



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.2.

11/7/2024

### Subject:

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

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners consider the transmittal of a Large-Scale Comprehensive Plan (text) Amendment regarding the Brevard Barrier Island Area (BBIA), to the State Land Planning Agency (Florida Commerce) under the State Coordinated Review process.

### Summary Explanation and Background:

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

Brevard County has contracted with a consultant to identify those goals, objectives, and policies that are necessary to implement the statutory guiding principles of Brevard Barrier Island Area ("BBIA"). These draft goals, objectives, and policies will be incorporated and adopted as a new element, Part XVI, Brevard Barrier Island Area, to the Brevard County Comprehensive Plan.

As part of the legislation, 380.0553 establishes **GUIDING PRINCIPLES FOR DEVELOPMENT**. -State, regional, and local agencies and units of government in the Brevard Barrier Island Area shall coordinate their plans and conduct their programs and regulatory activities to be consistent with the following guiding principles for development within the area:

- a) Preventing the adverse impacts of development on resources critical to sea turtle habitat by prohibiting new shoreline hardening structures and enforcing existing state and county coastal construction regulations.
- b) Prioritizing water quality restoration projects in the Indian River Lagoon.
- c) Reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.
- d) Supporting innovative, nature-based solutions including living shorelines, and freshwater and coastal

wetland restoration.

- e) Safeguarding against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in s. 380.093.
- f) Protecting shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats.
- g) Protecting upland resources, including dune ridges, beaches, wildlife, and related habitats.
- h) Limiting the adverse impacts of development on the quality of water throughout the Brevard Barrier Island Area and the Indian River Lagoon.
- i) Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment.
- j) Ensuring that development is compatible with the unique characteristics of the Brevard Barrier Island Area.

This is a two-step process, with the first step being the transmittal to Florida Commerce. The adoption hearing date will be scheduled at future Board meeting date which will allow for county staff and the consultant time to address any comments or responses from any of the state reviewing agencies, prior to adoption by the Board.

Once the Element is adopted, staff, in coordination with the consultant and the Department of Commerce, will review and draft land development regulations as part of the implementation tool for the Area of Critical State Concern.

On August 28, 2024, staff held a public outreach meeting at the South Beaches community center. This meeting was well attended with approximately 254 residents in attendance in person and online. In addition, an online survey and questionnaire was published on the County's website. Those results are included in this packet. An analysis of public input, through both email and survey, that was received prior to September 6, 2024, is also included for the Board to consider (input received after September 6 can still be considered and is also attached, separate from the analysis).

Public input was primarily focused on key topics such as density and intensity, sea turtle protection and shoreline hardening, clearcutting, conservation, and stormwater management. Below are examples of policies and objectives contained in the Element that address these concerns.

- Density and intensity
  - Policy 11.1, Objective 12, Policies 12.1 through 12.12.
- Sea turtle Protection and Shoreline Hardening
  - Policies 2.1, 2.2, and 2.4.
- Clearcutting
  - Policy 8.1
- Conservation
  - Policy 8.2
- Stormwater management
  - Policies 3.1, 3.2

Staff has prepared a draft Brevard Barrier Island Element to include Goals, Objectives, and Polices included in

the attachments.

On October 14, 2024, the Local Planning Agency (LPA) heard the request and unanimously recommended approval. It should be noted that the LPA recommendation included an "Exhibit 1" circulated by an LPA advisory board member at the meeting. This "Exhibit 1" was not reviewed by staff, was not included in the agenda packet, was not available to other advisory board members in advance of the meeting, and was not seen by the public. The inclusion of "Exhibit 1" would arguably strip existing conditional development rights from some affected properties in a manner not required by Section 380.0553, Florida Statutes, and could result in significant unfounded liability to the County. For these reasons, the requested action before the Board does not include the "Exhibit 1" document appended by the LPA.

**Clerk to the Board Instructions:**

Have the Vice Chair sign the transmittal letter and return it to Planning and Development.



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

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

November 8, 2024

**MEMORANDUM**

**TO:** Tad Calkins, Planning and Development Director    Attn: Jeffrey Ball

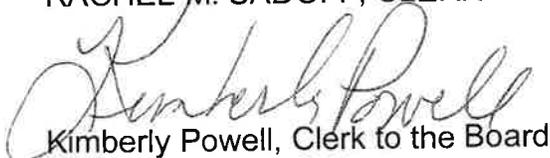
**RE:** H.2., Transmittal of a Large Scale Comprehensive Plan Amendment (24LS00001)  
Regarding the Brevard Barrier Island Area (BBIA) as a New Element to the  
Comprehensive Plan under the State Coordinated Review Process

The Board of County Commissioners, in regular session on November 7, 2024, approved the Transmittal of a Large Scale Comprehensive Plan Amendment regarding the BBIA, to the State Land Planning Agency (Florida Commerce) under the State Coordinated Review process. Enclosed is the fully-executed Transmittal Letter.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Desiree Jackson, Zoning  
County Attorney



BOARD OF COUNTY COMMISSIONERS

**Planning & Development Department**

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

November 7, 2024

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

Re: Transmittal of the Brevard County's proposed new element to the Comprehensive Plan regarding the Brevard Barrier Island Area.

Dear Mr. Stansbury:

Please find enclosed the proposed Comprehensive Plan Amendment for a new element to the Comprehensive Plan regarding the Brevard Barrier Island Area, an area of critical state concern, that includes text amendments to implement the guiding principles contained in Section 380.0553, Florida Statutes.

This amendment is subject to State Coordinated Review process pursuant to Section 163.3184(4), Florida Statutes. The following statements are included to ensure consistency with the statutory requirements contained therein.

- This amendment is related to the Brevard Barrier Island Area, an Area of Critical State Concern adopted pursuant to Section 380.0553, Florida Statutes.
- This amendment is not related to a rural land stewardship area pursuant to Section 163.3248, Florida Statutes.
- This amendment is not related to a sector plan pursuant to Section 163.3245, Florida Statutes.
- This amendment is related to an update of the Comprehensive Plan based on an Evaluation and Appraisal Review pursuant to Section 163.3191, Florida Statutes.
- This amendment does not propose a development pursuant to Section 380.06, Florida Statutes
- This amendment is not related to a new plan for a newly incorporated municipality adopted pursuant to Section 163.3167, Florida Statutes.

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



**BOARD OF COUNTY COMMISSIONERS**

**Planning & Development Department**

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

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

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

- Department of Agriculture and Consumer Services ([CompPlans@fdacs.gov](mailto:CompPlans@fdacs.gov)) on November 21, 2024.
- Department of Education ([CompPlans@fldoe.org](mailto:CompPlans@fldoe.org)) on November 21, 2024.
- Department of Environmental Protection ([Plan.Review@dep.state.fl.us](mailto:Plan.Review@dep.state.fl.us)) on November 21, 2024.
- Department of State ([CompliancePermits@DOS.MyFlorida.com](mailto:CompliancePermits@DOS.MyFlorida.com)) on November 21, 2024.
- Florida Fish and Wildlife Conservation Commission ([FWCConservationPlanningServices@myfwc.com](mailto:FWCConservationPlanningServices@myfwc.com)) on November 21, 2024.
- Department of Transportation, District 5 ([CompPlans.D5@dot.state.fl.us](mailto:CompPlans.D5@dot.state.fl.us)) on November 21, 2024.
- East Central Florida Regional Planning Council ([Compplan@ecfrpc.org](mailto:Compplan@ecfrpc.org)) on November 21, 2024.
- St. Johns River Water Management District ([sfitzgibbons@sjrwmd.com](mailto:sfitzgibbons@sjrwmd.com)) on November 21, 2024.
- Patrick Space Force Base and Cape Canaveral Space Force Station ([ann.heyer.1@spaceforce.mil](mailto:ann.heyer.1@spaceforce.mil)) on November 21, 2024.

The proposed Comprehensive Plan amendment will incorporate goals, objectives, and policies into the Comprehensive Plan as an appendix.

The local contact person is:  
Stephen M. Swanke, Senior Planner  
Brevard County Planning & Development Department  
2725 Judge Fran Jamieson Way, Suite A-114  
Viera, Florida 32940  
Direct Line (321) 350-8298  
Fax (321) 633-2087  
[Steve.swanke@brevardfl.gov](mailto:Steve.swanke@brevardfl.gov)



BOARD OF COUNTY COMMISSIONERS

**Planning & Development Department**

2725 Judge Fran Jamieson Way

Building A, Room 114

Viera, Florida 32940

If you have any questions about the enclosed materials, please contact Mr. Swanke.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rita Pritchett' with a stylized flourish at the end.

Rita Pritchett, Vice Chair  
Board of County Commissioners of Brevard County, Florida

As approved by the Board 11/07/2024.

**BREVARD BARRIER ISLAND AREA  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Large Scale Plan Amendment 25LS.01 (24LS00001)  
Barrier Island South of Town of Melbourne Beach  
North of Sebastian Inlet State Park*

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**Property Information**

Owner / Applicant: **Brevard County**

Adopted Future Land Use Map Designation: n/a

Requested Future Land Use Map Designation: n/a

Acreage : 4,235.68 acres

Tax Account #: n/a

Site Location: Barrier Island south of Town of Melbourne Beach and  
North of Sebastian Inlet State Park

Commission District: 3

Current Zoning: n/a

Requested Zoning: n/a

**Background & Purpose**

Chapter 85-55, Laws of Florida, amended the Chapter 163, Part II, Florida Statutes, which required local governments to comply with the amended requirements. On September 8, 1988, the Board of County Commissioners of Brevard County, Florida approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, that has been amended from time to time.

Chapter 95-181, Laws of Florida, established the Bert J. Harris, Jr. Property Rights Protection Act which provides for relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the State or a political entity of the State, as applied, unfairly affects real property.

Coastal Management Policy 7.1 was adopted in the early 1990's. Section 380.0553, FS went into effect July 1, 2023.

An Area of Critical State Concern is a geographic area created by the State land planning agency to address areas that may be adversely impacted by uncontrolled or inadequate development controls. The designation authorizes the State to identify specific principles for guiding development within the Area of Critical State Concern. The legislation, found in Section 380.05, Florida Statutes, requires the State land planning agency to recommend actions which the local government and state and regional agencies must accomplish to implement the principles for guiding development. These actions may include, but need not be limited to, revisions of the local comprehensive plan and adoption of land development regulations, density requirements, and special permitting requirements.

There are five Areas of Critical State Concern including the Brevard Barrier Island Area. The other four were all adopted by the mid-1980's which was before the adoption of the Bert Harris legislation. The Legislature adopted Chapter 2023-272, Laws of Florida, establishing the Brevard Barrier Island Area as an Area of Critical State Concern. On July 1, 2023, Section 380.0553, Florida Statutes became effective, designating the barrier island south of the Town of Melbourne Beach and north of Sebastian Inlet State Park as an Area of Critical State Concern. This process did not follow the procedure outlined in Section 380.05, Florida Statutes.

This statute contains Guiding Principles for Development. They are:

- (a) Preventing the adverse impacts of development on resources critical to sea turtle habitat by prohibiting new shoreline hardening structures and enforcing existing state and county coastal construction regulations.
- (b) Prioritizing water quality restoration projects in the Indian River Lagoon.
- (c) Reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.
- (d) Supporting innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration.
- (e) Safeguarding against adverse economic, social, environmental and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in Section 380.093, Florida Statutes.
- (f) Protecting shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats.
- (g) Protecting upland resources, including dune ridges, beaches, wildlife, and related habitats.
- (h) Limiting the adverse impacts of development on the quality of water throughout the Brevard Barrier Island Area and Indian River Lagoon.
- (i) Enhancing natural scenic resources to promote the aesthetic benefits of the

natural environment.

- (j) Ensuring that development is compatible with the unique characteristics of the Brevard Barrier Island Area.

This legislation authorizes the State to review all development proposals including comprehensive plan amendments, rezonings, and building permits for compliance with these guiding principles.

The goals, objectives, and policies necessary to ensure compliance with the guiding principles have been identified and included in a document that will be adopted as a new element to the Comprehensive Plan through the large scale amendment procedure.

The land within the Brevard Barrier Island Area includes the following Future Land Use Map designations:

Community Commercial	6 parcels	7.09 acres	0.17% of total area
Neighborhood Commercial	185 parcels	9.05 acres	0.21% of total area
Private Conservation	88 parcels	183.18 acres	4.32 % of total area
Public	7 parcels	48.61 acres	1.15% of total area
Public Conservation	222 parcels	1717.03 acres	40.54% of total area
Recreation	7 parcels	387.10 acres	9.14% of total area
Residential 1 (RES 1)	3083 parcels	1292.38 acres	30.51% of total area
Residential 2 (RES 2)	1311 parcels	331.67 acres	7.83% of total area
Residential 4 (RES 4)	108 parcels	27.39 acres	0.65% of total area
Residential 4 Directive	5 parcels	2.42 acres	0.06% of total area
Residential 6 (RES 6)	46 parcels	10.72 acres	0.25% of total area
Residential 6 Directive	114 parcels	26.83 acres	0.63% of total area
Residential 8 Directive	1253 parcels	163.27 acres	3.85% of total area
Residential 15 (RES 15)	91 parcels	29.01 acres	0.68% of total areas

On August 28, 2024, Planning and Development held a public outreach meeting at the South Beaches Community Center. The meeting was attended by over 200 area residents with an additional 42 people attending virtually via a Zoom link. A summary of their comments follows.

- Of the 337 respondents to the online survey, over 87.5% lived in the Brevard Barrier Island Area.
- Over 87.8% strongly agreed that the Area of Critical State Concern designation is important to the future of the Brevard Barrier Island Area.
- Over 76% strongly supported prohibiting shoreline hardening and

encouraging living shoreline concepts.

- Over 92% felt that prioritizing funding for water quality restoration projects was very important.
- Almost 60% felt that limiting development in this area is the most important strategy for reducing nutrient pollution in the Brevard Barrier Island Area.
- Over 95% felt it was very important to protect upland resources such as dune ridges, beaches and wildlife habitat.

In addition to the online survey questions, respondents were able to submit comments directly via the survey and by e-mail. A total of 732 comments were received.

- Almost 22% of the submitted comments addressed concerns about density and intensity.
- 11% addressed sea turtle protection and shoreline hardening.
- 9% asked for general information about the BBIA.
- 7% addressed land clearing including clear cutting.
- 6.8% addressed conservation issues.
- 6.8% addressed the provision of utilities.
- 6.4% addressed land development issues.
- 6.3% addressed stormwater management.
- Other issues garnered less than 5% of total responses.
- Less than 5 comments requested creation of an oversight committee.

More detailed information can be found in the BBIA ACSC Public Feedback Summary.



# **BREVARD COUNTY**

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## **BBIA ACSC**

### **PUBLIC FEEDBACK SUMMARY**

**September 24, 2024**



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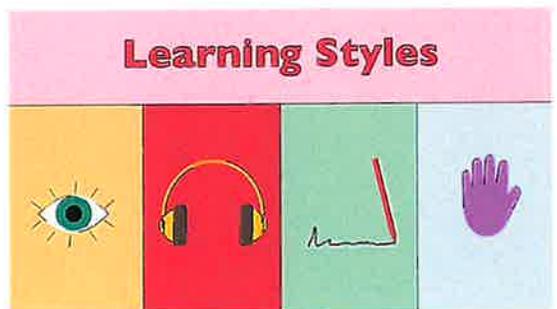
# BREVARD BARRIER ISLAND ACSC OVERVIEW

