organization~~ (TPO), ~~the Florida Department of Transportation~~ (FDOT), and the municipalities to develop, enhance and maintain a centralized transportation data reporting system.
- C. Brevard County shall monitor and assist in developing the "State of the System Report" published annually by the ~~Brevard Space Ceoast~~ TPO. The report monitors trends, conditions and performance in the following areas:
  1. System Trends and Conditions
    - a. Vehicle Miles of Travel (annual and daily vehicle miles traveled by total system, sub-area and per capita)
    - b. Roadways Operating at Congested Conditions (number of lane miles and VMT operating >0.85 Maximum Acceptable Volume)
    - c. Duration of congestion (number of lane miles with congestion)

### TRANSPORTATION ELEMENT

- >0.85 Maximum Acceptable Volume for one or more hours per day.
- d. Use of Transit (annual number of transit trips and vehicle revenue miles)
- 2. Roadway Segment Condition
  - a. Severity of existing congestion
  - b. Severity of congestion by 20240, or the horizon year of the latest adopted Space Coast TPO Long Range Transportation Plan, with no improvements
  - c. Number of vehicles affected
  - d. Intermodal connectivity and economic significance
  - e. Crash history
  - f. Hurricane evacuation route designation
  - g. Prior funding commitments
- D. The State of the System Report shall be provided to the local governments and the FDOT for the purpose of analyzing levels of congestion, determining appropriate mitigation measures, and shall be considered when prioritizing and programming local, state and federal transportation improvement funds.

### Policy 1.2

Brevard County should develop a roadway classification system appropriate for Brevard County roads that is based on actual roadway and travel characteristics.

#### Criteria:

- A. Brevard County should base this classification system on the Federal Functional Classification System and should refine this system to address local needs.
- B. Brevard County, in cooperation with the ~~Brevard~~ Space Coast TPO and the municipalities, should periodically review the Federal Functional Classification System to insure the classification addresses local conditions.
- C. ~~The~~ Traffic circulation maps (~~Maps 1A and 1B~~) shall be based on the Federal Functional Classification System.

### Policy 1.3

Brevard County shall maintain level of service (LOS) standards for all county arterial and collector roadways.

**Criteria:**

- A. The level of service standards are as follows:
  - 1. Brevard County arterial and collector roadways within the urban area boundary: Level of Service E.
  - 2. Brevard County arterial and collector roadways within the rural area, except as noted above: Level of Service D.
  - 3. State arterial roadways (excluding Florida Intrastate Highway System) within the urban area boundary: As adopted by FDOT
  - 4. State arterial roadways (excluding Florida Intrastate Highway System), outside the urban area boundary (rural area): As adopted by FDOT
- B. The level of service standards for the Florida Intrastate Highway System (Interstate 95 and SR 528) shall be established by FDOT. In general, the standards are LOS E within the urban area boundary and LOS D outside the urban area boundary.

**Policy 1.4**

Brevard County shall maintain a two-tiered level of service analysis procedure where the FDOT generalized level of service tables are used for a first-tier analysis and a more detailed analysis is performed on those roadways experiencing significant congestion.

**Criteria:**

- A. The level of service analyses should be coordinated with affected local governments.
- B. The level of service analysis should be incorporated into the Space Coast TPO's congestion management system, where applicable.
- C. The level of service analysis should be incorporated into Brevard County's concurrency management system, where applicable.

**Policy 1.5**

Brevard County shall monitor high accident locations and coordinate with other agencies as appropriate to address safety deficiencies. High-accident locations may be identified through the Community Traffic Safety Team, an intergovernmental and interagency group formed to address safety issues.

**Policy 1.6**

Brevard County shall participate with the Space Coast TPO in the operation of the Congestion Management System (CMS).

**Criteria:**

- A. The CMS shall contain the numerical indicators against which the

achievement of area's mobility goals can be measured.

- B. Space Coast Area Transit should participate in the CMS process, since the CMS addresses both highway and non-highway modes.

#### **Policy 1.7**

Brevard County should explore the availability and/or development of performance indicators for other modes and incorporate such indicators into the county's improvement programming decisions as appropriate.

### **Prioritization of Transportation Improvements**

#### **Objective 2**

Major transportation improvements shall be identified based on need, incorporate accepted design standards and be consistent with the Comprehensive Plan.

#### **Policy 2.1**

Using the performance monitoring documents identified under Objective 1, Brevard County shall develop short-range (1-5 years) and long-range (6-15 years) transportation improvement programs for the expenditure of county transportation funds.

##### **Criteria:**

- A. Short-range and long-range transportation improvement programs shall be financially structured as follows:
  - 1. The short range transportation improvement program shall be financially feasible by having available revenues from committed funding sources for the first three years. Years 4-5 shall have or will have available revenue from committed or planned funding sources.
  - 2. The long range transportation improvement program shall be structured to achieve or maintain the adopted Levels of Service by utilizing the best available information on projected population growth and demands on the transportation system.
  - 3. The short range transportation improvement program shall be evaluated and modified as necessary on an annual basis as part of the annual update of the Capital Improvements Element.
- B. Transportation improvement programs should be multi-modal, including consideration of modes other than automobile.
- C. Transportation improvement programs should be flexible and responsive to

community needs.

- D. Transportation projects should strive to incorporate a balance between mobility and quality of life.
- E. Brevard County's short range transportation improvement program should be identified in the Brevard County Capital Improvements Plan (CIP).
- F. Brevard County's long range transportation improvement program should be coordinated with the TPO Long Range Plan and the Florida Transportation Plan.
- G. Brevard County shall investigate and pursue additional funding sources for the long range transportation improvement program.

#### **Policy 2.2**

Using the performance monitoring documents identified under Objective 1, Brevard County shall assist the ~~Brevard Space~~ Coast TPO in developing short-range (31-5 years) and long-range transportation (56-20 years) improvement programs for the expenditure of state and federal transportation funds within Brevard County.

#### **Policy 2.3**

Brevard County design standards shall incorporate generally accepted traffic, multi-modal and transportation engineering standards as appropriate.

##### **Criteria:**

- A. Land development regulations and county design policies shall be reviewed periodically to ensure consistency with generally accepted traffic, multimodal and transportation engineering standards.
- C. Benefit/cost ratio, aesthetics, neighborhood preservation, demand, user-types and available funding, may also be considered in establishing or waiving design standards, without compromising public safety.
- D. Brevard County may consider design initiatives proposed by the private sector that do not compromise public safety.
- E. Locally initiated regulations and policies may also be developed to allow innovative designs that do not compromise public safety.

#### **Policy 2.4**

Major transportation system improvement proposals and associated ancillary facilities shall be thoroughly evaluated for consistency with the Comprehensive Plan,

applicable Florida Statutes and federal regulations to minimize adverse environmental impacts and maximize economic and social benefits. A "major improvement" could involve roadway, rail, airport, port and/or other mode.

**Criteria:**

- A. Adequate project data, including an analysis of benefits, impacts, and proposed mitigation measures should be provided. As appropriate, the following items should be considered:
  - 1. Current and future public need;
  - 2. Project impacts to natural resources, including floodplains, aquifer recharge areas, soils, wetlands, surface water, groundwater, drainage, natural communities and wildlife, spheres of influence, air quality, and species listed as endangered, threatened or species of special concern as designated by federal, state or local agencies;
  - 3. Project impacts to significant historical and archaeological resources such as those listed on the National Register of Historic Places or Florida Master Site File;
  - 4. Noise and visual implications, including the provision of adequate landscaping;
  - 5. Management of hazardous materials including emergency planning, emergency response, spill control and spill prevention;
  - 6. Hurricane evacuation strategies and capacities;
  - 7. Project impacts to the local economy, including wages and job generation;
  - 8. Project impacts to the intraregional mobility function of the Florida Intrastate Highway System;
  - 9. Land use compatibility with existing and future development including established neighborhoods;
  - 10. Proliferation of urban sprawl as defined in Florida Statutes;
  - 11. Long term maintenance responsibilities;
  - 12. Capacity of other infrastructure, such as water and sewer, to accommodate the project and/or ancillary elements associated with the project.
- B. The Board of County Commissioners shall determine consistency of a major transportation system improvement with the Comprehensive Plan upon review and consideration of all technical data and analysis, recommendations of the staff, Local Planning Agency and input from the public.

**Policy 2.5**

Brevard County recognizes that visually attractive roadways are an asset to the community and shall ~~ensure all~~ consider landscaping opportunities within future county

**TRANSPORTATION ELEMENT**

major roadway improvement projects ~~contain adequate funds and funding~~ for the design, installation and maintenance ~~of landscaping~~.

**Criteria:**

- A. Roadway landscaping design should consider the following at a minimum:
  - 1. To ensure vehicular safety, professionally accepted roadway design standards consistently applied should guide the selection of plant materials, street furniture and other landscape elements.
  - 2. Methods to reduce long term maintenance requirements, such as xeriscaping or self-sustaining vegetation, should be considered.
  - 3. Native vegetation should be considered.
  - 4. Landscaping should not compromise pedestrian and bicycle safety by creating visual barriers at intersections, for example.
  - 5. Irrigation requirements, costs and availability, including reuse water, should be evaluated.
- B. Brevard County should consider innovative public and private sector cooperative landscaping maintenance programs such as "adopt-a-median".
- C. Brevard County should coordinate with other local governments or agencies to address the visual appearance and landscaping of gateway roads leading into the county and/or to major tourist destinations.

**Policy 2.6**

Brevard County shall monitor the needs of the coastal population and identify major transportation improvements to maintain performance levels, as set forth in the Coastal Management Element, for ensuring timely evacuation prior to an impending natural disaster.

**Policy 2.7**

The improvements identified in the Capital Improvements Element and the ~~Brevard Space Coast~~ TPO's Long Range Transportation Plan and Transportation Improvement Program represent projects that may become part of Brevard County's future transportation network. ~~(potential improvements are identified on Maps 1A and 1B).~~

**Policy 2.8**

In addition to the projects contained in the documents identified in Policy 2.7, Brevard County should consider supporting roadway improvement projects that:

- A. Provide additional capacity necessary to accommodate planned growth;
- B. Establish corridors parallel to existing congested roadways;
- C. Improve roadway continuity;

**TRANSPORTATION ELEMENT**



- D. Provide operational and safety benefits to various transportation modes using the corridor;
- E. Enhance evacuation and public safety capability;
- F. Upgrade inadequate stormwater management systems; or
- G. Reconstruct existing roads to address maintenance, bicycle and pedestrian, safety, transit, appearance or access management concerns.
- H. Are consistent with the State Comprehensive Plan and limit urban sprawl.

#### **Policy 2.9**

The land development regulations shall implement ~~include a the~~ Transportation Corridor Management Area Ordinance for the St. Johns Heritage Parkway ~~which should be consistent with the Preliminary Design and Engineering Study prepared by Parsons Transportation Group for the Brevard County Metropolitan Planning Organization and accepted by the Federal Highway Administration in December, 2003. The Transportation Corridor Management Ordinance should be adopted prior to the County granting any development orders for projects impacting the location of the corridor identified on the Transportation Element Map #3.~~ This code section shall be reviewed periodically for consistency with all Preliminary Design and Engineering Studies and all Final Design and Engineering plans prepared for this corridor on behalf of Brevard County.

#### **Policy 2.10**

~~By 2010,~~ Brevard County continue to maintain~~shall incorporate~~ a comprehensive access management policies~~program~~ for roadways within Brevard County within the land development regulations.

### **Concurrency Management**

#### **Objective 3**

Brevard County shall implement methods to prevent future transportation system deficiencies.

#### **Policy 3.1**

Brevard County's adopted Concurrency Management System shall continue to monitor the roadway system in order to identify when proposed development may degrade a roadway (excluding the Florida Intrastate Highway System) below an

acceptable level of service.

**Policy 3.2**

Land use changes may be considered as a means to reduce transportation demand, when providing transportation improvements is too costly or has significant community impact.

**Policy 3.3**

Brevard County recognizes that land uses outside the jurisdiction of Brevard County have significant impacts on Brevard County roadways.

**Policy 3.4**

Brevard County should continue to implement measures that facilitate the preservation of right-of-way for transportation facilities including but not limited to roadway, transit, and pedestrian facilities.

**Policy 3.5**

Brevard County shall encourage the use of transportation demand management strategies as a means to reduce peak hour travel demand and the number of vehicle miles traveled in the region.

**Criteria:**

- A. Developments of Regional Impact (DRI) review shall specifically include consideration of transportation demand management strategies.
- B. Brevard County shall contact major employers, operators of major traffic generators and major educational facilities to encourage staggered work hours, ridesharing and other strategies in those areas where major arterials are near deficiency.
- C. Space Coast Area Transit should continue to provide carpool matching services, park and ride facilities and vanpool support in addition to more traditional transit services.
- D. Brevard County should develop draft incentive measures for the private sector to promote alternatives to the single-occupant vehicle as the primary means of transportation.

**Policy 3.6**

Brevard County shall encourage the use of transportation systems management strategies to preserve the capacity of existing transportation systems.

**Criteria:**

- A. Brevard County shall review arterial and collector corridors that are nearing

deficiency for opportunities to increase capacity through transportation management strategies.

- B. Where feasible, transportation system management strategies shall be incorporated into major roadway improvement projects to maximize future capacity.
- C. Brevard County shall follow accepted industry-standard traffic and transportation design standards to guide the implementation of transportation systems management strategies. Such standards may apply to the provision of driveway access, bicycle facilities, traffic signals, transit facilities, and intersection design.

### Policy 3.7

Brevard County shall maintain and enforce land development regulations that improve the safety of motorists, pedestrians and bicyclists in accordance with the following criteria:

#### Criteria:

- A. Minimize points of conflict along local roadways from driveway connections and other access points.
- B. Identify, evaluate and mitigate, as appropriate, potential traffic safety hazards within the traffic impact area of a proposed major project.

### Policy 3.8

The following ~~state road transportation routes~~ are classified as limited access roadways: SR 407, SR 528, I-95, and SR 404 (Pineda Causeway and Extension). The ~~Portions of the Pineda Extension and St. Johns Heritage Parkway~~ controlled by Brevard County (~~Map 2A and Map 2B~~) shall be classified as a limited access roadway and are subject to the following conditions:

~~A. The access points for the Pineda Extension are shown on Map 2A and Map 2B.~~

- A. Access to this roadway should be limited to maximize its function as a hurricane evacuation route and as a primary traffic route.
- B. The classification of this route as a limited access roadway shall not prohibit pedestrian or bicycle usage in the right of way (ROW) or on the roadway.
- C. The above criteria shall not apply to those limited access facilities controlled by the Florida Department of Transportation.

## TRANSPORTATION ELEMENT

## Multi-modal Transportation

### Objective 4

Brevard County shall encourage multi-modal transportation alternatives that accommodate existing and proposed major trip generators and attractors.

#### Policy 4.1

Brevard County shall emphasize safety and convenience in the location, design and construction of bicycle and pedestrian facilities.

##### Criteria:

- A. The Space Ceoast TPO shall guide and promote a countywide perspective in planning and implementation of facilities to accommodate bicycle and pedestrian needs.
- B. Brevard County should continue to designate a portion of local option gas taxes, transportation impact fees and other revenues for bicycle and pedestrian projects.
- C. Bicycle and pedestrian facilities shall be included as a standard component in the planning and development of transportation facilities. Bicycle and pedestrian facilities shall be established in conjunction with the construction, reconstruction or other significant change of any major county roadway, provided their establishment would not be contrary to public safety or their cost would not be excessively disproportionate to the need or future use.
- D. Brevard County shall continue to maintain land development regulations that accommodate bicycling and walking and consider consideration for bicycle and pedestrian facilities in the site plan development review process and shall periodically (1-3 year intervals) review land development regulations relating to bicycle and pedestrian design standards and land use strategies that accommodate bicycling and walking.

#### Policy 4.2

Transit should routinely be considered as an alternative to roadway widening and as a supplement to roadway improvement projects.

##### Criteria:

- A. Brevard County should promote and encourage the use of public transit and should continue efforts to improve the public transportation system, based upon the adopted Transit Development Plan, ~~upon~~ public input and ~~upon~~ availability of resources.
- B. Land development regulations should be maintained periodically (1-3 year

~~intervals)~~ reviewed to ensure that development allows and encourages accessibility to public transit and incorporates improvements in compliance with ADA standards.

#### **Policy 4.3**

Brevard County shall work cooperatively with the municipalities to establish parking strategies and to identify potential park-and-ride sites and encourage their development through joint projects with the Florida Department of Transportation.

#### **Policy 4.4**

Brevard County shall continue to promote and encourage expansion of the vanpool program to the extent resources are available and based on demand for the service.

#### **Policy 4.5**

Brevard County shall continue efforts to provide services to the "transportation disadvantaged" to the extent resources are available.

##### **Criteria:**

- A. The scope and methods by which transportation disadvantaged services will be provided will be outlined in the adopted Transportation Disadvantaged Service Plan and Transportation Development Plan.
- B. Brevard County should participate in the area's welfare-to-work plan that addresses welfare-related transportation issues, recognizing the important role transit can play in assisting in the transition from welfare to employment.

### **Airport, Sea-~~P~~port, Spaceport and Rail Facilities**

#### **Objective 5**

Brevard County shall encourage the use and expansion, as needed, of Brevard County port, airport, and rail facilities for the safe, efficient and timely movement of goods and passengers.

#### **Policy 5.1**

Brevard County should continue to participate in the review of the development plans or airports within Brevard County and support those development plans which are consistent with the Brevard County Comprehensive Plan and compatible with surrounding land uses as designated by the Future Land Use Element.

##### **Criteria:**

- A. Brevard County shall support environmentally and economically sound development of Valkaria Airport, which should be developed to serve

general aviation traffic as its primary purpose, as may be determined by the Board of County Commissioners, based upon public input and findings of fact.

- B. Brevard County shall support environmentally and economically sound development of Space Center Executive, Merritt Island and Dunn Airports, as may be determined by the Board of County Commissioners and the TICO Airport Authority, based upon public input and findings of fact.

#### **Policy 5.2**

Brevard County should support the development and maintenance of a comprehensive rail system to meet current and future needs and further economic growth of the County, to the extent that the development is compatible with the Brevard County Comprehensive Plan.

#### **Policy 5.3**

Brevard County shall encourage aerospace industry related development in the Gateway Center/Spaceport Florida area and other areas in proximity to the Kennedy Space Center and other areas in Brevard County.

#### **Policy 5.4**

Brevard County should continue to participate in the review of the development plans for Port Canaveral and encourage utilization of the Port's lands for water-dependent uses and uses which support or augment port-related activities, provided that they are consistent with the Brevard County Comprehensive Plan; specifically the Future Land Use Element, the Coastal Management Element, and the Conservation Element.

#### **Policy 5.5**

The location of new water-dependent businesses in the vicinity of Port Canaveral shall be in compliance with the Brevard County Comprehensive Plan.

##### **Criteria:**

- A. Brevard County shall not permit heavy industrial development along the Barge Canal.
- B. Development orders for projects adjacent to the Barge Canal shall provide for the mitigation of off-site negative impacts on natural and historic resources and land uses.

#### **Policy 5.6**

Brevard County shall coordinate with Port Canaveral, as described in the Brevard County Peacetime Emergency Plan, for evacuation from natural disasters.

### **TRANSPORTATION ELEMENT**

#### **Policy 5.7**

Brevard County will evaluate and implement, as appropriate, strategies to improve intermodal access to seaport, spaceport, airports and rail facilities when such needs or deficiencies are identified.

### **Land Use and Transportation Coordination**

#### **Objective 6**

Brevard County recognizes the inter-relationship of land use patterns and transportation needs and shall implement methods to address land use/transportation interactions.

#### **Policy 6.1**

Brevard County shall continue, in cooperation with the cities, the practice of information sharing using Geographic Information Systems technology and other electronic data sharing methods.

#### **Policy 6.2**

Brevard County shall continue to analyze the feasibility of using marginal cost pricing as a method to determine the costs and benefits of development patterns.

#### **Policy 6.3**

Brevard County shall continue to conduct small area planning studies that analyze land use and transportation relationships in a specific area.

#### **Policy 6.4**

Brevard County shall ~~utilize~~ ~~consider using~~ the most up to date version of the Central Florida Regional Planning land use/transportation Mmodel of the Brevard TPO to determine future transportation improvement needs.

#### **Policy 6.5**

Brevard County shall continue to implement land use development standards which protect the port, airport, spaceport, rail, and related facilities from the encroachment of incompatible land uses.

#### **Policy 6.6**

Brevard County land development regulations should encourage land use patterns and site planning that can be economically and conveniently served by transit, bicycle and pedestrian modes.

#### **Policy 6.7**

Brevard County shall coordinate the siting of new, or expansion of existing, ports,

airports, or related facilities with the future land use, coastal management, and conservation elements.

## **Public Participation**

### **Objective 7**

Brevard County shall encourage public involvement in the transportation planning process.

#### **Policy 7.1**

Brevard County shall continue to use citizen advisory committees for particular projects, drawing the committee members from users, residents, businesses and property owners in the affected area.

#### **Policy 7.2**

Brevard County shall continue to encourage public involvement in specific projects through the use of surveys, speaking engagements and user-friendly public meetings and workshops to augment the input from advisory committees.

#### **Policy 7.3**

Brevard County shall incorporate, where feasible, input from all credible public sources, to guide transportation decision-making.

#### **Policy 7.4**

Brevard County shall continue to participate in the public involvement efforts of SCAT, FDOT, Space Ceoast TPO and other related agencies as necessary.

## **Intergovernmental Coordination**

### **Objective 8**

Brevard County shall pursue intergovernmental coordination to address transportation system improvements.

#### **Policy 8.1**

Brevard County should coordinate with the ~~Brevard~~ Space Ceoast TPO, FDOT, the East Central Florida Regional Planning Council (ECFRPC) and local governments to ensure an integrated and comprehensive transportation planning process. ~~(The role of the various transportation planning agencies is summarized in the Data and Analysis section.)~~

##### **Criteria:**

- A. Brevard County shall, when timely and appropriate, review local



government Transportation Elements, the Regional Policy Plan, modal agency plans and the TPO long range plan. An objective of the review will be to assess potential impacts on county facilities and policies posed by the programs and projects contained in the plans.

- B. Brevard County shall prepare the Transit Development Plan, the primary strategic plan for Space Coast Area Transit, every three years as required by FDOT. The Transit Development Plan shall be developed with proactive public and interagency involvement and shall identify specific, achievable short and long-range improvement projects and policy actions that can enhance transit services and ridership in Brevard County.
- C. Brevard County shall continue to participate in the Space Coast TPO planning process which is the primary forum for cooperative decision-making on regional transportation policy and planning. Through the Space Coast TPO and in cooperation and coordination with other local governments and FDOT, the County shall:
  - 1. Review and evaluate access to intermodal facilities located in the County. Agencies such as the Canaveral Port Authority, Orlando Melbourne International Airport and the Spaceport Florida Authority are largely independent of the Board of County Commissioners. The TPO is the designated forum for review of impacts on regionally significant transportation facilities generated by these agencies and for the identification of improvements needed to enhance access.
  - 2. Continue to participate in the updates of the Space Coast TPO long range transportation plan. The update process follows guidance issued by FDOT and the Federal Highway Administration.
  - 3. Continue to participate in the Space Coast TPO Technical Advisory Committee; Bicycle, Pedestrian and Trails Advisory Committee; and Growth Management Subcommittee, all ~~both~~ of which include representatives from all local governments and transportation agencies. These committees discuss transportation planning, programming and prioritization issues common to local governments and transportation agencies.
  - 4. Participate with other local governments and affected agencies in the update of the Space Coast TPO Bicycle, Pedestrian and Trails Mobility Plan and in the development of the Brevard County Linear Parks and Greenways Plan. ~~It is anticipated all three plans will be developed by the MPO Spacecoast TPO by the end of 2001.~~
  - 5. Participate in the transportation monitoring and prioritization process administered by the TPO. Through the TPO's annual regional monitoring program (see Policy 1.1), roadway improvement needs

#### TRANSPORTATION ELEMENT

IX - 16

February 2022~~December 2011~~

shall be identified. Projects requiring state and federal funds shall be submitted to the Space Coast TPO for prioritization prior to transmittal to FDOT. The roadway improvement needs information shall also be evaluated when identifying projects to implement with local Brevard County Funds.

~~D. — Brevard County should continue administration of the Planning Coordinating Committee, which includes representation from all local governments for the purpose of discussing common planning issues.~~

DE. Brevard County shall enter into agreements as necessary with other governmental entities to define the mechanisms, strategies and mutual commitment to a coordinated transportation planning, review and/or impact assessment process.

## Policy 8.2

Brevard County shall promote interagency coordination of transportation activities that will ensure the orderly development of highway, water, rail, and air transportation facilities.

### Criteria:

- A. Brevard County shall provide opportunities for the Canaveral Port Authority to review and comment on natural resource management plans that may impact the Port.
- B. Brevard County should enter into agreements as necessary with other modal agencies to define the mechanisms, strategies and mutual commitment to a coordinated transportation planning, review and/or impact assessment process.
- C. Brevard County shall coordinate its operation of and improvements to the transportation system with the plans and programs of the Brevard Space Coast TPO, Canaveral Port Authority, the TICO Airport Authority, and the Florida East Coast Railroad.
- D. Brevard County shall coordinate its operation of and improvements to the transportation system with the FDOT's "Florida Transportation Plan" and Adopted Work Program.

## Scenic Highways

## Objective 9

### TRANSPORTATION ELEMENT

IX - 17

February 2022~~December 2011~~

Brevard County shall take actions necessary to establish and maintain a roadway network that enhances the social and natural environment while minimizing any potential negative impacts.

#### **Policy 9.1**

The following are designated as scenic roadways in order to preserve the adjacent natural features:

1. U.S. 1, from the intersection of SR 46 to Volusia County Line;
2. SR 46, from a point 1.75 miles west of I-95 to Volusia County Line;
3. SR 50, from a point 1.25 miles west of I-95 interchange to the Orange County Line;
4. SR 405, from its intersection with SR 50 eastward to the boundary of the Kennedy Space Center;
5. U.S. 1, from the south corporate limits of the City of Titusville to Golden Knights Boulevard;
6. SR 407, entire length;
7. SR 528, entire length;
8. SR 524, entire length;
9. SR 520, from intersection of SR 524 to the Orange County Line;
10. SR 3, from SR 528 to the boundary of the Kennedy Space Center;
11. Tropical Trail, entire length;
12. SR 515, from northern terminus to north corporate limits of the City of Cocoa, and from the south corporate limits of the City of Rockledge, to the southern terminus of SR 515;
13. SR 404, entire length;
14. Wickham Road, from SR 404 intersection to I-95;
15. SR A1A, from southern corporate limits of City of Melbourne Beach to the Indian River County Line;
16. U.S. 1, from southern corporate limits of the Town of Malabar to the Indian River County Line;
17. Babcock Street, from southern corporate limits of the City of Palm Bay to the Indian River County Line;
18. U.S. 192, from a point of the 1.75 miles west of I-95 to the Osceola County Line;
19. U.S. 1, east side, from the south corporate limits of the City of Rockledge to the northern corporate limits of the City of Melbourne;
20. SR A1A, unincorporated areas, between south boundary of Patrick Air Force Base and north boundary of the Town of Indialantic.

#### **Policy 9.2**

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

#### **TRANSPORTATION ELEMENT**

IX - 18

February 2022~~December 2011~~

**Criteria:**

- A. Property owners along designated roadways shall be encouraged to preserve trees and vegetation during development of these properties.
- B. Billboards and other physical barriers, such as fences, exceeding four feet in height, excluding primary and accessory structures, that interfere with or prevent visual access to the scenic qualities of the roadways designated as scenic resources, shall be prohibited. Non-conforming existing billboards and the referenced opaque physical barriers shall be amortized.
- C. Vegetation and trees growing adjacent to scenic roadways within the rights-of-way for those roads shall be protected by the land development regulations regarding land clearing activities except in those cases involving health and safety concerns or those which would deny visual access beyond the immediate area.

**Policy 9.3**

The following description defines the limits of the Indian River Lagoon Scenic Highway route: the limits of the corridor begin at Ais Lookout Point, just north of the intersection of Robert Conlan Boulevard and US 1 in Palm Bay, proceed south on US 1 to the Wabasso Causeway (CR510), east across the causeway to SR A1A, north on A1A to Port Canaveral, then west on SR 528 (the Bennett Causeway) to SR 3, north to the NASA Causeway, west to US 1, north to Brewer Causeway/Beach Road, northeast to the Canaveral National Seashore, then south on the mainland to Ais Lookout Point to complete the circuit. The SR 520, SR 404, SR 518, and US 192 causeways are also included in the corridor as intermediate connectors. The Vision of the Indian River Lagoon Scenic Highway and the Preliminary Goals and Objectives of the Indian River Lagoon Scenic Highway, as stated in the Indian River Lagoon Scenic Highway Corridor Management Entity Agreement, shall be encouraged within the Indian River Lagoon Scenic Highway Corridor.

**Roadway Network**

**Objective 10**

Brevard County shall undertake measures designed to assist in the free flow of traffic along major roads and strive to maintain and improve the LOS on those roadways if at any time they operate at a lower LOS than the adopted standard.

#### **Policy 10.1**

The County shall continue to coordinate with the Space Coast Transportation Planning Organization and FDOT on a ~~traffic flow~~ transportation systems management and operations system (signal synchronization) initiatives.

#### **Policy 10.2**

The County shall continue to coordinate with the Space Coast Transportation Planning Organization and FDOT on all connections and access points of driveways and roads to county and state roadways, respectively.

#### **Policy 10.3**

The County shall maintain a record of traffic counts for major roadways in the County's network, and update those records on an annual basis.

#### **Policy 10.4**

In order to discourage urban sprawl, encourage infill development, reduce greenhouse gases and congestion, the County shall evaluate several strategies for alternatives to transportation concurrency including, but not limited to a Transportation Concurrency Management Area (TCMA), Multi-modal Transportation District (MTD), Transportation Concurrency Exception Area (TCEA) and Long Term Transportation Concurrency Management System (LTCMS) along roadways that are unable to meet level of service standards.

### **Complete Streets**

#### **Objective 11**

Brevard County shall undertake measures to establish Complete Streets policies to enable safe access for the community. The Complete Streets program ensures that the feasibility of providing safe access for all users is considered during design of roadways.

#### **Policy 11.1**

The County shall review the existing Land Development Code for amendments to provide for the implementation of feasible Complete Streets principles, ~~by December 2012.~~

#### **Policy 11.2**

The County shall evaluate the existing review process to determine appropriate staff input during the design review process to implement feasible Complete Streets.

#### **Policy 11.3**

The County shall offer Complete Streets training opportunities, including third party trainers, to planners and engineers involved in the design review process.

**Policy 11.4**

The County shall encourage streets, bridges, and transit stops within the communities to be planned, designed, operated, and maintained, so that pedestrians, bicyclists, transit users and motorists of all ages and functional abilities can travel safely where feasible.

**Policy 11.5**

The planning for the Complete Streets Program shall consider the needs of all users, including the following elements:

**Criteria:**

- A. Sidewalk space for pedestrians
- B. Bike lanes or bike routes
- C. Appropriately sized travel lanes for motorized vehicles
- D. Transit vehicles, facilities and routes
- E. On-street parking where applicable
- F. Median use for traffic flow, safety, and pedestrian refuge
- G. Adequate buffer areas for pedestrian safety, utility placement, drainage, and possible landscaping
- H. Landscaping or hardscaping adding pedestrian protection
- I. Existing and future land use context of a roadway or corridor

**Policy 11.6**

The Space Coast TPO shall consider assisting Complete Streets corridors for jurisdictions responsible for the roadway that have adopted a Complete Streets Policy and other criteria that may be determined by the Space Coast TPO.

**Policy 11.7**

The Space Coast TPO may require a Corridor Feasibility Study be completed to be considered for funding assistance through the Complete Streets Program.

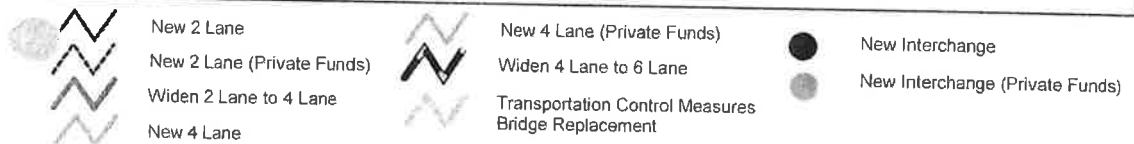
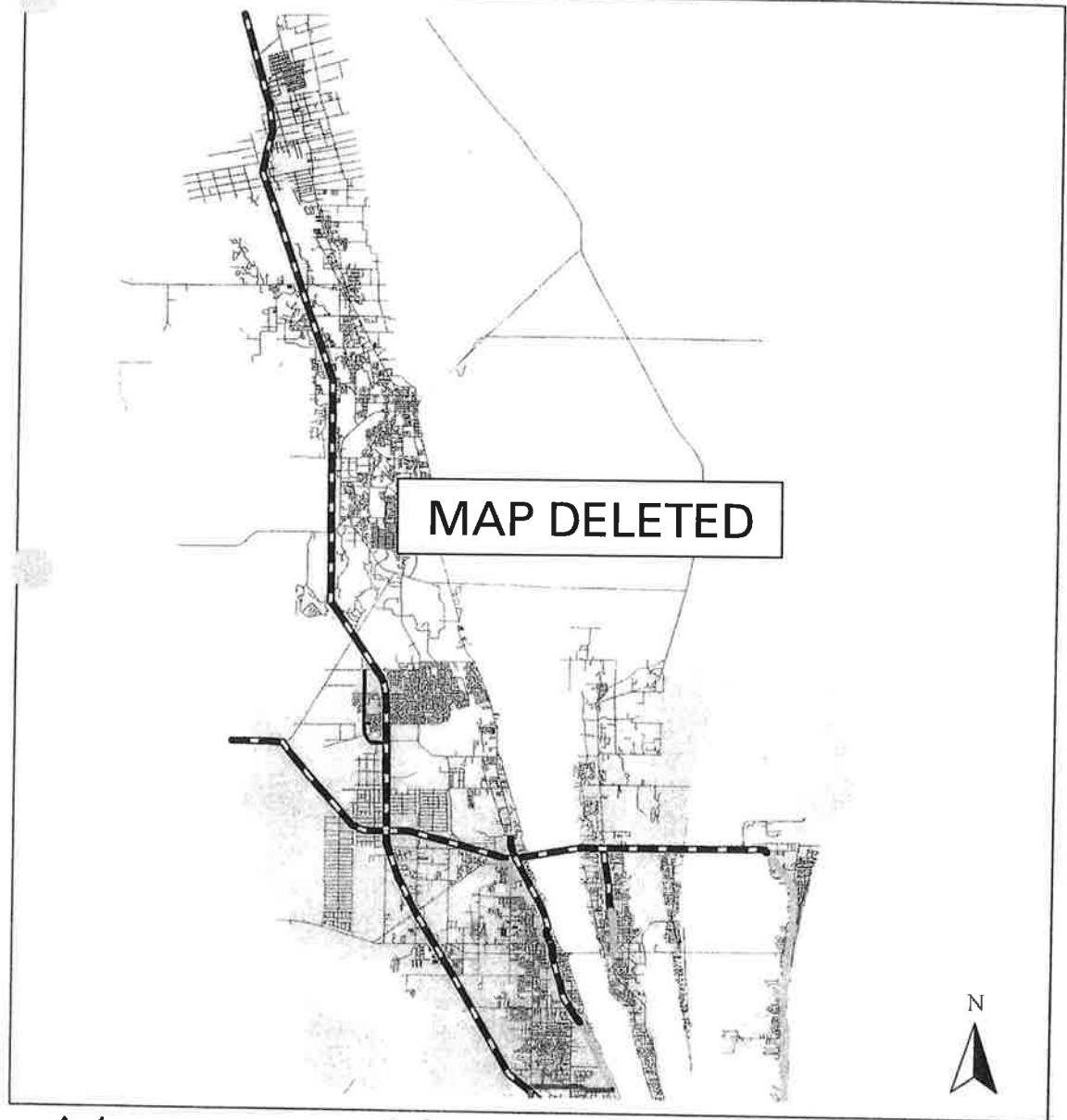
## **APPENDIX**

### **LIST OF MAPS**

<b>Map</b>	<b>Title</b>
1A	Future Transportation Corridors, North Area
1B	Future Transportation Corridors, South Area
12A	Pineda Causeway Extension (East)
12B	Pineda Causeway Extension (West)
3	St. Johns Heritage Parkway

## Transportation Element - Map 1A

Future Transportation Corridors  
North Area



Brevard County Office of Transportation Planning

### TRANSPORTATION ELEMENT

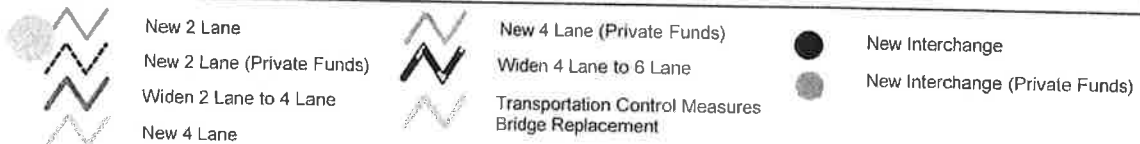
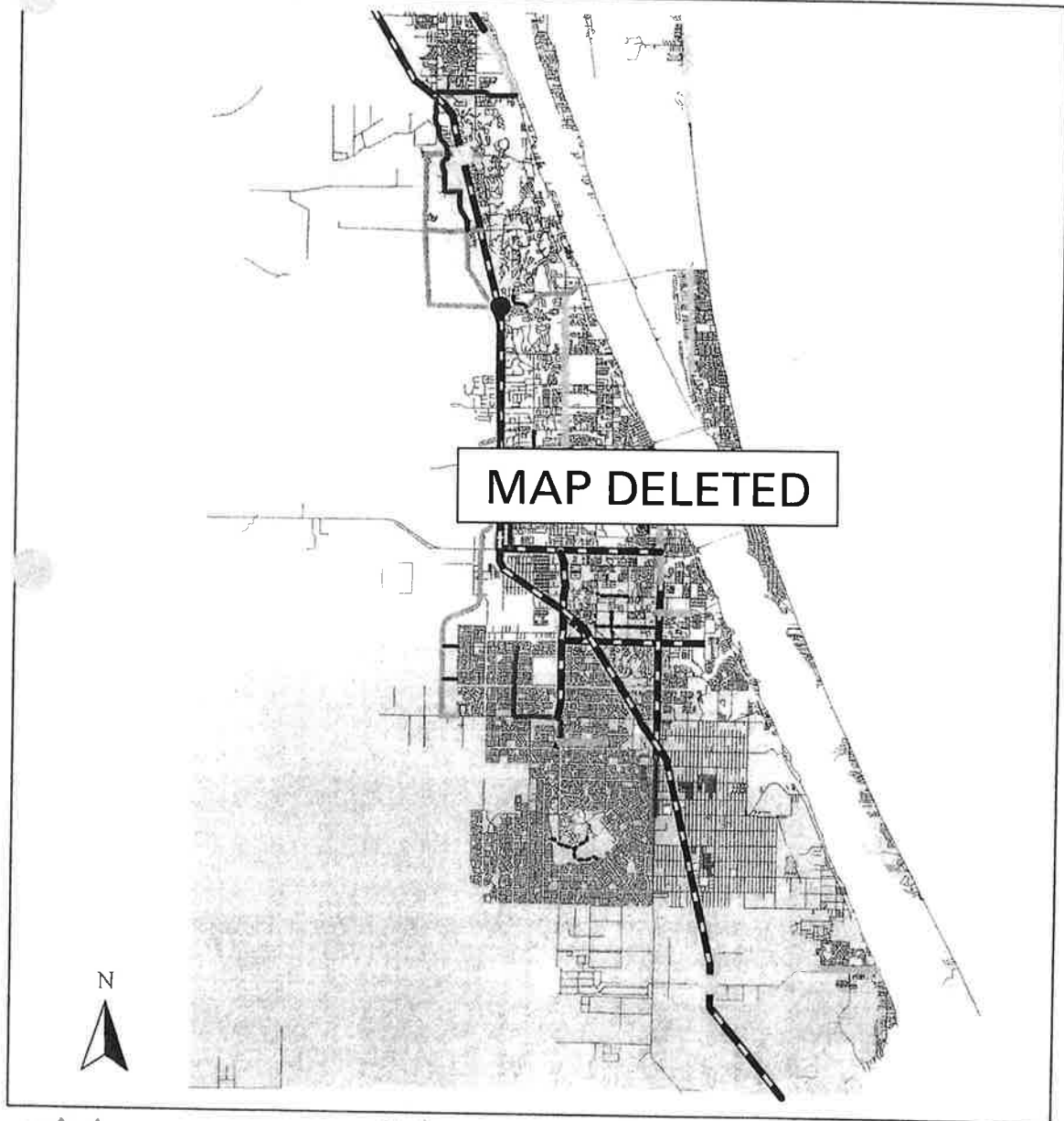
IX - 23

February 2022~~December 2011~~



## Transportation Element - Map 1B

Future Transportation Corridors  
South Area

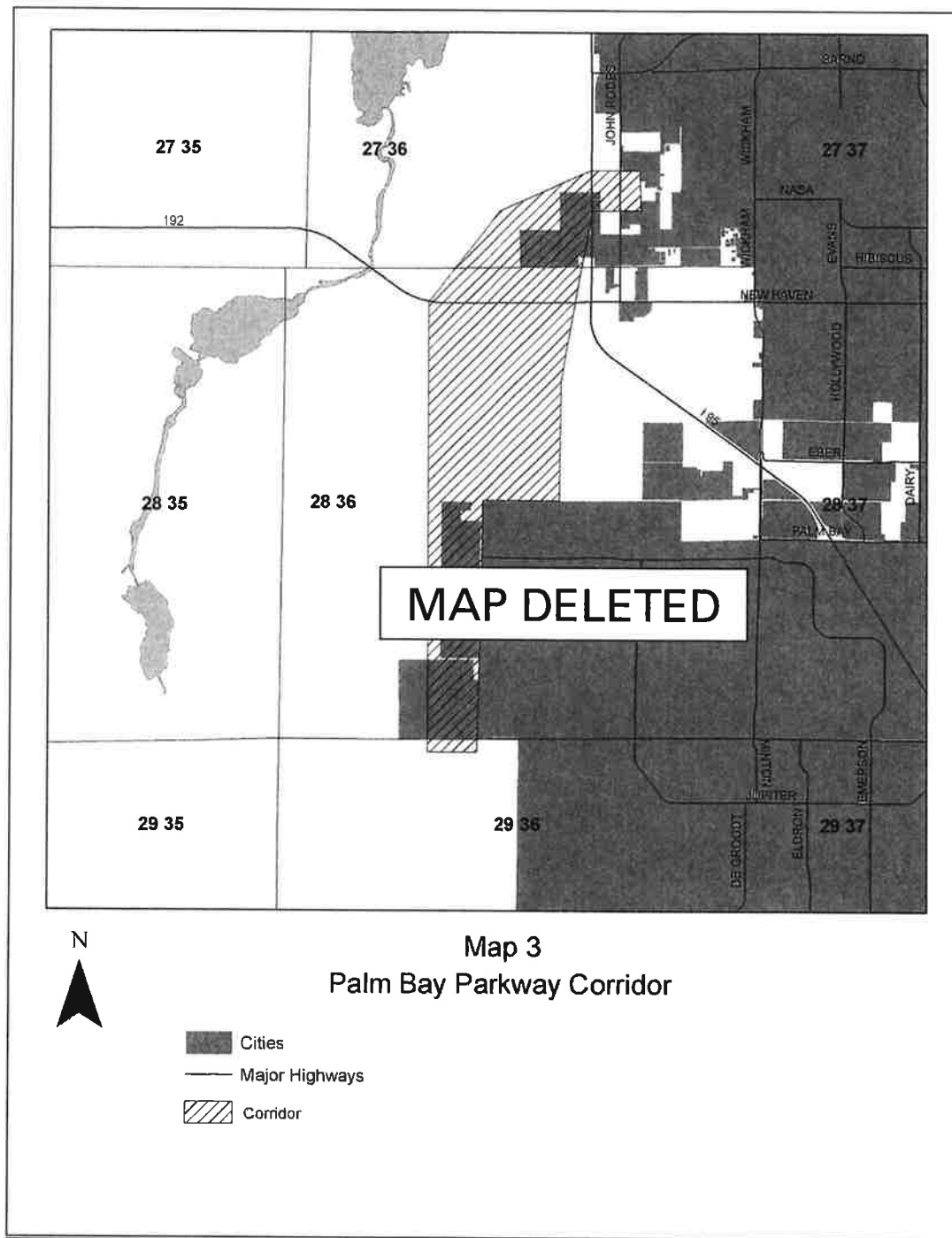


Brevard County Office of Transportation Planning

### TRANSPORTATION ELEMENT

IX - 24

February 2022~~December 2011~~



**CHAPTER X**  
**COASTAL MANAGEMENT ELEMENT**

## TABLE OF CONTENTS

Estuarine Pollution .....	1
Water Quality/Seagrasses.....	2
Fisheries.....	3
Beaches and Dunes .....	5
Water-Dependent Land Uses .....	10
Coastal High Hazard Areas.....	25
Coastal Residential Densities.....	27
Hurricane Evacuation .....	28
Hurricane Shelters.....	30
Post-Disaster Redevelopment.....	32
Coastal Access .....	35
Coastal Development and Redevelopment.....	40
APPENDIX-B.....	43

## GOAL, OBJECTIVES AND POLICIES

### **GOAL**

ESTABLISH GROWTH MANAGEMENT STRATEGIES THAT WILL ALLOW GROWTH TO CONTINUE WITHIN THE COASTAL ZONE WHICH DOES NOT DAMAGE OR DESTROY THE FUNCTION OF COASTAL RESOURCES, PROTECTS HUMAN LIFE AND LIMITS PUBLIC EXPENDITURES IN AREAS SUBJECT TO DESTRUCTION BY NATURAL DISASTERS.

### **Estuarine Pollution**

#### **Objective 1**

Improve areas within the Indian River Lagoon basin with fair or poor water quality as measured by the State of Florida Department of Environmental Protection using the trophic state index, and maintain areas with good water quality.

#### **Policy 1.1**

The Brevard County Natural Resources Management ~~Department~~Office shall coordinate with the Florida Department of Environmental Protection to develop and implement Basin Management Action Plans to comply with National Pollutant Discharge Elimination System Permits and meet the Total Maximum Daily Loads established for local surface waters.

#### **Policy 1.2**

~~By 2010,~~ Brevard County shall ~~maintain~~adopt within the land development code regulations that implement standards consistent with National Pollutant Discharge Elimination System Permits and Total Maximum Daily Loads.

#### **Policy 1.3**

Brevard County shall continue to cooperate with other agencies and municipalities that perform fisheries studies and submerged aquatic vegetation mapping and use this data to assist in establishing priority areas for surface water improvement efforts. In addition, Brevard County shall coordinate the manatee protection plan with municipalities and appropriate agencies.

#### **Policy 1.4**

The Brevard County Natural Resources Management ~~Department~~Office shall review and comment, as necessary, on dredge-and-fill applications and/or Environmental Resource Permits from the Florida Department of Environmental Protection, St. Johns River Water Management District (SJRWMD), the U.S. Army Corps of Engineers, or other appropriate agencies.

**Policy 1.5**

Brevard County shall continue to consider recommendations of Marine Resources Council and other appropriate groups in the development of estuarine studies.

**Policy 1.6**

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

**Policy 1.7**

Brevard County supports coordinated regional fisheries management plans developed by the Atlantic States Marine Fisheries Commission.

**Water Quality/Seagrasses****Objective 2**

Improve existing water quality to enhance seagrass and other submerged aquatic vegetation quantity, health, diversity, and distribution within the Indian River Lagoon.

**Policy 2.1**

Brevard County shall support the St. Johns River Water Management District's (SJRWMD) mapping of submerged aquatic vegetation within the Indian River Lagoon system. Evaluation results shall be made available to municipalities and other agencies or programs. Areas that show decline should be targeted for increased watershed management, including non-point source pollution, and restoration. Management strategies shall be coordinated with the municipalities and other agencies.

**Policy 2.2**

Brevard County shall continue to participate in the Indian River Lagoon Advisory Committee and its associated advisory groups.

**Policy 2.3**

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

**Criteria:**

- A. Maintain upland vegetation within required setbacks to reduce runoff.
- B. Require proper use of turbidity screens during construction activities.

- C. Control discharge rates to promote on-site settlement of sediment loads and meet minimum retention requirements for runoff from storm events.
- D. Coordinate with FDEP Aquatic Preserve staff when development is within or adjacent to an aquatic preserve.

#### **Policy 2.4**

Brevard County shall address modification of existing development which does not meet stormwater management standards.

#### **Policy 2.5**

Brevard County supports the goals of the National Estuary Program's Comprehensive Conservation and Management Plan (CCMP) for recovery of the Lagoon ~~prepared by the National Estuary Program~~. This support is reflected in the strategies identified in the County's Action Plan Implementation Status Report for the CCMP.

#### **Policy 2.6**

Where possible, local stormwater, as well as state and federal surface water programs should reduce or eliminate freshwater inputs to the Indian River Lagoon via interbasin diversions.

### **Fisheries**

#### **Objective 3**

Maintain fisheries in and adjacent to Brevard County through habitat production, maintenance and restoration.

#### **Policy 3.1**

Brevard County shall encourage habitat evaluation and fisheries studies. These studies should be coordinated with federal and state programs and funded through a combination of the proceeds from a saltwater fishing license and ~~county~~, state and federal grants.

#### **Policy 3.2**

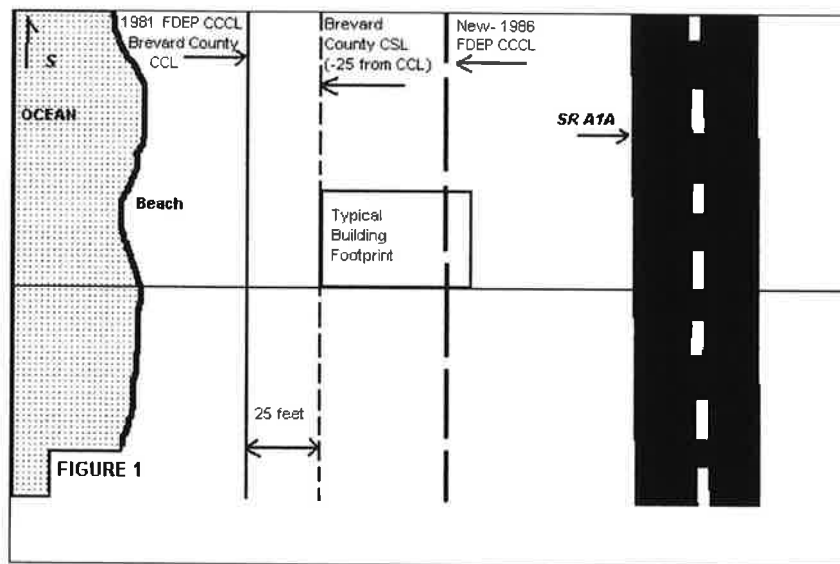
Mosquito impoundments should be reconnected to the Indian River Lagoon where benefits can be demonstrated to increase habitat value of the impoundments and benefits to the Lagoon.

## Beaches and Dunes

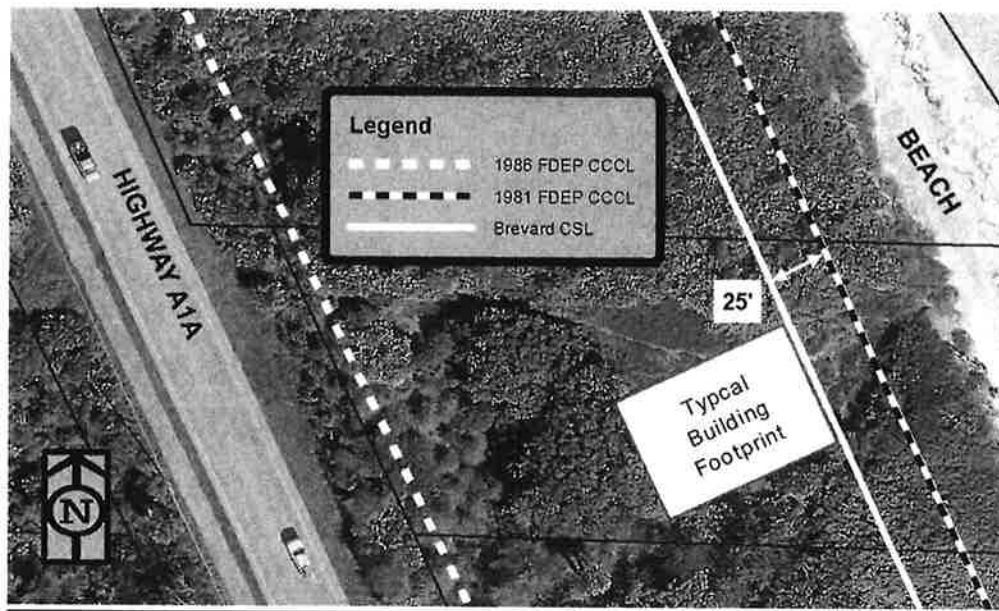
The four key points of reference found within this section are:

- the 1981 Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line (referred to as the 1981 FDEP CCCL in this document);
- the 1986 Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line (referred to as the FDEP CCCL in this document);
- the Brevard County Coastal Construction Line (referred to as the CCL in this document); and,
- the Brevard County Coastal Setback Line (referred to as the CSL in this document).

For clarification, the 1981 FDEP CCCL coincides with the Brevard County CCL, as adopted by Brevard County in Ordinance 85-17. The Brevard County CSL is described as a line which is twenty five (25) feet west by perpendicular measurement from the Brevard County CCL. In 1986, the Florida Department of Environmental Protection established a new CCCL upland from the 1981 FDEP CCCL. Any construction or clearing activities seaward of this new CCCL requires FDEP approval. Figure 1 schematically depicts the spatial relationship of these four reference lines. Figure 1 is for illustrative purposes only; actual conditions may vary with regard to the location of SR A1A.







**Figure 1**

**Note:** Figure 1 is intended for illustrative purposes only. Actual conditions may vary with regard to the location of State Road A1A delineations shall be determined by survey.

#### Beaches and Dunes

#### Objective 4

Brevard County shall implement and improve as necessary a comprehensive beach and dune management program which protects, enhances and restores a naturally functioning beach system as funding is available.

#### Policy 4.1

The Land Development Regulations shall maintain regulations governing the location, construction and maintenance of development adjacent to the Atlantic shoreline. Development seaward of the Florida Department of Environmental Protection (FDEP) 1981 Coastal Construction Control Line (CCCL), which coincides with the Brevard County Coastal Construction Line (CCL), shall be governed by the following conditions, at a minimum:

##### Criteria:

- A. The 1981 FDEP CCCL coincides with the Brevard County CCL, as adopted by Brevard County in Ordinance 85-17. The Brevard County Coastal Setback Line (CSL) is described as a line which is twenty five (25) feet west of the 1981 FDEP CCCL by perpendicular measurement. Figure 1

schematically depicts the spatial relationship of these reference lines.  
Actual delineations shall be determined by survey.

- ~~AB.~~ Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on site. 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.
- ~~BC.~~ 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.
- ~~CD.~~ No new shoreline hardening structures shall be permitted in unincorporated Brevard County south of Patrick Air Force Base (PAFB) property or within the Archie Carr National Wildlife Refuge, with exception of emergency provisions as provided for in Florida Statutes Chapter 163.3187(1)(a) "Amendment of Adopted Comprehensive Plan".
- ~~DE.~~ North of the PAFB, no new shoreline hardening structures should be permitted.
- ~~EF.~~ Pursuant to Criteria C and D of this policy, if a shoreline hardening structure is deemed necessary, the following criteria shall apply:
  - 1. Vertical wood or concrete structures and rock revetments shall only be approved when less structural alternatives, such as beach renourishment, dune restoration and sandbag systems have been determined not to be feasible.
  - 2. All shoreline protection measures shall be designed to minimize adverse impacts to the naturally functioning beach and dune system and adjacent properties.
  - 3. The County may require dune restoration and revegetation as a component of the shoreline hardening approval both landward and seaward of the proposed structure.
  - 4. All shoreline protection shall be designed and constructed so as to not impede public access to or along the shore.
- ~~FG.~~ Setbacks or other non-structural methods of shoreline protection shall be given the highest priority. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean.

- GH. Reconstruction of existing hard erosion control structures which are more than fifty (50) percent destroyed should be considered new construction and should be regulated as such, except for the maintenance of existing public navigational projects, such as Port Canaveral and Sebastian Inlet.
- HI. Underground storage tanks or the storage of hazardous materials are not permitted.
- IJ. Septic tank or septic tank drainfields shall not be permitted seaward of the Brevard County Coastal Setback Line (CSL). Septic tanks shall be located landward of the most seaward portion of the habitable structure.
- JK. All activities seaward of the 1986 FDEP Coastal Construction Control Line (CCCL) shall be subject to FDEP permitting requirements.

#### **Policy 4.2**

Brevard County shall enforce development restrictions associated with the Brevard Coastal Setback Line (CSL), and the Brevard County Coastal Construction Line (CCL) and re-evaluate the effectiveness of these lines from time to time as coastline changes dictate. The County shall provide FDEP with their findings and request a review of the FDEP Coastal Construction Control Line, if deemed appropriate.

#### **Policy 4.3**

Brevard County shall continue to adopt and enforce standards for maintenance or re-establishment of dune areas. These standards shall include, at a minimum, the following provisions:

**Criteria:**

- A. Native dune vegetation shall be maintained on site unless removal or alteration is permitted by both Brevard County and the Florida Department of Environmental Protection, 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 Brevard County Coastal Setback Line shall be elevated

above dune vegetation and shall be designed to allow adequate light penetration.

- E. Shore-parallel boardwalks shall be prohibited seaward of the Coastal Setback Line, except as required for handicap access.
- F. Publicly owned dunes, especially those identified for beach access sites, which have been denuded or damaged by vehicular or pedestrian traffic shall be prioritized for dune renourishment and revegetation. Improvements or erosion controls shall be implemented at the time of renourishment to prevent further site degradation.
- G. Private pProperty owners should be encouraged to re-establish dune vegetation which has been destroyed by non-designated access activities or storm damage.
- H. Structures and impacts that are necessary for public safety or meet the best public interest shall be permitted if approved by the Board of County Commissioners.

#### **Policy 4.4**

Brevard County's beach and dune restoration program shall include an analysis of environmental, financial and social criteria.

##### **Criteria:**

- A. The first priority for beach renourishment shall be given to the protection of life and property.
- B. Priority shall also be given to environmental considerations.
- C. Public areas which are heavily utilized for recreation, including surfing, fishing or swimming, shall be considered for beach or dune renourishment or restoration, as applicable. Long-term management of these areas shall be included with all site improvements.
- D. A feasibility or benefit/costs analysis should be performed for any renourishment project. Such analyses shall include, as appropriate, present and future benefits for property protection, recreation and tourism over the life of the project.

**Policy 4.5**

The County shall continue to utilize the information and materials available from the State regarding dune maintenance and revegetation and supplement these materials, as necessary.

**Policy 4.6**

Brevard County shall maintain an ongoing program to initiate and monitor data collection projects related to beach dynamics, sand transport and coastal processes. This program should include data generated by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, the Florida Sea Grant College, universities and other appropriate agencies.

**Policy 4.7**

Brevard County shall develop an inter-local agreement with adjacent municipalities and the State of Florida for funding of beach maintenance and restoration programs.

**Policy 4.8**

Brevard County shall prohibit motorized vehicles on the dune and beach system except for governmental vehicles (police and sheriff), fire trucks, ambulances or vehicles necessary to repair utilities, or vehicles utilized during approved renourishment programs or approved scientific investigations. Pedestrian traffic within the vegetated dune areas shall be limited to emergency operations, scientific research, maintenance, cleaning or improvements as authorized by the Natural Resources Management DepartmentOffice and consistent with FDEP regulations.

**Policy 4.9**

Brevard County shall continue to collect and make available to the public information related to sea level changes.

**Policy 4.10**

Outer Continental Shelf (OCS) activities such as oil and gas exploration or mining adjacent to Brevard County are discouraged for several reasons. The County's beaches are the most heavily nested beaches by sea turtles in the western Atlantic. Impacts to water quality, beach quality and fisheries could negatively impact the threatened and endangered species that nest here. Brevard County should review and comment on all Outer Continental Shelf (OCS) and off shore 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-Dependent Land Uses

### Objective 5

By 2010, Brevard County shall develop and adopt guidelines which direct the location and management of water-dependent, water-related and water-enhanced facilities, giving highest priority to water-dependent uses along the Indian River Lagoon System in order to provide for the increased demand for these facilities.

### Policy 5.1

Brevard County shall continue to implement performance standards for marinas and marine-related facilities within the coastal zone which include at a minimum: setbacks, height limitations, parcel size, architectural guidelines, seagrass protection, and the protection of water quality including the maintenance and containment of stormwater runoff and wash-down water for dry storage areas. Marina performance standards shall include the following minimum criteria:

#### Criteria:

- A. Existing marina facilities should be allowed to continue their operation provided these facilities meet the County's adopted operational standards.
- B. While the expansion of existing facilities is preferred over construction of new facilities, the development of new marinas must remain a viable alternative as many existing marinas will not be capable of meeting adopted operational and environmental standards.
- C. Policies and incentives should encourage new and expanded marina facilities to utilize dry storage to the fullest extent possible.
- D. New marina facilities shall retain all work area runoff in a separate retention area. In addition, the first inch of stormwater runoff from a 10-year 24-hour storm shall be retained on site.
- E. Prior to operation of any new marina fueling facility, a fuel management/spill contingency plan will be developed and provided to the ~~Office of~~ Natural Resources Management Department for review. The plan shall describe methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a fuel spill and shall meet Brevard County Fire Prevention Codes and Rules of the State Fire Marshall's office.

### Policy 5.2

Brevard County should continue to develop and implement regulations governing live-aboards within the coastal zone. The regulations shall include the following criteria at a minimum:

**Criteria:**

- A. Floating structures shall be considered within live-aboard regulations. Floating structures shall be defined as: A vessel with no means of operative propulsion which is inhabited for thirty (30) consecutive days or more.
- B. Motorized live-aboard vessels shall be defined as vessels which are occupied for more than seven (7) consecutive days within Brevard County. These shall not include floating structures (as defined in Criterion A).
- C. The County shall investigate designating certain areas of the Indian River Lagoon for mooring of motorized live-aboard vessels which are not docked within marinas. Live-aboard vessels moored outside of marinas shall be required to utilize pump-out facilities or a municipal sewer facility if they are moored for over three (3) days.
- D. The County shall coordinate with the Marine Patrol to eliminate live-aboards permanently anchored outside of a marina or area specially designated for live-aboards.
- E. Floating structures shall be required to moor within marinas or to privately owned riparian property, and shall be connected to pump-out facilities or a municipal sewer facility.
- F. Live-aboards shall be considered as part of the community and will be considered as residential units when assessing impacts of such development on community facilities and services.

**Policy 5.3**

Retrofitting or modification of existing marina facilities within the coastal zone shall be required to meet 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, pumpout 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 Office of 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 5.4

Brevard County shall ~~continue to implement~~ develop and adopt standards for marina siting within the coastal zone which shall address the following criteria at a minimum:

##### Criteria:

- A. All proposed marina siting projects in unincorporated areas of Brevard County shall come before the Board of County Commissioners for their review. Marina development may be considered within any appropriate zoning classification, if it is consistent with the performance standards developed by the County. Uplands at the marina site shall be greater than or equal to one acre. Residential marinas shall be allowed as a permitted use, subject to the boat facility siting criteria established in section B below 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 Office for compliance with the following boat facility siting criteria:



## **PRELIMINARY ASSESSMENT CRITERIA**

The following listed criteria are recommended as the preliminary test of suitability for boat facility siting.

1. Water Depth
  - a. Water depth at the proposed mooring area of the site shall be at least four (4) feet mean low water.
  - b. Water depth at the site must be adequate for the proposed vessel use such that there be a minimum of one foot clearance between the deepest draft of the vessel (including the engine) and the bottom at mean low water.
  - c. Proposed boat facilities in areas that contain seagrass shall not be approved unless water depth at the site's turning basin, access channel, and other such areas will accommodate the proposed vessel use to insure that a minimum of one (1) foot clearance is provided between the deepest draft of the vessel (including the engine) and the top of the resources at mean low water.
2. Seagrass
  - a. Marinas shall not be located in areas containing 10% or more seagrass.
  - b. Designated boat docking areas shall not be located over seagrasses.
  - c. Covered boat slips, covered walkways, or covered terminal platforms shall not be permitted in areas containing seagrass.
  - d. Boat docks using open mesh grating and pilings made from recycled materials (plastic/wood composites for example) are preferred to pressure treated wood. Any materials or permitted construction techniques proven to allow a minimum of 75% light transmittance may be exempt from design criteria e and f below in this subsection.
  - e. For Residential Marinas, main access docks and connecting or crosswalks shall not exceed six (6) feet in width.
  - f. Access piers should be located and designed to minimize their shadowing impact on seagrass.
  - g. Reasonable alteration to these criteria may be authorized to accommodate persons with disabilities.
3. Manatee Related Best Management Practices
  - a. Dock designs shall not entrap manatees or otherwise prevent them from accessing forage areas.
  - b. Docks with exposed reinforcement structures on floating docks shall be prohibited due to their potential to entrap or entangle manatees in the structure itself or in the marine debris that commonly occurs in these areas.

4. Water Quality

- a. New seawalls or bulkheads should be prohibited along the Indian River Lagoon except as provided in Brevard County Code Section 62-3666 or when the project would improve the water quality by acting as a swale and reducing the amount of pollutants which would enter the Indian River Lagoon, where the placement of a seawall does not disturb existing native vegetation, prohibit the reestablishment of native vegetation, or where the reestablishment of native vegetation is not viable.
- b. All facilities shall adhere to the provisions for surface water protection per the guidelines set forth in Brevard County Code Section 62-3666. The provisions for a shoreline protection buffer established in the Code and Conservation Element (CE) policies include the following:
  - Class I waters - 200 foot buffer – Conservation Element Policy 3.2 A
  - Class II waters - 50 foot buffer - Conservation Element Policy 3.3 A
  - Class III waters - 25 foot buffer – Conservation Element Policy 3.4 A
  - On lots with unarmored shorelines the waterward extent of the buffer is the mean high water line. On bulkheaded lots, the waterward extension of the buffer is established by the bulkhead line. A maximum width of 25 feet or 20% (whichever is greater) may be cleared for access.

5. Powerboat-To-Shoreline Ratios

- a. ***Boat Facility Siting Zone A:*** In Boat Facility Siting Zone A, powerboat siting ratios shall be limited to one powerboat slip per 100 feet of contiguous linear shoreline that is owned or legally controlled by the applicant, as applied to all new and expanding boating facilities. Boat facilities in Zone A may qualify for a variance under Section e, Variance Criteria. Also, the establishment of new boating research, design, development or manufacturing facilities whose operations include on-water testing of motorized watercraft, are prohibited from locating in uplands within Boat Facility Siting Zone A.
- b. ***Boat Facility Siting Zone B (Barge Canal):*** In Boat Facility Siting Zone B along the Barge Canal (as defined), powerboat siting ratios shall be limited to a 1:100 powerboat-to-shoreline ratio (tied to a parcel's deed). Any boat facility, which desires to exceed the 1:100 powerboat-to-shoreline ratio, must acquire additional development rights from other properties, which have linear shoreline parallel to the Barge Canal and adjoin the Port Canaveral control easement. Any development rights transferred must be recorded on both the selling and receiving parcels deeds.
- c. ***Boat Facility Siting Zone C (Port Canaveral Harbor):*** In Boat Facility Siting Zone C, there shall be no powerboat-to-shoreline restrictions

within the Canaveral Harbor provided current slow speed regulations remain in effect.

- d. **Boat Facility Siting Zone D:** The map features described in Table 1 below are to be applied in Boat Facility Siting Zone D. Manatee habitat feature points per Table 1 shall be determined using the map series and data update schedule identified in Appendix C of this Element and using current site surveys for seagrass. In Boat Facility Siting Zone D, Manatee habitat feature points from Table 1 shall be summed and the sum shall be used in Table 2 below to determine the applicable powerboat-to-shoreline ratio per 100 feet of contiguous owned or controlled linear shoreline.

Limiting Habitat Features	Criteria for Evaluation (each increases the number of habitat features by 1, unless otherwise specified)
Manatee Abundance	1 <sup>st</sup> level: 10 or more manatees observed/overflight within 5 mile radius (1 point) 2 <sup>nd</sup> level: 25 or more manatees observed/overflight within 5 mile radius (2 points)
Manatee Mortality	1 <sup>st</sup> level: # of watercraft mortalities within a 5 mile radius/total number of watercraft mortalities in Brevard ( $\geq 0.05$ is significant) (1 point) 2 <sup>nd</sup> level: # of watercraft-related deaths within a 5 mile radius in the last 5 years/total number of watercraft mortalities in Brevard in the last 5 years ( $> 0.10$ is significant) (2 points)
Seagrass	5% or more present on the project site is significant
Class II, OFW, or Aquatic Preserves	Site is located in one of these designated areas
Offsetting Features	Criteria for Evaluation (each decreases the number of habitat features by 1)
Speed Zones	Site is located within a year-round "Slow Speed" or "Idle Speed" Zone
Within 3 miles of Sebastian inlet	Site is located within 3 mile radius of Sebastian Inlet

Table 1

# Manatee Habitat Features	Existing Facility	New Facility
0	5:100	4:100
1	5:100	4:100
2	3:100	2:100
3	2:100	1:100
4	1:100	1:100
5	1:100	1:100
6	1:100	1:100

Table 2

- e. **Variance Criteria:** It is recommended that a variance may be given to the powerboat-to-shoreline ratio for those existing marina and boat launching facilities subject to the 1 powerboat slip to 100 feet of owned contiguous shoreline restriction (1:100), provided the facility meets all the variance criteria listed below and can demonstrate that it will not have an adverse impact on manatees. If an existing facility meets all of the variance criteria, it may be permitted to increase the powerboat-to-shoreline ratio by 1:100 if the waters in and adjacent to the channels leading to the facility are designated "slow speed" or "idle speed" year-round as authorized by the Florida Manatee Sanctuary Act Chapter 68C-22.003, F.A.C. or other federal regulations or local ordinances, or if the facility is within 3 miles of the Sebastian Inlet. The facility may be allowed to increase the powerboat-to-shoreline ratio by 2:100 if both are applicable. In no case shall the maximum total buildout of 3 powerboat slips per 100 feet of owned contiguous shoreline (3:100) be exceeded. However, adherence to these criteria does not automatically ensure the applicant's ability to exceed the allowable powerboat restrictions as defined above. The plan restrictions will remain in effect, if at the time of review, additional information about manatees or the proposed facility indicates threats not addressed by these criteria. Consideration can be given for additional site-specific factors or operating practices (e.g. seasonal operation, etc.) that may be proposed by either the applicant or the County that may result in improved conditions for manatees or manatee protection. Nothing in this section shall exempt any marina from obtaining the usual required permits and/or authority from all applicable reviewing agencies with proper jurisdictional authority. ~~The criteria are:~~

**Criteria:**

- 1) The facility is not located within a 1<sup>st</sup> or 2<sup>nd</sup> level manatee aggregation area (using the Manatee Abundance Habitat Feature as defined in 5 d of this Policy and in the Table above), or other area where sensitive manatee activities occur.
- 2) The facility must provide net benefit to manatees and/or their habitat. For example, facilities may include a manatee "refuge" space as part of the design, a conservation easement, restoration of adjacent wetlands such as mangrove or seagrass restoration to increase the net coverage of the nearby area, reduced nutrient input to receiving waters, requiring prop guards on any high traffic vessels such as water taxis or dive boats or rental boats, etc. The marina construction and subsequent uses will neither destroy nor negatively impact mangrove and benthic (seagrass, hard bottom, etc.) communities and the water quality.
- 3) The facility must have sufficient water depth, as stated in B. 1. a. of this Policy, in the marina basin and in any access channel, and does not require any new dredging or filling that would degrade shallow water habitat (this may exclude maintenance dredging, or pile installation). Entrance/exit channels near marinas shall be adequately marked if marina repairs or expansion are proposed.
- 4) The site shall contain appropriate signage (including vessel speed and manatee information signs), and provide educational material advising boaters of essential manatee habitats in the vicinity.
- 5) Multi-family residential docking facilities will require that all vessels moored at the site be registered to individuals residing at the site.
- 6) The marina has adequate water circulation, tidal flushing, and meets State of Florida and local water quality standards.
- 7) Before expanding and exceeding the allowable powerboat slips defined above, an existing facility must demonstrate not less than 85% occupancy over the previous 2 years of operation. New facilities should be able to demonstrate the need for additional boat slips in the vicinity based on occupancy of existing marina slips within the boater sphere of influence. The boater's sphere of influence shall be a five (5) mile radius.

6. Boat Ramps

In order to minimize adverse impacts to manatees, boat ramps are best located in areas with few natural resources, with relatively low manatee

abundance and relatively low watercraft-induced manatee mortalities, and with deep water access and marked navigation channels. Boat ramp siting or expansion in Brevard County shall be evaluated using the following criteria:

- a. All sites considered by Brevard County for new or expanded boat ramp facilities shall be evaluated for site suitability prior to acquisition and development.
- b. All proposed new boat ramps or the expansion of existing boat ramps in the unincorporated areas of Brevard County shall be brought before the Board of County Commissioners for their review.
- c. The siting of new or the expansion of existing boat ramp facilities shall be limited to areas that meet the Preliminary Assessment Criteria for water depth stated in section B. 1. a. of this Policy.
- d. The siting of new or the expansion of existing boat ramp facilities shall be prohibited in areas that meet or exceed the 2<sup>nd</sup> level of manatee abundance or the 2<sup>nd</sup> level of manatee mortality as shown in Table 1 above.
- e. The siting of new or expansion of existing boat ramp facilities shall be prohibited in areas with greater than 5% seagrass coverage including all ramps, docks, access walkways, finger piers, mooring areas, turning basins, and ingress and egress pathways.
- f. The siting of new or the expansion of existing boat ramp facilities shall be required to meet the criteria included in Policy 3.3 E of the Conservation Element and Section B. of this Policy with the exception of Seagrass (5.4 B. 2.), Manatee Related Best Management Practices (5.4 B. 3.), and Water Quality (5.4 B. 4.).
- g. All sites considered for the siting of new or the expansion of existing boat ramp facilities shall be evaluated for the number of habitat features present using the Boat Ramp Feature Assessment table below and using the manatee mortality and abundance criteria as defined under Manatee Habitat Features in the glossary.
- h. Boat Facility Siting Zone A is not considered preferable for additional boat ramp siting due to the high number of habitat features present. In Boat Facility Siting Zone A, a site that has less than 2 habitat features based on the criteria in the Boat Facility Feature Assessment may be considered for a new or expanded boat ramp with up to a maximum of 15 parking spaces.
- i. In Boat Facility Siting Zone B (Barge Canal), the establishment of a new public or private boat ramp for public use shall be the same requirements as for the development of a new or expanded marina as described in Boat Facility Siting Zone B (5.4 B. 5.). For the purposes of boat ramps, one boat-trailer parking space shall be considered the

equivalent of one powerboat slip. New or expanded boat ramps on the Barge Canal which are associated with a marina and which are to be used solely by the tenants of that marina for the launching of boats stored at that marina shall not be limited in the number of parking spaces.

- j. In Boat Facility Siting Zone C (Port Canaveral Harbor), the siting of new or expansion of existing boat ramps shall be unrestricted.

<b>LIMITING HABITAT FEATURES</b>	<b>Criteria for Evaluation (each increases number of habitat features by 1, unless otherwise specified)</b>
Manatee Abundance	1 <sup>st</sup> level: 10 or more manatees observed/overflight within 5 mile radius (1 point) 2 <sup>nd</sup> level: 25 or more manatees observed/overflight within 5 mile radius (2 points)
Manatee Mortality	1 <sup>st</sup> level: # of watercraft mortalities within a 5 mile radius/total number of watercraft mortalities in Brevard ( $\geq 0.05$ is significant) (1 point) 2 <sup>nd</sup> level: # of watercraft-related deaths within a 5 mile radius in the last 5 years/total number of watercraft mortalities in Brevard in the last 5 years ( $> 0.10$ is significant) (2 points)
Class II, OFW, or Aquatic Preserves	Site is located in one of these designated areas
<b>Offsetting Features</b>	<b>Criteria for Evaluation (each decreases the number of habitat features by 1)</b>
Speed Zones Within 3 miles of an inlet	Site is located within a year-round "Slow Speed" or "Idle Speed" Zone Site is located within 3 mile radius of Sebastian Inlet

**Table 3**  
**Boat Ramp Feature Assessment**

- k. In Boat Facility Siting Zone D, a site with no more than 2 habitat features shall be considered suitable for siting of a new boat ramp or the expansion of an existing boat ramp. Sites with 0 or 1 habitat feature shall be eligible for a boat ramp with up to a maximum of 40 boat trailer parking spaces. Sites with 2 habitat features shall be eligible for a boat ramp with up to a maximum of 15 boat trailer parking spaces.
- l. Boat Ramp Variance Criteria: The ability to secure additional parking slots at public ramps could be reconsidered by the FWC if additional law enforcement, additional preservation, or impact reduction along the lagoon is demonstrated.
- m. The following specific sites are identified individually to address existing boat ramp deficiencies in Brevard County and are exempted from the boat ramp siting criteria above:

- 1) It is recommended that Brevard County's relocation of the Pineda Landing facility include 36 parking spaces.
  - 2) It is recommended that Brevard County provide 50 additional parking spaces by expanding existing public ramp facilities or by developing a new location in the south mainland area. The expansion of an existing facility or the siting of a new facility, as provided for above shall minimize impacts to manatees and natural resources and should be evaluated by the Boat Ramp Manatee Habitat Feature Assessment as defined above. It is recommended that the evaluation result in a score of no greater than two habitat features. The County will screen sites to select the most appropriate and coordinate with FWC staff on the site selection.
- C. Commercial/industrial and commercial/recreational marina development within commercial, heavy and light industrial and planned industrial park land use designations shall require a Conditional Use Permit. Residential/recreational marinas shall be a permitted use in these land use designations.
- D. Residential/recreational marinas may be considered within residential land use designations with a Conditional Use Permit and a Binding Development Concept Plan.
- E. No fueling or repair facilities are permitted within residential zoning classifications.
- F. When locating new marinas or expanding existing marinas, biologically productive habitats shall be preserved to the fullest extent possible. Mitigation is the last resort for habitat destruction, and shall be of a two-to-one or greater ratio of in-kind replacement.
- G. Marina facilities shall be located where maximum physical advantage for flushing and circulation exists, where the least dredging and maintenance are required, and where marine and estuarine resources will not be significantly affected.
- H. Marina basins shall be sited where there is an existing basin and access channel with an average water depth of three (3) feet below mean low water, except at the shoreline.
- I. Marinas and docking facilities should be approved which require minimal or no dredging or filling to provide access by canal, channel or road.



Preference shall be given to marina sites with existing channels. In the event that dredging is required, the mooring areas and the navigation access channels shall not be dredged to depths greater than eight (8) feet. Any required dredging operations shall utilize appropriate construction techniques and materials to comply with state water quality standards, such as turbidity screens, hydraulic dredges, properly sized and isolated spoil deposition area to control spoil dewatering. All dredging activities must be done with effective turbidity controls. Where turbidity screens or similar devices are used, they should be secured and regularly monitored to avoid manatee entrapment.

- J. Marinas shall be located in areas with good flushing and circulation. New marina or substantially expanded facilities shall be designed to take advantage of existing water circulation and shall not adversely affect existing circulation patterns. Improvement of circulation shall be a consideration when expanding or upgrading existing facilities. However, any buffer zone established by the Florida Department of Environmental Protection Shellfish Environmental Assessment Section (FDEP-SEAS) shall be maintained.
- K. The proposed site shall be compatible with existing land use designations. Marinas shall demonstrate that they have sufficient upland areas to accommodate all needed support facilities. These standards include, but should not be limited to, adequate parking, work areas and retention areas for stormwater and work area runoff, and shoreline protection buffers.
- L. Marina facilities shall not degrade water quality below existing Florida Department of Environmental Protection water classification standards.
- M. Marinas shall not be located in approved or conditionally approved shellfish harvesting waters or Class II waters, or other environmental areas designated by the County so as to substantially and materially have a negative impact on these waters.
- N. Commercial/recreational and commercial/industrial marinas shall not be located in Aquatic Preserves, or Outstanding Florida Waters, or other environmental areas designated by the County so as to substantially and materially have a negative impact on these waters.
- O. Construction of multi-slip docking facilities and boat ramps shall be directed to locations where there is quick access to deep, open water at least eight (8) feet in depth (dredgeable), where the multi-slip docking

facilities take the place of several single-slip docks and allow public access to the water, and where the associated increase in boat traffic will be outside of known manatee aggregation areas, and where seagrass beds or other wetlands supporting manatee habitat will not be disturbed.

- P. All marina facilities shall comply with manatee protection measures established in Conservation Element Policy 9.9.

#### **Policy 5.5**

Brevard County shall require hurricane plans to be submitted to the Florida Division of Emergency Management ~~Division~~ in conjunction with marina site plans for review.

#### **Policy 5.6**

Marinas within the coastal zone shall be inspected annually by Brevard County and results of these inspections shall be coordinated with other agencies. Inspections shall be coordinated with existing programs and duplication with existing inspection programs shall be avoided. It is recommended that inspection of commercial marinas occur as part of the business license renewal procedure. Items to be inspected and reviewed may include the following.

##### **Criteria:**

- A. Pumpout facilities/marine sanitation devices, if required.
- B. Compliance with power/sailboat mix, if required.
- C. Spill prevention, control, containment and cleanup plans.
- D. Waste collection and disposal methods.
- E. ~~Required~~ Fire fighting equipment, if required.
- F. Monitoring of marina basin water quality for bacteriological levels to insure compliance with state and federal standards. Live-aboards at marinas shall be inspected to ensure that marine sanitation devices (MSDs) are present and operational. If a water monitoring program is required, water-dependent uses shall be assessed an annual fee adequate to fund a water quality monitoring program, ~~if required~~.

#### **Policy 5.7**

Brevard County shall investigate the utilization of tourist taxes or boating improvement funds to develop public boat launching facilities and related amenities.

#### **Policy 5.8**

Brevard County should consider the acquisition of property for boat ramps in their recreational purchasing program.

#### **Policy 5.9**

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

#### **Policy 5.10**

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 uses shall be built on uplands.
- B. Development which is feasible only through creation of land by dredging and filling of areas below the mean high water line shall not be approved. Exceptions may be considered where overriding benefit to the natural resource can be demonstrated.
- C. Water-dependent commercial and industrial uses may be considered for siting adjacent to the Indian River Lagoon.
- D. Water-related commercial and industrial uses may be considered for siting only adjacent to Class III waters of the Indian River Lagoon.

#### **Policy 5.11**

The Brevard County Land Development Regulations shall include a provision for water-enhanced commercial development within the coastal zone. Such uses shall be permitted as Conditional Uses within the BU-1 zoning category.

#### **Policy 5.12**

~~By 2010,~~ Brevard County ~~shall~~should develop and implement a water and sediment quality monitoring program for water-dependent users, man-made canals and other selected areas with significant upland runoff within the coastal zone.

##### **Criteria:**

- A. Brevard County shall establish a classification program for the various water dependent uses.
- B. Brevard County shall establish a water quality monitoring program for each of the designated classes of water dependent uses.

- C. Water-dependent uses shall be assessed an annual fee adequate to fund the required water quality monitoring program.
- D. The County shall require the activity to cease if adopted water quality standards are not maintained.
- E. Continued operation resulting in degradation of the water quality below accepted standards shall result in a fine, as established by Brevard County.
- F. Waiver provisions should be included for operations below an established threshold.
- G. This program shall be in coordination with the Florida Department of Environmental Protection~~Natural Resources~~, and other appropriate agencies.

#### **Policy 5.13**

Brevard County shall support environmentally and economically sound development of Port Canaveral and related facilities, which is consistent with this Comprehensive Plan (Policy 5.4 of the Transportation Element).

#### **Policy 5.14**

Brevard County should continue to monitor boating activity and boat facility demand.

#### **Policy 5.15**

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 which are non-water-dependent, non-water enhanced and which result in an irretrievable commitment of coastal resources.

**Policy 5.16**

Brevard County should encourage the construction of marine sanitation device (MSD) pumpout facilities.

**Policy 5.17**

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.

**Coastal High Hazard Areas**

**Objective 6**

Limit future public expenditures for infrastructure and service facilities which subsidize growth within the coastal high hazard areas of Brevard County. Expenditures for public land acquisition or enhancement of natural resources shall be encouraged.

**Policy 6.1**

Brevard County shall designate coastal high hazard areas to be those areas below the elevation of the Category 1 storm surge elevation as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as defined in Chapter 163, Florida Statute ~~(see Map 73)~~.

**Policy 6.2**

Brevard County shall not support or finance new local transportation corridors which lie within the coastal high hazard ~~areazone~~ 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.

**Policy 6.3**

Brevard County should not locate sewer and water transmission lines within the coastal high hazard area ~~zone~~, except where there is no practical and cost-feasible alternative ~~and where practical~~ due to engineering, safety and cost considerations, ~~and where necessary utilizing lack of alternative~~ existing rights-of-way, or for septic to

sewer conversion projects selected specifically to improve ground and surface water quality.

#### **Policy 6.4**

If County utility lines are relocated for any purpose, they should be located outside of the coastal high hazard area zone, except where there is no cost-feasible alternative.

#### **Policy 6.5**

Public facilities, except for recreational facilities, shall not be located by Brevard County within the coastal high hazard area zone, 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.

#### **Policy 6.6**

~~Brevard County shall participate in the East Central Florida Regional Planning Council's state-funded project to develop a regional action plan focusing on resiliency and sustainability. Once complete, Brevard County shall include in the Coastal Management Element development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of climate change.~~

#### **Policy 7.26.6**

Brevard County shall continue to implement the Transfer of Development Rights program which has been established to transfer density from transfer districts within the coastal high hazard area to receiving districts outside of the coastal high hazard area.

#### **Policy 7.46.7**

Brevard County shall review federal and state development proposals which are to be located within the coastal high hazard areas, and shall support those projects which are consistent with this Plan.

#### **Policy 7.66.8**

The existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in zoning density or intensity within the coastal high hazard area.

#### **Policy 7.76.9**

Once public acquisition of recreation and/or conservation lands occurs within coastal high hazard areas, the Future Land Use Map shall be amended to designate the

same as Recreation or Conservation lands. Such redesignation shall not serve as a basis for increasing established residential density designations in said coastal high hazard area.

## **Coastal Residential Densities**

### **Objective 7**

Limit densities within the coastal high hazard area ~~zone~~ and direct development outside of this area.

#### **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.

#### **Policy 7.2**

~~Brevard County shall continue to implement the Transfer of Development Rights program which has been established to transfer density from transfer districts within the coastal high hazard area to receiving districts outside of the coastal high hazard area.~~

#### **Policy 7.32**

Brevard County shall continue its program of land acquisition and management for recreation and preservation, contingent upon availability of funding.