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

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

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



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

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

# 1. EXECUTIVE SUMMARY

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

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

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

## PUBLIC INFORMATION AND OUTREACH MEETING

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

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

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

## **PUBLIC COMMENTS (EMAILS)**

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

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

## **ONLINE SURVEY RESULTS (OPEN COMMENT PORTAL)**

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

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

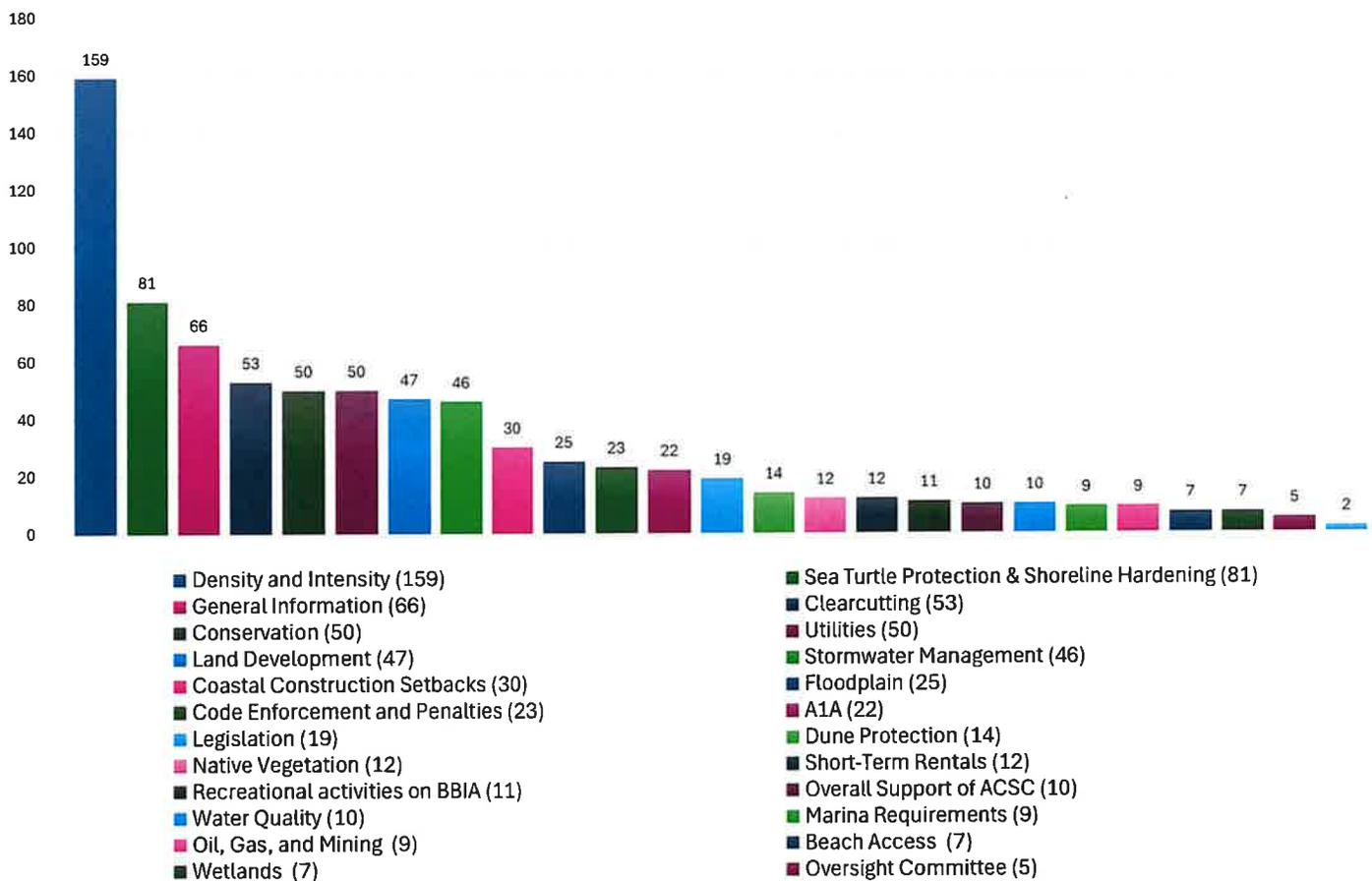
## **COMBINED EMAIL AND OPEN COMMENTS SURVEY RESULTS**

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

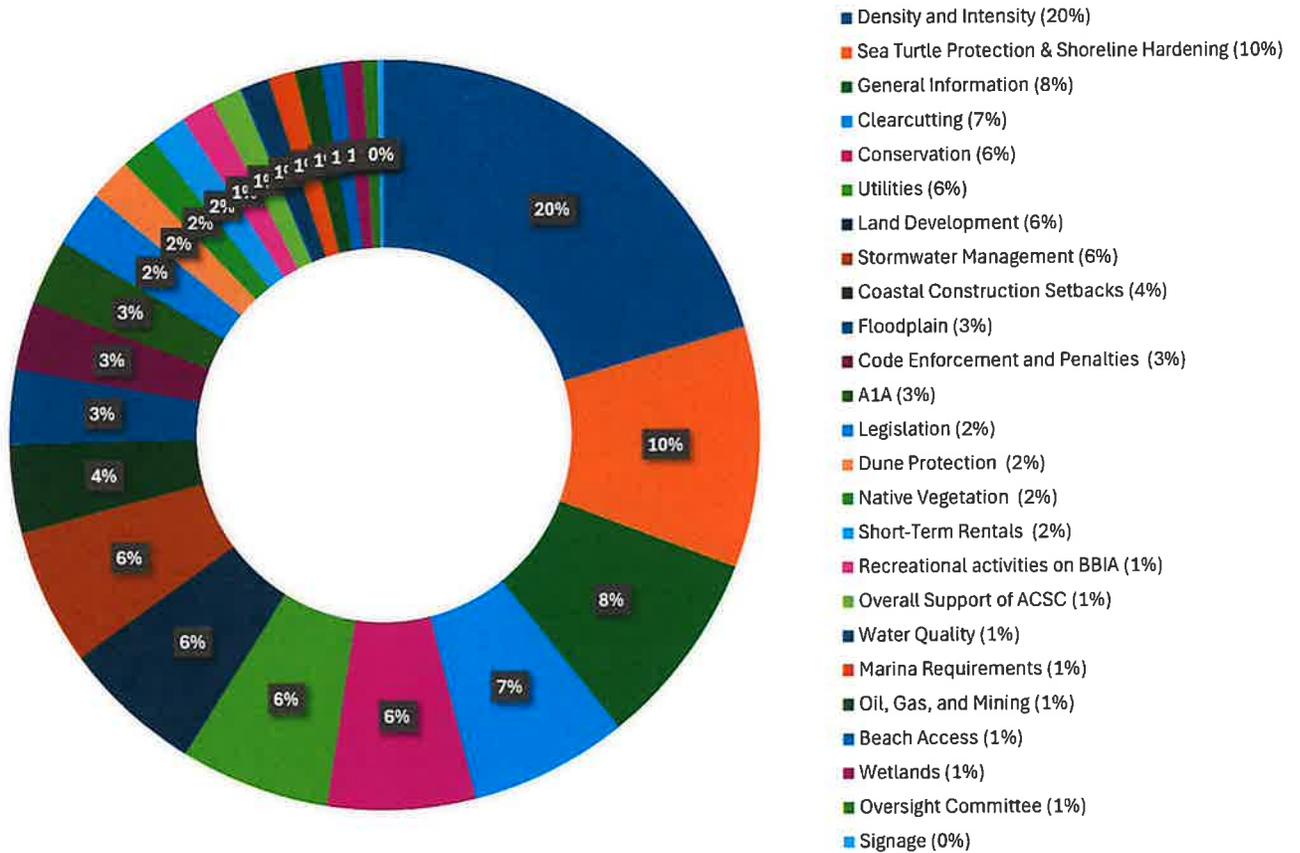
## 2. ANALYSIS & SUMMARY OF PUBLIC INPUT

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

ACSC Public Comments - Total Number by Topic



## ACSC Public Comments - Percentages by Topic



## GUIDING PRINCIPLES

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

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

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

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

## GUIDING PRINCIPLES MATRIX & COMMENT TOPIC COMPARISON

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

## **PUBLIC FEEDBACK SUMMARY**

*Brevard County BBIA ACSC*

### **DENSITY AND INTENSITY**

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

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

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

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

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

## **PUBLIC FEEDBACK SUMMARY**

*Brevard County BBIA ACSC*

### **SEA TURTLE PROTECTION AND SHORELINE HARDENING**

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

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

### **GENERAL INFORMATION**

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

### **CLEARCUTTING**

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

## **PUBLIC FEEDBACK SUMMARY**

*Brevard County BBIA ACSC*

### **CONSERVATION**

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

### **UTILITIES**

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

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

### **LAND DEVELOPMENT REGULATIONS**

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

## **PUBLIC FEEDBACK SUMMARY**

*Brevard County BBIA ACSC*

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

### **STORMWATER MANAGEMENT**

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

### 3. APPENDIX

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#### TABLE OF CONTENTS

Workshop Polling Graphs .....	16
Online Polling Graphs and Open Comments .....	21
Public Emails .....	52

# WORKSHOP POLLING GRAPHS

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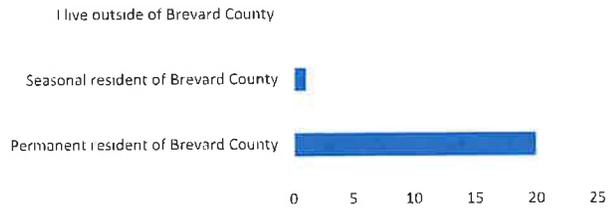
Attendees of the Public Education and Outreach Meeting held on August 28, 2024, utilized hand-held polling devices to respond to questions similar to those in the online survey. The following pages presents a graphical representation for each survey question at the live workshop.

# Question Analysis Report

8/28/2024 6:38 PM

1. I am a:

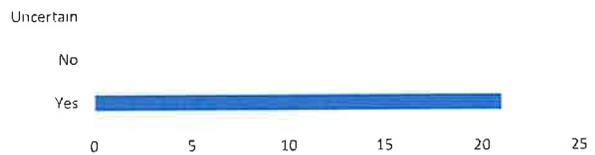
1	Permanent resident of Brevard County	20	95%
2	Seasonal resident of Brevard County	1	5%
3	I live outside of Brevard County	0	0%
		<b>21</b>	<b>100%</b>



8/28/2024 6:39 PM

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

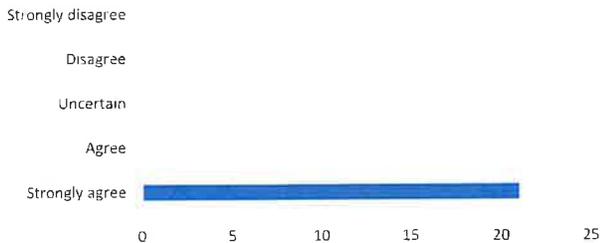
1	Yes	21	100%
2	No	0	0%
3	Uncertain	0	0%
		<b>21</b>	<b>100%</b>



8/28/2024 6:40 PM

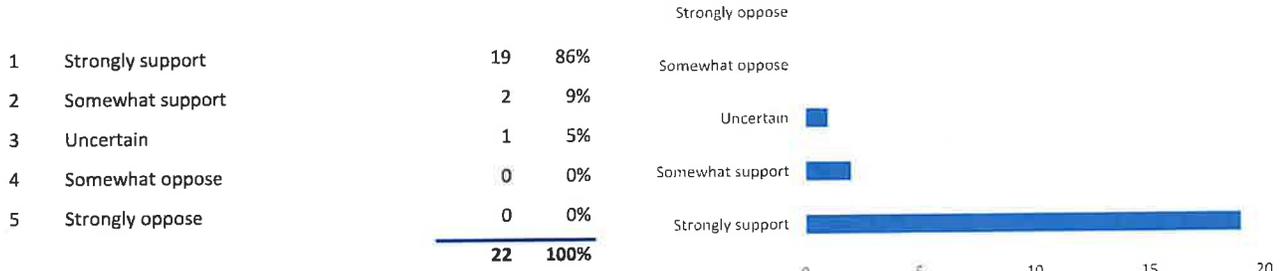
3. The ACSC designation is important to the future of the Brevard Barrier Island Area.

1	Strongly agree	21	100%
2	Agree	0	0%
3	Uncertain	0	0%
4	Disagree	0	0%
5	Strongly disagree	0	0%
		<b>21</b>	<b>100%</b>



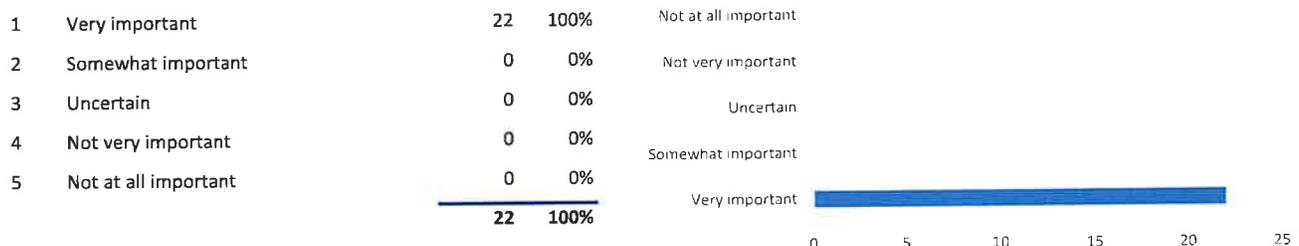
8/28/2024 6:41 PM

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



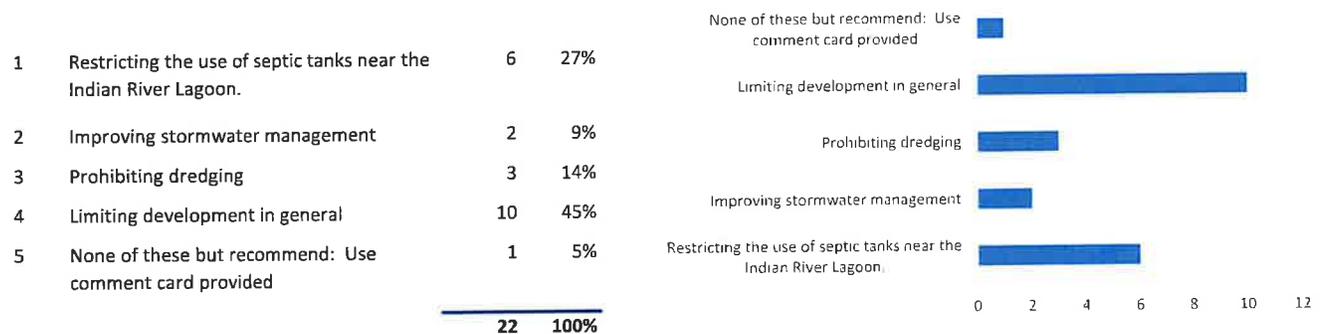
8/28/2024 6:41 PM

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



8/28/2024 6:42 PM

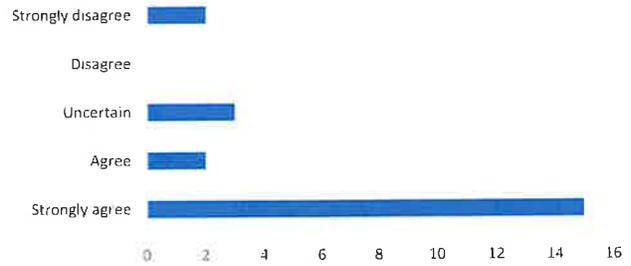
6. Which of these strategies to reduce nutrient pollution in the BBIA is most important to you?



8/28/2024 6:43 PM

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

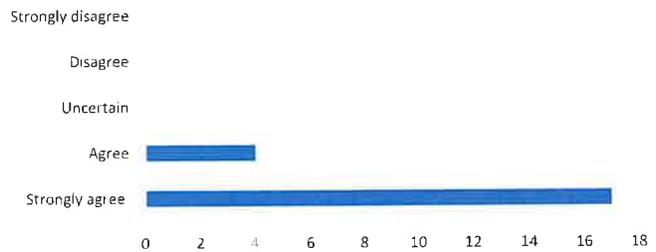
1	Strongly agree	15	68%
2	Agree	2	9%
3	Uncertain	3	14%
4	Disagree	0	0%
5	Strongly disagree	2	9%
		<b>22</b>	<b>100%</b>



8/28/2024 6:44 PM

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

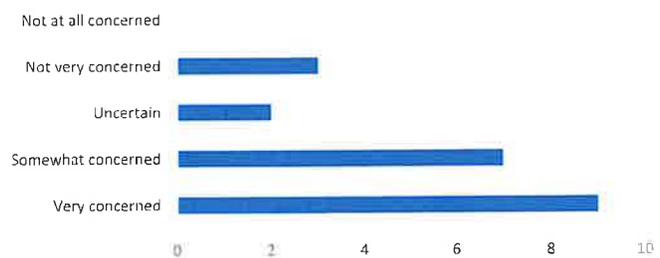
1	Strongly agree	17	81%
2	Agree	4	19%
3	Uncertain	0	0%
4	Disagree	0	0%
5	Strongly disagree	0	0%
		<b>21</b>	<b>100%</b>



8/28/2024 6:45 PM

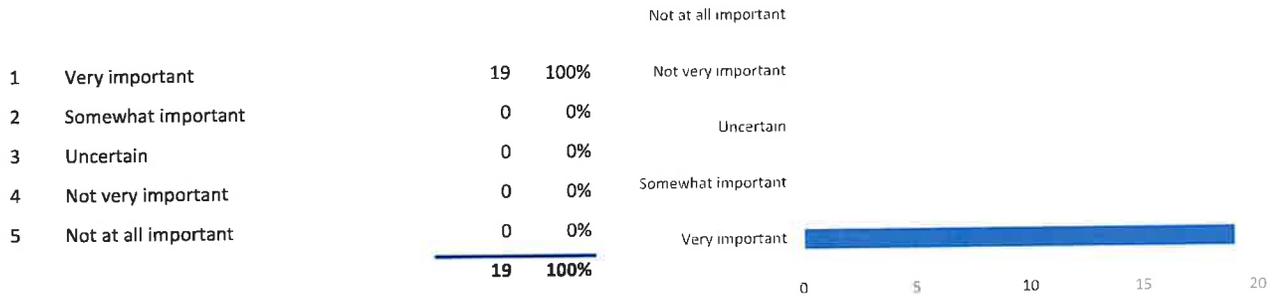
9. How concerned are you about flooding and storm surge for the BBIA?