#### **Policy 7.4**

~~Brevard County shall review federal and state development proposals which are to be located within the coastal high hazard areas, and shall support those projects which are consistent with this Plan.~~

#### **Policy 7.53**

Brevard County shall maintain the Brevard County Comprehensive Emergency Management Plan (BrevCEMP). This plan shall be consistent with this Comprehensive Plan, and shall be coordinated with the municipalities, the appropriate state and federal agencies, and be approved by the appropriate state agency(s).

#### **Policy 7.6**

~~The existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in zoning density or intensity within the coastal high hazard area.~~

**Policy 7.7**

Once public acquisition of recreation and/or conservation lands occurs within coastal high hazard areas, the Future Land Use Map shall be amended to designate the same as Recreation or Conservation lands. Such redesignation shall not serve as a basis for increasing established residential density designations in said coastal high hazard area.

**Policy 7.84**

Public facilities, such as hospitals, wastewater treatment plants or fire stations, shall not be located on causeways.

**Hurricane Evacuation**

**Objective 8-Hurricane Evacuation**

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

**Policy 8.1**

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

**Criteria:**

- A. The most current behavioral response scenario.
- B. The requirement to evacuate prior to sustained tropical storm force (40 mph) winds.

**Policy 8.2**

Brevard County shall coordinate with the municipalities and appropriate state agencies to develop Evacuation Zone Management Plans to reduce evacuation times above the current optimum behavioral response time. The following shall be considered, at a minimum:

**Criteria:**

- A. Roadway and other infrastructure improvements and funding mechanisms.
- B. Programs designed to improve the behavioral response to hurricane evacuation orders.
- C. Land use strategies.



**Policy 8.3**

Brevard County Emergency Management shall continue to coordinate with NASA to allow evacuation of North Merritt Island through Kennedy Space Center, if necessary.

**Policy 8.4**

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 8.5**

In those areas where citizens cannot be evacuated within the evacuation standards in the Brevard County Emergency Management Plan adopted January 1, 2008, development orders may be deferred until such time as adequate evacuation capacity has been programmed.

**Policy 8.6**

Brevard County shall consider hurricane evacuation times, as well as other factors, in determining the timing and priority of roadway improvements which are programmed by the Board of County Commissioners.

**Policy 8.7**

Brevard County shall cooperate with the Red Cross and other agencies to develop an on-going public education program to notify the public as to the necessity to

evacuate as quickly as possible in order to reduce or eliminate evacuation times in excess of the optimum behavioral response time.

**Policy 8.8**

Brevard County's Comprehensive Emergency Management Plan (BrevCEMP) shall be consistent with the state comprehensive emergency management plans.

**Policy 8.9**

Based upon hurricane vulnerability concerns and excessive evacuation times, new mobile home development or recreational vehicle parks shall not be permitted on the barrier island, to the extent permitted by law. Expansions to an existing mobile home development may be permitted if such development results in a decrease in land use intensity and an overall reduction in programmed residential densities and is consistent with the character of the surrounding area.

**Policy 8.10**

~~By 2011,~~ Brevard County shall require a hurricane management plan which reduces excessive hurricane evacuation time for existing recreational vehicle park development within the south beaches.

**Policy 8.11**

Brevard County shall encourage the State of Florida to identify a dedicated funding source for the improvement of primary hurricane evacuation routes, such as US 192, SR 528, SR 520 and Interstate 95. The funding source should be in addition to state and federal funds already received by Brevard County for urban area roadway improvements.

**Hurricane Shelters**

**Objective 9**

Provide adequate, safe hurricane shelter space to meet the needs of the at risk and special needs population ("shelter space" shall be considered to include both private and public shelters).

**Policy 9.1**

Brevard County shall continue to cooperate with the Red Cross and State Emergency Management to provide an emergency shelter manager training course and encourage interested citizens of Brevard County to become shelter managers.

**Policy 9.2**

Brevard County Office of Emergency Management shall continue to cooperate with the Red Cross to develop a public education program on hurricane preparedness, including the locations of hurricane evacuation shelters and the need for emergency shelter managers.

**Policy 9.3**

Brevard County shall cooperate with the Red Cross in designating appropriate public and private structures as hurricane shelters.

**Policy 9.4**

Brevard County shall utilize the Housing and Human Services Department to provide appropriate facilities and adequate staffing for the special needs shelters.

**Policy 9.5**

Brevard County shall support the School Board in their efforts to utilize enhanced hurricane shelter protection standards for all reconstruction and new development in accordance with FS 235.26.

**Policy 9.6**

Public buildings within Brevard County should be reviewed to determine if qualified to be utilized as hurricane sheltering. Beginning in the year 2000, all newly constructed public buildings shall meet the criteria established for enhanced shelter protection in the State Requirements for Educational Facilities (SREF).

**Policy 9.7**

Brevard County shall study the feasibility of increasing residential construction standards to reduce hurricane shelter deficits and ensure the delivery of safe housing for citizens of Brevard County.

**Policy 9.8**

By 2010, Brevard County shall develop a hazard mitigation strategy in its land development regulations which prohibits the development of new recreational, mobile or manufactured housing and the expansion of existing recreational, mobile or manufactured housing unless the developer/owner has provided emergency sheltering sufficient to house a minimum of 50% of the residents of that development.

**Policy 9.9**

By 2011, Brevard County will encourage all existing recreational, mobile or manufactured housing communities to have emergency shelters and a hurricane management plan that will result in faster evacuation times for their residents.

## Post-Disaster Redevelopment

### Objective 10

Expedite post-disaster recovery and reduce or eliminate the future risk to human life, and public and private property from natural hazards via recovery and re-development strategies adopted in the BrevCEMP.

### Policy 10.1

Brevard County's ~~Code Compliance Department and Public Works Department~~ shall review all non-emergency and long-term redevelopment proposals utilizing the following ~~criteria~~:

#### Criteria:

- A. If utility lines, including but not limited to sewer, water, gas, electric and cable TV, must be relocated after a storm event, they should be permanently located landward (west) of the 1986 FDEP Coastal Construction Control Line and underground, except for feed lines servicing individual parcels. Repair of these lines on a temporary basis to protect health and safety shall be permitted in their existing locations.
- B. Underground storage tanks which are located seaward of the Brevard County Coastal Setback Line (CSL) shall be relocated landward (west) of the 1986 FDEP Coastal Construction Control Line.
- C. Water-dependent commercial uses seaward of the 1981 FDEP Coastal Construction Control Line which are damaged by more than 50% of their assessed value or fair market value as determined by an MNAI appraisal supplied by the property owner may be reconstructed seaward (east) of the 1981 FDEP CCCL consistent with the coastal zone construction requirements.
- D. Water-related commercial uses seaward (east) of the 1981 FDEP Coastal Construction Control Line which are damaged by more than 50% of their assessed value or fair market value as determined by an MNAI appraisal supplied by the property owner should be relocated landward (west) of the 1981 FDEP CCCL unless the project has no feasible alternative and is found to be in the public interest.
- E. Water-enhanced commercial uses seaward (east) of the 1981 FDEP Coastal Construction Control Line which are damaged by more than 50% of their assessed value or fair market value as determined by an MNAI appraisal supplied by the property owner should be relocated landward (west) of the 1981 FDEP CCCL.

- F. If non-habitable minor structures which are damaged by more than fifty (50) percent of their assessed value or fair market value as determined by an MNAI appraisal supplied by the property owner are reconstructed, they shall be relocated and constructed in compliance with coastal zone construction requirements.
- G. Brevard County should develop a program for the possible relocation of residential housing, if required after a natural disaster.

#### **Policy 10.2**

The replacement of infrastructure shall be constructed in conjunction with existing development or as part of an integral network of infrastructure.

#### **Policy 10.3**

~~By 2012,~~ Brevard County should analyze those public structures within the coastal zone which are most likely to be damaged or destroyed during a hurricane. The analysis shall be coordinated by the Planning and Development Department ~~Zoning Office~~ and shall consider the following ~~criteria~~, 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, such as seawalls or revetments when consistent with policy 5 of this element.
  - 3. Vertical relocation of the structure, e.g. elevating roadways with bridges.
  - 4. Relocation further inland.
- D. Reconstruction or relocation of SR A1A and other roadway segments within the coastal high hazard area shall be included within this study.
- E. Analysis of County service center and other facilities shall be in conjunction with the County's Space/Needs Assessment.

- F. Those structures within the high risk vulnerability zone to be included are the Central Brevard Service Complex, District II Commission Office, District II Road and Bridge, County Sign Shop, public libraries and County fire stations.
- G. 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.
- H. The impact of sea level rise and the projected 30-year erosion line shall also be analyzed.

#### **Policy 10.4**

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

#### **Policy 10.5**

The Brevard County ~~Code Compliance Department~~ shall provide copies of building permits which have been issued for storm damage repair to the County Hazard Mitigation Team for their evaluation for identification of areas susceptible to repeated damage by hurricane erosion and flooding.

#### **Policy 10.6**

Brevard County shall continue to conduct disaster related exercises at regular intervals, as determined by the ~~Office of Emergency Management~~ Office, or in conjunction with the East Central Florida Regional Planning Council, Local Emergency Planning Committee and other state or federal agencies.

#### **Policy 10.7**

As identified in the BrevCEMP, Emergency Support Function 18 (ESF 18) shall be the primary lead to conduct a post-disaster evaluation to assess property damages necessary for disaster relief and post-disaster redevelopment funds. The ESF 18 should have available a listing of property values coordinated with land use maps to facilitate such property assessment procedures. County staff, such as the Planning and ~~Development Department~~ Zoning Office staff, will be utilized as manpower.

#### **Policy 10.8**

The BrevCEMP shall be coordinated with other local, regional and state entities. As additional interagency hazard mitigation reports are received, they shall be reviewed and incorporated into the BrevCEMP.

### **Policy 10.9**

Brevard County should require that when utility lines, including, but not limited to sewer, water, gas, electric and TV cable, are relocated for any purpose, they shall be placed underground.

## **Coastal Access**

### **Objective 11**

Provide adequate public access to the beach, estuarine and river shorelines consistent with public needs and the shoreline's natural resource requirements.

### **Policy 11.1**

Brevard County shall acquire new beach access sites, improve existing sites or provide alternative access to non-designated beach access points. The following minimum criteria shall apply:

#### **Criteria:**

- A. Acquisition and site improvements of those areas of the beach identified as most deficient for beach access shall be given the highest priority. Efforts shall be undertaken to provide public access to all of Brevard County's beaches consistent with the FDEP's criteria for state cost-share funding for beach management.
- B. Site improvements, parking facilities and drainage shall be secondary to improvements to the naturally functioning dune system.
- C. Access shall be consistent with the standards included in the Recreation and Open Space Element of this Plan.
- D. Priority shall be given to those sites which are heavily utilized for beach recreation.
- E. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species.

### **Policy 11.2**

Brevard County shall complete the Beach and Riverfront Acquisition Program, contingent upon availability of funding, with priority being given to the acquisition of land to fulfill the Identified Needs, as adopted by the Brevard County Board of County Commissioners.

**Policy 11.3**

Brevard County shall prioritize future improvements to those oceanfront properties, contingent upon availability of funding, which have been purchased and are identified for additional beach access development.

**Policy 11.4**

Brevard County shall continue to coordinate with all beachfront municipalities the continued development and implementation of the Brevard County Beach Management Program. The Beach Erosion Advisory Committee, established by Chapter 70-603, Laws of Florida, should continue to function as a mechanism to communicate with the beachfront municipalities on beach-related issues and as the primary technical advisory committee to the Board of County Commissioners on the beach program.

**Policy 11.5**

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

**Policy 11.6**

Brevard County shall coordinate with the Florida Department of Transportation in providing waterfront access on causeways and bridges.

**Policy 11.7**

Brevard County shall require private property owners to allow public use of beaches which are renourished with public funds. Access can be accomplished through publicly owned access points or improved dune crossovers located on easements.

**Policy 11.8**

Brevard County shall review beachfront development to ensure that it does not interfere with public access in those instances where the public has established ocean access-ways through private lands by prescription, prescriptive easement or other legal means. The developer may improve, consolidate, or relocate such public access provided it is consistent with this Plan.

**Policy 11.9**

Brevard County shall investigate the feasibility of acquiring narrow strips of land along the Indian River Lagoon, where such areas could provide visual access or provide parking for passive recreation within the Lagoon.

**Port Canaveral**



## **Objective 12**

Brevard County will continue to identify provisions of the Port Master Plan which it considers inconsistent with the Coastal Management Element of the County Comprehensive Plan and will continue to offer to coordinate with Port Canaveral in resolving any inconsistencies. Brevard County shall continue to request copies of proposed plan amendments submitted for transmittal to the Department of Economic Opportunity ~~Community Affairs~~ and shall continue to review and comment on such amendments to the Port Master Plan consistent with the County's procedure for reviewing plans of other jurisdictions and Chapter 163.3177 (6) (g).

### **Policy 12.1**

Brevard County shall continue to cooperate with the Port Canaveral Authority and the Florida Inland Navigation District in the identification of suitable spoil disposal sites within unincorporated Brevard County.

## **Recreational and Commercial Working Waterfronts**

In 2005 and 2006, the Legislature recognized that there is an important state interest in facilitating boating and other recreational access to the state's navigable waters. This access is vital to recreational users and the marine industry in the state, to maintaining or enhancing the \$57 billion economic impact of tourism and the \$14 billion economic impact of boating in the state annually, and to ensuring continued access to all residents and visitors to the navigable waters of the state. The Legislature recognizes that there is an important state interest in maintaining viable water-dependent support facilities, such as public lodging establishments, boat hauling and repairing and commercial fishing facilities, and in maintaining the availability of public access to the navigable waters of the state. The Legislature further recognizes that the waterways of the state are important for engaging in commerce and the transportation of goods and people upon such waterways and that such commerce and transportation is not feasible unless there is access to and from the navigable waters of the state through recreational and commercial working waterfronts.

The purpose of the Brevard County Working Waterfront Objective is to implement the relevant and mandated provisions of Chapter 2005-157, and Chapter 2006-220 of the Laws of Florida. The Legislature requires that local governments, through their comprehensive plans, address development activities that diminish access to the state's navigable waters. The recreation and open space element of all local comprehensive plans now must include waterways. (F.S. § 163.3177(6)(e)) In addition, all coastal counties and municipalities in Florida now have a legislatively-mandated duty to include, in the coastal management element of their Comprehensive Plan, strategies that will be used to preserve recreational and working waterfronts. (F. S. § 163.3178(2)(g)) Further, coastal counties must amend the future land use element of their comprehensive plan to create

“regulatory incentives and criteria” that encourage the preservation of recreational and commercial working waterfronts. More specifically, the purpose is to protect and promote Brevard County as a recreational and commercial working waterfront community; protect and improve public access to the shorelines and waters of Brevard County; preserve and protect the cultural heritage and physical character of the area as a working waterfront community; and enhance the aesthetic character of the area by directing development in a manner that maintains the working waterfront identity of the County.

### **Objective 13**

To establish a comprehensive program to promote and protect public access to the marine and coastal waters of the County, and to ensure the economic viability of recreational and commercial working waterfronts.

#### **Policy 13.1**

The County shall identify, inventory and characterize all existing publicly-accessible recreational and commercial working waterfronts in Brevard County on a parcel-by-parcel basis, including but not limited to parking facilities for beach and shoreline access, coastal roads, facilities providing scenic overlooks, public lodging establishments, docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water and shall continue to maintain this inventory.

#### **Policy 13.2**

The County shall identify, inventory and characterize all private facilities that would otherwise qualify as recreational or commercial working waterfronts because they provide access to the marine and coastal waters of the County and shall continue to maintain this inventory.

#### **Policy 13.3**

~~By 2013, the~~ The County ~~shall~~ should identify, inventory and characterize all parcels suitable for future development as publicly-accessible recreational and commercial working waterfronts in Brevard County. Suitable for future development includes vacant parcels and developed parcels not currently being used for water dependent activities which, because of their proximity, biophysical nature or other factors, could become recreational and commercial working waterfronts through a change in land use.

#### **Policy 13.4**

~~By 2013, the~~ The County ~~shall~~ should identify, inventory and characterize existing right-of-ways, easements and other public property interests adjacent to or capable of providing public access or enhancing public access to the shorelines and waters of Brevard County.

### Policy 13.5

~~By 2013, based on data and analysis, the~~ County ~~shall~~ should assess the future demand for public water access to the shorelines and waters of Brevard and shall establish activity-based levels of service standards for public water access.

### Policy 13.6

The Brevard Marine Advisory Council shall continue to review and make recommendations to the Board concerning recreational and commercial working waterfronts in Brevard County.

### Policy 13.7

~~By 2012, the~~ County shall continue to develop strategies to ensure continued public access to navigable waters through the identification and implementation of regulatory incentives and criteria.

### Policy 13.8

The County shall prioritize recreational and commercial working waterfronts in existing or new land acquisition programs to purchase suitable parcels or the non-water dependent development rights to suitable parcels as determined by the inventory created under the Coastal Management Element of the comprehensive plan. Current funding strategies can include tourist taxes, or boating improvement funds to develop public launching facilities and related amenities.

#### Criteria:

- A. Funding may come from fees, bonds, community redevelopment district financing, or other sources as approved by Board, and may be supplemented through revenue sharing with appropriate state and federal programs.
- B. The County's share of revenue collected from boating registration fees shall be spent on boating infrastructure projects pursuant to Chapter 328.72(15), F.S.

### Policy 13.9

The County shall not vacate, diminish, or otherwise impair publicly-owned pathways, sidewalks, roads, parking areas, docks or boat launching facilities, and other access points that are currently used, or susceptible to use, by the public to access the shorelines unless specific findings are made demonstrating that the action is necessary and suitable mitigation measures are or will be in place and only after a public hearing and decision by a super majority of the Board of Commissioners. (currently in Board Policy)

#### **Policy 13.10**

~~By 2012,~~ The County shall **continue to** inventory the waters of Brevard County to determine appropriate sites for one or more managed anchorages and/or mooring fields that shall be available to the boating public on a first come, first served basis. If one or more suitable sites are found, the County may establish a publically accessible-managed anchorage and mooring field(s), taking into account environmental protection requirements and the concerns of shore side residents.

#### **Policy 13.11**

~~By 2013,~~ The County ~~shall~~ **should** develop incentives for encouraging private waterfront property owners to make their properties available for public use for purposes that are consistent with the uses permitted in recreational and commercial working waterfronts.

### **Coastal Development and Redevelopment**

#### **Objective 14**

Create procedures to allow consideration of the changing dynamics of flooding, sea level rise, and storm surge in growth management decisions within the unincorporated areas of Brevard County over short, mid, and long-term planning horizons.

#### **Policy 14.1**

The County should utilize a range of sea level rise projections as recommended in the adopted East Central Florida Regional Resilience Action Plan (RRAP), as amended, for planning purposes based upon vulnerability, risk, project service life of a facility or growth management.

#### **Policy 14.2**

The County should consider designating Adaptation Action Areas (AAAs), as allowed by Florida Statute, as a mechanism to prioritize resilient planning, infrastructure investments, and strategies to address current and future flood impacts in areas identified as vulnerable to coastal flooding, storm surge, and sea level rise.

#### **Policy 14.3**

Using best available data, the County should consider identifying areas vulnerable to current and future flooding impacts which may benefit from nature-based design standards and/or Low Impact Development 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 14.4**

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

#### **Policy 14.5**

The County should consider initiatives within the Brevard County Emergency Operations Local Mitigation Strategy (LMS) and ECFRPC RRAP that focus on solutions for flood impacts; and develop methodologies for prioritizing public project expenditures based on a cost-benefit analysis, feasibility, and short- versus long-term benefits.

#### **Policy 14.6**

The County must develop mechanisms 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 unless it can be clearly demonstrated that:

- a. Strict application will be contrary to the public interest;
- b. The public values being protected are insignificant and strict application will result in an excessive hardship to the project;
- c. Strict application will place an excessive hardship on the project, and an alternative action is available which is equal to or superior than the original requirements in reaching the policy's objective, or
- d. The activity is not financially feasible for the local government.

#### **Policy 14.7**

The County should identify development and redevelopment performance standards designed to minimize or withstand permanent and/or temporary inundation from flooding, sea level rise, and storm surge. These standards may include increased freeboard elevations, the consideration of future tailwater elevations for stormwater infrastructure, and/or multi-use temporary flood storage areas.

#### **Policy 14.8**

The County should continually identify strategies and engineering solutions that minimize the loss of flood storage capacity in all floodplains and areas vulnerable to natural hazards such as flooding, storm surge, and sea level rise, and consider incorporating them into the Land Development Regulations.

#### **Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the 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 unless it can be clearly demonstrated that:

- a. Strict application will be contrary to the public interest;
- b. The public values being protected are insignificant and strict application will result in an excessive hardship to the project;
- c. Strict application will place an excessive hardship on the project, and an alternative action is available which is equal to or superior than the original requirements in reaching the policy's objective, or
- d. The activity is not financially feasible for the local government.

Such adaptation strategies may include:

- a. Multi-use stormwater parks,
- 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).

#### **Policy 14.10**

The County should educate the community about flood mitigation principles, strategies, and engineering solutions that can be implemented to protect property and reduce insurance losses.

#### **Policy 14.11**

The County should pursue private and public funding sources for the implementation of flood resiliency strategies - including, but not limited to, avoidance, protection, accommodation, 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, for use as green space or stormwater management.

#### **Policy 14.12**

The County should continue to implement policies within the Comprehensive Plan, including but not limited to the Conservation Element, to ensure avoidance and minimization of impacts to natural coastal ecosystems, including wetlands, floodplains, aquifer recharge areas, and dunes.

**Policy 14.13**

The County should continue to analyze best available data to maintain or update relevant and current coastal hazard vulnerability projections and update maps, as applicable. The County should continue to identify and understand the risks, vulnerabilities, and opportunities for strategies within short, mid, and long-term planning horizons as established in the RRAP Formal Recommendation, as amended.

## APPENDIX A

### LIST OF MAPS

Map	Title
1	Marine Facilities
<u>2</u>	Evacuation Routes & Shelters
<u>3</u>	Coastal High Hazard Areas





**COASTAL MANAGEMENT ELEMENT**  
**X - 45**

**Map 1 Legend**  
*(Webpage Note: Reverse Side of Map – Enlarged for Display Online)*

MAP REF #	STREET	CITY	WATERBODY
1	2000 Jones Av.	Mims	Indian River
2	801 Marina Road	Titusville	Indian River
3	451 Marina Road	Titusville	Indian River
4	419 N. Washington Ave.	Titusville	Indian River
5	41 N. Broad Street	Titusville	Indian River
6	S. Washington Ave. North of SR 50	Titusville	Indian River
7	4749 S. Washington Ave.	Titusville	Indian River
8	River Moorings Drive	N. Merritt Island	Indian River
9	1300 E. Hall Rd.	Merritt Island	Banana River
10	505 Glen Cheek Dr.	Port Canaveral	Port Canaveral
11	520 Glen Cheek Drive	Port Canaveral	Port Canaveral
12	628 Glen Cheek Drive	Port Canaveral	Port Canaveral
13	960 Mullet Road	Port Canaveral	Port Canaveral
14	350 SeaRay Dr.	Merritt Island	Barge Canal
15	2700 Harbortown Drive	Merritt Island	Barge Canal
16	800 Scallop Dr.	Port Canaveral	Port Canaveral
17	910 Mullet Road	Port Canaveral	Port Canaveral
18	290 Marine Harbor Drive	Merritt Island	Barge Canal
19	2750 Tingley Drive	Merritt Island	Barge Canal
20	6701 N. Atlantic Ave.	Cape Canaveral	Banana River
21	6815 N. Atlantic Ave.	Cape Canaveral	Banana River
22	Winar Drive	Merritt Island	Sykes Creek
23	20 Myrtice Ave.	Merritt Island	Indian River
24	14 Myrtice Ave.	Merritt Island	Indian River
25	P.O. Box 1886	Cocoa	Indian River
26	12 Marina Isles Blvd.	Indian Harbor Beach	Banana River
27	96 Willard St. Unit 101	Cocoa	Indian River
28	410 E. Cocoa Beach Cswy.	Cocoa Beach	Banana River
29	1872 E. 520 Cswy.	Merritt Island	Banana River
30	1872 E. 520 Cswy.	Merritt Island	Banana River
31	96 Willard St. Unit 101	Cocoa	Indian River
32	480 Cocoa Beach Cswy.	Cocoa Beach	Banana River
33	100-104 Riverside Dr.	Rockledge	Indian River
34	582 S. Banana River Dr	Merritt Island	Banana River

**COASTAL MANAGEMENT ELEMENT**

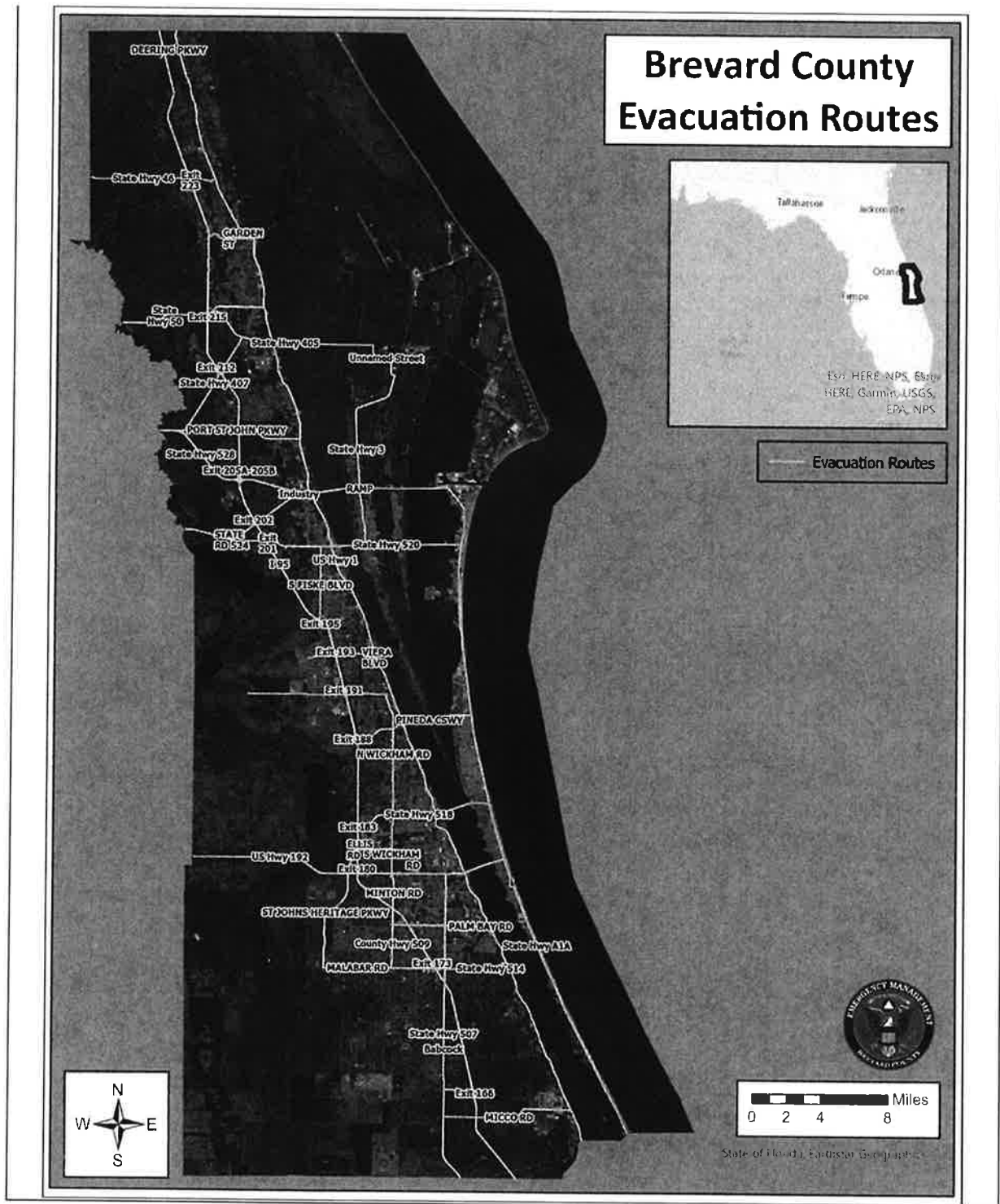
~~February 2022~~ August 2011

35	1025 Riveredge Drive	Rockledge	Indian River
36	200 S. Banana River Drive	Merritt Island	Banana River
37	1360 S. Banana River Dr.	Merritt Island	Banana River
38	1825 Minuteman Cswy.	Cocoa Beach	Banana River
39	1611 Minuteman Cswy.	Cocoa Beach	Banana River
40	1525 Minuteman Cswy.	Cocoa Beach	Banana River
41	2705 S. Tropical Trail	Merritt Island	Indian River
42	760 S. Brevard Ave.	Cocoa Beach	Banana River
43	2290 S. Hwy A1A	Cocoa Beach	Banana River
44	3360 S. Atlantic Ave.	Cocoa Beach	Banana River
45	5695 U.S. Highway 1	Viera	Indian River
46	199 Utopia Circle	Merritt Island	Indian River
47	1629 Atlas Ave.	PAFB	Banana River
48	Tequesta Harbor	Merritt Island	Indian River
49	6155 N. U.S. Hwy 1	Melbourne	Indian River
50	6175 N. Harbor City Blvd.	Melbourne	Indian River
51	5435 N. U.S. Highway 1	Melbourne	Indian River
52	4399 N. Harbor City Blvd.	Melbourne	Indian River
53	876 Marina Road	PAFB	Banana River
54	10 Palmer Road	Indian Harbor Beach	Banana River
55	1399 Banana River Drive	Indian Harbor Beach	Banana River
56	100 Datura Drive	Indian Harbor Beach	Banana River
57	96 E. Eau Gallie Cswy.	Melbourne	Indian River
58	587 Young Street	Melbourne	Eau Gallie River
59	1135 U.S. Highway 1	Melbourne	Eau Gallie River
60	911 N. Harbor City Blvd.	Melbourne	Eau Gallie River
61	729 N. Harbor City Blvd.	Melbourne	Indian River
62	705 S. Harbor City Blvd.	Melbourne	Indian River
63	2210 S. Front Street.	Melbourne	Crane Creek
64	1202 E. River Drive	Melbourne	Crane Creek
65	1208 E. River Drive	Melbourne	Crane Creek
66	1308 E. River Drive	Melbourne	Crane Creek
67	Riverside Drive	Melbourne Beach	Indian River
68	160 Versailles Drive	South Beaches	Indian River
69	Landings Road off A1A	South Beaches	Indian River
70	Solway Drive off A1A	South Beaches	Indian River
71	Ocean Way off A1A	South Beaches	Indian River
72	4220 Dixie Hwy NE	Palm Bay	Turkey Creek

## COASTAL MANAGEMENT ELEMENT

February 2022August 2011

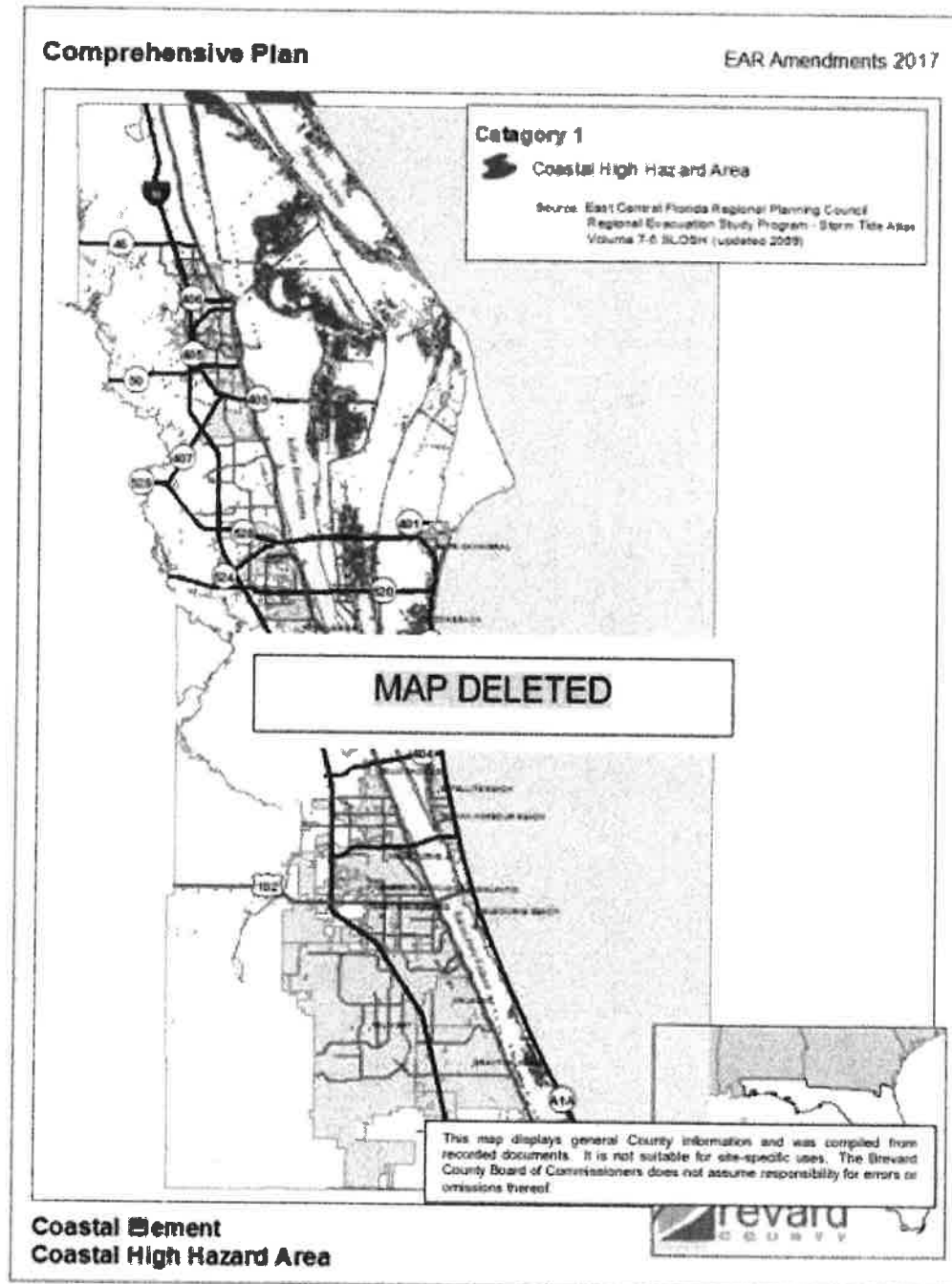
73	4350 Dixie Hwy NE	Palm Bay	Indian River
74	5001 Dixie Hwy NE	Palm Bay	Indian River
75	3800 U.S. Highway 1	Valkaria	Indian River
76	750 Mullet Creek Rd.	South Beaches	Indian River
77	240 Hammock Shore Dr.	South Beaches	Mullet Creek
78	4660 U.S. Highway 1	Grant	Indian River
79	5185 U.S. Highway 1	Grant	Indian River
80	6075 U.S. Highway 1	Grant	Indian River
81	8525 U.S. Highway 1	Micco	Indian River
82	9502 S. A1A	South Beaches	Indian River
83	8685 N. U.S. Highway 1	Micco	Indian River
84	4015 Main Street	Micco	Sebastian River
85	6485 S. U.S. Highway 1	Rockledge	Indian River
86	6533 S. U.S. Highway 1	Melbourne	Indian River
87	4263 N. U.S. Highway 1	Melbourne	Indian River
88	2459 Pineapple Ave.	Melbourne	Indian River
89	1477 Pineapple Ave.	Melbourne	Indian River



Map 2  
Evacuation Routes and Shelters

COASTAL MANAGEMENT ELEMENT

February 2022 August 2011



**Map 3**  
**Coastal High Hazard Area**

## APPENDIX-B

### LIST OF FIGURES

Figure	Title	Page
1	Diagram Reflecting the Spatial Relationship between the FDEP 1981 Coastal Construction Control Line (CCCL), the Brevard County Coastal Construction Line (CCL) and the Brevard County Coastal Setback Line (CSL)	6

## MANATEE HABITAT FEATURE MAP SERIES AND UPDATE SCHEDULE

### MAPS:

1. **Submerged Aquatic Vegetation (SAV)** - 1994 coverage supplied with the draft MPP.

Source:

St. Johns River Water Management District  
(904) 329-4500

Update Schedule: As available

2. **Manatee Abundance (Aerial Surveys)** - September 1997-September 1999 map supplied with the draft MPP.

Source:

Florida Fish and Wildlife Conservation Commission  
Bureau of Protected Species Management  
(904) 922-4330

Update Schedule: As available

3. **Manatee Mortality** - Watercraft-related or Total Manatee Mortality (all causes) from 1974-2001 supplied with the draft MPP.

Source:

Florida Fish and Wildlife Conservation Commission  
Bureau of Protected Species Management  
(904) 922-4330

Update Schedule: As available

4. **Manatee Protection Boat Speed Zones** - October 2000 as provided with the draft MPP, or more recent data.

Source:

Florida Fish and Wildlife Conservation Commission  
Bureau of Protected Species Management  
(904) 922-4330

Update Schedule: As needed

5. **Manatee Freshwater Sources Map** - March 1994 as provided with the MPP.



Source:

Brevard County

Natural Resources Management DepartmentOffice

(321) 633-2016

Update Schedule: As available

6. **Class II Waterbody, Outstanding Florida Waterway (OFW), or Aquatic Preserve - 2001 as provided in the MPP.**

Source:

Florida Department of Environmental Protection

Division of Surface Water Quality

(850) 245-8427

Update Schedule: As available

# **FUTURE LAND USE ELEMENT**

## **CHAPTER XI**

# TABLE OF CONTENTS

<b>PREFACE</b> .....	<b>I</b>
<b>ADMINISTRATIVE POLICIES</b> .....	<b>II</b>
<b>GOAL, OBJECTIVES AND POLICIES</b> .....	<b>1</b>
RESIDENTIAL LAND USES <del>RESIDENTIAL LAND USES</del> .....	1
COMMERCIAL LAND USES <del>COMMERCIAL LAND USES</del> .....	9
<del>CRITERIA</del> .....	24
<del>LOW INTENSITY INSTITUTIONAL USES</del> .....	24
<del>HIGH INTENSITY INSTITUTIONAL USES</del> .....	24
INDUSTRIAL LAND USES <del>INDUSTRIAL LAND USES</del> .....	25
AGRICULTURAL LAND USES <del>AGRICULTURAL LAND USES</del> .....	33
CONSERVATION LAND USES <del>CONSERVATION LAND USES</del> .....	35
PUBLIC FACILITIES LAND USES <del>PUBLIC FACILITIES LAND USES</del> .....	37
RECREATION LAND USES <del>RECREATION LAND USES</del> .....	38
DEVELOPMENTS OF REGIONAL IMPACT (DRIS) <del>DEVELOPMENTS OF REGIONAL IMPACT (DRIS)</del> .....	39
NEW TOWN OVERLAY <del>NEW TOWN OVERLAY</del> .....	44
TRANSFER OF DEVELOPMENT RIGHTS <del>TRANSFER OF DEVELOPMENT RIGHTS (TDRs)</del> .....	58
REDEVELOPMENT & REGENTRIFICATION <del>REDEVELOPMENT &amp; REGENTRIFICATION</del> .....	60
SERVICE DELIVERY, CONCURRENCY, AND GROWTH <del>SERVICE DELIVERY, CONCURRENCY AND GROWTH</del> .....	67
LAND DEVELOPMENT REGULATIONS <del>LAND DEVELOPMENT REGULATIONS</del> .....	71
ESTABLISHMENT OF ZONING CLASSIFICATIONS TO MEET RESIDENTIAL NEEDS .....	73
CONSISTENCY WITH COMPREHENSIVE PLAN, ZONING AND LAND DEVELOPMENT REGULATIONS <del>CONSISTENCY WITH COMPREHENSIVE PLAN, ZONING AND LAND DEVELOPMENT REGULATIONS</del> .....	74
MILITARY BASE LAND USE COMPATIBILITY <del>MILITARY BASE LAND USE COMPATIBILITY</del> .....	77
<b>THE FARMTON LOCAL PLAN</b> .....	<b>78</b>
<b>IMPLEMENT DIRECTIVES FROM SMALL AREA STUDIES</b> .....	<b>125</b>
<b>RESIDENTIAL DENSITY RIGHTSIZING STUDY AREAS</b> .....	<b>128</b>
<b>APPENDIX A</b> .....	<b>130</b>
LIST OF MAPS .....	130
LIST OF FIGURES .....	153

## **PREFACE**

### **Future Land Use Map Designations**

The following Future Land Use designations shall be adopted as part of the Future Land Use Map:

#### **Residential**

- Residential 30 Directive (up to 30 dwelling units per acre)
- Residential 15 (up to 15 dwelling units per acre)
- Residential 10 (up to 10 dwelling units per acre)
- Residential 6 (up to 6 dwelling units per acre)
- Residential 4 (up to 4 dwelling units per acre)
- Residential 2 (up to 2 dwelling units per acre)
- Residential 1 (up to 1 dwelling unit per acre)
- Residential 1:2.5 (up to 1 dwelling unit per 2.5 acres)

#### **Commercial**

- Neighborhood Commercial (NC)
- Community Commercial (CC)

#### **Industrial**

- Heavy/Light Industrial
- Planned Industrial

#### **Agricultural**

#### **Conservation**

- Public Conservation
- Private Conservation

#### **Public Facilities**

#### **Recreation**

#### **Developments of Regional Impact**

## ADMINISTRATIVE POLICIES

### Administrative Policy 1

The Brevard County zoning official, planners and the ~~Director of the Planning and Development Department~~~~zoning staff~~, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception and variance applications.

### Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan ~~amendments~~~~appeals~~, vested rights or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

#### Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For ~~development~~~~re-zoning~~ applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

### Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

#### Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the

enjoyment of, safety or quality of life in existing neighborhoods within the area which could foresee ably be affected by the proposed use;

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:
  - 1. historical land use patterns;
  - 2. actual development over the immediately preceding three years; and
  - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

#### **Administrative Policy 4**

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
  - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
  - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
  - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

### **Administrative Policy 5**

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following criteria:

**Criteria:**

- A. Whether adopted levels of service will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

### **Administrative Policy 6**

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with (a) all written land development policies set forth in these administrative policies; and (b) the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and

open space element, surface water element and transportation elements of the comprehensive plan.

**Administrative Policy 7**

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

**Administrative Policy 8**

These policies, the staff analysis based upon these policies and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits and vested rights determinations.



## GOAL, OBJECTIVES AND POLICIES

### **GOAL**

TO MANAGE GROWTH IN BREVARD COUNTY IN A MANNER THAT ENHANCES NATURAL AND MAN-MADE SYSTEMS AND MEETS THE PUBLIC'S SOCIAL AND ECONOMIC NEEDS.

### Residential Land Uses~~RESIDENTIAL LAND USES~~

#### **Objective 1**

Brevard County shall facilitate the development of residential neighborhoods that offer the highest quality of life to the citizenry through the implementation of policies that accomplish the following:

##### **Criteria:**

- A. Ensure the compatibility of new development with its surroundings;
- B. Ensure the delivery of services that meet or exceed established levels of service;
- B. Discourage the occurrence of inefficiencies inherent in urban sprawl as defined by Florida Statutes;
- C. Strive to decrease identified hurricane evacuation deficiencies;
- D. Produce neighborhoods that complement adjacent land uses;
- E. Permit mixed use developments which, through the application of appropriate performance standards, juxtaposes neighborhood services and employment centers with residential uses in order to promote efficient use of land; and
- G. Encourage open space within residential developments and promote interconnectivity with surrounding land uses through innovative land regulations and bonus incentives.

#### **Residential Land Use Designations**

##### **Policy 1.1**

The residential land use designations adopted as part of the Future Land Use Map represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

**Criteria:**

- A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines;
- B. Land use compatibility pursuant to Administrative Policy 3;
- C. Unavailability or inadequacy of public facilities and services, including educational facilities, to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements Element;
- D. Character of the general area, pursuant to Administrative Policy 4;
- F. Hurricane evacuation capabilities; and
- F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

**Public Facilities and Services Requirements**

**Policy 1.2**

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

**Criteria:**

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.
- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.
- C. In the Residential 30 Directive, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.
- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.
- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

**Residential 30 Directive (maximum of 30 dwelling units per acre)**

**Policy 1.3**

The Residential 30 Directive land use designation affords the highest density allowance, permitting a maximum density of up to thirty (30) units per acre, except as otherwise may be provided for within this element. Parameters for this future land use designation include:

**Criteria:**

- A. The Residential 30 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.
  - 1. Areas located east of Interstate-95; and
  - 2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or
  - 3. Areas adjacent to existing Residential 30 land use designation; and
  - 4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.
- B. In the Merritt Island Redevelopment Area, Brevard County should encourage high density development in clustered patterns that maximize the provision of open space to avoid the impacts of "strip" or "checkerboard" land use patterns and to assist in the development of an urban atmosphere. The Residential 30 Directive land use designation may permit development in excess of 30 units per acre, provided that one of the following applies:
  - 1. Residential density of up to 37.5 dwelling units per acre, may be considered if approved as part of a redevelopment plan; or
  - 2. Developments which are tied to a binding development plan and propose a mixture of residential and commercial uses may permit the residential portion of the project with density of up to 50 dwelling units per acre.

- C. A 25% density bonus to permit up to 37.5 dwelling units per acre may be considered, except in the Coastal High Hazard Area (CHHA), where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 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 ~~Coastal High Hazard Area (CHHA)~~.

### **Residential 15 (maximum of 15 units per acre)**

#### **Policy 1.4**

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

#### **Criteria:**

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and
- B. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;
- C. Areas adjacent to an existing Residential 15 land use designation; and
- D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.
- E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 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 ~~Coastal High Hazard Area (CHHA)~~.

## **Residential 10 (maximum of 10 dwelling units per acre)**

### **Policy 1.5**

The Residential 10 land use designation affords a transition in density between the highly urbanized areas and lower intensity residential uses. This land use designation permits a maximum density of up to ten (10) units per acre, except as otherwise may be provided for within this element. The Residential 10 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

#### **Criteria:**

- A. Areas adjacent to existing Residential 10 or higher land use designations; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than ten (10) units per acre and areas with density of less than ten (10) units per acre; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 10; and
- D. Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.
- E. Up to a 25% density bonus to permit up to 12.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 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 ~~Coastal High Hazard Area (CHHA)~~.

## **Residential 6 (maximum of 6 dwelling units per acre)**

### **Policy 1.6**

The Residential 6 land use designation affords a transition in density between the higher urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre, except as otherwise may be provided for within this element. The Residential 6 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

#### **Criteria:**

- A. Areas adjacent to existing Residential 6 land use designation; or

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 6.
- 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, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

#### **Residential 4 (maximum of 4 dwelling units per acre)**

##### **Policy 1.7**

The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within this element. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

##### **Criteria:**

- A. Areas adjacent to existing Residential 4 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 4.
- D. Up to a 25% density bonus to permit up to five (5) units per acre may be considered with a Planned Unit Development where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 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 2 (maximum of 2 units per acre)**

### **Policy 1.8**

The Residential 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element. The Residential 2 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

#### **Criteria:**

- A. Areas adjacent to existing Residential 2 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.
- D. Up to a 25% density bonus to permit up to 2.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 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 1 (maximum of 1 unit per acre)**

### **Policy 1.9**

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

#### **Criteria:**

- A. Areas adjacent to existing Residential 1 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1.
- D. Up to a 25% density bonus to permit up to 1.25 dwelling units per acre may be considered with a Planned Unit Development where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

### **Residential 1:2.5 (maximum of 1 unit per 2.5 acres)**

#### **Policy 1.10**

The Residential 1:2.5 land use designation, which establishes the lowest density of all the residential future land use designations, permits a maximum density of up to one (1) unit per 2.5 acres, except as otherwise may be provided for within this element. Development in the Residential 1:2.5 land use designation should seek to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. The Residential 1:2.5 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

#### **Criteria:**

- A. Areas adjacent to existing Residential 1:2.5 land use designation; or
- B. Areas which serve as a transition between existing land uses or land use designations with density greater than 1:2.5 units per acre and areas with lesser density or lower intensity uses; or
- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 1:2.5.

### **Density in Coastal High Hazard Areas (CHHA)**

#### **Policy 1.11**

The construction of additional infrastructure intended to remedy existing deficiencies, such as any new bridges or improvements to existing causeways over the Indian River Lagoon, shall not serve as a basis for increasing residential densities nor allowing residential density bonuses within the Coastal High Hazard Area (CHHA) above those programmed on the Future Land Use Map.



## **Protection of Residential Riverside Lands**

### **Policy 1.12**

Brevard County shall identify lineal land use patterns which parallel the U.S. 1 corridor and the Indian River in order to promote the protection of residential designated lands lying easterly of U.S. 1 and to discourage the expansion and encroachment of non-residential designated lands into such lineal residential areas. These lineal land use patterns shall generally be identified in, but not limited to, the following areas of Brevard County:

- 1) Generally from the southern Titusville city limits (Section 26 Township 22 Range 35) to SR 528 (Section 8 Township 24 Range 36).
- 2) Generally from south of Gus Hipp Boulevard (Section 23 Township 25 Range 36) to Pineda Causeway (Section 19 Township 26 Range 37).
- 3) Generally south of the southern Malabar city limits (Section 17 Township 29 Range 38) to the south Brevard County line (Section 23 Township 30 Range 38).

## **Promotion of Linear Parks in Residential Subdivisions**

### **Policy 1.13**

Brevard County shall prepare and implement development incentives to encourage the inclusion of linear parks which promote the integration of open space within residential subdivisions and interconnectivity with adjacent development.

## **Commercial Land Uses**~~COMMERCIAL LAND USES~~

### **Objective 2**

Brevard County shall provide for adequate and appropriate lands for the location of commercial land uses, through the Land Development Regulations, to serve the needs of the projected residents and visitors to the County. Brevard County shall direct new commercial land use designations to areas which are determined to be appropriate based upon a suitability analysis, character of the area, compatibility with surrounding land uses, and public facilities and services. These uses shall be directed to sites where there are sufficient uplands for the intended use and for all other measures to ensure wetland function. During the review of proposed amendments to the Future Land Use Map, which would allow commercial uses, Brevard County shall ensure that the site is suitable for the proposed use with regard to environmental features. The proposed designation shall be consistent with the following suitability criteria:

#### **Criteria:**

- A. Floodplain policies contained within Conservation Objective 4;
- B. Aquifer protection policies contained within Conservation Objective 11;
- C. Types, values, conditions, functions, and locations of wetlands, and wetlands protection policies contained in Conservation Objective 5.

## **Role of the Comprehensive Plan in the Designation of Commercial Lands**

### **Policy 2.1**

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

#### **Criteria:**

- A. Overall accessibility to the site;
- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;
- C. Existing commercial development trend in the area;
- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;
- E. Availability of required infrastructure at/above adopted levels of service;
- F. Spacing from other commercial activities;
- G. Size of proposed commercial designation compared with current need for commercial lands;
- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;
- I. Integration of open space; and
- J. Impacts upon strip commercial development.

## **Role of Zoning Regulations in the Designation of Commercial Lands**

### **Policy 2.2**

The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

#### **Criteria:**

- A. Permitted/prohibited uses;
- B. Existing commercial zoning trends in the area;

- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;
- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;
- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and
- F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

### **Role of Land Development Regulations in the Designation of Commercial Lands Policy 2.3**

Land development regulations provide performance standards for evaluating the acceptability of proposed commercial development activities. ~~Criteria including:~~

#### **Criteria:**

- A. Integration of vehicular and non-vehicular access into the site and access management features of site in terms of driveway cuts and cross access between adjacent sites, including use of frontage roads and/or shared access, where feasible, as determined by Brevard County;
- C. Buffering from adjacent existing/potential uses;
- D. Open space provisions and balance of proportion between gross floor area and site size;
- E. Adequacy of pervious surface area in terms of drainage requirements;
- F. Placement of signage;
- G. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;
- H. Safety of on-site circulation patterns (patron, employee and delivery vehicles), including parking layout and drive aisles, and points of conflict;
- I. Landscaping, as it relates to the requirements of the Comprehensive Plan and Land Development Regulations;
- J. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance; and

- K. Performance based zoning requirements which may serve as a substitute for or accompany land development regulations in attaining acceptable site design.

### **Commercial Future Land Use Designations**

#### **Policy 2.4**

The following two (2) commercial land use designations are adopted as part of the Future Land Use Map:

- Neighborhood Commercial (NC)
- Community Commercial (CC)

### **Activities Permitted in Neighborhood Commercial (NC) Future Land Use Designations**

#### **Policy 2.5**

Neighborhood Commercial (NC) development activities are intended to be low-impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A uses, which were established as of the adoption date of this provision shall be considered consistent with this policy. Development activities which may be considered within Neighborhood Commercial (NC) Future Land Use designation, provided that listed criteria are met, include the following:

- a) Professional offices (no drive through lanes permitted);
- b) Personal Services (no drive through lanes permitted);
- c) Convenience stores (no drive through lanes permitted);
- d) Residential uses;
- e) Institutional uses;
- f) Recreational uses;
- g) Public facilities; and
- h) Transitional uses pursuant to Policy 2.12.

### **Locational and Development Criteria for Neighborhood Commercial Uses**

#### **Policy 2.6**

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.
- ~~BC.~~ 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.

- ~~CD.~~ 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.
- ~~DE.~~ Neighborhood commercial development clusters should be spaced at least 1/2 mile apart, except in the south beaches where neighborhood commercial clusters should be spaced at least three (3) miles apart.
- ~~EF.~~ The gross floor area of neighborhood commercial complexes should not exceed a 21,800 square feet and the Floor Area Ratio (FAR) ~~should not exceed of~~ 0.75.
- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

In summary, Table 2.1 reiterates the specific development parameters and issues for consideration discussed in Policies 2.1 and 2.6 when evaluating requests for NC land use designations. This table also outlines issues which affect decision making for rezoning requests and for site plan review, as described in Policies 2.2 and 2.3.

#### **Activities Permitted in Community Commercial (CC) Future Land Use Designations Policy 2.7**

Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Development activities which may be considered within the Community Commercial (CC) Future Land Use designation, provided that the guidelines listed in Table 2.2 are met, include the following:

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses;
- i) Institutional uses;

- j) Recreational uses;
- k) Public facilities;
- l) Transitional uses pursuant to Policy 2.124; and
- m) Planned Industrial Park development (as permitted by PIP zoning).

**Locational and Development Criteria for Community Commercial Uses**  
**Policy 2.8**

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. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanies with a PUD zoning classification wherein the FAR may be increased up to 1.75.
- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

In summary, Table 2.2 reiterates the specific development parameters and issues for consideration, as discussed in Policies 2.1 and 2.8, when evaluating requests for CC land use designations. This table also outlines issues which affect decision making for rezoning requests and for site plan review, as described in Policies 2.2 and 2.3.

TABLE 2.1 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW NEIGHBORHOOD COMMERCIAL (NC) FUTURE LAND USES			
FIRST LEVEL OF REVIEW CONSISTENCY WITH COMPREHENSIVE PLAN <sup>1</sup>	SECOND LEVEL OF REVIEW CONSISTENCY WITH ZONING REGULATIONS <sup>2</sup>	THIRD LEVEL OF REVIEW CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS <sup>3</sup>	
Issues for Evaluation	Issues for Evaluation	Issues for Evaluation	
Overall accessibility to the proposed NC site. (Policy 2.1.A)	Permitted/prohibited uses. (Policy 2.2.A)	Integration of vehicular and non-vehicular access into the site plan. (Policy 2.3.A)	
Compatibility and inter-connectivity of proposed NC site with adjacent adopted Future Land designations and uses. (Policy 2.1.B)	Proposed zoning is consistent with zoning trends for the area. (Policy 2.2.B)	Access management features of the site design. (Policy 2.3.A)	
Existing commercial development trend in the area. (Policy 2.1.C)	Compatibility of proposed zoning with surrounding land uses. (Policy 2.2.C)	Adequacy of buffering provided. (Policy 2.3.B)	
Changes in character of an area due to infrastructure improvements. (Policy 2.1.D)	Availability of public facilities to accommodate proposed zoning at or above adopted Level of Service standards. (Policy 2.2.D)	Open space provisions and balance of proportion between gross floor area and site size. (Policy 2.3.C)	
Availability of public facilities to accommodate proposed NC Future Land Uses at or above adopted Level of Service standards. (Policy 2.1.E)	Impacts upon natural resources, including wetlands, floodplains and endangered species. (Policy 2.2.E)	Adequacy of pervious surface area in terms of drainage requirements of Land Development Code. (Policy 2.3.D)	
Minimum Spacing from Nearest Commercial Land Use: .5 (one half) mile, with exceptions. (Policies 2.1.F and 2.6.D)	Other issues which may emerge specific to a particular property. (Policy 2.2.F)	Placement of signage on site. (Policy 2.3.E)	
Size of proposed NC designation compared with current need. (Policy 2.1.G)	<b>Development Parameters Addressed by BU-1A Zoning Regulations</b>	Adequacy of site lighting and intrusiveness of lighting upon the surrounding area. (Policy 2.3.F)	
Adherence of proposed NC land use to objectives/policies of the Conservation Element and the minimization of impacts upon natural systems. (Policy 2.1.H)	Listing of permitted/prohibited uses.	Safety of on site circulation patterns and points of conflicts. (Policy 2.3.G)	
Integration of open space. <sup>4</sup> (Policy 2.1.I)	Minimum building setbacks requirements.	Landscaping conforms with policies of the Comprehensive Plan and the Land Development Code. (Policy 2.3.H)	
Effect upon strip commercial development as a result of approving NC Future Land Use. (Policy 2.1.J)	Minimum lot size requirements.	Site plan sensitivity to protecting unique natural features. (Policy 2.3.I)	
Location: Limited to intersections of Collector/Collector or Collector/Arterial roadways. (Policy 2.6.A)	Minimum floor area requirements.	Other performance based requirements. (Policy 2.3.J)	
NC Future Land Use Site Size: 2 acres maximum (Policy 2.6.C)	Maximum building height allowances.	<sup>3</sup> This table serves as a summary. Refer to Policies 2.3 and 2.6 for full details.	
Maximum Building Size: 21,800 square feet <sup>4</sup> (Policy 2.8.E)	Buffering requirements.		
Maximum Floor Area Ratio (FAR): .75 <sup>4</sup> (Policy 2.6.E)	Traffic impact allowances.		
<sup>1</sup> This table serves as summary. Refer to Policies 2.1 and 2.6 for full details.			
<sup>4</sup> These parameters will be applied during the plan review process.			



TABLE 2.2 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW COMMUNITY COMMERCIAL (CC) FUTURE LAND USES			
FIRST LEVEL OF REVIEW CONSISTENCY WITH COMPREHENSIVE PLAN <sup>1</sup>	SECOND LEVEL OF REVIEW CONSISTENCY WITH ZONING REGULATIONS <sup>2</sup>	THIRD LEVEL OF REVIEW CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS <sup>3</sup>	
<b>Issues for Evaluation</b>	<b>Issues for Evaluation</b>	<b>Issues for Evaluation</b>	
Overall accessibility to the proposed CC site. (Policy 2.1.A)	Permitted/prohibited uses. (Policy 2.2.A)	Integration of vehicular and non-vehicular access into the site plan. (Policy 2.3.A)	
Compatibility and inter-connectivity of proposed CC site with adjacent adopted Future Land designations and uses. (Policy 2.1.B)	Proposed zoning is consistent with zoning trends for the area. (Policy 2.2.B)	Access management features of the site design. (Policy 2.3.A.)	
Existing commercial development trend in the area. (Policy 2.1.C)	Compatibility of proposed zoning with surrounding land uses. (Policy 2.2.C)	Adequacy of buffering provided. (Policy 2.3.B)	
Changes in character of an area due to infrastructure improvements. (Policy 2.1.D)	Availability of public facilities to accommodate proposed zoning at or above adopted Level of Service standards. (Policy 2.2.D)	Open space provisions and balance of proportion between gross floor area and site size. (Policy 2.3.C)	
Availability of public facilities to accommodate proposed CC Future Land Uses at or above adopted Level of Service standards. (Policy 2.1.E)	Impacts upon natural resources, including wetlands, flood plains, and endangered species. (Policy 2.2.E)	Adequacy of pervious surface area in terms of drainage requirements of Land Development Code. (Policy 2.3.D)	
Minimum Spacing from Nearest CC Land Use: 2 miles for sites up to 10 acres and 5 miles for sites >10 acres. (Policies 2.1.F and 2.8.C)	Other issues which may emerge specific to a particular property. (Policy 2.2.F)	Placement of signage on site. (Policy 2.3.E)	
Size of proposed CC designation compared with current need. (Policy 2.1.G)	<b>Development Parameters Addressed by BU-1 &amp; BU-2 Zoning Regulations</b>	Adequacy of site lighting and intrusiveness of lighting upon the surrounding area. (Policy 2.3.F)	
Adherence of proposed CC land use to objectives/policies of the Conservation Element and the minimization of impacts upon natural systems. (Policy 2.1.H)	Listing of permitted/prohibited uses.	Safety of on site circulation patterns and points of conflicts. (Policy 2.3.G)	
Integration of open space. <sup>4</sup> (Policy 2.1.I)	Minimum building setbacks requirements.	Landscaping conforms with policies of the Comprehensive Plan and the Land Development Code. (Policy 2.3.H)	
Effect upon strip commercial development as a result of approving CC Future Land Use. (Policy 2.1.J)	Minimum lot size requirements.	Site plan sensitivity to protecting unique natural features. (Policy 2.3.I)	
Locations: Limited to intersections of Arterial/Arterial or Collector/Arterial roadways for sites up to 10 acres (with exceptions) and limited to Principal Arterial/Principal Arterial intersections for sites >10 acres. (Policy 2.8.A)	Minimum floor area requirements.	Other performance based requirements. (Policy 2.3.J)	
CC Future Land Use Site Size: >2 acres and <40 acres. (Policy 2.8.B)	Maximum building height allowances.		
Minimum spacing from nearest CC land use: 2 miles for sites up to 10 acres and 5 miles for sites > 10 acres. (Policy 2.8.C)	Buffering requirements.	<sup>3</sup> This table serves as a summary. Refer to Policies 2.3 and 2.8 for full details.	
Maximum Building Size: up to 150,000 square feet for sites up to 10 acres and up to 400,000 square feet for sites > 10 acres. <sup>4</sup> (Policy 2.8.D)			
Maximum Building Size: up to 150,000 square feet for sites up to 10 acres and up to 400,000 square feet for sites > 10 acres unless within an approved PUD, then a maximum of 76,230 GFA per acre. <sup>4</sup> (Policy 2.8.D)	<sup>2</sup> This table is a summary. Refer to Policies 2.2 and 2.8 for full details.		
Maximum Floor Area Ratio (FAR): 1.0 for sites up to 10 acres and 1.0 for sites > 10 acres unless with PUD zoning classification wherein the FAR is up to 1.75. <sup>4</sup> (Policy 2.8.E)			
<sup>1</sup> This table serves as summary. Refer to Policies 2.1 and 2.8 for full details.			
<sup>4</sup> These parameters will be applied during the plan review process.			

## **Board Adjustments to Commercial Future Land Use Boundaries**

### **Policy 2.9**

The boundaries of the Neighborhood Commercial and Community Commercial future land use designations are intended to be flexible in their application and may be extended up to 500 feet beyond the limits established on the Future Land Use Map by the Board of County Commissioners, provided that such proposed extensions adhere to the following criteria:

#### **Criteria:**

- A. — said extension shall not encompass an area greater than one acre in size;
- B. — said extension shall only be permitted for properties which are either contiguous to or partly located within the respective Neighborhood Commercial or Community Commercial designation sought by the extension;
- C. — said extension does not result in expanding a boundary into established residential areas; and
- D. — said extension does not exclusively abut a parcel which was previously granted such an expansion.

### **Policy 2.10**

In evaluating an application for a commercial land use boundary extension as discussed in Policy 2.9, the Board of County Commissioners shall determine that at least one of the following criteria applies:

#### **Criteria:**

- A. — such extension results in the protection of the environment;
- B. — such extension makes accommodation for the nearest property lines, rights-of-way, or easements;
- C. — the basis for such extension is related to major physical or man-made boundaries; or,
- D. — a binding development restriction which satisfactorily addresses compatibility issues raised by the County is voluntarily submitted to the Planning and Zoning Board and is approved by the County Commission.

### **Policy 2.11**

Properties that do not qualify for a boundary extension, as provided for in Policy 2.9, shall be afforded the opportunity to apply for a plan amendment pursuant to Florida Statutes.

## **Regional Commercial Centers**

### **Policy 2.912**

Regional commercial centers are those which meet the standards for Developments of Regional Impact, as defined by Chapter 380, F.S. Such land uses shall only be located within the Development of Regional Impact (DRI) future land use designation. Project design and review standards shall be in accordance with the requirements of Chapter 380, F.S.

## **Residential Development in Neighborhood Commercial and Community Commercial Land Use Designations**

### **Policy 2.103**

Residential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. Such residential development, as described above, shall be allowed to utilize the following characteristics:

#### **Criteria:**

- A.a)** Residential uses within Neighborhood Commercial and Community Commercial designations shall be encouraged to utilize neo-traditional neighborhood development techniques, such as narrower road rights-of-way, mid-block pedestrian pass-throughs, alleys, smaller lot sizes, on-street parking, reduced lot line setbacks and public transit facilities.
- B.b)** Residential density bonuses as set forth in Policy 11.2 may be considered in addition to the bonus stated in the above policy within Neighborhood Commercial and Community Commercial designations as an incentive for redevelopment and regentrification if the proposed development will address serious incompatibility with existing land uses, is adequately buffered from other uses, is located along major transportation corridors, and meets the concurrency requirements of this Comprehensive Plan.

## **Transitional Commercial Activities**

### **Policy 2.114**

As a result of their intrinsic nature and scale of intensity, offices, non-retail and neighborhood commercial activities may be utilized as transitional activities to afford

buffering between higher and lower intensity uses, including transportation corridors. The criteria listed below, as summarized by Table 2.3, should serve as locational guidelines for employing such development as transitional uses. Projects which are approved as transitional uses may be subject to special requirements by the County, such as buffers, lighting, hours of operation, access/egress points, etc. in order to minimize impact upon adjacent lower intensity uses. In residential land use designations, strict adherence to development parameters outlined in Policies 2.6 and 2.8 must be maintained to qualify for consideration as a transitional activity under this policy. Once a transition is achieved between a higher and lower intensity land use, this policy should not be construed to justify the extension or enlargement of such uses onto adjacent lower intensity lands.

**Criteria:**

- A. Non-retail commercial land uses shall be limited to those areas where non-retail commercial or industrial characteristics are established or planned so as to protect residential areas from their influence. Non-retail uses, including wholesaling, contracting, heavy repair services, paint and body shops, storage and warehousing uses, may serve as a transitional use between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses:	Heavy Industrial or Light Industrial activities.
Lower Intensity Uses:	Community Commercial, Planned Industrial Park or Planned Business Park uses.
Future Land Use designations:	Community Commercial, Heavy/Light Industrial or Planned Industrial (Planned Industrial permits PIP zone uses only).
Roadway Access Requirements:	Convenient access to a major transportation corridor or along a railroad corridor with visual buffering from such corridors.

- B. Professional Office uses may serve as a transition between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses:	Light Industrial, Heavy Industrial, Planned Industrial Park, Planned Business Park, Neighborhood Commercial or a transportation corridor.
------------------------	---

Lower Intensity Uses:	Residential 4, Residential 6, Residential 10, or Residential 15
Future Land Use Designations:	Neighborhood Commercial, Community Commercial, Residential 4, Residential 6, Residential 10, Residential 15. These residential land use designations permit RP zone uses only.
Roadway Access Requirements:	Direct access to collector or higher roadway.

C. Neighborhood Commercial uses may serve as a transition between the following higher intensity and lower intensity uses, in the following listed Future Land Use designations:

Higher Intensity Uses:	Any higher intensity uses listed in Criteria A and B above.
Lower Intensity Uses:	Professional Offices (RP <u>and BU-1-A</u> zone uses only) and any residential.
Future Land Use Designations:	Neighborhood Commercial and all Residential designations.
Roadway Access Requirements:	Direct access to collector or higher roadway.

TABLE 2.3

LOCATIONAL CRITERIA FOR TRANSITIONAL COMMERCIAL & INDUSTRIAL LAND USES<sup>1</sup>

TRANSITIONAL <sup>1</sup> USE	TRANSITION FROM...	TRANSITION TO...	PERMITTED FUTURE LAND USE DESIGNATION	ROADWAY ACCESS REQUIREMENTS
Non-retail <sup>2</sup> Uses	Light Industrial or Heavy Industrial	Community Commercial, Planned Industrial Park, or Planned Business Park	Community Commercial, Heavy/Light Industrial, or Planned Industrial <sup>4</sup>	Convenient access to a major transportation corridor or along a railroad corridor, but must be visually buffered from such corridors.
Professional Office	Light Industrial, Heavy Industrial, Planned Industrial Park, Planned Business Park, Neighborhood Commercial, or Transportation Corridors	Residential (4 units per acre or higher density)	Neighborhood Commercial, Community Commercial, Residential <sup>4</sup> , Residential <sup>6</sup> , Residential <sup>10</sup> , Residential <sup>15</sup> , or Residential <sup>30</sup>	Direct access to collector or higher.
Neighborhood Commercial	Any of the above uses, plus Community Commercial	Professional Offices <sup>3</sup> Residential	Neighborhood Commercial and all Residential Designations	Direct access to collector or higher.

<sup>1</sup> This table serves as a summary. Refer to Policy 2.1.14 for full details.<sup>2</sup> Generally includes wholesaling, contracting, heavy repair services, paint and body shops, storage and warehousing uses.<sup>3</sup> Permits RP and BU-1-A zoning uses only.<sup>4</sup> Permits PIP zoning uses only.

## **Strip Commercial Development**

### **Policy 2.125**

The creation/promotion of strip pattern of commercial development shall be discouraged. Infill within established strip commercial areas is preferred over extension of a strip commercial pattern. Extension of a commercial land use designation may be considered in circumstances where the proposed commercial parcel is located within a block in which at least fifty percent (50%) of the block face (in linear feet) is either currently developed with commercial land uses or is designated for commercial use. In either case, the proposed commercial land use extension shall not constitute an encroachment into a residential area. Refer to Figure 1 in the Appendix, "Illustrative Examples of Commercial Infill vs. Extension of Strip Development." Judging the suitability of a location for an extension of strip commercial development activities shall be based upon the following minimum criteria:

#### **Criteria:**

- A. Impacts upon traffic circulation should be anticipated and mitigated through the reservation of right-of-way for road widening and marginal access streets. Access points for strip commercial complexes shall seek to minimize points of conflict by utilizing frontage roads, providing cross access between parcels or installing shared use curb cuts for access driveways to the maximum extent feasible, as determined by Brevard County.
- B. Setbacks and landscaped or other appropriate buffers shall be established to mitigate the visual impacts of strip commercial development.
- C. A sidewalk or bicycle path shall be required where appropriate, as encouraged by Tables 2.1 and 2.2 to provide convenient access to surrounding residents and to reduce traffic volumes on the roadways.
- D. Adequacy of off-street parking, off-street loading facilities and stormwater facilities.

## **Periodic Review of Commercial Area Allocations**

### **Policy 2.136**

As part of each Evaluation and Appraisal Report (EAR), Brevard County shall analyze the allocation of commercial acreage in the Future Land Use Map. The evaluation of said allocations shall be based upon the following minimum criteria:

#### **Criteria:**

- A. Commercial development trends;
- B. The types, intensities, locations, and land areas of commercial land use designations; and
- C. Commercial acreage allocations shall consider all commercial development, whether within or outside of commercial land use designations.

## Institutional Future Land Use Designations

### Policy 2.147

Because of the contrasting nature of institutional activities, two types of institutional land uses are identified below. Institutional uses shall be evaluated according to the following location and development criteria:

#### Criteria:

##### A. Low Intensity Institutional Uses

1. Permitted in all Residential Land Use Designations and in the Neighborhood Commercial Land Use Designation
2. Access to a roadway classified as a local street or higher
3. Pedestrian access required
4. Building scale and design compatible with the surrounding neighborhood

##### B. High Intensity Institutional Uses

1. Permitted in the Community Commercial Land Use Designation
2. Access to a roadway classified as an arterial or higher
3. Access to a roadway classified as a collector or higher in established Community
4. Commercial areas' intrusion into residential areas shall be limited. High Intensity Institutional Uses shall be located in areas where commercial development is planned or established.

## **LOW INTENSITY INSTITUTIONAL USES**

**Permitted in all Residential Land Use Designations and in the Neighborhood Commercial Land Use Designation**

- ~~A. Access to a roadway classified as a local street or higher~~
- ~~B. Pedestrian access required~~
- ~~C. Building scale and design compatible with the surrounding neighborhood~~

## **HIGH INTENSITY INSTITUTIONAL USES**

**Permitted in the Community Commercial Land Use Designation**

- ~~A. Access to a roadway classified as an arterial or higher~~
- ~~B. Access to a roadway classified as a collector or higher in established Community~~
- ~~C. Commercial areas~~

~~Intrusion into residential areas shall be limited. High Intensity Institutional Uses shall be located in areas where commercial development is planned or established.~~



## **Industrial Land Uses** ~~INDUSTRIAL LAND USES~~

### **Objective 3**

Brevard County shall provide for adequate and appropriate lands for the location of industrial land uses, ~~through the Land Development Regulations~~, to support the role of these uses in the County's economy. Brevard County shall direct new industrial land use designations to areas which are determined to be appropriate based upon a suitability analysis, character of the area, compatibility with surrounding land uses, and public facilities and services. These uses shall be directed to sites where there are sufficient uplands for the intended use and for all other measures to ensure wetland function. During the review of proposed amendments to the Future Land Use Map, which would allow industrial uses, Brevard County shall ensure that the site is suitable for the proposed use with regard to environmental features. The proposed designation shall be consistent with the following suitability criteria:

#### **Criteria:**

- A. Floodplain policies contained within Conservation Objective 4.
- B. Aquifer protection policies contained within Conservation Objective 11.
- C. Types, values, conditions, functions, and locations of wetlands, and wetland protection policies contained in Conservation Objective 5.

## **Role of the Comprehensive Plan in the Designation of Industrial Lands**

### **Policy 3.1**

The Comprehensive Plan shall impose broad criteria for consideration in evaluating proposals for new industrial designated lands within Brevard County. At a minimum, these criteria shall address the following:

#### **Criteria:**

- A. Compatibility with adjacent adopted Future Land Use designations and land uses;
- B. Existing industrial development trend in the area;
- C. Availability of required infrastructure at/above adopted levels of service;
- D. Size of proposed industrial designation compared with current need for industrial lands;
- E. Accessibility to major transportation corridors, as well as air, water and rail transportation facilities;

- F. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems; and
- G. Accessibility to labor, raw materials and markets.

### **Role of Zoning Regulations in the Designation of Industrial Lands**

#### **Policy 3.2**

Zoning regulates the specific types and intensities of uses. Criteria which aid in assessing zoning compatibility shall consider the following standards:

**Criteria:**

- A. Permitted/prohibited uses;
- B. Existing industrial zoning trends in the area;
- C. Compatibility of proposed use with area;
- ~~DE.~~ Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal; and
- ~~ED.~~ Impact upon natural resources, including air and water, wetlands, floodplains, and endangered species.
- F. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

### **Role of Land Development Regulations in the Designation of Industrial Lands**

#### **Policy 3.3**

Once a proposed project is designed, site plan/land development regulations provide the final level of review for evaluating the acceptability of proposed industrial development activities. Criteria include:

**Criteria:**

- A. Accessibility of site for vehicular and non-vehicular modes;
- B. Buffering from adjacent existing/potential uses in terms of set backs, landscaping, and open space as well as the arrangement of access and parking for the site;
- C. Open space provisions and balance of proportion between gross floor area and site size;
- D. Adequacy of pervious surfaces in terms of drainage requirements;

- E. Safety of on site vehicular circulation patterns (patrons, employees, and delivery vehicles) including loading facilities, truck parking and points of conflict;
- F. Storage locations and buffering from the surrounding area;
- G. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;
- H. Building placement/arrangement on the site;
- I. Provision of breezeway/visual corridor for riverfront properties;
- J. Placement of signage;
- K. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance.
- L. Performance based zoning requirements which may serve as a substitute for or accompany Land Development Regulations in attaining acceptable site design;
- M. Suitability of mixture of uses (if multiple uses proposed);
- N. Blending of the project with the character of the area; and
- O. Landscaping conforms with the policies of the Comprehensive Plan and land development code.

## **Industrial Future Land Use Designations**

### **Policy 3.4**

The two (2) industrial land use designations adopted as part of the Future Land Use Map are:

- Planned Industrial
- Heavy/Light Industrial

## **Planned Industrial Land Use Designation**

### **Policy 3.5**

The Planned Industrial land use designation is intended to accommodate the clustering of light industrial and business uses in settings which provide special attention to the integration of infrastructure, such as circulation, parking, and utilities, while placing emphasis upon aesthetics of the project and compatibility with abutting properties and properties within the industrial park. These parks shall be designed to

limit intrusion into residential areas. Appropriate uses are those that operate within enclosed buildings such as manufacturing, assembling, fabricating, warehousing and retailing activities. Hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within the planned industrial or business parks are also appropriate. Marinas may also be considered within this land use designation. Appropriate locations for planned industrial parks shall be based upon the criteria listed below. Table 3.1 summarizes the specific development parameters listed below as well as issues that affect decision making for rezoning requests and for site plan review, as described in Policies 3.2 and 3.3.

**Criteria:**

- A. Planned industrial park project sites shall incorporate at least three (3) acres.
- B. Planned industrial parks must be within 660 feet of the major transportation corridors. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.

<b>TABLE 3.1 THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW PLANNED INDUSTRIAL FUTURE LAND USES</b>			
<b>FIRST LEVEL OF REVIEW</b>	<b>SECOND LEVEL OF REVIEW</b>	<b>THIRD LEVEL OF REVIEW</b>	
<b>CONSISTENCY WITH COMPREHENSIVE PLAN<sup>1</sup></b>	<b>CONSISTENCY WITH ZONING REGULATIONS<sup>2</sup></b>	<b>CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS<sup>3</sup></b>	
<b>Issues for Evaluation</b>	<b>Issues for Evaluation</b>	<b>Issues for Evaluation</b>	
Compatibility of proposed Planned Industrial Future Land Use with adjacent adopted Future Land designations and uses. (Policy 3.1.A)	Permitted/prohibited uses. (Policy 3.2.A)	Accessibility of site. (Policy 3.3.A)	
Existing Planned Industrial development trend in the area. (Policy 3.1.B)	Proposed zoning is compatible with zoning trends for the area. (Policy 3.2.B)	Buffering of adjacent existing/potential uses. (Policy 3.3.B)	
Availability of public facilities to accommodate proposed Planned Industrial Future Land Uses at or above adopted Level of Service standards. (Policy 3.1.C)	Proposed zoning is compatible with surrounding land uses. (Policy 3.2.C)	Open space provisions and balance of proportion between gross floor area and site size. (Policy 3.3.C)	
Size of proposed Planned Industrial designation compared with current need for such lands. (Policy 3.1.D)	Availability of public facilities to accommodate the proposed zoning at or above adopted Level of Service standards. (Policy 3.2.D)	Adequacy of pervious surface area in terms of drainage requirements. (Policy 3.3.D)	
Accessibility to major transportation corridors, as well as air, water and rail transportation facilities. (Policy 3.1.E)	Impacts upon natural resources, including wetlands, flood plains and endangered species. (Policy 3.2.E)	Safety of on site vehicular circulation, loading facilities and truck parking. (Policy 3.3.E)	
Adherence to objectives/policies of the Conservation Element and the minimization of impacts upon natural systems. (Policy 3.1.F)	Other issues which may emerge specific to a particular property. (Policy 3.2.F)	Storage locations and buffering from surrounding area. (Policy 3.3.F)	
Planned Industrial Park land use designation minimum acreage: 3 acres (Policy 3.5.A)	<b>Development Parameters Addressed by PIP &amp; PBP Zoning Regulations</b>	Arrangement of site lighting and intrusiveness of lighting upon the surrounding area. (Policy 3.3.G)	
Planned Industrial Park land use designation must be within 660' of a major transportation corridor. (Policy 3.5.B)	Listing of permitted/prohibited uses.	Building placement/arrangement. (Policy 3.3.H)	
	Minimum parks size requirements.	Provision of breezeway/visual corridor for riverfront properties. (Policy 3.3.I)	
	Minimum buffering requirements.	Location of signage. (Policy 3.3.J)	
	Minimum lot size requirements.	Site plan sensitivity to protecting unique natural features. (Policy 3.3.K)	
	Minimum building setback requirements.	Other performance based requirements. (Policy 3.3.L)	
<sup>1</sup> This table serves as a summary. Refer to Policies 3.1 and 3.5 for details.	Maximum lot coverage requirements.	Suitability of mixture of uses (if multiple uses proposed). (Policy 3.3.M)	
<sup>2</sup> This table serves as a summary. Refer to Policies 3.2 and 3.5 for full details.	Maximum building height allowances.	Blending with the character of the area. (Policy 3.3.N)	
<sup>3</sup> This table serves as a summary. Refer to Policies 3.3 and 3.5 for full details.	Loading facility requirements.	Landscaping conforms with policies of the Comprehensive Plan and land development code. (Policy 3.3.O)	
	Lighting standards.		

## **Heavy/Light Industrial Land Use Designation**

### **Policy 3.6**

The Heavy/Light Industrial land use designation is intended to accommodate an array of industrial activities ranging from those which involve indoor manufacturing to those which utilize prepared materials in the outdoor production of goods. IU and IU-1 uses may be permitted only within an area designated for Heavy/Light Industrial uses, unless treated as a transitional use pursuant to Policy 2.2. Heavy/Light industrial land uses shall be deemed appropriate provided that the generalized locational factors listed below are satisfied. Table 3.1 summarizes the specific development parameters listed below as well as issues that affect decision making for rezoning requests and for site plan reviews, as described in Policies 3.2 and 3.3.

#### **Criteria:**

- A. Industrial development shall be located with convenient access to major transportation corridors, as well as air, water and rail transportation facilities. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518, and 516.
- B. Industrial land uses should be located with convenient access to the labor supply, raw material sources and market areas.
- C. Natural vegetative and other appropriate buffers, potentially in the form of performance based standards, shall be employed as part of industrial site development to minimize the nuisance effects of industrial land uses, including noise, odor and visual effects, and to provide aesthetically pleasing settings for such uses.

## **Light Industrial Uses in the Heavy/Light Industrial Designation**

### **Policy 3.7**

Light industrial land uses involve manufacturing, assembling, fabricating and warehousing activities which are generally conducted indoors. Such uses have the potential to adversely affect surrounding land uses; therefore, light industrial development proposals shall be reviewed for compatibility with surrounding land uses. Locations for light industrial land uses, shall be based upon the following minimum criteria:

#### **Criteria:**

- A. Light industrial land uses shall not be located within 660 feet of major transportation corridors, unless such uses are located west of railroad right-of-way along U. S. Highway 1 and are served by a spur or other connection to the rail line or are water-dependent or water-dependent uses or meet the criteria below.

- C. Light industrial land uses may also be considered within 660 feet of the major transportation corridors if they are located contiguous to an established industrial park (lands separated by roads are considered contiguous), and if such lands have existing IU (light industrial) zoning and such zoning has existed for at least ten years, provided that such lands contain natural vegetation affording sufficient visual screening from the transportation corridor. Under these circumstances, all natural vegetation shall be retained within a minimum 15 foot roadway buffer area unless it is determined by the County that such vegetation needs to be replaced due to the poor health or viability of the vegetation. Drainage works and all other improvements shall not be permitted within the 15 foot roadway buffer area. The landscaping requirements of this provision shall be carried out in addition to the requirements of Brevard County Landscaping Regulations. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518 and 516.
- C. Sites for light industrial land uses shall be at least 20,000 square feet in size.
- D. Floor Area Ratio (FAR) for a light industrial land use project should not exceed 2.48.

### **Heavy Industrial Uses in the Heavy/Light Industrial Land Use Designation Policy 3.8**

Heavy industrial land uses include indoor and outdoor activities such as cement and concrete production, chemicals and fertilizer processing, lumber mills, foundries and forge works, and paint and plastics production. Heavy industrial land uses have the potential to adversely affect surrounding land uses; therefore, such development proposals shall be reviewed for compatibility with surrounding land uses. Locations for heavy industrial land uses shall be based upon the following minimum criteria:

#### **Criteria:**

- A. Heavy industrial land uses shall not be located within 660 feet of major transportation corridors, unless such uses are existing or are located west of the railroad right-of-way along U.S. Highway 1 and are served by a spur or other connection to the rail line or are water-dependent or water-related uses. Major transportation corridors include such roadways as Interstate 95, U.S. Highways 1 and 192, and State Roads 3, 46, 50, 528, 524, 520, 518 and 516.
- B. Sites for heavy industrial land uses shall incorporate at least 40,000 square feet.
- C. Floor Area Ratio (FAR) for a heavy industrial land use project should not exceed 1.76.

TABLE 3.2. THREE LAYER DEVELOPMENT REVIEW PROCESS FOR EVALUATING NEW HEAVY/LIGHT INDUSTRIAL FUTURE LAND USES			
FIRST LEVEL OF REVIEW CONSISTENCY WITH COMPREHENSIVE PLAN <sup>1</sup>	SECOND LEVEL OF REVIEW CONSISTENCY WITH ZONING REGULATIONS <sup>2</sup>	THIRD LEVEL OF REVIEW CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS <sup>3</sup>	
Issues for Evaluation		Issues for Evaluation	
Compatibility of proposed Heavy/Light Industrial Future Land Use with adopted Future Land Uses in the surrounding area. (Policy 3.1.A)	Permitted/prohibited uses. (Policy 3.2.A)	Accessibility of the site. (Policy 3.3.A)	
Existing Heavy/Light Industrial development trend in the area. (Policy 3.1.B)	Proposed zoning is consistent with zoning trends for the area. (Policy 3.2.B)	Buffering of adjacent existing/potential uses. (Policy 3.3.B)	
Availability of public facilities to accommodate proposed Heavy/Light Industrial Future Land Uses at or above adopted Level of Service standards. (Policy 3.1.C)	Proposed zoning is compatible with surrounding land uses. (Policy 3.2.C)	Open space provisions and balance of proportion between gross floor area and site size. (Policy 3.3.C)	
Size of proposed Heavy/Light Industrial designation compared with current need for Heavy/Light Industrial lands. (Policy 3.1.D)	Availability of public facilities to accommodate proposed zoning at or above LOS standards. (Policy 3.2.D)	Adequacy of pervious surface areas in terms of drainage requirements (Policy 3.3.D)	
Accessibility to major transportation corridors, air, water and rail transportation facilities. (Policies 3.1.E and 3.6.A)	Adherence of proposed zoning to the objectives/policies of the Conservation Element and minimization of impacts upon natural systems. (Policy 3.2.E)	Safety of on site vehicular circulation, loading facilities and truck parking. (Policy 3.3.E)	
Minimization of impacts upon natural systems. (Policy 3.1.F)	<b>Development Parameters Addressed by IU and IU-1 Zoning Regulations</b>	Storage locations and buffering from rights of way and the surrounding area. (Policies 3.3.F and 3.7.B)	
Convenient access to labor, raw materials and market areas. (Policies 3.1.G and 3.6.B)	Permitted/prohibited uses.	Arrangement of site lighting and intrusiveness of lights upon the surrounding area. (Policy 3.3.G)	
Provision of natural vegetative or other appropriate buffers to minimize nuisance effects. <sup>4</sup> (Policy 3.6.C)	Minimum lot size requirements.	Building placement/arrangement. (Policy 3.3.H)	
Other performance based standards to minimize nuisance effects. <sup>4</sup> (Policy 3.6.C)	Minimum building setback requirements.	Provision of breezeway/visual corridor for riverfront properties. (Policy 3.3.I)	
Light Industrial uses should not be located within 660' of major transportation corridors, unless contiguous with the railroad along US 1 or are water dependent/related uses. (Policies 3.7.A and 3.7.B)	Floor Area Ratio requirements.	Location of signage. (Policy 3.3.J)	
Minimum Lot Size for Light Industrial Uses: 20,000 s.f. <sup>4</sup> (Policy 3.7.C)	Maximum building height allowances.	Site plan sensitivity to the protection of unique natural features. (Policy 3.3.K)	
Maximum Floor Area Ratio (FAR) for Light Industrial use: 2.48 <sup>4</sup> (Policy 3.7.D)	Minimum buffering requirements.	Other performance based requirements. (Policy 3.3.L)	
Heavy Industrial uses should not be located within 660' of major transportation corridors, unless contiguous with the railroad, adjacent to US 1, or are water related/dependent uses. (Policies 3.8.A)	Traffic impacts associated with the proposed use(s).	Suitability of mixture of uses (if multiple uses proposed). (Policy 3.3.M)	
Minimum Lot Size for Heavy Industrial Uses: 40,000 s.f. <sup>4</sup> (Policy 3.8.B)		Provision of natural vegetative buffers, fencing materials or other buffers to minimize nuisance effects such as noise, odor, visual impacts. (Policies 3.3.B and 3.3.N)	
Maximum Floor Area Ratio (FAR) for Heavy Industrial use: 1.76 <sup>4</sup> (Policy 3.8.C)		Landscaping conforms with policies of the Comprehensive Plan and land development code. (Policy 3.3.O)	

<sup>1</sup> This table serves as a summary. Refer to Policies 3.1, 3.6, 3.7 and 3.8 for full details. <sup>2</sup> This table serves as a summary. Refer to Policies 3.2 and 3.6, 3.7, and 3.8 for full details.