1	Very concerned	9	43%
2	Somewhat concerned	7	33%
3	Uncertain	2	10%
4	Not very concerned	3	14%
5	Not at all concerned	0	0%
		<b>21</b>	<b>100%</b>



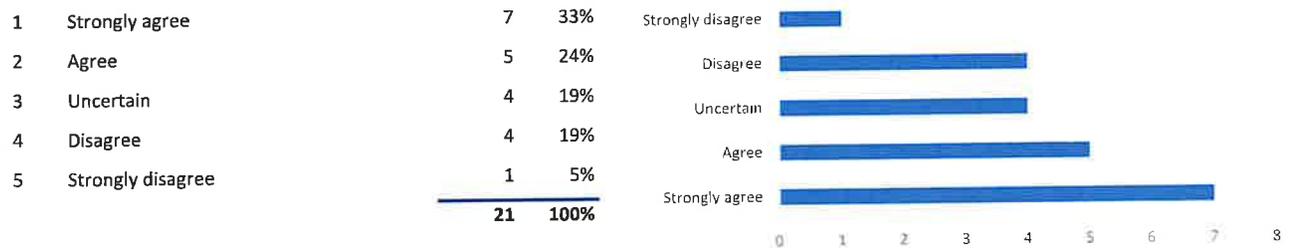
8/28/2024 6:46 PM

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



8/28/2024 6:46 PM

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



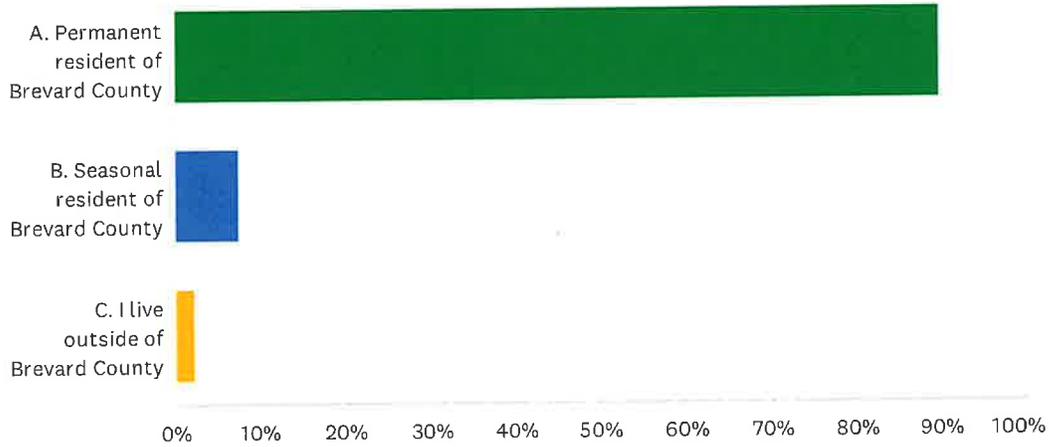
# ONLINE POLLING GRAPHS & OPEN COMMENTS (SURVEY MONKEY)

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

## Q1 I am:

Answered: 339 Skipped: 1



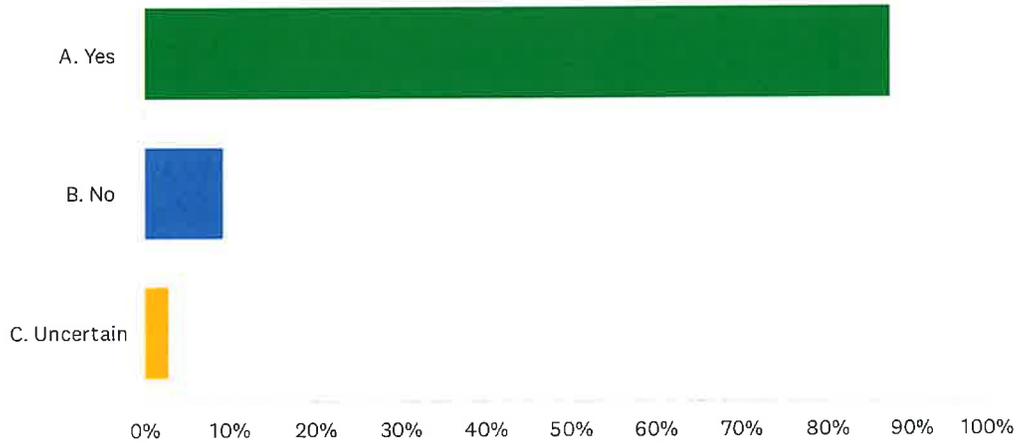
### ANSWER CHOICES

### RESPONSES

A. Permanent resident of Brevard County	89.97%	305
B. Seasonal resident of Brevard County	7.67%	26
C. I live outside of Brevard County	2.36%	8
<b>TOTAL</b>		<b>339</b>

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

Answered: 338 Skipped: 2



**ANSWER CHOICES**

**RESPONSES**

A. Yes

87.57%

296

B. No

9.47%

32

C. Uncertain

2.96%

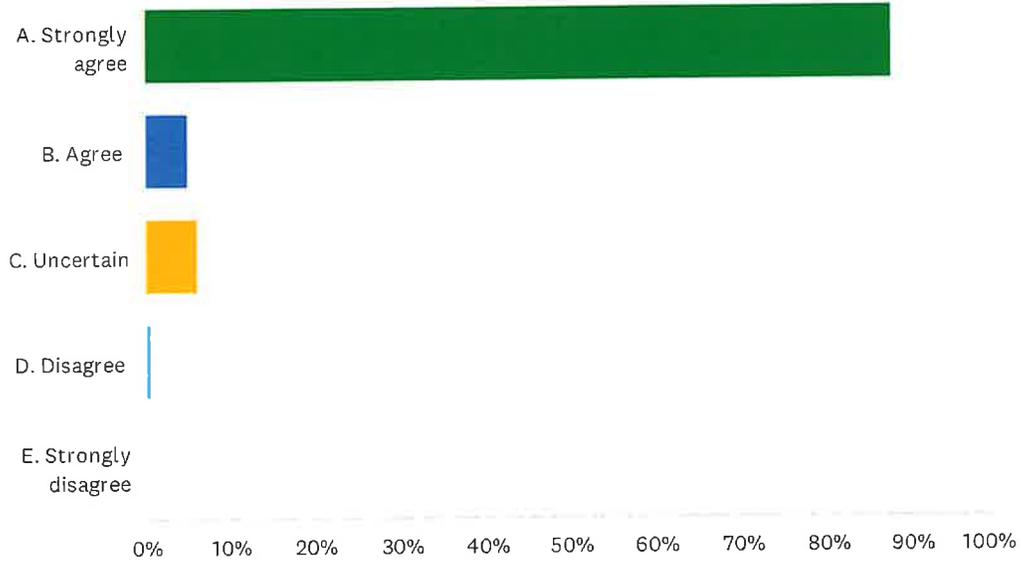
10

TOTAL

338

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

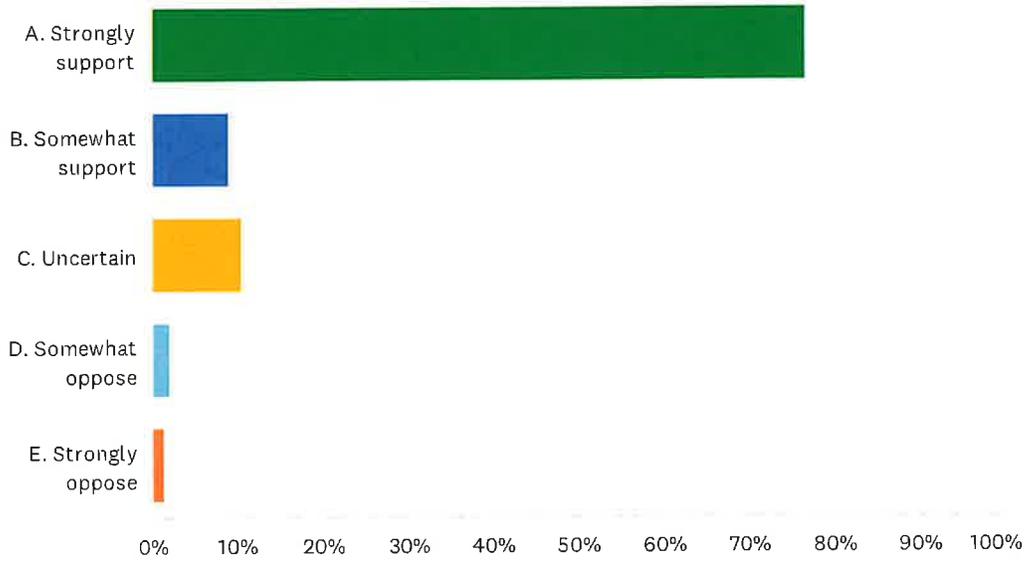
Answered: 337 Skipped: 3



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

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

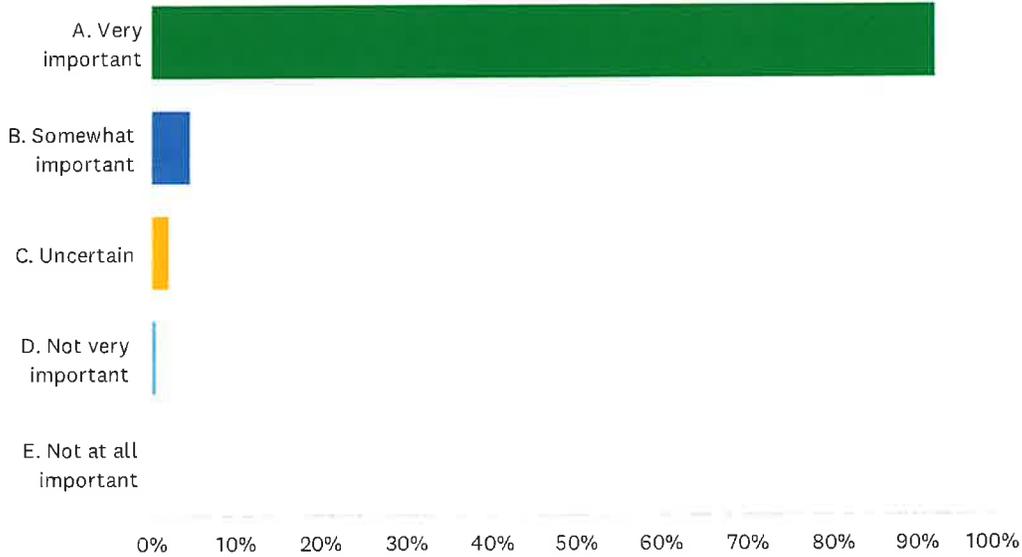
Answered: 339 Skipped: 1



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

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

Answered: 339 Skipped: 1



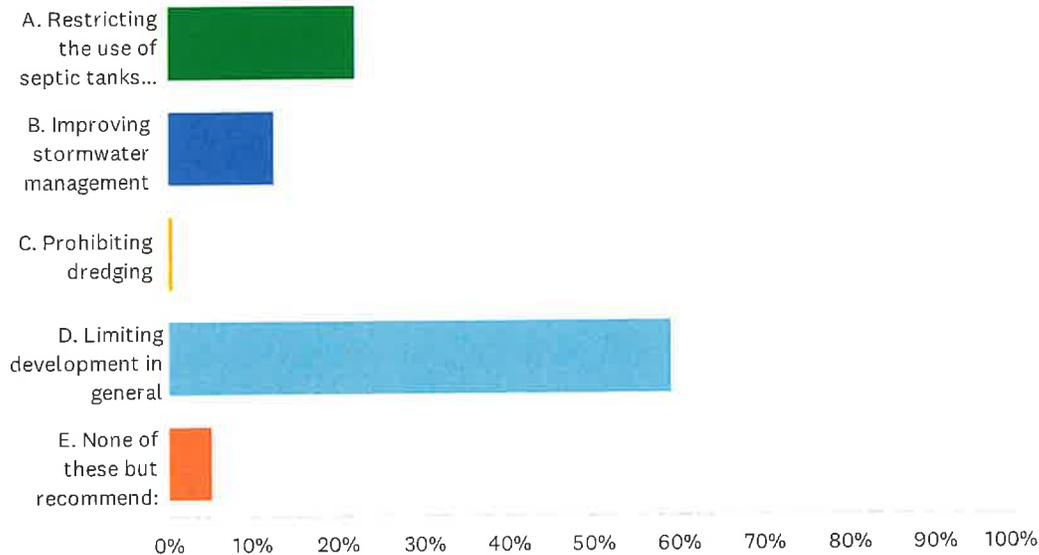
**ANSWER CHOICES**

**RESPONSES**

A. Very important	92.33%	313
B. Somewhat important	4.72%	16
C. Uncertain	2.06%	7
D. Not very important	0.59%	2
E. Not at all important	0.29%	1
<b>TOTAL</b>		<b>339</b>

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

Answered: 338 Skipped: 2



### ANSWER CHOICES

- A. Restricting the use of septic tanks near the Indian River Lagoon
- B. Improving stormwater management
- C. Prohibiting dredging
- D. Limiting development in general
- E. None of these but recommend:

### RESPONSES

22.19%	75
12.72%	43
0.59%	2
59.17%	200
5.33%	18
<b>TOTAL</b>	<b>338</b>

### # E. NONE OF THESE BUT RECOMMEND:

### DATE

- |   |   |                  |
|---|---|------------------|
| 1 | Limiting development to Residential 1-BBIA, one single family home in the ACSC area is essential saving the IR Lagoon. So Future Land Use Objective BBIA 12 shall restrict the assignment of future land use to RES 1-BBIA. Remove RES 2-BBIA through RES 15-BBIA and remove NC-BBIA, CC-BBIA. These uses must be removed from the Comp Plan Draft to protect the barrier island in line with the ACSC designation. Thank you for letting us give you our ideas.  | 9/6/2024 5:58 PM |
| 2 | The Comp Plan Draft, as it is currently written, does not meet the intent of the State's Area of Critical Concern designation section 380.0553 FS. The Comp Plan may need more review and input from the Natural Resources staff. So, we do appreciate that we can provide comments tonight. As written, the draft does not reflect what the residents want, because it does not provide adequate protections from development. Our journey to this point has involved many hours of trying to hold back uncontrollable development that wanted to increase density through variance requests. The ACSC designation, we hope, means it will no longer be "business as usual". The end of our journey begins with how well this new section of the Comp Plan is written. If it does not have teeth, it will not protect the island. So, it cannot be ambiguous. Development should continue to be single-family residences. Brevard County | 9/2/2024 6:55 AM |

## Brevard Barrier Island Area of Critical State Concern Survey

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

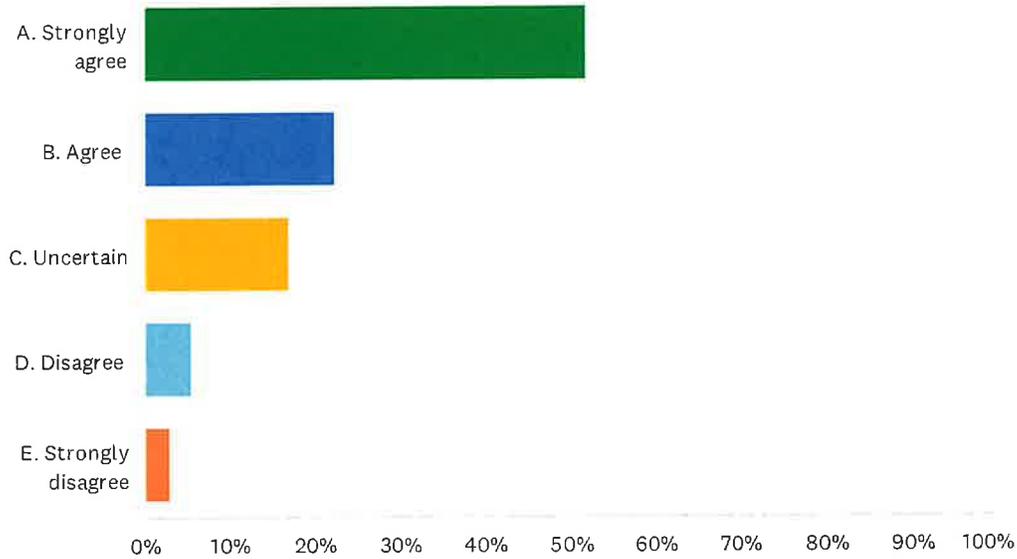
3	Stay out of our business.	8/30/2024 3:17 PM
4	Leave well enough alone!	8/29/2024 10:31 AM
5	All of the above	8/28/2024 6:35 PM
6	Restrict discharge of nutrients from water plants and storm water rich in nutrients. Restrict fertilizer use in any subdivisions with connected storm water ponds to the lagoon.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