<sup>3</sup> This table serves as a summary. Refer to Policies 3.3 and 3.6, 3.7, and 3.8 for full details. <sup>4</sup> These parameters will be applied during the plan review process.



### **Water-Related and Water-Dependent Industrial Uses**

#### **Policy 3.9**

Waterfront parcels may be designated for Heavy/Light Industrial land use to satisfy unique locational needs for water-dependent and water-related industrial activities, provided that such activity is compatible with surrounding existing and programmed development and is consistent with these Industrial land use policies. Appropriate locations for water-dependent and water-related industrial land uses shall be based upon the following minimum criteria:

#### **Criteria:**

- A. Only water-dependent industrial land uses, which must be carried out only on, in or adjacent to water areas, may be considered for location along the Indian River lagoon system.
- B. Water-related industrial land uses shall be considered only on the uplands adjacent to Class III waters of the Indian River lagoon system. Water-related uses are those which are not directly dependent upon access to a water body but which provide goods and services to uses which are water-dependent.
- C. Directives, policies and criteria in the Coastal Management and Conservation elements of this Comprehensive Plan which address water-dependent and water-related land uses shall be utilized in the location of industrial uses adjacent to water bodies.

### **Agricultural Land Uses**~~AGRICULTURAL LAND USES~~

#### **Objective 4**

Brevard County recognizes the importance of agricultural lands to the community as the industry benefits the economy, reduces the extent of urban sprawl, and the costs of providing public facilities and services, provides environmental benefits, and provides open space and visual beauty. The County shall enhance and protect agricultural lands, and provide for the continuing viability of the agricultural industry in the County's economy.

#### **Permitted Uses in Agricultural Land Use Designation**

##### **Policy 4.1**

Appropriate and adequate lands shall be designated Agricultural on the Future Land Use Map. Agricultural activities include, but are not limited to, row, vegetable and fruit crop production; dairy, poultry and livestock production; aquaculture, silviculture, horticulture, and apiariculture. Large lot residential development which does not impede the use of lands for agricultural

Future Land Use Element

purposes shall be permitted in this land use designation. The following minimum criteria shall govern activities in this land use designation:

**Criteria:**

- A. Residential densities shall not exceed one dwelling unit per five (5) acres.
- B. The County shall not extend public utilities and services outside of the service areas to Agricultural areas for new development, unless there is an overriding public benefit which accrues to an area larger than the specific Agricultural area. However, the County will accept facilities through dedication, and provide services and utilities through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.
- C. The County shall actively promote Transfer of Development Rights from Agricultural Lands and restrict Open Space Subdivisions and corresponding density bonuses in those areas designated as Agricultural Future Land Use Map.

**Maintenance of Agricultural Designated Lands  
Policy 4.2**

Brevard County shall support voluntary federal, state and private acquisition and incentive programs for the maintenance of agricultural lands as opposed to eminent domain procedures.

**Policy 4.3**

Agricultural lands which are unique to Brevard County should be identified and programs for the protection of such lands should be evaluated as part of each Evaluation and Appraisal Report.

**Criteria:**

- A. Unique agricultural lands would be those lands in Brevard County which possess the physical and chemical conditions for a high level of production with a low level of input. Other factors to be used in defining these lands would include the location, growing season, climate, moisture supply, or technique utilized.
- B. Programs to be considered for protection of these agricultural lands should include, but not be limited to voluntary agricultural districts, time-certain dedications, purchase or transfer of development rights, and voluntary fee simple purchase of agricultural lands.

#### **Policy 4.4**

Brevard County shall support the Florida Greenbelt Law, Chapter 193, Florida Statutes, in an effort to provide incentives for agricultural property owners to maintain their lands in agriculture.

#### **Policy 4.5**

Brevard County shall encourage the use of cost-sharing programs and technical assistance offered through agencies such as the Soil & Water Conservation District to assist in the application of technology to conserve water and land resources.

### **Conservation Land Uses**~~CONSERVATION LAND USES~~

#### **Objective 5**

Brevard County shall protect the natural and historic resources in the County from the adverse impacts of development, and coordinate development with appropriate topography and soil conditions.

#### **Conservation Future Land Use Designations**

##### **Policy 5.1**

The following two (2) conservation land use designations are adopted as part of the Future Land Use Map:

- Public Conservation
- Private Conservation

#### **Public Conservation Lands**

##### **Policy 5.2**

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 future land use designation is intended to accommodate lands and facilities which 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 in the Conservation Element related to natural resources, and the intent of this Comprehensive Plan. Specifically, activities that are conducted on Public Conservation lands that enhance, protect or manage such lands for nature-based recreation, conservation or preservation purposes for the benefit of the public shall be considered as consistent with this criterion.
- C. Other environmentally sensitive lands (i.e., floodplains, wetlands, or aquifer recharge areas) which are located outside of the Public Conservation land use designation are protected through the policies of the Conservation Element of this Comprehensive Plan.
- D. Privately owned land shall not be designated as Public Conservation. If privately owned lands are acquired by 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 Florida Statute 163.3187, 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.

#### **Residential Uses in Public Conservation Areas**

##### **Policy 5.3**

Residential densities for Public Conservation lands should not exceed one (1) dwelling unit per fifty (50) acres. Dwelling units on publicly held lands, including those zoned EA which are in public ownership, are limited to accommodating park rangers or other authorized personnel as deemed appropriate in order to manage or protect such Public Conservation lands.

#### **Private Conservation Lands**

##### **Policy 5.4**

This land use designation 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 land uses designated Private Conservation after May

Future Land Use Element

16, 2000 are lands which are privately owned and zoned Environmental Area (EA) or so designated by an approved binding development plan shall be designated as Private Conservation. Such privately owned parcels shall permit a maximum residential density of one (1) unit per ten (10) acres.

## Public Facilities Land Uses~~PUBLIC FACILITIES LAND USES~~

### **Objective 6**

Brevard County shall provide for adequate lands to meet the existing and future needs for public facilities and services, consistent with the Capital Improvements Program and the policies and the criteria of this Comprehensive Plan.

### **Designation of Public Facilities Lands**

#### **Policy 6.1**

Brevard County shall adopt a Public Facility land use designation as part of the Future Land Use Map.

### **Locational Criteria for Public Facilities**

#### **Policy 6.2**

Appropriate locations for public facility land uses, ~~to include all lands managed by a governmental entity,~~ should be based upon the following minimum criteria:

#### **Criteria:**

- A. Public facilities are those uses which, at a minimum, relate to government-managed transportation, sanitary sewer, potable water, solid waste, drainage, conservation, education, government service systems, and other utilities such as gas, electric, telephone and cable. An exception should be made for transmission or collection facilities, rights-of-ways, and easements. Public facilities are also those uses classified as scientific research and technology development activities conducted by non-governmental organizations (NGOs) in formal partnership with governmental entities. Such NGOs shall provide economic, environmental and/or quality of life benefits to Brevard County. Specific land-use activities include either: life science research, ocean, coastal and marine research and technology development, or environmental science research. Public Facilities that are NGOs in formal partnership with governmental entities shall not exceed a FAR of .25

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

#### **Co-location of Public Facilities with Public School Sites** **Policy 6.3**

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 Land-Uses**~~RECREATION LAND USES~~

##### **Objective 7**

Brevard County shall acquire or dedicate adequate public lands for parks and recreation to meet the County's existing and future recreational needs consistent with the objectives and policies in the Recreation and Open Space Element of this Comprehensive Plan.

#### **Locational Criteria for Recreation Lands** **Policy 7.1**

The Recreation 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

Future Land Use Element

public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.

### Developments of Regional Impact (DRIs) DEVELOPMENTS OF REGIONAL IMPACT (DRIs)

#### **Objective 8**

Brevard County shall review and regulate Developments of Regional Impact (DRIs) pursuant to the requirements of Chapter 380, Florida Statutes, Chapters 9J-2 and 28-24 Florida Administrative Code and applicable local ordinances.

#### **Designation of Development of Regional Impact on the Future Land Use Map Policy 8.1**

Brevard County shall adopt a Development of Regional Impact (DRI) land use designation which depicts approved DRIs on the Future Land Use Map. Each DRI shall adhere to the conditions contained within its adopted Development Order as amended from time to time. The approved development amounts for each land use type are listed below for each DRI and may be exceeded by amending the approved Development Order only if the approved changes do not represent a Substantial Deviation pursuant to the requirements of Subparagraph (b) of Subsection (19), Chapter 380.06, Florida Statutes.

#### **~~1. Great Outdoors Premier RV Park Development of Regional Impact~~**

~~The following shall guide land use and development of the Great Outdoors RV Park:~~

~~The Great Outdoors Premier RV Park is located south of S.R. 50 and west of I-95. The Great Outdoors is approved for a mix of uses, specifically:~~

<del>Residential:</del>	<del>2,000 units (1,000 cabins and 1,000 recreational vehicle sites/units)</del>
<del>Commercial:</del>	<del>25,000 sq. ft.</del>
<del>Golf:</del>	<del>One 18 hole course</del>
<del>Support facilities:</del>	<del>47,800 sq. ft.</del>

#### **~~2. Harbortown Development of Regional Impact~~**

~~The following shall guide land use and development of Harbortown:~~

Future Land Use Element

~~Harbortown is located along the northern side of the S.R. 528/Bennett Causeway and have been approved for the following:~~

~~Wet Slips: 273  
Surface Storage: 120 boats/vehicles  
Covered Storage: 500 boats  
Commercial: 30,000 sq. ft.~~

**31. The Viera Development of Regional Impact**

The following shall guide land use and development of the Viera New Town:

Viera is planned as a mixed use community that incorporates smart growth principles with the functional integration of uses including residential, retail, office, attraction, theater, hotel, institutional, hospital, light industrial, educational, medical and recreation uses and supporting infrastructure. The residential uses will provide for a full range of housing types including single family ownership and rental units supporting a broad range of family sizes and incomes and will be linked by pedestrian/bicycle friendly pathways to the various non-residential components. The town will also have interconnected systems of open space that provide recreational opportunities and provide for the conservation of natural resources. The overall approximate acreage of the DRI is 20,500 acres.

The Future Land Use Map Designation for Viera is Development of Regional Impact (DRI). The DRI area west of I-95 is a New Town as described in Objective 9. Map 7 identifies the location of the New Town Land Use Areas/Districts of Viera including: Community; Regional Commerce; Town Center; Village; Interchange; Rural; and Conservation. These "Areas/Districts" (as defined in Policy 9.1) are not separate future land use designations, but are intended to further guide the form and design of the development that is permitted within Viera. Viera is distinct from existing urban areas and surrounding land uses and is generally situated between Wickham Road and Barnes Boulevard on the east side of I-95 and between Post Road and Barnes Boulevard on the west side of I-95.



### A. Viera DRI: Allowable Uses

The following land uses and substantially similar land uses and corresponding densities and intensities are allowable in the Viera New Town:

Land Use	Maximum Density/Intensity
• Single Family Residential;	7 units per net acre*
• Multi Family Residential, including Nursing Home, ALF and IALF;	20 units per net acre*
• Rural Residential (within the Rural Development District)	1 unit per 2.5 gross acres*
• Retail; Office including Medical Office and Clinic; Hotel; Movie Theaters, Attractions in Town Center**	3.0 FAR
• Retail; Office including Medical Office and Clinic; Hospital Hotel; Movie Theaters, Attractions Outside Town Center	2.0 FAR
• Institutional/Civic/Education	.5 FAR
• Light Industrial/Office Warehouse;	.5 FAR
• Educational Campus	2.0 FAR
• Sports Stadium	9,000 seats
• Parks and Recreation	Not Applicable
• Agricultural Use (as defined in Policy 9.1) is permitted within the Rural Area and the Conservation Area prior to the transition of such areas to the Rural District and the Conservation District, respectively, in accordance with an approved staging plan set forth in the DRI Development Order. Upon transitioning to such districts, Agricultural Use is permitted within the Rural District and the Conservation District only in a manner consistent with the Habitat Management Plan and applicable conservation easements and regulatory permits. Agricultural Use is permitted within any district in which development is occurring up to and until approval of a Site Plan or Subdivision Plat applicable to land which is subject to Agricultural Use.	Not Applicable
• Land excavation for the creation or enhancement of lakes, water bodies, or drainage facilities and removal of materials in association or connection therewith are allowable uses.	Not Applicable

Notes:

- \* Maximum Density/Intensity is based on net developable acreage, which does not include additional acreage needed for storm water management, roads, parks and recreation and conservation areas. Maximum Density/Intensity relates to the overall net density of the entire DRI, except as applied to Rural Residential which relates to the overall gross density of the Rural Development District, and is not intended to apply as a site specific maximum density limitation during sketch plan or site plan review.
- \*\* The Town Center is generally located in an area north of Wickham Road, west of I-95; east of Stadium Parkway and south of Viera Boulevard. (See Map 7). Town Center uses within the Viera Town Center shall include government facilities as well as a full mix of other land uses such as office, retail, civic and residential.
- \*\*\* Agricultural Use within the Rural Area includes a limited number of temporary housing units for agricultural workers, not to exceed 50 total units.
- \*\*\*\* Within the Conservation District and the Rural District no residential development will be permitted. Only that non-residential development which is consistent with an approved Habitat Management Plan (as part of the DRI Development Order) shall be permitted in the Conservation and Rural District.

(1) Special Standards for the Rural District

The following land uses and substantially similar land uses and corresponding densities and intensities are allowable in the Rural District:

Land Use	
•	Habitat Protection
•	Agricultural Use
•	Recreation

Notes:

1. These uses are only permitted to the extent that they are consistent with the provisions of the approved Habitat Management Plan.

**B. Viera DRI Development of Regional Impact Future Land Use Designation (Viera):**  
**Mix of Uses**

The mix of uses for Viera (gross acreage) is as follows:

**Table 8.1: Viera DRI Development Program (2009 Development Order)**

Land Use (See Notes)	Totals
Residential (units)	29,945
Office Development (s.f.)	3,569,702
- General Office (s.f.)	3,391,702
- Government Office (s.f.)	178,000
Hospital, Health Clinic (beds and s.f.)	
- VA Clinic (s.f.)	137,500
- Hospital Beds	322
- ACLF Nursing Home (beds)	1,060
Industrial Plants or Parks Distribution, Warehousing or Wholesaling Facilities	302,518
- Office/Warehouse (s.f.)	22,500
- Light Industrial (s.f.)	280,018
Retail and Service Development (s.f.)	3,438,127
Hotel or Motel Development (rooms)	1,000
Attractions and Recreation Facilities	
- Stadium (seats)	7,500
- Theaters (screens/seats)	16 Screens/ 3,600 Seats
- Golf Course	72 Holes

Government Office for Phases 1 and 2A is included in General Office

**Notes:**

- Office use includes medical office uses. Medical offices may include physician offices, medical clinics, labs, and diagnostic centers, ambulatory facilities, surgery centers, urgent care centers, rehabilitation centers, medical equipment sales and service, hospice, home health, pharmacies, cancer centers, hospitals or other similar medical office or specialty medical services or uses.

Future Land Use Element

2. Medical uses may include but are not limited to physician offices, medical clinics, labs, diagnostic centers, ambulatory facilities, surgery centers, urgent care centers, rehabilitation centers, medical equipment sales and service, pharmacies, cancer centers, hospitals, health fitness, hospice or home health care or other similar medical or health care uses, so long as they are consistent with the terms of the Viera DRI Development Order.
3. Retail service use includes fitness center/health club uses.
4. Residential use includes independent living uses.
5. Land uses such as elementary and secondary schools (public and private), churches, libraries, post offices, fire or police stations, golf courses and other public/civic uses are allowable in any development district, in addition to other designated uses shown on the DRI Map H.

### New Town Overlay ~~NEW TOWN OVERLAY~~

#### **Objective 9**

Brevard County shall maintain development standards for large scale mixed use New Town projects and provide incentives for large-scale environmental design.

#### Definitions

##### **Policy 9.1 Definitions**

**Agricultural Use:** Any use of land for bona fide agricultural purposes as described in Section 193.461(3)(b), Florida Statutes or for activities of a farm operation as described in Section 823.14(3), Florida Statutes or for Agriculture as defined in Section 570.02(1), Florida Statutes; including, but not limited to, temporary housing for agricultural workers not to exceed a total of 50 units.

**Community District:** That portion of the New Town Overlay promoting mixed-use development in both infill and redevelopment scenarios. Allowed uses include residential, office, retail, light industrial and institutional.

**Conservation Area:** That portion of the New Town Overlay to be dedicated to conservation purposes as mitigation for impacts related to development within subsequent phases of the DRI. Portions of the Conservation Area shall be dedicated to conservation purposes and designated as part of the Conservation District pursuant to an approved staging plan set forth in the DRI Development Order. Prior to designation as part of the Conservation District, Agricultural Use is permitted within the Conservation Area.

**Conservation District:** That portion of the New Town Overlay dedicated to conservation purposes and providing mitigation for impacts to wetlands and listed species habitat resulting from development within the New Town Overlay. Land Uses and Agricultural Use within the Conservation District will be permitted only in a manner consistent with the Habitat Management Plan and applicable conservation easements specifically imposed on lands within the Conservation District.

**Neighborhood:** Neighborhoods are predominantly residential areas, the collection of which constitutes a Village. They are designed around a centrally located park or other public space (a Neighborhood Center) and are characterized by a mix of residential housing and local services that include schools, parks, and churches. (For more specific standards see Policy 9.7.)

**Habitat Management Plan:** Guidelines and practices for maintaining, enhancing and managing listed species habitat and conducting Agricultural Use within the Rural District and the Conservation District which shall be attached as an exhibit to the DRI Development Order. (For more specific provisions see Policy 9.9.1)

**Interchange District:** That portion of the New Town Overlay dedicated to providing opportunities for development compatible with adjacency to a major I-95 interchange. Potential uses include multi-family residential, office, retail, light industrial and institutional.

**Neighborhood Center:** The required public focal point of a Neighborhood. Uses may include parks, open space or public type facilities such as churches, community centers or recreational facilities.

**Public/Civic:** A class of land uses that includes government service centers, public parks and recreational space, educational institutions, libraries, museums, and religious institutions.

**Recreational Space:** The lands within the Developed area of the New Town that are required to meet the recreational needs of residents; may include both active and passive parks.

**Regional Commerce:** That portion of the New Town Overlay dedicated to providing employment opportunities. Allowed uses include office, retail, light industrial, and higher density residential.

**Rural Area:** That portion of the New Town Overlay to be dedicated to listed species habitat enhancement and management as mitigation for impacts to listed species habitat within the New Town Overlay related to subsequent phases of the DRI. Rural Areas

shall be dedicated to habitat enhancement and management purposes and designated as part of the Rural District pursuant to an approved phasing plan set forth in the DRI Development Order. Prior to designation as part of the Rural District, Agricultural Use (including temporary housing units for agricultural workers, not to exceed 50 total units) is permitted within the Rural Area.

**Rural District:** That portion of the New Town Overlay dedicated to providing listed species habitat as mitigation for impacts arising from development within the New Town Overlay and accommodating long-term Agricultural Use in a manner consistent therewith in accordance with the Habitat Management Plan. Listed species habitat will be enhanced and managed, and Land Uses and Agricultural Use are only permitted within the Rural District in a manner consistent with the Habitat Management Plan.

**Rural Development District:** That portion of the New Town Overlay designated for low-impact rural residential development. Rural residential development occurring within the Rural Development District shall be designed in a context sensitive manner to minimize impacts on the adjoining Rural District and/or Rural Area.

**Sketch Plan:** An illustration that demonstrates the specific requirements for development areas that further support and implement the baseline standards established as part of the PUD zoning. This is a required component of development approval within the Village District. (For more specific standards, see Policy 9.9.2)

**Town Center:** That portion of the New Town Overlay designated as the central, mixed-use core for an entire New Town; emphasizes Traditional Neighborhood Design (TND) or Transit Oriented Design (TOD) development form as specified in Objective 8, Section 3.D. Special Provisions. Allowed uses include higher density residential, office, light industrial, retail, and institutional. (For more specific standards see Policy 9.6.)

**Village:** That portion of the New Town Overlay designated to provide a sustainable mixed-use development form. Villages are a collection of Neighborhoods, offering a diverse mix of housing types, of which at least 50 percent are within ½ mile of a Village or Neighborhood Center. Villages shall be supported by centrally located, mixed-use Village Centers (designed specifically to serve the daily needs of Village residents). Residential densities transition from high within and around the Village Center to lower densities on the edges of each village. (For more specific standards see Policy 9.7.)

**Village Center:** A centrally located and required mixed-use component of a Village designed to provide a sufficient mixture of non-residential uses so as to provide for the daily commercial needs of Village residents and residential uses of various densities, intensities, and types. This development form promotes walking between uses and a variety of transportation modes such as bicycles, transit, and automobiles. Allowed uses

includes residential, retail, office, and civic uses including a park and/or school. (For more specific development standards see Policy 9.5)

### **New Town: General Principles**

#### **Policy 9.2 New Town: General Principles**

Brevard County adopts, as part of the Future Land Use Map, a New Town Overlay to include those areas having the characteristics of a new town community.

##### **Criteria:**

- A. A New Town Overlay shall consist of and be regulated by the following:
  - 1. Size of 1,500 acres at a minimum.
  - 2. All new town communities shall provide acceptable funding mechanisms such as Community Development Districts, Special Districts formed pursuant to Florida Law, other private funding and developers' agreements to the County that ensure all services and facilities proposed by the applicant will be funded, operated, and maintained, through the acceptable funding mechanism, for the utilization of the new town's citizenry.
  - 3. A full and balanced mix of all major future land use categories set forth in Rule 9J-5, F.A.C. shall be provided, with the possible exception of agriculture, with a goal of planning land uses that will result in a balance of jobs to households.
  - 4. Initial control by a master developer of the land within the new town area.
  - 5. Development based on a master development plan for the new town area.
  - 6. Development that is clearly functionally distinct or geographically separated from existing urban areas and surrounding land uses.
  - 7. Central potable water and sewer service and availability of other public facilities and services including roads, storm water management, parks and recreation, police and fire protection, emergency medical services, schools and solid waste service shall be planned and provided in accordance with applicable policies of the Capital Improvements Element, if not already available.
  - 8. It shall be clearly demonstrated in a conceptual manner how future land uses will function as an interrelated community.
  - 9. All New Town Overlay areas shall be evaluated as part of the Evaluation and Appraisal Report (EAR) process.
- B. Maximum allowable residential densities and non-residential intensities within a New Town Overlay area shall be established as provided by other policies of this element.

- C. A full range of housing types meeting the Standard Housing Code, including single family ownership and rental units that are considered affordable to all income levels, shall be allowed within a new town. Provision of this range of housing shall be supported by cooperative developer/government efforts to provide opportunities for affordable single family home ownership. Specifically, opportunity for development of a variety of affordable housing units shall be made available which reflect the incomes of persons employed within the new town area.
- D. A New Town Overlay area shall have interconnected systems of open space that provide recreational opportunities and provide for the conservation of natural resources
- E. All New Town Overlay areas should have similar land use designations, directives, policies, and criteria. The new town developer shall assist local governments in developing uniform new town designations, policies, directives, and criteria. Brevard County shall, as part of its Evaluation and Appraisal Report (EAR) process, initiate appropriate amendments to fulfill this requirement.
- F. The establishment of a New Town Overlay area on the Future Land Use Map is not intended to imply, nor does it express an intent by the Board of County Commissioners, that development is being directed to a New Town Overlay area, and to guide development away from other areas of Brevard County. Nor does Brevard County plan to reduce development potential in other areas of the County. Brevard County will always support additional development elsewhere in the County wherever appropriate.
- G. The County recognizes that prevention of urban sprawl and the creation of compact, mixed-use development support an important public purpose. The County also recognizes the value of regional resource protection and accepts that wetland protection and enhancement measures shall be addressed as a part of established mitigation managed pursuant to a Habitat Management Plan.
- H. New Towns shall conserve, appropriately use and protect native vegetative communities, including forests as appropriate through the protection of regionally valuable ecological resources adjacent to publicly-owned lands, located wholly within Brevard County, and managed pursuant to an approved Habitat Management Plan.



- I. In order to provide community green space and clustering developments, all development shall comply with environmental design criteria in the form of alternative land clearing, tree protection and landscaping standards included in applicable PUD zoning (approved by the Natural Resources Management Department NRMQ).
- J. Landscaping, Land Clearing & Tree Protection  
In order to facilitate development consistent with the objectives, principles and standards of the New Town Overlay, development shall follow alternative standards for landscape, land clearing and tree protection as set forth in applicable PUD zoning.
- K. Brevard County shall continue to implement regulations for land excavation operations within a New Town Overlay. The regulations which shall include the following:
1. Provisions to prevent adverse effects on water quality and quantity.
  2. Depiction of stormwater ponds and recreational lakes, including approximate locations and configurations, with details of side slopes, pond depths, normal water levels and any required planting areas.
  3. Material removed from recreational lakes and stormwater ponds, or other excavation areas approved and consistent with the requirements as listed in Policy 9.2 (K)(4), may be utilized for fill material inside and outside of a New Town.
  4. Construction and operation of Stormwater ponds and recreational lakes and associated facilities that are part of a Stormwater Management system approved by the County Engineer and included within an approved subdivision, sketch plan, site plan or plat shall not be considered a Land Alteration activity and shall not be subject to the regulations titled or pertaining to Land Alteration or Private Lakes.
- L. New Town developments require central water, wastewater and irrigation services except in the Rural Development District. The New Town development shall identify, through the Zoning Approval Process, the method for the provision of infrastructure for the water, wastewater and irrigation systems for the development.
- M. All subsequent development submittals within a New Town shall demonstrate that the integrity of the mixed-use district is not compromised by allowing extensive single-uses. The land use mix shall be phased to

provide an adequate mix of non-residential uses to serve residential development within each development phase.

**New Town: Commercial and Industrial Location Standards in Community District**  
**Policy 9.3 New Town: Commercial and Industrial Location Standards in Community District**

If consistent with other criteria in this policy and the plan, uses within the New Town Overlay Community District area need not be consistent in all cases with commercial and industrial locational criteria, due to the integrated nature and large scale of New Town development, if they comply with the following:

**Criteria:**

**A. Commercial Land Uses**

Regional commercial uses shall be located in proximity to Interstate highways or other existing or planned arterial roadways. Sites for regional commercial centers shall be a minimum of 50 acres in size and should consist of 500,000 square feet of gross leasable area. A major component of the regional center may be a mall with at least two anchor stores. The site plan for the center shall ensure for a pedestrian circulation system that is integrated with the new town's overall pedestrian system. The site plan for all regional commercial development shall ensure that a pedestrian circulation system is provided that is integrated into the Town Center's overall pedestrian system, where such regional commercial development is in close proximity to the Town Center. The regional commercial center shall be compatible with adjacent uses, provided however such use shall be deemed compatible where it is consistent with an applicable Preliminary Development Plan.

1. Tourist commercial uses shall be located in proximity to other tourist uses such as sports facilities, entertainment facilities, and other tourist-related uses. These uses shall be accessed from an existing or planned arterial street. Tourist commercial uses shall be compatible with adjacent uses, provided however such use shall be deemed compatible where it is consistent with an applicable Preliminary Development Plan.
2. Local commercial centers shall be integrated with residential uses and shall be accessible from the New Town's pedestrian/bicycle pathway system and an additional transit corridor. The minimum acreage of a local commercial center is 10 acres with a gross leasable area to 125,000 square feet or less. Local centers may be spaced from 1 to 1.5 miles apart within the community. The centers are intended to serve the shopping needs of the residents living within the community and the immediate surrounding neighborhood. Sub-regional uses shall be permitted within local commercial centers,

Future Land Use Element

they shall have a minimum acreage of 20 acres and may have a gross leasable area of 500,000 square feet or less. Sub-regional uses shall be located adjacent to existing or planned arterial roadways. Local commercial centers shall be compatible with adjacent uses, provided however such use shall be deemed compatible where it is consistent with an applicable Preliminary Development Plan.

3. Convenience commercial shall consist of a minimum of 1 to 5 acres in size, and shall provide access to residential neighborhoods via the New Town's pedestrian/bicycle pathway system. The gross leasable area shall be up to 50,000 square feet. The convenience commercial center shall be compatible with adjacent uses, provided however such use shall be deemed compatible where it is consistent with an applicable Preliminary Development Plan.

B. Office Uses

Office uses may be located in regional commercial centers, local commercial centers, convenience commercial centers, or serve as a transitional use between residential uses and more intense non-residential uses and between residential uses and transportation facilities. Office uses shall be compatible with adjacent uses, provided however such use shall be deemed compatible where it is consistent with an applicable Preliminary Development Plan.

C. Industrial Uses

The negative impacts of industrial land uses on the functions of the natural systems shall be minimized. Sites for industrial development shall be accessible to essential public and private facilities and services including transportation, potable water, an appropriate sewage treatment facility, solid waste, and drainage. Sites for industrial development shall be located with access from existing planned arterial streets or highways. Industrial use shall be compatible with adjacent uses, provided however such use shall be deemed compatible where it is consistent with an applicable Preliminary Development Plan.

**New Town: Regional Commerce District Standards**

**Policy 9.4 New Town: Regional Commerce Standards**

For those areas within a New Town that are designated as "Regional Commerce District", the following standards shall apply:

**Criteria:**

- A. Regional Commerce Districts should be developed with the goal of increasing full-time employment opportunities through office uses. Retail, light industrial, and high density residential uses are also allowed.

Future Land Use Element

- B. Regional Commerce Districts shall include a mixture of uses wherein the residential uses are integrated with the non-residential uses through an interconnected network of streets. This street network shall also be interconnected and accessible from the New Town's pedestrian/bicycle pathway system and a transit corridor. Site plans for development shall ensure that the pedestrian circulation system for the Regional Commerce development is integrated with the New Town's overall pedestrian system.

### **New Town: Urban Design Principles**

#### **Policy 9.5 New Town: Urban Design Principles**

Districts within a New Town that are designated as either "Town Center", or "Village" shall exhibit elements of the following Traditional Neighborhood Design principles:

##### **Criteria:**

- A. Village or Town Centers with Mixed Uses. Village Center and Town Centers shall be designed to insure a mixture of non-residential and residential uses of various densities, intensities, and types designed to promote walking between uses and a variety of transportation modes such as bicycles, transit, and automobiles.
- B. Pedestrian Scale Commercial Development. Commercial areas shall be designed to a pedestrian scale and orientation served by an urban street network with a block structure and urban building frontages along street faces.
- C. Functional Neighborhoods. Residential areas shall be located and designed as neighborhoods, which embrace a full range of urban facilities including neighborhood retail centers, a variety of housing types, public/civic space and a variety of open space amenities, schools, central water and sewer, and fire/safety accessibility.
- D. Walkable Streets. Neighborhoods shall be designed to reinforce reasonable walking distances from Village or Neighborhood Centers and the location of parking, and the design of streetlights, signs and sidewalks shall respect the pedestrian orientation of the development.
- E. Interconnected Circulation Network. The Villages and Town Center shall be designed along an interconnected street system that accommodates pedestrians and bicycle features and links neighborhoods to shopping areas, civic uses, parks and other recreational features.

### **New Town: Town Center Standards**

Future Land Use Element

**Policy 9.6 New Town: Town Center Standards**

For those Districts within a New Town that are designated as a Town Center, the additional following standards shall apply:

**Criteria:**

- A. The Town Center is a strong core of higher density residential, employment and commercial uses, which shall be interconnected and accessible by pedestrians to surrounding areas and shall be designed to encourage and accommodate regional transit.
- B. The quantity of non-residential development permitted in the Town Center will be related to the demand for community commercial, office, civic and government use development within the New Town.

**New Town: Village Standards**

**Policy 9.7 New Town: Village Standards**

For those Districts within a New Town that are designated as a Village, the additional following standards shall apply:

**Criteria:**

- A. The planning principles that shall guide the development of all Villages shall include the following:
- B. The development pattern of all Villages shall respect the environment by reinforcing the consolidated, connected open space systems of the New Town which enhances regional environmental systems where appropriate;
- C. The development shall create self-sufficient communities that provide a fully connected system of streets and roads that encourage alternative means of transportation such as pedestrians, bicycle, and transit; and
- D. The development shall be formed around the Village Center and Neighborhoods which, collectively, shall include a diversity of housing types.
- E. Villages shall be a minimum of 1000 acres and shall be designed as a collection of Neighborhoods where a majority of the housing units are within a half mile walking distance of a Village or Neighborhood Center with higher densities closer to the Village Center. Villages shall be supported by internally designed, mixed-use Village Centers (designed specifically to serve the daily needs of Village residents).

- F. Villages shall include a mix of uses, including residential, commercial, office, Public/Civic, schools, and Recreational Space, that serve the daily needs of residents;
- G. Villages shall include a Village Center with sufficient non-residential uses to provide for the daily needs of Village residents, by phase of development, in a form that can be conveniently served by regional bus service;
- H. Villages shall include a range of housing types that supports a broad range of family sizes and incomes.
- I. Villages shall include compact design that includes a system of land subdivision and development which links one Neighborhood to another;
- J. Villages shall include interconnected streets that are designed to balance the needs of all users, including pedestrians, bicyclists and motor vehicles, and which are built with design speeds that are appropriate. Villages shall include alternatives for pedestrians and bicyclists through the provision of sidewalks, street trees and on-street parking which provide distinct separation between pedestrians and traffic; and provide adequate lighting that is designed for safe walking and signage which has a pedestrian orientation. Within Village Centers, spatially define primary streets and sidewalks by arranging commercial and multi-family buildings in a regular pattern that are unbroken by parking lots;
- K. Villages shall provide Recreational Spaces that meet the recreational needs of the community, reinforce the design of the development by providing a variety of Recreational Space amenities that serve a range of interests and distribute Recreational Space amenities throughout the development.
- L. Villages shall have a system of connected open space which includes elements of public edge throughout the neighborhoods that connect each village.

#### **New Town: Rural Development Standards**

##### **Policy 9.8 New Town: Rural Development Standards**

For those Districts within a New Town that are designated as Rural Development, the additional following standards shall apply:

##### **Criteria:**

- A. Residential development shall be limited to a specified acreage.
- B. The development design shall be context-sensitive in order to minimize adverse impacts to adjacent lands.

- C. Residential development should promote rural character when viewed from public roads and from abutting properties.
- D. Low-density residential development and rural residential clusters shall both be considered compatible forms of development.
- E. At the request of an applicant, the boundary of the Rural Development District (as shown on an overlay map) may be changed administratively by Brevard County provided that the change does not create a development enclave, does not exceed the overall approved acreage of the Rural Development District or reduce the existing overall acreage of the Rural District.

#### **New Town: Standards for Rural and Conservation Districts**

##### **Policy 9.9 ~~New Town: Standards for Rural and Conservation Districts~~**

The Rural District and the Conservation District shall accommodate and provide mitigation for impacts to wetlands and/or listed species habitat resulting from development within the New Town Overlay. The transition of land into either the Rural District or the Conservation District shall occur in accordance with a phasing plan set forth in the DRI Development Order. Such transition shall be implemented by the conveyance of either (1) fee simple title to such lands or (2) a conservation easement over such lands, to an independent special district formed under Chapter 189 or Chapter 190 of the Florida Statutes or other governmental entity, which may include, but not be limited to, the Viera Stewardship District, Brevard County, the St. Johns River Water Management District, the Florida Fish and Wildlife Conservation Commission, or the U.S. Fish and Wildlife Service. The following criteria apply to the Rural District and the Conservation District within the New Town Overlay:

##### **Criteria:**

- A. Agricultural Use is only permitted within the Rural District and the Conservation District in a manner consistent with the Habitat Management Plan and applicable conservation easements and regulatory permits.
- B. Passive recreational uses are allowed within the Rural District and the Conservation District in a manner consistent with the Habitat Management Plan and applicable conservation easements and regulatory permits.
- C. The Rural District and the Conservation District shall be administered by an independent special district formed under Chapter 189 or Chapter 190 of the Florida Statutes or other governmental entity satisfactory to Brevard County, which administrator shall provide for the long term management of such districts and the implementation of all management, enhancement and preservation activities required in accordance with the Habitat

Management Plan and applicable conservation easements and regulatory permits.

### **Habitat Management Plan**

#### **Policy 9.109.1 Habitat Management Plan**

A Habitat Management Plan shall be submitted to and approved by Brevard County Natural Resources Management ~~Department~~Office (NRMO), as a part of the DRI approval process and compliance with said plan shall become a condition of the development approval. The specific requirements listed below shall be defined through the subsequent permitting process and incorporated into the Habitat Management Plan in accordance with the DRI Development Order.

##### **Criteria:**

- A. Resource protection and conservation will occur through the legal protection of Conservation and Rural Districts;
- B. Specific responsibilities for the regular and periodic operation and maintenance of the area including the identification of on-going management strategies for conservation and/or restoration of native habitats to meet mitigation requirements;
- C. Standards and timelines for monitoring that will evaluate listed species behavior and productivity, enhancement activities, and ongoing land management;
- D. Operational standards, including the standards for regular maintenance of infrastructure, and providing wildlife management, to ensure the long-term success of natural resource management in a mitigation area.
- E. Operational standards to ensure the continuation of Agricultural Use in a manner compatible with long-term natural resource management goals.

### **Review and Approval Process**

#### **Policy 9.119.2 Review and Approval Process**

##### **Criteria:**

- A. Standards for Review  
Development within the New Town Overlay Village, Town Center, Regional Commerce and Interchange Districts must demonstrate the following:
  - 1. That the development complies with all applicable County environmental preservation regulations provided, however, that the development shall also separately comply with applicable federal and state environmental preservation regulations.

Future Land Use Element



2. That the location of the developed areas on the site respects existing adjacent development patterns;
3. Permits the most density and intensity in areas that are most proximate to Town Centers and Village Centers;
4. That, where applicable, the integrity of the mixed-use district is not compromised by allowing extensive single-uses. The land use mix shall be phased to provide an adequate mix of non-residential uses to serve residential development within each development phase.

B. Approval Process

Development within the New Town Overlay includes the approval of a Planned Unit Development Zoning District rezoning and a more specific Sketch Plan approval process for each Village within the Village District. As part of the Planned Unit Development Zoning, each Village must be master planned as shown on a Preliminary Development Plan before an individual neighborhood can proceed through the Sketch Plan Process. The applicant may submit more than one Village Sketch Plan at a time for review and approval.

C. Approval Process: Zoning Standards

The Planned Unit Development Zoning District rezoning shall establish the general baseline regulation for the development including standards for physical design, development approval processing, proposed phasing, and the identification and definition of the types of major modifications to the Zoning District approval that shall require the review and approval of the County Commission and minor modifications that shall require only the review and approval of county staff. The Planned Unit Development Zoning shall include a Preliminary Development Plan as required by Brevard County Land Development Code Section 62 Subdivision V.

D. Approval Process: Sketch Plan Standards

The Sketch Plan review and approval process shall establish the specific requirements for Village development that further support and implement the baseline standards established as a part of the Planned Unit Development Zoning and shall include the following information:

- Location of each Neighborhood, Neighborhood Center, Village, and a block layout of a Village Center or Town Center where applicable
- Recreational Space
- Land Use Mix
- Density and intensity of land uses proposed

- Circulation routes for auto, transit (where applicable), pedestrian and bicycles modes
- Design Criteria for landscaping and signage
- Transportation Network Connections
- Preserved wetland areas, associated upland buffers, impacted wetland areas and a quantification of wetland impacts within the Sketch Plan area.

A Sketch Plan shall be considered an integrated site plan or commercial subdivision as referenced in Chapter 1 Policy 5.2 (5) (a) (iii). The approval of a Sketch Plan and modifications thereto shall only require the review and approval of county staff.

- E. **Approval Process: Site Plan or Subdivision Plan**  
Site Plan or Subdivision Plan review for individual sites within an approved Sketch Plan shall follow the procedures outlined in Articles VII and VIII of the Brevard County Land Development Regulations, provided that Site Plans and Subdivision Plans for individual sites within any Sketch Plan area shall be consistent with such Sketch Plan.
- F. Appeals related to any administrative decision or determination concerning implementation or application of Policy 9.9 provisions shall follow the established appeal procedures as included in the Brevard County Code of Ordinances (Sec. 62-506. Appeals generally.)

## **Transfer of Development RightsTRANSFER OF DEVELOPMENT RIGHTS (TDRs)**

### **Objective 10**

Brevard County shall encourage preservation of unique aspects of the natural environment by recognizing Transfer of Development Rights (TDRs) which permit more intense activity in areas deemed suitable for development.

### **Criteria for Transfer of Development Rights**

#### **Policy 10.1**

Transfer of development rights (TDRs) may be obtained through the Conditional Use Permit or DRI process to direct residential development to areas which are deemed suitable for growth with the intent of furthering County goals related to preservation of the physical (including historic) and/or natural environment. TDR's may be transferred: (1) to an approved offsite location which is designated a receiving district; or (2) internally within a project from an approved sending district. In either circumstance, the utilization of TDRs must adhere to the following minimum criteria:

Future Land Use Element

**Criteria:**

- A. TDRs may be utilized in a project via Planned Unit Development (PUD), DRI process, or binding development agreements with binding development restrictions.
- B. The density of a project receiving TDRs shall not exceed 150% of the density permitted in the designated land use category. The maximum allowable density of a development shall take into consideration all other requirements of the Comprehensive Plan.
- C. The density assigned to a wetland area on the Future Land Use Map series may be transferred to an upland area within the same project. The transfer shall be subject to the provisions contained in Criterion B above.
- D. Compatibility with surrounding development patterns within receiving areas shall be ensured.
- E. TDRs may be considered due to environmental considerations; for the protection of historic resources; to encourage the preservation of Agricultural lands, to encourage urban infill development; to provide additional open space; and to encourage development within specified area(s).
- F. Applications for projects proposing to utilize TDRs shall include an analysis of the impacts that the increased density will have on public facilities and infrastructure as well as the school system.
- G. The ~~CHHA Coastal High Hazard Area~~ is considered a sending district for TDRs, but cannot be a receiving district, except for intra-area transfers.
- H. To promote the protection of Agricultural lands, the transfer of development rights from Agricultural land will receive a 25% density bonus. Example: A TDR of 4 dwelling units from an Agricultural sending district will be 5 dwelling units to the non-Agricultural receiving district.

**Receiving Districts for Transfer of Development Rights  
Policy 10.2**

The following land use designations may be considered receiving districts for Transfer of Development Rights:

- Residential 30 Directive
- Residential 15

- Residential 10
- Residential 6
- Residential 4
- Neighborhood Commercial
- Community Commercial

### **Sending Districts for Transfer of Development Rights Policy 10.3**

The following land use designations may be considered as sending districts for Transfer of Development Rights:

- Agricultural (25% bonus applicable)
- Conservation
- Coastal High Hazard Areas

## **Redevelopment & RegentrificationREDEVELOPMENT & REGENTRIFICATION**

### **Objective 11**

Brevard County shall alleviate the impacts of inadequate public facilities and services, substandard structures and lot configurations in blighted or other affected areas in the County through redevelopment initiatives.

### **Criteria for Redevelopment Plans**

#### **Policy 11.1**

Brevard County shall continue to identify areas that are candidates for redevelopment, such as those addressed in the Merritt Island Redevelopment Plan and adopt redevelopment plans in order to improve traffic circulation and parking, and to provide for aesthetically pleasing and environmentally sound commercial, office and residential opportunities, consistent with this Comprehensive Plan. At a minimum, the following criteria shall apply:

#### **Criteria:**

- A. Redevelopment plans shall be coordinated with the availability of the following public facilities and services at levels of service adopted in this Comprehensive Plan: roadways, potable water, sanitary sewer, drainage, solid waste and emergency services.
- B. Redevelopment plans shall be coordinated with transportation improvements including marginal access, existing roadway networks in the study area, limitation of access points, parking, pedestrian and bicycle facilities and mass transit.

- C. Redevelopment plans shall address the impacts of redevelopment activities on the natural systems. Redevelopment activities shall be conducted consistent with the Conservation, Coastal Management and Surface Water Management elements of this Comprehensive Plan.
- D. Redevelopment plans shall address appropriate development patterns in the study area. Primary emphasis shall be given to compatible retail commercial, high density residential, professional office and mixed-use projects. Clustered development patterns shall be preferred over strip development patterns.
- E. Redevelopment plans shall provide for the visual continuity of the study area through landscaping, signage and architectural and design requirements.
- F. Redevelopment plans shall address economic development strategies such as business recruitment, commercial revitalization and marketing campaigns.
- G. Redevelopment plans shall identify structures which are substandard and shall address measures for rehabilitation or replacement.
- H. Redevelopment plans shall include relocation strategies for residents and businesses displaced by implementation of said Plan. These strategies shall ensure that those displaced are provided adequate notice, equitable compensation and assistance in locating comparable relocation accommodations.

#### **Policy 11.2**

Redevelopment Districts may be established consistent with criteria set forth in Chapter 163, Part III, F.S. Such districts may receive special attention and flexibility, in accordance with current or new land development regulation which may be adopted by the Board of County Commissioners in accordance with Criterion C, in order to assure the elimination of factors contributing to economic debilitation. To that end, Redevelopment Districts shall be developed according to the following minimum criteria:

##### **Criteria:**

- A. A Redevelopment District shall be developed in accordance with its adopted Redevelopment Plan.
- B. Redevelopment Districts shall be permitted in any land use designation.

- C. Redevelopment agencies shall promulgate land development regulations, design standards, rehabilitation and maintenance standards, and other regulatory or planning programs to establish performance standards, guide growth, or implement the adopted Redevelopment Plan, as may be amended and adopted by the Brevard County Board of County Commissioners.
- D. Allowable non-residential development activities shall reflect the character and nature of the District. If a Redevelopment District has the potential to become an urban central business district, then adequate opportunities should be provided for pedestrian movement, activity centers, urban spaces and other characteristics of urban core areas.
- E. Residential development activities shall be encouraged to complement the types, styles and ranges of residential development standards assigned through the respective Redevelopment Agency's Land Development Regulations.
- F. A density bonus program that provides developer incentives for the rehabilitation and reconstruction of housing should be implemented in appropriate Redevelopment Districts, as follows:

<u>Land Use Designation</u>	<u>Maximum Number of Units Permitted</u>
Residential 30 Directive	37.5 du/ac.
Residential 15	18.75 du/ac.
Residential 10	12.5 du/ac.
Residential 6	7.5 du/ac.
Residential 4	5 du/ac.
Residential 2	2.5 du/ac.
Residential 1	1.25 du/ac.

Density bonuses in the CHHA shall be approved by the Board of County Commissioners and shall be subject to environmental constraints, availability of public facilities, land use compatibility, and level of service requirements set forth in this Plan. Residential densities, of up to 37.5 dwelling units per acre, may be considered in the Merritt Island Redevelopment Area and shall be incorporated if approved by the Board of County Commissioners as part of a redevelopment plan.

- G. Appropriate areas shall be set aside within each Redevelopment District for conservation, open space, recreation, or public facility usage.

~~Use of Community Development Block Grant Funds in Redevelopment Districts~~  
~~Policy 11.4~~

~~Portions of the Community Development Block Grant funds should be allocated to rehabilitation and demolition of residential structures, as described in the Brevard County HOME Consortium Consolidated Plan.~~

**Platted Lands with Development Limitations**  
**Policy 11.3**

Brevard County shall continue to support State and local initiatives that seek to address those lands which are platted but possess limitations to development based upon inadequate public facilities and services, substandard lot configurations, or environmental constraints.

**Property Rights**  
**Policy 11.4**

Brevard County shall address all constitutional considerations in the evaluation of applications for development orders and permits and shall maintain a process for appeals.

**Policy 11.5**

Brevard County shall encourage private redevelopment projects which are not regulated under Chapter 163, Part III, F.S. through the establishment of the Planned Redevelopment District ~~Future~~ Land Use designation. This land use designation is intended to enable the County to consider preliminary redevelopment proposals in which only maximum thresholds for buildout and other general development information are provided. Under this approach, the identification of specific land use tracts may be reserved until re-zoning (if required) or the site plan approval process. The following minimum criteria must be met in order to request the Planned Redevelopment District land use designation:

**Criteria:**

- A. Parcels seeking this designation must currently be substantially improved and proposed for redevelopment ; and
- B. The minimum land assemblage requirement for this future land use designation is twenty-five (25) acres, all of which is held under one ownership, consolidated under a Unity of Title or similarly bound by other legal instrument, to ensure that the site remains undivided and that the project is built out and maintained in a manner contemplated at the time of the FLUM amendment approval; and
- C. A property utilizing this future land use designation must abut one or more improved arterial roadways at the time of the FLUM amendment request.

Future Land Use Element

### **Policy 11.6**

Since the Planned Redevelopment District land use designation is based upon broad conceptual information rather than specific details relating to the proposed layout/arrangement of use(s) on site, such amendment requests shall, at a minimum, be accompanied by the following information:

#### **Criteria:**

- A. Project description explaining the intent/scope of the project; and
- B. Listing of the types of general land uses proposed (i.e., residential, commercial, industrial, etc.) and potential zoning classifications in the project; and
- C. Details of each residential component, if proposed, including acreage breakdown(s), maximum number of dwelling units, density caps, and types of housing styles for each residential component of the project; and
- D. Details of each non-residential component, if proposed, including acreage breakdown(s) and type(s) of non-residential uses; and
- E. Description of special amenities proposed for the project to promote a cohesive character and encourage alternative transportation modes. Such amenities may include, but are not limited to the following:
  1. Greenbelts;
  2. Sidewalks;
  3. Bikepaths;
  4. Features to accommodate mass transit services.
- F. Analysis of the compatibility of the proposed project with surrounding land uses and the Ffuture Land Use designations in the area; and
- G. Anticipated time limit for build out of the project (time extensions may be considered by the Board and shall require amendment to the Comprehensive Plan); and
- H. Relocation plan for displaced residents/business, if applicable; and
- I. At the time of adoption for a particular parcel, the developer must proffer a fully executed development agreement which specifies the nature of the approved development, as outlined by the above criteria.

### **Policy 11.7**

Future Land Use Element

XI-64

February 2022 December 2011



When reviewing a request for Planned Redevelopment District, the County shall consider the following factors:

**Criteria:**

- A. Future land use designations and residential density guideline allowance for the subject parcel and surrounding area;
- B. Development trends in the area;
- C. Compatibility and interconnectivity with adjacent adopted future land use designations and existing land uses;
- D. Accessibility of the site;
- E. Availability of required infrastructure at or above adopted level of service standards;
- F. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems;
- G. Integration of open space and interconnectivity within the proposed project area; and
- H. Promotion of alternative transportation modes, including pedestrian movement, bicycles and mass transit within the project.

**Policy 11.8**

During the zoning process for projects designated Planned Redevelopment District, the County shall consider the following factors:

**Criteria:**

- A. Types of permitted/prohibited uses associated with the requested zoning;
- B. Impact of anticipated land use mix in maximizing trip capture within the project;
- C. Existing zoning trends in the area;
- D. Compatibility of requested zoning with the area;
- E. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

- F. Impact upon natural resources, including wetlands, floodplains and endangered species; and
- G. Other issues which may emerge specific to a particular property which may be addressed through performance based zoning criteria.

#### **Policy 11.9**

Development within the Planned Redevelopment District land use designation shall be designed to encourage a cohesive arrangement of interdependent land uses which promote internal interconnectivity and support the use of alternative circulation modes within the project boundaries. At the time of site plan review, the County shall consider the following, at a minimum:

##### **Criteria:**

- A. Buffering from adjacent existing/potential uses;
- B. Arrangement of land uses in terms of maximizing trip capture within the development;
- C. Provision of open space, as defined by Section 62-1102 of the Zoning Code, as set forth in applicable zoning districts and in this Comprehensive Plan;
- D. Adequacy of pervious areas in terms of drainage requirements;
- E. Unique features and resources which may constrain site development, such as soils, existing vegetation, and historic significance;
- F. Safety of on-site circulation patterns and interconnectivity within the project area to encourage alternative transportation modes, such as pedestrian movement, bicycling, and mass transit options;
- G. Landscaping, as it relates to applicable land development regulations and the Comprehensive Plan;
- H. Performance based zoning requirements which may serve as a substitute for or accompany land development regulations in attaining acceptable site design.

#### **Policy 11.10**

Once a Planned Redevelopment District future land use designation is adopted for a parcel, the specific development criteria approved by the County shall be incorporated into the Future Land Use Element. Modifications to approved development criteria shall require amendment to the Comprehensive Plan.

Future Land Use Element

XI-66

~~February 2022~~ December 2011

## Service Delivery, Concurrency, and Growth~~SERVICE DELIVERY, CONCURRENCY AND GROWTH~~

### **Objective 12**

Through concurrency management, Brevard County shall oversee development activities in order to assure that existing and future needs for public facilities and services are available consistent with the Capital Improvements Program and the policies of this Comprehensive Plan. Brevard County shall utilize a 5 year short range and 10 year long range planning periods.

### **Public Facilities Siting and Capacity Needs**

#### **Policy 12.1**

Public facilities and services shall be designed with capacities sufficient to support the needs of the projected population and the intensity of future development.

#### **Policy 12.2**

Planning for public facility and service expansions should consider the area's suitability for urbanization based upon environmental constraints, existing and future land uses, the availability of potable water and the availability of other facilities and services. The provision of public facilities and services shall be encouraged within existing or future service areas as designated in this Comprehensive Plan, unless an overriding public benefit can be demonstrated, in an effort to limit urban sprawl. Plans for the expansion of existing facilities, services and corridors or the construction of new facilities, services and corridors should include measures to mitigate negative impacts upon the surrounding area during construction.

#### **Policy 12.3**

Future public facility sites and corridors should be identified in currently undeveloped areas to anticipate and plan for the needs of future development.

### **Rights of Way Needs**

#### **Policy 12.4**

Brevard County should coordinate with appropriate authorities including, but not limited to, the Florida Department of Transportation, the Space Coast TPO~~Brevard County MPO~~, and affected municipalities in defining right-of-way needs for proposed roadway improvements, extensions or new corridors and establishing mechanisms for right-of-way acquisition and protection, as identified in the Transportation Element of this Comprehensive Plan.

### **Public Drainage Facilities Needs**

used by year-round residents or regularly serves at least 25 year-round residents, shall be reviewed and approved by Brevard County. This review shall be limited to those construction activities which increase existing or create new supply, treatment or storage facilities. Brevard County review shall be consistent with the provisions of Brevard County Ordinance No. 2003-32 and the consents recited therein.

## **Public School Needs**

### **Policy 12.7**

Brevard County should encourage the School Board to locate public schools in accordance with the following criteria:

#### **Criteria:**

- A. School facilities should be centrally located within the residential areas to be served and should be of sufficient size to accommodate the projected enrollment.
- B. Convenient pedestrian access to school sites is desirable.
- C. Locations on major roadways, in commercial or industrial areas should be avoided to limit the hazards of vehicular traffic, and to minimize disturbances from noise, odors or fumes.
- D. Joint locations with recreational facilities should be encouraged.
- E. The general location of school facilities should be consistent with the comprehensive plan of the appropriate local governing body developed pursuant to provisions of Chapter 163., F.S.

## **Concurrency Evaluation Practices**

### **Policy 12.8**

Brevard County shall continue to utilize a concurrency evaluation system to review the impacts of all development proposals on existing public facilities to ensure that service levels are not degraded below acceptable level of service standards as adopted in this Comprehensive Plan.

### **Policy 12.9**

Brevard County shall continue to implement a concurrency evaluation system using Best Evaluation Practices, and shall conduct and apply the system, and any subsequent system, in accordance with the following criteria:

#### **Criteria:**

- A. The concurrency evaluation system shall measure the potential impact of any development order or permit proposal upon the established minimum

acceptable level of service for a roadway, solid waste, potable water, drainage, sanitary sewer or park facility or service.

- B. The most current available information and data regarding the above public facilities or services operating levels of service shall be utilized for concurrency evaluations.
- C. If the concurrency evaluation test finds that any development order proposal will cause a deficiency on any public facility or service serving the proposed development site for which a minimum acceptable level of service has been established, Brevard County reserves the authority to deny or defer the development proposal, to cause the development order proposal to be modified to achieve consistency with the minimum acceptable levels of service, or to process it as a conditional development order proposal pursuant to Policy 12.10.
- ~~D.~~ A non-deficiency finding for a development order proposal by a concurrency evaluation test shall remain valid for the following prescribed time-frames, provided the permit application is submitted within 180 days after the date of the test results:
  - 1. For a site development plan approval, the finding shall remain valid for a period not to exceed 18 months, except where the intensiveness of the approved use is exceeded. In the latter instances, another concurrency evaluation test shall be required.
  - 2. For a residential subdivision, or phase or unit thereof, including residential subdivision phases of planned unit developments, the finding shall remain valid for a period not to exceed 36 months from the date of the construction permit's approval, providing the work authorized proceeds in a timely manner.
  - 3. For a commercial, industrial or multi-family building permit, the finding shall remain valid until construction has been completed and a certificate of occupancy issued; or for the life of the permit until it is revoked or suspended for failure to proceed in a timely manner as prescribed.
- E. A non-deficiency finding for an individual single-family development proposal shall remain valid for 24 months, provided a construction building permit is obtained within that timeframe, and work authorized proceeds in a timely manner.

- F. Concurrency evaluation tests for commercial and industrial subdivisions, for the purpose of approving a final development order, shall be conducted as a component of a development agreement, and if concurrency is found or guaranteed, the timeframe for the finding's validity shall be set forth in the agreement.
- G. Property owners shall have the option of pursuing a development agreement with Brevard County as provided for in Policy 13.2, as opposed to the reliance upon a development permit.
- H. The concurrency evaluation system shall maintain a cumulative record of the level of service allocations permitted by the approval of final development orders relative to the operating levels of service for all applicable public facilities and services which have established levels of service.

#### **Conditional Approval of Development Orders Which May Result in Concurrency Deficiencies**

##### **Policy 12.10**

If the concurrency evaluation test indicates that the potential impact of a proposed rezoning, site development plan, subdivision or building development order will cause a deficiency to occur to minimum acceptable level of service, Brevard County may conditionally approve the development order pursuant to the policies of the Capital Improvements Element.

#### **Co-location Opportunities for Aero-Space Related Development**

##### **Policy 12.11**

Brevard County shall secure long term global economic opportunity for its residents by maximizing its advantages of unique space-related resources, high tech manufacturing, transportation systems, education strategies, telecommunications industries and geographic location. The County, in cooperation with the State of Florida, will capitalize on the National Space Policy and growth in this industry by encouraging technology driven development proposals within the boundaries of the County.

#### **Land Development Regulations**~~LAND DEVELOPMENT REGULATIONS~~

##### **Objective 13**

Brevard County shall manage growth and development through the preparation, adoption, amendment, implementation and enforcement of the Land Development Regulations which fulfill the intent of this Comprehensive Plan.

Future Land Use Element

XI-71

February 2022 ~~December 2011~~

**Regulations to Implement the Comprehensive Plan**  
**Policy 13.1**

Brevard County shall maintain Land Development Regulations to implement this Comprehensive Plan which, at a minimum, meet the requirements of Chapter 163, F. S. governing County and Municipal Planning and Land Development Regulation.

**Regulations to Permit Development Agreements**  
**Policy 13.2**

Brevard County shall provide for provisions in the Land Development Regulations that allow Brevard County to enter into development agreements with property owners, consistent with the Comprehensive Plan, pursuant to the requirements set forth in Chapter 163 F.S., the "Florida Local Government Development Agreement Act," with the following additional requirements:

**Criteria:**

- A. A description of the level of service allocations to be permitted by the development agreement;
- B. Specific dates shall be identified that define the development's phasing, if applicable, and the commencement and completion of construction in each phase.
- C. Contrary to the requirement of Chapter 163, F. S., the duration shall not exceed five years, unless extended by mutual agreement according to prescribed due process.

**Regulations for Zoning Classifications to be Consistent with the Future Land Use Map**  
**Policy 13.3**

The Land Development Regulations shall designate adequate zoning classifications for the location of residential and non-residential development activities which implement the Future Land Use Element, Housing Element, and Future Land Use Map.

**Regulations to Require Economic and Environmental Impact Assessments**  
**Policy 13.4**

As directed by the Board of County Commissioners, all new land development regulations prepared pursuant to this Comprehensive Plan should include an economic and environmental impact assessment for the public and private sectors.

## Establishment of Zoning Classifications to Meet Residential Needs

### **Objective 14**

Brevard County shall maintain zoning regulations as part of its Land Development Regulations to establish adequate zoning classifications for residential development in terms of allowing for a variety of housing types while providing residents with choices in terms of residential locations.

### **General Zoning Regulations Criteria**

#### **Policy 14.1**

Zoning regulations shall adhere to the following criteria:

##### **Criteria:**

- A. Residential zoning classifications shall be designated for single family, multi-family, and mobile home developments to meet the housing needs demonstrated in the Housing Element of this Comprehensive Plan.
- B. The densities of these classifications, as applied, shall not exceed those established for each residential designation as adopted on the Future Land Use Map, unless otherwise provided for by this Element.
- C. Proposed locations for residentially-zoned lands should be consistent with the residential designations shown on the Future Land Use Map and consistent with this Comprehensive Plan.
- D. At a minimum, residential zoning classifications shall provide for a variety of minimum lot sizes, minimum floor areas, setbacks, and residential land use mixes that allow for choice in housing types, designs and price levels. These residential zoning classifications shall provide for both urban and rural residential environments.

### **Zoning Regulations to Promote Creative Utilization of Land**

#### **Policy 14.2**

Zoning regulations should continue to provide for flexibility regarding development patterns and land use mix. The County encourages implementation of innovative residential and commercial development patterns and lot layout techniques which achieve efficient use of public resources, reduced land consumption, and preservation of interconnected open spaces. These techniques include:

##### **Criteria:**

- A. The Planned Unit Development concept, where appropriate, to encourage creativity in development design, provision of connected open spaces, protection of environmental features, and an integrated mix of residential and non-residential land uses and employment opportunities.

Future Land Use Element



- B. The use of zero-lot line residential development patterns, shared driveways and reduced setbacks, where appropriate, to encourage more compact subdivision layouts and to generally provide increased flexibility in the design and use of the lot area.
- C. Designed integration of residential, employment and commercial uses as permitted in the context of this Element, to promote compact mixed use development patterns within a single structure or complex of structures.
- D. Mixed use developments to promote efficient use of land and public resources by integrating neighborhood support services and employment centers with residential uses. Mixed use patterns should be implemented and achieved through the use of performance standards and other mitigating techniques to ensure compatibility between land uses.
- E. Creative clustering of residential and commercial lots and streets which preserve undisturbed vegetative corridors and consolidate cleared land areas. Innovative techniques may include reduced lot sizes, shared driveways and other design features. In furtherance of the County's Master Plan of Linear Open Spaces, clustered development schemes which permanently preserve interconnected networks of open space within subdivisions and link same with adjacent subdivisions and parks will be considered for density bonuses or other development incentives (Figure 2 in the Appendix depicts an example of a clustered land development technique in comparison with a conventional subdivision layout).

**Consistency with Comprehensive Plan, Zoning and Land Development Regulations**  
**CONSISTENCY WITH COMPREHENSIVE PLAN, ZONING AND LAND DEVELOPMENT REGULATIONS**

**Objective 15**

Brevard County shall eliminate inconsistencies between the Comprehensive Plan and the zoning regulations of the Land Development Regulations, and thereafter, shall reduce the number of existing land uses which are non-conforming to the Comprehensive Plan.

**Authority to Initiate Administrative Actions**

**Policy 15.1**

Brevard County retains the authority to initiate appropriate administrative actions, such as administrative rezonings.

## **Administrative Rezoning for Consistency with the Future Land Use Map**

### **Policy 15.2**

County staff may initiate administrative rezonings for those properties that are found to be inconsistent with the Future Land Use Map at the time of a development permit application.

#### **Criteria:**

- A. Determination of appropriate zoning classifications for these properties shall be pursuant to the policies and criteria which govern the Future Land Use Map and future land use designations established in this element.
- B. The zoning classifications which are appropriate pursuant to the Future Land Use Element and Maps shall be presented as options to the property owner.

### **Policy 15.3**

Brevard County shall continue to administratively rezone those properties with zoning classifications which are inconsistent with the Future Land Use Map, the acceptable levels of service, and this Comprehensive Plan.

#### **Criteria:**

- A. Administrative rezonings shall not be required for single family or duplex residential lots which meet the requirements of the Brevard County Zoning Code and which are located within Neighborhood Commercial, Community Commercial Agricultural or any residential land use designations.
- B. Prior to commencement of the administrative rezonings, small area plans shall be completed by the appropriate County staff for each area. These plans shall consider, at a minimum, compatibility issues, character of the area, environmental constraints, hurricane evacuation capabilities, and the availability of public facilities and services. Advisory committees may be appointed by the Commission to work with staff in the development of these plans and public hearings shall be held for the adoption of these plans.

## **Provisions for Non-conforming Uses**

### **Policy 15.4**

Brevard County shall maintain procedures that address existing land uses which are non-conforming with this Comprehensive Plan. At a minimum, the following criteria shall apply:

#### **Criteria:**

- A. Non-conforming land uses are those existing development activities which were conforming to the zoning and Comprehensive Plan regulations of

Brevard County at the time of record but which are inconsistent with this Comprehensive Plan.

- B. Existing non-conforming land uses, damaged beyond 50 percent of their assessed value by natural or man-made causes, shall not be allowed to be reconstructed to a use which is non-conforming to this Comprehensive Plan, except as provided for in the Zoning Code.
- C. The addition, expansion or re-establishment of existing non-conforming land uses shall be governed by Chapter 62, Article VI, Division 2, Subdivision II, "Non Conforming Uses" of the Brevard County Land Development Regulations.

#### **Policy 15.5**

The following provisions for the development of non-conforming lots to allow for the reasonable use of such properties shall apply. At a minimum, the following criteria shall apply:

##### **Criteria:**

- A. Non-conforming lots of record are those properties which meet the non-conforming provisions of the Brevard County Zoning Code but which are non-conforming to this Comprehensive Plan and/or Zoning regulations.
- B. Non-conforming lots of record may be developed to a use permitted by Chapter 62, Article VI, Division 2, Subdivision II, "Non Conforming Uses" of the Brevard County Land Development Regulations, provided that it is also a use permitted by the Future Land Use Map of this Comprehensive Plan.
- C. The Land Development Regulations should continue to include provisions for minimum lot dimensions and setbacks for non-conforming lots of record to ensure that these uses will be compatible with surrounding land uses.
- D. If an existing non-conforming lot does not meet the minimum lot size established by this element, relief may be obtained in accordance with the Zoning Code of Brevard County.

#### **Provisions for Pre-existing Uses**

##### **Policy 15.6**

Brevard County should maintain and enforce criteria for Pre-existing Uses, as defined by the County's Land Development Regulations. Applications for Pre-existing Uses shall be reviewed against the requirements found in the Land Development Regulations.

Future Land Use Element

XI-76

February 2022 ~~December 2011~~

## **Preclusion of Development**

### **Policy 15.7**

If a land use designation in the Comprehensive Plan is determined to preclude all development of such land and an amendment to the Comprehensive Plan is required, an amendment alleviating the preclusion of development may be considered at the next available transmittal or adoption public hearing of the Comprehensive Plan. A development order consistent with the proposed amendment, may be submitted for review; however, final approval will not be granted until a finding of compliance and after the appeal period pursuant to Chapter 163, F.S.

## **Provision for Appeals**

### **Policy 15.8**

Brevard County shall provide a method of appeals to address alleged errors in any order, requirement, decision or determination made in the enforcement of any ordinance, regulation, law, policy or procedure relative to the Land Use Regulations.

## **Military Base Land Use Compatibility**~~MILITARY BASE LAND USE COMPATIBILITY~~

### **Objective 16**

Brevard County shall cooperate with Patrick Air Force Base (PAFB) to encourage compatible land use, help prevent incompatible encroachment of new development, and facilitate the continued presence of Patrick Air Force Base. This Objective and its policies are intended to only apply to new development. Development, including but not limited to buildings and structures, existing on the effective date of this amendment are exempt from the requirements of Objective 16 and its policies, as long as there are no increases in building height or residential density beyond that which is permitted by the applicable zoning classification.

### **Policy 16.1**

Brevard County shall transmit to ~~the Commanding Officer of~~ PAFB information relating to proposed changes to the Comprehensive Plan, plan amendments, and proposed changes to land development regulations which, if approved, would affect the density, intensity or use of land on Merritt Island south of the Pineda Causeway. Brevard County shall provide PAFB an opportunity to review and comment on the proposed changes.

### **Policy 16.2**

~~The Commanding Officer of~~ PAFB is encouraged to provide comments to the County on the impact such proposed changes may have on the mission of PAFB, whether the proposed changes are compatible with the safety and noise standards in the

Air Installation Compatible Use Zone adopted by PAFB, and whether such changes are incompatible with the findings of the Joint Land Use Study for PAFB.

#### **Policy 16.3**

Brevard County shall take into consideration any comments provided by PAFB ~~the Commanding Officer or his or her designee~~ when such decision regarding comprehensive planning or land development regulation. Brevard County shall include a copy of any such comments to the Florida Dept. of Economic Opportunity ~~Community Affairs~~ or its successor agency.

#### **Policy 16.4**

To facilitate the exchange of information, Brevard County shall maintain a representative appointed by PAFB as an ex officio, nonvoting member of the County's Local Planning Agency as required by Section 62-182, Brevard County Code.

#### **Policy 16.5**

The Commanding Officer of PAFB is encouraged to provide information about any community planning assistance grants that may be available to Brevard County through the Federal Office of Economic Adjustment to facilitate joint community planning efforts.

#### **Policy 16.6**

To ensure continuing compatibility with the operations of PAFB and the existing character of the neighborhood, the Future Land Use designation for properties located on Merritt Island south of the Pineda Causeway shall not exceed the adopted Future Land Use designation of Residential 2.

### **The Farmton Local Plan**

#### **Objective ~~OBJECTIVE~~ 17**

Establish a long-range, sustainable plan for the Farmton Tract in northern Brevard County based upon permanent conservation of Regional Wildlife Corridors, together with reservation of suitable areas for future compact mixed use development which meet the highest levels of sustainability.

#### **Policy 17.1**

The Farmton Local Plan is defined by Objective 17 and implementing policies. It is a flexible and innovative planning strategy to allow the conversion of agricultural lands to other uses while protecting environmentally sensitive areas. The plan uses transfer of development rights and provisions for open space protection, clustering, and mixed use

development with high standards of sustainability to preserve environmental resources and reserve suitable areas for sustainable development.

**Criteria:**

- A. The Farmton Local Plan is the planning framework for the Farmton Tract consisting of approximately 11,500 acres in northern Brevard County. The Farmton Local Plan shall establish land uses, objectives and policies for resource conservation and sustainable development. The policies are designed to:
  - 1. Provide opportunities for economic development and job growth
  - 2. Preserve lands prioritized by natural resources stakeholders
  - 3. Preserve significant integrated habitat for regional wildlife corridors
  - 4. Provide for a variety of land uses to support residences of diverse ages, incomes, and family sizes
  - 5. Direct population growth and development away from flood plains
  - 6. Discourage urban sprawl
  - 7. Avoid large lot rural subdivisions which fragment natural resources
  - 8. Create efficiencies in provision for infrastructure
  - 9. Conserve water and energy
  - 10. Balance jobs with housing
  - 11. Continue opportunities for agriculture
  - 12. Reduce vehicle miles traveled
  - 13. Reduce greenhouse gas emissions
- B. The Farmton Local Plan is the result of a peer reviewed collaborative stakeholder process designed to holistically address varying community needs in a flexible, yet systematic manner. Land Development Regulations, Mixed Use Zoning provisions, Master Plans, and Development of Regional Impact Development Orders which implement this plan shall utilize innovative land use techniques, creative urban design, highest levels of environmental protection, and the use of sustainable development principles as they may evolve over time.
- C. The overall planning horizon shall be consistent with the County's Comprehensive Plan horizon. There shall be no increases in the number of residential units beyond what is allowed by the future land use plan in effect at the time of adoption of this amendment.
- D. The Farmton Local Plan shall maintain at least 75% of the total area as Agriculture. These lands shall include prioritized conservation lands that have been identified by stakeholders, mitigation banks, and lands adjacent to Buck Lake Conservation Area together with buffers and designated uplands so as to establish interconnected regional wildlife corridors. Such

Future Land Use Element

lands shall be subject to a conservation easement and conservation management plan which shall sever all development rights and protect the lands in perpetuity.

- E. The Future Land Use Map shall identify two land uses within the Farmton Local Plan: Agriculture and Farmton Mixed Use Area (FMU). Within FMU are districts with distinct policies as set forth herein. The final shape and acreage for the developable portion of the Farmton Mixed Use Area shall be determined at the time of rezoning, but the total buildable area, exclusive of stormwater management facilities, shall not exceed 1,500 upland acres. In making the determination of which lands are suitable for development, decision support models used in the Greenprint process described in Policy 17.2 A and groundtruthing shall be utilized to identify wetlands, floodplains, mitigation areas, vegetative buffers, specialized habitat for listed species, and under-represented natural communities. Priority shall be given to lands on the perimeter of the FMU which are contiguous to Agriculture lands to promote habitat connectivity. Such lands shall be rezoned Environmental Area (EA) and made subject to a perpetual conservation easement and conservation management plan.
- F. Maximum development potential: The Farmton Local Plan shall utilize an internal system of transfer of development rights to establish densities. For the purposes of this plan, Agriculture shall be designated Sending Areas and the Farmton Mixed Use (FMU) Area shall be designated as the Receiving Area. The underlying residential densities for the planning area shall be based upon existing Future Land Use. Upon the adoption of the Farmton Local Plan and after the transfer of development rights, the underlying density of Agriculture shall be Zero and the Farmton Mixed Use Area shall have a maximum of 2,306 dwelling units.
1. Maximum Development Potential through buildout: The residential component through buildout of the Farmton Local Plan shall not exceed 2,306 dwelling units.
  2. The maximum non-residential square footage through buildout of the Farmton Local Plan shall not exceed 1.25 million square feet exclusive of public institutional uses (i.e., fire stations, government office, public schools, etc...). The term "Commercial" as referenced in the implementing policies for Objective 17 includes retail, service, restaurants and other customary business uses. The total maximum and minimum development for Residential and non-residential land uses, within the FMU shall be:

**Maximum**

**Minimum**

Future Land Use Element

XI-80

February 2022 December 2011

Residential	2,306 units	2,000 units
Commercial	340,000 SF	200,000 SF
Office	420,000 SF	180,000 SF
Industrial	390,000 SF	192,000 SF
Hotel	200 rooms	120 Rooms
Public Inst	50,000 SF	20,000 SF

- G. Farmton Mixed Use Areas within the Farmton Local Plan shall be located within the areas identified as most suitable for development. The total FMU area shall not exceed 2,800 acres. FMU shall be designed in a compact form including sustainable development planning and building techniques as more fully set forth herein. Densities and intensities for districts within Farmton Mixed Use Area are as set forth in Policy 17.3. The mix of uses shall be in accordance with Policy 17.1F (2) for the Farmton Mixed Use Area.
- H. No development shall take place within Farmton Mixed Use Area until special land development regulations are approved as part of a Mixed Use Zoning (MXD) district or upon approval of a Master Plan as part of a Development of Regional Impact Development Order pursuant to Ch. 380.06, Fl. Stat.. No certificate of occupancy may be issued for development within the Farmton Mixed Used Area prior to January 1, 2016. The timing restriction regarding certificates of occupancy shall not apply in the event that a comprehensive plan amendment is adopted and in effect prior to January 1, 2016, which results in a financially feasible capital improvement schedule, taking into account the impacts of the FMU land use change and anticipated development through January 1, 2016 as presented in the supporting analysis for the capital improvement schedule amendment.
- I. This plan shall be consistent with the provisions of the Conservation Element, with particular emphasis on Policy 5.2.E.(6) and Policy 5.2.E.(7), as amended.

## Policy 17.2

Protect Natural Resources of Regional Significance by promoting perpetual preservation of interconnected regional wildlife corridors.

### Criteria:

- A. Decision Support Models. The designation of at least 8,700 acres of Agriculture in perpetuity is the result of a Greenprinting process which utilizes recognized decision support models, including but not limited to the Natural Resources of Regional Significance model (NRORS) of the East Central Florida Regional Planning Council (ECFRPC), Critical Lands and

Future Land Use Element



Waters Identification Project (CLIP) of the Florida Century Commission, consultation areas of the USFWS, and biodiversity matrix of Florida Natural Areas Inventory, to make preliminary identification of significant habitat. As these areas were identified, the landowner used ground-truthing through scientifically accepted procedures to identify habitats and ecosystems in order to identify regional wildlife corridors, an integrated habitat protection area, and reserve areas for future development. As Farmton Mixed Use Area is planned in the future for development, these decision support models shall be employed to identify additional lands within which can be rezoned to Environmental Area (EA) and made subject to a conservation easement and conservation management plan. Priority shall be given to lands on the perimeter of the FMU which are contiguous to Agriculture lands.

- B. As a result of the process identified in Policy 17.2A, at least eighty percent (80%) of lands within the Farmton Local Plan shall be subject to a conservation easement and conservation management plan and preserved in perpetuity. This will include all lands designated as Agriculture together with those wetlands, mitigation areas, vegetative buffers, specialized habitat for flora or fauna, passive parks, and trails designated as EA within Farmton Mixed Use Area during the rezoning or DRI process.
- C. The identification of areas to be maintained as permanent Agriculture and subject to a conservation management plan shall be approved in consultation with the Florida Fish and Wildlife Conservation Commission, Florida Department of Environmental Protection, St. Johns River Water Management District, the Brevard Environmentally Endangered Lands Program and the Brevard Natural Resources Management ~~Department~~Office, and by at least one tax exempt conservation organization, such as the Florida Audubon Society as consistent with Policy 17.6M.
- D. Landowners shall implement an ecological monitoring program to monitor the quality and quantity of habitat type as well as species number and diversity. This information shall be used in preparation of the conservation management plan and the landowner shall not undertake management practices which diminish the quality of habitat within the area.
- E. Agriculture land and land rezoned to EA shall be subject to a conservation management plan which shall provide for ongoing conservation of listed species and other indigenous species which may require special habitat

protection. The plan shall include a black bear management plan which shall be developed in consultation with the Florida Fish and Wildlife Conservation Commission consistent with its Black Bear Habitat Management Guidelines.

- F. Any future transportation facilities built across Agriculture land shall be designed to avoid and minimize conflicts between motor vehicles and the movement of wildlife consistent with the Transportation Element. To the greatest extent practicable, the transportation spine network will be within the Farmton Mixed Use Area and cross agricultural lands at suitable locations. Tools to minimize this conflict include locational criteria, landscaping techniques, fencing, speed limits, wildlife underpasses or overpasses, and bridging over known corridors. Transportation facilities shall be designed to avoid the area permitted for mitigation banking.

### **Policy 17.3**

Establish principles of sustainability and land use standards for Agriculture and Farmton Mixed Use Area.

#### **Criteria:**

- A. Principles of Sustainability. To ensure that the Farmton Local Plan is truly sustainable, the following principles shall be applied throughout the planning process:
1. The Farmton Local Plan shall preserve regional wildlife corridors, and important environmental systems first as part of a holistic approach to sustainability of the land.
  2. Farmton Mixed Use Area (FMU) shall contain a mixture of uses that provide for a balance of commercial, residential, recreational, open space (active and passive), resource protection, educational and other supporting uses.
  3. FMU shall be designed with principles of smart growth, traditional neighborhood design ("TND"), New Urbanism or transit oriented development ("TOD") including walkability, compact development patterns, quality architecture and urban design and a hierarchy of street systems to foster connectivity and pedestrian mobility as well as alternate modes of travel, including transit.
  4. FMU shall promote income diversity and choice through a mixture of housing types and price points using higher density, compact development patterns and variety to limit sprawl.
  5. FMU shall provide opportunities throughout all phases of the development for residents to work in the community they live in, thereby reducing automobile dependence.

Future Land Use Element

include interconnected streets that are designed to balance the needs of all users, including pedestrians, bicyclists and motor vehicles, and which are built with design speeds that are appropriate for neighborhoods. Villages shall be adjacent to large expanses of Agriculture land that are designed to protect the character of the rural landscape.

Villages shall adhere to the following basic guidelines:

- a. Villages shall include compact design that includes a system of land subdivision and development which links one neighborhood to another. No Village shall be greater than 900 acres in size. Preserved wetlands and floodplain within a Village shall be excluded from the calculation of the maximum acreage;
- b. Villages shall include interconnected streets that are designed to balance the needs of all users, including pedestrians, bicyclists and motor vehicles, and which are built with design speeds that are appropriate for neighborhoods;
- c. Villages shall include alternatives for pedestrians and bicyclists through the provision of sidewalks, street trees and on-street parking which provide distinct separation between pedestrians and traffic, spatially define streets and sidewalks by arranging buildings in a regular pattern that are unbroken by parking lots; and provide adequate lighting that is designed for safe walking and signage which has a pedestrian orientation;
- d. At least 75% of all housing in a Village shall be within one half mile of the village center to encourage walkability.
- e. Each village shall contain a village center, the purpose of which is to provide key goods and services at the neighborhood level (vs. regional level).
- f. The village center shall be located approximately in the center of a designated village and shall not exceed 90 acres in size (excepting wetlands and school campuses).
- g. The target market of a village center shall have a focus towards the residential areas within one mile. In addition to commercial, village centers shall include civic and recreational uses as well as open space in the form of greens, commons, parks, squares and recreation areas.
- h. The transportation system within a village shall consist of collector and local streets and pedestrian and bike systems

- B. FMU shall utilize sustainable development techniques that promote the reduction of greenhouse gases and efficient and effective use of infrastructure.
- C. Permanent designation of Agriculture shall be used as the foundation of land use decisions. Other areas may be reserved for future Mixed Use Zoning which shall demonstrate how the values of the adjacent conservation area will be protected and maintained.
- D. Agriculture shall be subject to a conservation easement approved by the County, and the residential density shall be zero units per acre after the transfer of development rights is completed. Water resource development, stormwater management facilities, or central potable water wellfields shall be allowed within Agriculture and Mixed Use lands after obtaining required permits.
- E. Farmton Mixed Use Areas. Within areas designated on the Future Land Use Map as Farmton Mixed Use Area, the following districts are permitted:
  - 1. WorkPlace. The WorkPlace land use district is intended to provide and promote employment centers as well as provide work force housing in close proximity. Permitted uses include industrial uses, community and regional scale commercial, institutional uses, hotels and residential uses. ~~Density and Intensity.~~ The WorkPlace district shall have a minimum density of 10 units per acre and a maximum of 15 units per acre as applied to lands developed with residential use. The maximum overall floor area ratio (FAR) for lands developed with non residential uses is as follows:
 

Commercial	1.0 FAR (0.35 minimum)
Light Industrial	2.48 FAR
Hotel	2.0 FAR
  - The DRI development order or MXD zoning and/or special land development regulations shall require a mix of uses, including maximums and minimums for the WorkPlace land use district.
  - 2. Villages. Villages are compact residential areas containing a mix of residential housing types to encourage affordability for a wide range of economic levels. Villages shall be supported by internally designed mixed use village centers which provide key goods and services and public facilities at the neighborhood level. Villages shall

that provide linkages to other land use components of the Farmton Mixed Use Area.

- i. Each village center shall be designed to accommodate a transit stop to help facilitate transition from bicycling or walking to bus or trolley. Therefore, the transit stop should include bicycle racks and/or the bus or trolley should include racks.
- j. The village center shall be located near the juncture of two collector roads, but may, depending on environmental constraints, be located near the juncture of a collector and local road.
- k. Each village shall contain a mix of housing types to encourage affordability for a wide range of economic levels.

Approved uses within a Village include single and multi family residential, office, commercial, institutional, open space, bed and breakfast. Non-residential uses, except for licensed home occupations, are limited to the village center. The maximum overall floor area ratio for non residential developments within a village center shall be as follows:

Commercial: 1.0 FAR (min. 0.3)

The following densities apply to lands developed with residential use within Villages:

	Maximum dupa	Minimum dupa
Single Family	8 <	4
Multi-family	15	8

The Village Center shall achieve a average density of 7 dupa applied to lands developed with residential use.

- 3. Mixed Use Requirements. To ensure a sustainable mix of uses the minimums and maximums per use are per policy 17.1F.

#### Policy 17.4

Development within Farmton shall incorporate and promote high standards for sustainability, water conservation, energy efficiency and greenhouse gases.

##### Criteria:

- A. Farmton Mixed Use Area shall require protection of green infrastructure, natural resource protection, water and energy conservation features, and lower impact development and compact development. Higher density, mixed use and compact development shall be required as it is recognized as a more energy efficient land use pattern to reduce trip lengths, promote

Future Land Use Element

walking, support regional mass transit and reduce the development foot print. It also is recognized to provide tangible social and cultural benefits by encouraging more connected social support systems and a stronger sense of community.