## Brevard Barrier Island Area of Critical State Concern Survey

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

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

Answered: 338 Skipped: 2



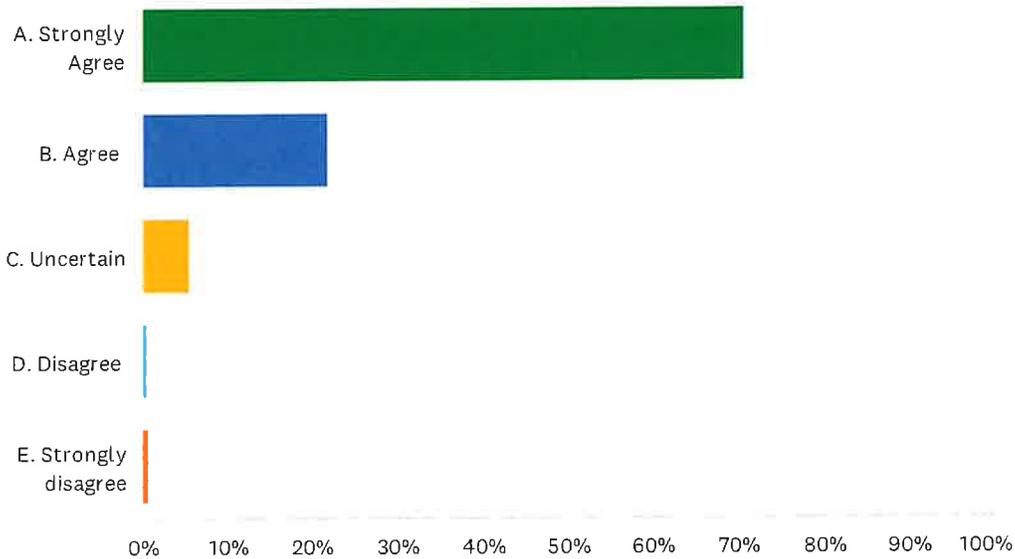
**ANSWER CHOICES**

**RESPONSES**

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

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

Answered: 340 Skipped: 0



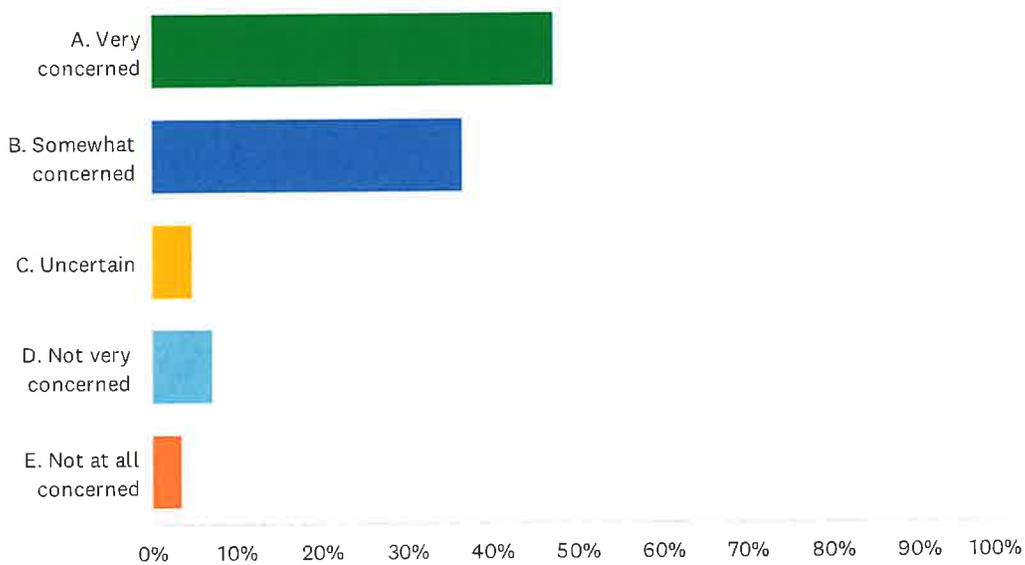
**ANSWER CHOICES**

**RESPONSES**

A. Strongly Agree	70.88%	241
B. Agree	22.06%	75
C. Uncertain	5.59%	19
D. Disagree	0.59%	2
E. Strongly disagree	0.88%	3
<b>TOTAL</b>		<b>340</b>

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

Answered: 340 Skipped: 0



### ANSWER CHOICES

- A. Very concerned
- B. Somewhat concerned
- C. Uncertain
- D. Not very concerned
- E. Not at all concerned

### RESPONSES

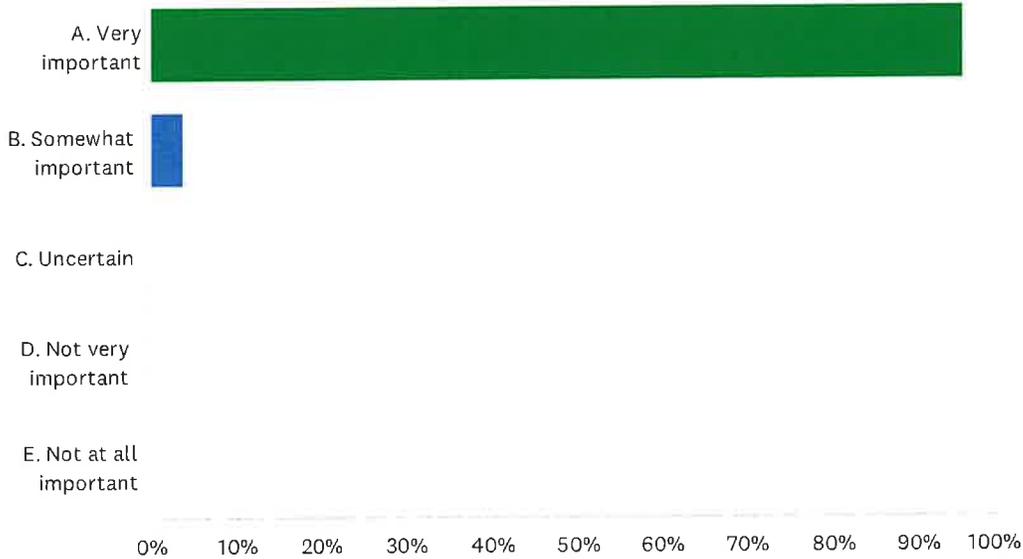
A. Very concerned	47.35%	161
B. Somewhat concerned	36.76%	125
C. Uncertain	5.00%	17
D. Not very concerned	7.35%	25
E. Not at all concerned	3.53%	12

TOTAL

340

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

Answered: 340 Skipped: 0



### ANSWER CHOICES

- A. Very important
- B. Somewhat important
- C. Uncertain
- D. Not very important
- E. Not at all important

### RESPONSES

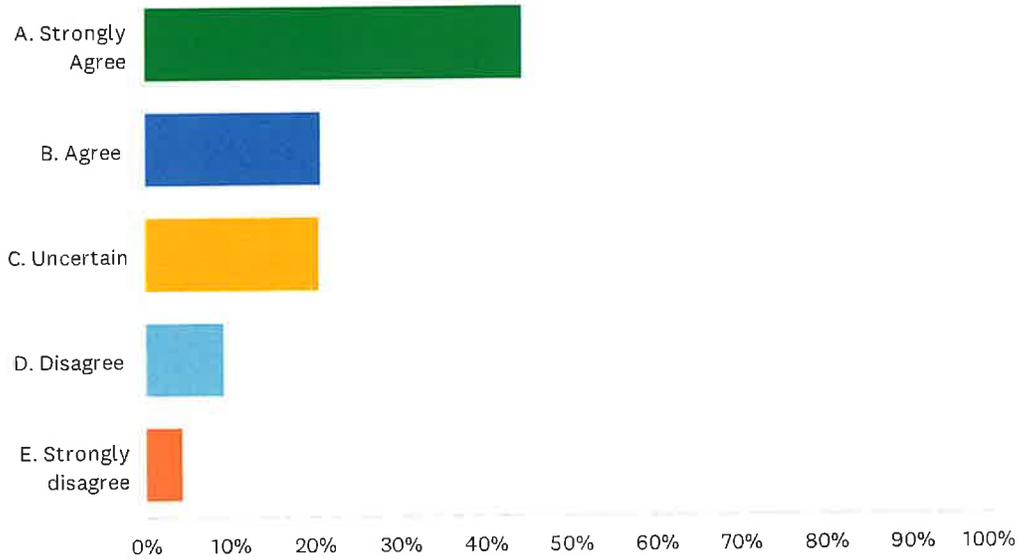
A. Very important	95.59%	325
B. Somewhat important	3.82%	13
C. Uncertain	0.29%	1
D. Not very important	0.00%	0
E. Not at all important	0.29%	1

TOTAL

340

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

Answered: 339 Skipped: 1



**ANSWER CHOICES**

**RESPONSES**

A. Strongly Agree

44.54%

151

B. Agree

20.94%

71

C. Uncertain

20.65%

70

D. Disagree

9.44%

32

E. Strongly disagree

4.42%

15

**TOTAL**

**339**

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

Answered: 183 Skipped: 157

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

## Brevard Barrier Island Area of Critical State Concern Survey

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

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

## Brevard Barrier Island Area of Critical State Concern Survey

28	Short term rentals. Unregulated, increase environmental footprint without increasing density. How is this addressed?	8/28/2024 6:39 PM
29	How are the impacts addressed that are being done by recent developments that wouldn't have been approved under the new regulations? Currently there are not enough Code Officials or Sheriff's Deputies to address people who are doing harm to the environment, so the regulations have no teeth. How will that be addressed?	8/28/2024 6:39 PM
30	No mention has been made about the annual waste of money spent on "beach renourishment". Also, Brevard County has failed to introduce ordinances protecting heritage trees such as Gumbo Limbo, Sea Grape, or Oak.	8/28/2024 6:38 PM
31	Short term rentals are a bane to this area.	8/28/2024 6:38 PM
32	So glad density has already been established	8/28/2024 6:37 PM
33	How do the plans to improve and reconstruct a new bridge over the Sebastian Inlet comply or impact the ASCSC and BBIP?	8/28/2024 6:37 PM
34	I didn't know if 7 or 11 were question or a statement ? I'd like to see that county is proactive and regulates development that has impact on environment	8/28/2024 6:36 PM
35	I don't have time to think about this at the public meeting	8/28/2024 6:36 PM
36	Improving waters edge native landscaping	8/28/2024 6:36 PM
37	Moratorium on new construction. Change overhead FPL power lines to underground utilities. Continue water mains and fire hydrants south to Sebastian Inlet.	8/28/2024 6:36 PM
38	What keeps state or local policies from changing and endangering the BBIA? They want to change how state parks are used and put in golf courses racketball and hotels. What will keep politicians from wanting to change designations of the BBIA in the future?	8/28/2024 6:35 PM
39	Septic to sewer very important Existing Parks or sanctuaries will not be able to be sold to developers. Coyotes be relocated from marine hammock sanctuary	8/28/2024 6:35 PM
40	If septic to sewer is a forgone conclusion, state funding is a must. This area is heavily populated by retired folks who will have a hard time finding this.	8/28/2024 6:35 PM
41	It's the state that regulates some of the above such as mangroves and turtles and ccl...so should be local also in comp plan	8/28/2024 6:35 PM
42	Reminder per national studies Sea Grapes not sea oats protect the sea turtles from our house lights plant accordingly.	8/28/2024 6:35 PM
43	Limit growth and density	8/28/2024 6:35 PM
44	My comments in blue after each section inside brackets too. Policy BBIA 2.5 2. In order to maintain the freshwater lens of the surficial aquifer and reduce saltwater intrusion, post-development groundwater recharge volume and rate shall equal pre-development recharge volume and rate. {How is this measured, verified and penalties for this}? 3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean. {I disagree with this as we are trying to maintain groundwater recharge rate and reduce the volume of water running into the IRL}. 4. Reconstruction of shoreline hardening structures that are more than fifty (50) percent destroyed should be considered new construction and should be regulated as such, except for the maintenance of existing public navigational projects. {No new permits for reconstruction of shoreline hardening. Protection should be done with a living shoreline using mangroves or sea grapes} . Policy BBIA 2.6 Brevard County shall enforce development restrictions associated with the CSL and the Brevard County Coastal Construction Line (CCL) and re-evaluate the effectiveness of these lines from time to time as coastline changes dictate. The County shall provide FDEP with their findings and request a review of the CCCL, if deemed appropriate. {development restrictions should be changed to percent area of developable land. Area from the mean high tide to the CCL and area setbacks from A1A or other streets should not be part of any calculations for development or clearing of vegetation}. Policy BBIA 2.7 Outer Continental Shelf (OCS) discourages such as oil and gas exploration or mining adjacent to Brevard County are discouraged for several reasons. {Would like to see "banned" instead of "discouraged" unless during times of national emergencies and US Congressionally declared war.} Policy BBIA 3.5 Brevard County shall continue a water and sediment quality monitoring program within the	8/28/2024 6:34 PM

## Brevard Barrier Island Area of Critical State Concern Survey

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

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

## Brevard Barrier Island Area of Critical State Concern Survey

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

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

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

8/28/2024 6:29 PM

77 Water pollution should be the highest priority

8/28/2024 5:38 PM

## Brevard Barrier Island Area of Critical State Concern Survey

78	I would like to see a more user friendly description of exactly what areas are included.	8/28/2024 4:45 PM
79	<p>Reducing Nutrient Contributions Objective BBIA 4 Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon. Is this based on: HB1379 ( applicants for any new septic systems serving lots of any size to install nitrogen-reducing system (ER-OSTDS). By July 1, 2030 any commercial or residential property with an existing OSTDS located with this area must connect to central sewer if available or upgrade to nitrogen reducing system or other waste water treatment that achieves at least 65% nitrogen reduction) Policy BBIA 4.1 Brevard County shall maintain its practice of no new direct discharges of wastewater into surface water bodies. Provide penalties Policy BBIA 4.2 Untreated wastewater shall not be discharged into drainage ditches, surface waters or aquifers. Change to treated and untreated Policy BBIA 4.3 Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection. Eliminate completely if no existing commercial or residential uses in urban fringe, urbanizing or urban density area warrant this policy. Policy BBIA 4.4 Private treatment plants shall be subject to all of the following permitting criteria: Criteria: A. Private treatment plants shall be permitted under any of the following circumstances: 1. When environmental conditions exist that preclude on-site sewage disposal, connection to the central sewer system is not feasible and the establishment of a private treatment plant is the only alternative for wastewater treatment; 2. To serve commercial land uses adjacent to existing residential uses in the urban fringe, urbanizing or urban density areas. Such commercial uses shall reduce an existing deficiency in commercial area, defined as less than 160 square feet of commercial area for each residence within a two-mile radius; 3. To serve developments with a mixture of uses located as an extension of existing residential uses and of an overall project density no greater than that permitted in the density area. 4. To serve residential development using a transfer of density to protect an environmentally sensitive area. Such development shall be located as an extension of existing residential uses and shall be of an overall project density no greater than that permitted in the density area. B. Private treatment plants shall be permitted by the Florida Department of Environmental Protection. C. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer. Provide examples of existing commercial or residential uses in urban fringe, urbanizing or urban density area that warrant this policy or delete it completely. Policy BBIA 4.5 Interim and/or "package-type" wastewater treatment facilities shall be required, at the option of the County, to connect to the public centralized system when access to the system is made available. Delete option and add time period. (helps discourage development using package systems) Policy BBIA 4.6 Brevard County shall maintain land development regulations that encourage development to locate in areas within a designated sewer service area with adequate capacity and in the appropriate service sector for the land use proposal. Brevard county shall maintain land development regulations that only permits development to locate in areas with designated sewer system with adequate capacity for proposed development. Policy BBIA 11.2 The existence of sewer, water, roadways or other public infrastructure shall not be considered adequate rationale for an increase in intensity Change to: The existence of sewer, water, roadways or other public infrastructure shall not and will not be considered justification for an increase in density.</p>	8/28/2024 4:15 PM
80	I would like to submit more comments. My email is tunadoctor@mac.com and phone 321-806-8940	8/28/2024 3:09 PM
81	If you need further input please contact me. I have worked on environmental projects in North and South America and as I am retired I have time available to help George Bolton 116 Signature Drive, Melbourne Beach 32951 (boltongd1@gmail.com)	8/28/2024 10:44 AM
82	Need to Keep the existing zoning, and Future Land use, as of July 1, 2023	8/28/2024 9:17 AM
83	Somehow the lagoon needs better water movement as far as tide changes. I live in Melbourne beach. There is no high tide or low tide to help water movement. Or a lot more scallop beds. Or open a new inlet or a few of them. It's costly but the water looks it's best near inlets	8/28/2024 12:38 AM
84	Key areas of concern for protecting the environment in this area of fragile ecosystem are: protecting our Environment and the wildlife that inhabits our area: To continue the partnership of Sea Turtle Conservancy, Brevard County Natural Resources, 1000 Friends of Florida, Indian River Lagoon Coalition, Marine Resources Council, Fish and Wildlife, Indian River County and Barrier Islands Preservation and Protection Assoc (BIPPA), as these are the experts To	8/27/2024 11:27 PM

## Brevard Barrier Island Area of Critical State Concern Survey

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

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

## Brevard Barrier Island Area of Critical State Concern Survey

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

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

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

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protection and restoration strategy. Because of ACSC designation and turtle nesting can we/County/State work with the Federal Gov't about not permitting these activities in Federal waters {Would like to see "banned" instead of "discouraged" unless during times of national emergencies and US Congressionally declared war.} Policy BBIA 3.5 Brevard County shall continue a water and sediment quality monitoring program within the Indian River Lagoon system, and shall coordinate such a program with other federal, state and local agencies. Specific methods of coordination include making data available to other agencies and coordinating possible management strategies. A water and sediment monitoring program will be evaluated at least every 5 years to determine deficiencies or other necessary changes. {Would like to see an upgraded mean high tide measurements that would influence the percent developable land for determining that metric}. Policy BBIA 3.9 Brevard County shall support the SJRWMD's mapping of submerged aquatic vegetation within the Indian River Lagoon system. Evaluation results shall be made available to municipalities and other agencies or programs. Areas that show decline should be targeted for increased watershed management, including non-point source pollution, and restoration. Management strategies shall be coordinated with the municipalities and other agencies. {At least quarterly and should be made available to the public within 30 days of survey} Reducing Nutrient Contributions Objective BBIA 4 Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon. And shall enforce HB 1379 Law governing permitting of new septic systems in the BBIA. {BC shall reduce nutrient contributions to levels that continued contributions do not pose a negative impact on the health of the ecosystem}. Policy BBIA 4.1 Brevard County shall maintain its practice of no new direct discharges of wastewater into surface water bodies. {What about the construction of new water treatment plants?}. Policy BBIA 4.3 Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection. {Brevard County shall not provide permit approval for new package treatment plants unless these plants reduce the nutrient outflow in pounds nitrogen to less than municipal treatment plant levels. New package treatment plants should provide tertiary treatment and remove pesticides, pharmaceuticals, and heavy metals that meet drinking water standards}. Policy BBIA 4.4 Private treatment plants shall be subject to all of the following permitting criteria: Criteria: C. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer. {This ground water disposal system water shall meet or exceed local drinking water standards for nutrients, metals, pharmaceuticals and pesticides. This is to prevent hiding polluted water for future generations to treat}. Page 9 Policy BBIA 4.5 Interim and/or "package-type" wastewater treatment facilities shall be required, at the option of the County, to connect to the public centralized system when access to the system is made available. {Interim and/or package-type wastewater treatment facilities shall be required to connect to the public centralized system when access to the system is made available within two years}. Policy BBIA 4.6 Brevard County shall maintain land development regulations that encourage development to locate in areas within a designated sewer service area with adequate capacity and in the appropriate service sector for the land use proposal. {Brevard County shall maintain land development regulations that only permits development to locate in areas within a designated sewer service area with adequate capacity for the land use}. No color?! WHY IS THE LENGTH OF COMMENT LIMITED TO HERE?!