- B. Reduction in Greenhouse Gases. By utilizing higher standards of sustainability and the principles of smart growth including traditional neighborhood design and transit oriented development, the Farmton Local Plan seeks to reduce reliance on the automobile; and, therefore, reduce the production of greenhouse gases. Additionally, the Farmton Local Plan desires to lessen the demand for energy utilized to heat and cool houses and commercial structures built in the Farmton Mixed Use Area, not only to reduce the production of greenhouse gases, but to conserve available energy resources.
- C. The Farmton Local Plan shall promote carbon neutrality through energy conservation features such as protecting natural areas, greenways, wetlands, forests, and other natural resources that reduce energy demand; energy efficient land use patterns which reduce energy consumption, promote walkability and reduce automobile use; water and energy conservation, and promotion of solar power and other alternatives to achieve overall reduction in production of greenhouse gases.
- D. Farmton Mixed Use Area shall undertake the physical development of the community using a whole systems approach to the design, development, construction and operation of the community and to do so in a way where defined benchmarks and metrics can be used to measure its success. The details for these standards will be developed in cooperation with the University of Florida Program for Resource Efficient Communities (PREC) and will be set forth in the Master Plan and DRI Development Order and will implement the following goals of sustainability:
  - 1. Site Design and Land Use shall encourage a walkable transit-ready community with a jobs-to-dwelling-units ratio to create the required synergies for a sustainable community. At build out, all homes shall be within one half (0.5) mile of transit, a village center, workplace, or an institutional or civic use such as a school or government office.
  - 2. Landscape design shall incorporate biodiversity using native vegetation with a goal of reducing water usage and treating groundwater.
  - 3. Transportation design shall create multi-modal synergies that facilitate a reduction in the use of the automobile, promote

- pedestrian and bicycle utilization and the use of mass transit when available.
4. FMU design shall incorporate water conservation measures so that as nearly as possible it incorporates water neutrality into the construction and operation of the development. Water neutrality shall mean that potable and nonpotable sources of water are provided solely within the boundaries of the Farmton Local Plan and sources outside the boundaries of the Farmton Local Plan are not needed to support development within.
  5. Community design shall incorporate walkability with linkages to employment centers and developing around multi-use compact cores so that the community can coexist harmoniously with the natural, social and economic environment.
- E. Proposed development shall meet the requirements of a certification program from either USGBC LEED for Neighborhood Development, FGBC Green Development Designation Standard, or another third party program deemed acceptable by Brevard County.
- F. Outdoor lighting in the community will be encouraged to achieve the standards of the International Dark-Sky Association. Particularly effective best practices established in cooperation with the PREC or other credible agency will be integrated as prerequisites or established as minimum community standards such as solar powered street and pathway lighting.
- G. Infrastructure within the Farmton Local Plan shall incorporate water and energy conservation standards as part of the land development regulations.
- H. Individual septic tanks shall be prohibited.
- I. ENERGY STAR® and Florida Water Star standards shall be met for residential development.
- J. Solar panels shall be permitted on all buildings and in all districts.
- K. Waterwise and Florida Friendly principles shall be applied in the design of all landscape areas.
- L. Energy Efficiency Criteria. The Farmton Local Plan shall develop in a manner that establishes energy efficient land use patterns. The specific criteria to be evaluated and incorporated in the implementing land development regulations shall include:

Future Land Use Element

1. Measures to promote walkability;
  2. Inclusion of a bike trail system in future development applications that demonstrates connectivity to a larger external system, to include the regional bike trail network, and provision for bicycle racks at all transit stops;
  3. A mix of uses that provides residents and employees with opportunities to obtain goods and services utilizing non automotive travel modes;
  4. Permitting solar panels on any structure;
  5. The provision of at least one recharging station at each Village Center, and WorkPlace for personal electric vehicles (PEV);
  6. Demonstration that the application was coordinated with the school board to promote safe, alternative travel modes for school children;
- M. Adaptive Management. It is recognized that the standards and protocols which define sustainability are constantly evolving such that what is determined to be acceptable today may be unacceptable in the future and that supportive programs may emerge tomorrow that more adequately accomplish the goal of the Farmton Local Plan. For the purpose of achieving sustainability goals, adaptive management will be employed over the life of the plan so as to ensure that the most current programs, policies, and protocols are used throughout the life of the community.
- N. Environmental Education. Proposed development shall provide for an on-site naturalist to provide environmental education and uphold the environmental and sustainability standards for any proposed development within the Farmton Local Plan. Environmental education shall focus on the following and be the responsibility of the Homeowners Association or Community Development District as appropriate:
1. Landscaping activities;
  2. Monitoring of environmental conditions and sustainability performance such as energy consumption, greenhouse gas emissions, water consumption, water quality on site and biodiversity;
  3. Analysis and education on community performance standards for energy and water use efficiency and facilitation of carbon credit sales for energy efficiency;
  4. Distribution of educational materials for home buyers that include landscape plans/lists of plants installed on their lots and basic maintenance requirements of any home features that received credits under the ENERGY STAR® or Florida Water StarSM certification programs;



conservation areas will be managed by natural resource management practices including prescribed fire and other techniques.

- V. A phase I cultural resource assessment survey shall occur prior to initiating any project related land clearing or ground disturbing activities that are not agriculturally related within the project area. The purpose of this survey will be to locate and assess the significance of any historic properties present. The resultant survey report must conform to the specifications set forth in Chapter 1A- 46, Florida Administrative Code, and be forward to the Division of Historical Resources for comment and recommendation in order to complete the process of reviewing the impact of the proposed project on historic resources. Should significant resources be present, additional archaeological testing may be necessary, and/or protection and preservation of significant sites may be required.

#### **Policy 17.5**

Adopt general development guidelines and standards for Farmton Mixed Use Areas which provide for delivery of services and provision for infrastructure and fiscal neutrality.

- A. Floodplains. Any development within the Farmton Local Plan shall be consistent with Objective 4 of the Brevard County Conservation Element and its implementing land development regulations including those policies promoting clustering of residential densities and non-residential intensities.
- B. Development proposals within Farmton Mixed Use Area shall only be processed with a Master Plan associated with a Development Order reviewed as a development of regional impact (DRI) per Chapter 380 of Florida Statutes or a MXD. As required through the DRI process, financial feasibility of required mitigation to regionally significant off-site transportation facilities will be identified. Recognizing that regionally significant transportation facilities can also be impacted by auto-occupancy factors and transportation mode shifts due to influences such as economic and environmental changes affecting lifestyles, the Farmton Mixed Use Area land use planning and site design must further the goals of trip reduction and vehicle miles of travel reduction, both on- and off-site.
- C. The use of septic tanks is prohibited within Farmton unless preexisting.
- D. Minimum buffers and setbacks

5. Distribution of educational and interpretive materials on bikeways and trail systems, wildlife and habitat protection issues.
- O. Jobs to housing ratio. The Farmton Local Plan shall develop and implement a program designed to ensure an adequate number of jobs per residential dwelling unit exist in the Farmton Mixed Use Area at buildout. The standard jobs-to-housing balance of 0.65 jobs per residential unit shall be required concurrently with housing development after the first 1,000 dwelling units are permitted.
- P. Diversity of Dwelling Styles. Residential neighborhoods and mixed use areas shall include a variety of dwelling types and lot sizes to provide opportunities for different age and income groups within an integrated and diverse community so as to avoid rigid segregation of dwelling types by price point within the community. Housing types may include, but are not limited to, mid-rise multifamily, single family detached, residential above commercial, townhouses, carriage houses, garden apartments, duplexes, triplexes, zero lot line, owner-occupied and for rent product. The mix of housing product will vary depending on the section of the community in which the housing is developed.
- Q. Within Farmton, ten (10) percent of residential units shall qualify as "affordable housing" as currently defined by the Comprehensive Plan and Land Development Regulations.
- R. The 10% allocation required by subpolicy Q shall be located within a 1/3 mile of transit stops or on-site employment opportunities.
- S. Institutional uses (e.g. churches, libraries, public and private schools, recreation facilities, government buildings, police/fire/emergency medical services, water and sewer plants) shall be allowed in the FMU land use category, but shall not be allowed in the Agriculture land use category.
- T. Implementing land development regulations of the Farmton Mixed Use Area shall require the early identification of external access locations and a process through which access improvements, if needed, will be guaranteed.
- U. Implementation of appropriate "firewise" community planning practices shall be identified during the subdivision/site plan review process. As part of the development review process, a covenant will be placed on properties near or adjacent to public conservation or preservation land to notify future property owners and residents that the nearby or adjacent public land or

Farmton Local Plan. In the event that St. Johns River Water Management District (SJRWMD) deems the existing ground water insufficient to serve buildout of the Farmton Local Plan, then any additional water supply needed shall be provided by an alternative water supply source identified in SJRWMD's District Water Supply Plan. FWR shall coordinate with the City of Titusville and, County, to revise their 10-year water supply facilities work plans to include FWR's service area and descriptions of projects needed to provide potable and nonpotable water to the service area—. In addition, shall propose additions to the District Water Supply Plan to provide for water resource development and alternative water supply plans including storage of water, and acceptance of reuse or storm water, and augmentation or wetlands restoration. FWR is responsible for providing onsite and offsite infrastructure improvements necessary to provide potable and nonpotable water and waste water to development within the Farmton Local Plan area. Infrastructure improvements shall include wells, surface water intake facilities, pumps, raw water transmission lines, water treatment plants, wastewater treatment plants (meeting public access reclaimed water standards), finished water transmission lines, reclaimed water transmission lines, and potable and nonpotable water storage facilities. As the infrastructure projects are identified and approved by the County and the SJRWMD, those projects shall be included in the County's Water Supply Facilities Work Plan and Capital Improvements Element during the annual update.

- F. The County shall not issue any development orders or development permits for Farmton without first determining that adequate water supplies (potable and nonpotable) exist to serve the new development and will be available no later than the anticipated date of issuance of building permits. The availability of water supply shall be demonstrated through:
1. Before the County issues a DO (except a DO issued under Chapter 380), the County shall receive a Concurrency Certificate from the water supplier verifying that it has the facilities and capacity to serve the development;
  2. CUP issued by SJRWMD to TIFA LLC for potable water to site;
  3. The availability of reclaimed water and stormwater for irrigation use within the developments and the quantity of potable water these sources will offset; and
  4. The potential for water conservation practices to reduce demand, such as installation of high-efficiency plumbing fixtures, appliances, and other water conserving devices in households, as well as public and commercial restroom facilities and the use of waterwise and

Florida Friendly principles in all landscaped areas, where ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable so as not to require irrigation. The Farmton Local Plan shall comply with the Aquifer Recharge policies of the Brevard County Comprehensive Plan (Conservation Element) and its implementing land development regulations. Reuse and water conservation methods shall be implemented in accordance with the applicable requirements of policy 17.4 to reduce water demand.

- G. The owner shall also reserve and dedicate at no expense to the County a 200 foot right of way to allow the for future extension of an arterial roadway from the SR 5A interchange with I-95 through the FMU to the County line to connect with Williamson Road Extension in Volusia County in the event that road is established. The developer shall also reserve and dedicate a utility easement along any transportation facilities that connects to the SR 5A interchange with I-95 to the FMU. The alignment of the transportation and utility facilities shall be as generally depicted on the "Farmton Local Plan Boundary & Arterial Transportation Network" Map 13, but the final alignment shall be after groundtruthing to avoid, to the greatest extent practicable, impacts to wetlands and flood plains within the Agriculture lands.

#### **Policy 17.6**

Agriculture within Farmton shall be managed for natural resource protection and conserved in perpetuity.

##### **Criteria:**

- A. Lands designated as Agriculture together with lands rezoned EA within FMU shall be subject to a conservation management plan and protected by a perpetual conservation easement.
- B. The initial conservation easement severing development rights for the area designated as Agriculture on the Future Land Use Map shall be recorded by the owner with the Clerk of the Circuit Court within 30 days of effective date of the Ordinance adopting the Farmton Local Plan which is subject to the final determination of compliance and the expiration of any and all deadlines for appeal. Additional areas designated as EA within Farmton Mixed Use shall be recorded prior to the issuance of certificate of occupancy(ies) for the associated development. Conservation easements shall be conveyed to the County and combination of other public agencies or qualified conservation organizations experienced in holding and maintaining conservation easements (such as the Florida Audubon Society)

Future Land Use Element

1. Boundary buffer: The purpose of the boundary buffer is to minimize visual and noise impacts on surrounding land owners. The boundary buffer around Farmton Mixed Use Areas shall be a minimum of 200 feet. There shall be no encroachment within the buffer except for bike paths, equestrian, and walking trails, fire lines, existing logging roads and public roadways.
2. Arterial buffer: The purpose of buffers and setbacks on arterial roads shall be to minimize visual intrusion of development activity on the traveling public. A minimum 75 foot "no encroachment" buffer is required on arterials. The no encroachment buffer prohibits intrusion of any kind, excepting intersecting roadways and one monument project signage at such intersections intended for project identification and way finding. Lakes may also encroach into this buffer. However, in such an event, any building setback shall be 200 feet from the arterial right of way.
3. Collector buffer: For roads that are functionally classified as "collector" by the County, an applicant shall provide a buffer of 50 feet, except that stormwater facilities may be located within this buffer or for roadway segments within the village center(s).
4. Wetland buffer: All preserved wetlands shall have a minimum 50 foot upland buffer or greater, if required by law or administrative rule.
5. East Central Regional Rail Trail Buffer: A rail trail corridor ranging in width between 100 and 200 feet extends through the area of the Farmton Local Plan and will ultimately be developed as a public access multi-use trail. A minimum 200 feet wide vegetative buffer shall be maintained on each side of the centerline of the trail right of way so as to minimize encroachments on the trail and enhance the experience of the trail user.

- E. Water Resources. Farmton Water Resources LLC (FWR) is a utility certified by the Florida Public Service Commission and is the authorized water provider to the Farmton Local Plan area. FWR and the City of Titusville have established TIFA LLC which is a joint venture for development of water supply on Farmton which initially reserves 0.6 million(s) of gallons per day (mgd) for the Farmton Mixed Use Area. FWR, through extensive well placement and stress testing, has determined that significant groundwater resources exist within its jurisdictional perimeter that are far in excess of the water needs required by buildout under the Farmton Local Plan. TIFA LLC shall apply for a CUP from SJRWMD to supply groundwater to the area and the proposed development allowed by the

subject to their acceptance after review and approval of the easement as to form and content.

- C. The conservation easement(s) shall accommodate a limited number of crossings of the easements for arterial roads, utilities, and trails. Roads and utilities shall share crossings unless the utility is pre-existing. The conservation easement(s) shall also accommodate potable wellfields or other water resource development to supply water to the FMU(s) subject to required permitting. No new roads or new utility crossings shall be allowed in the area permitted for mitigation banking.
- D. The conservation easement(s) shall incorporate provisions for a conservation management plan which shall include agriculture, silviculture, and conservation objectives and outcomes and a financial plan for meeting the obligations of the program over time.
- E. Areas set aside for Agriculture may be accessed by walkways, boardwalks, trails and bikeways where such access is consistent with the maintenance of the ecological resource, its habitat values and the bone fide commercial agricultural operation, as well as consistent with the Conservation Management Plan. Agriculture may include facilities for environmental education and research and potable wellfields subject to required permitting.
- F. Uses within Agriculture designated areas may include agriculture, conservation, and passive recreation.
- G. Agriculture land shall have the highest level of protection and conservation management plans shall protect natural resource values identified within those areas consistent with agriculture.
- H. Agriculture land shall be designed to eliminate or minimize fragmentation and promote the formation of linked networks to adjacent properties managed for conservation purposes.
- I. To the extent that transportation and utility facilities are necessary for access to the Farmton Mixed Use Area, they shall be designed to avoid wetlands and other ecological resources except as allowed by policy and as necessary, and shall avoid the area permitted for mitigation banking.

- ~~7.g.~~ Forestry stewardship provisions consistent with Best Management Practices for silviculture, including location and logging road access management plan.
- ~~8.h.~~ Provisions for significant water resources (such as streams, creeks, natural drainage ways, floodplains, and wetlands) protection, enhancement, and restoration and planned hydrological restoration.
- ~~9.i.~~ Provisions for protection of habitat of listed or imperiled species and other indigenous species which may require special habitat protection.
- ~~10.j.~~ Provisions for water resource development, well fields, and protection of wellfields
- ~~11.k.~~ Erosion control.
- ~~12.l.~~ Fencing, appropriate public access, hunting, and, if consistent with maintenance of the ecological resource, its habitat values and the bone fide commercial agricultural operation, possible development of trails, boardwalks, and interpretive facilities.
- ~~13.m.~~ Provisions for elevated roadways or wildlife crossings.
- ~~14.n.~~ Prescribed fires specific to habitat types, Division of Forestry criteria, and addressing flexibility associated with climatic conditions and catastrophic events.
- ~~15.o.~~ Coordination of management plans with adjacent conservation lands and mitigation banks.
- ~~16.p.~~ Identification of ownership and management responsibilities including financial responsibility.
- ~~17.q.~~ Establishment of a timetable for implementation of the conservation management plan and development of a monitoring and reporting program to track the implementation.
- ~~18.r.~~ Provisions for passive recreational use, environmental education, and public access where appropriate.
- ~~19.s.~~ Provisions for security and maintenance.
- ~~20.t.~~ Coordination of conservation management plans with the management plan of the East Central Florida Regional Trail.

- K. To the extent that transportation and utility facilities are necessary for access to the Farmton Mixed Use Area, they shall be designed to avoid wetlands and other ecological resources except as allowed by policy and as necessary, and shall avoid the area permitted for mitigation banking.
  - 1. bicycle, pedestrian, and equestrian trails, trailheads and rest areas for trails to include restrooms, water fountains, government initiated parking facilities for trail users, shelters to provide protection/ relief from the weather

Future Land Use Element

- J. Conservation Management Plan. A conservation management plan shall be adequately funded to meet the requirements of the plan over time. The conservation management plan shall set resource protection standards and management protocols designed to ensure the long-term maintenance of the ecology of the areas subject to a conservation easement. The plan shall be developed within one year of the recording of the initial conservation easement. The County and the owner shall establish an advisory committee made up of representatives of the owner and grantees under the conservation easement and the community stewardship organization and others with special expertise to develop the management plan which, upon approval of the landowner, and owner of the conservation easements, shall be incorporated into the conservation easement and made enforceable. The intent of the conservation management plan is to prevent the quality of habitat in the Farmton Local Plan from being diminished and encourage the improvement of habitat quality which may include habitat restoration.

Areas which have been formally opened as a mitigation bank shall be managed subject to the permit conditions, financial responsibility provisions, and terms of the conservation easement pertaining to the mitigation bank. The conservation management plan shall establish conservation goals and objectives for diversified habitats within the Farmton Local Plan which are consistent with respective habitat requirements, ecological communities, and other natural resource requirements, as well as conditions associated with public access, hunting, and passive recreational use. The conservation management plan shall address at a minimum, the following matters:

- 1.a. A prioritized list of natural resource management objectives for the site and implementation methods that protect and enhance ecosystem integrity, function, and biodiversity.
- 2.b. Identification of special areas, including but not limited to the Maytown Flatwoods Florida Forever Project and USFWS consultation areas.
- 3.e. Identification of natural and cultural resources in need of protection and discussion on how those resources will be protected.
- 4.d. Description of natural communities and establish desired future conditions by specific habitat type.
- 5.e. Identification of known threatened or endangered plants and animals occurring on site and strategies and habitat management plans as identified in the best available scientific literature.
- 6.f. Identification of exotic species and a plan for treatment/control .



2. utility lines
  3. solar energy facilities to provide all, or portions of, the power source for illumination of on-site signage or on-site security
  4. stormwater retention facilities only when required for public infrastructure projects
  5. roads, rights of way or transportation facilities which cross Agriculture land.
  6. fencing if specifically directed by appropriate public agency
  7. agricultural or silvicultural activities using BMPs and which do not require irrigation.
  8. replacement of existing structures.
  9. environmental education or interpretation facilities.
  10. well fields, water storage and water reservoirs and other water resource development projects.
  11. Maintenance or replacement of existing hunting camp facilities
- L. The maximum impervious surface ratio for uses identified in Policy 17.6K shall not exceed those established in the County's Land Development Regulations.
- M. Agriculture land shall be permanently protected by conservation easement such that areas are and remain undeveloped in perpetuity. The applicant shall draft a conservation easement agreement in a format acceptable to the County. The easement shall be conveyed to the County and combination of other public agencies or qualified conservation organizations experienced in holding and maintaining conservation easements subject to their acceptance after review and approval of the easement as to form and content.
- N. A Community Stewardship Organization or other tax exempt not for profit conservation organization (CSO) pursuant to Sec. 170(h)(3) I.R.C. shall have perpetual existence and be established for the purpose of conservation of areas of significant ecological integrity through fee acquisition of natural sites, acceptance or creation of conservation easements, development of managed and interpretive public access to areas of special ecological, aesthetic, and educational value. The owner/applicant shall fund and facilitate the creation of the CSO, but its governance shall be independent from the owner/applicant. The CSO shall be governed by a board of directors of seven individuals. At least four of the members of the board shall be representatives of statewide or national non-profit environmental/conservation organizations in existence at the time of the adoption of the Farmton Local Plan such as the Nature Conservancy, Florida Audubon Society, Trust for Public Lands, and Florida Wildlife

Federation. The owner shall be represented on the board and other board members may include representatives of public agencies, stakeholders, and other interested citizens who participated in the development of the plan. The CSO may take title to designated Agriculture or EA lands, or co-hold a conservation easement over such lands and shall participate in the development of the conservation management plan. The CSO may enter into contracts with the landowner or public agencies to undertake management responsibilities set forth in the conservation management plan and may manage and operate environmental or interpretive facilities associated with the site.

#### **Policy 17.7**

The Farmton Local Plan shall promote Sustainable Agriculture.

**Criteria:**

- A. Unless modified by DRI Development Order or MXD zoning or Conservation Management Plans adopted as part of a Conservation Easement, agricultural activities may continue on Farmton lands.
- B. Future agricultural operations may be provided for within the Farmton Mixed Use Area as may continue in the DRI Development Order or MXD zoning.
- C. Silviculture may continue subject to Best Management Practices approved by the Commissioner of Agriculture and Consumer Services.
- D. Right to Farm. Florida's Right to Farm laws apply to existing and new agricultural uses in the Farmton Local Plan. DRI Development Orders or MXD shall have requirements for purchasers of homes within Farmton to acknowledge, via covenants, conditions and restrictions that existing silvicultural/agricultural activities are allowed to continue on surrounding lands.

#### **Policy 17.8**

The Farmton Local Plan shall promote an efficient transportation system that maximizes on-site traffic capture, mitigates its impacts and provides for continuous modeling and monitoring to assess the operation of the transportation system. The Farmton Local Plan shall be developed in a manner to promote a transportation system, both on-site and off-site, consistent with the goals of providing mobility that is energy efficient, includes green development principles and is financially feasible. A key component of the Plan shall be a shift in emphasis from providing for the movement of vehicles to the provision of mobility of people. The Plan shall also identify the procedures

for determining transportation needs, identifying funding mechanisms, the protection of transportation facilities and the monitoring of transportation impacts.

**Criteria:**

- A. The Farmton Local Plan shall include the concept of transportation mobility in all aspects of the transportation network design. This emphasis is consistent with the concepts of reduced energy requirements, reduced greenhouse emissions and reduced transportation facility expenditures. All development within the Farmton Local Plan shall implement these design concepts.
  1. The Farmton Local Plan shall be developed consistent with walkable community design standards to encourage walking as a means of transportation, recreation and social interaction.
    - a. A mix of land uses, multi-modal transportation stations and transit stops shall be provided in close proximity to each other to foster walking as a viable means of transportation.
    - b. Shade shall be provided in the form of tree canopy or man-made structures in the WorkPlace and Villages to accommodate walking by providing relief from direct sunlight and the elements.
    - c. Sidewalks shall be wide enough to accommodate pedestrian activity and shall otherwise comply with the land development regulations.
    - d. Safely lit sidewalks with physical separation from adjacent roadways (via curbing or otherwise adequate spatial separation) shall be provided to encourage night-time use.
  2. The Farmton Local Plan shall include a network of interconnected multiuse paths designed to accommodate pedestrian, bicycle and low speed electric vehicles. The path network shall connect neighborhoods to reasonably proximate destinations including public and commercial land uses. The County shall require the developer to submit to the County both a bicycle routing plan and mobility plan, including a trail plan as part of the MXD master development plan to be reviewed and approved by the County.
    - a. Multi-use paths shall be provided connecting neighborhoods with the WorkPlace, Villages, recreational centers, schools and parks.
      - i). Multi-use paths shall not be less than 12 ft. in width.
      - ii). Multi-use paths shall accommodate pedestrians, bicycles, skaters, rollerbladers, skateboarders and low speed electric vehicles.

- iii). Rest areas, including parking areas, water fountains, restroom facilities, shelter from the weather, shall be provided for trail users with access from public roads.
  - b. Accommodation of electric vehicles shall be provided in the development of residential units and at significant public, recreational, educational and commercial destinations.
    - i). Use of low speed electric vehicles on local streets and on multi-use paths shall be permitted.
    - ii). Major public and commercial destinations as well as multimodal stations in the WorkPlace and Village Centers shall provide for parking spaces specifically designed and designated for low speed electric vehicles. The provision of electric vehicle charging stations should be provided where practical.
- 3. The Farmton Local Plan shall incorporate the features of transit-oriented development in the WorkPlace and Villages.
  - a. The WorkPlace shall incorporate a multi-modal station accommodating transit adjacent to the core area.
  - b. Villages shall incorporate transit stops within the Village Center.
  - c. Transit stops shall be designed to provide convenient walking distances for all neighborhoods.
  - d. Bicycle racks for the temporary, secure storage of bicycles shall be provided at all transit stops and at major public facilities, commercial destinations, recreational facilities and schools.
- 4. FMU within the Farmton Local Plan shall include an efficient road network designed to safely accommodate access to the external road network and the internal road network for all modes of transportation.
  - a. A hierarchy of roads shall be developed that accommodates local transportation needs as well as access to the external road network. An approved plan providing for a hierarchy of transportation facilities will be required to accommodate this goal prior to the development of the FMU.
    - i). Internal access within the WorkPlace and the Villages shall consist of interconnected local streets and collectors meant to disperse traffic and avoid funneling traffic to a reduced number of collectors and arterials. This design requires a pattern of mixed uses, commercial and residential in proximity to each other.

Future Land Use Element

(both for on-site facilities and access to off-site facilities) as they evolve throughout the development of the Farmton Local Plan to the extent practical.

- B. The transportation mobility focus for the Farmton Local Plan represents a change from the historic approach to providing for mobility which previously focused on the personal automobile. This new focus is on reduction of vehicle miles traveled, increased vehicle occupancy, reduced energy costs and reduced greenhouse gas emissions while increasing the mobility of the traveling public. A byproduct of this approach will be a reduction in the rate of trip generation on a per vehicle basis. This is a necessary goal given the prevalent and growing deficits in the public's ability to fund new roads. Transportation goals are now focused on reducing travel demand while preserving existing transportation facilities. The County's goal for the Farmton Mixed Use Area is to attain a 30 percent internal traffic capture by encouraging a balanced mix of uses. In order to document the effectiveness of this objective, several policies are proposed that address transportation needs through the build-out.
1. Any proposed development within the Farmton Local Plan shall be required to meet concurrency or mobility standards as may be established by Brevard County. Satisfaction of the standards shall include providing proportionate share funding for off-site transportation improvements. Transportation impact fees and/or mobility fees will be fully-creditable against off-site proportionate share funding of transportation improvements. On-site transportation improvements shall be the sole responsibility of developer(s) of the Farmton Local Plan.
  2. Monitoring of the transportation system impacts, both on-site and off-site, will be required at least every seven years after the commencement of construction of the first development in the FMU within the Farmton Local Plan and shall coincide with the County's Evaluation and Appraisal Report Process.
    - a. The monitoring effort shall address transportation impacts for a study area inclusive of transportation facilities impacted by existing approved Farmton Local Plan development at five percent or greater of each facility's capacity at the adopted level of service (significant impacts) as established by the governing body of the facility's jurisdiction.
    - b. The monitoring effort shall be documented in a written report detailing the analysis procedure, results, recommendations and funding sources necessary to mitigate any transportation

deficiencies whereon the trip generation caused by the Farmton Local Plan is significant and results in total traffic volumes exceeding the established capacity (adverse impacts) of the facility.

- c. The monitoring effort shall document the extent to which external trip generation varies from anticipated industry standards as projected by the Model. The documentation shall address which strategies of travel demand management are being implemented and shall assess the probable effectiveness of each strategy.
3. Modeling of future transportation system impacts due to the Farmton Local Plan shall be required at least every seven years following commencement of construction of the first development in the FMU within the Farmton Local Plan and shall coincide with the County's Evaluation and Appraisal Report Process. The modeling period shall address, at a minimum, a 5-year and a 10-year future analysis development period from the date of the biennial modeling effort. The modeling effort shall address transportation impacts for a study area inclusive of transportation facilities impacted by proposed Farmton Local Plan cumulative development at five percent or greater of each facility's capacity at the adopted level of service (significant impacts) as established by the governing body of the facility's jurisdiction. The modeling effort shall be documented in a written report detailing the analysis procedure, results, recommendations and funding sources necessary to mitigate any transportation deficiencies whereon the trip generation caused by the Farmton Local Plan is significant and results in total traffic volumes exceeding the established capacity (adverse impacts) of the facility.
4. Transportation impact analyses of the Farmton Local Plan shall be coordinated with adjacent jurisdictions including Seminole County as well as significantly impacted municipalities and towns within Brevard and Volusia Counties (significance shall be determine consistent with procedures identified in Ch 380.06, F.S. ).

#### **Policy 17.9**

Establish a Farmton implementation strategy and development review process.

- A. Contemporaneously with the adoption of the Farmton Local Plan, the Future Land Use Map shall be amended to show Agriculture and Farmton Mixed Use Area. The County shall adopt a Mixed Use Zoning District (MXD) to implement the Farmton Mixed Use Area land uses, land use

- Cul-de-sacs shall be prohibited except in perimeter areas. The interconnected network of local streets shall be posted at lower, bicycle/pedestrian friendly speeds (30 mph or less). On-street bicycle use and on-street parking shall be accommodated on local streets.
- ii). Access between the Workplace and the Villages, as well as access to the external road network, shall be provided by a system of arterial(s).
- 5.1) The Master Plan shall include a designation of arterial roads identifying approximate alignments, right-of-way widths, path crossings, wildlife corridor crossings, setbacks and design elements consistent with the needs of access between major uses on-site and access to the external transportation network.
- a.(a) Concurrency requirements may require improvements, including interchange improvements, which shall be evaluated in determining the use of proportionate share funds and other contributions toward prioritized improvements that will benefit the regional transportation system.
  - b.(b) The owner shall reserve and dedicate at no expense to the County a 200 foot right of way to allow for the future extension of an arterial from the SR 5A interchange with I-95 through the FMU to the County line. All development within the Farmton Local Plan shall provide for, and protect, this corridor and shall include accommodations for multi-modal transportation. Future interchange access to Interstate 95 at the existing SR 5A interchange shall be included in the Master Plan and may be required as mitigation to any over-capacity conditions projected with the development of the Farmton Local Plan. Development shall be setback from the proposed SR 5A interchange and shall be required to protect the traffic-handling capacity of the proposed interchange. Said access to Interstate 95 at the existing SR 5A interchange shall be included in the Traffic Element.
  - c.(c) Designated bicycle lanes shall be provided on all arterial roads.
65. The Farmton Local Plan shall accommodate a transit system design within its major transportation facilities connecting on-site transit stops and stations to external transit line routes as may be developed by transit providers in Brevard County.
76. Given the potential for innovation in transportation, provision should be made for accommodating state-of-the-art travel modes

- D. Master Development Plan Requirements. The County shall adopt amendments to the Zoning Ordinance and Land Development Code to establish the specific requirements of Master Development Plan submittals and the standards for the review of those Master Development Plans.
- E. Phasing. Development within the Farmton Local Plan shall be phased according to a plan approved in the Master Plan and MXD zoning or DRI Development Order which shall establish the timing and conditions upon when future phases will be approved.
8. Facilities Capacity. The phasing conditions of each development shall address at a minimum:
- a. ~~T~~he requirement that adequate public facilities and services be available to accommodate the development and maintain the adopted level of service standards, and
  - b. ~~T~~he availability of water supply to serve the development; and
  - c. The provision of a transportation network within the Farmton Mixed Use Area that is projected to be needed to support the development through buildout.
- F. Monitoring Program. To ensure efficient planning for public infrastructure, the County shall annually monitor the actual growth within the County, including development within the FMU, and adopt any necessary amendments to the Farmton Local Plan in conjunction with the update of the Capital Improvements Plan. Any amendments to the Capital Improvements Plan will be made consistent with the requirement for Fiscal Neutrality for FMU.
- G. Fiscal Neutrality. Development within the Farmton Mixed Use Area shall provide adequate infrastructure that meets or exceeds the levels of service standards adopted by the County and be fiscally neutral or results in a fiscal benefit to the County, School Board, and residents outside that development. The intent of Fiscal Neutrality is that the costs of additional local government services and infrastructure that are built or provided for the Farmton Mixed Use Area shall be funded by properties within the approved FMU.
19. Landowners, developers, or Community Development Districts shall demonstrate fiscal neutrality as part of the master development plan approval process, according to the procedures established by the



districts, concurrency management systems, and procedures for development within the Farmton Local Plan.

- B. Land Development Regulations. The County shall adopt amendments to the Zoning Ordinance and Land Development Code to establish the specific requirements for developments within the Farmton Mixed Use Area to ensure consistency with the plan through a Mixed Use Zoning District (MXD). The Zoning Ordinance and Land Development Code will establish a Mixed Use Zoning district and design standards with general baseline regulations including physical design, development approval processing, requirements for the fiscal neutrality plan, the ratio of non-residential to residential development, as well as baseline design guidelines for Workplace and Village development. The general design standards will include, at minimum, architectural standards, street design, transit friendly design requirements, landscaping, lighting, access and circulation, parking, lot development standards, parks and internal recreational space and facility requirements. In addition, innovative resource conservation measures will also be included to address water conservation, non-potable water usage and other resource conservation measures including, but not limited to, materials and energy. No development may be approved or permitted until this Mixed Use Zoning District and design standards are adopted.
- C. FMU Re-Zoning Process: Development activity within Farmton Mixed Use Area must be approved through a MXD district and/ or Development of Regional Impact process and shall be planned through a master development plan process that integrates development, Agriculture land, and infrastructure. In addition to standard requirements for a MXD or DRI application, the application and development order shall include the following:
1. Master Development Plan
  2. Specific Design Guidelines for the Development
  3. Fiscal Neutrality Plan and Procedure for Monitoring Fiscal Neutrality for on-site improvements and proportionate share mitigation for off-site improvements.
  4. Conservation Management Plan for Agriculture land
  5. Phasing Plan for development (including timing and amount and phasing of residential and non-residential development)
  6. Adequacy of infrastructure including transportation and public schools
  7. Provisions for water and energy conservation measures.

Future Land Use Element

County. Such procedures shall require that Fiscal Neutrality be determined for development on a case-by-case basis, considering the location, phasing, and development program of the project. For off-site impacts, the procedures will require that the total proportionate share cost of infrastructure be included and not simply the existing impact fee rates. Notwithstanding the provisions of the Concurrency Management System, this shall include, but not be limited to, both localized and Countywide impacts on County, City, State, and Federal transportation facilities (such as roads, intersections, sidewalks, lighting, medians, etc.), public transit, schools, water supply and delivery, sewage transmission and treatment, solid waste, storm and surface water management.

2. For off-site transportation improvements, if a development needs to pay proportionate fair-share or proportionate share toward a needed improvement to meet concurrency and the remainder of that improvement's cost is not programmed for funding in either the 5 year Capital Improvements Element or the 10-year Concurrency Management System, then the sum of those proportionate share dollars shall be directed to improve specific facilities (pipe-lining) on a priority basis as determined by the county, except as it relates to the Florida Department of Transportation (FDOT) Strategic Intermodal System (SIS) facilities wherein FDOT will determine how funds will be directed. The County will consult and coordinate with all impacted roadway maintaining agencies (including FDOT and the Cities) regarding priorities on other than SIS facilities. The development will be approved if an agreement is executed on how the funds will be directed. The County reserves the right to condition approval of development on the availability of funding for all necessary infrastructure to support and provide capacity for the proposed development. Off-site county roads constructed by the developer with proportionate share dollars may be eligible for transportation impact fee and/or mobility fee credits. However, any said credit shall not exceed the amount of impact fee and/or mobility fees actually paid by the development. The arterial connection from SR 5A interchange to and within the Farmton Mixed Use Area shall be the sole responsibility of the developer(s) of Farmton and not eligible for transportation impact fee and/or mobility fee credits.
3. The County may require that these procedures for measuring fiscal neutrality may be reviewed and certified by independent advisors retained by the County at the expense of the landowner, developer

- or Community Development District prior to acceptance by the County.
4. Development within the FMU shall have a financial strategy approved by the County to construct and maintain all required infrastructure. Community Development Districts are identified as the preferred financing technique for infrastructure needs.
- H. Review by State Agencies. The Farmton Local Plan provides no exemption from reviews otherwise required by state and regional agencies.

**Objective 18: ~~Platt Ranch Mixed Use Category (PRMXD)~~**

~~The purpose of the Platt Ranch Mixed Use Future Land Use is to encourage the development of Platt Ranch as a well-planned, mixed use community utilizing sound planning principles and sustainable elements of community form. Individual neighborhoods and non-residential components within the PRMXD will be supported by inter-connected roadways, walkways, trail networks and open space, which will form the framework of the community, promote a sense of place and community, discourage the proliferation of urban sprawl, reduce vehicle miles travelled, and provide opportunities for diverse economic growth and employment.~~

**Allowable Land Uses**

**Policy 18.1**

~~The following general land uses are allowable within the PRMXD:~~

- ~~• Residential~~
- ~~• Office~~
- ~~• Retail~~
- ~~• Light Industrial~~
- ~~• Commercial~~
- ~~• Civic/Institutional~~
- ~~• Mixed Use~~
- ~~• Public~~
- ~~• Recreation / Open Space~~

**Policy 18.2**

~~Development for Platt Ranch shall be limited to a maximum development program as follows:~~

~~Residential: 2,808 single family dwelling units~~

Future Land Use Element

- ~~F. Utilize efficient street network design, land use mix, and the promotion of walkable community design to reduce automobile trips and trip lengths, thus diminishing energy consumption and greenhouse gas production.~~
- ~~G. Locate the most dense and intense development in areas most proximate to the Village Center and the Commerce Center (areas designated as MU land use).~~
- ~~H. Required on-site and off-site infrastructure that will be available to serve development as it is constructed.~~

## **PRMXD Approval Process**

### **Revised Policy 18.4**

~~—— A. — Prior to any application for development, a PUD zoning including a unified Preliminary Development Plan (PDP) for the PRMXD, must first be approved by the County. The Preliminary Development Plan (PDP) shall include a transfer of residential units, from that part of the property designated as Agriculture future land use (sending district) to that part of the property designated PRMXD (receiving district) provided, however, that any dwelling units that would be used as family homesteading units would not be transferred. This Transfer of Development Rights (TDRs) shall be recorded pursuant to law as an easement agreement or other legal mechanism acceptable to the involved parties reflecting the transfer of development rights and establishing the right to continue agricultural uses and homesteading.~~

~~Physical development associated with ongoing agricultural use of the property, homesteading, or improvements associated with curing the land based on impacts from the proposed St. Johns Heritage Parkway shall be exempt from this requirement.~~

### **PRMXD Family Homestead**

~~Within the area of the property remaining in the Agriculture future land use category, the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild, of the person who conveyed the parcel to said individual is permitted, provided the other provisions of the land use category or applicable zoning district are followed.~~

### **Policy 18.4**

Future Land Use Element

XI-110

February 2022 December 2011

	1,872 condominium/townhouse units
Shopping Center:	300,000 square feet
Office:	200,000 square feet
Light Industrial:	290,000 square feet
Civic:	900 student elementary school
	100,000 square feet of religious uses
	400 student, K-12 private school
	400 student daycare

In no event shall the maximum of 2,701 pm peak hour/peak direction trips be exceeded.

### **Phasing**

#### **Policy 18.2.1**

No urban development shall occur in the PRMXD prior to December 2015. Buildout of the PRMXD is anticipated by 2025.

For the purposes of this policy, the construction of the St. Johns Heritage Parkway and any associated improvements shall not be considered urban development.

### **Standards for Review**

#### **Policy 18.3**

The goal of the PRMXD is to create a planning framework and implementation strategy that will guide the development of Platt Ranch in a manner that will enhance the livability of south Brevard County and preserve its natural, cultural, and physical resources.

#### **Overall Planning Principles**

The purpose of the PRMXD and these policies is to:

- A. Provide for a development form that integrates a mix of uses to create a place where people can live, work, shop, and recreate within a compact, walkable community that discourages urban sprawl;
- B. Provide a framework for development in an environmentally responsible manner that preserves environmental systems, functional open space, and allows for continued agricultural uses;
- C. Provide for a variety of land uses and lifestyles to accommodate future population needs;
- D. Plan for the logical extension of urban development that is consistent with the function of an urban place;
- E. Create efficiency in planning and provision of urban services and infrastructure;

Future Land Use Element

~~The County shall require development of the Platt Ranch to be a Planned Unit Development (PUD) as defined in the County Land Development Code.~~

- ~~A. Prior to any application for development, a PUD zoning including a unified Preliminary Development Plan (PDP) for the PRMXD, must first be approved by the County. The Preliminary Development Plan (PDP) shall include a transfer of residential units, as specified by the applicant, from that part of the property designated as Agriculture future land use (sending district) to that part of the property designated PRMXD (receiving district). This Transfer of Development Rights (TDRs) shall include an easement agreement or other legal mechanism acceptable to the involved parties reflecting the transfer of development rights.~~

~~Physical development associated with ongoing agricultural use of the property, homesteading, or improvements associated with curing the land based on impacts from the proposed St. Johns Heritage Parkway shall be exempt from this requirement.~~

- ~~B. The Planned Unit Development Zoning District rezoning shall establish the general baseline regulations for the development including standards for physical design, development approval processing, proposed phasing, and the identification and definition of the types of major modifications to the Zoning District approval that shall require the review and approval of the Board of County Commissioners and minor modifications that shall require only the review and approval of County staff.~~
- ~~C. The PUD master plan shall identify the approximate locations of the Village Center(s), the elementary school, the primary and secondary road network, and the framework of a community wide open space and pathway network.~~
- ~~D. Any future roadway connections to existing residential neighborhood streets are required to be approved by the Board of County Commissioners as part of the public hearing for the PUD.~~

#### **Policy 18.4.1**

~~To the extent required by law, development shall comply with applicable statutes governing Developments of Regional Impact (DRIs).~~

#### **Continuation of Agricultural Uses**

##### **Policy 18.5**

~~Continuation of agricultural uses shall be permitted within the entire PRMXD until such time as urban development occurs. Agricultural use is permitted on any portion of the Ranch in which development is occurring up to and until start of construction on~~

Future Land Use Element

~~applicable land. Continued agricultural use and ancillary supporting agricultural buildings and facilities shall also be permitted. For the purposes of this section, the construction of the St. Johns Heritage Parkway and any associated improvements shall not be considered urban development.~~

## **Floodplain and Environmental Standards**

### **Policy 18.6**

~~In recognition of the benefits afforded the public that result from the preservation of riverine floodplains, development within Platt Ranch will occur in such a manner as to not alter the off-site storage and conveyance capabilities of the water resources in and adjacent to the property. Proposed development shall not cause a net reduction in flood storage without compensation of that storage capacity. Additionally, proposed development shall not negatively impact existing flood conveyance capabilities.~~

~~Brevard County will coordinate with the SJRWMD, and other appropriate agencies, in determining the appropriate elevation of the first floor of habitable structures, and minimum elevation of commercial structures, public facilities and roadways within the five-hundred-year floodplain. The first floor elevation of habitable structures, or minimum elevation for the other listed structures and facilities, shall not be lower than 21.7 feet NGVD and shall be set to minimize damage or potential loss of life associated with the possible failure of the levees along the St. Johns River due to the probable maximum flood. In addition, because of a potential flood hazard associated with the levees along the St. Johns River, development may be required to implement additional flood protection measures when obtaining development permits from SJRWMD and other agencies.~~

~~The majority of wetlands within the PRMXD are low quality isolated freshwater marshes. Rim ditches were excavated around a number of these isolated marshes, and Brazilian pepper and other nuisance species have invaded the edges and in some instances have completely colonized these wetlands. Despite the condition, these systems are virtually the only native landscape feature present on the property. Where practical these systems will be incorporated into the overall stormwater management system. However, wetland impacts may ultimately be deemed necessary in order to achieve the compact development form proposed within the PRMXD. These impacts will be confined to low quality wetland areas that are difficult to route water to while maintaining off-site flows and minimizing fill requirements. Proposed development within the mixed-use area will avoid and minimize impacts to native wetland areas in accordance with Conservation Element Policy 5.2.E.6, 5.2.E.7 and 5.5 of the Brevard County Comprehensive Plan.~~

~~The higher quality wetland areas on Platt Ranch are protected in the designated Agricultural area. Retained wetlands within the development footprint will be maintained and protected by an appropriate upland buffer. For isolated wetlands this is comprised of a 15-foot natural, native vegetative buffer and for other wetlands (Florida Land Use Cover~~



and Form Classification System (FLUCFCS, FDOT 1999 615, 621, 623, 630, and 643) a 50-foot natural, native vegetative buffer.

To the greatest extent possible, wildlife habitat and protected plant species will be preserved in place or relocated to the Agricultural land use area.

## **PRMXD Community Form Principles**

### **Policy 18.7**

The following Community Form Principles shall guide the growth and development of areas within the PRMXD:

- A. PRMXD development shall be in the form of a village(s) consisting of a collection of neighborhoods organized around a village center(s) and connected to surrounding neighborhoods by an inter-connected network of roadways, bicycle trails, and pedestrian pathways.
- B. Village Centers. Village Centers shall be designed to ensure a mixture of non-residential and residential uses of various densities, intensities, and types designed to promote walking between uses and should encourage a variety of transportation modes. Village Centers must be connected to the neighborhoods.
- C. Pedestrian Scale Village Centers. Village Centers shall be designed to a pedestrian scale and served by a connected street network with a standard block structure and urban building facades along street frontages.
- D. Functional Neighborhoods. A range of neighborhood types shall be provided within a Village, including Core, General and Edge Neighborhoods. Core Neighborhoods and General Neighborhoods shall be located and designed as neighborhoods which embrace a full range of urban uses such as neighborhood retail centers, a variety of housing types, public/civic space and a variety of open space amenities organized on a connected network of roadways that provide local connectivity. Edge Neighborhoods shall provide a transition from Core and General Neighborhoods to the natural form and existing lower density neighborhoods and have lower densities than the Core and General Neighborhoods.
- E. Connected Network of Streets. Neighborhoods shall be designed to reinforce reasonable walking distances and connectivity to and from Village and/or



~~Neighborhood Centers. The location of parking and the design of streetlights, signs and sidewalks shall respect the pedestrian orientation of the development.~~

- ~~F. A Village and its Neighborhoods shall be designed to encourage social interaction and civic engagement.~~

## **Districts and Standards for PRMXD**

### **Policy 18.8 Village District Standards**

~~A Village shall be located in areas designated PRMXD on the County's Future Land Use Map. A Village is a collection of Neighborhoods offering a diverse mix of housing types supported by a Mixed Use Village Center. In addition to the Village Center, a Village may include a Mixed Use Commerce Center. Residential densities transition from higher densities within and around the Village Center and Commerce Center to lower densities on the edges of a Village.~~

#### **Criteria:**

- ~~A. A Village shall be a minimum of 1,000 acres.~~
- ~~B. The PRMXD shall have a minimum of one (1), maximum of two (2) Villages. A Village shall be designed as a collection of Neighborhoods where a majority of the housing units are within ¼ mile of the Village Center or a Neighborhood Center with higher densities closer to the Center.~~
- ~~C. Each Village shall include a minimum of three (3) uses, such as residential, commercial, office, public/civic, schools, and recreational space that serve the daily needs of residents.~~
- ~~D. A Village shall include a Village Center with sufficient non-residential uses to provide for the daily needs of village residents. More intense commercial and industrial uses will be located in the Commerce Center. A Village Center shall be located within a Core Neighborhood and shall contain the densest housing within the Village.~~
- ~~E. A Village shall include a range of housing types and densities that support a broad range of family sizes and incomes.~~
- ~~F. A Village shall include compact design that includes a development pattern that links one Neighborhood to another.~~
- ~~G. A Village shall include interconnected streets with appropriate design speeds that balance the needs of all users including pedestrians, bicyclists, and motor vehicles. Tree lined sidewalks and on-street parking will be used to provide a distinct separation between pedestrians and motorized traffic. The pedestrian~~

environment shall be enhanced through the provision of signage and adequate lighting directed toward pedestrians.

- H. A Village shall have a system of connected open space that includes elements of public edges throughout the neighborhoods that connect each village.

#### **Policy 18.9 General and Edge Neighborhood Standards**

~~Neighborhoods are the fabric that holds a community together. The basic form of the neighborhood is determined by the primary street network, the neighborhood center, block design and open space. Neighborhoods within the PRMXD will have functional centers, around which all development is based. The Neighborhood Center may take the form of a park or open space, civic building or small commercial use.~~

~~Neighborhoods are predominately residential areas, the collection of which constitutes a Village. They are designed around a centrally located park or other public space (a Neighborhood Center) and are characterized by a mix of residential housing and local services that include schools, parks, churches or other civic uses. Neighborhood types include Core, General and Edge.~~

#### **Criteria:**

- ~~A. General Neighborhood(s) contain less dense housing and are located adjacent to a Core Neighborhood. An Edge Neighborhood(s) are the least dense of the Neighborhood types and are intended as a transitional use at the edge of a Village along the agricultural area and existing lower density neighborhoods.~~
- ~~B. Neighborhoods may include both single family and multi family residential that has been designed so that a majority of the housing units are within a 5-minute walking distance or 1/4 mile radius of a Neighborhood Center or Village Center.~~
- ~~C. Neighborhoods shall contain a connected system of streets and trails that encourage alternative means of transportation such as pedestrian, bicycle, and transit and integrate permanently dedicated neighborhood parks and open space connections. Neighborhood Centers shall include public spaces such as parks, schools or other civic /community spaces and may serve to provide for the sale of convenience goods such as food, drugs, hardware, and personal service needs of the surrounding residential areas. Neighborhood Center uses shall be consistent with those in the Neighborhood Commercial future land use designation.~~
- ~~D. Neighborhood Centers shall be located at the intersection of two local roads.~~
- ~~E. Neighborhoods shall conform to the following density and intensity standards.~~

~~Neighborhood Size: \_\_\_\_\_ 125 — 160 acres~~

Future Land Use Element

Neighborhood Center Size: \_\_\_\_\_ Minimum of 2 acres  
 Neighborhood Center Size: \_\_\_\_\_ Maximum of 8 acres  
 Neighborhood Center Spacing: \_\_\_\_\_ Neighborhood Centers shall be  
 spaced at \_\_\_\_\_ least ½ mile apart.  
 Maximum Non-Residential FAR: \_\_\_\_\_ 0.75  
 Minimum Residential Density  
 General Neighborhood: \_\_\_\_\_ 3 du/developable residential acre  
 Maximum Residential Density  
 General Neighborhood: \_\_\_\_\_ 8 du/developable residential acre  
 Minimum Residential Density  
 Edge Neighborhood: \_\_\_\_\_ 1 du/developable residential acre  
 Maximum Residential Density  
 Edge Neighborhood: \_\_\_\_\_ 4 du/developable residential acre

**Policy 18.10 Core Neighborhood and Village Center(s) District Standards**

~~A Village Center shall be located in an area designated as PRMXD on the Future Land Use Map. A Village Center is a centrally located and required mixed-use component of a Village designed to provide a sufficient mix of non-residential uses to provide for the daily commercial needs of Village residents. Village Centers also include residential uses of various densities, intensities, and types. This development form promotes walking between uses and supports a variety of transportation modes such as bicycles, transit, and automobiles. Permitted uses include residential, retail, office, and civic uses including parks and schools.~~

**Criteria:**

- ~~A. The Village Center shall be a core of higher density residential (Core Neighborhood), employment, and commercial uses which shall be interconnected and accessible by pedestrians of surrounding areas.~~
- ~~B. The Village Center shall provide goods and services including, but not limited to, apparel, home furnishings, banking, professional services, convenience goods and civic gathering places for the neighborhoods. Village Center uses shall be consistent with those in the Community Commercial future land use designation.~~
- ~~C. The quantity of non-residential development permitted shall be related to the demand for community commercial, office, and civic use of the Village.~~

Future Land Use Element

- ~~D. Spatially design streets and sidewalks by arranging commercial and multi-family buildings in a regular pattern that is unbroken by parking lots. Front building facades shall define the street right-of-way and parking lots shall be to the rear of the buildings.~~
- ~~E. Connectivity The Village Center structure is intended to be shaped around the street and open space network, which should be designed to be an attractive public realm with a strong focus on walkability.~~
- ~~F. Village Center(s) shall be designed with a connected street network and transit support amenities to be identified in consultation with SCAT.~~
- ~~G. Include in each phase of development a reasonable balance of residential and non-residential uses, reflecting market trends and projections for absorption.~~
- ~~H. The Village Center shall be located at the intersection of two roads one of which shall be classified a collector or arterial.~~
- ~~I. Core Neighborhood(s) and Village Center(s) shall conform to the following density and intensity standards.~~

~~Minimum Land Area:~~

~~— Core Neighborhood ————— 100 acres (includes the Village Center)~~

~~— Village Center ————— 50 acres (included in Core Neighborhood acreage)~~

~~Minimum Non-Residential FAR: ————— 0.35~~

~~Maximum Non-Residential FAR: ————— 0.70~~

~~Minimum Residential Density~~

~~Core Neighborhood: ————— 8 du/developable residential acre~~

~~Maximum Residential Density~~

~~Core Neighborhood: ————— 20 du/developable residential acre~~

**Policy 18.11 Commerce Center Standards**

~~The Commerce Center shall be located in an area designated as PRMXD on the Future Land Use Map. The Commerce Center should be developed with the goal of increasing full time employment opportunities through office, retail and light industrial uses.~~

~~Medium and high density residential uses are allowed within the Commerce Center with lower density residential uses encouraged at the edge of the district for compatibility with adjacent uses.~~

~~The Commerce Center shall include a mixture of uses and shall have an interconnected network of streets including connections to adjacent uses.~~

~~Criteria:~~

~~A. Connectivity The Commerce Center structure is intended to be shaped around the street and open space network, which should be designed to be an attractive public realm with a strong focus on walkability.~~

~~B. Street Network~~

- ~~1. The streets should connect to major roads through an integrated transportation system, the function of which is to provide connectivity and shall equally serve the pedestrian and the vehicle.~~
- ~~2. A pedestrian friendly environment should be created on or adjacent to rights-of-way by reducing speeds and increasing the buffer between the pedestrian and the vehicle. Lane widths should be smaller than in conventional subdivisions, and on street parking shall be provided, where appropriate. Transit amenities will be provided where appropriate in conjunction with SCAT long range plans.~~

~~C. Residential Land Use~~

- ~~1. The residential neighborhood of the Commerce Center seeks to replicate the natural human settlement pattern and the transition between commercial centers and residential neighborhoods. Residential densities shall be highest near the non-residential uses and transition to lower densities that are compatible with adjacent neighborhoods.~~
- ~~2. The neighborhood streets shall follow a connected street pattern with a maximum block length of 600 feet. Building setbacks and landscaping may vary.~~

~~D. Non Residential Land Use~~

- ~~1. The non-residential area of the Commerce Center will contain a mix of office, light industrial/assembly and retail uses.~~
- ~~2. The massing, setbacks, architecture and orientation of buildings shall enhance the pedestrian's experience on the street and in the public spaces. Smaller, mixed-use buildings with varied massing should be located on the edge of blocks, facing streets and open spaces in order to form an interesting~~

streetscape, while large footprint buildings are concealed within the blocks so that parking fields are not visible from the street. All main entrances and building fronts shall address streets and public spaces and usable public and semi public spaces shall be permitted to encroach into the building setbacks.

~~E. Parking~~

~~Off street parking shall be hidden within the block, behind buildings, initially taking the form of parking fields. However, as development progresses and land uses intensify, parking lots shall be able to transition to structured parking facilities. For buildings that necessitate large parking fields, drive aisles should be designed as streets.~~

~~F. Location Criteria~~

~~A Commerce Center shall be located with access from existing and planned arterial or collector roads.~~

~~G. The Commerce Center shall conform to the following density and intensity standards.~~

~~Maximum Size \_\_\_\_\_ 185 acres~~

~~Minimum Non Residential FAR: \_\_\_\_\_ 0.35~~

~~Maximum Non Residential FAR: \_\_\_\_\_ 1.0~~

~~Minimum Residential Density: \_\_\_\_\_ 4 du/developable residential acre~~

~~Maximum Residential Density: \_\_\_\_\_ 20 du/developable residential acre~~

**Transportation**

**Policy 18.12**

To ensure that development within the PRMXD creates a connected street network that supports a variety of transportation modes, a compact urban development form, and requires new street network connections in a manner that provides for local and regional connectivity.

**Criteria:**

**A. Interconnected Network**

All development shall be designed with an interconnected network of streets that provide local connectivity while discouraging cut through traffic within neighborhoods. The County shall require the PUD master plan to demonstrate compliance with this policy.



~~B. Connected Multi-Modal Transportation System~~

~~The transportation system PRMXD shall plan for multi-modal capabilities and be connected through a network of streets that is visually appealing and supportive of non-motorized travel modes. The visual and functional characteristics of streets are important in the design of the community and shall be guided by the following design principles:~~

- ~~1. Streets shall be designed to create a sense of place, with attention to maintaining the visual integrity of the community including sidewalks, street trees and landscaped medians and other rights of way.~~
- ~~2. A hierarchy of streets shall be designed to accommodate a mix of travel modes including vehicles, bicycles, public transit and pedestrians such that east-west / north-south connections are provided for each.~~
- ~~3. Streets shall be designed holistically considering the pavement, curbing, bikeways, pedestrian ways, lighting, signs, setback areas and building facades.~~
- ~~4. Neighborhood streets shall be designed to provide connections to adjacent activities and neighborhood-serving businesses with streets that offer multiple route choices but do not encourage cut-through traffic.~~
- ~~5. Major collectors and/or minor arterials will be designed to disperse through traffic to its destination at an appropriate speed and in context with adjacent land uses. At least one collector road will be provided within the Platt Ranch project that creates connectivity through the project to US 192 west of the SJHP.~~
- ~~6. Developers shall coordinate with the County to provide transit connections consistent with the transportation plan of the Space Coast Transportation Planning Organization.~~

~~C. St. Johns Heritage Parkway~~

~~The PUD master plan for the PRMXD shall be consistent with the plans and provisions for the proposed St. Johns Heritage Parkway as approved in the St. Johns Heritage Parkway Agreement between Brevard County and F. Carlyle Platt Partnership, L.L.P. signed by the Chairman of the Board of County Commissioners on December 15, 2009.~~

### **Policy 18.13 Recreation and Open Space**

~~Recreation and Open Space shall used to provide a connected system of park sites with a variety of both user-oriented and resource based facilities and recreational programs to serve the needs of current and future City residents.~~

#### **Criteria:**

##### **A. ~~Neighborhood Parks~~**

~~Development of the PRMXD shall include a connected system of parks so that the majority of all residences are within a 1/4 mile (5-minute walk) distance of a neighborhood or community park. Level of service shall be met consistent with the County's adopted LOS.~~

##### **B. ~~Co-location of Schools and Parks~~**

~~As part of the PUD process, developers shall coordinate with the County and the Brevard County School District to determine the potential for co-locating an elementary school with community parks.~~

##### **C. ~~Network of Bikeways and Trails~~**

~~Development of the PRMXD shall provide for a network of pedestrian, bicycle, and recreational trails that connect parks to other parks, neighborhoods, schools, employment centers, civic buildings, and other community destinations, including a future public access point to the Agricultural area.~~

### **Policy 18.14 Provision of School Site**

~~1. — The PRMXD shall provide for the location for one (1) elementary school to serve the community of the PRMXD and shall be shown on the PUD master plan.~~

~~2. — The school site shall be served by convenient pedestrian access to adjoining neighborhoods.~~

### **Sustainability/Energy Efficiency**

#### **Objective 189**

Brevard County shall aim at achieving a sustainable/energy efficient environment by minimizing the emission of greenhouse gases and reducing the vehicle miles of travel.

#### **Policy 189.1**

LEED Certification. The County shall encourage new development to be LEED certified by the US Green Building Council or similar program.



**Policy 189.2**

Reduction of Vehicle Miles of Travel. The County shall promote walking, bicycle riding and use of public transit by requiring compact design, shared facilities between adjacent or nearby uses, and providing for interconnected walkways, bicycle ways and parking, and bus stops as part of development approvals, where applicable.

**Policy 189.3**

Bicycle Parking. The County shall continue to utilize and enhance bicycle parking standards, including quantity and location of bike racks, to help reduce parking demand and encourage the use of alternative transportation modes

**Working Waterfronts****Objective 1920**

To manage future growth and development in order to promote and preserve the recreational and commercial working waterfronts of Brevard County and to provide incentives and criteria to ensure the continued availability of publicly accessible recreational and commercial working waterfronts countywide.

**Policy 1920.1**

Brevard County shall provide land-use bonuses or incentives to encourage non-residential development that provides public access to the shorelines and waters of Brevard County. These bonuses or incentives may be granted in the form of increased FAR of twenty percent, a twenty-five percent increase in number of slips, a twenty-five percent increase in area for other uses, or other measure as provided for in the Land Use Regulations. Mixed use developments that include a publically accessible water-dependent, water-related or water-enhanced residential component may be eligible for these incentives.

**Policy 1920.2**

Waterfront parcels may be designated for use as water-dependent, water-related as defined in Florida Statutes. Waterfront parcels may also be designated for water enhanced uses as defined in the Glossary. The underlying land-use and unique locational needs for water-dependent and water-related activities shall be given development priority and be compatible with surrounding existing and programmed development at these sites. In order to ensure appropriate use of the County's waterfront, shoreline development shall be prioritized and based upon the following minimum criteria:

**Criteria:**

- A. Priority shall be given to water-dependent and water-related land uses, which must be carried out only on, in or adjacent to water areas, may be

Future Land Use Element

XI-122

February 2022 ~~December 2011~~

considered for location along the Indian River lagoon system. Priority may also be given consistent with Policy 5.15 and may also include the expansion of working waterfronts.

- B. Water-related land uses shall be considered only on the uplands adjacent to Class III waters of the Indian River lagoon system. Water-related uses are those which are not directly dependent upon access to a water body but which provide goods and services to uses which are water-dependent.
- C. For Industrial land uses, directives, policies and criteria in the Coastal Management, Conservation and Future Land Use elements of this Comprehensive Plan which address water-dependent and water-related shall be utilized in the location of industrial projects adjacent to water bodies utilizing criteria established in Policy 3.9.

## **Public Airport Land Use Compatibility**

### **Objective 201**

Brevard County shall cooperate with the relevant airport authority responsible for the oversight of Merritt Island Airport to discourage incompatible encroachment of new land uses and facilitate the continued presence of the Merritt Island Airport.

### **Policy 201.1**

Brevard County shall transmit to the airport authority information relating to proposed changes to the Comprehensive Plan, plan amendments, and proposed changes to land development regulations which, if approved, would affect the density, intensity, or use of land within a one half mile radius of the airport property.

### **Policy 201.2**

The airport authority is encouraged to provide comments on the impact that such proposed changes may have upon the airport and whether the proposed changes are compatible with the safety, and noise standards as regulated by State and Federal agencies.

### **Policy 201.3**

Brevard County will take into consideration any comments provided by the airport authority or his or her designee when such a decision regarding comprehensive planning or land development regulation is being considered. Brevard County shall include a copy of any such comments to the Florida Department of Community Affairs or its successor agency.

## **Mixed Use Development Land Uses**

### **Objective 22**

Brevard County shall adopt Land Development Regulations to encourage lands for mixed-use projects to serve the needs of projected residents and visitors to the County.

## **Mixed Use Development Future Land Use Designation**

### **Policy 22.1**

—The following mixed-use development land use designation is adopted as part of the Future Land Use Map:

—Mixed Use Development (MXD)

## **Activities Permitted in Mixed Use Development (MXD) Future Land Use Designations**

### **Policy 22.2**

—Mixed Use Development would encourage a mix of medium/high density residential development with on-site office and supporting retail uses. The base (medium) residential density would be 10 units/acre with a maximum density of up to 15 units/acre based upon density bonus conditions provided for in Policy 20.4. This category allows the following uses, and a minimum of three of these uses must be incorporated in any Mixed Use Development:

- (a) Public
- (b) Recreational
- (c) Professional Office
- (d) Personal Services
- (e) Institutional Uses
- (f) Multi-Family Residential
- (g) Work/Live Single-Family Residential use as an adjunct to a business use
- (h) Retail establishments.

## **Development Agreement Required**

### **Policy 22.3**

Future Land Use Element

XI-124

February 2022 December 2011

Execution of a Development Agreement with the County specifying the allocation of uses will be required whenever a project involves a combination of the uses set forth in Policy 22.2.

#### **Performance Standard Density Bonus Conditions**

##### **Policy 22.4**

Density bonuses would be considered for proposals meeting a minimum of three of the following conditions: parcel aggregation, enhanced landscaping along public right of way, increased pervious surface areas, public access to internal plazas/open spaces, a minimum of 2 stories, rehabilitation or replacement of dilapidated structures, use of innovative imagery/architectural guidelines, and retention/creation of business/employment.

#### **Locational and Development Criteria for Mixed Use Development**

##### **Policy 22.5**

###### **Criteria:**

- A. — Areas which have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.
- B. — Due to the linear nature and lack of intersections along SR A1A south of Melbourne Beach, new mixed use land uses may be considered along the roadway 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 mixed use land use sites should incorporate no less than five acres.
- D. — The non-residential gross floor area of mixed use site should be a minimum of 25%, and not exceed 50%, of the total gross floor area of residential and non-residential combined and the Floor Area Ratio (FAR) should not exceed 0.75.

#### **Implement Directives from Small Area Studies**

##### **Objective 21 DIRECTIVES**

Need to develop objective language here that encompasses the policies below.

Brevard County may establish Citizen Resource Groups, appointive bodies, to evaluate a community's future development needs or desires. This group may be tasked with making recommendation(s) regarding future development trends, evaluating the character of the area and/or conceptualizing a new vision for previously undeveloped parcels within a study area.

### **Policy 21.1**

#### **Future Development Trends**

The Board may create a specialized local plan called a Small Area Study (SAS) be initiated to support a community's desires to participate in its own vision of the future. The outcome of the SAS may culminate with an amendment of the Future Land Use Map, this Element, other Elements of the Comprehensive Plan and/or update of county land development codes. At a minimum, these criteria address the following:

#### **Criteria:**

- A. Identify recent development trends in the area;
- B. Identify changes to the character of an area;
- C. Encourage development or preservation of residential densities in rural areas;
- D. Preservation of existing agricultural areas;
- E. Evaluate commercial expansion techniques for new development areas.

#### **Port St. John Study Area**

### **Policy 21.12**

Brevard County shall implement the recommendations of the Port St. John Small Area Study through the following directive:

1. Residential densities east of the Florida East Coast Railroad from Kings Highway to Camp Road will be implemented by the following densities: East of US-1 to the Indian River from Kings Highway to Camp Road, densities may be a maximum of 12 residential dwelling units per acre. This would include portions of Sections 18, 19 and 30, Township 23, Range 36 and a portion of Section 13, Township 23, Range 35, as generally depicted on Map 9. West of US-1 to the Florida East Coast railroad tracks from Kings Highway to Camp Road, densities may be 12 dwelling units per acre with a maximum cap of 8 residential dwelling units per acre. This would include portions of Sections 13, 18, 19 and 30, Township 23, Range 36 and portions of Sections 13 and 24, Township 23, Range 35, as generally depicted on Map 139.

#### **Canaveral Groves Study Area**

### **Policy 21.23**

Brevard County shall implement the recommendations of the Canaveral Groves Small Area Study through the following directives:

1. The maximum density to be considered for the Friday Acres subdivision, located in Section 14, Township 24, Range 35, shall be three dwelling units per acre (3 du/ac). This area is depicted in Map 1410.
2. The maximum density to be considered in a portion of the northeast quarter of Section 15, Township 24, Range 35 shall be five dwelling units per acre (5 du/ac). This area is depicted in Map 1410.

3. The maximum density to be considered in the northeastern portion of Section 13, Township 24, Range 35 shall be 6 dwelling units per acre where existing RU-1-9 is designated. The area is depicted on Map ~~15~~11.
4. All types of commercial uses shall be considered in the neighborhood/community commercial district lying in the portion of Section 27, Township 24, Range 35 north of State Route 524. This area is depicted on Map ~~15~~11a.
5. The maximum density to be considered in the portion of Section 27, Township 24, Range 35 north of State Route 524 shall be eight dwelling units per acre (8 du/ac). This area is depicted on Map ~~15~~11b.

#### **North Merritt Island Study Area**

##### **Policy 21.34**

Brevard County shall implement the recommendations of the North Merritt Island Small Area Study through the following directives.

1. In the area described as Orange Haven Unrecorded Lots in Section 23, Township 23, Range 36, the residential density designation shall be two (2) dwelling units per acre. This area is depicted on Map ~~16~~12.
2. In the area described as Parcel 17 and Kings Park Unit #3, Lots 9, 10, 11, 12 not to include the east 100 feet parallel to the west right of way of Eagle Way in Section 26, Township 23, Range 36, the residential density designation shall be four (4) dwelling units per acre. This area is depicted on Map ~~17~~13.

#### **South Beaches Study Area**

##### **Policy 21.45**

Brevard County shall implement the recommendations of the South Beaches Small Area Plan Study through the following directives.

1. The property described as Parcel 4, Sections 33 and 34, Township 28 South, Range 38 East shall be designated with a maximum density of six (6) dwelling units per acre. This area is depicted on Map ~~18~~14.
2. The property described as Parcels 3, 5 and 6, Section 34, Township 28 South, Range 38 East shall be designated with a maximum density of six (6) dwelling units per acre. This area is depicted on Map ~~19~~15.
3. The property described as Parcels 763 and 776, Sections 10 and 11, Township 29 South, Range 38 East shall be four (4) dwelling units per acre. This area is depicted on Map ~~20~~16.
4. The property described as Parcel 3.1, Section 23, Township 29 South, Range 38 East shall be designated as four (4) dwelling units per acre. This area is depicted on Map ~~21~~17.
5. The property described as Lot 32, Block 7, New Melbourne Beach Subdivision Section 3, Township 29 South, Range 38 East shall be

- designated with a maximum density of six (6) dwelling units per acre. This area is depicted on Map ~~22~~18.
6. The properties described in the south 1260 feet of Section 17, Township 28 South, Range 38 East and the properties described as the north 1280 feet of Sections 20 and 21, Township 28 South, Range 38 East shall be limited to the maximum residential densities as depicted on Map ~~23~~19. The maximum residential density within this directive is eight (8) dwelling units per acre.
  7. The properties described in Sections 20 and 21, Township 28 South, Range 38 East, starting 1280 feet from the north section(s) line and ending 3770 feet from the north section(s) line shall be limited to the maximum residential densities range from two (2) dwelling units per acre to eight (8) dwelling units per acre. The area is depicted on Map ~~24~~20.

#### **Central and South Merritt Island Study Area**

##### **Policy 21.56**

Brevard County shall implement the recommendations of the Central and South Merritt Island Small Area Study through the following directives:

1. Within the area depicted on Map ~~25~~21 (Sections 11, 12, 13, 24 and 25, of Township 25, Range 36 and the western portions of Sections 18, 19 and a portion of Section 30, Township 25, Range 37), the only residential zoning classifications that may be considered in shall be EU, SR, SEU, RR-1, REU, AU, PA, GU, AGR, RRMH-1, RRMH-2.5, RRMH-5 and TR-2. RP residential professional zoning may be considered on South Courtenay Parkway with a minimum lot size consistent with EU zoning and/or the aforementioned zonings. The maximum density within the described area shall be three (3) dwelling units per acre.

#### **Residential Density Rightsizing Study Areas**

##### **Objective 22**

~~Need to develop objective language here that encompasses the policies below.~~ **Brevard County shall maintain maximum densities in the Residential Density Rightsizing Study Areas.**

#### **Avon by the Sea**

##### **Policy 22.1**

1. The property described as Winslow Reserve Subdivision #27, Lot 13, in Section 26, Township 24, Range 37 shall have a maximum residential density of 30 dwelling units per acre. This property is depicted on Map ~~40~~5.
2. The property described as Avon by the Sea Subdivision #CG, Block 101, Lots 12, 12.01, and 14 shall have a maximum residential density of 30 dwelling units per acre. This property is depicted on Map ~~40~~5.

Future Land Use Element

3. The property described as Avon by the Sea Subdivision #CG, Block 101, Lots 2, 3, 4, and 5 shall have a maximum residential density of 30 dwelling units per acre. This property is depicted on Map 105.

#### **Merritt Island Area**

##### **Policy 22.2**

1. The property described as Moore and Catine Subdivision #52, Lot 13, Section 35, Township 24, Range 36 shall have a maximum residential density of 30 dwelling units per acre. This property is described on Map 116.

#### **South Cocoa Beach Area**

##### **Policy 22.3**

1. The property described as Bruner's Resubdivision #25, Block A, Lot 6, Section 26, Township 25, Range 37 and the property described as Birchfield and Bruner's Addition #26, Block B, Lot 1, Section 26, Township 25, Range 37 shall have a maximum residential density of 30 dwelling units per acre. These properties are depicted on Map 127.



## APPENDIX A

### LIST OF MAPS

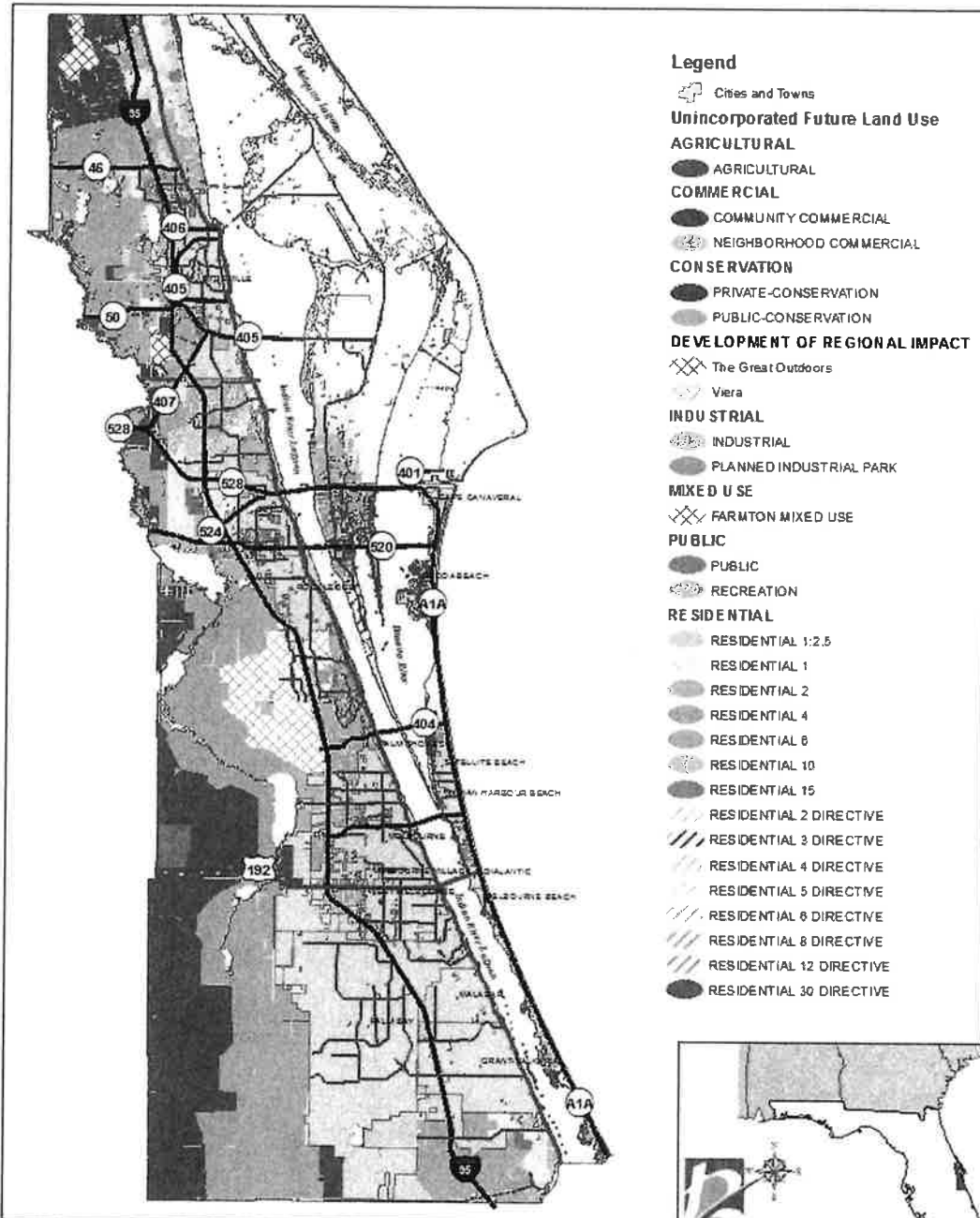
Map	Name
1	Brevard County <u>Future Land Use Map Florida</u>
2	Conservation Areas
3	Land Use Planning Areas
<del>4</del>	<del>Limitations to Development General Soil Map</del>
<del>5</del>	<del>Lands Platted or Recorded with Development Limitations</del>
<del>6</del>	<del>Community Development Block Grant Target Areas</del>
4 7	Viera New Town Overlay
<del>8</del>	<del>City of Titusville and Mim's Wellfields</del>
<del>9</del>	<del>Port St. John Overlay</del>
5 10	Residential Density Rightsizing Study – Avon by the Sea Area
6 11	Residential Density Rightsizing Study – Merritt Island Area
7 12	Residential Density Rightsizing Study – South Cocoa Beach Area
8 13	Farmton Local Plan Boundary & Arterial Transportation Network
<del>9</del>	<del>Energy Conservation AreasPort St. John Directives</del>
<u>10</u>	<u>Canaveral Groves Directives 1 and 2</u>
<u>11</u>	<u>Canaveral Groves Directive 3</u>
<u>11a and 11b</u>	<u>Canaveral Groves Directives 4 and 5</u>
<u>12</u>	<u>North Merritt Island Study Area Directive 1</u>

Future Land Use Element

XI-130

February 2022 ~~December 2011~~

- 13 North Merritt Island Study Area Directive 2
- 14 and 15 South Beaches Study Area Directives 1 and 2
- 16 South Beaches Study Area Directive 3
- 17 South Beaches Study Area Directive 4
- 18 South Beaches Study Area Directive 5
- 19 and 20 South Beaches Study Area Directives 6 and 7
- 21 Central and South Merritt Island Study Area Directive 1
- 22 Energy Conservation Areas



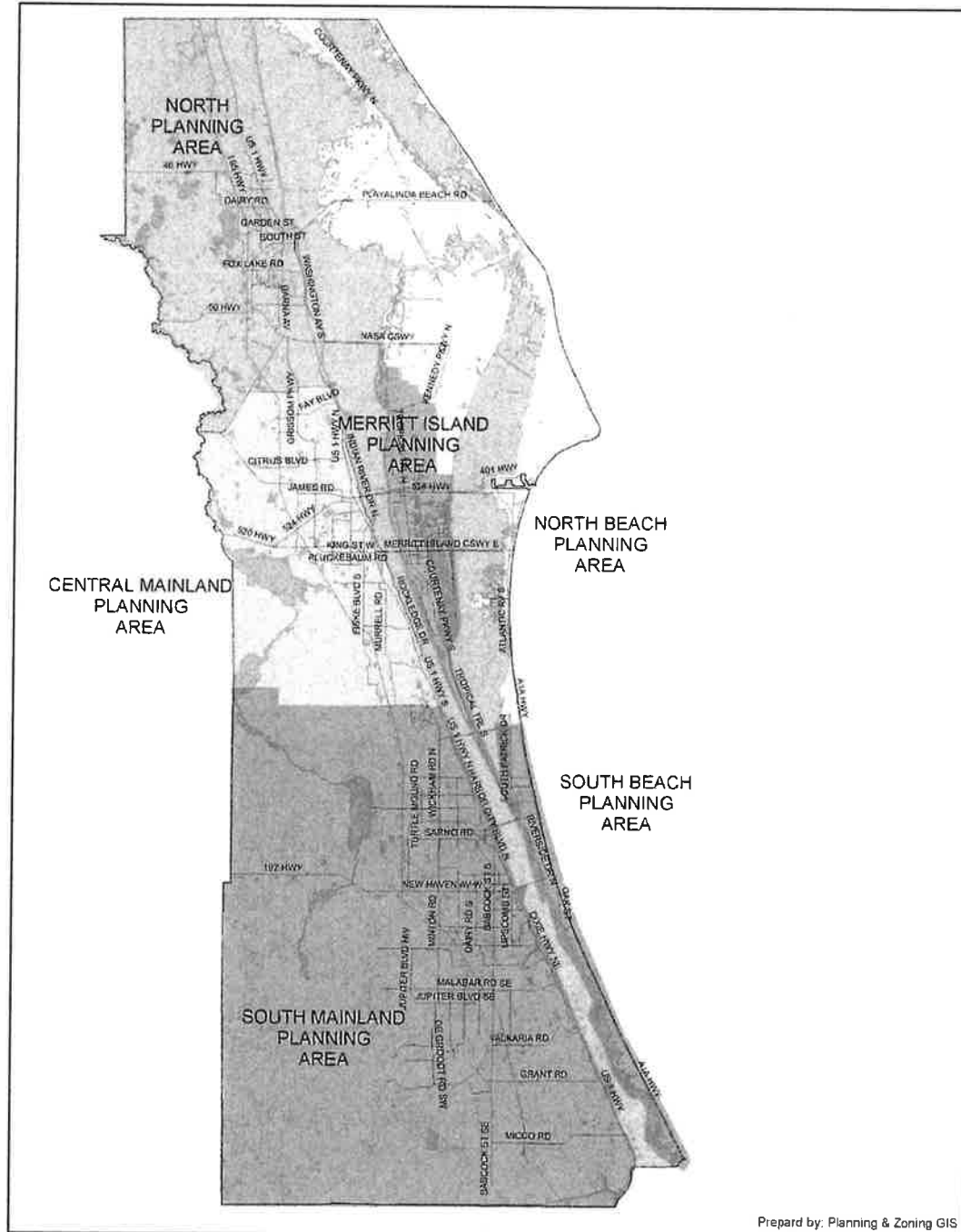
**Future Land Use Element  
Future Land Use Map**



10/5/2017



9/29/2017



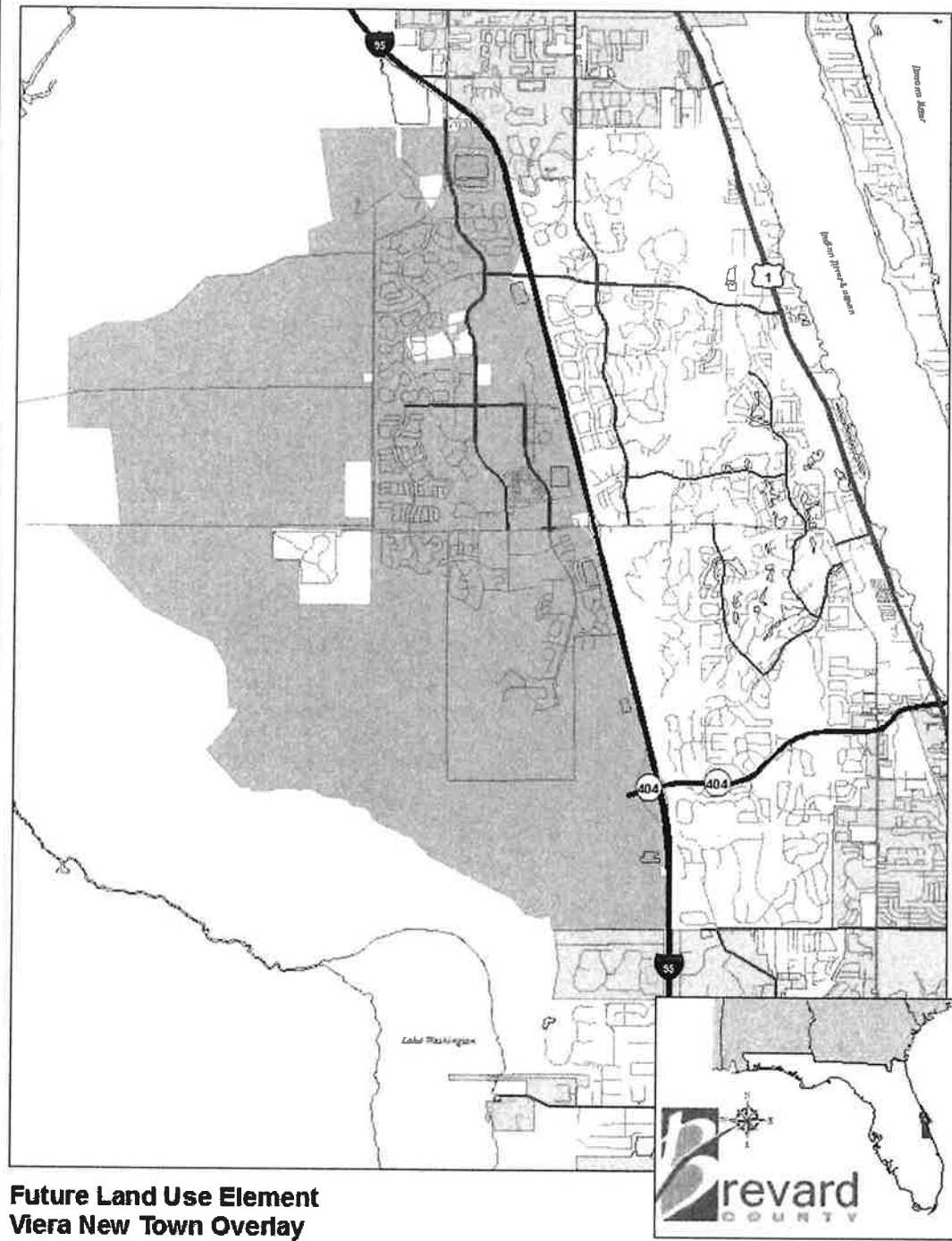
## Land Use Planning Areas - 2025

April 7, 2010

## Future Land Use Element

XI-134

February 2022 ~~December 2011~~

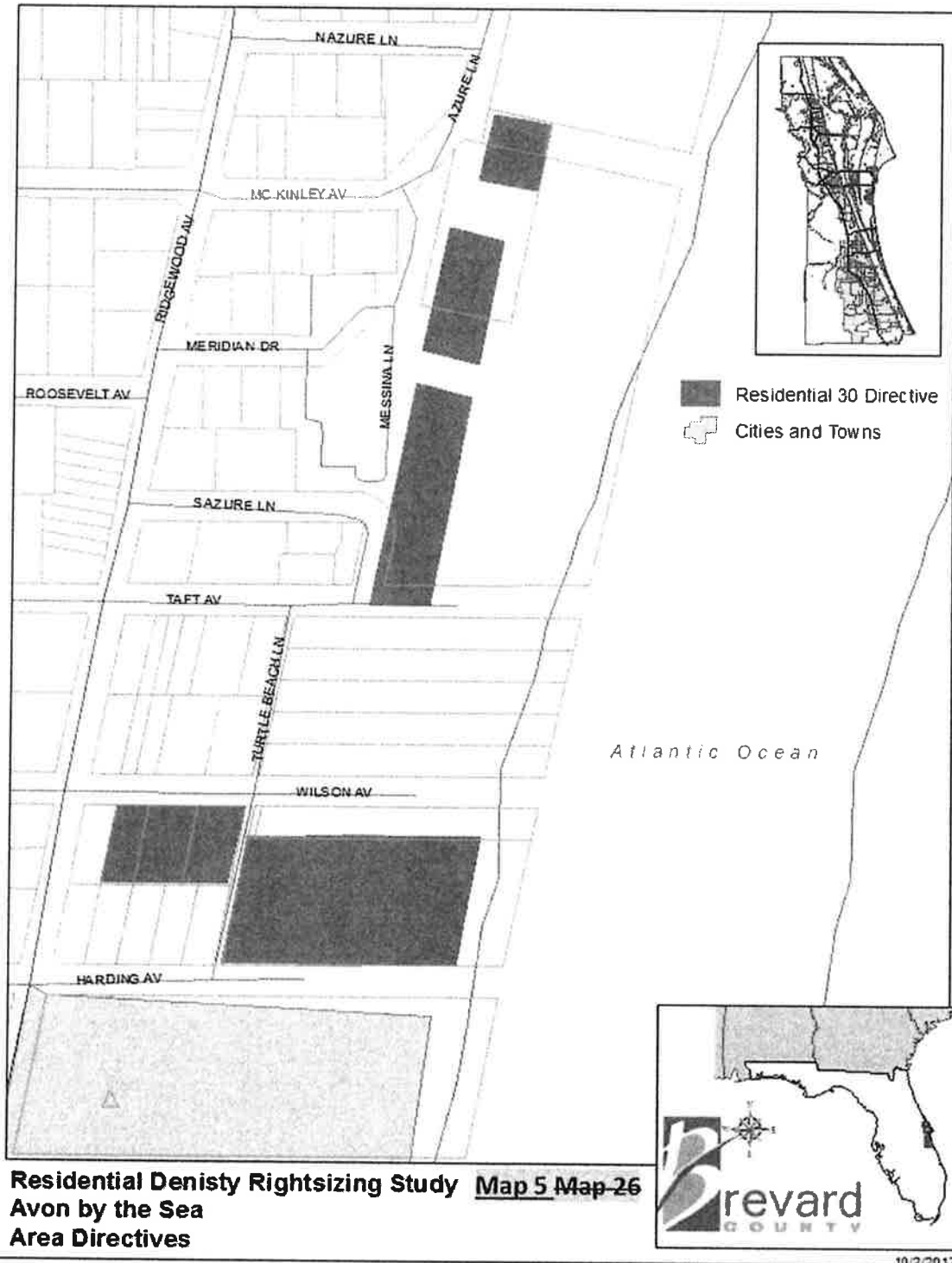


10/4/2017

Future Land Use Element

XI-135

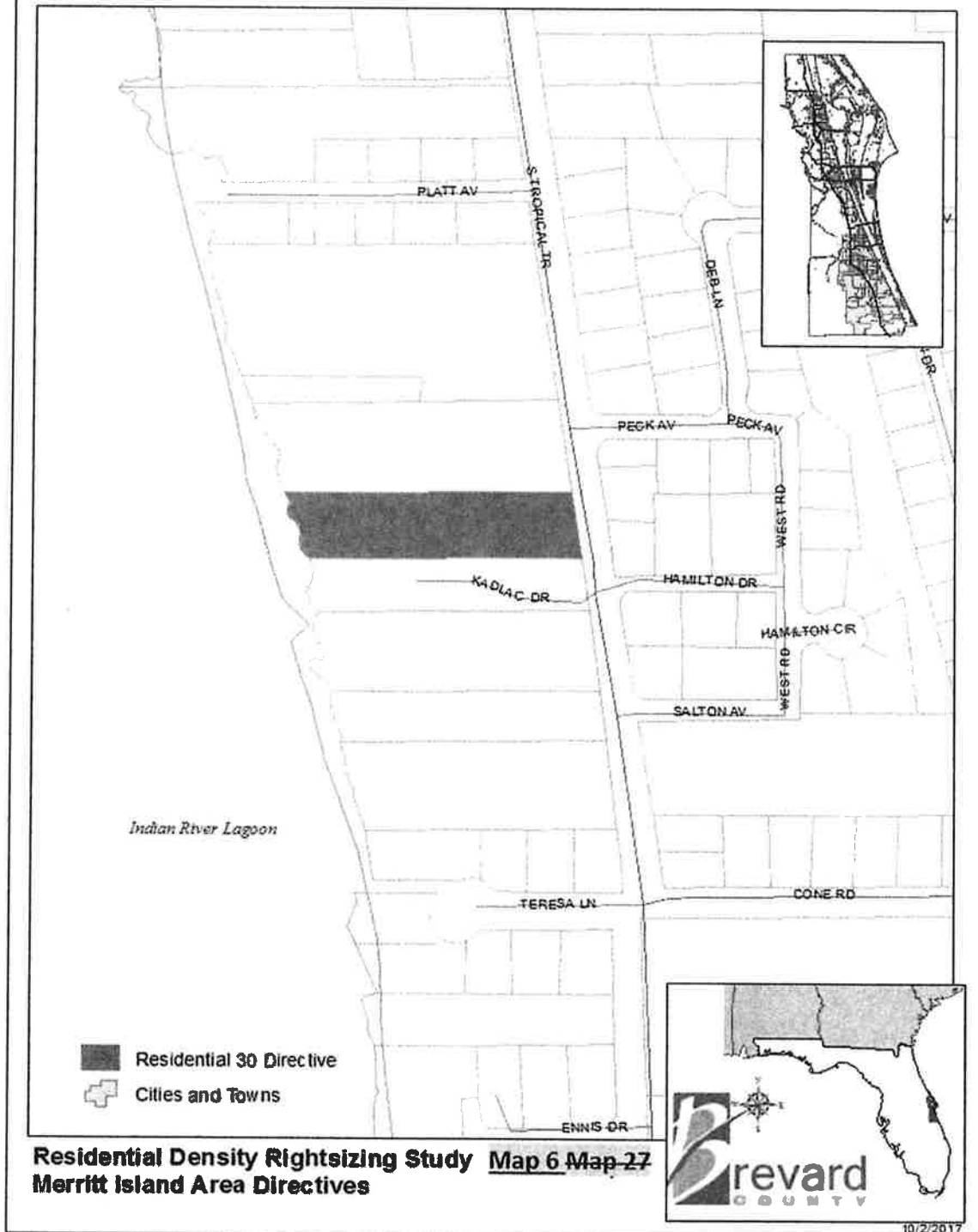
February 2022 December 2011



Future Land Use Element

XI-136

February 2022 ~~December 2011~~



Future Land Use Element

XI-137

February 2022 December 2011





**Residential Density Rightsizing Study Map 7 Map 28**  
**South Cocoa Beach Area Directives**

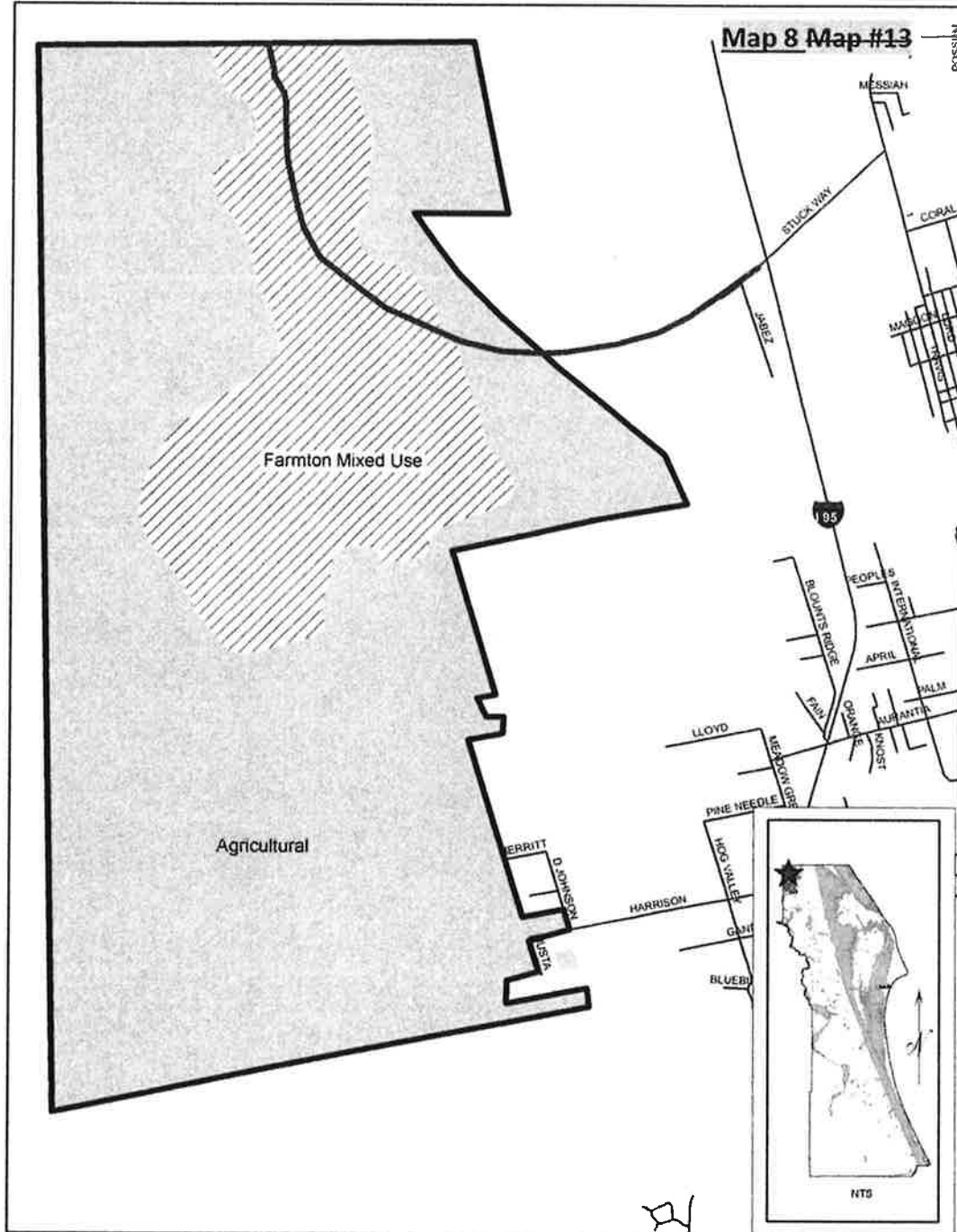


10/2/2017

Future Land Use Element

XI-138

February 2022 ~~December 2011~~



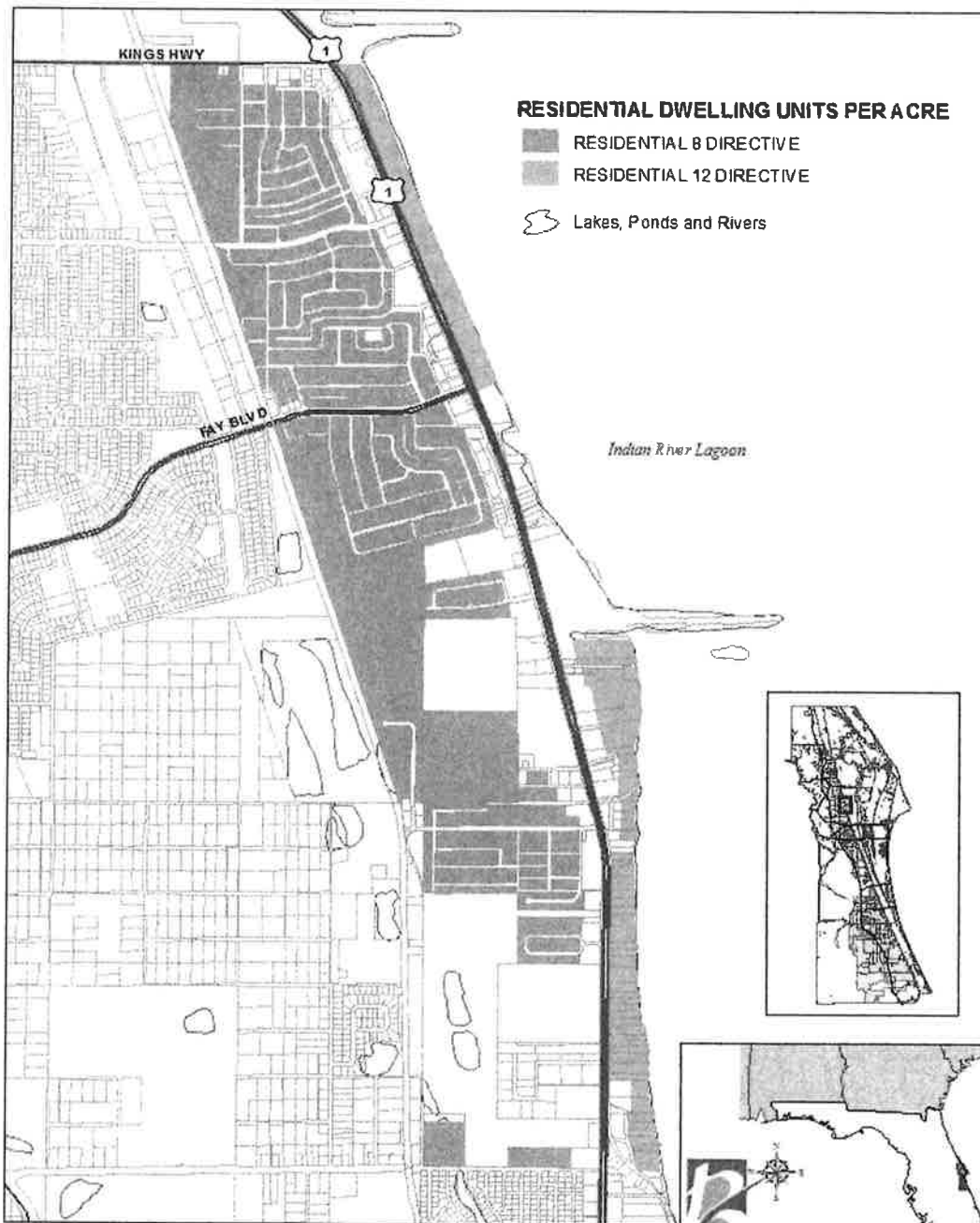
**Farmton Local Plan Boundary  
& Arterial Transportation Network**

December 2010

Future Land Use Element

XI-139

February 2022 ~~December 2011~~



**Port St John Directives**

August 6, 1992 (adoption)  
April 25, 2006 (2005B.11)

**Map 9**

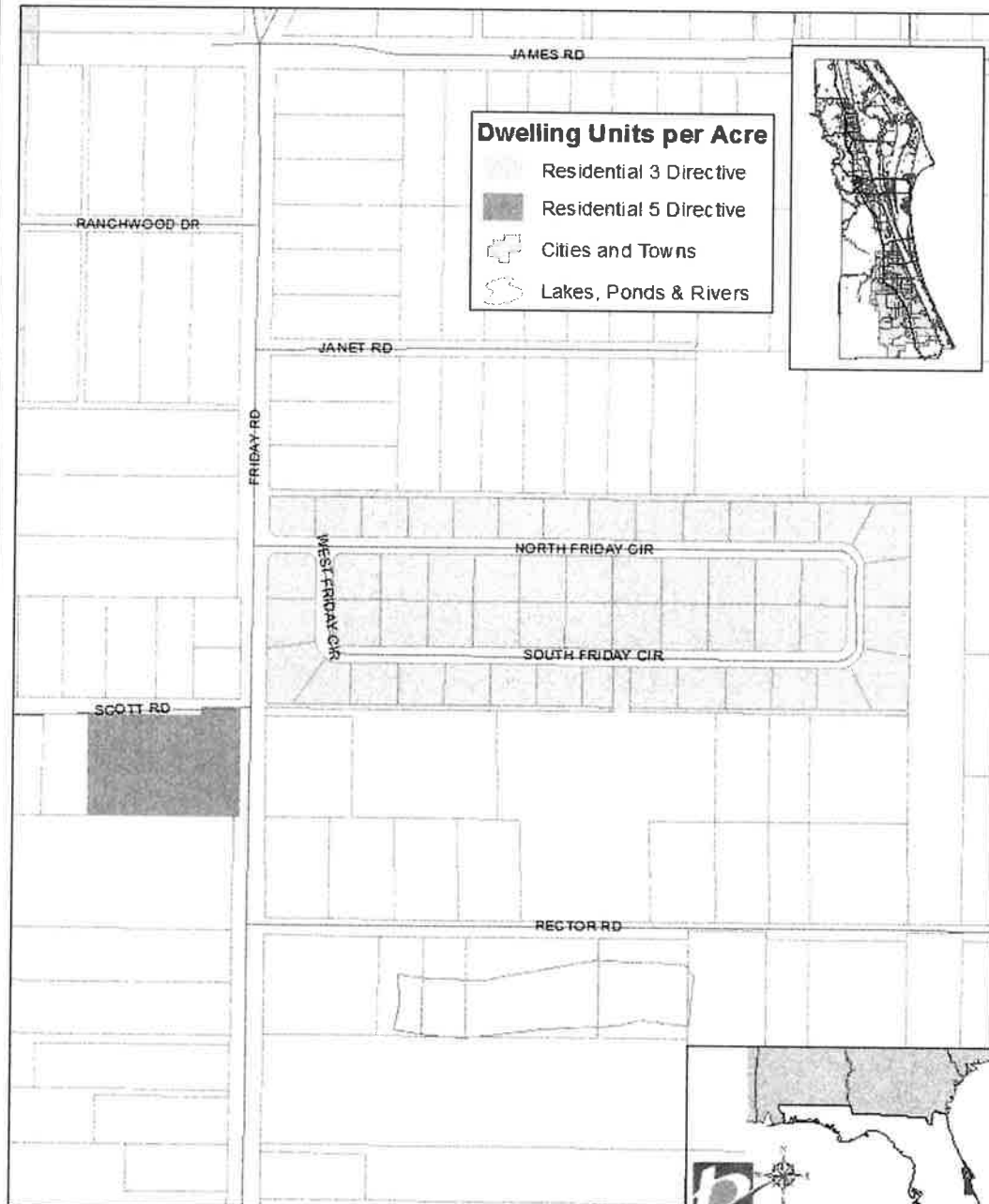


10/3/2017

Future Land Use Element

XI-140

~~February 2022~~ December 2011



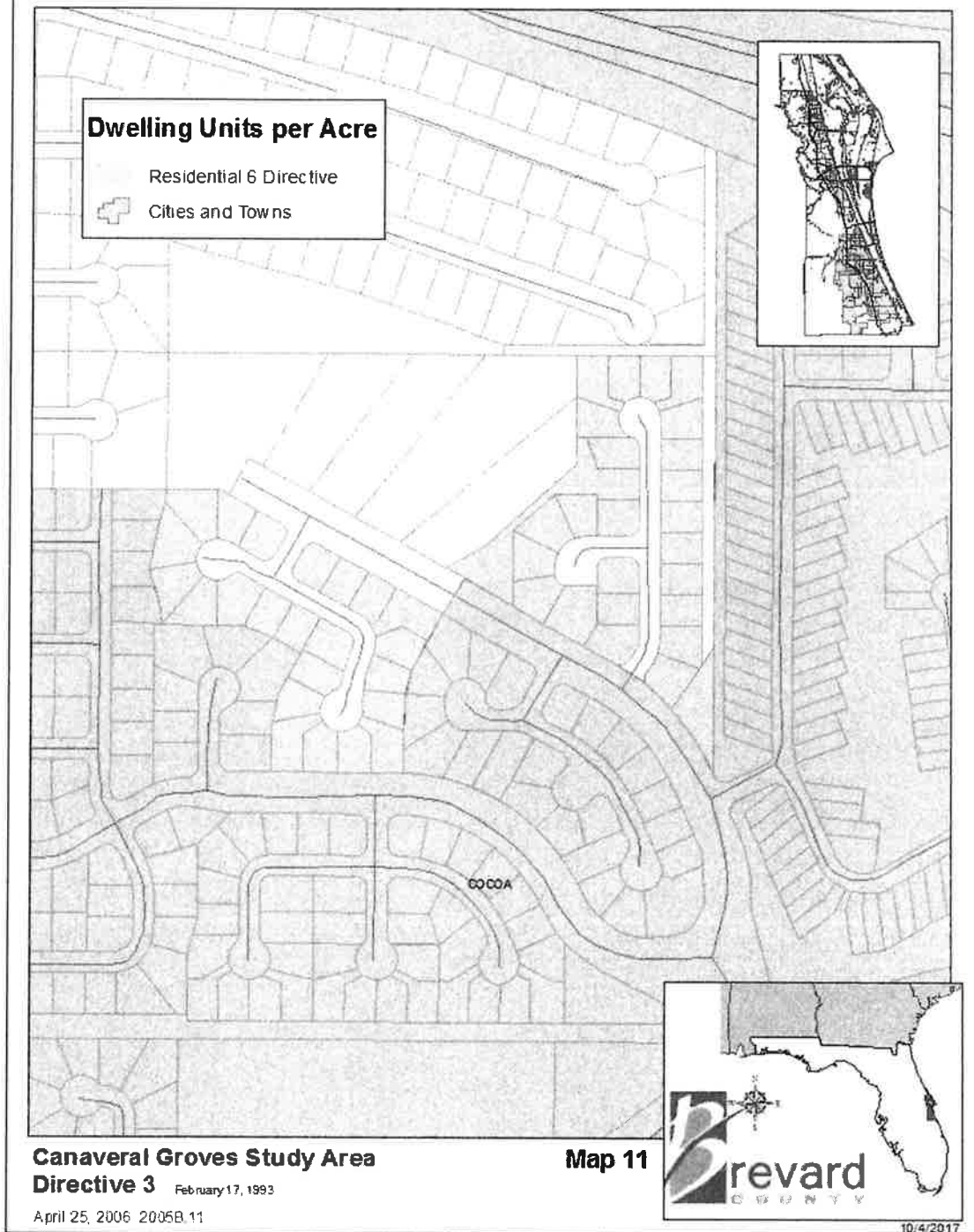
**Canaveral Grove  
Study Area Directives**

**Map 10**

April 25, 2006, 2005B.11 (August 6, 1992 Adoption)



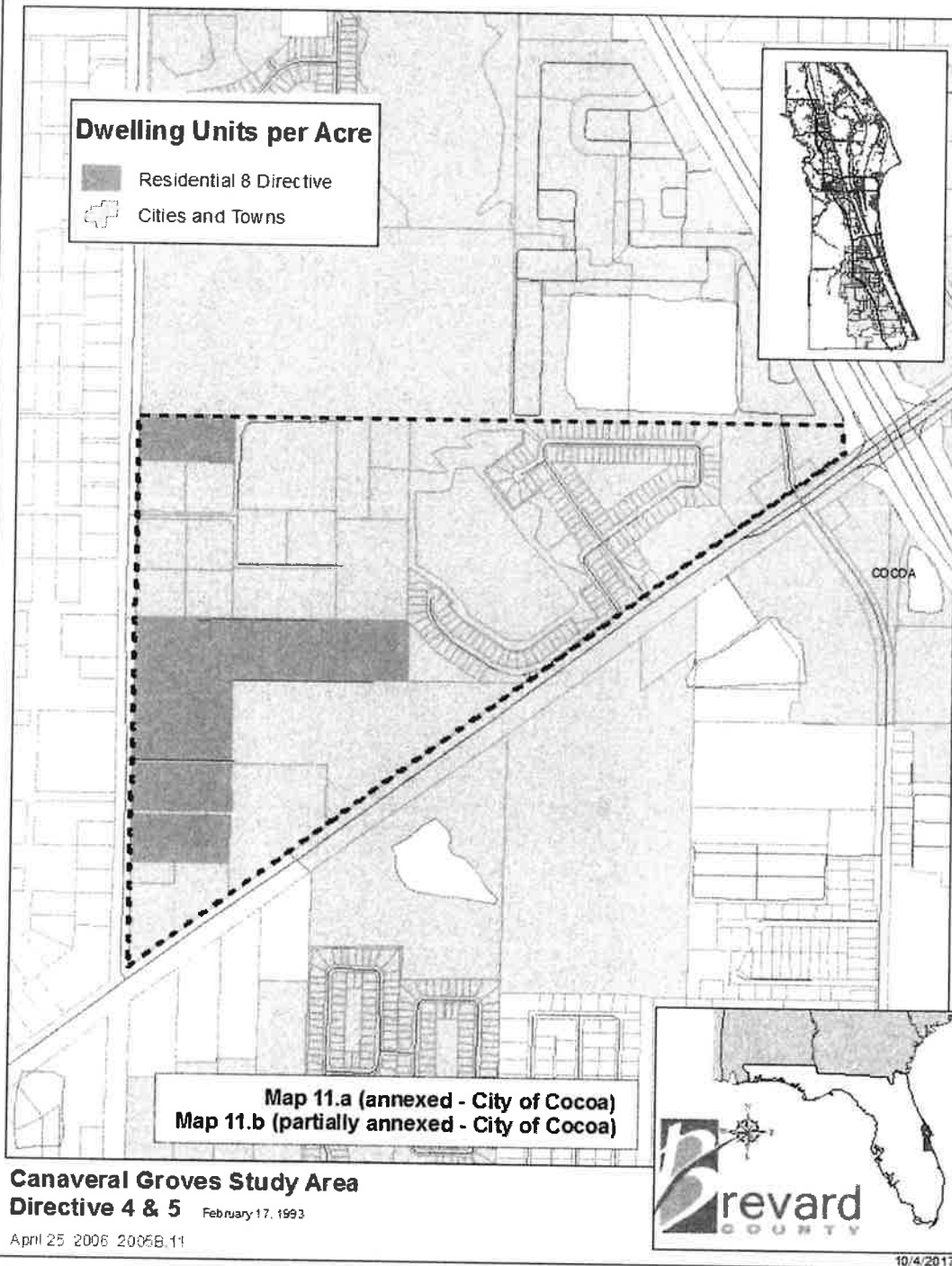
10/3/2017



Future Land Use Element

XI-142

~~February 2022 December 2011~~





**North Merritt Island Study Area**  
**Directive 1**

February 17, 1993

**Map 12**

April 25, 2006 2005B.11



Residential 2 Directive



10/4/2017

Future Land Use Element

XI-144

February 2022 December 2011



Future Land Use Element

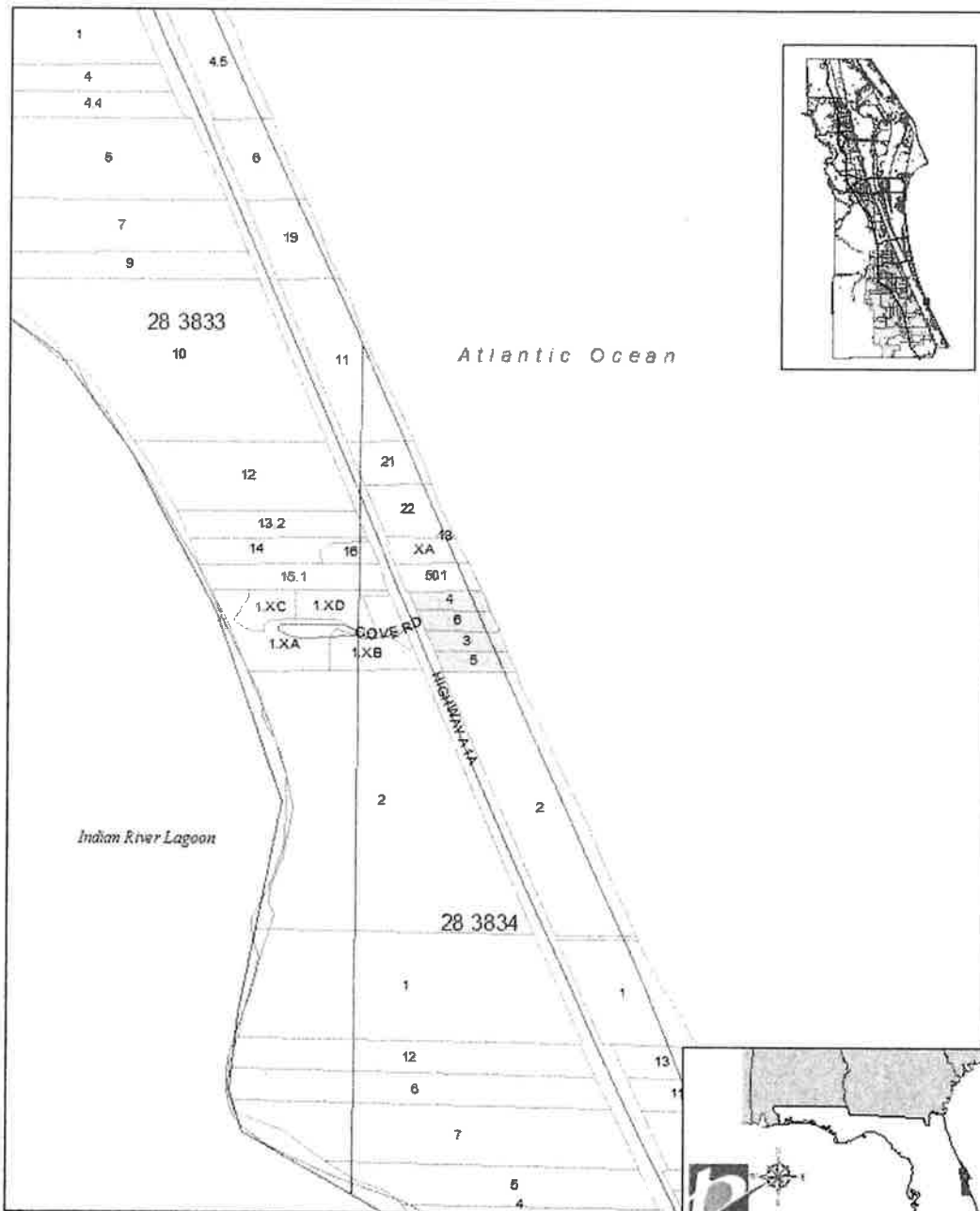
XI-145

February 2022 ~~December 2011~~



# Comprehensive Plan

EAR Amendments 2017



**South Beach Study Area  
Directive 1 & 2**

**Map 14 & 15**

April 25, 2006 2005B.11 February 17, 1993



Residential 6 Directive



10/8/2017

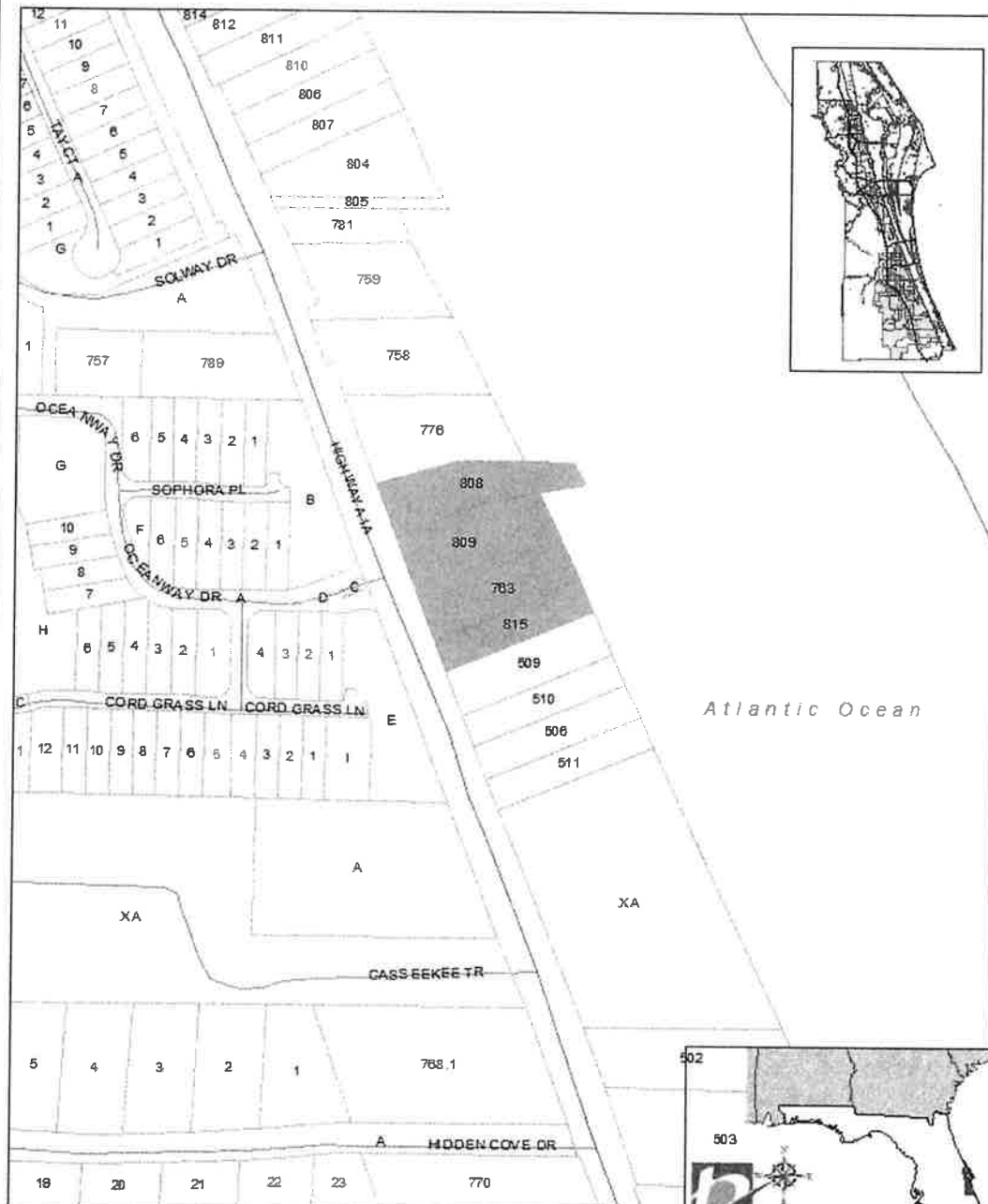
Future Land Use Element

XI-146

February 2022 December 2011

# Comprehensive Plan

EAR Amendments 2017



**South Beach Study Area**  
**Directive 3**

February 17, 1993

April 25, 2006 2005B.11

**Map 16**

Residential 4 Directive

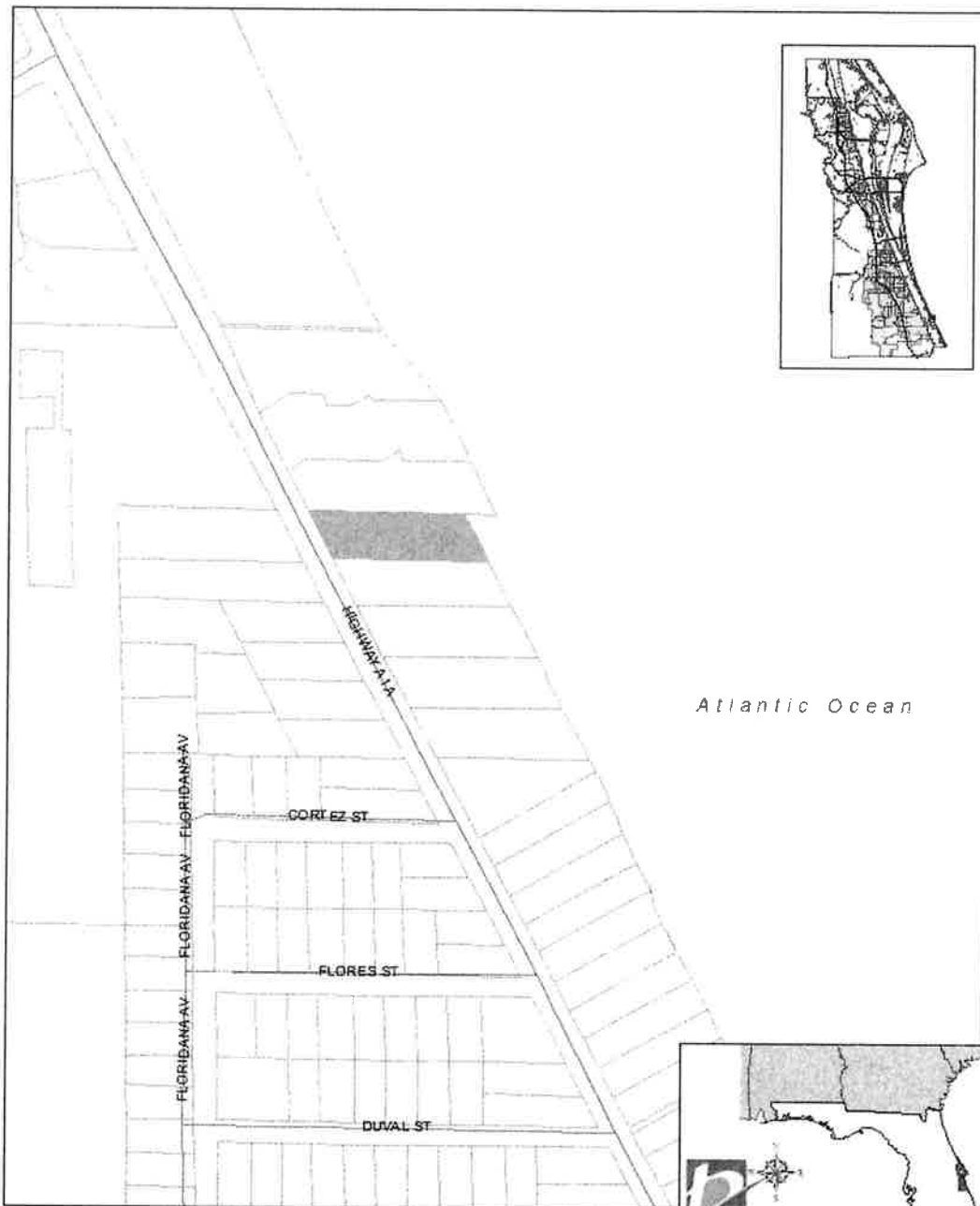


10/4/2017

Future Land Use Element

XI-147

February 2022 December 2011



**South Beach Study Area**  
**Directive 4**

February 17, 1993

April 25, 2006 2005B.11

**Map 17**



Residential 4 Directive



10/4/2017

Future Land Use Element

XI-148

February 2022 ~~December 2011~~

### **Policy 12.5**

The provision of public drainage facilities should be contingent upon the Master Surface Storm-water Management Plan, recommended in the Surface Water Management Element of this Comprehensive Plan, which will identify deficiencies and establish priorities for facility improvements.

### **Community Facilities Needs (Fire and Police Stations, Libraries, Schools, Water Facilities, and Prisons)**

#### **Policy 12.6**

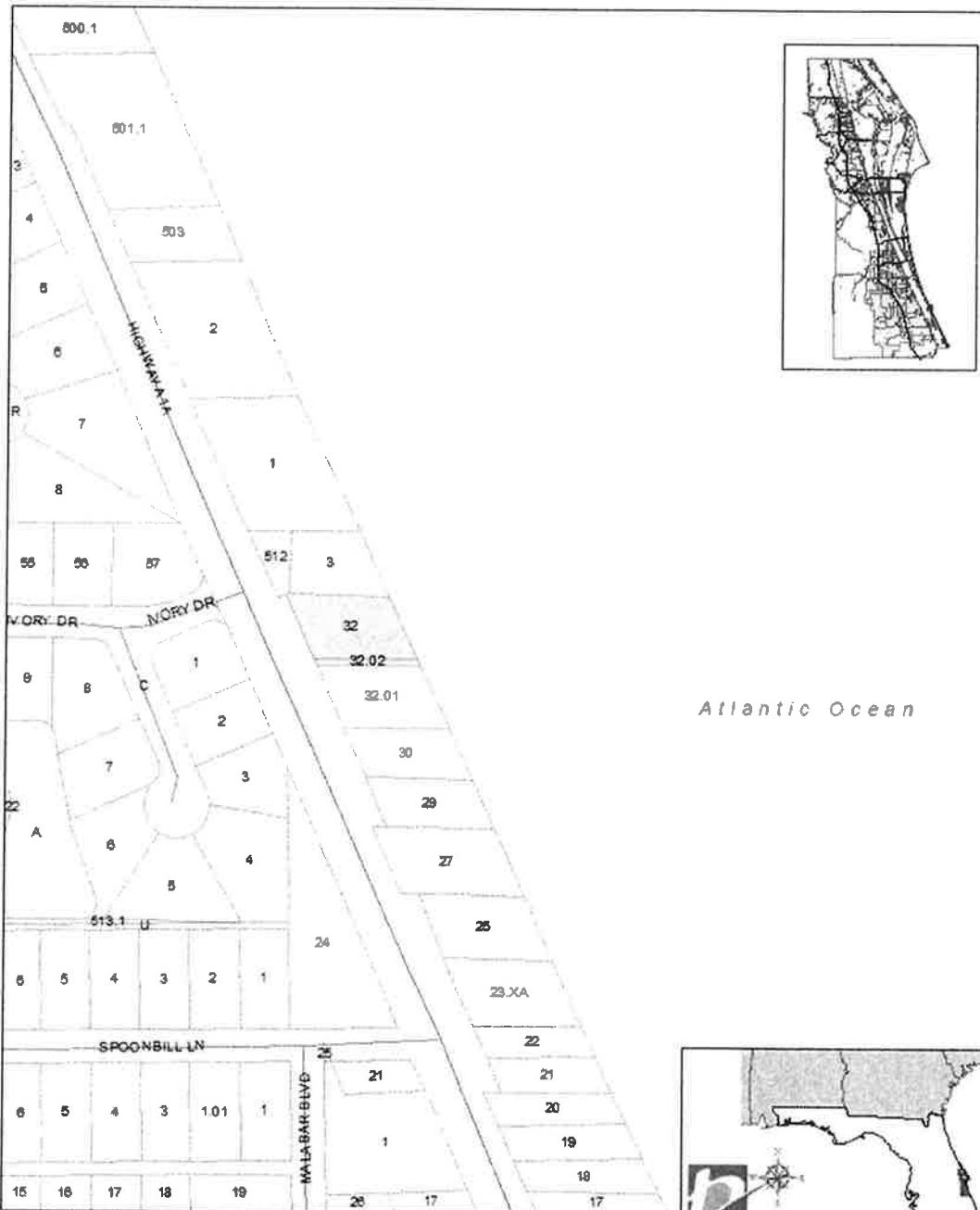
Brevard County shall designate, acquire or dedicate adequate and appropriate lands for community facilities, such as public schools, water system facilities, fire and emergency medical services, police protection, and libraries as established in the Capital Improvements Element of this Comprehensive Plan based upon the following minimum criteria:

#### **Criteria:**

- A. Fire and emergency medical service stations should be located so as to provide a level of service consistent with the response time goals adopted by the Emergency Medical Services Advisory Council. Access should be available to roadways of sufficient capacity to allow for emergency vehicle accessibility.
- B. Sheriff offices should be located so as to minimize the response time within the districts to be served. Districts should be comprised of a homogeneous area, not limited by natural or physical barriers such as water bodies, major transportation corridors or railroads. Stations should be located near concentrations of commercial or industrial uses and the areas with the highest crime rates. Access should be available to roadways of sufficient capacity to allow for vehicle accessibility.
- C. New public library sites should be located at least five miles from existing public libraries.
- D. Sites for correctional facilities should be of sufficient size, no less than 50 acres, to allow for a secure compound and to limit the impacts upon the surrounding community. The site should be located within 15 miles of the communities which provide staff or other support and at least 1/2 mile from the nearest residential area. The population within a two-mile radius of the site should not exceed 1,000.
- E. To the extent allowed by law, the construction of a new Community Water System (per 62-550.200(12), F.A.C.) located within the unincorporated area of Brevard County which is designed to serve at least 15 service connections

# Comprehensive Plan

EAR Amendments 2017



**South Beach Study Area**

**Map 18 Map 22**

**Directive 5.1** February 17, 1993

April 25, 2006 2005B 11

Residential 6 Directive

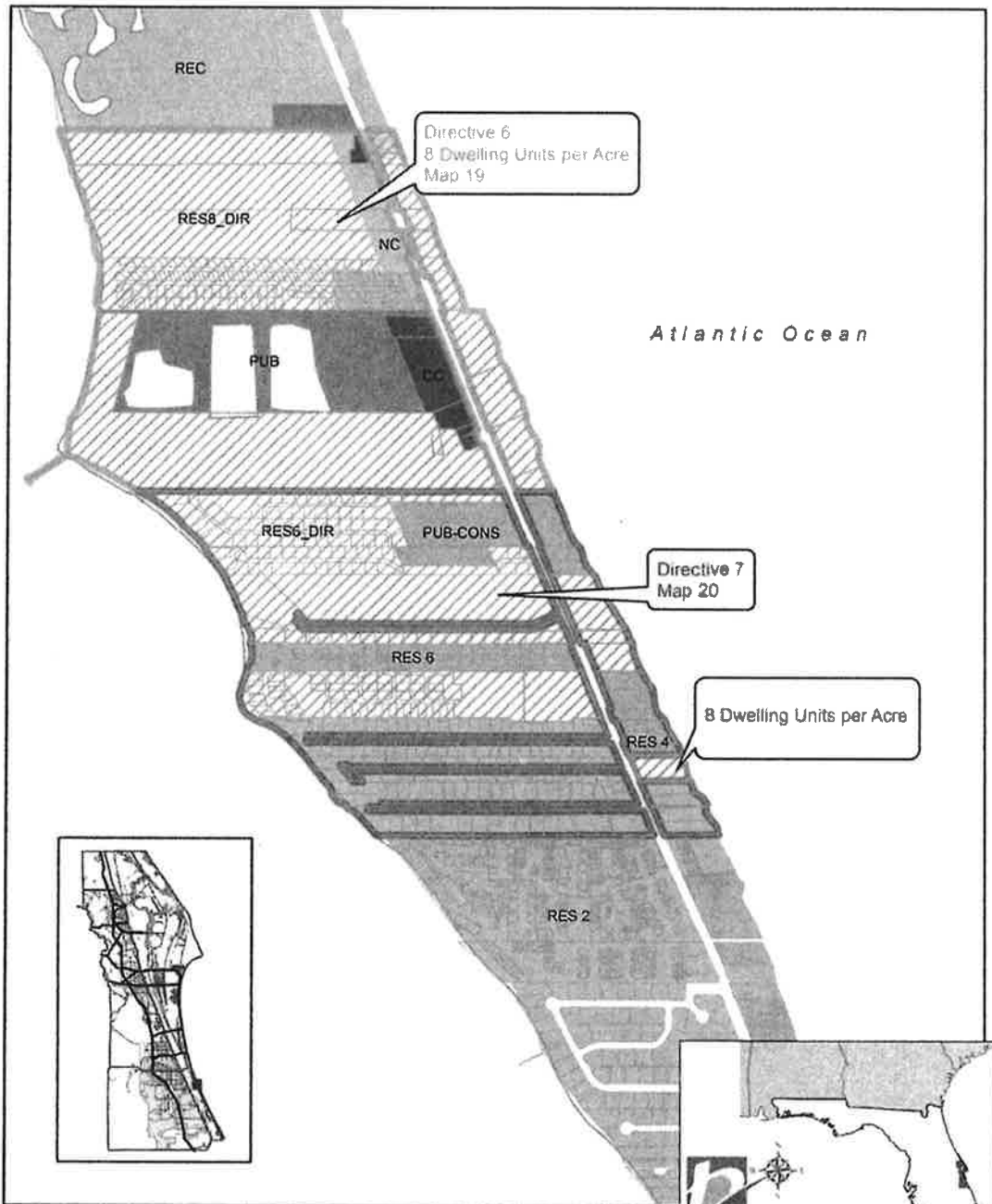


10/6/2017

Future Land Use Element

XI-149

February 2022 December 2011



**South Beach Study Area**

**Map 18, 19 and 20**

**Directive 5, 6 and 7**

April 25, 2006 2005B.11 February 17, 1993

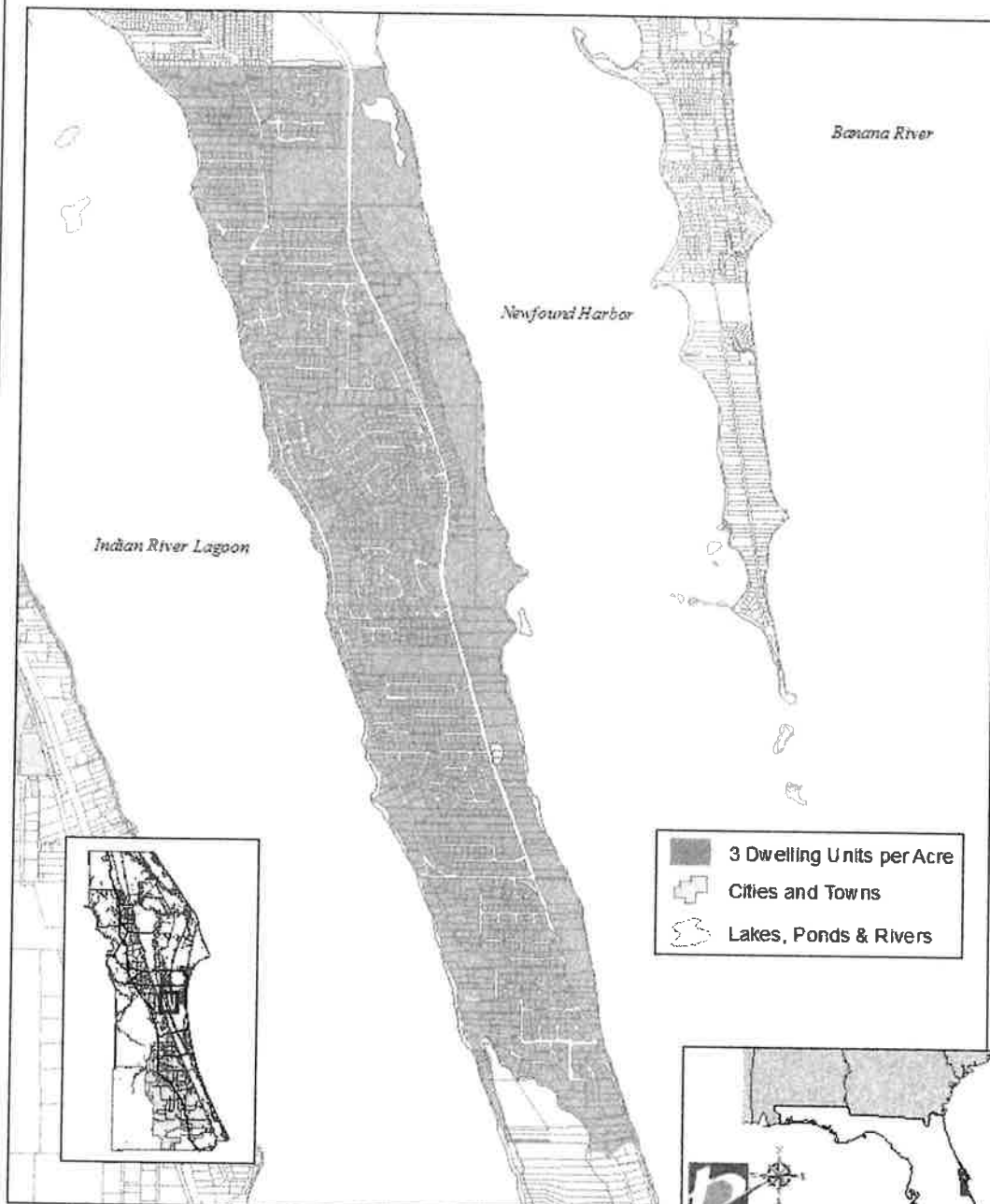


10/5/2017

Future Land Use Element

XI-150

February 2022 December 2011



**Central/South Merritt Island Study Area  
Directive 1**

**Map 21**

April 25, 2006 2005B 11

August 3, 1993

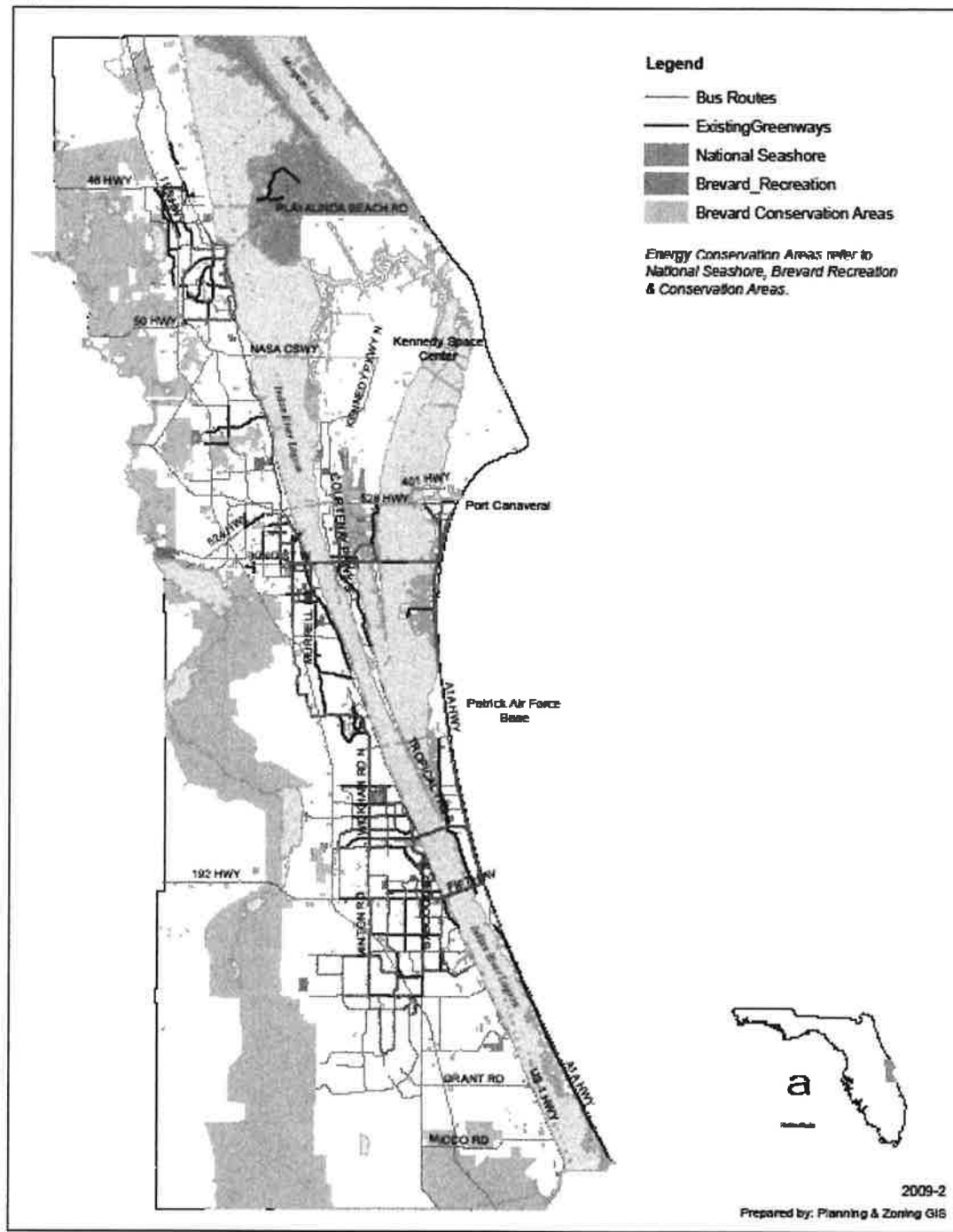


10/6/2017

Future Land Use Element

XI-151

February 2022 December 2011



June 2, 2010

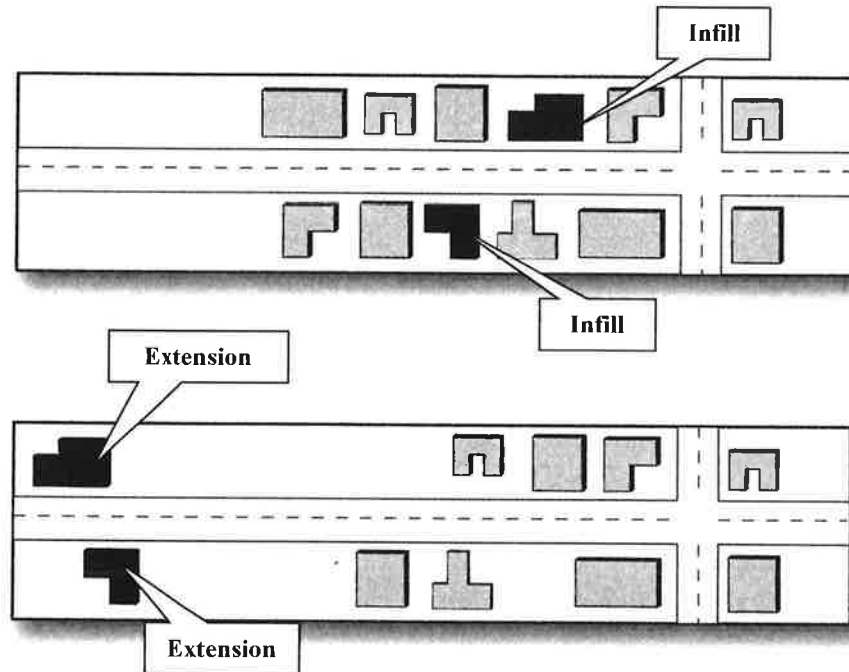
June 2, 2010



## LIST OF FIGURES

Figure	Name
1	Illustrative Examples of Commercial Infill vs. Extension of Strip Development
2	Comparative Depiction of Conventional vs. Clustering Land Development Techniques

**FIGURE 1**  
**ILLUSTRATIVE EXAMPLES**  
**OF**  
**COMMERCIAL INFILL vs. EXTENSION OF STRIP DEVELOPMENT\***



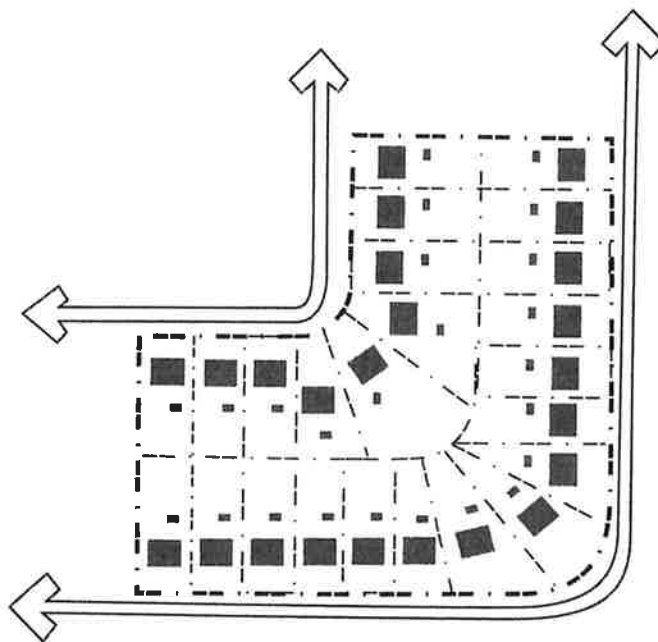
~~\*Fostering expansion of strip commercial development is discouraged by Policy 2.15. Infill of existing Community Commercial strip development patterns is preferred, as depicted in the above diagram. The following criteria are applied:~~

**~~Criteria:~~**

- ~~1. Infill is considered the establishment of new commercial activities adjacent to and in between existing commercial activities whereby strips of commercial uses are not increased in length.~~
- ~~2. In accomplishing infill, the new commercial site must be of sufficient size. The following guidelines shall be considered in determining the adequacy of the site size:~~
  - ~~a. Setbacks;~~
  - ~~b. Off-street parking;~~
  - ~~c. Off-street loading/unloading spaces;~~
  - ~~d. Landscaping and buffering;~~
  - ~~e. Access; and~~
  - ~~f. Storm water facilities.~~

**FIGURE 2**  
**COMPARATIVE DEPICTION OF**  
**CONVENTIONAL VS. CLUSTERING LAND DEVELOPMENT TECHNIQUES**

(See Policy 14.2.E)



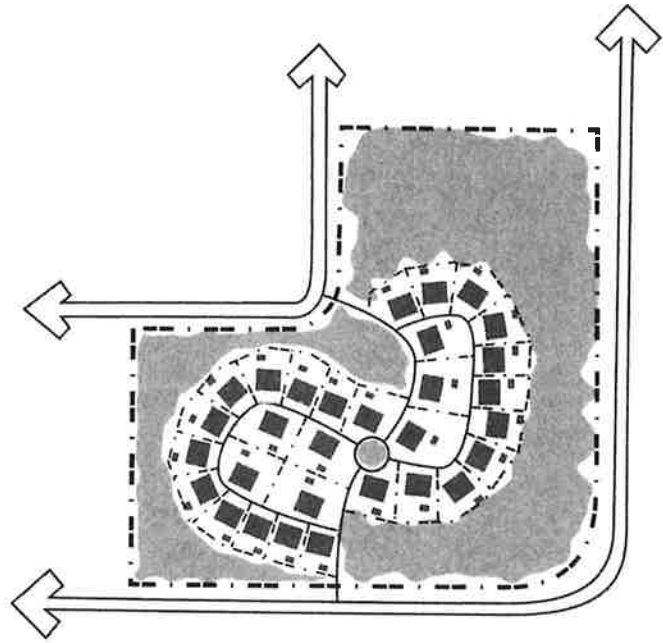
Example of a Parcel with a Conventional large Lot Subdivision

Residential Lot Yield	24
Non Residential Lot Yield	0
Open Space Preservation	0%

Example of the Same Parcel with a  
Clustered, Mixed Use Subdivision

Residential Lot Yield	28*
Non Residential Lot Yield	2
Open Space Preservation	50%

\* assumes a theoretical density bonus for creation and clustering of smaller lots; integration of non-residential uses; connection of undisturbed linear open spaces.



**BREVARD COUNTY COMPREHENSIVE PLAN**  
**CHAPTER XII**

**INTERGOVERNMENTAL COORDINATION ELEMENT**

## TABLE OF CONTENTS

Comprehensive Plan Coordination .....	1
Development Approval Processes.....	6
Coordination of Essential Services .....	9

## **GOALS, OBJECTIVES & POLICIES**

### **GOAL**

BREVARD COUNTY SHALL INITIATE AND/OR PARTICIPATE IN INTERGOVERNMENTAL COORDINATION EFFORTS NECESSARY TO ESTABLISH GOVERNMENTAL RELATIONSHIPS WHICH IMPROVE THE COORDINATION, EFFECTIVENESS, AND EFFICIENCY OF PUBLIC POLICY-MAKING BODIES WITHIN BREVARD COUNTY.

### **Comprehensive Plan Coordination**

#### **Objective 1**

Brevard County shall coordinate the Comprehensive Plan and its implementation with the State, the region, adjacent municipalities and counties, as well as with the Brevard County School Board, and special districts.

#### **Policy 1.1**

Brevard County shall encourage the State, the region, adjacent municipalities and counties, Brevard County School Board and special districts to review their proposed public facility improvement plans and plan amendments with Brevard County for consistency with the policies and criteria of this Comprehensive Plan.

##### **Criteria:**

- A. Public facility and service needs within and affecting the County shall be identified and regularly updated.
- B. Identified public facility and service needs should be included in the Capital Improvements Program of Brevard County and encouraged to appear within the Capital Improvements Program of all Brevard County local governments.
- C. Facility needs shall be based on a projection of proposed development intensity.
- D. The appropriate County departments shall participate in the evaluations of potential development impacts.

#### **Policy 1.2**

Brevard County shall establish and maintain a repository of the comprehensive plans or other master plans of the State, region, adjacent municipalities and counties, as well as those of the Brevard County School Board and special districts.

### **Policy 1.3 (Coordinated Public School Facility Siting)**

Brevard County shall encourage the Brevard County School Board to mutually agree on, promote and support high-quality community and neighborhood development by coordinating site searches, planning and design of public educational facilities as well as assuring the consistency of those facilities with the Comprehensive Plan and Land Development Regulations.

#### **Criteria:**

- A. The intergovernmental bikeway/ pedestrian plan and schedule of improvements should be mutually maintained by the School Board and Brevard County for new schools within Brevard County. The Plan should include identification of bicycle and pedestrian access deficiencies on school sites and within any designated access corridors within two (2) miles of school sites.
- B. In order to maximize the use of public facilities and resources, the School Board and Brevard County should strive to coordinate development of properties adjoining school sites into libraries, parks, children's services, recreation and other appropriate related facilities.

### **Policy 1.4**

Brevard County shall implement all other policies of this comprehensive plan which address intergovernmental coordination.

#### **Criteria:**

- A. During reviews of the Comprehensive Plan as set forth in the resolution adopted pursuant to 9J-5.004 and as a part of the Evaluation and Appraisal Reports required by Chapter 163, an assessment shall be made of the effectiveness of the Intergovernmental Coordination Element and any deficiencies in the element shall be identified.
- B. The applicable planning staff shall coordinate the review.

### **Policy 1.5**

Brevard County shall pursue the use of interlocal agreements to identify and quantify the potential impacts of proposed public facility improvements upon historic resources and to ensure the protection of such resources if discovered during associated ground disturbing activities. At a minimum, the interlocal agreements should include provisions provided for in the Historic Preservation element policies as cited below.

#### **Criteria:**

- A. Policy 1.4 Local Register of Historic Places



- B. Policy 1.6 Provide information for Florida Master Site File and prepare nominations for National Register of Historic Places and Local Register of Historic Places
- C. Policy 2.11 Encourage cities to adopt Historic Preservation ordinances
- D. Policy 2.3 Review of public/private projects
- E. Policy 2.4 Discovery procedures
- F. Policy 3.1 Distribute information and materials
- G. Policy 3.2 Historic landmark program

**Policy 1.6**

Brevard County shall continue to coordinate the provision of potable water with the St. Johns River Water Management District, the Brevard County Utility Services Department, the Cities of Titusville, Cocoa and Melbourne, and the Brevard Water Supply Board.

**Criteria:**

- A. Maintain active coordination and cooperation with all water service providers to the public.
- B. Continue to participate in the Taylor Creek Reservoir Alternative Water Supply multi-jurisdictional project.
- C. Ensure the provisions of potable water services are consistent with the Water Supply Plans of Brevard County, the City of Titusville, the City of Cocoa, the City of Melbourne, and the St. Johns River Water Management District.

**Policy 1.7**

Brevard County shall continue to participate in meetings of the Brevard County Planning Coordination Committee (PCC).

**Criteria:**

- A. The Planning Coordination Committee should have authority to advise all local governments on planning issues.
- B. Membership should be comprised of planning staff representatives of the County, each municipality, a School Board representative and other appropriate representatives as necessary.

### **Policy 1.8**

If necessary, Brevard County may use an informal mediation process involving the East Central Florida Regional Planning Council to assist in resolving conflicts between the County's Comprehensive Plan and the comprehensive plans of adjacent municipalities and counties.

### **Policy 1.9**

Brevard County shall cooperate with the East Central Florida Regional Planning Council during the preparation of any Regional Development Guides which identify potential urban and rural service areas, and conservation areas to be used as a basis for determining the expansion of regionally significant public facilities.

### **Policy 1.10**

Brevard County shall continue to coordinate with municipalities to establish interlocal agreements and joint planning areas for use in coordinating public service delivery and facility maintenance subsequent to municipal annexation procedures. Interlocal planning, annexation and maintenance agreements should, at a minimum, address the topics set forth in the criteria below:

#### **Criteria:**

- A. Existing and future service areas for public services and facilities.
- B. Methodology for advance notification to the County by municipalities conducting annexation procedures and hearings pursuant to Chapter 171, Florida Statutes.
- C. Issues of land use compatibility and consistency with the Brevard County Comprehensive Plan.
- D. Public participation and notification of all affected land owners of the land to be annexed.
- E. Notification of affected adjoining properties in the unincorporated areas.
- F. Available level of services and facilities and identification of the provider of those services.

### **Policy 1.11**

Brevard County shall maintain a geographic information system (GIS) which will, among other operations, store, retrieve and display data related to evaluating and managing land use and growth, and assist in implementation of the Comprehensive Plan.

**Criteria:**

- A. The geographic information system should be capable of reading data from the County's municipalities as well as special districts, and regional, state and federal sources.
- B. Information and products generated by this system should be made available to both public and private sector entities consistent with available fiscal and time resources.

**Policy 1.12**

Brevard County and its municipalities shall coordinate their level of service standards and projected sewer service areas for sewer facilities outside their jurisdiction to ensure that enough wastewater treatment plant capacity is available and to ensure that public sewer service is provided to Brevard's citizens in the most efficient manner.

**Policy 1.13**

Brevard County Board of County Commissioners will continue to encourage annual meetings with the Brevard County School Board or their designee to discuss concurrency of infrastructure to serve proposed schools. Pursuant to the requirements of applicable Florida Statutes, the general location of public educational facilities should be consistent with the Public School Facilities Element and other policies within the Comprehensive Plan of Brevard County.

**Policy 1.14**

Brevard County shall take steps necessary to coordinate with the Spaceport Florida Authority, the Economic Development Commission of Florida's Space Coast and the Space Coast Development Commission on promotional efforts concerning those areas of the County uniquely suited for the development of space commerce and the National Space Policy.

**Criteria:**

- A. Support the implementation of previously completed and adopted economic plans.
- B. Continue to work with the City of Titusville, National Aeronautics and Space Administration, Department of Commerce, Department of Economic Opportunity ~~Community Affairs~~, Department of Education, and other appropriate agencies.

**Policy 1.15**

Brevard County shall provide sewer services to those areas located in proximity to municipal sewer systems if requested and if capacity is available. The cost of providing these services shall be paid for by the property owners that are benefited unless grant funds are available.

**Policy 1.16**

Brevard County should coordinate with the City of Titusville for the provision of public sanitary sewer service from the north limits of the community of Port St. John to the south limits of the City of Titusville.

**Policy 1.17**

Brevard County shall invite all municipalities to participate in class I watershed studies. The criteria set forth within related Conservation Element policies shall provide some guidelines for the study and recommendations for action.

**Policy 1.18**

Brevard County, if requested and feasible, shall cooperate with appropriate federal, state, regional, and local governmental agencies in the aerial photography and topographic mapping of Brevard County.

**Policy 1.19**

Brevard County shall cooperate with the incorporated municipalities within its boundaries and adjacent counties in the development of any regional stormwater management planning efforts.

**Development Approval Processes****Objective 2**

Brevard County shall strive for increased efficiency in development approval processes including the review of development proposals which impact adjacent municipalities, counties, the region and the State.

**Policy 2.1**

Annually, with respect to each municipality, Brevard County should pursue interlocal agreements, or the modifications of existing agreements, for the purpose of refining the process of:

**Criteria:**

- A. Reviewing land development proposals pursuant to the following:
  - 1. Rezoning proposals within 660 feet of jurisdictional boundaries.

2. The provision of public facilities and services which are provided by other governmental entities.
- B. Assessing the impact of land development proposals on traffic circulation with respect to:
1. A method of notification of the affected local government regarding traffic impacts must be established providing sufficient time for the affected local government to respond.
  2. A method of "recording" or "tracking" projected trips on roadways for mutual use should be established.
  3. Resolving any discrepancies in the acceptable levels of service if having different levels of service causes intergovernmental problems.
- C. Standardization of all related land development regulations:
1. Standard format, language and criteria should be considered, however, modifications should be permitted to address unique local conditions.
  2. Workshops should be held between the County and municipalities for the purpose of identifying and resolving problematic inconsistencies.
  3. Maintain the Planning Coordination Committee.
- D. Annexation and or contraction notification, review and reporting:
1. Joint planning and interlocal annexation agreements shall be encouraged for all annexation or contractions in order to support a smooth transition and enhanced development coordination.
  2. Municipalities proposing a voluntary or involuntary annexation or contraction shall be encouraged to notify and coordinate a County review of the proposed annexation or contraction area prior to commencing annexation procedures. The County notification information should include:
    - a) A schedule of any municipal annexation or contraction public hearings including the subject municipality's schedule for amending its Comprehensive Plan.
    - b) The reporting prerequisites stated within Chapter 171.042, Florida Statutes or, at a minimum, a copy of the municipality's staff annexation report to be considered during municipal public hearing including:

- A metes and bounds legal description of the property(ies) to be annexed or contracted.
  - The subject property's proposed future land use, zoning designations and, if possible, the intended use for the proposed annexation area.
  - The limits of post-annexation municipal maintenance of adjacent street right-of-way and drainage facilities.
3. Prior to the adoption of an interlocal enclave annexation agreement between the County and any municipality under F.S. 171.046 (2A), the municipality proposing the annexation should provide written notice to property owners within 500' of the proposed enclave to be annexed no later than 30 days prior to the first public hearing in which the municipality is to consider the enclave annexation interlocal agreement.

#### **Policy 2.2**

Brevard County shall coordinate with appropriate local governments and Florida Department of Environmental Protection in the maintaining of a Wetland Ordinance for uniform regulation of these valuable resources. Specific guidelines are set forth in the Conservation Element and described in the criteria below.

##### **Criteria:**

- A. Policy 5.1 Wetlands
- B. Policy 5.2 Wetlands
- C. Policy 5.4 Wetlands

#### **Policy 2.3**

Strive to improve the delivery of community services through adoption and implementation of effective records-management, information management and evaluative procedures.

##### **Criteria:**

- A. Maintain records management processes utilizing the Geographic Information System (GIS) or other mechanism that can track resources and expenditures in the delivery of community services.
- B. Coordinate the ongoing maintenance of this system with other local governments and service providers in order to achieve a common data base for the delivery of community facilities and services within Brevard County.

#### **Policy 2.4**

Brevard County's legal relationship with the Port of Canaveral's Port Master Plan is governed by Chapter 163, Florida Statutes. Upon the Port Canaveral Authority's request, Brevard County shall review the Port Master Plan for consistency with the Coastal Management Element of the Brevard County Comprehensive Plan, pursuant to the County's procedure for reviewing plans of other jurisdictions and Chapter 163.3177(6)(g), F.S. Brevard County shall identify provisions of the Port Master Plan which it considers inconsistent with the Coastal Management Element or any other elements of the County Comprehensive Plan and a meeting shall be established to discuss and rectify the inconsistencies and other issues.

#### **Policy 2.5**

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 (CEMP).

### **Coordination of Essential Services**

#### **Objective 3**

Brevard County, in cooperation with the appropriate federal, state and local governmental agencies, shall achieve coordinated level of service standards for essential public facilities and services.

#### **Policy 3.1**

Brevard County may maintain a county-wide advisory committee to recommend acceptable levels of service for public facilities and services which are multi-jurisdictional and to advise the respective governing bodies.

##### **Criteria:**

- A. The public facilities to be addressed should include potable water, sanitary sewer, solid waste, drainage, parks and transportation.
- B. Committee members should include County and municipal staff members responsible for planning and coordinating the above public facilities.

#### **Policy 3.2**

In order to ensure efficient, cost effective, and environmentally sound public facilities and services, Brevard County should initiate interlocal agreements with the municipalities that provide public facilities and services in

the unincorporated area, to formalize the designation of facility service areas and acceptable levels of service.

**Policy 3.3**

Brevard County shall continue to coordinate with the Florida Department of Transportation for development of permitted connections to the State Highway System with level of service standards adopted by the County and its Transportation Planning Organization (TMPO).

**Policy 3.4**

County-wide uniform level of service standards shall be utilized in the implementation of an impact fee program.

**Policy 3.5**

Appropriate County planning staff shall assist the Sheriff's Department in the planning of their facilities and service delivery plans and fiscal programs by coordinating and providing requisite data and planning expertise.

**Policy 3.6**

Brevard County shall utilize uniform standards in the provision and operation of community facilities within designated service areas and develop fiscal programs where feasible, for capital and operational needs.

**Criteria:**

- A. In order to promote greater efficiencies of service through adaptive reuse, joint-use agreements and rehabilitation of existing structures. These measures may be utilized as an alternative to construction of new community facilities, where economically feasible and consistent with the Future Land Use Element.
- B. In order to eliminate needless duplication of community facilities and services and to promote communication and cooperation in governmental activities and programs within State, regional, county, city, and other governmental units.

**Policy 3.7**

Brevard County shall coordinate with the East Central Florida Regional Planning Council regarding strategic and local planning efforts that are relevant to Brevard County. Additional coordination mechanisms shall be established or maintained as required by Florida Statutes.

**Policy 3.8**

Brevard County shall continue coordination with the Brevard County School District and municipalities through the Interlocal Agreement that ensures the public school facilities level of service is maintained. Brevard County shall



continue to be responsive to any legislative changes regarding school facility development and coordination with local governments and agencies.

**Policy 3.9**

Brevard County shall reduce fire loss and personal injury through intergovernmentally coordinated fire prevention programs and early detection systems. Brevard County should support the volunteer fire department efforts by providing data and financial assistance consistent with defined needs and the services provided. Brevard County shall maintain and improve the Fire Insurance Rating for the unincorporated areas of the County, and coordinate with incorporated areas in order to achieve fire rating objectives.

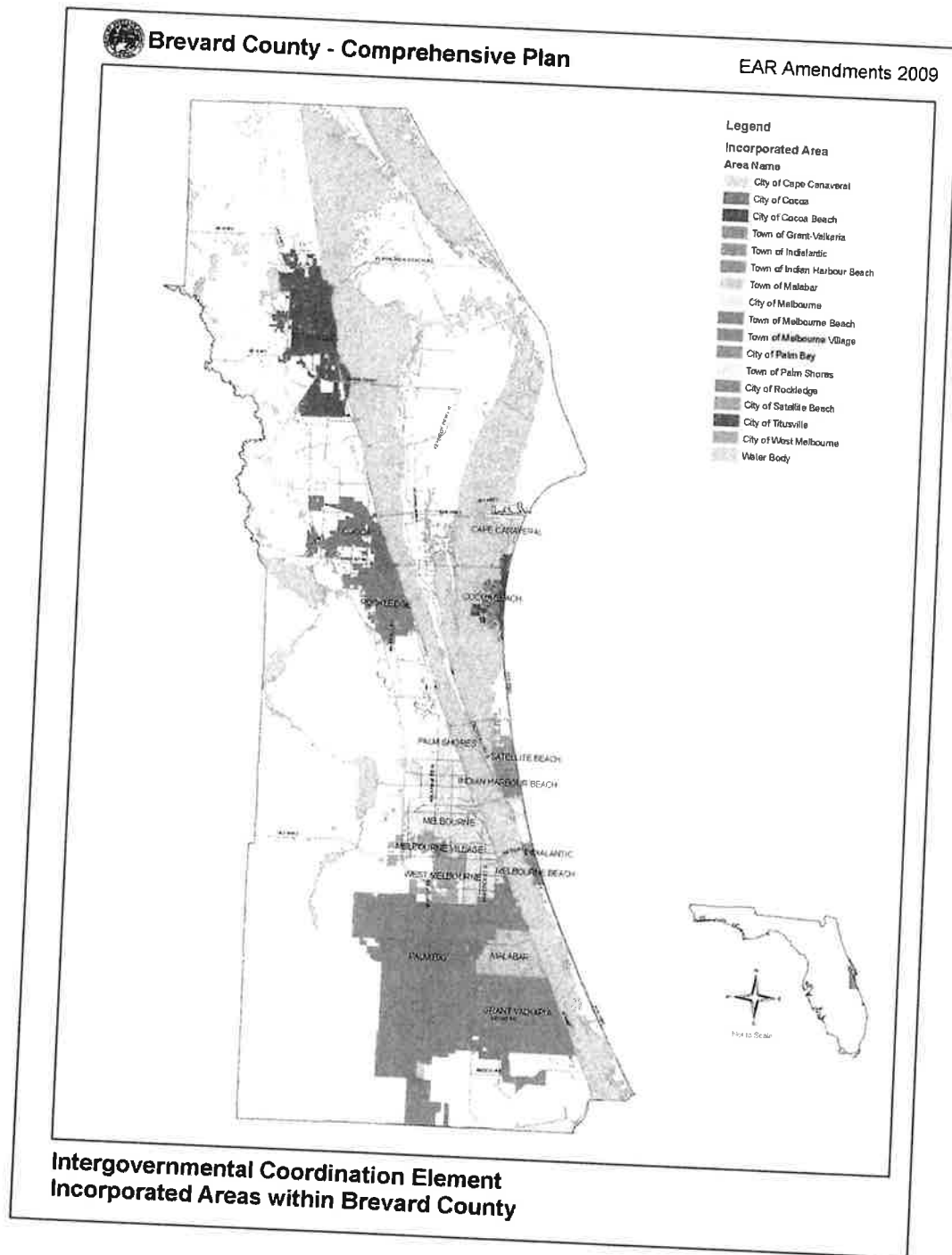
**Policy 3.10**

Brevard County should continue coordination with the Space Coast Transportation Planning Organization (TPO), Florida Department of Transportation, local governments and local transportation agencies regarding current and future transportation infrastructure needs. Where appropriate, Brevard County, in cooperation with the Space Coast TPO, may facilitate consideration of alternative land use scenarios as a possible means of addressing transportation infrastructure demands.

## LIST OF MAPS

Map	Title
1.	Brevard County Cities

# Map 1 Brevard County Cities



# **CAPITAL IMPROVEMENTS ELEMENT**

## **CHAPTER 13**

## TABLE OF CONTENTS

GOALS, OBJECTIVES AND POLICIES.....	3
Objective 1 .....	6
Objective 2 .....	8
Objective 3 .....	7
Objective 4 .....	8
Objective 5 .....	9
Objective 6 .....	12
TRANSPORTATION IMPROVEMENTS.....	14
POTABLE WATER IMPROVEMENTS.....	24
SANITARY SEWER/RE-USE WATER IMPROVEMENTS .....	24
SURFACE WATER/WATER SHED IMPROVEMENTS .....	27
RECREATION AND OPEN SPACE IMPROVEMENTS .....	42

## GOALS, OBJECTIVES AND POLICIES

### GOAL

BREVARD COUNTY SHALL DEVELOP AND PERIODICALLY UPDATE A CAPITAL IMPROVEMENTS PLAN TO COORDINATE AND IMPLEMENT PUBLIC FACILITY IMPROVEMENTS WHICH SUPPORT THE GOALS, OBJECTIVES, AND POLICIES OF THE BREVARD COUNTY COMPREHENSIVE PLAN AND ENCOURAGE EFFICIENT UTILIZATION OF ITS PUBLIC FACILITIES.

### Objective 1

Where financially feasible, the Capital Improvements Plan shall provide for the construction, expansion, improvement, or replacement of public facilities identified in the various elements of the Comprehensive Plan in order to correct existing deficiencies and accommodate the needs of new growth on a continuing basis.

### Policy 1.1

As a part of the Capital Improvements Plan development process, Brevard County shall utilize the acceptable level of service standards for transportation, potable water, sanitary sewer, solid waste, drainage, recreation and open space, and public schools as adopted in other elements of the Comprehensive Plan and shown below to evaluate the need for public facility improvements.

#### Criteria:

#### A. Transportation: Acceptable LOS Standards

Brevard County arterial and collector roadways within the urban area boundary: Level of Service E.

Brevard County arterial and collector roadways within the rural area, except as noted above: Level of Service D.

State arterial roadways (excluding Florida Intrastate Highway System), within the urban area boundary: Level of Service E.

State arterial roadways (excluding Florida Intrastate Highway System), outside the urban area boundary (rural area): Level of Service D.

#### B. Potable Water: Acceptable LOS Standards

##### POTABLE WATER

##### SERVICE AREA

##### LEVEL OF SERVICE STANDARD

MIMS

Residential - 400 gal/residential unit/day  
Non-Residential - 250 gal/equivalent unit/day

TITUSVILLE

104 gal/capita/day

COCOA

234 gal/ERC/day

SOUTH BREVARD

125 gal/capita/day

#### C. Sanitary Sewer: Acceptable LOS Standards

Brevard County shall provide adequate wastewater treatment plant capacity to maintain the proportion of the permit plant capacity divided by the number of equivalent units as more than 200 gallons per day per equivalent unit.

#### D. Solid Waste: Acceptable LOS Standards

1. Collection Twice per week solid waste collection service to residential improved properties
2. Disposal 8.32 pounds/capita/day

E. Drainage: Acceptable LOS Standard

1. Retention and detention requirements shall, at a minimum, meet St. Johns River Water Management Criteria.
2. Retention of the first inch of runoff.
3. Post-development rate of discharge shall not exceed pre-development rate of discharge for a 25 year 24 hour storm event.
4. Stormwater discharge facilities shall be designed so as to not lower receiving water quality or degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302, F.A.C.

F. Recreation/Open Space: Acceptable LOS Standard

3.0 acres of developed park land per 1,000 people living in the unincorporated areas of each planning area.

G. Public Schools

By December 1 of each year, Brevard County shall adopt as part of its Capital Improvement Element the School Board of Brevard County's Five Year Work Program. Brevard County hereby adopts by reference the School Board of Brevard County's Five-Year Work Program for the planning period 2007-8 through 2011-12, the School District Program approved on September 23, 2008 as part of the School District budget, is adopted, including planned facilities and funding sources to ensure a financially feasible capital improvements program and to ensure the level of service standards will be achieved by the end of the five-year period.

TIERED LEVEL OF SERVICE - SCHOOL YEAR 2007-08 to 2011-12					
Facility Type	2007-08	2008-09	2009-10	2010-11	2011-12
Elementary Schools	127%	130%	115%	105%	100%
Middle Schools	122%	120%	100%	100%	100%
Junior / Senior High Schools	133%	135%	110%	105%	100%
High Schools	139%	130%	115%	100%	100%

Policy 1.2

Brevard County may establish temporary level of service standards for potable water,

February 2022 December 2013

sanitary sewer, solid waste disposal, stormwater management, and parks and recreation facilities based on the following criteria:

**Criteria:**

- A. The health, safety, and welfare of the public shall not be endangered.
- B. Inadequate funding, revenue initiative failures, unforeseen physical constraints affecting construction and its scheduling, and other similar obstacles which may exist or materialize which would prevent the immediate initiation of a service improvement.
- C. The service for which the temporary acceptable level of service is being established shall be given the highest priority pursuant to Objective 2.
- D. The temporary level of service for a specific facility or service shall relate to and realistically reflect the minimum timeframe necessary to establish a funding source and/or remove affecting obstacles and proceed with the appropriate improvements to achieve the desired levels of service objectives.
- E. All temporary levels of service shall be established by Comprehensive Plan Amendment.

**Policy 1.3**

As a part of the Capital Improvements Plan development process, Brevard County should utilize the following advisory level of service standards for public libraries, law enforcement, correctional facilities, fire protection, emergency medical services, and public education shown below as planning guidelines to evaluate the need for public facility improvements.