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

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

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

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

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

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

## Brevard Barrier Island Area of Critical State Concern Survey

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

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

## Brevard Barrier Island Area of Critical State Concern Survey

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

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

# PUBLIC EMAILS

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All emails sent to [info@bclandry.com](mailto:info@bclandry.com) can be found on the following pages.

## Brevard Barrier Island ACSC PowerPoint Presentation

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

Wed 8/28/2024 6:03 PM

To:Heather Shaw <Heather@blandry.com>

Hi Heather,

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

Thank you.

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

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

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

Sun 9/1/2024 12:26 PM

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

Good Morning;

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

Sorry to bother you.

Beth Glover

321-726-0800

Melbourne Beach, Fl 32951

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

Bob Abend <rjabend@gmail.com>

Wed 9/4/2024 2:20 PM

To: Heather Shaw <Heather@bclandry.com>

📎 1 attachments (69 KB)

image001.png;

Heather,

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

Thanks again,

Bob Abend

On Wed, Sep 4, 2024, 1:42 PM Heather Shaw <[Heather@bclandry.com](mailto:Heather@bclandry.com)> wrote:

Mr. Abend,

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

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

Thank you once again for your contribution.

Best regards,

Heather Shaw

Office Manager & Project Coordinator

Bonnie C. Landry and Associates

[Heather@bclandry.com](mailto:Heather@bclandry.com)

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**From:** [rjabend@gmail.com](mailto:rjabend@gmail.com) <[rjabend@gmail.com](mailto:rjabend@gmail.com)>

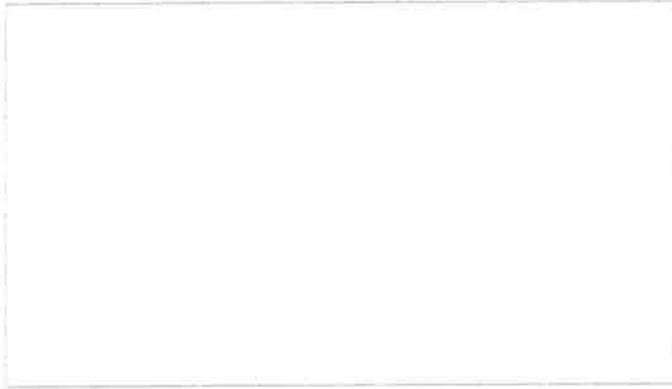
**Sent:** Sunday, September 1, 2024 1:10 PM

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

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

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

Sincerely,



**From:** [rjabend@gmail.com](mailto:rjabend@gmail.com) <[rjabend@gmail.com](mailto:rjabend@gmail.com)>

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

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

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

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

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

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

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

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

Sincerely,



## South Beach Critical Area of Concern Public Comment

[glovprop@bellsouth.net](mailto:glovprop@bellsouth.net) <[glovprop@bellsouth.net](mailto:glovprop@bellsouth.net)>

Thu 9/5/2024 8:42 AM

Cc:Glover Beth <[glovprop@bellsouth.net](mailto:glovprop@bellsouth.net)>

Good morning;

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

Thank you so much for your time.

Beth Glover

[glovprop@bellsouth.net](mailto:glovprop@bellsouth.net)

321-726-0800

## LAND MANAGEMENT OF OUR CRITICAL AREA CONCERN

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

Thu 9/5/2024 11:56 AM

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

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

## AREA OF CRITICAL CONCERN

christephanie pappas <csppappas@hotmail.com>

Thu 9/5/2024 12:55 PM

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

Hello

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

Thank You...

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

## Appendix A

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

Fri 9/6/2024 1:22 PM

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

 1 attachments (71 KB)

Draft of BREVARD BARRIER ISLAND AREA APPENDIX A with Comments and Edits from BIPPA\_09062024.docx;

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

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

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

Mon 9/9/2024 7:21 AM

To:Heather Shaw <Heather@bclandry.com>

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

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

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

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

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

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

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

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

Thank you,

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

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

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

**FW: Brevard Barrier Island Area**

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

Mon 9/9/2024 8:37 AM

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

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

 1 attachments (14 KB)

September 07.docx;

**From:** carol killingsworth <cckillings@yahoo.com>

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

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

**Subject:** Brevard Barrier Island Area

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

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

## Sea Turtle Conservancy suggestions to strengthen Brevard ACSC Appendix

Stacey Gallagher <stacey@conserveturtles.org>

Wed 8/28/2024 6:21 PM

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

📎 1 attachments (224 KB)

Letter to Brevard County from Sea Turtle Conservancy.pdf;

Hi there,

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

Thank you,  
Stacey Gallagher

**Stacey Gallagher, M.A.M.C.**

Development and Policy Coordinator

Sea Turtle Conservancy

4581 NW 6<sup>th</sup> Street, Suite A | Gainesville, FL 32609

352-373-6441 | [www.conserveturtles.org](http://www.conserveturtles.org)

SEA TURTLE



CONSERVANCY

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

sea <[seabomds@aol.com](mailto:seabomds@aol.com)>

Fri 9/6/2024 1:46 PM

To: Bonnie Landry and Associates - General Info <[info@bclandry.com](mailto:info@bclandry.com)>

 1 attachments (81 KB)

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

Hi Bonnie,

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

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

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

Thanks,

Mark Shantzis, Executive Director

Barrier Islands Preservation and Protection Association (BIPPA)

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

c-321-431-7842 [seabomds@aol.com](mailto:seabomds@aol.com)

## FW: Another Public Comment regarding the BBIA

Bonnie Landry <bonnie@bclandry.com>

Thu 8/29/2024 3:32 PM

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

📎 1 attachments (18 KB)

Bicycle Lanes in the BBIA.docx;

More for the matrix...

Bonnie C. Landry, AICP

President

Office (772) 266-9427

Cell (772) 201-5052

[bonnie@bclandry.com](mailto:bonnie@bclandry.com)

**BONNIE LANDRY**  
& ASSOCIATES Professional Planning Services



---

**From:** Prasad, Billy <Billy.Prasad@brevardfl.gov>

**Date:** Thursday, August 29, 2024 at 3:03 PM

**To:** Bonnie Landry <bonnie@bclandry.com>

**Cc:** Swanke, Stephen M <Steve.Swanke@brevardfl.gov>

**Subject:** FW: Another Public Comment regarding the BBIA

Bonnie,

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

All the best,

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

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

From: vince.lamb@icloud.com <vince.lamb@icloud.com>

Sent: Thursday, August 29, 2024 2:05 PM

To: Prasad, Billy <Billy.Prasad@brevardfl.gov>

Subject: Another Public Comment regarding the BBIA

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

the content is safe.

Billy,

Please send this to the collection of comments.

Vince

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

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

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

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

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

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

Vince Lamb  
321-258-5168

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

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

Sun 9/1/2024 1:11 PM

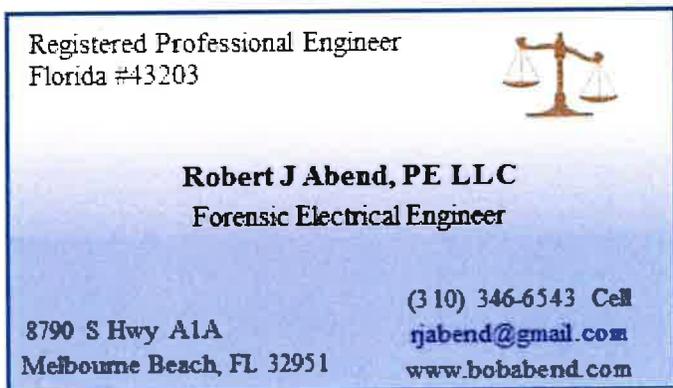
To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>;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

📎 1 attachments (571 KB)

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

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

Sincerely,



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

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

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

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

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

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

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

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

Sincerely,

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

**BREVARD BARRIER ISLAND AREA  
APPENDIX A**

DRAFT

## **GOAL, OBJECTIVES, AND POLICIES**

### **INTRODUCTION**

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

### **GOAL**

The BBIA's natural environmental and ecological resources, community character, and public health and safety are protected.

### **Designation of the BBIA Objective BBIA 1**

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

### **BBIA Boundary Policy**

#### **BBIA 1.1**

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

### **Legislative Findings for the BBIA**

#### **Policy BBIA 1.2**

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

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

- upland communities in the state and nation.
- B. The beaches of the region are among the most important nesting grounds for threatened and endangered sea turtles in the Western Hemisphere. The beach running the length of the southern barrier island of Brevard County is home to the largest nesting aggregation of loggerhead sea turtles in the world, and the management decisions made in the region have global impacts for the species.
  - C. The Archie Carr National Wildlife Refuge is located within the barrier island of Brevard County and is a significant conservation area designated to protect habitat at the most significant area for loggerhead sea turtle nesting in the world, at the most significant area for green turtle nesting in North America, and for a diverse array of plant and animal species.
  - D. The Indian River Lagoon, designated as an Estuary of National Significance by the United States Environmental Protection Agency in 1990, borders the western shore of the barrier island of Brevard County, and the natural habitats of the barrier island ecosystem protect the water quality and productivity of the Indian River Lagoon.
  - E. The salt water recreational fishery of the Indian River Lagoon generates hundreds of millions of dollars per year in local economic benefit.
  - F. Density limitations and natural resource protection on the barrier island of Brevard County have decreased public tax burdens associated with the provisions of services, building and maintenance of infrastructure for barrier island residential developments, and public costs for rebuilding public and private structures following severe erosion events.
  - G. Protection of the primary dune system of the barrier island of Brevard County provides the only protective buffer for local development from storm surges associated with tropical storms and hurricanes.
  - H. The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.

### **Legislative Intent for the BBIA**

#### **Policy BBIA 1.3**

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

- A. Establish a land use management system that protects the natural environment of the BBIA;

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

**Guiding Principles for Development within the BBIA**

**Policy BBIA 1.4**

Brevard County shall coordinate this local comprehensive plan, its associated land development regulations, and its programs and regulatory activities to be consistent with all of the guiding principles for development within the BBIA as specified in section 380.0553, F.S.

**Existing Use Exception**

**Policy BBIA 1.5**

The policies contained within this local comprehensive plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023.

**Conflicting Policies**

**Policy BBIA 1.6**

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

**Sea Turtle Habitat**

**Objective BBIA 2**

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

**Policy BBIA 2.1**

Brevard County shall prohibit new shoreline hardening structures.

**Policy BBIA 2.2**

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

**Criteria:**

- A. Limit development water-ward of the Brevard County Coastal Setback Line (CSL) to those structures necessary to protect the natural dune system and to provide beach access.
- B. Brevard County shall continue to maintain construction standards for all development within the one-hundred-year storm surge zone as established by the Florida Department of Environmental Protection, the Florida Building Code, as amended, and other applicable regulations.

**Policy BBIA 2.3**

Brevard County shall maintain lighting regulations in order to eliminate the visibility of artificial or otherwise man-made light to nesting female and hatchling turtles. Such regulations shall be periodically reviewed and updated to reflect best practices in coordination with organizations such as FWC.

**Policy BBIA 2.4**

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

**Policy BBIA 2.5**

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

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

1. Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on site. In addition, native dune vegetation seaward of the FDEP 1981 Coastal Construction Control Line (CCCL) shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs.
2. In order to maintain the freshwater lens of the surficial aquifer and reduce saltwater intrusion, post-development groundwater recharge volume and rate shall equal pre-development recharge volume and rate.
3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean.
4. Reconstruction of shoreline hardening structures that are more than fifty (50) percent destroyed should be considered new construction and should be regulated as such, except for the maintenance of existing public navigational projects.
5. Underground storage tanks or the storage of hazardous materials are not permitted.
6. Septic tank or septic tank drainfields shall not be permitted seaward of the CSL. Septic tanks shall be located landward of the most seaward portion of the habitable structure.

**Policy BBIA 2.6**

Brevard County shall enforce development restrictions associated with the CSL and the Brevard County Coastal Construction Line (CCL) and re-evaluate the effectiveness of these lines from time to time as coastline changes dictate. The County shall provide FDEP with their findings and request a review of the CCCL, if deemed appropriate.

### **Policy BBIA 2.7**

Outer Continental Shelf (OCS) activities such as oil and gas exploration or mining adjacent to Brevard County are discouraged for several reasons. The County's beaches are the most heavily nested beaches by sea turtles in the western Atlantic. Impacts to water quality, beach quality and fisheries could negatively impact the threatened and endangered species that nest here. Brevard County should review and comment on all OCS and offshore drilling leases proposed for waters adjacent to the county. This policy does not discourage OCS sand and gravel mining conducted as part of Brevard County's shore protection and restoration strategy.

### **Water Quality Restoration**

#### **Objective BBIA 3**

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

#### **Policy BBIA 3.1**

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

#### **Policy BBIA 3.2**

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

#### **Policy BBIA 3.3**

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

#### **Policy BBIA 3.4**

The channelization, dredging or impoundment of natural waters of the State shall be prohibited, except where no practical alternative exists for those operations necessary to correct existing threats to public health or safety, allow maintenance of existing navigational waterways, improve water quality, or provide reasonable access to water dependent shore-

based facilities. All practical steps shall be taken to minimize adverse impacts to biological attributes of the water resources and water-dependent natural systems.

**Policy BBIA 3.5**

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

**Policy BBIA 3.6**

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

**Policy BBIA 3.7**

The Brevard County Natural Resources Management Department shall coordinate with the FDEP to develop and implement BMAPs to comply with NPDES permits and meet the TMDL's established for local surface waters.

**Policy BBIA 3.8**

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

**Policy BBIA 3.9**

Brevard County shall support the SJRWMD's mapping of submerged aquatic vegetation within the Indian River Lagoon system. Evaluation results shall be made available to municipalities and other agencies or programs. Areas that show decline should be targeted for increased watershed management, including non-point source pollution, and restoration. Management strategies shall be coordinated with the municipalities and other agencies.

**Policy BBIA 3.10**

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

**Policy BBIA 3.11**

Brevard County supports the goals of the IRLNEP Comprehensive Conservation and Management Plan (CCMP) for recovery of the Lagoon. This support is reflected in the strategies identified in the County's Action Plan Implementation Status Report for the CCMP.

## **Reducing Nutrient Contributions**

### **Objective BBIA 4**

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

#### **Policy BBIA 4.1**

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

#### **Policy BBIA 4.2**

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

#### **Policy BBIA 4.3**

Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection.

#### **Policy BBIA 4.4**

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

##### **Criteria:**

- A. Private treatment plants shall be permitted under any of the following circumstances:
  - 1. When environmental conditions exist that preclude on-site sewage disposal, connection to the central sewer system is not feasible and the establishment of a private treatment plant is the only alternative for wastewater treatment;
  - 2. To serve commercial land uses adjacent to existing residential uses in the urban fringe, urbanizing or urban density areas. Such commercial uses shall reduce an existing deficiency in commercial area, defined as less than 160 square feet of commercial area for each residence within a two-mile radius;
  - 3. To serve developments with a mixture of uses located as an extension of existing residential uses and of an overall project density no greater than that permitted in the density area.
  - 4. To serve residential development using a transfer of density to protect an environmentally sensitive area. Such development shall be located as an extension of existing residential uses and shall be of an overall project density no greater than that permitted in the density area.
- B. Private treatment plants shall be permitted by the Florida Department of Environmental Protection.
- C. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer.

**Policy BBIA 4.5**

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

**Policy BBIA 4.6**

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

**Policy BBIA 4.7**

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

**Policy BBIA 4.8**

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

**Policy BBIA 4.9**

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

**Policy BBIA 4.10**

Brevard County shall maintain within the land development code regulations that implement standards consistent with NPDES Permits and Total Maximum Daily Loads.

**Policy BBIA 4.11**

The Brevard County Natural Resources Management Office shall review and comment, as necessary, on dredge-and-fill applications and/or Environmental Resource Permits from the FDEP, SJRWMD, the U.S. Army Corps of Engineers, or other appropriate agencies.

**Policy BBIA 4.12**

Brevard County should address modification of existing development that does not meet stormwater management standards.

**Policy BBIA 4.13**

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

**Policy BBIA 4.14**

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

**Criteria:**

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

**Policy BBIA 4.15**

Retrofitting or modification of existing marina facilities shall be required to meet the criteria within the MPP, as amended, and the following minimum criteria:

**Criteria:**

- A. Stormwater retention/detention requirements established in the Stormwater Management Criteria Ordinance as adopted on August 23, 1993.
- B. Substantially expanded marina facilities shall retain all work area runoff. For those projects with combined detention areas of five (5) acres or greater, the work area runoff shall be retained in a separate retention area. In addition, the first inch of stormwater runoff from a 10-year, 24 hour storm event shall be retained on site or shall meet the water quality standards as required by the state, whichever is more restrictive. For projects with a combined detention area of less than five (5) acres, stormwater and work area runoff may be retained in a single retention/detention area.
- C. When ten (10) slips or ten (10) percent or more of the total number of slips, whichever is greater, are added, pump-out facilities shall be required, as recommended by the Marine Sanitation Study (1990), sufficient to accommodate the pump-out requirements concurrent with the total number of slips.
- D. Prior to operation of any new marina fueling facility or expansion due to an existing facility, a fuel management/spill contingency plan will be developed and provided to the Natural Resources Management Department for review. The plan shall describe methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a fuel spill.