- A. Public Libraries:
  - 0.6 sq. ft. of library building space per capita;
  - 2.16 volumes per capita;
  - 1.5 titles per capita.
- B. Law Enforcement:
  - 2.0 deputies per 1,000 residents;
- C. Correctional Facilities:
  - .003 inmate spaces per capita.
- D. Fire Protection:
  - 1. 6 minute average response time county wide.
  - 2. 90% of Brevard County within 3 miles of a station.
  - 3. For 90% of all structural fires, deploy 1 engine company within 5 minutes, and 1 paramedic unit and 1 chief officer within 10 minutes.
  - 4. For response areas with 5 buildings 3 stories or 35 feet or more in height, or with a needed fire flow greater than 3,500 g.p.m., deploy a ladder company within 5 minutes for 90% of all alarms.
  - 5. Develop an attack force that can advance 2 standard fire stream hand lines.
  - 6. Major emergencies: deploy a programmed reserve and automatic aid fire force of 6 engine companies, 3 ladder companies and 3 chief officers within 15 minutes of third alarm.
  - 7. Petroleum storage and production area fires: deploy within 10 minutes special light water or foam fire fighting equipment and prepare long



- relays and extended pumping operations.
8. Water deficient areas: deploy within 10 minutes a pumper-tanker and relay operation of adequate capacity to augment local supplies.
9. Harbor areas: deploy within 5 minutes adequate marine fire fighting equipment of 500 g.p.m. for 90 percent of all marine oriented incidents.
10. Light rescue emergencies: deploy 1 engine company within 5 minutes 90% of the time; deploy 1 paramedic unit within 5 minutes 80% of the time.
11. Heavy rescue emergencies: deploy 1 truck company, in addition to an engine and paramedic unit, within 10 minutes 90% of the time. Rescue all trapped persons.
12. Manpower:

<u>Unincorporated Population</u>	<u>No. Fire Fighters Per 1,000 Residents</u>	<u>% Supervisory Fire Fighters</u>
100,000 - 249,999	1.89	20.4
250,000 - 499,999	1.84	25.5
500,000 +	1.81	21.7

E. Emergency Medical

Establish effective Advanced Life Support response within six minutes to 90% of the population.

## Objective 2

Brevard County shall establish funding priorities for capital improvements to correct existing public facility deficiencies, provide for facility renewal and replacement, and accommodate the needs of new growth on a continuing basis by implementing a Capital Improvements Plan that is consistent with the Schedule of Improvements in this Element.

### Policy 2.1

Prioritization for roadway improvements should be based on acceptable level of service standards, improvements required by Development of Regional Impact development orders, and the adopted short-range transportation improvement program developed pursuant to Policies 2.1 and 2.2 of the Transportation Element.

### Policy 2.2

Prioritization of potable water improvements should be based on a project's ability to achieve one or more policies found under Objectives 3 and 4 in the Potable Water Element.

### Policy 2.3

Prioritization of sanitary sewer improvements should be based on a project's ability to achieve one or more policies found under Objectives 2 and 3 in the Sanitary Sewer Element.

### Policy 2.4

Prioritization of drainage improvements should be based on the Master Stormwater Management Plan developed pursuant to Policies 1.1 and 1.2 of the Surface Water Management Element.

### Policy 2.5

Prioritization of recreational facilities should be based upon the project's ability to maintain acceptable levels of service; ability to maintain the physical integrity and efficient

operation of existing facilities; ability to eliminate access problems for handicapped persons, and other applicable criteria.

**Criteria:**

- A. Acquisition and development of recreational facilities that are needed to eliminate level of service deficiencies should receive the highest funding priority.
- B. Projects related to the maintenance and operation of existing facilities should receive the next highest priority, however, no planning area should be allowed to fall into a deficient status. This should include those projects which provide handicapped access to parks and recreational facilities.
- C. Prioritization of improvements should be based on the acceptable level of service and maintenance and operation standards for each individual planning area, as identified in the Recreation and Open Space Element.

**Policy 2.6**

Prioritization of capital improvements for solid waste should be based on reduction of level of service deficiencies and enhancement of operational efficiency and environmental quality.

**Criteria:**

- A. Projects reducing level of service deficiencies or providing additional solid waste disposal capacity should receive the highest priority. Alternative methods of solid waste disposal should be encouraged.
- B. Projects that enhance operational efficiency or environmental quality should receive the next highest priority.

**Policy 2.7**

Those public services and facilities necessary to support industries that provide value-added employment in Brevard County should be given priority for construction.

**Policy 2.8**

Programs and studies necessary to implement policies within the various elements of the Comprehensive Plan shall be included in the Schedule of Improvements and Funding. These programs and studies shall be prioritized based on specified target dates for completion, the availability of revenue to fund these projects, and association with the protection of the public's health, safety, and welfare.

**Policy 2.9**

The Capital Improvements Plan and Annual Capital Budget should be consistent with this Element's Schedule of Improvements and with any element of the Comprehensive Plan which sets standards and policies for the provision of public facilities and programs, shall support the Future Land Use Element, and should be adopted—as a part of the annual budgeting process.

**Policy 2.10**

Brevard County shall not extend public facilities and services to Suburban and Rural Density Areas for new development, unless there is an overriding public benefit which accrues to an area larger than the specific Suburban or Rural Density Area. However, the County will accept facilities through dedication, and provide services and facilities through MSBUs, MSTUs and other means through which the recipients pay for the service or facility.

**Objective 3**

Limit future public expenditures for infrastructure and service facilities which serve to

subsidize growth within the coastal high hazard area of Brevard County. Expenditures for public land acquisition or enhancement of natural resources shall be encouraged.

**Policy 3.1**

Brevard County shall designate coastal high hazard areas as defined in Chapter 163, Florida Statutes

**Policy 3.2**

Brevard County shall not support or finance new local transportation corridors which lie within the coastal high hazard zone or areas zoned as Environmental Area, except where there are no other cost-feasible alternatives.

**Policy 3.3**

Brevard County should not locate sanitary sewer and water transmission lines within the coastal high hazard zone, except where there is no cost-feasible alternative and where practical due to engineering, safety and cost considerations, and where necessary utilizing existing rights-of-way.

**Policy 3.4**

If County utility lines are relocated for any purpose, they should be located outside of the coastal high hazard zone, except where there is no cost-feasible alternative.

**Policy 3.5**

Public facilities, except for recreational facilities, shall not be located by Brevard County within of the coastal high hazard zone, except where there are no other cost-feasible alternatives.

**Objective 4**

Brevard County shall maintain adequate fiscal resources and policies to fund necessary public facility improvements, including transportation, potable water, sanitary sewer, surface water management, solid waste, parks and recreation, public libraries, law enforcement, correctional facilities, fire protection, and emergency medical services.

**Policy 4.1**

Brevard County should periodically review the fiscal requirements of needed transportation system improvements and adjust the local option gas tax as may be necessary.

**Policy 4.2**

When adequate funding is not available for a high priority project from existing sources of revenue and the consequences of delaying the project would adversely impact the economy, environment, or public health, safety and welfare, Brevard County should consider enactment of the infrastructure sales tax by referendum.

**Policy 4.3**

Brevard County should continue to seek funding from State and Federal sources and pursue interlocal agreements with private and public agencies to ensure sufficient money is available to provide necessary public facilities and services.

#### **Policy 4.4**

Brevard County should periodically readdress its budget and fiscal policies to ensure debt management practices such as limitations on the use of revenue bonds as a percentage of total debt, maximum ratio of total debt service to total revenue, and maximum ratio of outstanding capital indebtedness to property tax base are adequate and effective.

#### **Policy 4.5**

Brevard County should consider financing needed capital improvements with Municipal Service Benefit Units, Municipal Service Taxing Units, Community Development Districts, impact fees and other forms of development exactions to ensure that new development pays a pro rata share of infrastructure development costs when it can be determined that these financing methods are not in conflict with Brevard County's economic development and affordable housing goals.

#### **Objective 5**

Brevard County may approve development orders consistent with the acceptable level of service standards adopted as part of this Comprehensive Plan for public facilities, including transportation, potable water, sanitary sewer, solid waste disposal, surface water management, and recreation and open space.

#### **Policy 5.1**

Brevard County shall continue to utilize a concurrency management system to review the impacts of all development proposals on existing public facilities to ensure that service levels are not degraded below acceptable level of service standards as adopted in this Comprehensive Plan.

#### **Policy 5.2**

Brevard County may approve rezoning applications, subdivision plats, site plans, and building permits if the potential impact of the proposed development does not decrease the level of service below acceptable standards for any existing public facility or a facility listed in this Element's Schedule of Improvements. If evaluation of the development application indicates a potential decrease in the level of service below the acceptable standards, approval of a development order may be granted based on the following conditions:

##### **Criteria:**

- A. For review of zoning applications, a preliminary concurrency evaluation shall be completed as part of the zoning review process to illustrate the relationship between the proposal and the availability of services and facilities for the Planning and Zoning Board and the Board of County Commissioners. All approvals of zoning applications shall be conditional and shall require a formal concurrency evaluation prior to site plan, subdivision plat or building permit approval.
- B. Subdivision plats and site plans may be approved if the Schedule of Improvements in the Capital Improvements Element includes a facility improvement that will provide sufficient capacity to accommodate the potential impact of the proposed project based on acceptable level of service standards. These approvals are subject to the following conditions:
  1. All development orders pursuant to this criterion are conditional and shall not be considered vested; they will be revisited upon application for building permits in accordance with Criteria C and D below, to determine their impact upon established or programmed acceptable levels of service.
  2. If the impact evaluation indicated that the conditional development order will cause the level of service of a public facility to fall below the adopted

standard, or if the development order will further increase an existing deficiency in the adopted levels of service, Brevard County will maintain the authority to modify the development order to achieve the acceptable levels of service.

- C. Building permits may be approved if the concurrency review determines that the following conditions are met:
1. Potable water, supplies and facilities, sanitary sewer, solid waste, and drainage facilities with adequate capacity to accommodate the impacts of the development based on adopted level of service standards will be in place at the time the certificate of occupancy is issued; and
  2. Parks and recreation facilities with adequate capacity to accommodate the impacts of the development based on adopted level of service standards will be in place or are scheduled to be under actual construction in the Schedule of Recreation and Open Space Improvements in this Element not more than one year after the certificate of occupancy is issued; and
  3. Transportation facilities with adequate capacity to accommodate the impacts of the development based on adopted level of service standards will be in place or are scheduled to be under actual construction in the Schedule of Transportation Improvements in this Element not more than three years after the certificate of occupancy is issued or one of the following conditions is met:
    - a. At the time that a development order or permit is issued, the necessary transportation facilities or services are subject to a binding executed agreement which requires such facilities to be in place or under actual construction not more than three years after the certificate of occupancy is issued; or
    - b. At the time that a development order or permit is issued, the necessary transportation facilities or services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, Florida Statutes, or development order issued pursuant to Chapter 380, Florida Statutes, to be in place or under actual construction not more than three years after the certificate of occupancy is issued; or
    - c. For the purpose of issuing a development order or permit, a development may be deemed to have a de minimis impact and may not be subject to the concurrency requirements of all applicable State Statutes and Florida Administrative Codes if all of the following conditions are met:
      - i. The development proposal is for an increase in density or intensity of less than or equal to twice the density or intensity of the existing development, or for the development of a vacant parcel of land, at a residential density of less than four dwelling units per acre or, for nonresidential use, at an intensity of less than 0.1 floor area



- ratio. Isolated vacant lots in predominantly built residential subdivisions where construction of a single family house would be the most suitable use, may be developed for single family residential under the de minimis exception even if smaller than one quarter acre in size; and
- ii. The transportation impact of the proposed development alone does not exceed 0.1 percent of the maximum service volume at the adopted level of service standard for the peak hour of the affected transportation facility; and
  - iii. The cumulative total transportation impact from the de minimis exceptions does not exceed three percent of the maximum service volume at the adopted level of service standard for the peak hour of the affected transportation facility if the facility does not meet the minimum level of service standard.
4. A comprehensive plan amendment shall be required to eliminate, defer, or delay construction of any road or public transit facility or service which is needed to maintain the adopted level of service standard and which is listed in the Schedule of Transportation Improvements in this Element.
- D. Building permits may be approved if the developer agrees to construct all improvements necessary to accommodate the specific impacts of the proposed project concurrent with its development.

#### **Policy 5.3**

Brevard County may approve development orders if the proposed development is phased to ensure that the necessary public facilities and services are available prior to the completion of the proposed development.

#### **Policy 5.4**

Brevard County shall coordinate with public and private agencies to identify public facility improvements made necessary by growth in the Viera Development of Regional Impact in order to ensure that needed improvements are incorporated into the Schedule of Improvements and that the developer continues to fund its fair share of the costs of needed infrastructure pursuant to the terms of the DRI Development Order.

#### **Policy 5.5**

Brevard County shall coordinate the provision of potable water from the Cities of Cocoa, Titusville, and Melbourne and any other applicable potable water provider, including the County itself, by requiring property owners located in unincorporated areas of the County to provide written verification from the applicable potable water provider that the facility capacity and adequate water supply are currently available or will be available. Prior to approval of a building permit or its functional equivalent, Brevard County shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by Brevard County of a certificate of occupancy or its functional equivalent. No building or construction permit shall be issued unless the applicable potable water supplier has provided a written statement of committed capacity and water supply availability for the proposed development.

## **Objective 6**

Brevard County shall review and update the Capital Improvements Element annually.

### **Policy 6.1**

The annual review of the Capital Improvements Element shall include the following:

#### **Criteria:**

- A. Updated forecasts of gross taxable property value, estimated tax rates, revenues, operating expenditures, debt service requirements, reserves, and similar types of financial information; and
- B. Review of project status with updated estimates of project costs, revenue sources, and construction schedules; and
- C. Analysis of infrastructure capacity based on growth trends and acceptable level of service standards, including identification of pending facility deficiencies; and
- D. Review of planned capital improvements by State agencies, water management districts, and other local governments; and
- E. Identification and prioritization of needed facility improvements; and
- F. Recommendations regarding modifications and updates to the Schedule of Improvements.

### **Policy 6.2**

The Capital Improvements Plan adopted each year shall be consistent with and serve to implement the Capital Improvements Element. At a minimum, the Capital Improvements Plan should contain those projects listed in the Schedule of Improvements that are scheduled to begin within a five year timeframe. The following information should be provided for each project contained in the Capital Improvements Plan:

#### **Criteria:**

- A. Estimated project cost.
- B. Projected funding source(s).
- C. Tentative construction start date.
- D. Project location.
- E. Description and justification for each project.

### **Policy 6.3**

The Local Planning Agency shall review all proposed changes to the Capital Improvements Element and updates to the Schedule of Improvements developed pursuant to Policy 6.1 and make recommendations to the Board of County Commissioners.

### **Policy 6.4**

As part of the annual review of the Capital Improvements Element and the preparation of the Capital Improvements Plan, Brevard County shall review all public facility and infrastructure proposals for their impact upon designated historic resources.

#### **Criteria:**

- A. The resources designated as being historically significant are those on the National Register of Historic Places, the Florida Master Site File, the Local

Register of Historic Places, and those to be discovered in the future.

- B. If a determination is made that there will be a potentially negative impact to a historic resource, the County shall notify the Florida Division of Historic Resources and the County preservation agent.
- C. Every effort shall be taken to preserve the resource. Where preservation is not a feasible alternative, the resource shall be relocated, information regarding the resource shall be recorded, or elements of the resource shall be salvaged for further study.

#### **Policy 6.5**

If authorized by Brevard County through implementing amendments to a development of regional impact (DRI) Development Order, a multi-use DRI meeting the criteria of Section 163.3180(12), Florida Statutes, may use the standards and procedures set forth in that statute to satisfy the County's transportation concurrency requirements and transportation mitigation requirements under Section 380.06, Florida Statutes, by payment of a proportionate share contribution. Any proportionate share contribution for a DRI pursuant to this policy shall be stated in the DRI Development Order, as amended, and shall be subject to the conditions stated in the Development Order.



**SCHEDULE OF  
TRANSPORTATION IMPROVEMENTS  
FY12/13 - FY17/18**

**TRANSPORTATION IMPROVEMENTS**

**1. I-95**

**Ref. Transportation Improvement Program Project 405506-2**

Project Description:

Widening of I-95 from SR528 to south of SR406, length of 15.1 miles.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
State & Local Match	\$522,830				
Total					\$522,830
					\$522,830

**2. I-95**

**Ref. Transportation Improvement Program Project 413072-1**

Project Description:

Widening of I-95 from County line to south of SR 514, length of 12.4 miles..

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
State & Local Match					
Total			\$552,832		\$552,832
					\$552,832

**3. US 1**

**Ref. Transportation Improvement Program Project 237592-2**

Project Description:

US 1 from Pine Street to Cidco Road, 3.84 miles in length.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
State & Local Match	\$36,310,201				
Total		\$181,830			\$36,492,031
					\$36,492,031

**4. Ref. Transportation Improvement Program Project 423101-1**

Project Description:

Barnes Blvd corridor improvements, from Murrell to Fiske (SR519).

<b>Fiscal Year Ending Sept. 30, 2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Total</b>
State & Local Match					
Total			\$16,200,000		\$16,200,000
			\$16,200,000		\$16,200,000

**SCHEDULE OF  
TRANSPORTATION IMPROVEMENTS  
FY12/13 - FY17/18**

**5. Wickham**

**Ref. Transportation Improvement Program Project 404667-1**

**Project Description:**

Add center turn lane and realign Wickham from US 192 to Ellis.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
State & Local Match (SU Fed) \$40,400					\$40,400
Total					\$40,400

**Transportation Improvements Related to the St. John's Heritage Parkway**

**6. St. John's Heritage Parkway - CST 428346-1**

**Project Description:**

Acquisition of ROW and final ROW design for arterial roadway, from Malabar Rd to N. Palm Bay city limits. City of Palm Bay is managing agency, project is included in TPO Work plan.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
SU Federal \$3,000,000					\$3,000,000
Total					\$3,000,000

**7. St. John's Heritage Parkway - ROW 428346-2**

**Project Description:**

Acquisition of ROW and final ROW design for arterial roadway, from N. Palm Bay city limits to I-95 Ellis Rd.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
SU Federal \$3,000,000					\$3,000,000
Total					\$3,000,000

**8. St. John's Heritage Parkway - ROW & Construction**

**Project Description:**

Construction of approximately 5.29 miles of four lane urban divided arterial roadway from Palm Bay City boundary north to Ellis Road. Future amendments to construction date may occur if additional funding sources secured.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
State & Local Match \$40,832,413					\$40,832,413
Total	\$40,832,413				\$40,832,413

February 2022 December 2013

**SCHEDULE OF  
TRANSPORTATION IMPROVEMENTS  
FY12/13 - FY17/18**

**9. I-95 Interchange @ SJHP**

Ref. Transportation Improvement Program Project 426904-3

Project Description:

Design, ROW purchase, and construction of I-95 interchange at St. Johns Heritage Parkway and Micco Road.

Fiscal Year Ending Sept. 30, 2013	2014	2015	2016	2017	Total
State & Fed - Design	\$3,065,290				\$3,065,290
State & Fed - ROW	\$1,805,000				\$1,805,000
State & Fed - Construction		\$28,923,643			\$28,923,643
Total					\$33,793,933

**10. SR514 Malabar Road**

Ref. Transportation Improvement Program Project 430136-1

Project Description:

PD & E SR514 (Malabar Road) from Babcock Rd to US 1, length of 3.698 miles.

Fiscal Year Ending Sept. 30, 2013	2014	2015	2016	2017	Total
State & Local Match	\$1,017,030				\$1,017,030
Total					\$1,017,030

**11. I-95 from SR 406 to SR 44**

Ref. Transportation Improvement Program Project 406896-8

Project Description:

Widening of I-95 from SR406 to 0.5 miles north of SR44, length of 29.77 miles.

Fiscal Year Ending Sept. 30, 2013	2014	2015	2016	2017	Total
State & Local Match	\$78,780,666				\$78,780,666
State & Local Match		\$333,117			\$333,117
State & Local Match			\$43,992,443		\$43,992,443
Total					\$123,108,226

**12. SR507 (Babcock)**

Ref. Transportation Improvement Program Project 237650-2

Project Description:

Widening of roadway from Melbourne Rd to Fee Ave, length of .547 miles.

Fiscal Year Ending Sept. 30, 2013	2014	2015	2016	2017	Total
State & Local Match	\$4,594,068				\$4,594,068
Total		\$25,000			\$25,000
					\$4,619,068
					\$4,619,068

**SCHEDULE OF  
TRANSPORTATION IMPROVEMENTS  
FY12/13 - FY17/18**

**13. SR507/SR514 (Malabar Road) Ref. Transportation Improvement Program Project 237650-3**

Project Description:

Intersection re-construction at SR507 and SR514(Malabar Road).

<b>Fiscal Year Ending Sept. 30,</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
State & Local Match		\$64,020				\$64,020
Total						\$64,020

**14. SR507 Babcock Ref. Transportation Improvement Program Project 237650-6**

Project Description:

PD & E for widening of SR507 Babcock Rd from Malabar Rd to Palm Bay Rd., length of 2.528 miles.

<b>Fiscal Year Ending Sept. 30,</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
State & Local Match	\$46,694	\$400,000				\$446,694
Total						\$446,694

**15. Apollo Blvd Ref. Transportation Improvement Program Project 241241-1**

Project Description:

ROW acquisition and widening of Apollo Blvd from Sarno Rd to Eau Gallie Blvd, length of .865 miles.

<b>Fiscal Year Ending Sept. 30,</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
State & Local Match	\$2,278,940	\$16,113,608	\$72,896			\$18,465,444
Total						\$18,465,444

**16. SR528/SR401 Beachline/Port Canaveral - Advanced Traffic Management System (ATMS)**

Project Description:

Expand existing ATMS system to include SIS SR528 & SR401 and intersections.

<b>Fiscal Year Ending Sept. 30,</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2027</b>	<b>Total</b>
State & Local Match			\$905,512			\$905,512
Total						\$905,512

**17.a. SR3 Courtenay Parkway - Advanced Traffic Management System (ATMS)**

Project Description:

Expand existing ATMS system to include SR3 Courtenay Parkway from SR528 to Cone Road and intersections.

<b>Fiscal Year Ending Sept. 30,</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2027</b>	<b>Total</b>
State & Local Match			\$1,454,235			\$1,454,235
Total						\$1,454,235

**SCHEDULE OF  
TRANSPORTATION IMPROVEMENTS  
FY12/13 - FY17/18**

**17.b. SR3 Courtenay Parkway – Corridor Study**

**Project Description:**

The project consists of a corridor study of SR 3. This study will involve a community-based evaluation to determine how best to meet the needs of current and future users, and to establish a long-term plan to guide evolution of the corridor that appropriately correlates the balance between land use and transportation planning.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
State & Local Match	\$175,000				\$175,000
Total					\$175,000

**18. East C. Fla. Reg. Rail Trail      Ref. Transportation Improvement Program Project 424040-4**

**Project Description:**

Construction of regional trail facility from Kingman Rd to Volusia County, length of 12.8 miles.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
State & Local Match	\$3,939,522				\$3,939,522
Total					\$3,939,522

**19. Downtown Crossover Trail      Ref. Transportation Improvement Program Project 424040-6**

**Project Description:**

Construction of pedestrian overpass at SR406(Garden Street).

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
State & Local Match	\$3,631,000				\$3,631,000
Total					\$3,631,000

**SCHEDULE OF  
TRANSPORTATION IMPROVEMENTS  
FY12/13 - FY17/18**

**Transportation Improvements supported by binding Development Agreements**  
(These Improvements Are Not Shown on Transportation Improvements Map)

**20. Wickham Widening**

Project Description:

Widening of Wickham from Murrell Road to Lake Anderson. Binding DA with Viera Co.

Fiscal Year Ending Sept. 30,	2013	2014	2015	2016	2017	Total
Private Funding	\$6,000,000	\$3,400,000				\$9,400,000
Total						\$9,400,000

**21. Washingtonia Extension - PD & E**

Project Description:

PD&E for construction of new arterial roadway running parallel and west of I-95 connecting the future St. Johns Heritage Parkway to Stadium Blvd.

Fiscal Year Ending Sept. 30,	2013	2014	2015	2016	2017	Total
Private Funding		\$750,000	\$750,000			\$1,500,000
Total						\$1,500,000

**22. Washingtonia Extension - ROW & Construction**

Project Description:

Construction of new arterial roadway running parallel and west of I-95 connecting the future St. Johns Heritage Parkway to Stadium Blvd.

Fiscal Year Ending Sept. 30,	2013	2014	2015	2016	2017	Total
Private Funding				\$540,000	\$5,000,000	\$5,540,000
Total						\$5,540,000

**SCHEDULE OF  
TRANSPORTATION IMPROVEMENTS  
FY12/13 - FY17/18**

**Signalized Intersection Improvements**

(These Improvements Are Not Shown on Transportation Improvements Map)

**23. North Banana River Drive & Martin Blvd Intersection Improvements - Construction**

Project Description:

Intersection improvements including mast arm signalization, bicycle-pedestrian improvements including sidewalks, dedicated turn and stacking lanes at intersection, associated storm water.

Fiscal Year Ending Sept. 30, 2013	2014	2015	2016	2017	Total
FDOT Crash Safety	\$553,063				\$553,063
Total					

**24. S. Wickham Road & Stadium Parkway Intersection Improvements - Construction**

Project Description:

Intersection improvements including mast arm signalization, bicycle-pedestrian improvements including sidewalks, acceleration, dedicated turn and stacking lanes at intersection, associated storm water.

Fiscal Year Ending Sept. 30, 2013	2014	2015	2016	2017	Total
FDOT Crash Safety Funding		\$507,635			\$507,635
Total					

**SCHEDULE OF  
TRANSPORTATION IMPROVEMENTS  
FY12/13 - FY17/18**

**Long Term Transportation Improvements Related to Mass Transit**  
(These Improvements Are Not Shown on Transportation Improvements Map)

Due to the long term schedule of these improvements financial feasibility is not required to be demonstrated for transit projects 25. - 36.

**25. East-West Transit**

**Project Description:**

The project consists of east-west transit service between Lake Andrew Drive/Stadium Parkway and US 1.

Transit service may consist of increased bus frequency or premium transit on one or more of the following corridors: Viera Blvd., Wickham Rd., or Pineda Causeway.

The project is in addition to the following transit projects identified as part of the Transit Development Plan (TDP) for Space Coast Area Transit:

1. Express bus service along Wickham Road
2. Express bus service along SR 528
3. Bus circulator for Viera area

**Total**

**Source**

**26. North-South Transit**

**Project Description:**

The project consists of north-south transit service between SR 528 and Wickham Road/ Suntree Boulevard.

Transit service may consist of increased bus frequency or premium transit on one or more of the following corridors: US 1, Fiske Blvd./Stadium Pkwy., or Interstate 95.

The project is in addition to the following transit projects identified as part of the Transit Development Plan (TDP) for Space Coast Area Transit:

1. Increased frequencies and extended hours along Fiske Blvd. and Stadium Parkway
2. Increased frequencies and extended hours along US 1
3. Bus circulator for Viera area

**Total**

**Source**

**27. North-South Transit**

**Project Description:**

The project consists of north-south transit service between Wickham Road/ Suntree Boulevard and US 192.

Transit service may consist of increased bus frequency or premium transit on one or more of the following corridors: US 1, Wickham Road or Washingtonia Road Extension.



**SCHEDULE OF  
TRANSPORTATION IMPROVEMENTS  
FY12/13 - FY17/18**

The project is in addition to the following transit projects identified as part of the Transit Development Plan (TDP) for Space Coast Area Transit:

1. Express bus service along St. Johns Heritage Parkway
2. Express bus service along US 192
3. Bus circulator for Viera area

**Total**

**Source**

**28. Viera Bus Circulator**

**Project Description:**

The project consists of bus circulator service within the Viera area. This improvement is identified in the SCAT Transit Development Plan.

**Total**

**Source**

**29. Minton/Wickham Express Bus Service**

**Project Description:**

The project consists of express bus service along Wickham and Minton Roads. This improvement is identified in the SCAT Transit Development Plan.

**Total**

**Source**

**30. Minuteman Causeway Transit Circulator**

**Project Description:**

The project consists of bus circulator service along Minuteman Causeway between SR A1A on the east and Fairway Drive on the West. This improvement is identified in the SCAT Transit Development Plan.

**Total**

**Source**

**31. St. Johns Heritage Parkway Transit Service**

**Project Description:**

The project consists of bus service along St. Johns Heritage Parkway. This improvement is identified in the SCAT Transit Development Plan.

**Total**

**Source**

**32. SR 528 Express Bus Service**

**Project Description:**

The project consists of express bus service along SR 528. This improvement is identified in the SCAT Transit Development Plan.

**Total**

**Source**

**SCHEDULE OF  
TRANSPORTATION IMPROVEMENTS  
FY12/13 - FY17/18**

**33. US 192 Express Bus Service**

Project Description:

The project consists of express bus service along US 192. This improvement is identified in the SCAT Transit Development Plan.

**Source**

**Total**

**34. Advanced Traffic Management System (ATMS)**

Project Description:

Expand existing ATMS system to include additional County maintained roadways and intersections and traffic management center infrastructure.

Fiscal Year Ending Sept. 30, 2016	2017	2018	2019	2020	Total
		\$5,000,000			\$5,000,000
State & Local Match		\$5,000,000			\$5,000,000
Total					

**35. Babcock Street**

Project Description:

Babcock Street widening and intersection improvements from Malabar Road south to the County line. The project total includes design, ROW acquisition, and construction.

Fiscal Year Ending Sept. 30, 2016	2017	2018	2019	2020	Total
		\$60,000,000			\$60,000,000
State & Local Match		\$60,000,000			\$60,000,000
Total					

**36. Hollywood Blvd**

Project Description:

Widening of Hollywood Blvd with intersection improvements from US 192 to Palm Bay Road. The project total includes design costs, ROW acquisition, and construction.

Fiscal Year Ending Sept. 30, 2016	2017	2018	2019	2020	Total
		\$25,000,000			\$25,000,000
State & Local Match		\$25,000,000			\$25,000,000
Total					

**SCHEDULE OF  
POTABLE WATER/SANITARY SEWER IMPROVEMENTS  
FY12/13 - FY17/18**

**POTABLE WATER IMPROVEMENTS**

**1. Place Holder**

Project Description:

There are no projects in Potable Water & Sanitary Sewer Improvements Section at this time. Data & Analysis supports the maintenance of the LOS through the planning period.

Fiscal Year Ending Sept. 30,	2013	2014	2015	2016	2017	Total
Water / Waste Water O & M						
Total						

**SANITARY SEWER/RE-USE WATER IMPROVEMENTS**

**1. Viera DRI & South Central Regional Water Reclamation Facility Expansion**

Project Description:

Expansion of South Central Water Reclamation Facility to meet Viera DRI and central sewer service area growth. The current capacity of 5.5 mg will be expanded to a total of 9 mg in 2015 and 12 mg in 2025 to maintain level of service.

Fiscal Year Ending	Sept. 30, 2016	2017	Total
Water / Waste Water O & M			
Total	\$13,715,000	\$14,500,000	\$28,215,000

**2. Viera DRI Reclaimed Water Expansion**

Project Description:

Reclaimed water booster tank rehabilitation. The Viera DRI is within a Reclaimed Water Service Area. All wastewater produced in the Viera DRI is treated and returned as reclaimed water. At build-out total reclaimed water use is 6.23 mg.

Fiscal Year Ending	Sept. 30,	2018	2025	Total
Water / Waste Water O & M		\$1,000,000		\$1,000,000
Total				\$1,000,000

**SCHEDULE OF  
SOLID WASTE & HAZARDOUS MATERIALS IMPROVEMENTS  
FY12/13 – FY17/18**

**1. North Disposal Facility**  
**Titusville Transfer Station Land Acquisition** **Ch. 8 Solid Waste Mngt Obj. 2 Policy 2.1**

**Project Description:**  
Purchase of approximately 80 acres of land located between Mockingbird Mulching Facility and the current Titusville transfer station for future expansion of the mulching facility and for future relocation of the Titusville Transfer Station. The property will be purchased when and if it becomes available.

<b>Fiscal Year Ending Sept. 30,</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Disposal Assessment				\$2,055,000		\$ 2,055,000
Impact Fees						
Sale of Assets, Bonds						\$ 2,055,000
<b>Total</b>						

**2. Central Disposal Facility**  
**Central Disposal Facility – Wetland Permitting CH 8 Solid Waste Mngt. Obj. 5 Policy 5.1**

**Project Description:**  
This project is the mitigation design and wetland permitting of approximately 85 acres at the Central Disposal Facility. There have been some delays in the project due to permitting and mitigation issues that needed to be resolved with FDEP. In addition, some aspects of this project, such as borrow pits, are not needed at this time and will better serve the Department by being delayed. The project, approved by the Board in August 1998 as part of the recommended Solid Waste Master CIP Plan covering a 25 year planning period. This project is scheduled to be completed in 2017.

<b>Fiscal Year Ending Sept. 30,</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Disposal Assessment		\$550,000	\$1,915,000	\$999,000	\$800,000	\$4,264,000
Impact Fees						
Sale of Assets, Bonds						\$4,264,000
<b>Total</b>						

**Central Disposal Facility – S. Landfill Expansion PH1** **Ch. 8 Solid Waste Mngt. Obj. 5 Policy 5.1**

**Project Description:**  
This project consists of the development and construction of additional Class I landfill cells (space) at the Central Disposal Facility. With the expansion of the site, the Department will be able to meet the disposal needs of the County for the next twenty-five years. The timing of this project for commencing construction will be dependent on the flow of solid waste that this facility receives. With the state of the economy, the start of construction will be dependent on the date of closure of the existing landfill. This is an eight year project, approved by the Board in August 1998 as part of the recommended Solid Waste

**SCHEDULE OF  
SOLID WASTE & HAZARDOUS MATERIALS IMPROVEMENTS  
FY12/13 – FY17/18**

Master CIP Plan covering a 25 year planning period. This project is scheduled to be completed in September 2016.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Disposal Assessment	\$4,450,000	\$5,391,000	\$4,950,000		\$3,757,000
Impact Fees					\$ 513,000
Sale of Assets, Bonds		\$12,000,000			\$12,000,000
<b>Total</b>					<b>\$26,791,000</b>

**Central Disposal Facility – Slurry Wall Final Closure Ch. 8 Solid Waste Mngt. Obj. 5 Policy 5.1**

Project Description:

This project consists of the final closure of a slurry wall at the Central Disposal Facility.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Disposal Assessment	\$310,000				\$310,000
Impact Fees					
Sale of Assets, Bonds	\$9,900,000	\$9,900,000		\$33,910,000	\$53,710,000
<b>Total</b>					<b>\$54,020,000</b>

**Central Disposal Facility – Scale House and Entrance Road Ch. 8 Solid Waste Mngt. Obj. 5 Policy 5.1**

Project Description:

This project consists of the development and construction of a scale house and entrance road at the Central Disposal Facility.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Disposal Assessment	\$4,300,000	\$1,080,000			\$5,380,000
Impact Fees					
Sale of Assets, Bonds					\$ 5,380,000
<b>Total</b>					

**Central Disposal Facility – Property Expansion Ch. 8 Solid Waste Mngt. Obj. 5 Policy 5.1**

Project Description:

This project consists of property expansion to provide a buffer at the Central Disposal Facility.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Disposal Assessment	\$225,000	\$225,000			\$ 550,000
Impact Fees					
Sale of Assets, Bonds					\$ 550,000
<b>Total</b>					

**SCHEDULE OF  
SOLID WASTE & HAZARDOUS MATERIALS IMPROVEMENTS  
FY12/13 – FY17/18**

**3. Sarno Disposal Facility**

3. Sarno Disposal Facility

Pretreatment System for Sarno Rd Landfill		CH 8 Solid Waste Mngt. Obj. 1 Policy 1.1				
Project Description: The Solid Waste Management Department's Sarno Road Landfill Pretreatment System will remove excessive Carbon Biological Oxygen Demand (CBOD) in the leachate from the transfer station and excessive suspended solids. Not currently funded as a capital project.						
Fiscal Year Ending Sept. 30, 2013	2014	2015	2016	2017	Total	
Disposal Assessment					\$0	
Impact Fees						
Sale of Assets, Bonds					\$0	
Total						

**4. South County Disposal Facility**

4. South County

S. County Transfer Station – Land Purchase		Ch. 8 Solid Waste Mngt. Obj. 9 Policy 9.2				
Project Description: This project is to locate and purchase a site for a future south county solid waste transfer station. This is a multi-year project, approved by the Board in August 1998 as part of the recommended Solid Waste Master CIP Plan covering a 25 planning period. It was originally budgeted in Fiscal Year 2001-2002, but due to unforeseen delays it was not completed and is now scheduled to be completed by September 2014.						
Fiscal Year Ending Sept. 30,	2013	2014	2015	2016	2017	Total
Disposal Assessment		\$5,842,518				\$5,842,518
Impact Fees						
Sale of Assets, Bonds						\$5,842,518
Total						

**U.S. 192 Site - South County SWMF PH1, 40 acres, Class III Landfill** **Ch. 8 Solid Waste Mngt. Obj.5 Policy 5.2 & 5.3**

<b>Project Description:</b> This project provides for the initial permitting and master plan for the build-out of a Class I and Class III landfill with ancillary facilities located at the U.S. 192 site as identified within the master plan.						
<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>	
Disposal Assessment	\$1,525,000	\$775,000	\$750,000		\$3,050,000	

**SCHEDULE OF  
SOLID WASTE & HAZARDOUS MATERIALS IMPROVEMENTS  
FY12/13 – FY17/18**

Impact Fees

Sale of Assets, Bonds	\$9,900,000	\$9,900,000	\$19,800,000
Total			\$22,850,000

## **SURFACE WATER/WATER SHED IMPROVEMENTS**

### **1. Fay Lake - Phase 1**

#### **Ch. 2 Surface Water Obj. 1 Policy 1.5(A)**

##### **Project Description:**

This project includes design and construction of a diversion of the West Port St. John outfalls into Fay Lake, which will serve as a regional stormwater treatment pond. This project will provide improved water quality for the St. Johns River and reduced flooding in the Port St. John area. This project was approved by the Board of County Commissioners in September 2000. Project implementation was delayed to allow for completion of the Chain of Lakes Project. In order to resume progress for the Fay Lake project staff plans to divide it into 3 phases and seek grants to leverage stormwater assessments to fund construction of Phase I in FY 14-15 and FY 15-16.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Stormwater Assess.	\$20,000	\$175,000	\$150,000		\$ 450,000
Total					\$ 450,000

### **2. Breezeway**

#### **Ch2 Surface Water Obj. 4 Policy 4.6**

##### **Project Description:**

Breezeway is an older development located between US1 and the Florida East Coast Railroad north of SR528. The area has an inadequate drainage system causing flooding of roadways and private property. This project consists of upgrading the existing drainage system to reduce flooding by installing an exfiltration system. Total project cost is estimated at \$150,000. Survey design and permitting will be accomplished FY 12-13. Construction will take place early FY13-14.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Stormwater Assess.	\$150,000				\$ 150,000
Total					\$ 150,000

### **3. Hall Road Pump Station**

#### **Ch. 2 Surface Water Obj. 3 Policy 3.4**

##### **Project Description:**

Staff conducted a drainage study for unincorporated area of North Merritt Island located east of State Road 3, south of Crisafulli Road, and north of State Road 528, and including property that extends across Kennedy Space Center (KSC) property. This drainage area has incurred significant flooding events on several occasions, most recently during T.S. Fay in 2008 when multiple homes experienced finished floor flooding and streets were impassable for days. The drainage study assessed the potential of reconnecting agricultural drainage ditches that drained to the Banana River prior to creation of the space program. Potential reconnections were modeled to ensure that no adverse flooding or other negative impacts would result from the proposed improvements. The most cost effective improvement identified was addition of a pump at Hall Road. Cost is estimated at \$880K. Matching funds will be sought to fully fund this project.



**4. Fortenberry Road/Parcel****Ch. 2 Surface Water Obj. 3 Policy 3.5****Project Description:**

This project involves the construction of a 26-acre +/- regional stormwater treatment pond on Merritt Island in 3 phases. In September 2009, Brevard County purchased a 50-acre parcel from Pulte Homes to develop a regional stormwater management system in an effort to provide water quality treatment for nearly 170 commercially developed acres along the south side of SR 520. The first phase of construction began in FY 2010-11. The second phrase began in FY11-12, the third phrase will be funded with commercial paper and is anticipated to be done before the end of FY12-13.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Stormwater Assess.	\$3,000,000				\$3,000,000
Total					\$3,000,000

**5. N. Merritt Island Improv.–Pine Island Phases 1 & 2****Project Description:**

This project will improve water quality to the Indian River Lagoon and reduce the duration of flooding within the North Merritt Island drainage basin. The project is divided into two phases that include modification of two existing borrow pits on Pine Island. The land is owned by the St. Johns River Water Management District and the Brevard County Environmentally Endangered Lands program. Phase I involved the expansion and regrading of the north borrow pit, installation of the first pump, and fabrication of a diversion weir within the Pine Island Road ditch to redirect stormwater water runoff into the borrow pit for water quality treatment. A \$500,000 FDEP grant was received in 2010 and a \$377,000 grant was secured in 2011 to fund almost 50% of the Phase I construction costs. Construction was completed in FY 11-12.

The Phase II portion of the North Merritt Island Pine Island improvements will provide additional water quality improvements to the Indian River Lagoon and reduce the duration of flooding within the North Merritt Island drainage basin. Phase II includes regrading the south borrow pit and the installation of the second of two pumps to divert additional flow to the south borrow pit from the Pine Island Road drainage ditch. The storage within the south borrow pit will provide additional attenuation and pollution abatement prior to discharging to the Indian River. The County received a FDEP 319 grant to cover 50% of the estimated total construction cost, roughly \$1.6 million for Phase II construction. Without cost-sharing and/or a grant, Phase II cannot be completed prior to FY2014/2015.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Stormwater Assess.	\$1,600,000				\$1,600,000
FDEP	\$1,700,000				\$1,700,000
Total					\$3,300,000

## **6. West Cocoa Drainage Improvements Ch 2 Surface Water Obj. 3 Policy 3.5**

### **Project Description:**

This project consists of multiple phases. The first was preliminary design and permitting of obvious roadway drainage system improvements along sections of Range, Cox and Pluckebaum Roads. Stormwater funds were used for this. Next, construction of the new Lake and Range intersection culverts was completed in FY 09-10 using Local Option Gas Tax [LOGT] bond proceeds. Stormwater funds were used to complete a basin-wide hydrologic and hydraulic study necessary to qualify projects for federal grant assistance. Housing & Human Services has a CDBG grant to fund \$3.7M of critical improvements along the Lake Drive ditch and the "A" Lane ditch in FY 10/11 through FY 12/13 agreement increased available funds by \$2,100,000. The County has received FEMA grants of \$807,000 for additional drainage upgrades. Construction is proceeding along 4 major drainage corridors.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Stormwater Assess.	\$400,000				\$ 400,000
Grant	\$6,200,000				\$6,200,000
Total					\$6,600,000

## **7. Upper Eau Gallie – Lake Washington Cons Ch2 Surface Water Obj 1 Policy 1.8/Obj. 3 Policy 3.5**

### **Project Description:**

This project completes implementation of most of the \$3.3 million Upper Eau Gallie Masterplan for drainage improvements west of Turtlemound Road. The project upgraded culverts along Post Road, Harlock Road, Parkway Drive and Lake Washington Road in 2009. It also installed a new box culvert under Lake Washington Road and one lane of Bahia Lane connecting the Lake Washington Road ditch to a canal to the south. Construction of this project was largely funded with Constitutional Gas Tax [CGT] bond proceeds. This project began in FY07-08 and was mostly completed in FY08-09. Improvements at Lake Washington Road, Washingtonia Drive intersection was delayed by utility conflicts and Department of Transportation's [FDOT] conflicting work at the adjacent I-95 overpass. Improvements of this final intersection are expected to be permitted in July, bid in August, and constructed in FY12-13.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Stormwater Assess.	\$383,000				\$ 383,000
Total					\$ 383,000

## **8. Beach Outfalls – Pineda Causeway Ch. 2 Surface Water Obj. 1 Policy 1.5(A)**

### **Project Description:**

The Brevard County Beach Outfalls Removal Feasibility Study completed in FY06-07 determined that it is not feasible to remove any of the 17 existing stormwater outfalls to the beach, but modifications could be made to many of the outfalls to reduce stormwater discharge. Most of these outfalls are in easements or right-of-ways of the FDOT and/or municipalities. The FY 12-13 budget anticipates cooperation with FDOT, PAFB, FDEP and/or NOAA to fund construction of exfiltration systems for Outfall No. 17, which handles drainage from Pineda Causeway and A1A. The FY 13-14 expenditure anticipates similar

cooperation to install a dry retention system near the intersection of A1A and Patrick Drive to retrofit No. 14. These projects will support beach renourishment permitting requirements. Outfalls No. 15 and 16 are privately owned, with small drainage areas, and retrofitting them is the responsibility of the property owner.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Stormwater Assess.	\$211,500	\$66,000			\$ 277,500
<b>Total</b>					<b>\$ 277,500</b>

#### **9. Sarno Lakes-East Ch. 2 Surface Water Obj. 1 Policy 1.8/Obj. 3 Policy 3.5**

##### **Project Description:**

This project addresses some water quality and quantity improvements that are recommended in the Sarno master drainage plan. During Tropical Storm Fay, the Sarno drainage basin and the adjacent Upper Eau Gallie [UEG] drainage basin were hydraulically connected via significant sheet flow over Lake Washington Road. Using a FEMA grant and Stormwater Assessments, a consultant was contracted in FY08-09 to update and revise the basin models to correct for this connection and re-prioritize the flood improvements. CGT funds, Stormwater Assessments, and a FEMA grant are funding construction of improvements in FY 12-13. This project consists of upgrading ditches and culverts in the Harlock Road, Aurora Road, White Road and Carolwood Road areas and improving flow under I-95. It will divert westward flows to the retention basin constructed in the Sarno Lakes-Phase I project and will reduce flooding in the area.

<b>Fiscal Year Ending Sept. 30, 2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Total</b>
Stormwater Assess.	\$1,100,000	\$150,000			\$ 1,250,000
FEMA Grant	\$40,000				\$40,000
Gas Tax [CGT]	\$ 570,000				\$ 570,000
<b>Total</b>	<b>\$ 1,710,000</b>	<b>\$150,000</b>			<b>\$ 1,860,000</b>

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Stormwater Assess.	\$280,000				\$ 280,000
FEMA Grant	\$3,240,00				\$3,240,000
Gas Tax [CGT]	\$1,700,000				\$1,700,000
<b>Total</b>					<b>\$ 5,220,000</b>

#### **10. Pines Industrial Pond (Barnes) Ch. 2 Surface Water Obj. 3 Policy 3.5**

##### **Project Description:**

This project consists of the design of a 6.5 acre retention pond between Pines Industrial Park and East Coast Railroad. Land has already been purchased for this project at a cost of \$188,000. It will provide treatment for the reconstructed Barnes Boulevard-US1 Intersection and the Pines Industrial Park. It may also help to reduce flooding in the area. Construction funds must accrue for several years during which design and permitting will proceed and grants will be sought to leverage local funds.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Stormwater Assess.	\$300,000	\$200,000			\$ 500,000

Total	\$ 500,000
-------	------------

#### **11. Upper Eau Gallie (UEG) Culvert Improvements Ch. 2 Surface Water Obj. 3 Policy 3.5**

##### **Project Description:**

This project is part of the Upper Eau Gallie Masterplan approved in May 1997 and consists of culvert replacements in the Aurora Road and South Turtlemound Road area. The purpose of this project is to reduce flooding in the area. Using a FEMA grant and Stormwater Assessment revenues, a consultant was tasked in FY08-09 to update and revise the Upper Eau Gallie [UEG] and Sarno Masterplans and re-prioritize the flood improvements. Available bond proceeds from Constitutional Gas Tax and Stormwater Utility revenues were used to complete design in FY10-11. Brevard County's 25% match of a possible FEMA grant is budgeted for FY11-12 based on a construction cost estimate (without water quality treatment) of \$870,000.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Stormwater Assess.	\$220,000				\$220,000
City	\$250,000				\$250,000
Grant	\$1,200,000				\$1,200,000
Total					\$1,670,000

#### **12. Lamplighter/Upper Crane Creek – Phase I Ch. 2 Surface Water Obj. 1 Policy 1.5(A)**

##### **Project Description:**

This project is part of the multi-phase Crane Creek-Hickory Ditch Masterplan. It includes installation of three 48" culverts under I-95 to be constructed in summer-fall, 2009, associated upstream and downstream conveyance improvements and an approximately 30 acre stormwater treatment pond located east of I-95 and north of Lamplighter Village. The conveyance improvements are anticipated to reduce peak flood elevations by 24" during 100 year storm events. The pond will provide treatment of runoff from approximately 350 acres of older development in the John Rodes Boulevard, Sarno Road, Ellis Road area prior to discharge to the St. Johns River. This project was expedited to begin construction of the I-95 culverts in summer, 2009, with the remaining improvements to follow in FY 12-13. Stormwater Assessments funds have been allocated to match the anticipated FEMA construction grant covering 75% of the project costs.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Stormwater Assess.	\$ 700,000				\$ 700,000
Total	\$700,000				\$ 700,000

### **RECREATION AND OPEN SPACE IMPROVEMENTS**

#### **1. Brevard Zoo**

##### **Project Description:**

This referendum project involves the development of an 8' x 10' wide bicycle/pedestrian path with trail heads from the Brevard Zoo to the Pineda Extension. This project was voter approved in November 2000 and reaffirmed by voters in November 2006. Anticipated completion date will be 2013. This

project is fully funded.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Bond Proceeds	\$2,651,448				\$2,651,448
Total	\$2,651,448				\$2,651,448

## **2. Sandpoint Park/Causeway Site Improvements**

### **Project Description:**

This referendum project involves the development of an area for relaxation and social gathering along the Max Brewer Causeway. The improvements will include five small covered picnic tables, a 40' x 30' pavilion, shoreline stabilization, landscaping, lighting, a bike path and parking improvements. This project was voter approved in November 2000 and reaffirmed by voters in November 2006. Anticipated date of completion for this project is 2013. This project is fully funded.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Bond Proceeds	\$536,829				\$536,829
Total	\$536,829				\$536,829

## **3. Chain of Lakes Development**

### **Project Description:**

This project is the development of the new entrance road into the Chain of Lakes Park. This project was voter approved in November 2000 and reaffirmed by voters in November 2006. Anticipated date of completion for this project is 2013. This project is fully funded.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Bond Proceeds	\$1,000,000				\$1,000,000
Total	\$1,000,000				\$1,000,000

## **4. Holder Park Prefab Restroom**

### **Project Description:**

This project is to replace the existing restroom that services the playground, pavilion and basketball court at Holder Park with a prefabricated concrete restroom that meets ADA requirements.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Balance Forward	\$50,000				\$50,000
Total	\$50,000				\$50,000

## **5. Kelly Park Improvements**

### **Project Description:**

This project is to replace approximately 400 linear feet of seawall and stationary dock and to construct a floating dock at Kelly Park East. This project is fully funded through the Brevard Boating Improvement Program (BBIP) and Florida Inland Navigation District (FIND) Grant funds. This project is anticipated

to be completed by early 2013.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
BBIP	\$336,053				\$336,053
FIND Grant	\$148,750				\$148,750
Total	\$514,803				\$514,803

#### **6. Land Acquisition - EELs**

##### **Project Description:**

Purchase of environmentally endangered lands is authorized by the 1990 EEL Program referendum and the 2005 EEL Program Referendum recommended by the EEL Selection and Management Committee. Funding is provided from the approved 2005 EEL referendum, and the United States Air Force cooperative agreement. The program is attempting to purchase landlocked and boundary properties within existing EEL manual areas. This project is fully funded and is anticipated to be completed by September of 2013.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Bond Proceeds	\$1,851,480				\$1,851,480
Total	\$1,851,480				\$1,851,480

#### **7. Manatee Hammock Roadway Repaving**

##### **Project Description:**

This project is to replace the existing road surface by first milling and road leveling followed by asphalt. This project will be done over several years with the work being performed during the summer, which is the campground's slow season. Once this project is completed the patrons at the campground will have a new, safer surface for bicycling, walking and driving in the campground.

Fiscal Year Ending Sept. 30,	2013	2014	2015	2016	2017	Total
Balance Forward	\$14,404	\$100,000	\$100,000	\$100,000	\$100,000	\$511,404
Charge for Services	\$60,000	\$50,000	\$50,000	\$50,000	\$50,000	\$260,000
Total	\$171,404	\$150,000	\$150,000	\$150,000	\$150,000	\$771,404

#### **8. Manatee Hammock Prefab Restroom**

##### **Project Description:**

This project is to install a prefabricated restroom and shower that is ADA compliant to service the swimming pool area. This will help bring the campground facilities up to ADA compliance.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Balance Forward	\$145,000				\$145,000
Total	\$145,000				\$145,000

#### **9. North Brevard Senior Center Expansion**

**Project Description:**

This referendum project involves a boardwalk with a gazebo and a retention area. The City of Titusville has agreed to reimburse Brevard County with \$1,464,047 for the retention area. Anticipated date of completion for this project is 2013. This project is fully funded.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Bond Proceeds	\$140,801				\$140,801
City of Titusville	\$634,024				\$634,024
District 1 MSTU	\$42,000				\$42,000
<b>Total</b>	<b>\$816,825</b>				<b>\$816,825</b>

**10. Sandpoint Park Prefab Restroom – Southeast Corner**

**Project Description:**

This project is to install a multi-user, prefab concrete, ADA accessible restroom closer to the new Max Brewer Memorial Bridge. This restroom will service the groups of people that exercise in the southern end of the park, people that walk the bridge, and patrons that will utilize three new large pavilions being installed, funded by the Florida Department of Transportation.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Balance Forward	\$145,000				\$145,000
<b>Total</b>	<b>\$145,000</b>				<b>\$145,000</b>

**11. Sandpoint Park Prefab Restroom – Northeast Corner**

**Project Description:**

This project is to replace the existing restroom that services several pavilions along the northern river edge at the point of Sand Point Park with a prefabricated concrete restroom that meets ADA requirements.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Balance Forward	\$50,000				\$50,000
<b>Total</b>	<b>\$50,000</b>				<b>\$50,000</b>

**12. Savannahs Golf Course Irrigation System**

**Project Description:**

Materials and installation of irrigation piping, sprinkler heads, and new Central Controller for the entire golf course. The project will eliminate the need for continuous repairs to the irrigation system at the golf course.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Balance Forward – User Fees	\$1,035,186				\$1,035,186
<b>Total</b>	<b>\$1,035,186</b>				<b>\$1,035,186</b>

**13. Scottsmoor Flatwoods Sanctuary Fencing****Project Description:**

Perimeter fencing of approximately 14,500 linear feet is required for the western portion of the Scottsmoor Sanctuary which was purchased in 2008 to provide site security.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Bond Proceeds	\$88,000				\$88,000
Total	\$88,000				\$88,000

**14. Veterans Memorial****Project Description:**

This referendum project involves the development of 48.53 acres to add amenities such as a trailhead, fishing pier, pavilion, extensive natural trails, non-motorized boat ramp, wildlife observation tower, extend sidewalks, horseshoe pits, educational kiosk & signage, benches, parking lot handicap accessible, saltwater and freshwater wetlands, and storm water/flood storage pond. Funding for this project is from a Florida Communities Trust grant that was accepted by the Board of County Commissioners Chairman on December 28, 2011. Anticipated completion date will be 2013. This project is fully funded.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
FCT Grant	\$800,000				\$800,000
Total	\$800,000				\$800,000

**15. Wickham Park****Project Description:**

This referendum project involves the development of camping areas, youth camping area, parking, a visitor center, upgrades to the main pavilion, roadway, pedway and other site improvements. This project was voter approved in November 2000 and reaffirmed by voters in November 2006. Anticipated completion date of project is 2013. This project is fully funded.

<b>Fiscal Year Ending Sept. 30, 2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Bond Proceeds	\$2,043,414				\$2,043,414
Total	\$2,043,414				\$2,043,414

**Policy 1.1****G. Public Schools**

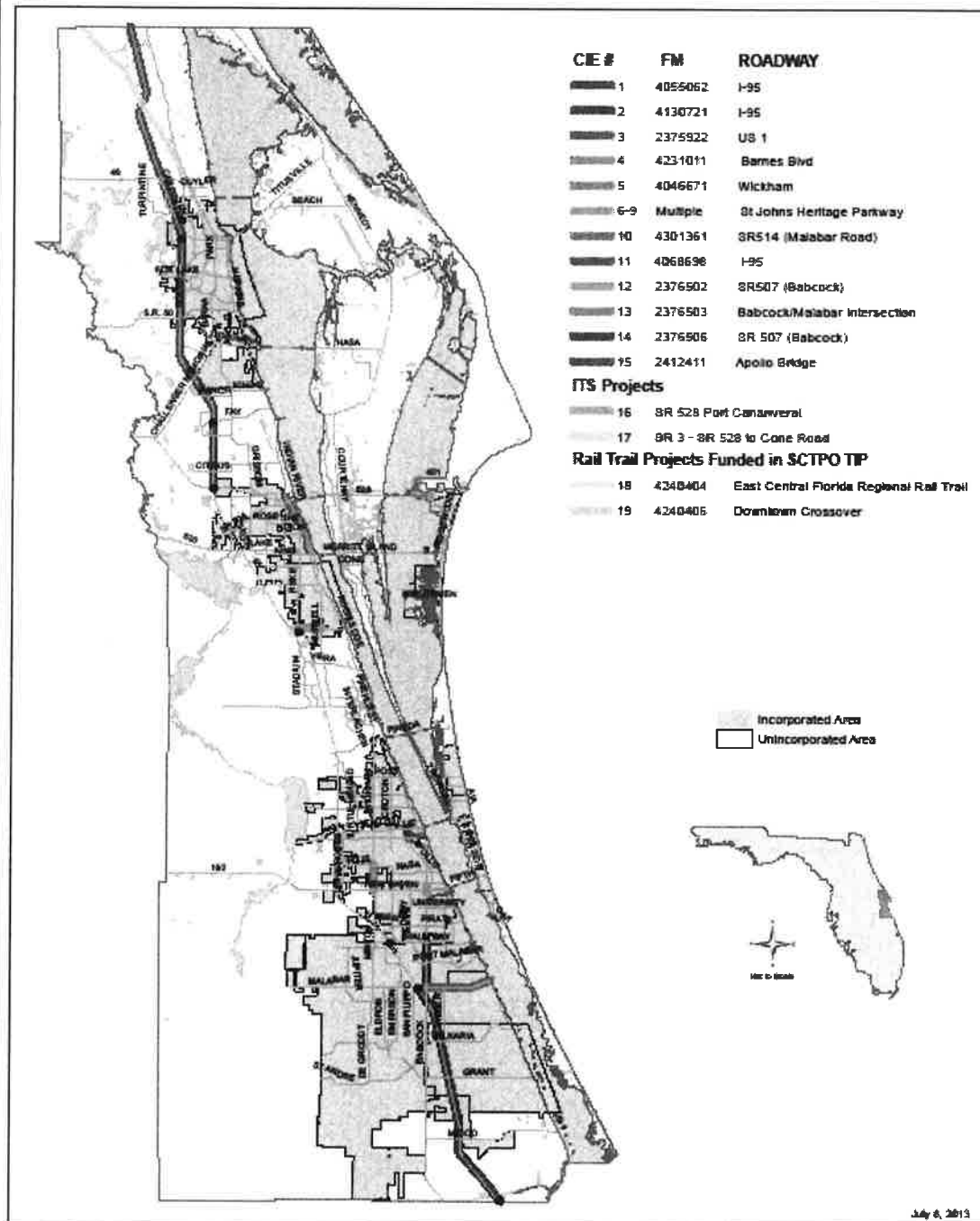
By December 1 of each year, Brevard County shall adopt as part of its Capital Improvement Element the School Board of Brevard County's Five Year Work Program. Brevard County hereby adopts by reference the School Board of Brevard County's Five-Year Work Program for the planning period, 2012/13 through 2016/17 the School District Program approved on September 25, 2012 as part of the School District budget, is adopted, including planned facilities and funding sources to ensure a financially feasible



capital improvements program and to ensure the level of service standards will be achieved by the end of the five-year period.



## Brevard County - Comprehensive Plan

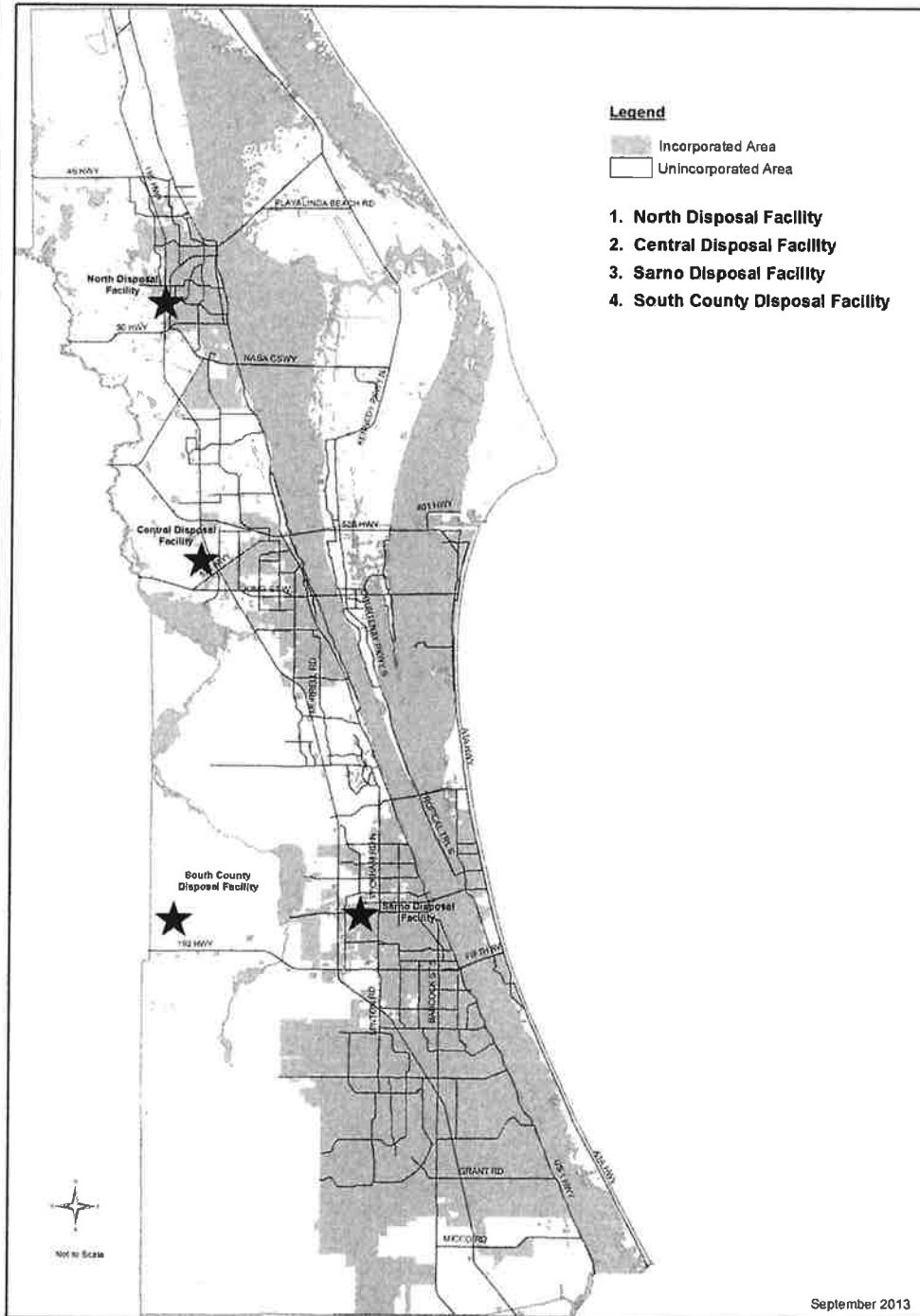


**Transportation Improvements  
Project Location Map**

CIE Update FY12/13 - FY17/18



## Brevard County - Comprehensive Plan

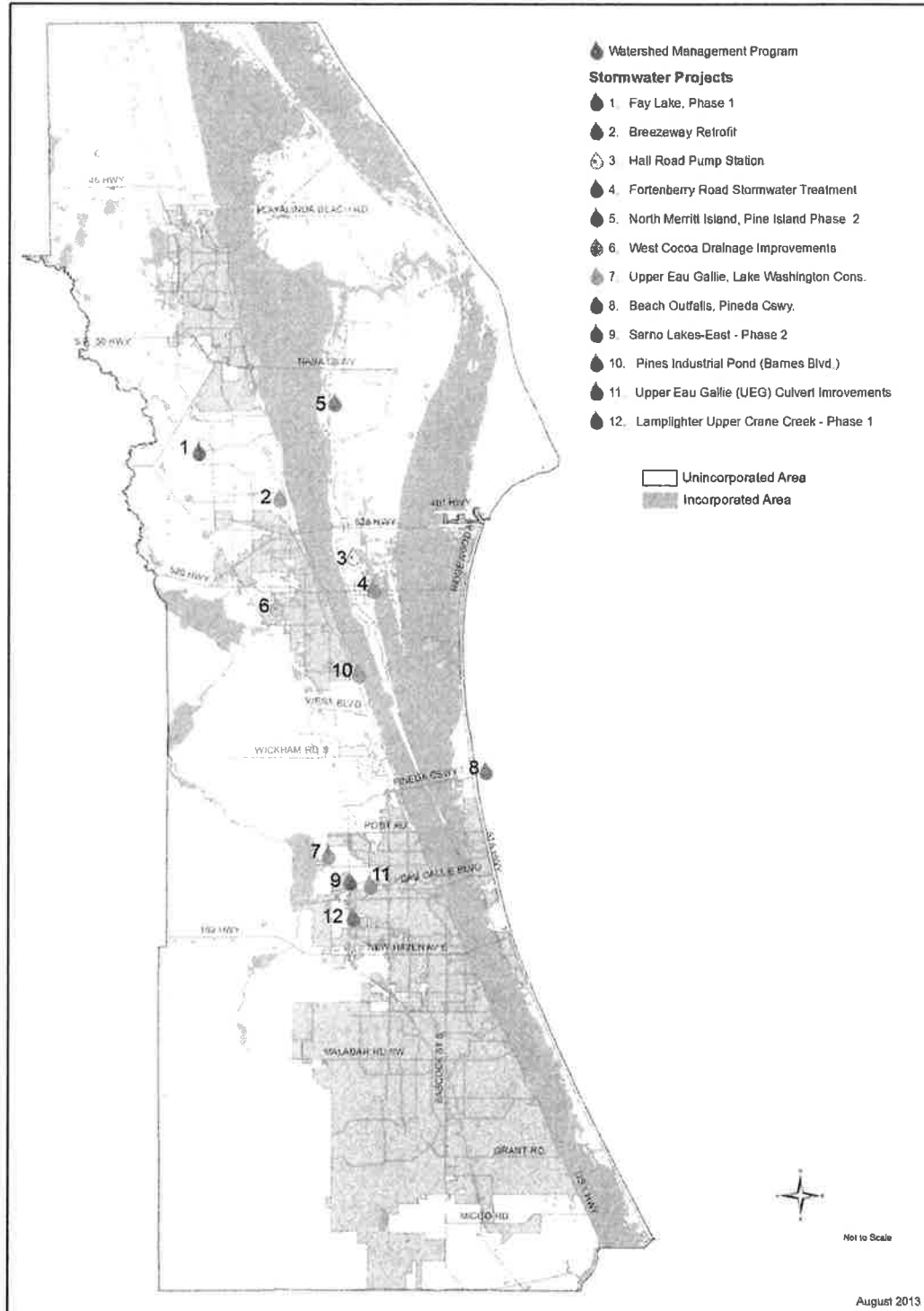


### Solid Waste & Hazardous Materials Improvements Project Location Map

CIE Update FY12/13 - FY17/18



## Brevard County - Comprehensive Plan

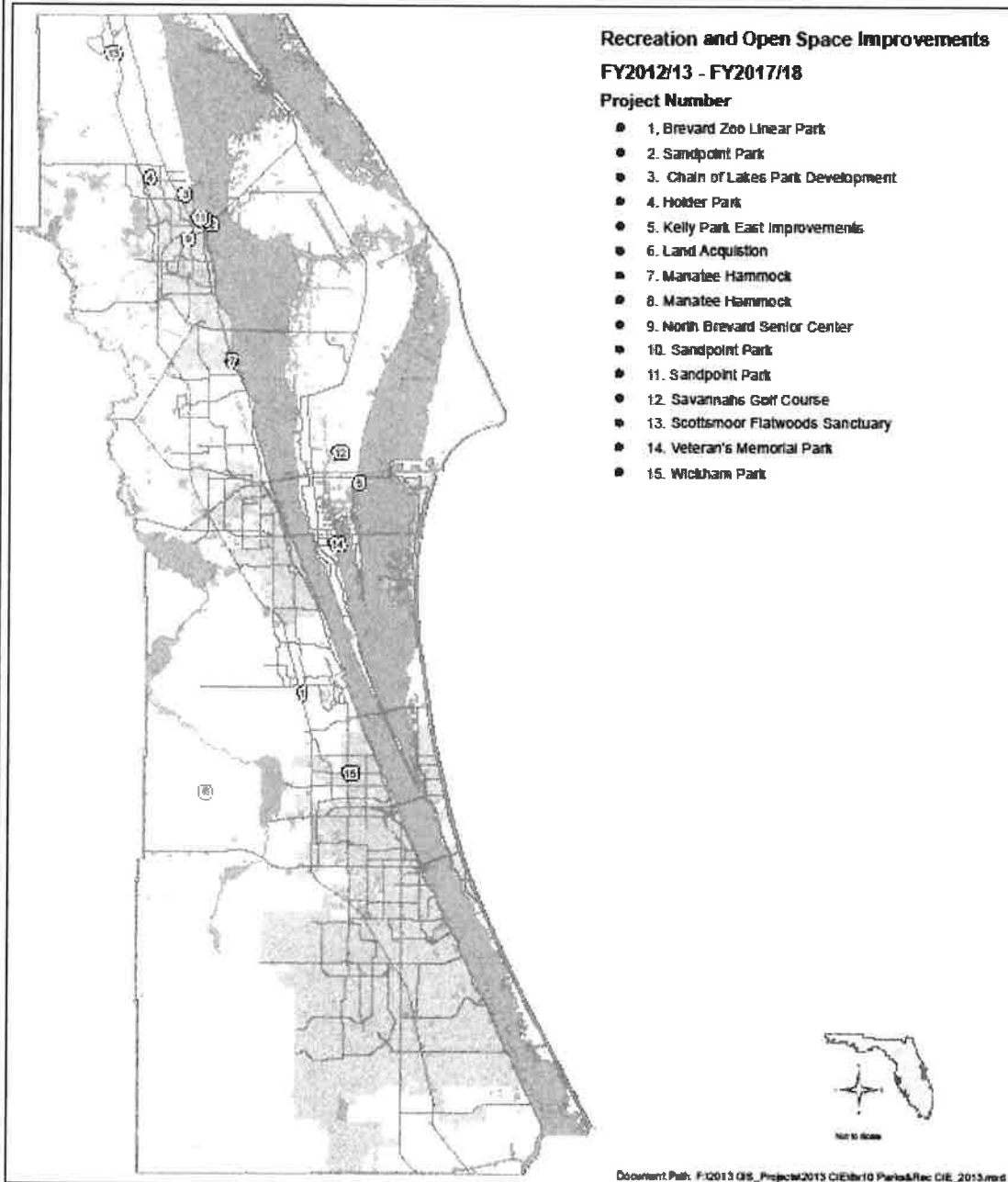


### Surface Water/Watershed Management Improvements Project Location Map

CIE Update FY12/13 - FY17/18



## Brevard County - Comprehensive Plan



**Recreation & Open Space Improvements  
Project Location Map**

CIE Update FY12/13 - FY17/18

~~BREVARD COUNTY COMPREHENSIVE PLAN~~  
CHAPTER XIV

PUBLIC SCHOOL FACILITIES ELEMENT

## TABLE OF CONTENTS

Concurrency Management System.....	3
School Concurrency Evaluation.....	5
New Facilities Coordination.....	9
Annual Updates.....	10
APPENDIX.....	12

## GOAL, OBJECTIVES, AND POLICIES

### **GOAL**

TO PROVIDE A PUBLIC SCHOOL SYSTEM THAT OFFERS A HIGH QUALITY EDUCATIONAL ENVIRONMENT, PROVIDES ACCESSIBILITY FOR ALL OF ITS STUDENTS, AND ENSURES ADEQUATE SCHOOL CAPACITY TO ACCOMMODATE ENROLLMENT DEMAND WITHIN A FINANCIALLY FEASIBLE SCHOOL DISTRICT'S FIVE-YEAR CAPITAL FACILITIES WORK PROGRAM.

### **Concurrency Management System**

#### **Concurrency Management System**

Maintain adequate school facilities in Brevard County Schools by adopting a concurrency management system to address the need for correction of school facility deficiencies through a tiered level of service for the short and long term planning periods.

#### **Policy 1.1**

Brevard County hereby adopts the following Level of Service (LOS) standards for public schools, based upon Florida Inventory of School Houses (FISH) capacity.

**Table 14-1**

<u>LEVEL OF SERVICE</u>					
<u>Facility Type</u>	<u>LOS</u>				
<u>Elementary Schools</u>	<u>100%</u>				
<u>Middle Schools</u>	<u>100%</u>				
<u>Junior / Senior High Schools</u>	<u>100%</u>				
<u>High Schools</u>	<u>100%</u>				

#### **Policy 1.2**

Brevard County hereby adopts the School Board's current public school attendance boundaries, as the Concurrency Service Areas (CSA).

#### **Policy 1.3**



Concurrency shall be measured and applied using a geographic area known as a Concurrency Service Area (CSA) which shall coincide with the school attendance boundaries, as adopted by the School District. The following procedures shall be used for modifying a CSA map:

**Criteria:**

- A. The School District will transmit a proposed CSA map modification with data and analysis to support the change to the Cities, the County, and the Capital Outlay Committee (COC). Any proposed change to a CSA shall require a demonstration by the School District that the change complies with the public school LOS standard and that utilization of school capacity is maximized to the greatest extent possible.

The utilization of school capacity will be maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans and other relevant factors.

- B. Brevard County and the COC will review the proposed modification of the CSA and send their comments to the School District within 30 days of receipt of the proposed change.
- C. The modification of a CSA shall be effective upon adoption by the School Board.

**Policy 1.4**

The Parties shall observe the following process for changes in the use of schools:

**Criteria:**

- A. At such time as the School District determines that a school change is appropriate considering the appropriate use of the school and utilization requirements, the School District shall transmit the proposed school change in use and data and analysis to support the changes to the Capital Outlay Committee and the Staff Working Group.
- B. The Capital Outlay Committee and the Staff Working Group shall review the proposed changes to the school use and send their comments to the School District within forty five (45) days of receipt.
- C. The change in school use shall become effective upon final approval by the School Board.

## School Concurrency Evaluation

### **School Concurrency Evaluation**

Brevard County shall ensure a school concurrency evaluation shall be performed by the Brevard County School District to review projected residential development in order to accommodate new students at the adopted level of service for adequate school facility capacity.

#### **Policy 2.1**

Brevard County shall not approve any non-exempt residential development application for a residential land use change, zoning change, or functional equivalent that increases the potential residential development rights until a School Impact Analysis (SIA) has been undertaken resulting in a Capacity Determination Letter issued by the School Board to Brevard County indicating that adequate school facilities exist.

#### **Policy 2.2**

Brevard County shall not approve any non-exempt residential development application for a new residential preliminary plat, site plan or functional equivalent until a School Impact Analysis (SIA) has been undertaken resulting in a School Capacity Availability Determination Letter (SCADL) issued by the School Board to Brevard County indicating that adequate school facilities have been reserved to accommodate the impacts of the development.

#### **Policy 2.3**

Brevard County shall consider the following criteria to exempt residential uses from the requirements of school concurrency:

##### **Criteria:**

- A. All single family lots of record at the time the School Concurrency implementing ordinance became effective.
- B. Any new residential development that has an unexpired preliminary plat or site plan approval or the functional equivalent for a site specific development order prior to the commencement date of the School Concurrency Program.
- C. Any amendment to any previously approved residential development, which does not increase the number of dwelling units or change the type of dwelling units (single-family to multi-family, etc.)
- D. Any age restricted community with no permanent residents under the age of eighteen (18). Exemption of an age restricted community will be

subject to a restrictive covenant limiting the age of permanent residents to 18 years and older.

- E. The replacement of an existing residential dwelling unit, including those partially or entirely damaged, destroyed or demolished, with a new unit of the same type and use provided that the existing unit has been occupied at some time during the five year period immediately preceding the construction of the new unit.
- F. De minimis Impact for School Capacity Determination (non-binding):
  - 1. Small Scale Comprehensive Plan Amendment requests which will not increase the maximum allowable residential units by 50 units or more.
  - 2. Preliminary Development Requests (not including Large Scale Comprehensive Plan Amendments) which will not increase the maximum allowable residential units by 50 units or more.
- G. De minimis Impact for Concurrency Determination (binding) – Any residential development request, which based on the Student Generation Rate (SGM) established in this Agreement will not exceed one (1) student for any type of school.

#### **Policy 2.4**

Brevard County, through its land development regulations, and in conjunction with the School District, shall establish a school concurrency review process for all residential projects that are not exempt under Policy 2.2. The minimum process requirements are described below:

##### **Criteria:**

- A. A residential development application including a School Impact Analysis (SIA) is submitted to Brevard County for review.
- B. Brevard County determines application is complete for processing and transmits the SIA to the School District for review.
- C. The School District reviews application for available capacity and issues a School Capacity Availability Determination Letter (SCADL) to Brevard County:

1. If capacity is available within the affected CSA, the School District shall issue a SCADL verifying available capacity.
2. If capacity is not available within the affected CSA, contiguous CSAs are reviewed for available capacity.
3. If capacity is available in the contiguous CSAs, the School District shall issue a SCADL verifying available capacity in the adjacent CSAs.
4. If capacity is not available in the contiguous CSAs, the School District shall issue a SCADL indicating the development is not in compliance with the adopted LOS and offers the developer a 90-day negotiation period for mitigation.

#### Policy 2.5

Brevard County in conjunction with the School District shall review developer proposed applications for proportionate share mitigation projects to add the school capacity necessary to satisfy the impacts of a proposed residential development. Mitigation options may include, but are not limited to:

##### Criteria:

- A. Contribution of land or payment for land acquisition in conjunction with the provision of additional FISH Capacity; or
- B. Mitigation banking based on the construction of a public school facility in exchange for the right to sell FISH Capacity credits; or
- C. Provision of additional student stations through the donation of buildings for use as a primary or alternative learning facility; or
- D. Provision of additional student stations through the renovation of existing buildings for use as learning facilities; or
- E. Construction or expansion of permanent student stations; or
- F. Construction of a public school facility in advance of the time set forth in the Five - Year District Facilities Work Program.

- G. Construction of a charter school designed in accordance with School Board standards, providing sufficient permanent capacity to the District's inventory of student stations. Use of a charter school for mitigation must include provisions for its continued existence, including but not limited to the transfer of ownership of the charter school property and/or operation of the school to the School Board.

#### **Policy 2.6**

For mitigation measures in Policy 2.4 (A) thru (F) above, the estimated cost to construct the mitigating improvement will reflect the estimated future construction costs at the time of the anticipated construction.

##### **Criteria:**

- A. Improvements contributed by the developer shall receive school impact fee credit.
- B. The cost difference between the developer's mitigation costs and the impact fee credit, if greater, shall be the responsibility of the developer.

#### **Policy 2.7**

Brevard County and the School District shall provide a 90-day negotiation period to allow for the review and negotiation of proportionate share mitigation offers proposed by a developer.

##### **Criteria:**

- A. If mitigation is approved, Brevard County and the School District enter into an enforceable binding agreement with the developer and the improvement(s) will be included in the School District's annually adopted Five-Year District Facilities Work Program and reflected in the next update to the Capital Improvements Element.
- B. If mitigation is denied, Brevard County must deny application based upon no available school capacity.
- C. A Local Government shall not issue any permits for a residential development until receiving confirmation of available school capacity in the form of a SCADL from the School District.

#### **Policy 2.8**

Brevard County shall, upon acceptance of a mitigation option identified in Policy 2.4, enter into an enforceable binding agreement with the School District and the developer.

### **Policy 2.9**

Brevard County shall notify the School District when an approved residential development has paid impact fees and when the development order for the residential development expires.

### **New Facilities Coordination**

#### **Objective 3-New Facilities Coordination**

~~Beginning with an effective date of 2008, a~~All new public schools built within Brevard County will be coordinated with the School District to be consistent with Brevard County's Future Land Use Map designation to ensure facilities are proximate to appropriate existing and future land uses, serve as community focal points, are co-located with other appropriate public facilities, and will have needed supporting infrastructure.

### **Policy 3.1**

Brevard County, in conjunction with the School District, shall jointly determine the need for, and timing of, on-site and off-site improvements necessary to support a new school.

### **Policy 3.2**

Brevard County shall enter into an agreement with the School Board identifying the timing, location, and the party or parties responsible for the planning, constructing, operating, and maintaining off-site improvements necessary to support a new school or school improvement to ensure that the necessary infrastructure is in place prior to or concurrent with construction.

### **Policy 3.3**

Brevard County shall encourage the location of schools near residential areas by:

#### **Criteria:**

- A. Assisting the School District in the identification of funding and/or construction opportunities (including developer participation or Local Government capital budget expenditures) for sidewalks, traffic signalization, access, water, sewer, drainage and other infrastructure improvements.
- B. Reviewing and providing comments on all new school sites including the compatibility and integration of new schools with surrounding land uses.
- C. Allowing schools within all residential land use categories.

#### **Policy 3.4**

Brevard County, in conjunction with the School District, shall seek opportunities to co-locate schools with public facilities, such as parks, libraries, and community centers, as the need for these facilities is identified.

#### **Policy 3.5**

Brevard County, in conjunction with the School District, hereby designates the Capital Outlay Committee (COC) as the monitoring group for coordinated planning and school concurrency in Brevard County.

#### **Policy 3.6**

Brevard County shall ~~adopt~~ maintain school concurrency provisions ~~within~~ into its within its Land Development Regulations (LDR) to implement school concurrency upon the effective date of this Public School Facilities Element.

#### **Policy 3.7**

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:

**Criteria:**

- A. The determination of evacuation zones, evacuation routes, and shelter locations.
- B. The design and use of public schools as emergency shelters.
- C. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

#### **Annual Updates**

##### **Objective 4—Annual Updates**

~~Beginning with an effective date of 2008 and no later than December 1<sup>st</sup> of each year thereafter,~~ Brevard County will include in its Capital Improvements Element (CIE), the School District's annually updated ~~five year schedule of capital improvements~~ Five-Year District Facilities Work Program as adopted by the School Board, which identifies school facility capacity projects necessary to address existing deficiencies and meet future needs based upon achieving and maintaining the adopted level of service standard for schools.

#### Policy 4.1

~~—— (a) By December 1 of each year, Brevard County shall adopt as part of its Capital Improvement Element the School Board of Brevard County's Five Year District Facilities Work Program.~~

~~—— (b) Brevard County hereby adopts by reference the School Board of Brevard County's Five Year District Facilities Work Program for the planning period 2008-09 through 2012-13, approved on September 23, 2008, as part of the School District budget, including planned facilities and funding sources to ensure a financially feasible capital improvements program and to ensure the level of service standards will be achieved by the end of the five year period.~~

#### Policy 4.2

Brevard County shall annually coordinate review of school enrollment projections in conjunction with the School District and other local governments through the Capital Outlay Committee, ~~and provide an annual update of the process, including the Public School Facilities Element and maintain Thea~~ Public School Facilities Map Series, ~~which are coordinated with Brevard County's Future Land Use Map or Map Series, including~~ shall depict the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period and. ~~The Map Series shall include:~~

- A. Existing Public School Facilities Maps - type and location of public school facilities and ancillary plants
- B. Five-Year Planning Period Maps - generally planned public school facilities and ancillary plants
- C. The Long Range Planning Period Map - generally planned areas of future public school facility needs

#### Policy 4.3

~~Brevard County, in conjunction with the School District, shall coordinate the long range public school facilities map with its comprehensive plan and future land use map. The Map shall be included in the Map Series provided in Policy 4.2.~~

- A. ~~The Long Range Planning Period Map - generally planned areas of future public school facility needs~~



## APPENDIX

### **Map Series Index**

Map 1 Public School Facilities ~~Existing and Proposed Elementary Schools~~

~~Map 2 Existing and Proposed Middle and Jr./Sr. High Schools~~

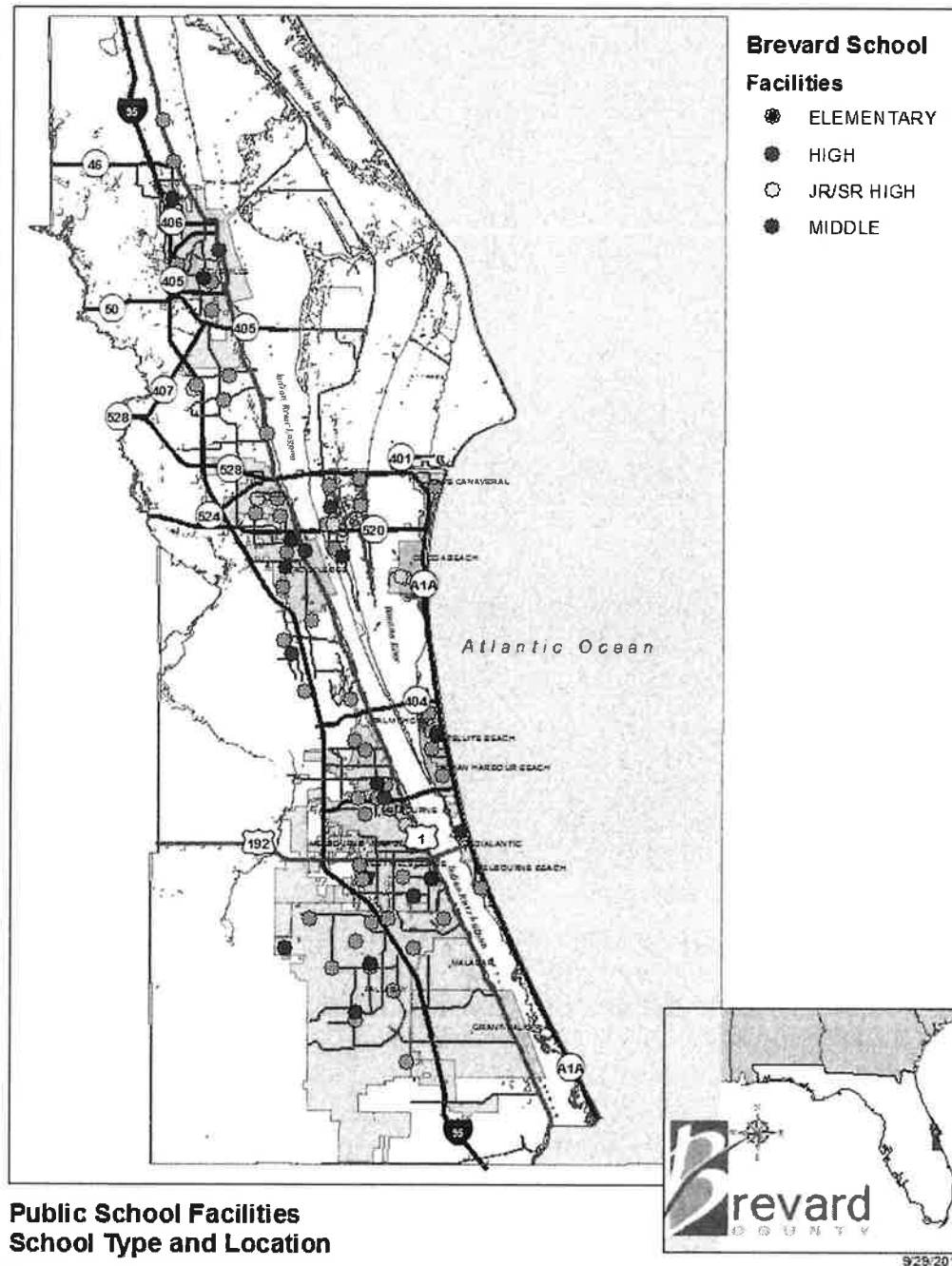
~~Map 3 Existing Public School Facilities and Ancillary Plants~~

~~Map 4 Proposed Ancillary Facilities~~

## Map 1 Public School Facilities

## Comprehensive Plan

## EAR Amendments 2017



## **PROPERTY RIGHTS ELEMENT**

### **CHAPTER 15**

**BREVARD COUNTY COMPREHENSIVE PLAN**

**CHAPTER XV**

**PRIVATE PROPERTY RIGHTS**

**TABLE OF CONTENTS**

Private property rights in the local decision making process.....	1
---	---

## **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.

## **CHAPTER XV**

### **GLOSSARY**

## GLOSSARY

**Acceptable Level of Service** - the minimum standard adopted in this Comprehensive Plan for a service level on public facilities and services such as roadways, sanitary sewer, potable water, drainage, public schools, solid waste and parks.