#### **Policy BBIA 4.16**

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

#### **Nature-Based Solutions**

##### **Objective BBIA 5**

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

##### **Policy BBIA 5.1**

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

##### **Policy BBIA 5.2**

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

###### **Criteria:**

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

##### **Policy BBIA 5.3**

Brevard County shall determine the feasibility of innovative methods of stormwater treatment other than standard retention and detention basins, which shall include such alternatives as stormwater reuse and area wide stormwater management facilities.

**Policy BBIA 5.4**

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

**Policy BBIA 5.5**

Mosquito impoundments should be reconnected to the Indian River Lagoon where benefits can be demonstrated to increase habitat value of the impoundments and benefits to the Lagoon.

**Policy BBIA 5.6**

Using best available data, the County should consider identifying areas vulnerable to current and future flooding impacts that may benefit from nature-based design standards and/or Low Impact Development projects that reduce run-off; mitigate flood impacts; provide for the on-site absorption, capture, and reuse of stormwater; and preserve and restore natural drainage characteristics.

**Policy BBIA 5.7**

Brevard County should continue to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions and amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy BBIA 5.8**

Based on the 2021 Resilient Brevard Community Survey, completed by the East Central Florida Regional Planning Council (ECFRPC), the County must encourage nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts. Such adaptation strategies may include:

- a. Multi-use stormwater parks,
- b. Bioswales as stormwater management techniques,
- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, and
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

## **Critical Assets**

### **Objective BBIA 6**

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

#### **Policy BBIA 6.1**

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

##### **Criteria:**

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

#### **Policy BBIA 6.2**

Brevard County shall require hurricane plans to be submitted to the Florida Division of Emergency Management in conjunction with marina site plans for review.

#### **Policy BBIA 6.3**

Brevard County shall not support or finance new local transportation corridors that lie within the coastal high hazard area or areas zoned as Environmental Area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the densities programmed on the Future Land Use Map (FLUM) series of the Comprehensive Plan or the protection of the transportation facilities from flooding and storm surge.

#### **Policy BBIA 6.4**

Brevard County should not locate sewer and water transmission lines within the coastal high hazard area, except where there is no practical and cost-feasible alternative due to engineering, safety and cost considerations, lack of alternative existing rights-of-way, or for septic to sewer conversion projects selected specifically to improve ground and surface water quality. Such transmission lines shall be designed to withstand flooding and storm surge.

**Policy BBIA 6.5**

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

**Policy BBIA 6.6**

Public facilities, except for recreational facilities, shall not be located by Brevard County within the coastal high hazard area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the densities programmed on the Future Land Use Map (FLUM) series of the Comprehensive Plan or the protection of the public facilities from flooding and storm surge.

**Policy BBIA 6.7**

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

**Criteria:**

- A. The most current behavioral response scenario.
- B. The requirement to evacuate prior to sustained tropical storm force (39 mph) winds.

**Policy BBIA 6.8**

Brevard County shall coordinate with the municipalities and appropriate state agencies to develop Evacuation Zone Management Plans to reduce evacuation times above the current optimum behavioral response time. The following shall be considered, at a minimum:

**Criteria:**

- A. Roadway and other infrastructure improvements and funding mechanisms.
- B. Programs designed to improve the behavioral response to hurricane evacuation orders.
- C. Land use strategies.

**Policy BBIA 6.9**

Brevard County shall identify roadway and operational improvements to the hurricane evacuation network based upon the number of people who cannot be evacuated within an optimum evacuation time limit.

**Criteria:**

- A. Priority shall be given to improvements serving the zone with the highest number of people remaining after the current optimum evacuation time.
- B. The remaining improvements shall be given priority in descending order according to the number of people remaining after the optimum evacuation time.
- C. Brevard County, in cooperation with the Florida Department of Transportation, shall identify key hurricane evacuation routes that are vulnerable to flooding, erosion and critical points of congestion during the

- established evacuation time.
- D. Brevard County shall present recommended roadway, operational and maintenance improvements to the appropriate implementing and funding agencies.

**Policy BBIA 6.10**

In those areas where citizens cannot be evacuated within the evacuation standards of the Brevard County Comprehensive Emergency Management Plan, development orders may be deferred until such time as adequate evacuation capacity has been programmed.

**Policy BBIA 6.11**

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

**Policy BBIA 6.12**

Brevard County shall support the School Board in their efforts to utilize enhanced hurricane shelter protection standards for all reconstruction and new development.

**Policy BBIA 6.13**

Brevard County should analyze those public structures within the high risk vulnerability zone or coastal zone that are most likely to be damaged or destroyed during a hurricane, flood, or storm surge. The analysis shall consider the following, at a minimum:

**Criteria:**

- A. The cost effectiveness of relocation versus repair shall be analyzed.
- B. Alternatives shall be considered in the light of mitigative impacts, growth management consistency, impacts to the public, timeliness, legal issues, environmental impacts and cost.
- C. The following alternatives, at a minimum, shall be analyzed:
  - 1. Repair of the structure to the pre-disaster conditions.
  - 2. Repair of the structure to the pre-disaster conditions with physical protective structures, as may be legally permissible.
  - 3. Vertical relocation of the structure, e.g. elevating roadways with bridges.
  - 4. Relocation further inland.
- D. Reconstruction or relocation of SR A1A and other roadway segments within the coastal high hazard area shall be included within this study.
- E. The study shall be consistent with the East Central Florida Regional Planning Council studies. The hurricane scenarios and loss estimates shall be consistent with the Hurricane Loss Study and shall be coordinated with other appropriate agencies.
- F. The impact of sea level rise and erosion data shall also be analyzed.

**Policy BBIA 6.14**

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

**Policy BBIA 6.16**

The County should utilize a range of sea level rise projections as recommended in the adopted East Central Florida Regional Resilience Action Plan (RRAP), as amended, for planning purposes based upon vulnerability, risk, project service life of a facility or growth management.

**Policy BBIA 6.17**

The County should consider designating Adaptation Action Areas (AAAs), as allowed by Florida Statute, as a mechanism to prioritize resilient planning, infrastructure investments, and strategies to address current and future flood impacts in areas identified as vulnerable to coastal flooding, storm surge, and sea level rise.

**Policy BBIA 6.18**

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

**Policy BBIA 6.19**

The County should consider initiatives within the Brevard County Emergency Operations Local Mitigation Strategy (LMS) and ECFRPC RRAP that focus on solutions for flood impacts; and develop methodologies for prioritizing public project expenditures based on a cost-benefit analysis, feasibility, and short- versus long-term benefits.

**Policy BBIA 6.20**

The County should identify development and redevelopment performance standards designed to minimize or withstand permanent and/or temporary inundation from flooding, sea level rise, and storm surge. These standards may include increased freeboard elevations, the consideration of future tailwater elevations for stormwater infrastructure, and/or multi-use temporary flood storage areas.

**Policy BBIA 6.21**

The County should continually identify strategies and engineering solutions that minimize the loss of flood storage capacity in all floodplains and areas vulnerable to natural hazards such as flooding, storm surge, and sea level rise, and consider incorporating them into the Land Development Regulations.

**Policy BBIA 6.22**

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

accommodation, strategic relocation - within areas identified as vulnerable to current and future flooding impacts.

**Policy BBIA 6.23**

Brevard County should continue to analyze the best available data to maintain or update relevant and current coastal hazard vulnerability projections and update maps, as applicable. The County should continue to identify and understand the risks, vulnerabilities, and opportunities for strategies within short, mid, and long-term planning horizons as established in the RRAP Formal Recommendation, as amended.

**Policy BBIA 6.24**

Brevard County shall coordinate with the municipalities and appropriate state agencies to maintain Evacuation Zone Management Plans as described in the Coastal High Hazard section of the Coastal Management Element as well as the recommendations found within the Brevard County Comprehensive Emergency Management Plan (BrevCEMP).

**Policy BBIA 6.25**

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

**Marine Resources**

**Objective BBIA 7**

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

**Policy BBIA 7.1**

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

**Criteria:**

- A. Maintain upland vegetation within required setbacks to reduce runoff.
- B. Require proper use of turbidity screens during construction activities.
- C. Control discharge rates to promote on-site settlement of sediment loads and meet minimum retention requirements for runoff from storm events.

**Policy BBIA 7.2**

Brevard County shall preserve, protect, and replace wetlands to achieve no net loss of functional wetlands. The County shall ensure the protection of wetlands and wetland functional values by prioritizing protective activities with avoidance of impacts as the first priority, minimization of impacts as the second priority, and mitigation for impacts as the third priority. The County shall maintain regulations that promote no net loss of functional wetlands. At a minimum, the following criteria shall be included in the land development regulations:

**Criteria:**

- A. The basis for no net loss shall be established by ordinance.
- B. Wetlands shall be considered functional unless the applicant demonstrates that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland functions.
- C. If an activity is undertaken that degrades or destroys a functional wetland, the person performing such an activity shall be responsible for repairing and maintaining the wetland in addition to applicable penalties. If it is not feasible or desirable for the responsible person to perform the repair and maintenance of the wetland, then the responsible person shall mitigate for the wetland loss. Mitigation can include, but not be limited to: wetland restoration, wetland replacement, wetland enhancement, monetary compensation or wetland preservation.
- D. Wetland activity conducted by a public agency may not be utilized for wetland mitigation credit by private persons unless approved by Brevard County.
- E. Development shall be subject to land use and density restrictions within wetlands as established in Policy 5.2 of the Conservation Element.
- F. Allowable wetland impacts shall be kept to a minimum and related to structural building area requirements, on-site disposal system requirements, the 100-year flood elevation requirement for first floor elevations, required stormwater management and parking, and required access to the on-site structures. Minimization shall include application for available land development regulation waivers that would result in reduced wetland impacts.
- G. Dumping of solid or liquid wastes shall be prohibited.
- H. Applying or storing pesticides and herbicides should be prohibited unless such application is required for protection of the public health or removal of invasive, exotic, or nuisance plant species for management and mitigation or conservation purposes approved by Brevard County or removal of invasive, exotic, or nuisance plant species for management and mitigation or conservation purposes approved by Brevard County.
- I. The County shall develop incentives to minimize impacts to highly functional and landscape level wetlands.
- J. Non bona-fide agricultural activities shall be regulated in accordance with Policy 5.2 of the Conservation Element. Where the allowable use is residential, residential policies shall apply. Sufficient buffer setbacks of the activity from incompatible land uses shall be provided. Buffer setbacks shall be established through the land development regulations. The property shall meet all other State regulatory criteria.

**Policy BBIA 7.3**

Wetland regulations adopted by Brevard County should avoid duplication of wetland regulation unless regulated activities will result in the destruction and/or degradation of functional wetlands. Where the wetland degradation or destruction has been permitted by

FDEP or SJRWMD based on FDEP and SJRWMD professional staff application of criteria and evaluation, the County shall apply the avoidance, minimization of impacts, and mitigation priorities and land use and density requirements of this local comprehensive plan. Any permitted wetland degradation or destruction shall provide for mitigation.

**Policy BBIA 7.4**

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

**Criteria:**

- A. Mining operations should not adversely impact protected wetlands or other water dependent systems and shall be set back a minimum of 100 feet from such wetlands.
- B. Mining operations shall not cause saltwater intrusion. Monitoring by the mining operator shall be required to insure this requirement.

**Policy BBIA 7.5**

Prior to development of any property, an environmental assessment should be completed that would analyze the impact of the proposed development on the wildlife habitat and wetland, shoreline, or marine natural resources of the property. For the purposes of this policy, the term "development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

**Policy BBIA 7.6**

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

**Policy BBIA 7.7**

All existing and new marinas shall erect manatee education and awareness signs that will be posted and maintained in a prominent location. Each marina operator shall establish and maintain a permanent manatee educational display at a prominent location at their marina. Brevard County shall establish and maintain a display at public boat launch facilities and license tag agencies.

**Policy BBIA 7.8**

Those involved in the sale of boats and motors should provide manatee information to the buyer at the time of delivery of boats or motors.

**Policy BBIA 7.9**

Brevard County shall maintain well-marked speed limit signs, in accordance with the uniform waterway marker program, for manatee protection and boating safety speed zones established by local ordinance only.

**Policy BBIA 7.10**

Brevard County, or other appropriate agencies, shall develop a standardized information packet containing information regarding manatees and regulations protecting manatees for distribution by the U.S. Fish and Wildlife Service, Florida Department of Environmental Protection, Brevard Marine Association, and other agencies or groups as appropriate. This will include information concerning the existing manatee slow speed or idle zones, and any additional zones that may be deemed necessary within areas frequented by manatees.

**Policy BBIA 7.11**

Brevard County shall identify areas containing significant manatee habitat features. Marinas with powerboat slips shall not be sited within these areas.

**Policy BBIA 7.12**

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

**Policy BBIA 7.13**

Brevard County's mosquito impoundment management plans shall address the following criteria, at a minimum:

**Criteria:**

- A. Appropriate water management system shall be utilized.
- B. Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.
- C. Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.
- D. Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.
- E. The primary use of mosquito control impoundments shall be to protect human health through the control of mosquito populations. Secondary uses may include stormwater management, habitat improvement, wildlife management, and other uses as appropriate. Brevard County shall encourage multiple uses of mosquito control impoundments.

**Policy BBIA 7.14**

Brevard County shall include seagrass protection within its performance standards for marinas and marine-related facilities.

**Policy BBIA 7.15**

Brevard County should continue to develop and implement regulations governing live-aboards within the coastal zone. The regulations shall include the following criteria at a minimum:

**Criteria:**

- A. The County shall investigate designating certain areas of the Indian River Lagoon for mooring of motorized live-aboard vessels that are not docked within marinas.
- B. The County shall coordinate with the Marine Patrol to eliminate live-aboards permanently anchored outside of a marina or area specially designated for live-aboards.
- C. Floating structures shall be required to moor within marinas or to privately owned riparian property.

**Policy BBIA 7.16**

Brevard County shall continue to implement standards for marina siting within the coastal zone that shall address the following criteria at a minimum:

**Criteria:**

- A. All proposed marina siting projects in unincorporated areas of Brevard County shall come before the Board of County Commissioners for their review. Marina development may be considered within any appropriate zoning classification, if it is consistent with the performance standards developed by the County. Uplands at the marina site shall be greater than or equal to one acre. Residential marinas shall be allowed as a permitted use, subject to the boat facility siting criteria established in the Brevard County Manatee Protection Plan and in the policies under Objectives 3 and 9 of the Conservation Element, in all of the current conditional use zoning classifications for residential/recreational marinas, except Recreational Vehicle Park (RVP) and Government Managed Lands (GML).
- B. At the beginning of the zoning process, all marina development proposals must submit a conceptual plan to be reviewed by the Natural Resources Management Department for compliance with the Brevard County Manatee Protection Plan.

**Policy BBIA 7.17**

Marinas shall be inspected periodically by Brevard County and results of these inspections shall be coordinated with other agencies. Inspections shall be coordinated with existing programs and duplication with existing inspection programs shall be avoided. It is recommended that inspection of commercial marinas occur as part of the business tax receipt renewal procedure. Items to be inspected and reviewed may include the following.

**Criteria:**

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

compliance with state and federal standards. If a water monitoring program is required, water-dependent uses shall be assessed an annual fee adequate to fund a water quality monitoring program.

**Policy BBIA 7.18**

Brevard County shall utilize available management plans in developing standards for marina siting and other water-dependent uses. These management plans include, but are not limited to, Aquatic Preserve Management Plans, the Surface Water Improvement Management (SWIM) Plan and the IRLCCMP.

**Upland Resources**

**Objective BBIA 8**

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

**Policy BBIA 8.1**

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

**Criteria:**

- A. Require permitting prior to land clearing unless exempt by ordinance.
- B. Require phased clearing in conjunction with phased construction.
- C. Require permits for the removal of trees or vegetation in conjunction with land surveying unless exempt by ordinance.
- D. Require areas cleared of vegetation to be revegetated with biologically appropriate vegetation, to prevent wind or water erosion, within ninety (90) days of initial land clearing activity where no approved landscape plan exists, or no active development order has been issued. Native vegetation should be utilized to the maximum extent possible.
- E. Require tree and canopy preservation, including root protection standards.

**Policy BBIA 8.2**

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

**Policy BBIA 8.3**

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

**Criteria:**

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

**Policy BBIA 8.4**

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

**Policy BBIA 8.5**

Brevard County shall continue to ensure removal of invasive exotics on public lands and shall educate private property owners on reasons to remove invasive exotics from private lands. This program should emphasize replacement of invasive exotics with appropriate native vegetation where feasible.

**Policy BBIA 8.6**

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

**Policy BBIA 8.7**

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

**Policy BBIA 8.8**

Brevard County Natural Resources Management Department shall continue to comply with the county-wide scrub-jay Habitat Conservation Plan as approved by the US Fish and Wildlife Service.

**Policy BBIA 8.9**

Brevard County shall develop and comply with management plans for other species, as deemed necessary.

**Policy BBIA 8.10**

The County shall continue to implement education programs to promote the preservation of endangered and threatened species and species of special concern as well as their habitat, with the assistance of the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, and the U.S. Fish and Wildlife Service, and other agencies or groups as appropriate.