**Access** - the physical attributes of a site/facility which enable a person and his attendant means of transportation, to enter a site/facility; See Public Access.

**Acquire** - to come into possession or control of.

**Acre-foot (acre-feet)** - a quantity that is equal to one acre of land covered by one foot of water.

**Active Recreation** - those recreational uses which require a greater degree of physical exertion and involvement, and which contribute to the physical and mental well-being of an individual. Active recreation facilities typically require the alteration of land, vegetation, topography, or other natural features unless developed on a previously impacted site. Includes, but is not limited to, activities such as tennis, baseball, golf, football, etc.

**Adequate** - ability to satisfy a requirement.

**Adequate Housing** - a housing unit which is suitable for human occupancy, which has working indoor plumbing, an adequate heating system, and is in safe structural condition. May have some housing code violations consisting of minor repairs and upkeep which can be corrected by relatively inexpensive means.

**Ad valorem** means a tax or fee based on the value of the item on which it is levied.

**Adjusted gross income**- means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

**Affordable Housing** - housing where monthly rents or monthly mortgage payments, including, taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the following types of households or persons: Extremely-low-income persons; Very-low incomes persons; Low-income persons; and Moderate-incomes persons.

**Agriculture** - activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland, pastureland, orchards, vineyards, nurseries,

ornamental horticulture areas, groves, confined feeding operations, specialty farms, and silviculture areas.

**Ambient (water or air) Quality** - the background quality or condition of water or air.

**Amenities** - attractive or positive natural, historical or cultural features such as the beaches, riverfronts, historic landmarks, museums, etc.

**Aquaculture** - the culturing of aquatic plants and animals for human use.

**Aquatic Preserves** - those sovereignty lands established by the state of Florida and managed under the provisions set forth in Chapters 253 and 258 of the Florida Statutes.

**Attain** - to reach an end; to arrive by effort.

**Authorized Resident** means any person owning a fee or leasehold interest in real property or a boating facility immediately adjacent to motorboats prohibited zone or a no entry zone.

**Average Weekday Volume** - average 24-hour traffic volume based upon a minimum of 48 hours of continuous counting between 12:01 a.m. Monday to 12:01 a.m. Friday.

**Backlogged Facilities** - infrastructure that is deficient and for which there are no planned or programmed improvements in the Capital Improvements Element.

**Balanced Housing Market** - a market situation where housing opportunities are equally distributed across an area according to the cost, size, type, location, and density of housing units.

**Base Flood Elevation** -- the height, expressed in feet above sea level, of the highest level of floodwaters occurring in the regulatory base flood.

**Berm** -- a mound of sand piled by wind and waves just above the ordinary limit of waves at high tide or a manmade structure used to isolate or contain surface waters. A berm can also be defined as a man-made mound of earth, in excess of two feet in vertical height, used to shield or buffer properties from adjoining uses, highways, or noise, or to control the direction of surface water flow.

**Best Evaluation Practices** - the best practices relating to procedures, processes, data and information that are feasible but dependent upon the availability of resources, personnel, professional expertise, state-of-the-art equipment, and other similar components contributing to the accuracy of analytical efforts.



**Best Management Practices** – erosion control methods such as those described in "Stormwater Management Manual" (1981), the "Florida Development Manual: A Guide to Good Land and Water Management" (June, 1988), manuals adopted by the Environmental Regulation Commission pursuant to rule 1725.050 F.A.C. needs updating

**Best Public Interest** means public projects which clearly demonstrate a net benefit to the public, as determined by the Board of County Commissioners, and which adequately mitigate adverse environmental impacts.

**Billboard Sign** - any permanently affixed sign that is erected and maintained for the purpose of advertising services, accommodation, products, or activities that are not available on the premises on which the sign is located. Size limitations for billboards are contained in the zoning code.

**Biological Diversity** –The variety of life and its processes, including the variety of living organisms, the genetic differences among them, and the communities and ecosystems in which they occur.

**Blowout** -- a natural or man-made hollow or pass eroded from a sand dune.

#### **Boat Facility Siting Zones**

- **Zone A** -The Banana River basin south to Mathers Bridge, the Sykes Creek/Newfound Harbor basin north to the Lambert Drive bridge; that portion of the Indian River Lagoon between the NASA Causeway and the S.R. 528 Causeway; Mullet Creek (Sections 26, 35 &36 of Township 29, Range 38); and that portion of the following tributaries lying west of the existing railroad bridges: St. Sebastian River, Turkey Creek, Crane Creek, and the Eau Gallie River.
- **Zone B** - The Barge Canal from the west shoreline of Merritt Island to the east shoreline of Merritt Island.
- **Zone C** - The Port Canaveral Harbor lying east of the S.R. 401 Bridge.
- **Zone D** - The remainder of the County not under federal jurisdiction and not included in boat facility siting zones A, B, or C.

**Boat Slip (Wet or dry slip)** - an area within a boating facility which is intended for the mooring or storage of a vessel.

**Boating Facility** means a facility where boats are moored, or launched such as a dock, pier, marina, dry storage facility with launching capability, or a boat ramp which is contiguous to the waters of the state of Florida. For the purposes of this rule, boating facility shall be synonymous with marine facilities.

**Boating Facility Siting Plan** means a county-wide or locally based siting plan for determining the preferred locations for boating facility development based on an evaluation of water

quality, flushing characteristics, natural resources, manatee protection needs, and recreation and economic demands.

**BrevCEMP** - Brevard County Emergency Management Plan; mandated by Chapter 252, Florida Statutes (State Emergency Management Act), serves to integrate and coordinate comprehensive emergency management plans and programs of the state and federal governments. This document establishes a framework through which Brevard County may prepare for, respond to, recover from, and mitigate impacts resulting from a wide variety of disasters and emergency events that could adversely affect the health, safety and/or general welfare of the visitors and citizens located in Brevard County.

**Buffer** -- open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use of property from another so as to visually separate, ameliorate, reduce, mitigate, shield, or block the adverse impacts of noise, lights, or other nuisances.

**Bulkhead** -- a retaining wall built along a body of water behind which fill is placed.

**Building** - any structure that encloses a space used for sheltering any occupancy, such as residential, business, industry, or other private or public services.

**CCL** - Brevard County Coastal Construction Control Line; the FDEP's old Coastal Control Line (CCCL) which was recorded by the State of Florida in 1975 and adopted by Brevard County Ordinance (Ord. 85-17). This line was adopted by Brevard County so that the Brevard County Coastal Setback Line (CSL) could be established.

**CCCL** - FDEP's old Coastal Construction Control Line as recorded by the State of Florida on March 21, 1975. This line is also referred to as the 1981 FDEP CCCL.

**CSL** - the Brevard County Coastal Construction Setback Line; a line 25 foot landward of the established Brevard County Coastal Control Line (CCL or CCCL).

**Canaveral Port Authority** - a distinct entity established by a state enabling act whose governing body of five elected Commissioners is responsible for the administration, development, and operation of the seaport and its supporting uplands. The Port Authority also may issue bonds and levy property taxes; they also publish their own tariffs, building regulations, and land use controls.

**Capital Budget, Annual** - the first year of the Capital Improvements Program serves as the current year's capital budget.

**Capital Improvement** - any construction, land acquisition, equipment purchase, or rental proposal that costs \$25,000 or more and has a five (5) year or longer expected service life.

Projects which may cost less than \$25,000 which are considered necessary for the implementation of any long-term improvement, including implementation of the adopted Comprehensive Plan, shall also be considered a capital improvement.

**Capital Improvements Program** - a five (5) year program for the construction and financing of new public facilities. The Brevard County Capital Improvements Program shall be consistent with the Schedule of Improvements and Funding in the Capital Improvements and Programs Element of the Brevard County Comprehensive Plan. A Capital Improvement Program may also be the capital improvement program of a governing body that provides either roadway, solid waste, potable water, sanitary sewer, parks and stormwater management services to the unincorporated area of Brevard County, such as the Metropolitan Planning Organizations Transportation Improvement Program.

**Caution Zone** means an area where manatees frequently inhabit on a somewhat regular basis and motorboat operators are advised to use caution so as not to strike a manatee.

**Centralized Sewer System** - any collection, treatment and disposal sewer system that is not a septic tank (i.e. package plants and public sewer systems), and requires FDEP permits as opposed to HRS permits.

**Channel** means a marked navigation channel, unless otherwise described or designated, and is not intended to mean an access or side channel unless otherwise designated for the purpose of regulation.

**Class I Waters** - waters utilized as a source of potable water supply as determined by the Florida Department of Environmental Protection and defined within Chapter 62-302, F.A.C., as amended.

**Class II Waters** - waters utilized for shellfish propagation and harvesting as determined by the Florida Department of Environmental Protection and defined within Chapter 62-302, F.A.C., as amended.

**Class III Waters** - all waters within Brevard County except those designated by the Florida Department of Environmental Protection as Class I, Class II, Class III shellfish areas, Outstanding Florida Waters, or Aquatic Preserves; those which are part of a designated stormwater management system; or those that are man-made waterbodies that do not have a direct surface water connection to open water.

**Coastal Floodplain** - the area susceptible to being inundated by waters from the Atlantic Ocean from a given storm event.

**Coastal High Hazard Area (Zone)** - the area defined by Florida Statute 163.3178(2)(h). ~~Please refer to Coastal Management Element, Map 3.~~

**Coastal Zone** - the area within the watershed of the Atlantic Ocean and the Indian River Lagoon system. It also includes the barrier islands, Merritt Island (a remnant barrier island) and that portion of the mainland which drains into the lagoon.

**Commercial Development Node** - terminology for a Neighborhood Commercial (NC) activity area (see Commercial Land Use Designations). A commercial development node should not exceed one acre at each corner of an intersection of collector/arterial or collector/collector roadways

**Commercial Land Use Designations** - Land use designations which permit commercial development activities of varying intensity and service radii. These are based upon factors which consider locational standards, accessibility, potential service areas for activities, compatibility with surrounding land uses, the availability of public facilities and services, and environmental constraints. These land use designations include:

**Community Commercial (CC)** - a classification providing for commercial development activities which are intended to serve several neighborhoods and sub-regional areas. These activities include an array of retail, personal services and professional uses and are appropriately located at intersections of principal/minor arterial intersections. Collector/arterial intersections are acceptable locations provided that the said roadways serve multiple residential areas.

**Community Commercial Cluster** - an agglomeration of Community Commercial (CC) development activities of up to 10 acres in size.

**Community Park** - a large natural and/or landscaped area preferably with a minimum of two (2) acres provided per one thousand (1,000) individuals in a planning area.

**Concurrency** - means the necessary public facilities and services to maintain the adopted level of service standards are available when development impacts occur.

**Conservation Area** - an area characterized by the protection, preservation, management, or restoration of wildlife and of natural resources such as forests, soil, and water.

**Conserve** - to keep in a safe or sound state, to avoid wasteful or destructive use of.

**Consistent** - compatible with; not in conflict with.

**Continuing Florida Aviation System Planning Process (CFASPP)** - updates the Florida Aviation System Plan, inventories existing facilities, provides an area aviation system plan describing short- medium- and long-term aviation system needs for nine statewide regions.

**Coordinate** - to work together in a common action or effort; to meet talk, and discuss in pursuit of a shared goal.

**Covenant** - a contractual agreement between private parties that runs with the land, thereby restricting uses that may be made of the property.

**Criteria** - principles, guidelines, or standards which further describe the intent of an objective or a policy.

**Critical Areas** means portions of waters of the State of Florida as defined by subsections 370.12(2)(f), (g), (h), (I), (j), (k), (n), and (o), F.S.

**Critical Habitat** - Designated by the U.S. Fish and Wildlife Service as an area where management is required to protect endangered and threatened species, or to prevent long-term damage to their habitat.

**Crucial Habitat** - Habitat that is essential to ensure long-term conservation and survival of a viable population of species. Crucial habitat may include sites for breeding, foraging, and roosting; sites that provide appropriate cover and shelter; and enough surrounding suitable habitat to allow for normal behavior and to maintain the population dynamics of a listed species. Crucial habitat may be one or more geographic areas or one distinct area depending upon the distribution, home range, size and dispersal abilities of a species.

**Cultural Resources** - are those resources which are expressive forms that reflect the living dimensions of an area's heritage. May be of historical or contemporary nature and would include folk crafts or skills, dance, music, visual arts, etc.

**Current Weekday Volume** - determined by the Brevard County Office of Traffic Management and adjusted for seasonal fluctuations prior to April, 1990.

**Data and Analysis** - information accumulated and evaluated to form the basis of conclusions regarding all subjects of the comprehensive plan. It shall be considered best available, unless new research using acceptable research methodology was conducted during the planning period to generate more current information. Data and analysis do not represent goals, objectives, policies, or criteria, and unless stated otherwise, represent best available data only.

**Defer** - to postpone; to not grant a development order or permit until a public facility or service is available at its established minimum acceptable level of service to support the impact of the development order or permits.

**Deficiency** - the measured impact of a development proposal which will quantitatively exceed the existing established minimum acceptable level of service for a public facility or service.

**Deficient Facilities** - infrastructure operating below the adopted acceptable level of service.

**Demonstrated Good Cause** - good cause shall be demonstrated by the existence of special conditions and circumstances preventing timely performance by the applicant, where such special conditions and circumstances occurred during a required review and comment procedure involving a governing body or agency with jurisdiction, but were not the result of any action or inaction by the applicant. The determination of whether good cause has been demonstrated shall be by the applicable permitting official or authority.

**Desirable Level of Service** - the preferred level of service for public facilities and services that may or may not be attainable even though pursued.

**Develop** - to set forth, to evolve the possibilities of.

**Development** - the term "development" means the carrying out of any construction activity, the renovation, rehabilitation or remodeling of any structure, the alteration of land, the dividing of land into three or more parcels, or the establishment of flag lots or access easements. The following activities or uses are considered development for purposes of this Plan:

1. A reconstruction or alteration of the size of a structure on the land.
2. A change in the intensity of use of land, such as the increase in the number of dwelling units in a structure or on land, or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
3. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, wetland, or canal, including any "coastal construction" as defined in S.161.021, Florida Statutes.
4. Commencement of drilling, except to obtain soil samples; mining; or excavating on a parcel of land.
5. Demolition of a structure
6. Clearing of land as an adjunct of construction.
7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

**Development Deferral Zone** - includes those areas in which the issuance of development orders impacts the level of service on a deficient roadway.

**Development of Regional Impact (DRI) Land Use Designation** - future land use designation required for projects which meet or exceed the threshold requirements established by Chapter 380, Florida Statutes and Chapter 28-24, Florida Administrative Code.

**Development Order** - means any order granting, denying, granting with conditions or deferring, an application for a development permit.

**Development Permit** - includes any building permit, zoning permit, subdivision approval, rezoning, site development plan approval, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

**Development Permit, Conditional** - the following constitute conditional development permits. For conditional development permits, Brevard County retains authority to initiate the appropriate administrative action, such as an administrative rezoning or permit denial or deferral, considered necessary by the Board of County Commissioners, or its designee, to alleviate or prevent deficiencies on roadway, solid waste, drainage, potable water, sanitary sewer, or park facilities or services.

1. Existing zoning or a rezoning.
2. Any development permit, whose measured impacts would cause a deficiency to occur to a roadway, solid waste, drainage, potable water, sanitary sewer, or park facility or service.
3. Any development permit where specific conditions, standards or criteria are required by the Comprehensive Plan or element thereof, or the Land Development Regulations.

**Development Permit, Final** - *see Land Development Regulations.*

**Development, Cultural** - cultural development shall mean any activity or development which improves or enhances the social, educational or cultural goals of Brevard County.

**Development, Economic** - economic development shall mean any activity or development which furthers or enhances the economic goals of Brevard County.

**Direct** - to regulate the activities of, to dominate and determine the course of.

**Directives** - principals or guidelines that provide the general philosophical outlook of Brevard County with regard to the respective elements of the Comprehensive Plan. Directives do not necessarily require specific actions for implementation. However, the level of significance given to directives is commensurate with that for the goals, objectives and policies of the Comprehensive Plan.

**Distressed Roadway** - a roadway segment which is operating at or above 85 percent of the maximum acceptable volume of the acceptable level of service, but which has not exceeded the acceptable level of service.

**Ditch** means a man-made trench that was not built for navigational purposes.

**Diversify** - to give variety; to balance; to engage in a variety of operations.

**Dock** means a fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels either temporarily or indefinitely.

**Dredging** means mechanical or other methods used to remove sovereign submerged land.

**Easement** - an acquired interest in property owned by another, and may be for overall conservation, exterior or facade, or interior preservation.

**Effective** - producing the desired result.

**Efficient** - cost effective and not wasteful of resources.

**Encourage** - to stimulate, spur on, inspire, advocate, give help or patronage.

**Endangered Species** - Species of animals and plants federally listed under the jurisdiction of the U.S. Fish and Wildlife Service, Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), or the Florida Fish and Wildlife Conservation Commission, Chapter 39 and 46, Florida Administrative Code (F.A.C), or the Florida Department of Agricultural and Consumer Services, Preservation of Native Flora of Florida Act (s. 581.185-187, Florida Statutes). These are generally any species, subspecies, or isolated population, which is in danger of extinction or extirpation from the State of Florida, throughout all or a significant portion of its range.

**Enhance** - to improve, to make better (in value, desirability, attractiveness).

**Ensure** - to make sure, certain; to guarantee.

**Environmentally Sound** - not contrary to the continued viability of the natural environment or detrimental to public health, safety, and welfare.

**Erosion** means the gradual and imperceptible wearing away of riparian or littoral land due to natural causes. Artificial erosion refers to erosion caused by man-made projects and operations.

**Estuarine Floodplain** - the area susceptible to being inundated by waters from the Indian River Lagoon System from a given storm event.

**Evaluate** - to determine the significance or worth of by careful appraisal and study.

**Existing Boating Facilities** - For the purpose of the Brevard County Manatee Protection Policies as found in the Coastal Element, existing boating facilities shall be defined as those facilities which have all active and required permits or those facilities that were in operation up to ten (10) years prior to the date of the final adoption of the Plan (01/16/03). All existing boating facilities shall be allowed to continue with the existing use and may renovate



according to permitting guidelines, provided there is no change in facility size, including no increase in the number of wet or dry slips, unless the facility meets the expansion criteria as provided in the Brevard County Manatee Protection Plan. Boating facilities are generally defined as those structures or operations where boats are moored or launched, such as a dock (excluding single-family), pier, marina, dry storage facility with launching capability, or a boat ramp, which is contiguous to the waters of the state of Florida. For the purpose of this plan, boating facility shall be synonymous with "marina facility".

**Existing Linear Shoreline** for the purpose of the Brevard County Manatee Protection Plan, means the high water line in tidally influenced areas and the ordinary high water line along waterways that are not tidally influenced. This definition shall not apply to shoreline artificially created through dredge or fill activities (such as boat basins or canals) after January 01, 1996. Such artificially created shoreline created after January 01, 1996 shall not be considered in the calculation of linear shoreline. Artificially created shoreline that was created prior to January 01, 1996 must have received the proper permitting authorization required at the time of construction. Man-made drainage ditches (such as mosquito control, flood control ditches or any non-navigable waterway) shall not qualify as linear shoreline, regardless of their date of construction. Linear shoreline shall be calculated using survey quality aerial photographs or by accurate field survey. The calculation of linear shoreline is based upon contiguous shoreline that is owned or legally controlled by the applicant. Exception to include non-contiguous shoreline within the sphere of influence of the proposed project will be considered if the federal, state, and local permitting agencies agree that inclusion of that shoreline will not result in significant adverse impacts to manatee or manatee habitat.

**Extremely-low-income persons-** means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.

**Fair Housing Market** - a market situation where there is no housing discrimination based on race, sex, marital status, religion, national origin, age, or physical handicap.

**Farm** - is defined in Florida Statute 823.14 i.e. the land, buildings, support facilities, machinery, and other appurtenances used in the production of plants and animals useful to humans or aquaculture products

**Finding** - a conclusion based upon analyses of the best available data and information regarding the relationship between the use intensity of a development order or permit proposal and the availability of public facilities or services having established minimum acceptable levels of service, to support the proposed use intensity.

**Fishery Industry** - an industry which produces, harvests, processes, or markets food and other products from ocean or brackish waters.

**Floodplains** - any area susceptible to being inundated by water from any source; including areas which may or may not have a direct hydrological connection to a surface water body.

**Forestry** - the art, application, and practice of controlling forest establishment, composition, and growth through sound management techniques, based on the owners management objectives. *See Silviculture.*

**G1** - Critically imperiled globally because of extreme rarity (5 or fewer occurrences or very little remaining area, i.e., <2,000 acres) or because of some factor(s) making it especially vulnerable to extinction.

**G2** - Imperiled globally because of rarity (6-20 occurrences or very little remaining area, i.e., <10,000 acres) or because of some factor(s) making it very vulnerable to extinction throughout its range.

**General Aviation Facilities** - associated airport activities, which includes terminal space, based and itinerant aircraft parking and automobile parking spaces.

**General Contour of the Shoreline** means a line defined as the most waterward of the outside edge of emergent aquatic vegetation, if present, or a line of Mean Low Water as defined in Chapter 177, Part II, Florida Statutes, as approximated on NOAA nautical charts. Waters lying landward of this line are to be included up to the shoreline, as defined under paragraph (14), above. Emergent aquatic vegetation shall include plants rooted in the ground that extend above the surface of the water.

**Goal** - a general statement of a desired long term end toward which programs or activities are ultimately directed; may be unmeasurable or unattainable.

**Growth Management** - the control of the location, type, intensity and rate of growth or development, in order to maximize the efficient use of public facilities and services while protecting the values and functions of the natural systems.

**Hazardous Material** - any material which, because of its physical, chemical, or infectious characteristics, can pose a substantial or potential hazard to human health or safety or the environment when improperly used, treated, stored, transported, or disposed of. A hazardous material generally exhibits one of four characteristics: toxic, ignitable, corrosive, or reactive. Reactive means a material may react violently and/or produce hazardous vapors or gases when exposed to water. A hazardous material can be a liquid, a solid, or a gas, or can exist in different forms dependent on the temperature and pressure of its surroundings.

**Hazardous Material Incineration Unit** - an incineration unit designed for the reduction or disposal of any material listed on the EPA Hazardous Substance List.

**Hazardous Materials Management System** - a coordinated set of programs and policies, governmental or non-governmental, whose purpose is to encourage and ensure that hazardous materials in the community are used, transported, stored, and disposed of in a manner which protects the health and safety of citizens and the environment.

**Hazardous Substance** - can be used interchangeably with hazardous material.

**Hazardous Waste** - hazardous materials which have outlived their originally intended purpose, and are ready to be disposed of, recycled, regenerated, or otherwise treated or altered.

**Heavy Industrial Land Use** - land uses which involve the manufacturing of products directly from raw materials. These uses may include indoor and outdoor activities such as cement and concrete production, chemicals and fertilizer processing, lumber mills, foundries and forge works, or paint and plastics production.

**High Functioning Wetlands** - wetlands that score 0.66 or above as determined by the Wetlands Assessment Method established in the Countywide Wetlands Study, prepared BKL, Inc. Consulting Ecologists (September 30, 2013), adopted by the Board and incorporated herein by this reference.

**Highly Permeable Soils** - soils listed in the Brevard County Soil Survey that have a permeability rate greater than twenty inches per hour. These soils are: Astatula (As, At), Basinger (Ba), Canaveral (Ca, Cc), Galveston (Ga), Orsino (Or), Palm Beach (Pb), Paola (Pfb, Pfd, Ph), Pomello (Ps, Pu), Pompano (Pw), Satellite (Sa), St. Johns (Sb, Sc), St. Lucie (Sfb, Sfd), Tavares (Ta), Valkaria (Va), Welaka (We).

**High Risk Vulnerability Zones** - those areas predicted to receive sufficient flooding to require evacuation during a Category 1-2, or Category 3-5 storm, as determined by the East Central Florida Regional Planning Council. ~~Please refer to Map 7.~~

**Historic Context** - an organizational framework that groups information about related historic properties based on a theme, geographical area and period of time.

**Historic District** - a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

**Historic Property** - a district, site, building, structure, or object significant in American history, architecture, engineering, archaeology, and culture. It may be of value to the Nation as a whole or important only to the community in which it is located.

**Historic Resource** - any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places; such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object.

**Historic Site** - a location of a significant event, a pre-historic or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archaeological value regardless of the value of any existing structure.

**HOME** - the Home Investment Partnership that is a partnership among federal, state and local government and the for-profit and non-profit sectors who build, own, manage, finance, and support low-income housing.

**Household** - one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of servants, and may include up to two unrelated persons. Also one or more persons, not exceeding four, living and cooking together a single housekeeping unit though not related by blood, adoption or marriage.

**Households with Special Needs** - Households which have incomes not exceeding moderate-income and, because of particular social, economic, or health related circumstances, may have greater difficulty acquiring or maintaining affordable housing. Such households may have, for example, encountered resistance to their residing in particular communities, and may have suffered increased housing costs resulting from their unique needs and high risk of institutionalization. Persons within such households may include, but are not limited to, persons with Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) disease; runaway and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

**Housing** - buildings or other structures in which people live that provide shelter, a link to the neighborhood and community, a sense of belonging, a sense of social status, and that constitutes an investment.

**Housing Stock** - refers to housing supply, the housing which is available for sale or rent.

**Housing Unit** - a house, apartment, group of rooms, or a single room occupied or intended for occupancy as separate living quarters.

**Hydrologic Basin** -- the region or area that supplies a particular body of water or aquifer.

**Hydroperiod** -- a means of expressing the average timing of water retention or flows through a specified area.

**Identify** - to establish the identity of, location or existence of.

**Idle Speed** means the minimum speed that will maintain the steerageway of a motorboat.

**Idle Speed Zone** means an area where vessels may not be operated at greater than Idle Speed, as defined in 62N-22.002(2), F.A.C.

**Impervious Surface Area** - the aerial extent of any impervious surface material that prevents or resists penetration by fluids and absorption of stormwater into the ground.

**Implement** - to carry out, to give practical effect to and ensure of actual fulfillment by concrete measures.

**Implementation Strategy** - the translation of management policies into operational programs.

**Improve** - to make more acceptable or bring nearer to some standard.

**Indigenous** - occurring or living naturally in an area (native).

**Indian River Lagoon** - the system including the Indian River, Mosquito Lagoon, the Banana River, Sykes Creek, and Newfound Harbor. Unless specifically excluded, the Indian River Lagoon shall also include the tributaries of these waters. The terms Indian River Lagoon system and Indian River Lagoon may be used interchangeably.

**Indian River Lagoon Program** - refers to the combined Indian River Lagoon Surface Water Improvements and Management Plan (SWIM) and National Estuary Programs.

**Indian River Lagoon System** - see Indian River Lagoon.

**Industrial Land Use Designations** - areas in which industrial land uses of varying intensities are permitted. They are designated utilizing factors which include demonstrated future need, existing industrial development and zoning trends, land use compatibility, availability of public facilities and services and environmental constraints. Industrial land use designations include the following:

**Heavy/Light Industrial** - future land use designation that permits light industrial activities (such as manufacturing, assembling, fabricating and warehousing which are generally conducted indoors); heavy industrial activities (which involve the manufacturing of products directly from raw materials and include both indoor and outdoor activities); and water-related/water-dependent industrial activities.

**Planned Industrial** - future land use designation that permits industrial development activities possessing Planned Industrial Park (PIP) and Planned Business Park (PBP) zoning classifications. Activities occur within enclosed buildings and may include

manufacturing, assembling, fabricating, warehousing and retailing as well as hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within this land use designation. Marinas are also permitted within this land use designation.

**Intensive Historic Resource survey** - systematic, detailed inventory designed to identify precisely and completely.

**Interbasin Diversion** -- the transport or redirection of surface water from its natural hydrologic basin to a different one.

**Invasive Exotic** - A nonindigenous species of plants or animals that out-compete native species in a specific habitat.

**Isolated Floodplain** - the area susceptible to being inundated by waters which are not riverine, estuarine, or coastal from a given storm event.

**Isolated Wetlands** - wetlands which are not directly connected to open water

**Joint-Use Agreement** - a cooperative arrangement between two or more jurisdictions to provide for the combined use of a particular facility or service.

**Land - Water Interface:** a line, determined and approved by the County, clearly identifying the separation between the terrestrial and aquatic environments using among other features, vegetation and biota. This line is determined through visual observation by trained personnel as approved by the County.

**Landfill** - a facility for the disposal of solid wastes; the facility does not accept liquid or hazardous waste.

**Landscape Level Wetlands** - wetlands that are EITHER 1) five (5) acres or larger; OR 2) located within the Landscape Level Polygon depicted on Map 9 AND the U.S. Army Corps of Engineers determines the wetland is hydrologically connected to the St. Johns River or Indian River Lagoon System.

**Level of Service Management Plan** - a plan providing strategies to maintain or improve the level of service on roadways while accommodating the impacts of development.

**Light Industrial Land Use** - land uses involving manufacturing, assembling, fabricating and warehousing activities which are generally conducted indoors, such as that found in machine shops, bottling and canning works, boat building, and freight or trucking terminals.

**Linear Shoreline** means the mean high water line in tidally influenced areas and the ordinary high water line along waterways that are not tidally influenced. This definition shall not apply to shorelines artificially created through dredge and fill activities (such as boat basins or canals) after October 24, 1989. Such artificially created shorelines created after October 24, 1989 must have received the proper permitting authorization required at that time. Man-made drainage ditches (such as mosquito control ditched) shall not qualify as linear shoreline regardless of their date of creation. Linear shoreline shall be calculated using survey quality aerial photographs or by field survey.

**Listed Species** – Species of animals and plants legally protected as endangered, threatened, or as species of special concern by federal and state laws.

**Low Income Household** - are those households whose incomes are between 50 to 80 percent of the area's median income.

**Low-income persons**- means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

**Main Access Dock** means that walkway which connects a riparian owner's property to a terminal platform.

**Maintain** - to keep in an existing state; to support or provide for; to bear the expense of.

**Maintenance Dredging** means mechanical or other methods used to remove sovereign submerged land in existing channels where navigation by vessels presently occurs. For the purpose of this rule, requests to dredge previously dredged areas that have regained natural characteristics due to lack of use, lack of upkeep, or other factors or requests to change the design specification of previously dredged areas shall not be considered as maintenance dredging but shall be considered new dredging.

**Manatee Habitat Features** The following manatee habitat features are to be applied in Boat Facility Planning Zone D and shall be determined using the map series and data update schedule identified in Appendix 10.

**A. Each of the following increases the number of habitat features by 1.**

1. Seagrass - 5% or more seagrass present on the proposed project site is considered significant.
2. Manatee Abundance - Level 1 = 10 or more manatees observed/overflight within a 5 mile radius equals 1 point. Level 2 = 25 or more manatees observed/overflight within 5 mile radius equals 2 points. If more than one survey falls within the 5 mile radius, the number of manatees observed will be counted for each survey,

divided by the number of overflights and then the normalized values will be summed.

3. Significant Manatee Mortality - Level 1 = the number of watercraft mortality within a 5 mile radius, divided by the total number of watercraft mortalities in Brevard County. A value greater than 0.05 is considered significant and is equal to 1 point. Level 2 = the number of watercraft mortalities within a 5 mile radius, divided by the total watercraft mortalities in Brevard in the last 5 years. A value greater than 0.10 is significant and is equal to 2 points.
4. The proposed site is in a Class II Waterbody, Outstanding Florida Waterway (OFW), or an Aquatic Preserve

***B. Each of the following reduces the number of habitat features by 1.***

1. The proposed site is presently located in a year-round "Slow Speed" or "Idle speed" manatee zone as authorized by the Florida Manatee Sanctuary Act Chapter 62N-22 F.A.C., other Federal designation or local ordinance.
2. The proposed site is within 3 miles of Sebastian Inlet.

**Manatee Protection Plan** means a comprehensive plan developed adopted and implemented by a county, local government, or port authority (pursuant to Chapter 315 F.S.), and approved by the Department of Environmental protection for the purpose of reducing manatee mortalities, protecting manatee habitat, promoting boating safety, and increasing public awareness.

**Marina (general)** means all boating facilities with  $\geq 3$  wet and/or dry slips (consistent with current County definition). A marina is a facility or structure, which provides mooring, docking, anchorage, fueling repairs, launching, or other related services for watercraft. Private boat docks associated with single family lots are exempt from this category.

1. **Residential Marina** - Community docks exclusively serving subdivisions, condominiums, duplexes, or other multi-family developments. No fueling, or repair facilities shall be associated with these marinas.
2. **Commercial/Recreational Marina** - Public or private facilities which provide dockage and other related amenities not exclusively associated with a subdivision, condominium, duplex or other multi-family development.
3. **Commercial/Industrial Marina** - Facilities serving largely commercial interests, including commercial boat building, ship repairs or construction, and commercial seafood harvesting and processing

**Market** - includes local, state, regional, national, and international buyers.



**Maximize** - to increase to the greatest quantity or extent possible.

**Maximum Acceptable Volume** - the greatest number of vehicles a roadway segment can carry given the level of service standard established for that segment. The traffic volume equivalent to a specific level of service standard is influenced by several roadway design and operation factors that effect average travel speed, such as traffic signal spacing, number of lanes, area type, peak hour traffic levels and roadway type.

**Maximum 25MPH Speed Zone** means a controlled area within which a boat's speed made good over the bottom measured in statute miles, shall not exceed 25 miles per hour. Although it is the intention of the Department to allow those vessels capable of attaining a planing configuration at 25 MPH to do so, this speed limit shall not be construed as authorizing any vessel to travel an unsafe speed, in violation of 33 U.S.C. s. 2006, as adopted pursuant to subsection 327.33(3), F.S., by reason of:

- a) An elevated bow which restricts visibility, and/or
- b) An excessive wake which unreasonably or unnecessarily endangers other vessels or natural resources of the state.

**Maximum 30 MPH Speed Zone** means a controlled area within which a boat's speed made good over the bottom measured in statute miles, shall not exceed 30 miles per hour. Although it is the intention of the Department to allow those vessels capable of attaining a planing configuration at 30 MPH to do so, this speed limit shall not be construed as authorizing any vessel to travel an unsafe speed, in violation of 33 U.S.C. s. 2006, as adopted pursuant to subsection 327.33(3), F.S., by reason of:

- a) An elevated bow which restricts visibility, and/or
- b) An excessive wake which unreasonably or unnecessarily endangers other vessels or natural resources of the state.

**Maximum 35 MPH Speed Zone** means a controlled area within which a boat's speed made good over the bottom measured in statute miles, shall not exceed 35 miles per hour.

**May**— To have the permission to.

**Mean High Water Line** means the plane or local elevation of mean high water or high tides with the shore. Mean high water is the average height of the high waters over an approximate 19 year period (Ch. 177.27, F.S.)

**Merritt Island Redevelopment District** - means the area on Merritt Island bounded by Merritt Avenue to the north, Newfound Harbor to the east, Fortenberry Avenue to the south, and the Indian River Lagoon to the west. Needs updating

**Miles** means statute miles.

**Mini-Parks** - small areas intended primarily for the use of children up to the early elementary grades in high-density areas.

**Minimize** – To reduce to the least quantity possible.

**Mining** - the act or process of removing minerals or other resources from the land including mining and smelting operations, borrow pits, and commercial borrow pits as defined within the Code of Brevard County.

**Mitigation** -- methods used to alleviate or lessen the impact of development.

**Mobile Source Emissions** -- a moving source of pollution such as an automobile.

**Moderate Income Household** - are those households whose incomes are no greater than 120 percent and no less than 80 percent of the area's median income.

**Moderate-income persons**- means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

**Mooring** a place or structure to which a vessel or aircraft can be moored.

**Morphological** - associated with the study of form and its development, including the study of cell structure, tissue structure, and external anatomy.

**Mosquito Impoundment** -- a body of water confined by a dam, dike, floodgate or other barrier for the purpose of controlling the reproduction of salt marsh mosquitoes.

**Motorboats Prohibited Zone** means an area in which it is posted or it is apparent that because of the density of manatees or the condition of the area, motorboat activity shall be hazardous to the manatees and shall be prohibited.

**Multi-Modal Transportation System:** A network of transportation infrastructure that supports multiple modes of travel, including automobiles, trucks, transit, walking, and biking.

**Native Vegetation** -- plant species that naturally occur in and are indigenous to a specified geographic area.

**Natural Resources** - Materials that occur in nature and are essential or useful to humans, such as water, air, land, forests, fish and wildlife, topsoil, and minerals..

**Natural System** - the complex network of natural resources in which no resource is capable of functioning independently of the other resources in the network.

**Natural Water Body** - occurring normally; a water system occurring in conformity with the ordinary course of nature; not originally created through man's activities, not artificial. May include those normally occurring water bodies which have been dredged or channelized.

**Neighborhood Commercial (NC)** - a future land use designation providing for low impact commercial development nodes serving the needs of the immediate residential area. These activities include convenience stores and personal service establishments and are appropriately located at intersections of collector/arterial or collector/collector roadways.

**Neighborhood Parks** - designed to serve both active and passive short-term activities. Typically these parks average five (5) to fifteen (15) acres in size, with a minimum of two (2) acres of park land for every one thousand (1,000) people served in a planning area.

**New Town Overlay** - development standards set forth in the Comprehensive Plan for large scale mixed use projects which are at least 1,500 acres in size.

**No Entry Zone** means a limited area of critical importance as a safe haven for manatees to rest, feed, reproduce, give birth, nurse, or otherwise habituate undisturbed by human activity. No vessel of any kind, whether power-driven or non-motorized, as referenced in Section 1(b), Article VII, of the Florida Constitution, including every description of watercraft, barge, and airboat, shall be permitted within the designated area. No other vessel or floatation device, including but not limited to a seaplane, sailboard, surfboard, raft, or any other water toy or other like object intended for or capable of use as a means of transportation of the water, shall be permitted within the designated area, nor shall other human activities including but not limited to diving, snorkeling, swimming, fishing (except by pole from an adjacent bank or bridge), and the introduction by persons of food or other objects, that involves disturbance of these waters or the manatees so inhabiting them, be permitted within such a designated area, except as provided under 62N-22.003(5), F.A.C.

**Nonfunctional Wetland** - a nonfunctional wetland is a wetland which has a water regime that 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 function. This does not apply to wetlands that have had their water regime illegally altered.

**Non-point Source** - stormwater runoff which is not discharged through a pipe or other identified, specific conveyance mechanism.

**Noxious Species** - undesirable plant species, including, but not limited to, *Schinus terebinthifolius* (Brazilian Pepper); *Malaleuca quinquenervia* (Malaleuca, Cajeput Tree); *Casuarina spp.* (Australian Pine); *Eucalyptus spp.* (Eucalyptus); and *Enterolobium contortisiliquum* (Ear tree).

**Object** - a construction that is primarily artistic in nature or is relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment, such as statuary in a designed landscape.

**Objective** - a statement that is more specific than a goal and identifies the steps necessary for the satisfactory pursuit of a goal; normally measurable and attainable.

**Obtain** - to gain or attain usually by planned action or effort.

**Offshore Emergent Vegetation** -- aquatic or marine plants whose canopy continuously or frequently extends above water level.

**One to One Hundred (1:100)** means one powerboat slip for every one hundred feet of contiguous linear shoreline that is owned or controlled by the applicant. Exceptions include non-contiguous shoreline within the sphere of influence of the proposed project will be considered by the Department if it can be demonstrated that inclusion of that shoreline will not result in significant adverse impacts to manatees or manatee habitat. For the purpose of calculating powerboat slips, linear shoreline footage will be rounded up to the nearest increment of 100.

**Onsite Sewage Disposal System:** any domestic sewage treatment and disposal facility, as defined by Florida Administrative Code Section 10D-6.42(29), including standard subsurface systems, gray-water systems, laundry wastewater systems, alternative systems or experimental systems, installed or proposed to be installed on land of the owner or on the land to which the owner or owners have the legal right to install a system.

**Open Space** - lands and water not covered by structures including agriculture, which are suitable for passive recreation or conservation use.

**Open Space System** - a continuous or near-continuous network of open space areas within the pattern of development, including both public and private lands, which provide for passive recreation, conservation, and visual relief from expanses of development.

**Ordinary High Water Line** means the boundary between uplands and submerged lands beneath non-tidal navigable natural water bodies (Section 18-2.003, F.A.C.).

**Outstanding Florida Waters** - those water bodies afforded special protection and described within Chapter 62-303, F.A.C., as amended.

**Overcrowded Housing** - are those housing units which contain more than 1.00 person per room.

**Package Treatment Plant** - a sewage treatment facility that is prefabricated off-site and assembled on-site.

**Parallel Roadways** - a roadway or group of roadways of a lower classification that provide alternate routes for a primary roadway, and which serve similar origin and destination points.

**Passive Recreation** - recreation uses where very minimum alteration of vegetation, topography or other native feature is necessary, for the enjoyment of the site amenities. Activities which are considered passive include, but are not limited to, hiking, bicycling, nature observation, camping, non-motorized boating, rowing, swimming, picnicking, archaeological or historic preservation.

**Pedestrian Way** - a transportation facility designed for use by pedestrians which may be used by other forms of non-motorized transportation.

**Percent (%) Seagrass Coverage** Seagrass coverage shall be determined on a project site during the months of May through October. The percent coverage of seagrass is determined by counting short shoots in a one square meter (1m<sup>2</sup>) plot frame that has been evenly subdivided into one hundred square cells. The plot is placed every five meters (5m) along a minimum of three (3) transect lines perpendicular to the shoreline and extending to the end of the project site. The transect lines are to be evenly spaced along the project site shoreline with one transect located at the middle of the site and one at each end of the project site. Transects shall be no greater than fifty meters (50m) apart. If the project site is greater than one hundred meters (100m) in width, additional transects shall be added at a rate of one for every fifty meters (50m) of shoreline. If ten of the sample plot frames contain ten percent (10%) or more seagrass, then the final coverage for the site is greater than or equal to ten percent (10%). The project site is defined as that area within which boats will be docked. If the project site and the shoreline are not contiguous then the first plot frame shall be placed at the intersection of the project site and the transect line.

**Person** - any corporation, individual, partnership, association, or other entity.

**Planing** means riding on or near the water's surface as a result of the hydrodynamic forces on a vessel's hull, sponsons, foils or other surfaces. A vessel is considered "on plane" when it is being operated at or above the speed necessary to keep the vessel planing.

**Planned Industrial Park Land Use Designation** - future land use designation intended for the location of light, clean industrial land uses in "clusters". These uses may include indoor activities such as manufacturing, assembling, fabricating, warehousing and retailing. Hotel and motel accommodations that serve the travel needs of employees for clients associated with firms within the planned industrial parks would also be appropriate. Marinas could also be considered for location within this land use designation.

**Planned Unit Development** - a development, usually phased and of a large scale, which provides a mixture of land uses and densities, incorporates open space through the clustering of land uses, and permits flexibility in the development design.

**Point Source** - a source, such as a pipe, from which stormwater or wastewater is discharged.

**Policy** - a statement that is more detailed than an objective and provides guidelines for specific actions which will satisfy particular objectives.

**Population** - The total number of people inhabiting a specified area or the total number of inhabitants of a particular race, class, or group in a specified area. For biological purposes, the definition of population is a collection of individuals belonging to the same species and living in the same area.

**Powerboat** Any vessel which is primarily propelled or powered by an internal combustion engine and which is used or is capable of being used as a means of navigation or transportation on water. Sailboats with auxiliary engines are not considered powerboats for the purpose of this plan. For the purpose of this plan powerboat and motorboat are synonymous.

**Private Residential Single-family Dock** means a dock, which is used for private, recreational or leisure purposes for a single family residence, cottage or other such single dwelling unit.

**Preserve** - to keep intact.

**Prime Farmlands** - those lands which, due to the combination of physical and chemical conditions, consistently produce a high level of output with minimal fertilizer, labor and energy requirements.

**Private Wastewater Treatment Plant** - a wastewater treatment plant of small capacity, usually between five thousand and one million gallons per day. Private treatment plants are those facilities that provide wastewater services to a localized community because of the absence of a publicly owned facility. These may be purchased as a package from a vendor and assembled from prefabricated components on the site. Private wastewater treatment plants with capacities of fewer than one hundred thousand gallons per day may be purchased pre-assembled.

**Privatization** - the transfer of public sector services and responsibilities to the private sector.

**Promote** - to contribute to the growth or prosperity of; to help bring into being; to present for public acceptance.

**Protect** - to shield from injury or destruction.

**Provide** - to supply what is needed for sustenance or support; to supply for use.

**Public Access** - the ability of the public to physically reach, enter or use public sites, facilities and activities and shores.

**Public Conservation** - a future land use designation intended to accommodate conservation areas and facilities that are managed by federal, state and local governments. Residential uses to accommodate park rangers or other authorized personnel to manage or protect conservation lands are permitted at a maximum density not to exceed 1 dwelling unit per 50 acres.

**Public Facilities** - transportation, sewer, solid waste, drainage, potable water, fire and police protection, emergency medical, educational, parks and recreation, and public health systems and facilities.

**Public Facilities Land Use Designation** - future land use designation which permits activities and improvements which 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.

**Public Interest** means demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social, and economic costs of the proposed action. In determining the public interest in a request for use, sale, lease, or transfer of interest in sovereignty lands or severance of materials from sovereignty lands, the board shall consider the ultimate project and purpose to be served by said use, sale, lease, or transfer of lands or materials.

**Public Navigation Project** means a project primarily for the purpose of navigation which is authorized and funded, by the United States Congress or by port authorities as defined in Section 315.02(2), F.S.

**Public Services** - the programs and employees determined necessary by local government to provide adequate operation and maintenance of public systems and facilities.

**Public Utilities** means those services, provided by persons requested by the Public Service Commission, or which are provided by rural cooperatives, municipalities, or other governmental agencies, including electricity, telephone, public water and wastewater services, and structures necessary for the provision of these, services.

**Pursue** - to find or employ measures to obtain or accomplish.

**Reconnaissance Survey** - a cursory inspection of an area, most useful for characterizing its historic or other resources in general and for developing a basis for deciding how to organize and orient more detailed historic or other resource survey efforts.

**Recreation** - the pursuit of leisure time activities occurring in an indoor or outdoor setting.

**Recreational Land Use Designation** - land use designation which permits public recreation activities.

**Recreational Vehicle Parks** - activities intended to serve the needs of tourists and seasonal (up to six months) residents and provide lodging for visitors with recreational vehicles, travel trailers and camping equipment as well as supportive facilities such as laundries, bathing facilities, and recreation areas. Activities are located in Community Commercial (CC) land use designations. Densities for Recreational Vehicle Parks shall not exceed 10 units per acre.

**Recycling** - the reuse of materials and/or wastes.

**Redevelopment** - activities or projects in an area to eliminate and prevent the development or spread of slums and blight, or to provide affordable housing, whether for rent or sale, to low and moderate income households; or to generate renewed economic activity and development.

**Regional Park** - ideally, there should be a minimum of twenty (20) acres per one thousand (1,000) individuals or a minimum of one park per County wide area. The regional park is usually the largest of all parks, and typically serves an area encompassing one county or region of adjacent counties, depending on population concentrations of the counties, size, and location generally resource-oriented and designed to blend highly specialized recreational facilities with the natural environment.

**Regulatory Discharge** - discharges of water from canals in order to regulate the water level of lands within the drainage basin of the canal.

**Rehabilitation** - the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

**Reliever Aviation Facilities** - general aviation airports designated by the Federal Aviation Administration as alternatives to busy commercial service airports for business and cargo aircraft traffic.



**Relocation Housing** - those dwellings made available to households displaced by public programs, provided that such dwellings are sound, safe and sanitary and within the financial means of the households displaced.

**Resident** - a person who makes his/her home in a particular place, may be of permanent or temporary status and would include both existing and future residents and special populations.

**Residential Land Use Designations** - areas designated on the Future Land Use Map for use in providing housing including single-family, multi-family, and mobile home dwelling units. Residential land use designations stipulate varying density allowances which are based upon various factors, including the availability of public facilities and services, compatibility with surrounding land uses, and environmental constraints. These land use classifications are defined as follows:

**Residential 30 Directive** - a classification providing for a maximum residential density of thirty (30) dwelling units per acre, unless otherwise established by the Comprehensive Plan

**Residential 15** - a classification providing for a maximum residential density of fifteen (15) dwelling units per acre, unless otherwise established by the Comprehensive Plan.

**Residential 6** - a classification providing for a maximum residential density of six (6) dwelling units per acre, unless otherwise established by the Comprehensive Plan.

**Residential 4** - a classification providing for a maximum residential density of four (4) dwelling units per acre, unless otherwise established by the Comprehensive Plan.

**Residential 2** - a classification providing for a maximum residential density of two (2) dwelling units per acre, unless otherwise established by the Comprehensive Plan.

**Residential 1** - a classification providing for a maximum residential density of one (1) dwelling unit per acre, unless otherwise established by the Comprehensive Plan.

**Residential 1:2.5** - a classification providing for a maximum residential density of one (1) dwelling unit per two and one-half (2.5) acres, unless otherwise established by the Comprehensive Plan.

**Resource Recovery** - the process of obtaining materials or energy from wastes; recycling.

**Retention (surface water)** -- a drainage technique that retards or detains runoff or discharge to enhance groundwater recharge and reduce erosion and surface water pollution, such as a retention basin, parking lot storage, porous pavement, dry well, or any combination thereof.

**Reverter Clause** - a clause in a deed which stipulates that unless certain conditions are followed, ownership of the property involved will return to the conveyor or to a designated third party.

**Rights of Boaters, Fishermen, and Waterskiers (as they apply under 370.12(2)(j)k, F.S.)** means that boaters, fisherpersons and waterskiers have the right to use the waters of the State

of Florida for recreational or commercial purposes in a manner consistent with all applicable federal, state and local laws and regulations. Such laws and regulations include, but are not limited to, those governing the operation and safety of vessels on the water to promote public safety, environmental/natural resource protection, and/or responsible use of the waters of the State.

**Riverine Floodplain** - the area susceptible to being inundated by waters from the St. Johns River, freshwater Lakes, and freshwater tributaries to the Indian River Lagoon System from a given storm event.

**Roadway Network** - the vehicular and pedestrian traffic circulation system including roads, bicycle paths and lanes, sidewalks, and traffic control devices.

**Runoff** -- (aka surface runoff) the portion of precipitation or irrigation on an area that flows across the ground surface as sheet or stream flow to natural or manmade catchment basins without returning to the atmosphere nor infiltrating the soil to recharge groundwater.

**S1** - Critically imperiled in state because of extreme rarity (5 or fewer occurrences or very little remaining area) or because of some factor(s) making it especially vulnerable to extinction.

**S2** - Imperiled in state because of rarity (6-20 occurrences or little remaining area) or because of some factor(s) making it very vulnerable to extinction throughout its range.

**Schedule of Improvements and Funding** - that schedule prioritizing capital facilities and services adopted as part of the Capital Improvements and Programs element of the Brevard County Comprehensive Plan.

**Seagrass Coverage (%)** - Seagrass coverage shall be determined on a project site during the months of May through October. The percent coverage of seagrass is determined by counting short shoots in a one square meter (1m<sup>2</sup>) plot frame that has been evenly subdivided into one hundred square cells. The plot is placed every five meters (5m) along a minimum of three (3) transect lines perpendicular to the shoreline and extending to the end of the project site. The transect lines are to be evenly spaced along the project site shoreline with one transect located at the middle of the site and one at each end of the project site. Transects shall be no greater than fifty meters (50m) apart. If the project site is greater than one hundred meters (100m) in width, additional transects shall be added at a rate of one for every fifty meters (50m) of shoreline. If ten of the sample plot frames contain ten percent (10%) or more seagrass, then the final coverage for the site is greater than or equal to ten percent (10%). The project site is defined as that area within which boats will be docked. If the project site and the shoreline are not contiguous then the first plot frame shall be placed at the intersection of the project site and the transect line.

**Seawall** means a vertical structure built along a portion of a coast, retaining earth against its landward face and designed to prevent erosion and other damage by wave action.

**Setback** -- the distance between a structure and any lot line.

**Shall** - expresses a command, must express what is mandatory, to be done at all times without deviation.

**Shelter Space** - facilities usable for the purpose of providing safe sheltering for "at risk" population. Pubic shelters must be able to provide protection from *surge inundation, flooding* and *high winds*. Shelter space is considered to be both public and private facilities. Public shelters are identified by two categories; *general population* and *special needs*. Private shelters consist of structures privately owned.

**Shoreline** means the point where the water meets the land at any point in time.

**Shoreline Protection Buffer** - a setback established from the mean or ordinary high water line or safe upland line whichever the applicant chooses. Within the shoreline protection buffer, passive recreation, hunting, fish and wildlife management open space, nature trails and limited amounts and types of shoreline access facilities shall be allowed. The amounts and types of development allowed within the shoreline protection buffer and other development restrictions are found in Conservation Element Policies 3.3, 3.4, and 3.5.

**Short Shoot** - The area between the rhizome (root) and the blade of a seagrass.

**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, and;
- d. The activity is not financially feasible for the local government.

**Significant Adverse Impacts** means that within the sphere of influence of a proposed boating facility, death or injury to manatees or destruction of manatee habitat can be reasonably expected to occur as a result of the construction, expansion, or increase in powerboat densities and activities associated with boating facility.

**Significant Manatee Habitat Features** - each of the following five habitat features is considered significant as described.

1. Seagrass - 5% or more seagrass present on the proposed project site is considered significant.
2. Manatee Abundance - five (5) or more observations/overflight within a 5 mile radius of the site. If more than one survey falls within the 5-mile radius, the number of manatees observed will be counted for each survey, divided by the number of overflights and then the normalized values will be summed.
3. Significant Manatee Mortality - the number of watercraft mortality within a 5 mile radius, divided by the total number of watercraft mortalities in Brevard County, A value of 0.03 or larger is considered significant.
4. Manatee Freshwater Source/Calving/Cavorting/Feeding/Resting Area is within a 1/2 mile of the proposed site.
5. The proposed site is in a Class II Waterbody, Outstanding Florida Waterway (OFW), or an Aquatic Preserve.

**Silviculture** - the art, application, and practice of controlling forest establishment, composition, and growth through sound management techniques, based on the owners management objectives. *See Forestry.*

**Slip, Wet Slip, or Dry Slip** means an area within a boating facility which is intended for the mooring storage of a vessel.

**Slow Speed** means the speed at which a vessel proceeds when it is fully off plane and completely settled into the water. Vessels shall not be operated a speed that creates an excessive wake or other hazardous condition, which is unreasonably or unnecessarily, endangers other vessels under the existing circumstances. This requiring level of protection for the safety of vessels and vessel operators is also intended to provide adequate protection for manatees and is therefore adopted because of its familiarity to vessel operators. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, there is no specific numerical speed assigned to Slow Speed.

A vessel is not proceeding at Slow Speed if it is:

1. On a plane;
2. in the process of coming off plane and settling into the water or coming up onto plane;
3. creating an excessive wake or other hazardous condition which unreasonably or unnecessarily endangers other vessels.

A vessel is proceeding at Slow Speed if it is fully off plane and completely settled into the water and not creating an excessive wake or other hazardous condition which unreasonably or unnecessarily endangers other vessels

**Slow Speed Zone** means an area where vessels may not be operated at greater than Slow Speed, as defined above and in 62N-22.002(7), F.A.C.

**Solid Waste** - sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or, garbage, rubbish, refuse, derelict vessels, junk vehicles, and other discarded material, including solid, liquid, semisolid, and contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

**Source Reduction** - the practice of reducing the generation of waste at the source of production. Potential source reduction methods include redesign of processes to minimize waste production and the use of safer substitute materials in manufacturing process.

**Sovereignty Lands** means those lands including, but not limited to: tidal lands, islands, sandbars, shallow banks, and lands waterward of the ordinary or mean high water line, to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and of which it has not since divested its title interest. For the purposes of this rule sovereignty lands shall include all submerged lands within the boundaries of the preserve, title to which is held by the Board.

**Special Populations** - a subset of the resident population which includes those persons with special housing needs such as the elderly, single parent families, handicapped, transients and family-deprived.

**Special Use Parks** - there are parks and recreational facilities which do not conform to existent standards and have special uses including recreational vehicle parks, nature trails, golf courses, conservation areas, airport parks and wildlife sanctuaries.

**Specialized Incineration Unit** - an incineration unit designed for the reduction or disposal of material that poses a threat to the environment when it is left untreated (e.g., bio-hazardous material).

**Species** - a group of individuals that potentially breed among themselves and do not breed with other groups (biological definition) or a group of individuals that are morphologically, physiologically, or biochemically distinct from other groups in some important characteristic (morphological definition of species).

**Species of Special Concern** - Species of animals listed under the jurisdiction of the Florida Fish, Game and Wildlife Conservation Commission, Chapters 39 and 46 F.A.C. These are generally any species, subspecies, or isolated population that is likely to become a threatened species, or a species that meets certain criteria for threatened status but where conclusive data is limited or lacking.

**Sphere of Influence** means those waters where powerboats from a boating facility are reasonably expected to operate.

**Spoil Islands** -- dirt, rock, or waste material that has been removed from its prior location, often the bottoms of waterways, and deposited as emergent mounds.

**Standard** - a rule set up and established by authority for the measure of quantity, weight, extent, value or quality; a criterion on which a judgment or decision may be based.

**Strive** - to endeavor; to devote serious effort or energy.

**Structure** - anything constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground.

**Substandard Housing Suitable for Rehabilitation** - a housing unit which is suitable for human occupancy but which has some degree of hazardous conditions to the health or safety of the occupants. Also, a housing unit which is structurally sound but has visible degrees of deterioration and several housing code violations but all of which are economically feasible to correct.

**Substandard Housing not Suitable for Rehabilitation** - a housing unit which is structurally unsound and which possesses a serious and immediate threat to the health and safety of the occupants. Also, a housing unit which is not suitable for occupancy and the conditions or code violations are not economically feasible to correct. Would include units damaged by fire, storm, or other natural causes.

**Substantially Surrounded** - when a parcel of land is bordered on two sides by land developed as commercial or industrial. Such commercial or industrial development should abut the subject land.

**Suitability** - Means the degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development. ~~(Form 9J-5.003(134))~~.

**Support** - to promote the interests or causes of; to uphold or defend as valid or right, advocate; to argue or vote for; to pay the costs of; to favor actively in the face of opposition.

**Surface Water** -- water on the earth's surface exposed to the atmosphere as rivers, lakes, streams, and oceans.

**Surface Water Protection Buffer** - a setback established from the mean or ordinary high water line or safe upland line whichever the applicant chooses. Within the surface water protection buffer, passive recreation, hunting, fish and wildlife management open space, nature trails and limited amounts and types of shoreline access facilities shall be allowed. The amounts and types of development allowed within the surface water protection buffer and other development restrictions are found in Conservation Element Objective 3.

**Terminal Platform** means that part of a dock or pier, including finger piers that are connected to the access walkway, is located at the terminus of the facility, and is designed, to secure and load or unload a vessel or conduct other water dependent activities.

**Threatened Species** - Species of animals and plants federally listed the jurisdiction of the U.S. Fish and Wildlife Service, Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), or the Florida Fish and Wildlife Conservation Commission, Chapters 39 and 46, Florida Administrative Code (F.A.C.), or the Florida Department of Agricultural and Consumer Services, Preservation of Native Flora of Florida Act (s. 581.185-187, Florida Statutes). These are generally any species, subspecies, or isolated population, which are likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

**Tourist Commercial Development Activities** - activities intended to serve the needs of tourists and seasonal residents and include hotels, motels and support activities such as restaurants, gas stations and souvenir shops. Varying densities for hotel/motel activities are set forth within the Comprehensive Plan. Such activities are located in Community Commercial (CC) land use designations, unless otherwise provided in the Comprehensive Plan.

**Toxic Material** - a type of hazardous waste that causes harm to humans or other organisms by entering the organism and interfering with normal life functions, as opposed to corrosive, ignitable, or reactive materials which cause damage by physical proximity or contact.

**Transfer Station** - a facility for the temporary collection of solid waste prior to transport to the processing facility.

**Transient Commercial Development Activities** - activities intended to serve the needs of the overnight visitor and are located in Community Commercial (CC) land use designations.

**Transitional Level of Service** - a temporary acceptable level of service for a specific facility or service not to exceed 12 years, but which shall realistically reflect the minimum timeframe necessary to establish a funding source and/or remove affecting obstacles, and proceed with an appropriate improvement effort.

**Tributary** - a natural stream or other natural water body that flows, falls or empties into another water body. This definition is not to include non-point sources.

**Turbidity** -- a thick, hazy condition of air or water due to the presence of suspended particulates or other pollutants.

**Turning Basin** means the area of sovereign submerged land which is required to maneuver a vessel into or out of a facility.

**Type 1 Aquifer Recharge Areas** - those areas which are within the City of Titusville's Area of Critical Concern, or are within five hundred (500) feet of a public water supply well or within the boundaries of a development that proposes a public water supply well provided that this area serves to recharge the aquifer from which the well draws and which have highly permeable soils.

**Type 2 Aquifer Recharge Areas** - those areas which are not classified as Type 1 aquifer recharge areas and are above 30 feet mean sea level and have highly permeable soils.

**Type 3 Aquifer Recharge Areas** - those areas which have highly permeable soils and are below 30 feet mean sea level.

**Unique Farmlands** - those lands which possess a special complement of location, soil characteristics, growing season and moisture supply that result in high productivity for specialty crops such as fruits, vegetables and vineyards.

**Units Per Acre** - the number of residential units allowed as a maximum per acre. This term may describe an aggregate density over a large tract or a building lot size.

**Urban Sprawl** - a land development pattern characterized by the location of development in areas where public facilities and services cannot be provided efficiently.

**Urban-District Park** - generally contain 100 to 499 acres and serve several communities in the metropolitan area.

**Utility Corridor** - an inter-county corridor established for rail transportation of persons and/or cargo and one or more of the following: the location of lines for the transmission of water, electricity, communications, petroleum products, products of a public utility (including new technologies of a public utility nature), or materials.

**Very Low Income Household** - a household which possesses a household income of less than 50 percent of the median income.

**Very-low-income persons**- means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

**Wake** means all change in the vertical height of the water's surface caused by the passage of a vessel including, but not limited to, a vessel's bow wave, stern wave, and propeller wash.



**Water Dependent Uses** - activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports and marinas; recreation; electrical generating facilities; or water supply.

**Water Enhanced Uses** - activities which are not water dependent but whose value is increased due to location along the water. This increased value is not related to the increased property values of water-front property. Water enhanced uses include restaurants, some upland recreational areas and tourist attractions.

**Water Quality** -- a measure of the levels of pollutants occurring within a specified area of a waterbody.

**Water Related Uses** - activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses. These land uses include bait and tackle shops, and boat sales and rentals.

**Watershed** -- the region or area of land that drains water, sediment, and dissolved materials to a common outlet or body of water.

**Water's Edge Wetlands** - wetlands which are a transitional area between dry land and open water.

**Wetland Functionality** - is determined by the ability of the wetland to provide a diversity of habitat and food sources for aquatic and wetland-dependent species, and for threatened and endangered species and species of special concern; to provide flood storage capacity; to provide for the protection of downstream and offshore water resources from siltation and pollution; or to provide for the stabilization of the water table. (from Chapter 62-3691, Brevard County Code of Ordinances). In considering the functional value of wetlands, the degree of alteration, uniqueness, landscape diversity, and proximity to water bodies should be considered.

**Wetlands** - as defined in Florida Statute 373.019(25).

**Wildlife and Open Space Corridor** - a widespread, continuous or near-continuous system of wildlife habitat that is established by linking wildlife preserves, sanctuaries, refuges, parks or open space areas to provide a pathway for wildlife movement.

**Wildlife Habitat** - An area that provides an animal with food, water, and shelter and that also provides the spatial requirements that facilitate breeding, foraging, roosting, and resting.

## **Acronyms**

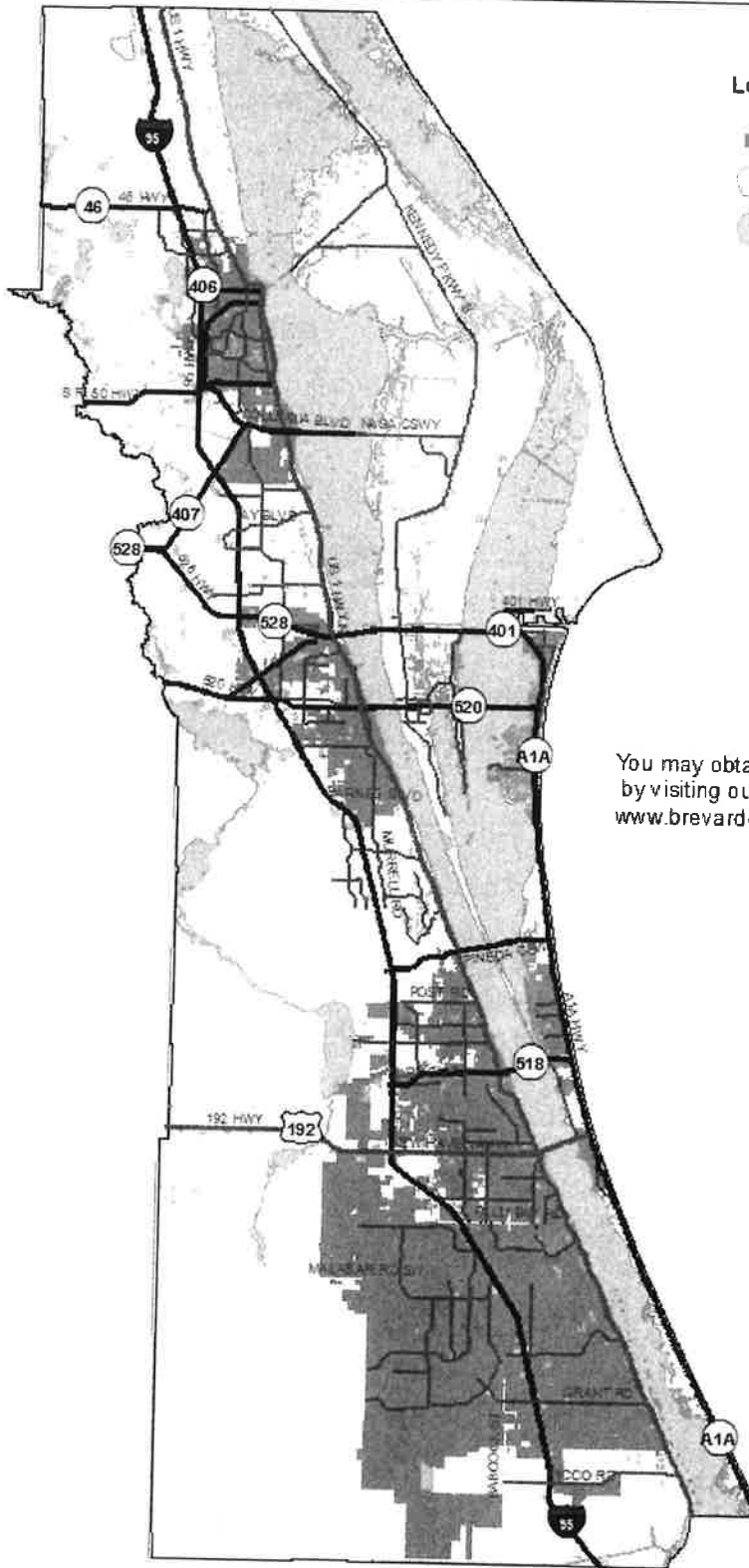
BCC	Brevard County Board of County Commissioners
CCL	Brevard County Coastal Control Line (Ord. 85-17).
CCCL	FDEP's old Coastal Construction Control Line (1975).
CSL	Brevard County Coastal Setback Line
CCMP	Coastal Conservation and Management Plan
<del>DCA</del>	<del>Department of Community Affairs</del>
<u>DEO</u>	<u>Department of Economic Opportunity</u>
DRI	Development of Regional Impact
ECFRPC	East Central Florida Regional Planning Council
EPA	Environmental Protection Agency
FDEP	Florida Department of Environmental Protection
IRL	Indian River Lagoon
LPA	Local Planning Agency
NEP	National Estuary Program
NRCS	Natural Resources and Conservation Service (previously the Soil and Water Conservation District)
PLRG	Pollution Load Reduction Goals
SAV	Submerged Aquatic Vegetation
SJRWMD	St. Johns River Water Management District
SWIM	Surface Water Improvement and Management
SACOE	United States Army Corps of Engineers

# EXHIBIT B

Brevard County Map



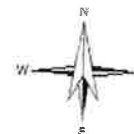
BREVARD COUNTY  
COMPREHENSIVE PLAN  
EVALUATION AND APPRAISAL REPORT (EAR) - 2017 Fall Transmittal



**Legend**

- Incorporated Cities and Towns
- Unincorporated County
- Lakes, Ponds & Rivers

You may obtain additional information  
by visiting our web site at:  
[www.brevardcountyfl.gov/citizens/default.aspx](http://www.brevardcountyfl.gov/citizens/default.aspx)



## Deborah Thomas

---

**From:** Lober, Bryan <Bryan.Lober@brevardfl.gov>  
**Sent:** Thursday, February 3, 2022 12:03 AM  
**To:** Commissioner, D1; Commissioner Rita Pritchett; Commissioner, D2; Commissioner, D3; Commissioner John Tobia; Commissioner, D4; Commissioner Curt Smith; Commissioner, D5; Zonka, Kristine  
**Cc:** Kimberly Powell; Donna Scott; Deborah Thomas; Samantha McDaniel; Abbate, Frank B; Van, Fritz; Jorandby, Abigail F.; Calkins, Tad; Ball, Jeffrey; Elmore, Amanda T; McGee, Darcie A  
**Subject:** Memo re: H.14. Public Hearing, Re: Adoption of EAR Based Amendments, 2017-2.2. DEO #17-3ER  
**Attachments:** Memo for 2-3-2022.pdf

Dear Fellow Commissioners:

Please see attached memorandum which does not solicit feedback from any Commissioner and Commissioners are specifically asked not to respond to it (or discuss it amongst one another outside of a duly noticed BoCC meeting) as doing so could and likely would constitute a violation of one or more provisions of Chapters 119 and/or 286, Fla. Stat. So that it may be made available to the public, a copy of this memo is being provided to Clerk to the Board so that it may be included in the minutes for the Thursday, February 3, 2022 BoCC meeting.

**Please do not reply, reply all, or acknowledge receipt.**

Thank you.

Kind regards,

Bryan

---

This email was scanned by Bitdefender



**Bryan A. Lober, Commissioner, District 2**  
2575 N. Courtenay Pkwy, Suite 200  
Merritt Island, FL 32953

Telephone: (321) 454-6601  
Fax: (321) 454-6602  
www.brevardfl.gov  
D2.Commissioner@brevardfl.gov

February 3, 2022

*\* Via Electronic Mail \**

**Memo Discussing Issue Coming before BoCC on Thursday, February 3, 2022**

This memorandum does not solicit feedback from any Commissioner and Commissioners are specifically asked not to respond to it (or discuss it amongst one another outside of a duly noticed BoCC meeting) as doing so could and likely would constitute a violation of one or more provisions of Chapters 119 and/or 286, Fla. Stat. So that it may be made available to the public, a copy of this memo is being provided to the Clerk to the Board so that it may be included in the minutes for the **Thursday, February 3, 2022** BoCC meeting. Please see the previously provided County Attorney's Office Inter-Office Memo dated December 12, 2016 which indicates that communications of this variety are authorized under applicable law.

This memo pertains to Item "**H.14. Public Hearing, Re: Adoption of EAR Based Amendments, 2017-2.2. DEO #17-3ER**" as listed in the agenda. The proposed language for this item reads, in pertinent part, as follows:

Policy 14.6 The County should develop mechanisms 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 14.9 Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County should 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).

**District 2 Includes**

Avon by the Sea • Cape Canaveral • Cape Canaveral SFS • Cocoa • Cocoa Beach • Kennedy Space Center •  
Merritt Island • Patrick SFB • Port Canaveral • Rockledge • Snug Harbor

With respect to Policies 14.6 and 14.9, I would suggest that we adopt the following language which would add clarity to both without increasing the likelihood Brevard County would be successfully sued for taking or reducing the value of any property or properties beyond what would be the case should we adopt unchanged the language proposed by staff in the agenda item. The language in **bold** is not included in the draft provided by staff.

Policy 14.6 The County ~~should~~ **must** develop mechanisms 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 **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, and;**
- d. The activity is not financially feasible for the local government.**

Policy 14.9 Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **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 **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, and;**
- d. The activity is not financially feasible for the local government.**

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).

Thank you for your consideration of the above.



Planning and Development Department  
2725 Judge Fran Jamieson Way  
Building A  
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

**TO:** Board of County Commissioners

**FROM:** Tad Calkins, Director *JLC*

**Cc:** Frank Abbate, County Manager  
John Denninghoff, P.E., Assistant County Manager

**DATE:** January 31, 2022

**SUBJECT:** H.14 -Adoption of EAR Based Amendments 2017-2.2 DEO#17-3ER

---

Item H. 14 is the County's 2017 Comprehensive Plan Evaluation and Appraisal Report which is scheduled to be heard by the Board of County Commissioners at the February 3, 2022, Zoning Meeting. It has come to staff's attention that a Scrivener's Error has occurred in the Transportation Element, when the County Transmitted the Evaluation and Appraisal Report (EAR) to Department of Economic Opportunity (DEO) in 2017. The changes that were mistakenly transmitted to DEO are underlined and highlighted yellow below. County staff recognizes these changes to Transportation Policy 1.3. were done in error, and asks the Board to retain the currently adopted verbiage of the policy.

### ***Transmitted Policy 1.3:***

Brevard County shall maintain level of service (LOS) standards for all county arterial and collector roadways.

#### **Criteria:**

- A. The level of service standards are as follows:
  1. Brevard County arterial and collector roadways within the urban area boundary: Level of Service E for roadways under 35mph. Level of Service D for roadways greater than 35mph.
  2. Brevard County arterial and collector roadways within the rural area, except as noted above: Level of Service D.
  3. State arterial roadways (excluding Florida Intrastate Highway System) within the urban area boundary: As adopted by FDOT
  4. State arterial roadways (excluding Florida Intrastate Highway System), outside the urban area boundary (rural area): As adopted by FDOT
- B. The level of service standards for the Florida Intrastate Highway System (Interstate 95 and SR 528 shall be established by FDOT. In general, the standards are LOS E within



the urban area boundary and LOS ~~D~~ C outside the urban area boundary.

***Adopted Policy 1.3:***

Brevard County shall maintain level of service (LOS) standards for all county arterial and collector roadways.

**Criteria:**

- A. The level of service standards are as follows:
  - 1. Brevard County arterial and collector roadways within the urban area boundary: Level of Service E
  - 2. Brevard County arterial and collector roadways within the rural area, except as noted above: Level of Service D
  - 3. State arterial roadways (excluding Florida Intrastate Highway System) within the urban area boundary: As adopted by FDOT
  - 4. State arterial roadways (excluding Florida Intrastate Highway System), outside the urban area boundary (rural area): As adopted by FDOT
- B. The level of service standards for the Florida Intrastate Highway System (Interstate 95 and SR 528 shall be established by FDOT. In general, the standards are LOS E within the urban area boundary and LOS D outside the urban area boundary.

Staff has met with the Department of Economic Opportunity to discuss the matter and agree the proposed changes do not require further review and can move forward to the adoption hearing as planned.

**STAFF REPORT**  
**PROPOSED COMPREHENSIVE PLAN AMENDMENT 2017.2.2**  
**EVALUATION AND APPRAISAL REVIEW OF COMPREHENSIVE PLAN**

In accordance with Rule Chapter 73C-49, Florida Administrative Code, every seven years each local government must determine whether there is a need to amend the comprehensive plan to reflect changes in statutory requirements that have been enacted since the previous Evaluation and Appraisal Report (EAR) was implemented. The due date for Brevard County to make this determination was December 1, 2016.

During this cycle, Brevard County determined the need to update the Coastal Management Element to meet the requirements of Section 163.3178(2)(f), Florida Statutes, enacted during the 2015 Legislative Session. Any local government that fails to submit proposed amendments within one year of notification may not amend its comprehensive plan until those amendments are submitted to the Department of Economic Opportunity (DEO).

In response to Section 163.3178(2)(f), F.S., Brevard County transmitted an EAR Notification Letter to DEO on November 15, 2016, acknowledging the County's commitment to submit an amendment as part of the second amendment cycle of 2017. DEO acknowledged that, pursuant to Section 163.3191(2), F.S., the EAR amendments should be transmitted to DEO by November 28, 2017.

Brevard County transmitted modifications to the Brevard County Comprehensive Plan (Amendment 2017-2.2; DEO #17-3ER) to DEO on November 2, 2017. On January 12, 2018, Brevard County received DEO's Objections, Recommendations and Comments (ORC) Report which included an objection to the proposed comprehensive plan amendment changes under the authority of Section 163.3178(2)(f), F.S., known as the "Peril of Flood" statute. Specifically, DEO's objection stated that the proposed Amendment No. 17-3ER did not provide a coastal redevelopment component in the Coastal Management Element that includes:

1. Development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Best practices, development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

Brevard County notified DEO requesting an extension to the adoption date to allow time to address DEO's objection and submit a revised proposed Amendment No. 17-3ER. DEO acknowledged the request on July 24, 2018, and the adoption date was extended to June 7, 2019. On June 4, 2019, DEO acknowledged the County's second request for additional time to submit a revised proposed Amendment No. 17-3ER, and a new extended adoption date was set as December 5, 2021. Brevard County's third notification requesting an extension to the adoption date was acknowledged by DEO on November 16, 2021, and the adoption date was extended to March 31, 2022.

Brevard County staff has coordinated with various agencies and participated in the East Central Florida Regional Planning Council's (ECFRPC) development of a Regional Resiliency Action Plan (RRAP), completed December 2018, and subsequently adopted by Brevard County by resolution on March 26, 2019.

In 2020, Brevard County was awarded a state-funded planning grant through the Florida Department of Environmental Protection (FDEP) Florida Resilient Coastlines Program - aimed at preparing Florida coastal communities for current and future effects of coastal flooding and addressing compliance with the "Peril of Flood" statute. The awarded grant project, Planning for Resilience in Brevard (DEP Agreement No. R2112), began October 2020 and was accomplished through the collaborative efforts of the Brevard County Planning and Development Department, the Natural Resources Management Department, and the contracted services of ECFRPC. Specifically, ECFRPC performed a vulnerability analysis, conducted an online survey, hosted two public workshops, and recommended strategies and potential policies to enhance coastal resiliency in Brevard County. The project was completed April 30, 2021, and the final project report is provided in the Adoption Package for your review.

Following the completion of the grant project, policy recommendations by ECFRPC were evaluated and refined by Brevard County staff. This resulted in a new objective and thirteen (13) proposed policies developed through cross-departmental coordination and DEO guidance to ensure consistency with Peril of Flood requirements of Section 163.3178(2)(f), F.S.

A revised, proposed Amendment 2017-2.2 is provided as an attachment and includes thirteen (13) new Coastal Management Element policies developed specifically to comply with Section 163.3178(2)(f), F.S. ("Peril of Flood"), as well as text modifications that were previously transmitted to DEO in 2017. Additions to the Comprehensive Plan are shown as underlined and deletions are shown as ~~strike through~~. Modifications not previously reviewed by DEO are highlighted in yellow.

Following is a summary of the thirteen (13) Coastal Management Element policies proposed to meet the requirements of Peril of Flood.

**From:** [Commissioner, D1](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#)  
**Subject:** FW: Feb 3 EAR Update  
**Date:** Friday, January 28, 2022 9:29:59 AM  
**Attachments:** [image003.png](#)

---

Good morning Jennifer,

On behalf of Commissioner Pritchett, our office is forwarding the below public comment concerning Item H.14. Thank you.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
7101 S. Highway 1  
Titusville, FL 32780  
Telephone: 321-607-6901

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

**From:** kay st. onge <stongekay@yahoo.com>  
**Sent:** Thursday, January 27, 2022 11:23 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Subject:** Feb 3 EAR Update

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

County Commissioners,

I understand that you will be reviewing the Comprehensive Plan Coast Management Element at your Feb. 3 meeting.

I would like to suggest that you strengthen the Coastal Element Policies 14.6 and 14.9. Instead of using the phrase "The County should," consider replacing this with "The County shall." Consider "requiring" nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts.

Low Impact Development strategies reduce polluted discharge into the Indian River Lagoon. One of the best ways to implement Low Impact Development is to maximize protection of trees, as trees reduce polluted storm water discharge. Studies show storm water discharge is one of the greatest polluters of the Lagoon.

As a recreational boater, the Indian River Lagoon's Intracoastal Waterway is what attracted me to move to Brevard County. Now the Lagoon is so polluted, recreational boating is no longer appealing in our area. Recreational boating was a boast to the region's economy, but now is greatly reduced due to the polluted Lagoon.

To restore the Lagoon and its economic impact on our area, strengthen the Comprehensive Plan's Element Policies, particularly Policies 14.6 and 14.9.

Kay St. Onge

Titusville Tree Team

**From:** [Commissioner, D1](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#)  
**Subject:** FW: Sierra Club Letter-- Feb 3 agenda Comp Plan EAR Update  
**Date:** Friday, January 28, 2022 9:32:45 AM  
**Attachments:** [Sierra Club letter -- Brevard County Coastal Management Element EAR Update.pdf](#)

---

Good morning Jennifer,

On behalf of Commissioner Pritchett, our office is forwarding the below public comment concerning Item H.14. Thank you.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett

District 1 Commission Office  
7101 S. Highway 1  
Titusville, FL 32780  
Telephone: 321-607-6901

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

---

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

From: Douglas and Mary Sphar <canoe2@digital.net>  
Sent: Thursday, January 27, 2022 12:49 PM  
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
Cc: McGee, Darcie A <Darcie.Mcgee@brevardfl.gov>; Barker, Virginia H <Virginia.Barker@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>; Woodard, Patrick <patrick.woodard@brevardfl.gov>  
Subject: Sierra Club Letter-- Feb 3 agenda Comp Plan EAR Update

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

Dear Commissioners,

Please accept the attached letter from Turtle Coast Sierra Club regarding the Comprehensive Plan  
EAR Update that you will be considering  
on February 3rd. Our comments focus on the importance of adequate  
policies to protect the health of the Indian River Lagoon.

If possible, please let me know you received this letter. Improving the health of the IRL is extremely  
important to Sierra Club.

Thank you,

Mary Sphar



# SIERRA CLUB

*Turtle Coast Group*

---

January 27, 2022

SUBJECT: Proposed Coastal Management Element Policies, EAR Adoption Hearing, February 3, 2022

Dear Members of the Brevard County Commission:

Turtle Coast Sierra Club has reviewed the proposed Coastal Management Element language intended to satisfy the State's Peril of Flood requirement. We believe that stronger Coastal Development and Redevelopment policies are essential to prevent further deterioration of the health of the Indian River Lagoon. The many excellent projects being implemented as part of the Save Our Indian River Lagoon (SOIRL) Project Plan cannot do the job alone. We also need wise decisions on land use and zoning, as well as strong Comprehensive Plan and LDR language to guide development and redevelopment in the Coastal Zone.

The Draft 2022 SOIRL Project Plan Update, in language dating from 2016, recognizes the great importance of adequate regulations to govern development. This language is found on pages 6 and 7 of the 2022 draft:

Undoing the damage to a unique and complex biological system as large as the IRL carries inherent risk. . . . Two subjective risk assessments were conducted by an independent consultant working with top science Subject Matter Experts most knowledgeable about the IRL . . . . **However, the scientists continued to voice concern about the restoration of the IRL in the absence of regulatory reform needed to prevent new development from adding more septic system and stormwater pollution to the lagoon. Therefore, updated regulations are needed as a complement to this plan to ensure timely and sustained success in restoring health to the IRL.**

The proposed Coastal Management Element policies for Coastal Development and Redevelopment could be part of the regulatory reform needed to prevent more stormwater pollution from entering the Lagoon, but these proposed policies can't do the job if they fail to ensure the County's commitment to implement them in a timely manner. If these policies remain just ideas that "should" be implemented, they will fail to adequately serve "as a complement to this [SOIRL] plan to ensure timely and sustained success in restoring health to the IRL."

The proposed Coastal Development and Redevelopment language consists of 13 policies – Coastal Management Element Policies 14.1 through 14.13. Every policy uses the verb *should*, instead of *shall*. *Shall* is defined as mandatory. In contrast, the definition of *should* in the Comprehensive Plan Glossary states: "expresses obligation; mandatory action necessary unless it can be clearly demonstrated that . . . The activity is not financially feasible for the local government." Sierra Club believes it is very easy to demonstrate that the activity is not financially feasible for Brevard County Government. There could be no budget for the activity, staffing constraints, and/or an unwillingness to proceed without grant funding. Even if Staff has good intentions, the 13 *shoulds* can justify putting implementation of these 13 proposed policies on the back burner.

At the Planning and Zoning Board meeting on January 10, in response to a question by a P&Z member about the reason for all the *shoulds*, Staff indicated that implementing all the policies right away would be problematic. Staff needs to figure out the direction of boards: What do they see as priorities? **Then Staff can "eat this elephant one bite at a time."**

Sierra Club believes some degree of prioritization is needed now, at the adoption stage. A responsible, reasonable approach is to use the verb *shall* for the most crucial, implementable policies out of the 13. Efforts



to improve the Indian River Lagoon's precarious health can't be subjected to a seemingly endless series of budget inadequacies and grant delays without grave consequences. You, as County Commissioners, can prioritize Coastal Management Element Policies 14.6 and 14.9, which address nature based-design standards and Low Impact Development (LID) by changing the *shoulds* to *shalls* as in our markup with underline and strike-through below.

**Policy 14.6**

The County ~~should~~ shall develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and ~~the~~ County shall amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ shall 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. 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).

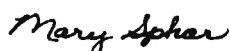
Policy 14.6 with the changes suggested would mandate that the County look at their ordinances to find obstacles to Low Impact Development. As a matter of fact, the County already has a document that should be very helpful in identifying the impediments to LID. It is the draft document *Enabling Low Impact Development and Green Stormwater Infrastructure, A Community Scoping and Ordinance Audit Tool for Florida Counties and Municipalities*, dated October 20, 2021, prepared by UF/IFAS. The County needs to start using it now as a first step to updating their LDRs.

Policy 14.9 with the changes suggested is a mandate to encourage or require nature-based design standards and/or Low Impact Development. We added the words "or require" to allow the strongest kind of LID ordinance. Titusville prioritized the creation of their incentive-based LID ordinance, which was approved last year. Planning Staff wrote this ordinance without grant money. Likewise, Brevard County needs to commit to writing an LID ordinance in a timely manner whether or not they are able to get outside money.