### **Policy BBIA 8.11**

Brevard County shall continue to adopt and enforce standards for maintenance or re-establishment of dune areas. These standards shall include, at a minimum, the following provisions:

#### **Criteria:**

- A. Native dune vegetation shall be maintained on site unless removal or alteration is permitted by both Brevard County and the Florida Department of Environmental Protection, or other appropriate regulatory agency.
- B. Public and private beach access shall be allowed only at designated cross-over structures or historical access sites.
- C. Erosion control strategies will be utilized at unimproved public access sites until these can be improved or alternate access provided.
- D. Dune cross-overs, boardwalks, walkways and other permissible structures seaward of the CSL shall be elevated above dune vegetation and shall be designed to allow adequate light penetration.
- E. Shore-parallel boardwalks shall be prohibited seaward of the CSL except as required for handicap access.
- F. Publicly owned dunes, especially those identified for beach access sites, that have been denuded or damaged by vehicular or pedestrian traffic shall be prioritized for dune renourishment and revegetation. Improvements or erosion controls shall be implemented at the time of renourishment to prevent further site degradation.
- G. Private property owners should be encouraged to re-establish dune vegetation that has been destroyed by non-designated access activities or storm damage.
- H. Structures and impacts that are necessary for public safety or meet the best public interest shall be permitted if approved by the Board of County Commissioners.

### **Policy BBIA 8.12**

Brevard County shall maintain an ongoing program to initiate and monitor data collection projects related to beach dynamics, sand transport and coastal processes. This program should include data generated by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, the Florida Sea Grant program, universities and other appropriate agencies.

### **Policy BBIA 8.13**

Brevard County shall prohibit motorized vehicles on the dune and beach system except for governmental vehicles, public safety vehicles, vehicles necessary to repair utilities, or vehicles utilized during approved renourishment programs or approved scientific investigations. Pedestrian traffic within the vegetated dune areas shall be limited to emergency operations, scientific research, maintenance, cleaning or improvements as authorized by the Natural Resources Management Department and consistent with FDEP regulations.

#### **Policy BBIA 8.14**

Beach access site improvements, parking facilities, and drainage shall be secondary to improvements to the naturally functioning dune system. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species.

#### **Policy BBIA 8.15**

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

### **Water Quality Protection**

#### **Objective BBIA 9**

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

#### **Policy BBIA 9.1**

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

##### **Criteria:**

- A. Maintain a fifty (50) foot surface water protection buffer from the ordinary high- water line, mean high water line, or safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping. On bulkheaded lots, the waterward extension of the buffer is established by the bulkhead line. A maximum width of 25 feet or 20% (whichever is greater) may be cleared for access. In lieu of an approved ordinary high-water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved administratively as defined in ordinance. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.
- B. Except as allowable under criteria C and D below, primary structures shall not be permitted within the surface water protection buffer. The County shall establish allowable uses within the surface water protection buffer. Stormwater management for all alterations associated with allowable uses shall be required to protect water quality of the receiving water body. Provisions for the alteration and/or removal of non-native invasive plants, mitigation projects, and the planting of native species shall be established by the County.
- C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, where there is insufficient lot depth to construct a primary structure, a primary structure may be located within the surface water protection buffer at least twenty five (25) feet from the water line as outlined in Criterion A if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water

body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Where applicable, stormwater management measures shall be consistent with Chapter 373, F.S., as amended.

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

### **Policy BBIA 9.2**

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

**Criteria:**

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

**Policy BBIA 9.3**

Mining operations shall not be permitted within wetlands as protected within this comprehensive plan.

**Policy BBIA 9.4**

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

**Policy BBIA 9.5**

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

**Policy BBIA 9.6**

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

**Policy BBIA 9.7**

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

**Criteria:**

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

**Policy BBIA 9.8**

The Natural Resources Management Department shall review and comment on the impact of new development on stormwater conveyance systems. If the conveyance system is determined to be deficient, the developer shall be required to retain additional runoff on site or make improvements to the conveyance system equal to the impact of the new development.

**Policy BBIA 9.9**

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

**Policy BBIA 9.10**

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

**Scenic Resources**

**Objective BBIA 10**

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

**Policy BBIA 10.1**

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

**Policy BBIA 10.2**

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

**Policy BBIA 10.3**

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

**Policy BBIA 10.4**

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

**Policy BBIA 10.5**

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

**Policy BBIA 10.6**

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

**Criteria:**

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

**Policy BBIA 10.7**

Brevard County shall investigate the feasibility of acquiring narrow strips of land along the Indian River Lagoon, where such areas could provide visual access or provide parking for passive recreation within the Lagoon.

**Compatibility**

**Objective BBIA 11**

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

**Policy BBIA 11.1**

Brevard County shall not increase residential density designations for properties located within the BBIA.

**Policy BBIA 11.2**

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

**Policy BBIA 11.3**

Brevard County shall review shore-line development within the coastal zone in order to maximize opportunities for water-dependent land uses. The following criteria, at a minimum, shall be utilized.

**Criteria:**

- A. Water-related and water-enhanced uses shall be built on uplands.
- B. Development that is feasible only through creation of land by dredging and filling of areas below the mean high-water line shall not be approved. Exceptions may be considered where overriding public benefit to the natural resource can be demonstrated.
- C. Water-dependent commercial and industrial uses may be considered for siting adjacent to the Indian River Lagoon.

**Policy BBIA 11.4**

The Brevard County Land Development Regulations shall include a provision for water-enhanced commercial uses within the coastal zone. Such uses shall be permitted as Conditional Uses within the BU-1 zoning category.

**Policy BBIA 11.5**

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

**Criteria:**

- A. Water-dependent uses such as fish, shellfish and wildlife production, recreation, water dependent industry and utilities, marinas and navigation;
- B. Water-related uses such as certain utilities, commerce and industrial uses;
- C. Water-enhanced uses such as some recreation uses;
- D. Non-water dependent or related activities such as residential; and
- E. Of lowest priority are those uses that are non-water-dependent, non-water enhanced, and result in an irretrievable commitment of coastal resources.

**Policy BBIA 11.6**

Brevard County shall review beachfront development to ensure that it does not interfere with public access in those instances where the public has established ocean access-ways through private lands by prescription, prescriptive easement or other legal means. The developer may improve, consolidate, or relocate such public access provided it is consistent with this Plan.

**Future Land Use Categories within the BBIA**

**Objective BBIA 12**

Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, RES 2-BBIA, RES 4-BBIA, RES 6-BBIA, RES 8-BBIA, RES 15-BBIA, NC-BBIA, CC-BBIA, PUB-BBIA, REC-BBIA, PRIV CONS-BBIA, and PUB CONS-BBIA.

**Residential 1 – BBIA Future Land Use**

**Policy BBIA 12.1**

The Residential 1 – BBIA land use designation permits low density residential development with a maximum density of up to one (1) unit per acre. The Residential 1 land

use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 1 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

**Residential 2 – BBIA Future Land Use**

**Policy BBIA 12.2**

The Residential 2 – BBIA land use designation permits lower density residential development with a maximum density of up to two (2) units per acre. The Residential 2 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 2 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

**Residential 4 – BBIA Future Land Use**

**Policy BBIA 12.3**

The Residential 4 – BBIA land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 4 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

**Residential 6 – BBIA Future Land Use**

**Policy BBIA 12.4**

The Residential 6 – BBIA land use designation affords a transition in density between higher density areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre. The Residential 6 land use designation may

be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 6 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

**Residential 8 – BBIA Future Land Use**

**Policy BBIA 12.5**

The Residential 8 – BBIA land use designation affords a transition in density between higher density areas and lower intensity residential uses. This land use designation permits a maximum density of up to eight (8) units per acre. The Residential 8 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 8 Directive or higher land use designations; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than eight (8) units per acre and areas with density of less than eight (8) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 8 Directive; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

**Residential 15 – BBIA Future Land Use**

**Policy BBIA 12.6**

The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and
- B. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;
- C. Areas adjacent to an existing Residential 15 land use designation; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

**Neighborhood Commercial – BBIA Future Land Use  
Policy BBIA 12.7**

Neighborhood Commercial – BBIA development activities are intended to be low impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A uses that were established as of the adoption date of this provision shall be considered consistent with this policy. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within Neighborhood Commercial Future Land Use designation, provided that listed criteria are met, include the following:

- a) Professional offices (no drive through lanes permitted);
- b) Personal Services (no drive through lanes permitted);
- c) Convenience stores (no drive through lanes permitted);
- d) Residential uses pursuant to Policy 2.10 of the Future Land Use Element;
- e) Institutional uses;
- f) Recreational uses;
- g) Public facilities; and
- h) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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

**Criteria:**

- A. Neighborhood commercial clusters should be located at collector/collector or collector/arterial intersections, except as otherwise provided for in this Comprehensive Plan.
- B. Due to the linear nature and lack of intersections along SR A1A south of Melbourne Beach, new neighborhood commercial uses may be considered along those roadways if there is sufficient infrastructure to support commercial development, if the area has an established commercial character, and if they are consistent with the other applicable policies of this Comprehensive Plan.
- C. New neighborhood commercial land use sites should incorporate no more than two acres maximum at each corner of an intersection, as set forth in Criterion A of this policy. Neighborhood commercial land uses at such intersections should not exceed eight (8) acres total.
- D. Neighborhood commercial development clusters should be spaced at least three (3) miles apart.
- E. The gross floor area of neighborhood commercial development should not exceed a Floor Area Ratio (FAR) of 0.75.

**Community Commercial – BBIA Future Land Use  
Policy BBIA 12.8**

Community Commercial - BBIA development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and

professional uses. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within the Community Commercial Future Land Use designation, provided that listed criteria are met, include the following:

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses pursuant to Policy 2.10 of the Future Land Use Element;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities; and
- l) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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

**Criteria:**

- A. Community commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For community commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.
- B. Community commercial complexes should not exceed 40 acres at an intersection.
- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.
- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.
- E. The gross floor area of a community commercial development shall not exceed a FAR of 1.0.

**Public Facilities – BBIA Future Land Use**

**Policy BBIA 12.9**

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

**Criteria:**

- A. Public facilities are those uses that, at a minimum, relate to government-managed transportation, sanitary sewer, potable water, solid waste, drainage, conservation, education, government service systems, and other utilities such as gas, electric, telephone and cable. An exception should be made for transmission or collection facilities, rights-of-ways, and easements. Public facilities are also those uses classified as scientific research and technology development activities conducted by non-governmental organizations (NGOs) in formal partnership with governmental entities. Such NGOs shall provide economic, environmental and/or quality of life benefits to Brevard County. Specific land-use activities include either: life science research, ocean, coastal and marine research and technology development, or environmental science research. Public Facilities that are NGOs in formal partnership with governmental entities shall not exceed a FAR of 0.25
- B. Public facilities land uses may be considered for locations within all land use designations on the Future Land Use Map provided such uses are compatible with adjacent land uses consistent with this Comprehensive Plan.
- C. Following the purchase, lease or dedication of property for public facility purposes, the Comprehensive Plan shall be amended to depict the property as Public Facility on the Future Land Use Map.
- D. Brevard County shall encourage the use of common corridors for utility systems, including sanitary sewer, potable water, re-use, electricity, gas and other utilities.

In order to maximize the efficiency of public facilities and resources, Brevard County and the Brevard County School Board should strive to coordinate use of existing school facilities for public use. In addition, development of new libraries, parks and recreation facilities, children’s services facilities, and other appropriate public uses on properties adjoining school sites should also be coordinated.

**Recreation – BBIA Future Land Use Policy BBIA 12.10**

The Recreation - BBIA land use designation shall be adopted as part of the Future Land Use Map to identify appropriate locations for public recreation land uses, based upon the following minimum criteria:

**Criteria:**

- A. Recreation land uses may be considered within all land use designations on the Future Land Use Map, provided such uses are compatible with adjacent land uses.
- B. Following determination by Brevard County to utilize property for public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.

**Private Conservation – BBIA Future Land Use  
Policy BBIA 12.11**

The Private Conservation - BBIA land use designation is related to privately owned lands with significant environmental features. The land use designation applies to privately held lands that were designated Conservation on the Future Land Use Map prior to adoption of the Future Land Use Element on May 16, 2000, regardless of their zoning classification. Any lands that are privately owned and zoned Environmental Area (EA) or so designated by an approved binding development plan after May 16, 2000 shall be designated as Private Conservation. Such privately owned parcels shall permit a maximum residential density of one (1) unit per ten (10) acres.

**Public Conservation – BBIA Future Land Use  
Policy BBIA 12.12**

The Future Land Use Map shall designate lands as public conservation to provide for the protection of publicly held environmentally sensitive areas. The Public Conservation – BBIA future land use designation is intended to accommodate lands and facilities that are managed by federal, state and local governments within unincorporated Brevard County for conservation or preservation uses. Such uses shall conform to the following minimum criteria:

**Criteria:**

- A. The Public Conservation land use designation should include lands under the ownership of Brevard County, the St. Johns River Water Management District, or other such agencies, for the purpose of environmental protection, publicly owned lands within the Environmental Area (EA) zoning classification, and publicly owned areas in which it is demonstrated that the preservation of environmentally sensitive resources will provide an overriding public benefit.
- B. Development activities within lands designated as Public Conservation shall be consistent with the specific policies and intent of this comprehensive plan. Specifically, activities that are conducted on Public Conservation lands that enhance, protect or manage such lands for nature-based recreation, conservation or preservation purposes for the benefit of the public shall be considered as consistent with this criterion.
- C. Other environmentally sensitive lands (i.e., floodplains, wetlands, or aquifer recharge areas) that are located outside of the Public Conservation land use designation are protected through the policies of this comprehensive plan.
- D. Privately owned land shall not be designated as public conservation. If privately owned lands are acquired by state, regional, or local agencies for conservation or preservation purposes, the participating agencies should provide such information to the County so that the Future Land Use Map may be amended pursuant to section 163.3187, Florida Statutes, as may be amended. The County shall annually request such information from the applicable agencies so that any necessary amendments can be made to the Future Land Use Map.

- A. Residential densities for public conservation lands should not exceed one (1) dwelling unit per fifty (50) acres. Dwelling units on publicly held lands, including those zoned EA that are in public ownership, are limited to accommodating park rangers or other authorized personnel as deemed appropriate in order to manage or protect such public conservation lands.

**Policy BBIA 12.13**

Brevard County shall designate lands without an assigned Future Land Use category as of the date of adoption of this local comprehensive plan as follows:

- A. Privately-owned lands shall be assigned Private Conservation - BBIA.
- B. Publicly-owned lands shall be assigned Public Conservation - BBIA.

**Removal of Area of Critical State Concern Designation**

**Objective BBIA 13**

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

**Sufficiency of Local Plan and Land Development Regulations**

**Policy BBIA 13.1**

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

**Criteria for De-designation**

**Policy BBIA 13.2**

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

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

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

**Timeline for De-designation**

**Policy BBIA 13.3**

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

## Stop Density increase

Scott <planitpools@aol.com>

Sun 9/1/2024 1:17 PM

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

Environmental Health Department cannot support an increase in population in South beaches. Look at the discharges that occur now in the other parts of South Brevard. Increasing the population and tax base is a point of diminishing returns. The revenue won't pay for the increased issues. As is the case of Vacation Rentals do not pay for the law enforcement cost.

**Policy 12 -Delete entirety. STOP Density from increasing. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.**

All of the policies 12.1 thru 12.8 allow density to increase by "creeping", as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states "Brevard County Shall not increase density for residential properties in the BBIA".

**For example**, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

## Critical Area of Concern Land Management Draft BBIA

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

Sun 9/1/2024 5:36 PM

Cc:Glover Beth <glovprop@bellsouth.net>

Good Afternoon;

I am writing you today with my input to the Draft Plan that we received from Brevard County Bonnie Landry on Wednesday, August 28, 2024. I thought that we would be given time to let you know what the residents of South Beaches would like to see in their Land Management Plan for the Critical Area of Concern. I could not hear well because of the speaker system and did not hear Ms. Landry say who we were supposed to submit our comments to. So you all are getting my thoughts.

First and foremost, I would not like to see any increase density put in place, especially since it is in the Draft that there would be no density increases. Then why have Policy 12. It should be removed. BBIA Policy 11.1 already states; Brevard County shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 states The policies contained with this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023. All I heard Mike Meier talk about was development, we do not want to be a concrete jungle like many Beach side communities have become.

Protecting our Sea Turtles and natural habitat is very important for our future. There needs to be plans to add additional enforcement to our existing Dunes Ordinances and protection of our Sea Turtle during their nesting season. Most of our long term residents know and follow the guidelines. There should be an outreach program to educate the Short Term Rent along our beaches. They increase our density year round and most of them are not familiar with ordinances regarding the dunes, Sea Turtles and our wildlife. There also should active patrols along the beaches at night to monitor the artificial lighting and to make beach walkers aware of the flashlight rules and not to approach a nesting Sea Turtle. The County needs to address the illegal Short Term Rentals that are operating throughout BBIA. Brevard County already has some great literature from the Natural Resources Depart that could be used for this outreach program.

Because I live here I am very aware of the Coastal Construction Control line and know that it has changed over the years. You are not to put a structure East of CCL, yet I see new houses going up that clear cut the lot and sometimes the dune lines, and then build really close to the dunes. The CCL needs to be updated and the building codes need to enforce the rules.

Thank you for your time and I look forward to seeing the revised Draft of the Land Management Plan.

Beth Glover  
glovprop@bellsouth.net  
A lifelong Brevard County resident  
321-726-0800

## Barrier Island Habitat

Richard Eble <richardeble100@gmail.com>

Mon 9/2/2024 7:41 AM

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

Policy 11.1 – **STOP Density of ANY kind** after the word “residential”, add “and commercial and all other” **This stops density in all classifications, not just residential**; after the word “designations”, add “or allow density swaps or exchanges within the BBIA”. **This prevents moving densities from different parts of the BBIA to other parts, which would overwhelm certain areas and otherwise destroy the community character as described in the BBIA.**

## BBIA

Fred Seleman <fseleman@gmail.com>

Mon 9/2/2024 9:18 AM

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

Good morning. As a resident of Brevard County, specifically, the Brevard Barrier Island Area (BBIA), I urge you to support any initiatives and/or legislation that would stop increases in residential and commercial density in the BBIA. Thank you.