Sierra Club believes that other proposed policies among the 13 are also crucial for improving the health of the IRL, and we encourage you to use the word *shall* for those you feel are most important. In any case, changing *should* to *shall* in Policies 14.6 and 14.9 will remove the excuse to delay **taking the first two bites of the "elephant"**.

Thank you for considering the opinion of Turtle Coast Sierra Club.

Yours truly,



Mary Sphar  
Wetlands Issue Chair

**From:** [Commissioner, D1](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#)  
**Subject:** FW: EAR adoption hearing Feb 3  
**Date:** Friday, January 28, 2022 11:17:18 AM

---

Good morning Jennifer,

On behalf of Commissioner Pritchett, our office is forwarding the below public comment concerning Item H.14. Thank you.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett

District 1 Commission Office  
7101 S. Highway 1  
Titusville, FL 32780  
Telephone: 321-607-6901

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

**From:** Lora Losi <losi.loral@gmail.com>  
**Sent:** Friday, January 28, 2022 11:03 AM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Subject:** EAR adoption hearing Feb 3

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

As I see my and all my neighbor's boats only sitting, rotting in our yards I am seeing the quality of our lives greatly decline with the loss of a beautiful, alive lagoon to enjoy. I shutter to think what has happened to the many people who rely on the lagoon for their income! For the first time we couldn't even host a birding festival.

Luckily , there are many things that MUST and CAN be done to try to restore this vital part of Brevard county's economy.

I am asking you to strengthen the wording of at least the proposed coastal element policies 14.6 and 14.9 replacing the ambiguous wording of "should" to "shall".

I have seen the positive , simple, no nonsense low impact development approach work in my yard, neighborhood and across the country!

Strong, funded, timely actions are needed NOW.

I think the taxpayers of this county realize and deserve their hard earned tax dollars going to restore the IRL quickly and responsibly.

Lora Losi

Retired Brevard School Science teacher

Windover Farms Titusville

**From:** [Leesa Souto](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Feb 3 Brevard Zoning Meeting Agenda Item – Adoption of EAR based amendments, 2017-2.2 DEO  
**Date:** Monday, January 24, 2022 4:01:23 PM

---

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

Dear Commissioner Smith;

We appreciate Brevard County bringing forth Amended Comp Plan language that opens the door to the possibility of using more effective and functional development tools like nature-based designs and Low Impact Development. We are pleased that county staff has included some of the LID language recommended by the East Central Florida Regional Planning Council, however, the recommended language was weakened considerably to encourage changes instead of requiring them. Research shows that builders and developers will not change their practices unless required to do so. Encouraging them to change or suggesting they should implement LID will not get it accomplished.

You have an opportunity right now to strengthen Brevard County comprehensive plan language to protect coastal flood zones and initiate Low Impact Development that will sustain our community. MRC encourages the following language changes that we believe are immediately implementable, have no economic impact, and will start moving our community toward sustainable Low Impact Development.

Policy 14.6 (Replace word “Should” with word “shall”)

The County **shall** develop mechanisms 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 14.9 (Replace word “Should” with word “shall” and add “or require”)

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County **shall** 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. Such adaptation strategies may include....

Thank you for re-imagining how we can sustainably grow our community through Low Impact Development. Our Indian River Lagoon coastal community depends on your decision. Please let us know how we can be of assistance as we transition into a resilient and balanced coastal community.

Respectfully;

Leesa Souto, Ph.D.  
Executive Director  
Marine Resources Council  
321-725-7775

[www.SaveTheIRL.org](http://www.SaveTheIRL.org)

**From:** [Douglas and Mary Sphar](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [Mcgee, Darcie A](#); [Barker, Virginia H](#); [Calkins, Tad](#); [Woodard, Patrick](#)  
**Subject:** Sierra Club Letter-- Feb 3 agenda Comp Plan EAR Update  
**Date:** Thursday, January 27, 2022 12:49:24 PM  
**Attachments:** [Sierra Club letter -- Brevard County Coastal Management Element EAR Update.pdf](#)

---

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

Dear Commissioners,

Please accept the attached letter from Turtle Coast Sierra Club regarding the Comprehensive Plan EAR Update that you will be considering on February 3rd. Our comments focus on the importance of adequate policies to protect the health of the Indian River Lagoon.

If possible, please let me know you received this letter. Improving the health of the IRL is extremely important to Sierra Club.

Thank you,

Mary Sphar



# SIERRA CLUB

*Turtle Coast Group*

---

January 27, 2022

SUBJECT: Proposed Coastal Management Element Policies, EAR Adoption Hearing, February 3, 2022

Dear Members of the Brevard County Commission:

Turtle Coast Sierra Club has reviewed the proposed Coastal Management Element language intended to satisfy the State's Peril of Flood requirement. We believe that stronger Coastal Development and Redevelopment policies are essential to prevent further deterioration of the health of the Indian River Lagoon. The many excellent projects being implemented as part of the Save Our Indian River Lagoon (SOIRL) Project Plan cannot do the job alone. We also need wise decisions on land use and zoning, as well as strong Comprehensive Plan and LDR language to guide development and redevelopment in the Coastal Zone.

The Draft 2022 SOIRL Project Plan Update, in language dating from 2016, recognizes the great importance of adequate regulations to govern development. This language is found on pages 6 and 7 of the 2022 draft:

Undoing the damage to a unique and complex biological system as large as the IRL carries inherent risk. . . . Two subjective risk assessments were conducted by an independent consultant working with top science Subject Matter Experts most knowledgeable about the IRL . . . . **However, the scientists continued to voice concern about the restoration of the IRL in the absence of regulatory reform needed to prevent new development from adding more septic system and stormwater pollution to the lagoon. Therefore, updated regulations are needed as a complement to this plan to ensure timely and sustained success in restoring health to the IRL.**

The proposed Coastal Management Element policies for Coastal Development and Redevelopment could be part of the regulatory reform needed to prevent more stormwater pollution from entering the Lagoon, but these proposed policies can't do the job if they fail to ensure the County's commitment to implement them in a timely manner. If these policies remain just ideas that "should" be implemented, they will fail to adequately serve "as a complement to this [SOIRL] plan to ensure timely and sustained success in restoring health to the IRL."

The proposed Coastal Development and Redevelopment language consists of 13 policies – Coastal Management Element Policies 14.1 through 14.13. Every policy uses the verb *should*, instead of *shall*. *Shall* is defined as mandatory. In contrast, the definition of *should* in the Comprehensive Plan Glossary states: "expresses obligation; mandatory action necessary unless it can be clearly demonstrated that . . . The activity is not financially feasible for the local government." Sierra Club believes it is very easy to demonstrate that the activity is not financially feasible for Brevard County Government. There could be no budget for the activity, staffing constraints, and/or an unwillingness to proceed without grant funding. Even if Staff has good intentions, the 13 *shoulds* can justify putting implementation of these 13 proposed policies on the back burner.

At the Planning and Zoning Board meeting on January 10, in response to a question by a P&Z member about the reason for all the *shoulds*, Staff indicated that implementing all the policies right away would be problematic. Staff needs to figure out the direction of boards: What do they see as priorities? **Then Staff can "eat this elephant one bite at a time."**

Sierra Club believes some degree of prioritization is needed now, at the adoption stage. A responsible, reasonable approach is to use the verb *shall* for the most crucial, implementable policies out of the 13. Efforts

to improve the Indian River Lagoon's precarious health can't be subjected to a seemingly endless series of budget inadequacies and grant delays without grave consequences. You, as County Commissioners, can prioritize Coastal Management Element Policies 14.6 and 14.9, which address nature based-design standards and Low Impact Development (LID) by changing the *shoulds* to *shalls* as in our markup with underline and strike-through below.

**Policy 14.6**

The County ~~should~~ shall develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and ~~the County~~ shall amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ shall 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. 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).

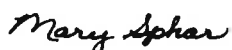
Policy 14.6 with the changes suggested would mandate that the County look at their ordinances to find obstacles to Low Impact Development. As a matter of fact, the County already has a document that should be very helpful in identifying the impediments to LID. It is the draft document *Enabling Low Impact Development and Green Stormwater Infrastructure, A Community Scoping and Ordinance Audit Tool for Florida Counties and Municipalities*, dated October 20, 2021, prepared by UF/IFAS. The County needs to start using it now as a first step to updating their LDRs.

Policy 14.9 with the changes suggested is a mandate to encourage or require nature-based design standards and/or Low Impact Development. We added the words "or require" to allow the strongest kind of LID ordinance. Titusville prioritized the creation of their incentive-based LID ordinance, which was approved last year. Planning Staff wrote this ordinance without grant money. Likewise, Brevard County needs to commit to writing an LID ordinance in a timely manner whether or not they are able to get outside money.

Sierra Club believes that other proposed policies among the 13 are also crucial for improving the health of the IRL, and we encourage you to use the word *shall* for those you feel are most important. In any case, changing *should* to *shall* in Policies 14.6 and 14.9 will remove the excuse to delay **taking the first two bites of the "elephant"**.

Thank you for considering the opinion of Turtle Coast Sierra Club.

Yours truly,



Mary Sphar  
Wetlands Issue Chair



**From:** [Commissioner, D1](#)  
**To:** [Jones, Jennifer](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#)  
**Subject:** FW: E.A.R. adoption hearing.  
**Date:** Friday, January 28, 2022 3:56:32 PM

---

Good afternoon Jennifer,

On behalf of Commissioner Pritchett, our office is forwarding the below public comment concerning Item H.14. Thank you.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett

District 1 Commission Office  
7101 S. Highway 1  
Titusville, FL 32780  
Telephone: 321-607-6901

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

**From:** mheyden716@aol.com <mheyden716@aol.com>  
**Sent:** Friday, January 28, 2022 1:23 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Subject:** E.A.R. adoption hearing.

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

Dear Commissioners:

No, this problem is not going away. And yes, it really is getting worse. The condition of the lagoon made it to international news in Europe as well as the national news here. We have an emergency and it's making us look like we have our heads buried in the sand.

Two of the Coastal Management Element Policies are not good enough. Using the word "should"...**prevents** any real progress. Using the word **WILL** actually can make things happen.

Specifically, I am talking about policy 14.6 and 14.9. These are so important...and our future depends on it.

Low impact development is possible. **Living without any irrigation, fertilizer, and pesticide is easy and possible.** But more than that....knowing that our property isn't causing nutrients from our lawn to pollute the lagoon is what Keep Brevard Beautiful teaches as they taught me to protect the lagoon with their "**Nutrient Pollution Reduction Program**".

Existing properties can be changed to follow the principles of Low Impact Development and the principles put money in my pocket month after month, year after year.

Our county is in trouble. The world is becoming aware of what we allowed to happen. This is a crisis and we have to have a real action plan.....not just hope.

Please, let's make strong language a priority for our future. Anything less will just result in the current downward spiral continuing.

Matt Heyden

**From:** [Anne Briggs](#)  
**To:** [Commissioner, D3](#)  
**Cc:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** EAR Adoption Hearing, 3 Feb 22  
**Date:** Saturday, January 29, 2022 3:37:55 PM

---

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

Ref: [3 Feb 22 EAR Update](#)

29 January 2022

Dear Commissioner Tobia,

We are asking you to please consider strengthening the proposed Coastal Management Element Policies (# 14.6 and #14.9) by altering the wording from “should” to “shall” as regards nature-based design standards and low impact development and re-development.

We feel it is necessary to protect and improve the health of our Indian River Lagoon. As we all know, it is a beautiful, unique, fragile, and vulnerable ecosystem. A healthy lagoon attracts new residents and tourism.

We cannot stress enough the urgency of having strongly worded policies in place in the EAR. We have too much to lose.

Thank you for your consideration.

Henry Beck and Anne Briggs

9735 Fleming Grant Road

Micco, Florida 32976

**From:** [Kristin Lortie](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Feb 3 Agenda Item: EAR Update - Support for Requested Modifications  
**Date:** Saturday, January 29, 2022 4:56:12 PM

---

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

Commissioners,

I am writing in support of the (4) changes below for 2 policies that are being presented for consideration on February 3rd.

It's very important to me that Brevard do what we can to include Low Impact Development strategies that may improve stormwater management, and to improve the health of the IRL. Many residents are concerned about the rampant local development and the health of the lagoon, including the state of it's poor health contributing to the loss of wildlife including our beloved manatees.

Thank you for your consideration of the requested changes, especially during the current time of increased development when residents are growing increasingly concerned about local growth and the health of our ecosystem.

Best regards,  
Kristin Lortie, D1 Resident  
5524 Brilliance Cir, Cocoa, FL 32926

**Requested Changes:**

**Policy 14.6**

The County ~~should~~ **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** 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. 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)

**From:** [Hope Bookman](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Cc:** [canoe2@digital.net](mailto:canoe2@digital.net)  
**Subject:** Feb 3 EAR Update  
**Date:** Monday, January 31, 2022 10:02:17 AM

---

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

To the Brevard County Commissioners,

I've recently learned that the language in the Comp Plan Coastal Management is in review. I am asking that in the Coastal Element Policies the word "SHOULD" be replaced with "SHALL" in at least Policies 14.6 and 14.9. The word shall gives a better hope that these items actually will be done. We must protect the IRL, which is an integral part of our county.

I appreciate your consideration,  
Hope Bookman

#### **Policy 14.6**

The County should **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

#### **Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County should **shall** 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. 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).

**From:** Terry LaPlante  
**To:** Commissioner, D1  
**Subject:** Feb. 3rd EAR Update  
**Date:** Sunday, January 30, 2022 2:14:08 PM

---

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

Dear Commissioner,

I read in the paper this morning about the need to tax ourselves again in hope of saving the IRL.

It seems pointless to renew the tax or double the tax given that the county is not requiring developers to do their part by adopting Low Impact Development.

And, it isn't just the Lagoon that we need to protect from pollution since our drinking water comes from Lake Washington it is critical to do the same given all the development going on which will drain into it.

It seems we keep hoping and advocating for developers to do the right thing for our county and our state but what I am witnessing is they only do the minimum of what is required to get their permits or keep the neighbors happy.

The developers seem to play every hand they have or that you give them to do only what is required. Clearly they are making big money as witnessed by hiring attorneys to work the system.

Therefore, we must change recommendations to requirements.

I notice that the people who are appointed to the planning and zoning board are largely favoring development with only 1 or 2 members speaking up in favor of a sustainable community.

I live in district 4 and would be happy to volunteer to balance out the P & Z commission.

We must unite even if it means people buying new homes pay more. We must share the cost of protecting the environment with business. The taxpayers are doing their part in many different ways besides taxing ourselves.

I wish I could attend the meeting to speak to you in person on this important subject but I have another commitment.

Thank you for being the guiding light to Brevard County.

Terry LaPlante  
tel: (321)543-2156  
[TLAPLANTE2012@GMAIL.COM](mailto:TLAPLANTE2012@GMAIL.COM)





**From:** Julie Mallisturner  
**To:** Commissioner, D4  
**Subject:** POLICY 14.9  
**Date:** Saturday, January 29, 2022 11:28:23 AM

---

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

Dear Honorable Smith,

I live in District 4 and I am contacting you to ask that you read over this policy and back changing the wording as directed below.

Thank you.

Julie Turner  
(321) 266-2786

#### **Policy 14.9**

Based on  
the 2021  
Resilient  
Brevard  
Community  
Survey,  
completed  
by the  
ECFRPC,  
the  
County ~~sho~~  
~~uld~~ **shall**en  
courage **or**  
**require** nat  
ure-based  
design  
standards  
and/or Low  
Impact  
Developme  
nt design

for  
developme  
nt and  
redevelopm  
ent within  
areas  
vulnerable  
to current  
and future  
flooding  
impacts.  
Such  
adaptation  
strategies  
may  
include:

a. Multi-use  
stormwater  
parks,

b.  
Bioswales  
as  
stormwater  
manageme  
nt  
techniques,

c. Green  
streets,

d. Reduced  
impervious  
areas,

e. Florida-  
friendly  
landscapin  
g/xeriscapi  
ng, and

f.  
Ecological  
asset  
preservatio  
n (e.g., tree  
canopy,  
natural  
areas,  
mangroves,

wetlands,  
dunes,  
aquifer  
recharge  
areas).

Sent from Yahoo Mail for  
iPhone

**From:** [Bill Henry](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Urgent Comprehensive Plan changes.  
**Date:** Sunday, January 30, 2022 4:29:42 PM

---

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

In policy paragraphs 14.6 and 14.9 dealing with low impact development and redevelopment please change SHOULD TO SHALL OR WILL. The IRL is too important an asset to have future development policies simply business as usual with optional compliance - Bill Morris

**From:** [Signe Kastberg](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Coastal Management Element Policies  
**Date:** Saturday, January 29, 2022 3:49:39 PM

---

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

Dear Commissioners,

I am a resident and home-owner in Brevard County and I am an active voter. I am very concerned about the health and management of the Indian River Lagoon and the impact of overdevelopment in our area, as well as insufficient resources and efforts to conserve and protect our environment. As the waters become more polluted, and more marine life dies (and water birds as well), what will happen to our property values? Now is the time for taking definitive action, and not wishful thinking. Specifically, I would encourage you to start by eliminating the word "should" from a couple of relevant policies, and replacing it with the action-oriented word, "Shall" as follows:

#### **Policy 14.6**

The County should **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

#### **Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County should **shall** 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. 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).

Thank you for your attention to these important matters.

Signe M. Kastberg, PhD LMHC

**From:** [Robert Rupe](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#)  
**Subject:** County Proposed Comp Plan Change  
**Date:** Monday, January 31, 2022 9:19:51 AM

---

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

Honorable County Commissioners,

It is your responsibility to ensure your policies protect the Indian River Lagoon. You can't do it by having weak policies that hamper protections we need to bring our Indian River Lagoon back to a state we need to protect the economic viability of our county.

The East Central Florida Regional Planning Council.(ECFRPC) recommended proposals that would help our county work towards a better Indian River Lagoon. The County must follow the ECFRPC's recommendations instead of the weakened policies being presented by the Brevard County P&Z's proposed changes.

1. Brevard County must state density will not be increased in the Coastal High Hazard Area.

2. Brevard County must replace should with shall in EAR Policies 14.6 and 14.9.

3. Low Impact Development is essential to our county to protect our lagoon. We cannot continue the practices of the past that have damaged our precious resource.

Without these requirements, the Indian River Lagoon will not recover from the actions of previous administrations. You must do better or our county will eventually become nothing more than a location no one will want to live in or come to visit. Please protect our lagoon.

Thank you.

Maureen & Robert Rupe  
7185 Bright Ave  
Cocoa, FL 32927  
321-536-3840



**From:** Lora Losi  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** EAR adoption hearing Feb 3  
**Date:** Friday, January 28, 2022 11:03:39 AM

---

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

As I see my and all my neighbor's boats only sitting, rotting in our yards I am seeing the quality of our lives greatly decline with the loss of a beautiful, alive lagoon to enjoy. I shutter to think what has happened to the many people who rely on the lagoon for their income! For the first time we couldn't even host a birding festival.

Luckily , there are many things that MUST and CAN be done to try to restore this vital part of Brevard county's economy.

I am asking you to strengthen the wording of at least the proposed coastal element policies 14.6 and 14.9 replacing the ambiguous wording of "should" to "shall".  
I have seen the positive , simple, no nonsense low impact development approach work in my yard, neighborhood and across the country!

Strong, funded, timely actions are needed NOW.  
I think the taxpayers of this county realize and deserve their hard earned tax dollars going to restore the IRL quickly and responsibly.

Lora Losi  
Retired Brevard School Science teacher  
Windover Farms Titusville

**From:** giselle  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Feb 3 Agenda Item: EAR Update - Support for 2 policies that are being presented for consideration on February 3rd.  
**Date:** Sunday, January 30, 2022 7:07:55 PM

---

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

Commissioners:

I am writing in support of the (4) changes below for 2 policies that are being presented for consideration on February 3rd.

I believe it is critical to the future of Brevard County that we must include Low Impact Development strategies to improve stormwater management, which in turn, will improve the health of the IRL. Many residents are concerned about the rampant local development and it's negative impact on the lagoon, most especially it's contribution to the loss of wildlife including our beloved manatees.

Improving the health of our precious ecosystems is crucial to a sustainable community. Thank you for your consideration of the requested changes.

Best regards,  
Giselle Leal, District 2  
3224 Fairfax Ln, Cocoa, FL 32926

**From:** Suzie DeBusk  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Feb 3 Agenda Item: EAR Update - Support for Requested Modifications  
**Date:** Sunday, January 30, 2022 1:22:42 PM

---

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

Commissioners,

I am writing in support of the (4) changes below for 2 policies that are being presented for consideration on February 3rd.

I believe it is critical to the future of Brevard County that we must include Low Impact Development strategies to improve stormwater management, which in turn, will improve the health of the IRL. Many residents are concerned about the rampant local development and it's negative impact on the lagoon, most especially it's contribution to the loss of wildlife including our beloved manatees.

Improving the health of our precious ecosystems is crucial to a sustainable community. Thank you for your consideration of the requested changes.

Best regards,  
Suzanne B. DeBusk, District 2  
3208 Westchester Drive, Cocoa, FL 32926

**Requested Changes:**

**Policy 14.6**

The County ~~should~~ **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** 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.

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)



**From:** Sally DRAPER  
**To:** Commissioner, D4  
**Subject:** Feb 3 EAR Update  
**Date:** Sunday, January 30, 2022 2:54:15 PM

---

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

Dear Commissioner Smith:

I am writing to ask you to help preserve the Indian River Lagoon in this way:

Policy 14.6: Please replace the word "should" with "shall," so that we may be assured that action will be taken now, rather than down the road. Also, please add to "and amend the development" to "and the County shall amend the development."

Policy 14.9: Please replace the word "should" with "shall." Also replace "encourage" with "encourage or require."

These changes and the emphasis on Low Impact Development are necessary to ensure action is being taken in a timely fashion. Time we do not have much of!

I grew up in Merritt Island and still live here. I am a kayaker, and it is disheartening to know that I can no longer kayak in the lagoon due to dangerous algae. I also am greatly concerned about the alarming rise in manatee deaths. I'm sure you know that Brevard will take a major hit in tourism if steps to restore the IRL are not forthcoming, as the lagoon is/was a fishing haven.

Thank you for your consideration.

Sincerely,

Sally Draper  
450 Needle Blvd.  
Merritt Island, FL 32953  
salnhu@att.net  
321-452-5332

**From:** [Julie Mallisturner](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Fw: POLICY 14.9  
**Date:** Saturday, January 29, 2022 2:44:53 PM

---

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

Dear Honorable  
Smith,

I live in District  
4 and I am  
contacting you to  
ask that you read  
over this policy and  
back changing the  
wording as directed  
below.

Thank you.

Julie Turner  
(321) 266-2786

**Policy  
14.9**

B  
a  
s  
e  
d  
o  
n  
t  
h  
e  
2  
0  
2  
1

R  
e  
s  
i  
l  
i  
e  
n  
t  
B  
r  
e  
v  
a  
r  
d  
C  
o  
m  
m  
u  
n  
i  
t  
y  
S  
u  
r  
v  
e  
y  
,  
c  
o  
m  
p  
l  
e  
t  
e  
d  
b  
y  
t  
h  
e  
E  
C  
F  
R

P  
C  
,  
t  
h  
e  
C  
o  
u  
n  
t  
y

s  
h  
o  
u  
l  
d

**s  
h  
a  
l  
l  
e  
n  
c  
o  
u  
r  
a  
g  
e**

**o  
r  
r  
e  
q  
u  
i  
r  
e**

n  
a  
t  
u  
r



e  
-  
b  
a  
s  
e  
d  
d  
e  
s  
i  
g  
n  
s  
t  
a  
n  
d  
a  
r  
d  
s  
a  
n  
d  
/  
o  
r  
L  
o  
w  
i  
m  
p  
a  
c  
t  
D  
e  
v  
e  
l  
o  
p  
m  
e  
n  
t  
d  
e

s  
i  
g  
n  
f  
o  
r  
d  
e  
v  
e  
l  
o  
p  
m  
e  
n  
t  
a  
n  
d  
r  
e  
d  
e  
v  
e  
l  
o  
p  
m  
e  
n  
t  
w  
i  
t  
h  
i  
n  
a  
r  
e  
a  
s  
v  
u  
l  
n  
e

r  
a  
b  
l  
e  
t  
o  
c  
u  
r  
r  
e  
n  
t  
a  
n  
d  
f  
u  
t  
u  
r  
e  
f  
l  
o  
o  
d  
i  
n  
g  
i  
m  
p  
a  
c  
t  
s  
. S  
u  
c  
h  
a  
d  
a  
p  
t  
a  
t

i  
o  
n  
s  
t  
r  
a  
t  
e  
g  
i  
e  
s  
m  
a  
y  
i  
n  
c  
l  
u  
d  
e  
:

a  
.  
M  
u  
l  
t  
i  
-  
u  
s  
e  
s  
t  
o  
r  
m  
w  
a  
t  
e  
r  
p  
a  
r  
k

s

,

b

.

B

i

o

s

w

a

l

e

s

a

s

s

t

o

r

m

w

a

t

e

r

m

a

n

a

g

e

m

e

n

t

t

e

c

h

n

i

q

u

e

s

,

c

.  
G  
r  
e  
e  
n  
s  
t  
r  
e  
e  
t  
s  
.

d  
.  
R  
e  
d  
u  
c  
e  
d  
i  
m  
p  
e  
r  
v  
i  
o  
u  
s  
a  
r  
e  
a  
s

e  
.  
F  
l  
o  
r  
i  
d

a  
-  
f  
r  
i  
e  
n  
d  
l  
y  
l  
a  
n  
d  
s  
c  
a  
p  
i  
n  
g  
/  
x  
e  
r  
i  
s  
c  
a  
p  
i  
n  
g  
,  
a  
n  
d  
  
f  
.  
E  
c  
o  
l  
o  
g  
i  
c  
a  
l

a  
s  
s  
e  
t  
p  
r  
e  
s  
e  
r  
v  
a  
t  
i  
o  
n  
(  
e  
.  
g  
.  
t  
r  
e  
e  
c  
a  
n  
o  
p  
y  
,  
n  
a  
t  
u  
r  
a  
l  
a  
r  
e  
a  
s  
,  
m  
a  
n



g  
r  
o  
v  
e  
s  
,  
w  
e  
t  
l  
a  
n  
d  
s  
,  
d  
u  
n  
e  
s  
,  
a  
q  
u  
i  
f  
e  
r  
r  
e  
c  
h  
a  
r  
g  
e  
a  
r  
e  
a  
s  
)

Sent from Yahoo  
Mail for iPhone

**From:** B.D.  
**To:** Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5; Commissioner, D1  
**Subject:** Proposed Coastal Management Element Policies, EAR Adoption Hearing, February 3, 2022  
**Date:** Saturday, January 29, 2022 12:50:21 PM

---

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

Dear Members of the Brevard County Commission:

As people move to Brevard County and become aware of our filthy Indian River Lagoon, they will likely reassess their decisions and look to move on, to a place without an ecological disaster in their backyard. The contaminated IRL is both an ecological and economic problem. You can help resolve this problem by requiring Low Impact Development.

I am the past president of a local kayaking club, and prior to the 2011/2012 algae plumes we had many paddling events on the IRL. As the IRL continued to deteriorate, we stopped paddling in the IRL. Our membership declined, and the club eventually shut down. No one wanted to get in that dirty IRL water anymore.

I started paddling in the IRL in 1990. The IRL was a magical place back in the day. I have worked as a volunteer monitoring the quality of the IRL for the MRC. Now I examine the IRL from the shore at least twice a week. In short, the health of the IRL is a disgrace.

Our only hope in restoring this fragile body of water is to control how we develop our lands. We have to stop the contaminants at the source. We must ensure that Low Impact Development (LID) methods are used throughout the County. Please make LID development a high priority to assist in reversing what we have done to the IRL in the past.

I recommend the County adopt the Coastal Management Element Policies with underline and strike-through as recommended by the MRC and Sierra Club.

**Policy 14.6**

The County ~~should~~ **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** 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. ...

Thank you,

Bill DeBusk  
Concerned Citizen  
2674 Tuscarora Ct.  
West Melbourne FL, 32904

**From:** [dianey](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Coastal Development Policies  
**Date:** Monday, January 31, 2022 10:17:39 AM

---

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

Dear Commissioner Smith,

I am writing you about the upcoming February 3, 2022 meeting concerning the 13 Coastal Development and Redevelopment policies being drafted by your Board.

It is my understanding that two of the policies, 14.6 and 14.9 contain the wording "should" when if you changed the wording to "shall" in those policies it could really make all the difference in the world as to how these policies might really impact and improve our community in the future.

I love the Indian River Lagoon Estuary, and have stood before you in the past to ask you to help protect it. On April 4, 2019 you denied a rezoning request (18PZ00154) in Scottsmeer. In the 10 findings of facts subsequent to this action the following were included:

#8. The proposed rezoning to RR-1 is inconsistent with the coastal management element and the conservation element of the Brevard County Comprehensive Plan, and would negatively impact the Indian River Lagoon system.

#9. The proposed rezoning to RR-1 would aggravate drainage issues and cause significant unmitigatable impacts on water bodies.

This is such a priceless treasure we citizens of Brevard County are entrusted with, and to see the degradation to our lagoon happening right now in front of our eyes, only leads me to believe that strengthening this language in the Coastal policies is a step in the right direction towards saving the lagoon for ourselves and especially for future generations.

Respectfully,

Cheryl Ann Barnes

3800 Sams Ln.

Mims, FL 32754

**From:** [Kate Perez](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Comp Plan Water Management  
**Date:** Saturday, January 29, 2022 5:06:04 PM

---

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

Dear Commissioner,

I live at:

Kathleen Perez  
3025 S Washington Ave.  
Titusville, 32780

and I would like you to make the following changes to the comp plan:

**Policy 14.6**

The County ~~should~~ **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** 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. 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).

Kate Perez  
[katpezquark@gmail.com](mailto:katpezquark@gmail.com)

**From:** [mheyden716@aol.com](mailto:mheyden716@aol.com)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** E.A.R. adoption hearing.  
**Date:** Friday, January 28, 2022 1:23:13 PM

---

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

Dear Commissioners:

No, this problem is not going away. And yes, it really is getting worse. The condition of the lagoon made it to international news in Europe as well as the national news here. We have an emergency and it's making us look like we have our heads buried in the sand.

Two of the Coastal Management Element Policies are not good enough. Using the word "should"....**prevents** any real progress. Using the word **WILL** actually can make things happen. Specifically, I am talking about policy 14.6 and 14.9. These are so important...and our future depends on it.

Low impact development is possible. **Living without any irrigation, fertilizer, and pesticide is easy and possible.** But more than that....knowing that our property isn't causing nutrients from our lawn to pollute the lagoon is what Keep Brevard Beautiful teaches as they taught me to protect the lagoon with their "**Nutrient Pollution Reduction Program**".

Existing properties can be changed to follow the principles of Low Impact Development and the principles put money in my pocket month after month, year after year.

Our county is in trouble. The world is becoming aware of what we allowed to happen. This is a crisis and we have to have a real action plan....not just hope.

Please, let's make strong language a priority for our future. Anything less will just result in the current downward spiral continuing.

Matt Heyden

**From:** [Commissioner, D1](#)  
**To:** [Robert Rupe](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: County Proposed Comp Plan Change  
**Date:** Monday, January 31, 2022 11:43:21 AM  
**Attachments:** [image001.png](#)

---

Mr. Rupe,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
**7101 S. Highway 1**  
**Titusville, FL 32780**  
**Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

**From:** Robert Rupe <br32927@gmail.com>



**Sent:** Monday, January 31, 2022 9:20 AM

**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>

**Subject:** County Proposed Comp Plan Change

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

Honorable County Commissioners,

It is your responsibility to ensure your policies protect the Indian River Lagoon. You can't do it by having weak policies that hamper protections we need to bring our Indian River Lagoon back to a state we need to protect the economic viability of our county.

The East Central Florida Regional Planning Council.(ECFRPC) recommended proposals that would help our county work towards a better Indian River Lagoon. The County must follow the ECFRPC's recommendations instead of the weakened policies being presented by the Brevard County P&Z's proposed changes.

1. Brevard County must state density will not be increased in the Coastal High Hazard Area.
2. Brevard County must replace should with shall in EAR Policies 14.6 and 14.9.
3. Low Impact Development is essential to our county to protect our lagoon. We cannot continue the practices of the past that have damaged our precious resource.

Without these requirements, the Indian River Lagoon will not recover from the actions of previous administrations. You must do better or our county will eventually become nothing more than a location no one will want to live in or come to visit. Please protect our lagoon. Thank you.

Maureen & Robert Rupe  
7185 Bright Ave  
Cocoa, FL 32927  
321-536-3840

**From:** [Commissioner, D1](#)  
**To:** [giselle](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: Feb 3 Agenda Item: EAR Update - Support for 2 policies that are being presented for consideration on February 3rd.  
**Date:** Monday, January 31, 2022 11:49:52 AM  
**Attachments:** [image001.png](#)

---

Ms. Leal,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
**7101 S. Highway 1**  
**Titusville, FL 32780**  
**Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

**From:** giselle <ellesigny@gmail.com>  
**Sent:** Sunday, January 30, 2022 7:18 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Subject:** Feb 3 Agenda Item: EAR Update - Support for 2 policies that are being presented for consideration on February 3rd.

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

know the content is safe.

Commissioners:

I am writing in support of the (4) changes below for 2 policies that are being presented for consideration on February 3rd.

I believe it is critical to the future of Brevard County that we must include Low Impact Development strategies to improve stormwater management, which in turn, will improve the health of the IRL. Many residents are concerned about the rampant local development and it's negative impact on the lagoon, most especially it's contribution to the loss of wildlife including our beloved manatees.

Improving the health of our precious ecosystems is crucial to a sustainable community. Thank you for your consideration of the requested changes.

Best regards,  
Giselle Leal, District 2  
3224 Fairfax Ln, Cocoa, FL 32926

**From:** [Commissioner, D1](#)  
**To:** [Bill Henry](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: Urgent Comprehensive Plan changes.  
**Date:** Monday, January 31, 2022 11:51:29 AM  
**Attachments:** [image001.png](#)

---

Mr. Henry,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***

**7101 S. Highway 1**  
**Titusville, FL 32780**  
**Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

**From:** Bill Henry <chessman1922@gmail.com>

**Sent:** Sunday, January 30, 2022 4:29 PM

**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>

**Subject:** Urgent Comprehensive Plan changes.

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

In policy paragraphs 14.6 and 14.9 dealing with low impact development and redevelopment please change SHOULD TO SHALL OR WILL. The IRL is too important an asset to have future development policies simply business as usual with optional compliance - Bill Morris

**From:** [Commissioner, D1](#)  
**To:** [Terry LaPlante](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: Feb. 3rd EAR Update  
**Date:** Monday, January 31, 2022 11:58:55 AM  
**Attachments:** [image001.png](#)

---

Ms. LaPlante,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
**7101 S. Highway 1**  
**Titusville, FL 32780**  
**Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

---

**From:** Terry LaPlante <tlaplante2012@gmail.com>  
**Sent:** Sunday, January 30, 2022 2:14 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>  
**Subject:** Feb. 3rd EAR Update

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

Dear Commissioner,

I read in the paper this morning about the need to tax ourselves again in hope of saving the IRL. It seems pointless to renew the tax or double the tax given that the county is not requiring developers to do their part by adopting Low Impact Development. And, it isn't just the Lagoon that we need to protect from pollution since our drinking water comes from Lake Washington it is critical to do the same given all the development going on which will drain into it.

It seems we keep hoping and advocating for developers to do the right thing for our county and our state but what I am witnessing is they only do the minimum of what is required to get their permits or keep the neighbors happy.

The developers seem to play every hand they have or that you give them to do only what is required. Clearly they are making big money as witnessed by hiring attorneys to work the system. Therefore, we must change recommendations to requirements.

I notice that the people who are appointed to the planning and zoning board are largely favoring development with only 1 or 2 members speaking up in favor of a sustainable community. I live in district 4 and would be happy to volunteer to balance out the P & Z commission.

We must unite even if it means people buying new homes pay more. We must share the cost of protecting the environment with business. The taxpayers are doing their part in many different ways besides taxing ourselves.

I wish I could attend the meeting to speak to you in person on this important subject but I have another commitment.

Thank you for being the guiding light to Brevard County.

Terry LaPlante

tel: (321)543-2156

[TLAPLANTE2012@GMAIL.COM](mailto:TLAPLANTE2012@GMAIL.COM)

**From:** [Commissioner, D1](#)  
**To:** [Suzie DeBusk](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: Feb 3 Agenda Item: EAR Update - Support for Requested Modifications  
**Date:** Monday, January 31, 2022 12:00:29 PM  
**Attachments:** [image001.png](#)

---

Ms. DeBusk,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
**7101 S. Highway 1**  
**Titusville, FL 32780**  
**Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

---

**From:** Suzie DeBusk <[suzie@dragonpoint.com](mailto:suzie@dragonpoint.com)>  
**Sent:** Sunday, January 30, 2022 1:23 PM  
**To:** Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>; Commissioner, D2 <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>; Commissioner, D3 <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)>; Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>; Commissioner, D5 <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>  
**Subject:** Feb 3 Agenda Item: EAR Update - Support for Requested Modifications

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



know the content is safe.

Commissioners,

I am writing in support of the (4) changes below for 2 policies that are being presented for consideration on February 3rd.

I believe it is critical to the future of Brevard County that we must include Low Impact Development strategies to improve stormwater management, which in turn, will improve the health of the IRL. Many residents are concerned about the rampant local development and it's negative impact on the lagoon, most especially it's contribution to the loss of wildlife including our beloved manatees.

Improving the health of our precious ecosystems is crucial to a sustainable community. Thank you for your consideration of the requested changes.

Best regards,  
Suzanne B. DeBusk, District 2  
3208 Westchester Drive, Cocoa, FL 32926

**Requested Changes:**

**Policy 14.6**

The County ~~should~~ **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and ~~the County shall~~ amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** 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. 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)

**From:** [Commissioner, D1](#)  
**To:** [Kate Perez](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: Comp Plan Coastal Management  
**Date:** Monday, January 31, 2022 12:34:39 PM  
**Attachments:** [image001.png](#)

---

Ms. Perez,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
**7101 S. Highway 1**  
**Titusville, FL 32780**  
**Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

---

**From:** Kate Perez <katpezquark@gmail.com>  
**Sent:** Saturday, January 29, 2022 5:02 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>  
**Subject:** Comp Plan Coastal Management

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

Dear Commissioner,

I live in Titusville

Kathleen Perez

3025 S. Washington Ave, 32780

and I would like you to make the following changes to the plan.

**Policy 14.6**

The County ~~should~~ **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** 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. 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).

Kate Perez  
[katpezquark@gmail.com](mailto:katpezquark@gmail.com)

**From:** [Commissioner, D1](#)  
**To:** [Kristin Lortie](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: Feb 3 Agenda Item: EAR Update - Support for Requested Modifications  
**Date:** Monday, January 31, 2022 12:37:15 PM  
**Attachments:** [image001.png](#)

---

Ms. Lortie,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
**7101 S. Highway 1**  
**Titusville, FL 32780**  
**Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

---

**From:** Kristin Lortie <kristin.lortie@gmail.com>  
**Sent:** Saturday, January 29, 2022 4:56 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Subject:** Feb 3 Agenda Item: EAR Update - Support for Requested Modifications

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

Commissioners,

I am writing in support of the (4) changes below for 2 policies that are being presented for consideration on February 3rd.

It's very important to me that Brevard do what we can to include Low Impact Development strategies that may improve stormwater management, and to improve the health of the IRL. Many residents are concerned about the rampant local development and the health of the lagoon, including the state of it's poor health contributing to the loss of wildlife including our beloved manatees.

Thank you for your consideration of the requested changes, especially during the current time of increased development when residents are growing increasingly concerned about local growth and the health of our ecosystem.

Best regards,  
Kristin Lortie, D1 Resident  
5524 Brilliance Cir, Cocoa, FL 32926

**Requested Changes:**

**Policy 14.6**

The County ~~should~~ **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and ~~the County shall~~ amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** 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. 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)



**From:** [Commissioner, D1](#)  
**To:** [Signe Kastberg](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: Coastal Management Element Policies  
**Date:** Monday, January 31, 2022 12:38:21 PM  
**Attachments:** [image001.png](#)

---

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***

**7101 S. Highway 1**

**Titusville, FL 32780**

**Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

**From:** Signe Kastberg <signe.jag@gmail.com>

**Sent:** Saturday, January 29, 2022 3:49 PM

**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>

**Subject:** Coastal Management Element Policies

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

Dear Commissioners,

I am a resident and home-owner in Brevard County and I am an active voter. I am very concerned about the health and management of the Indian River Lagoon and the impact of overdevelopment in our area, as well as insufficient resources and efforts to conserve and protect our environment. As the waters become more polluted, and more marine life dies (and water birds as well), what will happen to our property values? Now is the time for taking definitive action, and not wishful thinking. Specifically, I would encourage you to start by eliminating the word "should" from a couple of relevant policies, and replacing it with the action-oriented word, "shall" as follows:

#### **Policy 14.6**

The County should **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

#### **Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County should **shall** 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. 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).

Thank you for your attention to these important matters.

Signe M. Kastberg, PhD LMHC

**From:** [Commissioner, D1](#)  
**To:** [Anne Briggs](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: EAR Adoption Hearing, 3 Feb 22  
**Date:** Monday, January 31, 2022 12:39:48 PM  
**Attachments:** [image001.png](#)

---

Ms. Briggs,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
**7101 S. Highway 1**  
**Titusville, FL 32780**  
**Telephone: 321-607-6901**

**Please note:**

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

**From:** Anne Briggs <annebriggs@yahoo.com>  
**Sent:** Saturday, January 29, 2022 3:38 PM  
**To:** Commissioner, D3 <d3.commissioner@brevardfl.gov>  
**Cc:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Subject:** EAR Adoption Hearing, 3 Feb 22

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

Ref: 3 Feb 22 EAR Update

29 January 2022

Dear Commissioner Tobia,

We are asking you to please consider strengthening the proposed Coastal Management Element Policies (# 14.6 and #14.9) by altering the wording from "should" to "shall" as regards nature-based design standards and low impact development and re-development.

We feel it is necessary to protect and improve the health of our Indian River Lagoon. As we all know, it is a beautiful, unique, fragile, and vulnerable ecosystem. A healthy lagoon attracts new residents and tourism.

We cannot stress enough the urgency of having strongly worded policies in place in the EAR. We have too much to lose.

Thank you for your consideration.

Henry Beck and Anne Briggs

9735 Fleming Grant Road

Micco, Florida 32976

**From:** [Commissioner, D1](#)  
**To:** [Julie Mallisturner](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: POLICY 14.9  
**Date:** Monday, January 31, 2022 12:41:26 PM  
**Attachments:** [image001.png](#)

---

Ms. Mallisturner,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
**7101 S. Highway 1**  
**Titusville, FL 32780**  
**Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

**From:** Julie Mallisturner <mallisturner@yahoo.com>  
**Sent:** Saturday, January 29, 2022 11:01 AM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>  
**Subject:** POLICY 14.9

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

Dear Honorable Pritchard,

I am contacting to read over this policy and back changing the wording as directed below.

Thank you.

Julie Turner  
(321) 266-2786

#### **Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** 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. 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).
- dear Honorable  
Pritchard

Sent from Yahoo Mail for iPhone

**From:** [Commissioner, D1](#)  
**To:** [Matt](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: Feb 3 EAR Update and Low Impact Development  
**Date:** Monday, January 31, 2022 12:43:18 PM  
**Attachments:** [image001.png](#)

---

Mr. Coiro,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***

**7101 S. Highway 1  
Titusville, FL 32780  
Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

---

**From:** Matt <mcoiro5093@gmail.com>  
**Sent:** Monday, January 31, 2022 12:21 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Subject:** Feb 3 EAR Update and Low Impact Development

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



Brevard County Commission,

The Indian River Lagoon is a vital resource in Brevard County. We must do everything we can to restore and preserve its health. Moving towards low impact development is one of the steps we need to be taking.

I understand the Commission will be reviewing 13 Coastal Development and Redevelopment policies that the County should adopt. I feel they should contain strong language to ensure the policies are followed. Especially in two of the 13. They are 14.6 and 14.9. I feel some of the verbiage should be changed to make them more impactful. The word **SHOULD** should be replaced with **SHALL** in most cases. I have pasted the policies below and highlighted the suggested verbiage in red.

**Policy 14.6**

The County should **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County should **shall** 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. 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).

I appreciate your consideration in this matter.

Thank You,

Matthew Coiro

5093 Outlook Dr.

Melbourne, FL 32940



Virus-free. [www.avg.com](http://www.avg.com)

**From:** [Ball, Jeffrey](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: Feb 3 Brevard Zoning Meeting Agenda Item – Adoption of EAR based amendments, 2017-2.2 DEO  
**Date:** Monday, January 31, 2022 3:55:44 PM

---

FYI

**From:** Schmadeke, Adrienne  
**Sent:** Wednesday, January 26, 2022 2:27 PM  
**To:** Leesa Souto <[Leesa@mcirl.org](mailto:Leesa@mcirl.org)>  
**Cc:** Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Bellak, Christine <[Christine.Bellak@brevardfl.gov](mailto:Christine.Bellak@brevardfl.gov)>; Alward, Keith A <[Keith.Alward@brevardfl.gov](mailto:Keith.Alward@brevardfl.gov)>; Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>  
**Subject:** RE: Feb 3 Brevard Zoning Meeting Agenda Item – Adoption of EAR based amendments, 2017-2.2 DEO

Good afternoon Leesa,

On behalf of Commissioner Smith, I want to acknowledge receipt of your email. It will be shared with him. With this reply I have also included Brevard County Planning and Zoning. Thank you for sending your suggestions regarding the language in the Amended Comp Plan.

Regards,

*Adrienne Schmadeke*



**Adrienne Schmadeke**  
Chief of Staff  
Brevard County Commission, District 4  
Commissioner Curt Smith  
[321.633.2044](tel:321.633.2044) | [Adrienne.Schmadeke@brevardfl.gov](mailto:Adrienne.Schmadeke@brevardfl.gov)

2725 Judge Fran Jamieson Way, Bldg. C - Suite 214,  
Viera, FL 32940

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may, therefore, be subject to public disclosure.*

**From:** Leesa Souto <[Leesa@mcirl.org](mailto:Leesa@mcirl.org)>  
**Sent:** Monday, January 24, 2022 4:01 PM  
**To:** Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>

**Subject:** Feb 3 Brevard Zoning Meeting Agenda Item – Adoption of EAR based amendments, 2017-2.2 DEO

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

Dear Commissioner Smith;

We appreciate Brevard County bringing forth Amended Comp Plan language that opens the door to the possibility of using more effective and functional development tools like nature-based designs and Low Impact Development. We are pleased that county staff has included some of the LID language recommended by the East Central Florida Regional Planning Council, however, the recommended language was weakened considerably to encourage changes instead of requiring them. Research shows that builders and developers will not change their practices unless required to do so. Encouraging them to change or suggesting they should implement LID will not get it accomplished.

You have an opportunity right now to strengthen Brevard County comprehensive plan language to protect coastal flood zones and initiate Low Impact Development that will sustain our community. MRC encourages the following language changes that we believe are immediately implementable, have no economic impact, and will start moving our community toward sustainable Low Impact Development.

Policy 14.6 (Replace word "Should" with word "shall")

The County **shall** develop mechanisms 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 14.9 (Replace word "Should" with word "shall" and add "or require")

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County **shall** 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. Such adaptation strategies may include....

Thank you for re-imagining how we can sustainably grow our community through Low Impact Development. Our Indian River Lagoon coastal community depends on your decision. Please let us know how we can be of assistance as we transition into a resilient and balanced coastal community.

Respectfully;

Leesa Souto, Ph.D.  
Executive Director

Marine Resources Council

321-725-7775

[www.SaveTheIRL.org](http://www.SaveTheIRL.org)

**From:** [Commissioner, D1](#)  
**To:** [Steph C](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: Feb 3 EAR Update and Low Impact Development  
**Date:** Monday, January 31, 2022 4:29:12 PM  
**Attachments:** [image001.png](#)

---

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
**7101 S. Highway 1**  
**Titusville, FL 32780**  
**Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

**From:** Steph C <stephieees@yahoo.com>  
**Sent:** Monday, January 31, 2022 2:30 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Subject:** Feb 3 EAR Update and Low Impact Development

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

Brevard County Commission,

The Indian River Lagoon is a vital resource in Brevard County. We must do everything we can to restore and preserve its health. Moving towards low impact development is one of the steps we need to be taking.

I understand the Commission will be reviewing 13 Coastal Development and Redevelopment policies that the County should adopt. I feel the policies must contain strong language to ensure they are followed. Especially the two policies 14.6 and 14.9. I suggest the verbiage must be changed to make them more impactful. The word SHOULD must be replaced with SHALL. Suggestions phrased as "Should" are too easily ignored. The policies need to be a directive and not a suggestion. I fear that without strongly worded policies the demise of the Lagoon will continue. I have pasted the policies below and highlighted the suggested verbiage in red.

#### **Policy 14.6**

The County should **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

#### **Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County should **shall** 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. 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).

I appreciate your consideration in this matter.

Thank You,

Stephanie Coiro

5093 Outlook Dr.

Melbourne, FL 32940



**From:** [Commissioner, D1](#)  
**To:** [Connie](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: EAR Adoption hearing on February 3  
**Date:** Wednesday, February 2, 2022 9:45:20 AM  
**Attachments:** [image001.png](#)

---

Good morning,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
7101 S. Highway 1  
Titusville, FL 32780  
Telephone: 321-607-6901

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

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

From: Connie <cblair2020@gmail.com>  
Sent: Tuesday, February 1, 2022 10:35 PM  
To: Commissioner, D3 <d3.commissioner@brevardfl.gov>  
Cc: Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
Subject: EAR Adoption hearing on February 3

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

Dear Commissioner Tobia,

Please change the language in the proposed Coastal Element Policies 14.6 and 14.9 from "should" to "shall".

The Indian River Lagoon is in trouble. It is slowly being destroyed by outside influences. Low impact development is necessary to protect it. Our enjoyment of the Lagoon and the preservation of natural wildlife is at stake. We hope to be able to enjoy the Lagoon for generations to come. The language changes above would aide us in achieving this goal .

Sincerely,

Connie Blair  
9843 Riverview Drive  
Micco, FL

Sent from my iPhone

**From:** Mark Loyacano  
**To:** Commissioner, D4  
**Subject:** EAR Adoption Hearing  
**Date:** Tuesday, February 1, 2022 12:35:52 PM

---

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

February 1, 2022

Dear Commissioner Smith,

Please support stronger wording in Brevard County's Comprehensive Plan Coastal Management Element: policies 14.6 and 14.9

Suggested changes were recently made to read: ...the County *shall* develop mechanisms to evaluate and recommend new design standards..., and *shall* amend Land Development Regulations..., the County will *encourage (or require)* nature-based design standards.

Significant gains have been made towards improving the IRL's water quality. We can appreciate Brevard County's Commissioners for being proactive about many of them. Questions remain, though: Is pollution being carried in our area's storm water runoff still winning the battle? And is there a way to incentivize developers (and property buyers) to follow our County's leadership, also, by adopting LID design standards?

Human survival depends on good stewardship - all that we can muster. Five connected, interdependent basic human needs for health and quality of life require our diligence: a sustainable Earth, breathable Atmosphere, useable clean Water, nourishing Food, and sturdy Shelters. We all have a "vote" in these matters. Either by making personal choices; for ourselves and our families - or additionally, by also being able to help vote through legislation. Either way, it seems like it's the Natural World around us that will be casting any deciding votes.

Respectfully,

Mark Loyacano  
1061 Sebastian Rd.  
Micco, Florida 32976

**From:** [miccohomeowners@aol.com](mailto:miccohomeowners@aol.com)  
**To:** [Commissioner, D3](#)  
**Cc:** [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D1](#); [Commissioner, D5](#)  
**Subject:** EAR Adoption Hearing, Feb 3  
**Date:** Monday, January 31, 2022 7:19:14 PM

---

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

Dear Commissioner Tobia,

Micco Homeowners Association considers the Indian River Lagoon to be "the centerpiece" of coastal Brevard County. As you know, the health of our lagoon is in danger. Currently, tourists flock to Brevard to enjoy the IRL. Traditionally, a wide variety of wildlife depends upon the IRL to live. Many residences have been built on the shores of the IRL. Over time, people have unknowingly, slowly destroyed the health of our Indian River Lagoon with storm water runoff, pesticides, poor septic, etc. Something must be done now to help "our centerpiece" survive for our grandchildren to enjoy. Low Impact Development may just be the help we need.

Low Impact Development is an excellent way to have it all: We can implement Low Impact Development and protect the Indian River Lagoon and its natural wildlife. We then keep our tourism active, the developers will continue to thrive we can maintain our economic growth in Brevard.

**Please vote for the more decisive language of the word SHALL (instead of the word should) in Brevard's Coastal Management Elements 14.6 and 14.9.**

Thank you, as always, for helping our county thrive responsibly.

Chelle Woods, Micco Homeowners Association President  
9912 Riverview Drive  
Micco, FL 32976

**From:** Matt  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Feb 3 EAR Update and Low Impact Development  
**Date:** Monday, January 31, 2022 12:20:35 PM

---

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

Brevard County Commission,

The Indian River Lagoon is a vital resource in Brevard County. We must do everything we can to restore and preserve its health. Moving towards low impact development is one of the steps we need to be taking.

I understand the Commission will be reviewing 13 Coastal Development and Redevelopment policies that the County should adopt. I feel they should contain strong language to ensure the policies are followed. Especially in two of the 13. They are 14.6 and 14.9. I feel some of the verbiage should be changed to make them more impactful. The word **SHOULD** should be replaced with **SHALL** in most cases. I have pasted the policies below and highlighted the suggested verbiage in red.

#### **Policy 14.6**

The County should **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

#### **Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County should **shall** 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. 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).

I appreciate your consideration in this matter.

Thank You,

Matthew Coiro

5093 Outlook Dr.

Melbourne, FL 32940



Virus-free. [www.avg.com](http://www.avg.com)

**From:** [Jodi Lemaster](#)  
**To:** [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** Feb 3 EAR Update/EAR Adoption Hearing  
**Date:** Tuesday, February 1, 2022 2:47:45 PM

---

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

Commissioners,

I am writing to ask for your help in strengthening proposed Coastal Element Policies 14.6 and 14.9. I believe Low Impact Development standards can help.

The Indian River Lagoon is a crucial part of my life! It is right in my backyard (literally) and I utilize the water as much as possible. I love the scenic views and the wildlife means everything to me. As a resident of the southernmost area of Brevard, I am begging for your help! Please take time to drive down and see what construction and High Impact Developments are doing to our area. It is disgraceful to think the people of Brevard do not care about this incredible resource the entire county has to protect!

I am asking for your support and help on the Feb. 3rd EAR Update/Adoption Hearing, but please do not stop there! I truly believe that large scale housing developments in south Brevard are directly impacting the sea and plant life of the lagoon. There is a 300 acre plot on my street (Fleming Grant Road) for sale to develop for 150 houses or 300 townhomes!!! I cannot imagine the impact this would have on the land animals (bobcats, eagles, caracara, alligators, fox, gopher tortoise, I've even heard there are panthers sightings occasionally, scrub plants, wetlands-the list goes on). Brevard has many nice protected areas, but they need to do more! Take over more of the land to protect the little that is left of natural Florida. Please, I ask for you to consider saving our lands! The life of many species from manatees, to snook, to bald eagles, to the bobcat, these precious creatures need your protection.

The problem not only affects wildlife, people are affected too. There is so much flooding when storms come and the drainage in the south cannot support much more concrete/asphalt runoff. I could go on forever about this too, but the natural areas mean so much to me.

Thank you for your time and consideration of this very important issue.

Jodi Lemaster  
9580 Fleming Grant Road  
Micco, FL 32976  
[jodilemaster@att.net](mailto:jodilemaster@att.net)

**From:** Sharon Burridge  
**To:** Commissioner, D4; Commissioner, D5  
**Subject:** Saving our IRL  
**Date:** Tuesday, February 1, 2022 4:44:39 PM

---

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

Dear Commissioners,  
Keeping our beautiful area means protecting nature. Please strengthen the proposed Coastal Element Policies 14.6 and 14.9  
Please amend the wording as suggested below.  
Thank you,  
Sharon Earl Burridge  
County resident for 54 years.

#### **Policy 14.6**

The County ~~should~~ **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and ~~the County shall~~ amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

#### **Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** 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. 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).

Sharon Earl Burridge



**From:** [Connie](#)  
**To:** [Commissioner, D3](#)  
**Cc:** [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D4](#); [Commissioner, D5](#)  
**Subject:** EAR Adoption hearing on February 3  
**Date:** Tuesday, February 1, 2022 10:35:17 PM

---

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

Dear Commissioner Tobia,

Please change the language in the proposed Coastal Element Policies 14.6 and 14.9 from "should" to "shall".

The Indian River Lagoon is in trouble. It is slowly being destroyed by outside influences. Low impact development is necessary to protect it. Our enjoyment of the Lagoon and the preservation of natural wildlife is at stake. We hope to be able to enjoy the Lagoon for generations to come. The language changes above would aide us in achieving this goal .

Sincerely,

Connie Blair  
9843 Riverview Drive  
Micco, FL

Sent from my iPhone

**From:** Steph C  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Feb 3 EAR Update and Low Impact Development  
**Date:** Monday, January 31, 2022 2:30:00 PM

---

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

Brevard County Commission,

The Indian River Lagoon is a vital resource in Brevard County. We must do everything we can to restore and preserve its health. Moving towards low impact development is one of the steps we need to be taking.

I understand the Commission will be reviewing 13 Coastal Development and Redevelopment policies that the County should adopt. I feel the policies must contain strong language to ensure they are followed. Especially the two policies 14.6 and 14.9. I suggest the verbiage must be changed to make them more impactful. The word **SHOULD** must be replaced with **SHALL**. Suggestions phrased as "Should" are too easily ignored. The policies need to be a directive and not a suggestion. I fear that without strongly worded policies the demise of the Lagoon will continue. I have pasted the policies below and highlighted the suggested verbiage in red.

#### **Policy 14.6**

The County should **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

#### **Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County should **shall** 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. 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).

I appreciate your consideration in this matter.

Thank You,

Stephanie Coiro

5093 Outlook Dr.

Melbourne, FL 32940

**From:** [Robin Carroll](#)  
**To:** [Commissioner, D4](#)  
**Subject:** Feb 3 EAR Update  
**Date:** Monday, January 31, 2022 4:22:20 PM

---

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

Commissioner, In regards to Coastal Element Policies 14.6 and 14.9 please protect us all.

The addition of the word "should" only allows you to delay action. The word "shall" is vitally important to the health of our fragile Indian River Lagoon. As a resident keeping our density low is vital to the health of our environment and community. Low Impact Development is a must for our corner of the County.

You should be strengthening the Coastal Element Policies 14.6 and 14.9. Do not use this weaker word choice with the vague language of "should".

This area is very important to my quality of life. Why do elected officials think it is ok; to quote a Joni Mitchell song "to pave paradise and put up a parking lot"? you live here, please be smart with language. It is important to preserve our quality of life. To preserve our Indian River Lagoon as it takes a beating with unbridled development. This area must not go the way of South Florida with high density development.

Robin and Charles Carroll  
9575 Fleming Grant Rd  
Micco, FL 32976

**From:** CAROL HAMILTON  
**To:** Commissioner, D1; Commissioner, D2; D5.Commissioner@BrevardFL.com; Commissioner, D3; Commissioner, D4  
**Subject:** Fw: EMAILS NEEDED County Proposed Comp Plan Change too weak to Protect IRL  
**Date:** Tuesday, February 1, 2022 4:53:35 PM

---

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

RE:EAR Adoption Hearing

Policy 14.6 and Policy 14.9. Please remove word should and put in word Shall.  
Also, LOW IMPACT DEVELOPMENT STANDARDS would HELP the LAGOON. IT HAS BEEN IMPLEMENTED, AND IS CREDITED WITH TAMPA BAY'S RECOVERY. PINELLAS,, ALACHUA, AND ESCAMBIA COUNTIES HAVE IMPLEMENTED LOW IMPACT DEVELOPMENT BY MODIFYING THEIR STORMWATER RULES,,LAND DEVELOPMENT REGULATIONS, AND LANDSCAPING ORDINANCES. PLEASE ADD IT TO BREVARD COUNTY ALSO.  
THANK YOU,  
CAROL HAMILTON  
321 751 1581

----- Forwarded Message -----

**From:** Maureen Rupe <rupe32927@earthlink.net>  
**To:** Maureen Rupe <rupe32927@earthlink.net>  
**Sent:** Thursday, January 27, 2022, 03:29:40 PM EST  
**Subject:** Fw: EMAILS NEEDED County Proposed Comp Plan Change too weak to Protect IRL

**From:** Maureen Rupe  
**Sent:** Thursday, January 27, 2022 3:20 PM  
**To:** Maureen Rupe  
**Subject:** Fw: EMAILS NEEDED County Proposed Comp Plan Change too weak to Protect IRL

Please Help to Save the IRL. Emails imperative..

For the Partners,

County Staff finally has the Comp Plan Coastal Management Element language ready for the County Commission to review on Thursday, Feb. 3 at 5pm.

After being forced by the State and much delay, they wrote 13 Coastal Development and Redevelopment policies that tell what the County SHOULD do. Not what they SHALL do. SHOULD allows the County to delay doing anything if they don't have the money. I've seen WAY TOO MUCH stalling by Brevard County on various issues over the years. Things get on the back burner and have a tendency to stay there.

MRC and Sierra Club would like at least 2 of the 13 policies changed to substitute SHALL for SHOULD. These 2 policies are about Low Impact Development, which MRC is emphasizing as extremely important for the IRL. We want the current ordinances looked at to find obstacles to LID, and we also want the County to encourage or require LID. These things need to start happening NOW.

We are asking you to write to the Commissioners and ask them to strengthen proposed Coastal Element Policies 14.6 and 14.9. We hope to get a lot of people to write emails because right now Staff is inclined to play it safe and just say SHOULD.

Title of the email should include "Feb 3 EAR Update" or "EAR Adoption Hearing" or something like that. (EAR is a

state-mandated update.)

If you do write an email, what you might want to emphasize is your personal connection with the IRL -- why it's so important to improve the health of the IRL. You could also say why you think Low Impact Development standards can help. If you want, you can let Mary know that you sent an email since she has a target number in mind (canoe2@digital.net). With COVID, we need to emphasize email for this issue.

Commissioner emails are: D1.Commissioner@BrevardFL.gov D2.Commissioner@BrevardFL.gov  
D3.Commissioner@BrevardFL.gov D4.Commissioner@BrevardFL.gov D5.Commissioner@BrevardFL.gov

The exact language we want is below.

Thank you,

Mary Sphar

Here are the two Coastal Management Element Policies with underline and strike-through showing the MRC and Sierra Club recommended wording.

#### **Policy 14.6**

The County ~~should~~ **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and **the County shall** amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

#### **Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** 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. 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).

**From:** [Commissioner, D1](#)  
**To:** [Phil Bennardo](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: Board of County Commissioners Meeting, Feb.3, 2022, Agenda Item H.14 (Public Hearing, Re: Adoption of EAR Based Amendments, 2017-2.2. DEO ER#17-3  
**Date:** Wednesday, February 2, 2022 1:04:57 PM  
**Attachments:** [image001.png](#)

---

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***

**7101 S. Highway 1  
Titusville, FL 32780  
Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

---

**From:** Phil Bennardo <p\_bennardo@yahoo.com>  
**Sent:** Wednesday, February 2, 2022 10:37 AM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Subject:** Board of County Commissioners Meeting, Feb.3, 2022, Agenda Item H.14 (Public Hearing, Re: Adoption of EAR Based Amendments, 2017-2.2. DEO ER#17-3

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

As a long term resident of Brevard County, and North Merritt Island in particular, I have witnessed a continued decline of the Indian River Lagoon, which include instances of Red Tide, Fish Kills and record numbers of Manatee deaths. Because of this, I have concerns with Policies 14.6 and 14.9 of the Coastal Management Element of Chapter X. the 2017-2.2 Comprehensive Plan Amendment (see page X-41). As written, these policies are not telling the County to do anything. Therefore I request that the words "should" be replaced with "shall", and the words "or require" be added, as shown below:

#### **Policy 14.6**

The County ~~should~~ **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and the County shall amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

#### **Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** 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. 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).

Thank you for your consideration in this matter.

Phil Bennardo  
4440 North Tropical Trail  
Merritt Island, FL 32953



321-266-5135

**From:** [Commissioner, D1](#)  
**To:** [dbotto1@cfl.rr.com](mailto:dbotto1@cfl.rr.com)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Smith, Nathan](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: Feb. 3 EAR Update  
**Date:** Wednesday, February 2, 2022 1:08:09 PM  
**Attachments:** [image001.png](#)

---

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***

**7101 S. Highway 1  
Titusville, FL 32780  
Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

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

From: [dbotto1@cfl.rr.com](mailto:dbotto1@cfl.rr.com) <[dbotto1@cfl.rr.com](mailto:dbotto1@cfl.rr.com)>  
Sent: Wednesday, February 2, 2022 11:10 AM  
To: Commissioner, D1 <[D1.Commissioner@brevardfl.gov](mailto:D1.Commissioner@brevardfl.gov)>; Commissioner, D2 <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>; Commissioner, D3 <[d3.commissioner@brevardfl.gov](mailto:d3.commissioner@brevardfl.gov)>; Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>; Commissioner, D5 <[D5.Commissioner@brevardfl.gov](mailto:D5.Commissioner@brevardfl.gov)>  
Subject: Feb. 3 EAR Update

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

Dear Distinguished Commissioners,

The wording of the subject updates to our county Comp Plan must leave no doubt that Brevard County will pro-actively meet its responsibility to our treasured Lagoon. The need to intelligently manage land use and development and ensure the future of the IRL is greater than ever in the face of intensive expansion of the built environment. The word "should" means "maybe, sometime in the future, when we have the time" to most. These are words of weakling management and have no place in our fight to save the Lagoon.

The campaign to extend and even increase the SOIRL half cent sales tax is starting. There is noticeable voter opinion that the program is not meeting expectations. Brevard County must lead and show we are serious not only in correcting and repairing the mistakes of the past but will ensure that those mistakes are not continuing as they are today. Smart Development, Low Impact Development are essential elements requiring action now.

I respectfully request that you make, at least, the following changes to the EAR Update:

Policy 14.6

The County shall develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and the County shall amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

Policy 14.9

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County shall 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. 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).

David C. Botto  
275 poinciana Dr.  
Indian Harbour Beach

**From:** [Commissioner, D1](#)  
**To:** [Johan Lindquist](#)  
**Cc:** [Pritchett, Rita](#); [Smith, Nathan](#); [Mascellino, Carol](#); [Price, Jessica](#); [Jones, Jennifer](#)  
**Subject:** RE: EAR Adoption Hearing - Strengthen Coastal Element Policy  
**Date:** Wednesday, February 2, 2022 1:10:34 PM  
**Attachments:** [image001.png](#)

---

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



**District 1 Commission Office**  
7101 S. Highway 1  
Titusville, FL 32780  
Telephone: 321-607-6901

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

---

**From:** Johan Lindquist <johanlindquist@gmail.com>  
**Sent:** Wednesday, February 2, 2022 11:44 AM  
**To:** Johan Lindquist <johanlindquist@gmail.com>  
**Subject:** EAR Adoption Hearing - Strengthen Coastal Element Policy

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

[REDACTED]

Dear Sir/Madam,

This is a request to strengthen proposed Coastal Element Policies 14.6 and 14.9 of the Comp Plan being put forward for Coastal Management

The exact language that should be included:

**Policy 14.6**

The County ~~should~~ **shall** develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions, and the County shall amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy 14.9**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ **shall** 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. 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).

Thank you in advance,

Sincerely,

Johan Lindquist

**From:** [Commissioner, D1](#)  
**To:** [David Laney](#)  
**Cc:** [Pritchett, Rita](#); [Mascellino, Carol](#); [Price, Jessica](#); [Smith, Nathan](#); [Jones, Jennifer](#)  
**Subject:** RE: Coastal Management Element  
**Date:** Wednesday, February 2, 2022 1:11:31 PM  
**Attachments:** [image001.png](#)

---

Good afternoon,

On behalf of Commissioner Pritchett, thank you for your email. The Commissioner has reviewed your email and wants you to know that she will take your comments into consideration.

Thank you for contacting our office and sharing your concerns.

Best regards,

Carol Mascellino  
Legislative Aide to Commissioner Rita Pritchett



***District 1 Commission Office***

**7101 S. Highway 1  
Titusville, FL 32780  
Telephone: 321-607-6901**

***Please note:***

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

---

**From:** David Laney <David.Laney@ucf.edu>  
**Sent:** Wednesday, February 2, 2022 12:19 PM  
**To:** Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>  
**Cc:** borogove@att.net; Ronald Bartcher <bartcher@cfl.rr.com>; Douglas and Mary Sphar <canoe2@digital.net>; JERRAD ATKINS <jer\_rad@yahoo.com>

**Subject:** Coastal Management Element

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

Dear Commissioner,

As a resident of Brevard County, and a constituent with standing in all Districts due to the countywide geographic distribution of the Indian River Lagoon (IRL), I'm writing regarding your consideration of a proposed Comprehensive Plan Coastal Management Element. Specifically, I am writing to ask you to, at a minimum, please strengthen the proposed Coastal Element of the Brevard County Comprehensive Plan, Policies 14.6 and 14.9, by replacing the word "should" with "shall".

On numerous occasions this Commission has demonstrated their concern for, and prioritization of, the condition of the IRL. For example, in 2019 this Commission denied a requested rezoning of approximately 20 acres in Scottsmeer. Two of the ten findings of fact supporting that decision to deny the requested rezoning directly referenced the negative impact that the requested density and type of development would have on the IRL if the request were to be approved.

I respectfully request that you and your fellow Commissioners continue to reflect your concern for the future viability and survivability of the IRL in your decision calculus regarding the content of this new Coastal Management Element of the Comprehensive plan. And respectfully, please continue to have as a goal that of preventing "Brevard becoming Broward". Your continued resolve to protect the IRL can be furthered by ensuring this Coastal Element more stringently defines the regulations, processes, policies, ordinances and levels of required compliance by adopting a position of "shall" v "should".

For the future of Brevard County and its' residents, the Indian River Lagoon must be protected and restored. To do this we must have a

robust Coastal Management Element which reflects and incorporates the full intent and purpose of the statutes. This Coastal Element has been over 5 years in the making. At this point there is too much at stake to allow the future of the IRL to be determined by a "going through the motions surficial Statutory Compliance Coastal Element" exercise, with "rigor" defined by "shoulds".

Thank you for your consideration,

David Laney  
3800 Sams Lane  
Scottsmoor





January 21, 2022

Brevard County Commissioners

**Re: Feb 3 Brevard Zoning Meeting Agenda Item – Adoption of EAR based amendments, 2017-2.2 DEO**

Dear Commissioner;

We appreciate Brevard County bringing forth Amended Comp Plan language that opens the door to the possibility of using more effective and functional development tools like nature-based designs and Low Impact Development. We are pleased that county staff has included some of the LID language recommended by the East Central Florida Regional Planning Council, however, the recommended language was weakened considerably to encourage changes instead of requiring them. Research shows that builders and developers will not change their practices unless required to do so. Encouraging them to change or suggesting they should implement LID will not get it accomplished.

**You have an opportunity right now to strengthen Brevard County comprehensive plan language to protect coastal flood zones and initiate Low Impact Development that will sustain our community.** MRC encourages the following language changes that we believe are immediately implementable, have no economic impact, and will start moving our community toward sustainable Low Impact Development.

**Policy 14.6 (Replace word “Should” with word “shall”)**

The County ~~should~~ shall develop mechanisms 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 14.9 (Replace word “Should” with word “shall” and add “or require”)**

Based on the 2021 Resilient Brevard Community Survey, completed by the ECFRPC, the County ~~should~~ shall 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. Such adaptation strategies may include....

Thank you for re-imagining how we can sustainably grow our community through Low Impact Development. Our Indian River Lagoon coastal community depends on your decision. Please let us know how we can be of assistance as we transition into a resilient and balanced coastal community.

Respectfully;

A handwritten signature in black ink, appearing to read "Leesa Souto", written in a cursive style.

Leesa Souto, Ph.D.  
Executive Director



11.14

**Dear Government Leader:**

**Thank you for all that you do to bring balance to our state.** The Indian River Lagoon coastal community of east-central Florida is dangerously out of balance, putting at risk the region's health, habitat, and economy. We applaud all that is underway to address the imbalance. Much more needs to happen.

**The latest MRC Indian River Lagoon Coastal Community Report Card is attached.** Water quality, determined by measuring phosphorous, nitrogen, chlorophyll-A, and turbidity (clarity), is improving. As it improves, so should habitat health, as measured by seagrass health, according to our state agencies. Alarming, seagrass is continuing to decline, so, we must expand scientific research now.

**Seagrass is dying and Florida needs to know why.** That is why the state must immediately expand its water quality testing program to include more pollutants, and results must be reported more expeditiously. The only way to restore and sustain seagrass, the essence of life in the lagoon, is to quickly understand which pollutants are killing it, and cut off the source. Seagrass mitigation is not a solution; accurately measuring water quality and protecting our habitat are. We need your support.

**We are proposing the "1,000 Points of Life" partnership.** This scientific research partnership, with necessary support, will amass 1,000 datapoints in one year, identifying pollutants entering the lagoon from 10 coastal rivers. Results from certified laboratories will be entered into the new state Watershed Information Network (WIN) database, providing expanded knowledge about seagrass decline.

**Put the LID on harmful community development.** Low Impact Development (LID) must be implemented at the state, county, municipal, neighborhood, and residential levels. LID requires that local governments have the flexibility and control to change zoning procedures, land development regulations, and ordinances, in order to reduce harmful pollution. These tools are needed to plan and build resilient and sustainable local communities and economies.

**The Indian River Lagoon League is forming.** The league is launching soon to further unite the Daytona Beach to Orlando to West Palm Beach coastal community of east-central Florida. It will provide clear, concise, and consistent communication about all that is being done, what more needs to happen, and what everyone must do to help address this emergency.

**We welcome your continuing support in protecting our paradise.**

A handwritten signature in blue ink, appearing to read "Leesa Souto", is written over the text of the signature line.

Leesa Souto, Ph.D.  
Executive Director  
Leesa@mrcl.org

3275 Dixie Hwy NE, Palm Bay, FL 32905 • 321.725.7775

Science + Education + Action

# IMAGINE!

H.14

## It's time for a SEA Change: Science + Education + Action



### Ais Lookout Point Park

MRC headquarters campus, located along the lagoon in Palm Bay, demonstrates an exemplary restored living shoreline and provides a wonderful place to learn. Arrange a tour.



### Lagoon House

Ted Moorhead Lagoon House environmental learning center anchors MRC's headquarters campus and provides a beacon for lagoon community collaboration. Arrange a tour.



### Preserve Nursery

Our licensed mangrove nursery and conservation campus at Walking Tree Preserve near Sebastian will become even more amazing with your support. Arrange a tour.

From our communications with the community, we heard from **POWERFUL PEOPLE** about **POWERFUL SCIENCE**, and the value of a **POWERFUL VISION** and **POWERFUL COMMUNICATION**, including recognizing the **POWER** of our **KIDS** and special **PLACES**.



### POWERFUL PEOPLE:

Paul Kroegel of Sebastian stirred the collaboration that led to the creation of our first National Wildlife Refuge, Pelican Island, which is in

### POWERFUL VISION:

Brevard County Commissioner Curt Smith, *vice-chair, Indian River Lagoon Council*, signs a new community collaborative vision, which was drafted with input from 100 community members from across the entire region.



the Indian River Lagoon, MRC leaders drew inspiration in collaborating with many people to form the Indian River Lagoon National Estuary Program and the resulting Comprehensive Conservation and Management Plan, which now guides the region.

### POWERFUL SCIENCE:

Tracy Slani of Jupiter Island has been an MRC LagoonWatch citizen scientist for nearly 30 years. Anyone can become a citizen scientist, including students. MRC provides training and plans to mobilize many more citizen scientists in the years to come, while broadening testing,



### POWERFUL KIDS:

Children love to explore the lagoon. They want to be a part of the solution. MRC offers **Castaway Summer Camp** and will be expanding camp

offerings in 2022. MRC will continue reaching out to school districts to develop STREAM: Science, Tech, Reading, Engineering, Arts and Math curriculums while making lagoon learning fun.

### POWERFUL PLACE:

Ted Moorhead recently visited Ted Moorhead Lagoon House, the MRC headquarters in Palm Bay at Ais Lookout Point Park overlooking the Indian River Lagoon. Ted told the story of how 20 years ago he organized the collaborative initiative that made our headquarters possible.

**IMAGINE what we can accomplish together.**

[SaveTheIRL.org](http://SaveTheIRL.org)



# IMAGINE!

The Indian River Lagoon so clear that you can wade into it and see your toes wiggling in the sand. It's possible if we continue to make progress.

*There's a great deal already underway; however, much more needs to happen.*

## What Are You Doing To Help?

Thank you for whatever you are already doing. Please do more.

- Stop fertilizing the lawn.
- Wash your car at a carwash instead of on the driveway.
- Contact your city or county representative and ask them to implement Low Impact Development that will build a better future for our coastal community.
- Become a member of MRC at [SaveTheIRL.org](http://SaveTheIRL.org).

As balance is restored, our economy and our ecology will thrive and become more resilient. Let's all work together to protect our paradise.



## It's Time For LID!

Wherever you live, work or play, become involved in converting our east-central Florida counties, municipalities, neighborhoods and your own home to Low Impact Development (LID). There are ways to help with updating existing developments and buildings.

MRC is dedicated to putting the LID on harmful community development practices by working at the federal, state, county, municipal and neighborhood level to accomplish that conversion.

Low Impact Development will not only protect our ecology, but it will fuel our future economy. In essence, what LID accomplishes is reducing pollution to the Indian River Lagoon, which comes from across the entire east-central coastal region.

When we reduce pollution, we will reinvigorate our outdoor industries, grow eco-tourism, protect overall tourism, attract progressive employers and developers and others who care as much about tomorrow as today and know the value of protecting our paradise.



A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL FREE (800) 435-7352. WITHIN THE STATE REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL OR RECOMMENDATION BY THE STATE.

**Learn more at [SaveTheIRL.org](http://SaveTheIRL.org) or contact MRC at 321.725.7775 if you would like to discover more opportunities to protect our paradise.**

MRC Federal Tax ID#: 59-3030066 (if you wish to



## INDIAN RIVER LAGOON COASTAL COMMUNITY REPORT CARD

*Grading water quality and habitat health*

## Protect Our Paradise!

*Why Is Seagrass Dying?*

*We All Need To Help*

*It's Time For LID*

11.14

## Health Scores

Tributaries	Grades	
	2019	2020
Turnbull Creek	D+	D+
Big Flounder Creek	F	F
Horse Creek	B-	B-
Eau Gallie River	D+	D+
Crane Creek	D-	D-
Turkey Creek	D	D+
Goat Creek	D+	D+
Sebastian Estuary	C	C
Sebastian North Frong	C	C
Sebastian South Frong	C+	C
C-54 Canal	C	C
St. Lucie Estuary	C	D+
St. Lucie River - North Fork	F	F
St. Lucie River - South Fork	F	F-
Lower Loxahatchees	B+	B
Middle Loxahatchees	B-	B-
Upper Loxahatchees	B+	A-
Loxahatchees South West Fork	B	B-

\*A grade of B is meeting the regulatory target

**A** 90-100 (Very Good)  
**B** 80-89 (Good)  
**C** 70-79 (Average)  
**D** 60-69 (Poor)  
**F** 50-59 (Very Poor)  
**F-** 40-49 (Very, Very Poor)  
**F-** 0-39 (Extremely Poor)

## What Is Causing Seagrass to Die?

The Total Health Score shown on the map and in the table to the right is a combined average score of Water Quality and Habitat Health. The individual scores for water quality and habitat health show that



1-1-14

## IMAGINE how much more we can accomplish together.

- And learn about Lagooniverse, a fun new way to explore our lagoon.
  - Monthly Lunch and Learns, as well as many regional outreach events.
  - New plans for Walking Tree Preserve, 10-acre MRC campus near Sebastian.
  - New plans for our MRC Palm Bay campus, help us as we envision the future.
  - Sat., Sept. 17 International Coastal Cleanup Day; on the causeways.
  - 1,000 Points of Life; expanding regional citizen science collaboratively.
  - Summer Low Impact Development Conference; how to implement LID.
  - Sat., Feb. 12 "Love Our Lagoon," Celebration and Conservation Awards.
  - The next Indian River Lagoon Report Card; we're crunching the data now!
- Thanks to member and community support here is what is coming in 2022:
- Lagoon's natural and built environments to sustainable balance.
- possible the SEA change that is necessary to restore the Indian River
- Please, if you are able, provide an annual donation now and help make

## Help Create a SEA Change: Science + Education + Action

MRC is a member supported, non profit charitable organization.

When you donate to MRC, you are adding your voice to the chorus of community members who truly care about the future of our Indian River Lagoon region.

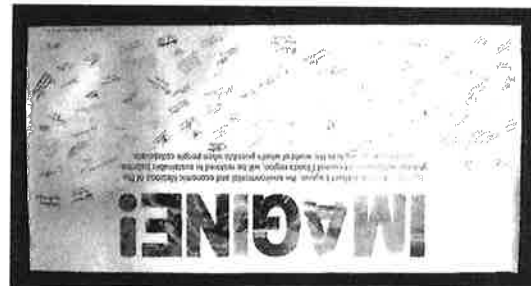
**MRC**  
Marine Resources Council  
SaveTheIRL.org

**Please Donate and Become a Member Now!**

**Online at SaveTheIRL.org**

By mail to: MRC, 3275 Dixie Highway NE, Palm Bay, FL 32905  
Or call us: 321.725.7775; we would love to speak with you.  
MRC Federal Tax ID#: 59-3030066  
(If you wish to remain anonymous, please note that when you donate)  
(Always feel free to request receipts or summaries regarding your annual donations)

A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION WILL BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE (800) 485-3752) WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE.



# !ENAGI



**IMAGINE!** The Indian River Lagoon so clear that you can wade into it and see your toes wiggling in the sand. It's possible *if we continue to make progress.*

Marine Resources Council (MRC) recently traveled the entire Indian River Lagoon region and asked more than 100 community leaders, MRC members and other people: *What's possible? What's next?*

With their input, MRC developed a community vision, shared in the pages to follow. We shared that vision at the first MRC Low Impact Development (LID) Conference in October 2021, at the Center for Collaboration, Rockledge. The conference brought together 180 elected and professional leaders from 25 municipalities and counties, from Volusia to Orange to Martin Counties and everywhere in between. LID is an important step in our journey toward a community vision of returning the region to balance. *First, as we traveled, we were told, that without more needed change, the Indian River Lagoon region remains on a cataclysmic trajectory that will collapse our regional economy.*

But we also heard how much is already being done.

And...we were told to *collaborate with the community* to communicate clearly, concisely and consistently all that is being done already; what more needs to happen and what each person may do to help. **Powerful community collaboration**, we were told, is what is needed to alter our current trajectory, balance our natural and built environments and create a more resilient ecology and economy. **IMAGINE!**

With continuing and growing support from the community, we hope to achieve all that we have set out to accomplish and that *one day soon* people will be able to see their toes wiggling in the Indian River Lagoon. Thank you.



Sincerely,  
*Leesa Souto*  
Leesa Souto, Ph.D.  
Executive Director

This message made possible in collaboration with:

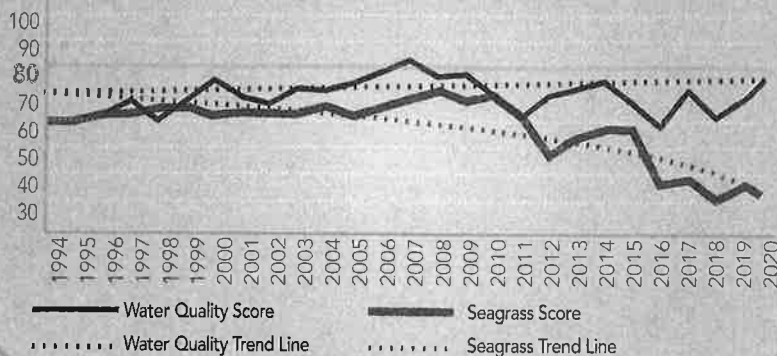


# Seagrass is Dying; We Need To Know Why

Leesa Souto, Ph.D.  
Executive Director  
Marine Resources Council



## Water Quality and Habitat Changes Over Time



*An 80 meets regulatory target.*

**Seagrass, the key indicator of habitat health, is dying, even though water quality is improving.**

## Water quality in the Indian River Lagoon coastal community is improving.

- Thankfully much is being done to implement the Comprehensive Conservation Master Plan, adopted by the Indian River Lagoon National Estuary Program.
- The plan guides the five-county lagoon region in its pursuit of restoring balance to the east-central Florida coastal community and can be found via [onelagoon.org](http://onelagoon.org).

## While water quality is improving, seagrass is continuing to die.

Florida needs to broaden water quality testing immediately.

Our state water districts currently determine water quality based on:

Phosphorus, nitrogen and chlorophyll-a, factors in measuring excess algae, and,

Turbidity, a measurement of water clarity.

For many years, when water quality improved, seagrass health did too. That is changing.

Seagrass is the essence of life in the Indian River Lagoon coastal community of east-central Florida, not just for manatee, but for the entire regional ecosystem.

Tourism, recreation, fishing, home values, space and other industries, and human health are at risk if the lifeblood of our community becomes an underwater desert.

Much is happening; further, urgent action is needed now in this regard!

## What is causing the seagrass to die?

We don't know the answer because the state's water quality monitoring is not adequately explaining the loss of seagrass. We need to collect more information on other toxins and pollutants.

- High turbidity which blocks sunlight from reaching the bottom can be a factor in seagrass loss; however, seagrass is dying in areas with clear water. That's deeply concerning.
- Storm water runoff, wastewater pollution, herbicides, pesticides, and harmful development practices all contribute.
- It's time to change how we measure water quality in the Indian River Lagoon coastal community, before it is too late to save seagrass.

**It's time for a bold new community vision; clear, concise and consistent communication, and,**

**A SEA Change:  
Science + Education + Action.**

For more complete and historic health scores, visit [SaveTheIRL.org](http://SaveTheIRL.org).

**Total Health Score: 55 (F)**

**Water Quality Score: 77 (C) Improving.**

**Habitat Health Score: 33 (F--) Declining.**

According to the most recent data, water quality is improving, however habitat health, as measured by seagrass health, is declining.

- This is deeply concerning, since water clarity improved in areas where seagrass continued to decline.
- The most current data provided by Florida agencies, the basis of this annual report card, was nearly one year old when received.
- More current data, along with expanded water quality testing is imperative to understanding the current habitat health crisis facing the east-central Florida region.

## "1,000 Points of Life" Initiative Underway

MRC is facilitating "1,000 Points of Life," a community collaborative effort to expand and speed current water sampling to more quickly and accurately understand what chemicals are contributing to seagrass loss. We welcome partnerships in this regard; contact MRC Executive Director Leesa Souto via [leesa@mrcirl.org](mailto:leesa@mrcirl.org) or 321.725.7775.

Learn more at [SaveTheIRL.org](http://SaveTheIRL.org) or contact MRC at 321.725.7775 if you would like to discover more opportunities to protect our paradise.