Fred Seleman  
7617 Kiawah Way  
Melbourne Beach

(No subject)

jimfratt233 fratt <jimfratt@gmail.com>

Mon 9/2/2024 5:27 PM

To: Bonnie Landry and Associates - General Info <info@blandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>

No Increases in Density; **Delete Policy 12.** Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023

## Density in the South Beaches

William Kirwin <bkswave@gmail.com>

Tue 9/3/2024 9:48 AM

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

Please know that you can make a difference in maintaining the beauty and correct environmental stance in the South Beaches.

Don't lose site of what Florida can be if managed, not be developers but by people with an eye for the future..

I am for the below.

Thanks.

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- 

Bill Kirwin

Melbourne Beach

## BIAA Phase 1 Comments Density Language Problems

Jodie Irish <irish\_jodie@yahoo.com>

Wed 9/4/2024 9:34 AM

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

I live in this designated area. Please see my comments below regarding density.

**Policy 12 -Delete entirety. STOP Density from increasing. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.**

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”.

**For example**, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

**Sincerely,  
Jodie Hager  
325 Hiawatha Way  
Melbourne Beach**

## BBIA Phase 1 Policy 11.1 and 12 Additional Comments Density

Jodie Irish <irish\_jodie@yahoo.com>

Wed 9/4/2024 9:39 AM

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

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**For example**, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

Policy 11.1 – **STOP Density of ANY kind** after the word “residential”, add “and commercial and all other” **This stops density in all classifications, not just residential;** after the word “designations”, add “or allow density swaps or exchanges within the BBIA”. **This prevents moving densities from different parts of the BBIA to other parts, which would overwhelm certain areas and otherwise destroy the community character as described in the BBIA.**

## Subject: Brevard Barrier Island Area (BBIA) Land Management Draft

Kathleen Conway <kcmslp@aol.com>

Wed 9/4/2024 4:53 PM

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

Dear Ms. Landry,

My name is Kathleen Conway, a long-time resident of the South Beaches area of the Brevard Barrier Island. I am writing regarding the Brevard Barrier Island Area (BBIA) Land Management Draft and I appreciate the opportunity to share my thoughts with you.

The BBIA, ACSC designation was given to the South Beaches because it is one of the most fragile coastal ecosystems in North America, and needs to be protected. The island is home to critically endangered sea turtle nesting grounds, Archie Carr wildlife refuge areas, a stopover point for migrating birds, and many habitats established here.

The current character of development in the BBIA is R-1 Single Family Residences. RES-1 works well with the current level of infrastructure, hurricane evacuation times and the fragile ecosystem of the area. According to the Compatibility Objective BBIA 11, Brevard County ensures there shall not be an increase in density in the BBIA area.

### **Compatibility**

#### **Objective BBIA 11**

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

#### **Policy BBIA 11.1**

Brevard County shall not increase residential density designations for properties located within the BBIA.

To stop density from increasing, I would like to see **Policy 12-1 through Policy 12-8** deleted from the Comp Plan Draft. And Replaced with the following:

### **Future Land Use Categories within the BBIA**

#### **Objective BBIA 12**

Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, one Residential Single Family Home per acre

### **Residential 1 – BBIA Future Land Use**

#### **Policy BBIA 12.1**

The Residential 1 – BBIA land use designation permits low-density residential development with a maximum density of up to one (1) unit per acre.

The Residential 1 land use designation may be considered for lands within the following generalized locations unless otherwise limited by this Comprehensive Plan:

#### **Criteria:**

- A. Areas adjacent to existing Residential 1 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with a density of one (1) unit per acre.
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for RES 1-BBIA

The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023

Thank you for considering the Density language I have outlined. I believe it will provide clarity going forward, for people who want to develop in the BBIA, ACSC area.

Best Regards,

Kathleen Conway

## Land Mgmt Plan for BBIA

Bethany Ferriell <bethanyferriell@gmail.com>

Wed 9/4/2024 7:46 PM

To:Thad.Altman@myfloridahouse.gov <Thad.Altman@myfloridahouse.gov>

**\*\*\*No Increases in Density; Delete Policy 12.** Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5. Because of the high number of short term rentals, the environment groups can't educate these people fast enough on how to safely interact with the sea turtles and other wildlife that call our area home. The roads can't take any more traffic during "Snowbird Season" either. It's bad enough a lot of the snowbirds can't follow the speed limits up and down A1A.

\*\*\*We have to protect our dunes for the sea turtles that come here every summer to nest. It took over 30 yrs to get to where we are today, thanks to Archie Carr, and we have too many different wildlife creatures that call the ACNWR home. While we know these creatures draw visitors in to see them, that doesn't mean we need more housing, whether single family beach homes OR high density condos.

Thank you for your time and consideration!

Beth Ferriell  
6466 Floridana Ave

**FW: land management of the south beach area.**

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

Thu 9/5/2024 9:30 AM

To: Heather Shaw <Heather@bclandry.com>; Swanke, Stephen M <Steve.Swanke@brevardfl.gov>; Mcgee, Darcie A <Darcie.Mcgee@brevardfl.gov>

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

From: Richard Gibbs <tpcfl666@gmail.com>

Sent: Thursday, September 05, 2024 9:26 AM

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

Subject: Re: land management of the south beach area.

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

Thank you for your time, the south beach area of Melbourne Beach is a very unique area with ocean and river access with very special wildlife and protection needs. Please put your efforts into preserving this area so it does not get overgrown with condos and development, if that happens, it could be devastating for the wildlife and unique area we live in. Thank you, Richard and Suzanne Gibbs, Florida bch.

Sent from my iPhone

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

## LAND MANAGEMENT OF OUR CRITICAL AREA CONCERN

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

Thu 9/5/2024 11:56 AM

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

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

## Public Comment

Anthony Minerva <taminerva@gmail.com>

Thu 9/5/2024 4:38 PM

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

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Thank you
- Anthony and Mary Anne Minerva

## BBIA comments and request

Greg Nicklas <greg.nicklas10@gmail.com>

Fri 9/6/2024 2:57 PM

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

Thank you for the opportunity to comment on the Land Use Management plan for the Brevard Barrier Island Area (BBIA). It seems to me that the issue of Density is critical. Bluntly stated, any increase in the current residential and commercial density within the BBIA is starkly contrary to the goals of protecting the area. Policy 11.1 seems to take an important step for residential density, but a similar statement related to commercial density should be added.

There are other opportunities within the Appendix to restrict development, and I urge you to support new and/or revised language that restricts both residential and commercial development and does not increase density within the BBIA.

Thank you.

Sincerely,  
Greg Nicklas

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## Brevard County Area Of Critical Concern

purplehousefb@brighthouse.com <purplehousefb@brighthouse.com>

Fri 9/6/2024 6:16 PM

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

I am asking as a taxpayer and a resident of Brevard County that the "Standard Density Rules" for the County of Brevard DO NOT and CANNOT apply for the Area of Critical Concern. Special Rules should be passed and No variances should be allowed in the Area Of Critical Concern. CLEAR CUTTING HAS BEEN RAMPANT and the practice should be illegal in the Area of Concern. Fines should be imposed and re-vegetation implemented for those who choose to ignore this. There is no place for the wildlife to go or move on to - We are on a BARRIER ISLAND. If the area and the wildlife within it are to have any chance, we need to revise what has been standard practice. No changes should be made to the Land Use Plan unless it DECREASES the density of the building codes.

Thank you for your consideration.

Sincerely,

Pamela Boardman  
6855 Angeles Road  
Melbourne Beach FL 32951

September 07, 2024

Dear Ms. Barker,

As a Florida resident for 57 years and a Melbourne Beach resident for 18 years, I am asking for your support regarding the Brevard Barrier Island Area.

My requests for you to delete Policy 12 entirely to stop density from increasing. Exempt the 62-4334 exemption to eliminate clear cutting 100% of the trees.

Regarding Policy 11.1 Stop density of any kind: add after the word “residential” “commercial and all other”

I need your support on these very vital issues.

Sincerely,

Carol Killingsworth  
901 Atlantic Street  
Melbourne Beach, Florida 32951

## Barrier island critical concern land

Pamela DiDonato <pameladidonato1@gmail.com>

Sun 9/1/2024 10:08 PM

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

a. Policy 2.5 – Number 1. – after the words “vegetation on sight” , add “ excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL , whichever is most westerly”

Pamela DiDonato  
6875 S Highway a1a  
Melbourne Beach

## § 62-4334, Code of Ordinances of Brevard County, and the South Beaches

Gerard Harbison <gerardharbison@icloud.com>

Mon 9/2/2024 11:05 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>  
Cc: (BIPPA) Barrier Island Preservation & Protection Assn. <bippafl@yahoo.com>

Dear public servant of Brevard County or of the State of Florida.

This is in regard to the small lot exemptions in § 62-4334, Code of Ordinances of Brevard County — the South Beaches -- currently in the state-protected Brevard Barrier Island Area; the ordinance in question exempts lots of 1.25 Acres or less, and partially exempts lots of 2.5 acres or less, from rules against clear-cutting. But this is in effect the entire protected area!

The wooded nature of the South Beaches provides habitat for thousands of migratory warblers per year, as well as painted buntings, great crested flycatchers and several species of woodpeckers, and it is an integral part of the character of the South Beaches. Trees, especially specimens, trees, need to be preserved from development. I request that you reduce the permitted clear-cut area to 50%, and include in the restrictions the areas east of the Coastal Commission line.

Development in the South Beaches must be in harmony with the natural environment.

Thank you for your attention to this matter

Gerard S Harbison  
8333 S Highway A1A  
Melbourne Beach, FL 32951

## Bippa recommendations

mark merrellplumbing.com <mark@merrellplumbing.com>

Mon 9/2/2024 1:49 PM

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

All,

BIPPA is working on land management plans for our area. I am not in favor of their recommendation of eliminating clear cutting. A better option is to have recommendations for replanting with native plants. Some of the lots have non-native trees and plants that need to be removed.

Thanks for your service to our area.

Mark Merrell  
5955 S. A1A  
Melbourne Beach 32951  
Cell: 937-604-6125

## BBIA Phase 1 Comments Clear Cutting

Jodie Irish <irish\_jodie@yahoo.com>

Wed 9/4/2024 9:43 AM

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

Policy 5.8 – after the words “flooding impacts”, add “and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.

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

The county wrote 28 pages of regulations about Specimen, Heritage and other trees and then EXEMPTED them ALL from the 28 pages of code in a single sentence.

**We need to be exempt from the 62-4334 exemption;** This edit does not change, in any way, the intended footprint of the building.

Also helpful, at the end after the word include add “a, b, c, and e and “shall include d and e”.

Policy 8.1.C – after the word “vegetation” add “,specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation”; delete “unless exempt by ordinance. **This is the same reasoning as in Policy 5.8 above. This edit does not change, in any way, the intended footprint of the building.**

a. Policy 2.5 – Number 1. – after the words “vegetation on sight” , add “ excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL , whichever is most westerly”

b. Policy 7.1 – Letter A – after the words “reduce runoff.” Add 2 new sentences **“The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL.** The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.” **This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can by clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 100% of buildable oceanfront lots are**

being clear-cut. This is because of the unintended way the calculation is made. It's a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound to build in the unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.

## Brevard County Area Of Critical Concern

purplehousefb@brighthouse.com <purplehousefb@brighthouse.com>

Fri 9/6/2024 6:16 PM

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

I am asking as a taxpayer and a resident of Brevard County that the "Standard Density Rules" for the County of Brevard DO NOT and CANNOT apply for the Area of Critical Concern. Special Rules should be passed and No variances should be allowed in the Area Of Critical Concern. CLEAR CUTTING HAS BEEN RAMPANT and the practice should be illegal in the Area of Concern. Fines should be imposed and re-vegetation implemented for those who choose to ignore this. There is no place for the wildlife to go or move on to - We are on a BARRIER ISLAND. If the area and the wildlife within it are to have any chance, we need to revise what has been standard practice. No changes should be made to the Land Use Plan unless it DECREASES the density of the building codes.

Thank you for you consideration.

Sincerely,

Pamela Boardman  
6855 Angeles Road  
Melbourne Beach FL 32951

September 07, 2024

Dear Ms. Barker,

As a Florida resident for 57 years and a Melbourne Beach resident for 18 years, I am asking for your support regarding the Brevard Barrier Island Area.

My requests for you to delete Policy 12 entirely to stop density from increasing. Exempt the 62-4334 exemption to eliminate clear cutting 100% of the trees.

Regarding Policy 11.1 Stop density of any kind: add after the word “residential” “commercial and all other”

I need your support on these very vital issues.

Sincerely,

Carol Killingsworth  
901 Atlantic Street  
Melbourne Beach, Florida 32951

## BBIA plan amendments

Blair Witherington <blairwitherington@gmail.com>

Mon 9/2/2024 11:25 AM

To:Darcie.McGee@brevardfl.gov <Darcie.McGee@brevardfl.gov>

Cc:steve.swanke@brevardfl.gov <steve.swanke@brevardfl.gov>;Bonnie Landry and Associates - General Info <info@bclandry.com>

Hello Darcie, please consider these additional changes to the BBIA Plan. I wish you good luck with this process.

Justification for changes to BBIA 2.4 are that the edits address multiple issues for which HB 1489 seeks remedies. The issues pertain to balancing protection of beach and dune ecosystems with private property protection. The suggestions below apply to five of the Act's Guiding Principles for Development —(a), (g), (h), (i), and (j). The changes would be to formalize strategic planning to guide the challenging task of managing southern Brevard's beaches and dunes for people, sea turtles, and other wildlife. A key aspect of the plan would be to minimize management decisions made in haste following storm emergencies.

### Changes to Policy BBIA 2.4

*Beach renourishment and dune restoration plans shall continue to be designed and implemented so that sea turtle nesting and the natural dune community are-is not disrupted. To achieve this, the county shall, within three years, develop and follow a strategic plan for beach and dune management that weighs economic, social, and ecological factors. This strategic beach-management plan shall receive input from objective experts on beach and dune erosion, structural effects from erosion and their remedies, socioeconomic aspects of coastal living and tourism, sea turtle nesting biology, and beach and dune ecosystems.*

Justification for changes to BBIA 8.5 are that the edits add strength to an existing policy that is only weakly applied within the BBIA, as evidenced by locally widespread exotics, especially Brazilian pepper. Calls for strengthening control of invasive exotics address multiple issues for which HB 1489 seeks remedies. The suggestions below apply to three of the Act's Guiding Principles for Development—(f), (g), and (i).

### Changes to Policy BBIA 8.5

*Brevard County shall sponsor, encourage, and partner to remove ~~continue to ensure removal of~~ invasive exotics on public lands and plant habitat-appropriate native palms, shrubs, and trees that would prevent re-invasion of exotic species. The County shall educate and incentivize private property owners to ~~on reasons to~~ remove invasive exotics from private lands. This program should emphasize replacement of invasive exotics with appropriate native vegetation where feasible.*

--  
Blair Witherington, PhD  
VP and Research Scientist  
Inwater Research Group, Inc.  
[www.inwater.org](http://www.inwater.org)

## Critical Area of Concern Land Management Draft BBIA

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

Sun 9/1/2024 5:36 PM

Cc:Glover Beth <glovprop@bellsouth.net>

Good Afternoon;

I am writing you today with my input to the Draft Plan that we received from Brevard County Bonnie Landry on Wednesday, August 28, 2024. I thought that we would be given time to let you know what the residents of South Beaches would like to see in their Land Management Plan for the Critical Area of Concern. I could not hear well because of the speaker system and did not hear Ms. Landry say who we were supposed to submit our comments to. So you all are getting my thoughts.

First and foremost, I would not like to see any increase density put in place, especially since it is in the Draft that there would be no density increases. Then why have Policy 12. It should be removed. BBIA Policy 11.1 already states; Brevard County shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 states The policies contained with this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023. All I heard Mike Meier talk about was development, we do not want to be a concrete jungle like many Beach side communities have become.

Protecting our Sea Turtles and natural habitat is very important for our future. There needs to be plans to add additional enforcement to our existing Dunes Ordinances and protection of our Sea Turtle during their nesting season. Most of our long term residents know and follow the guidelines. There should be an outreach program to educate the Short Term Rent along our beaches. They increase our density year round and most of them are not familiar with ordinances regarding the dunes, Sea Turtles and our wildlife. There also should active patrols along the beaches at night to monitor the artificial lighting and to make beach walkers aware of the flashlight rules and not to approach a nesting Sea Turtle. The County needs to address the illegal Short Term Rentals that are operating throughout BBIA. Brevard County already has some great literature from the Natural Resources Depart that could be used for this outreach program.

Because I live here I am very aware of the Coastal Construction Control line and know that it has changed over the years. You are not to put a structure East of CCL, yet I see new houses going up that clear cut the lot and sometimes the dune lines, and then build really close to the dunes. The CCL needs to be updated and the building codes need to enforce the rules.

Thank you for your time and I look forward to seeing the revised Draft of the Land Management Plan.

Beth Glover  
glovprop@bellsouth.net  
A lifelong Brevard County resident  
321-726-0800

## Lighting enforcement along our beaches during Sea Turtle Nesting Season

BobH <riptide@cfl.rr.com>

Mon 9/2/2024 12:26 PM

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

Unfortunately, many nighttime visitors to the nesting beaches are disturbing the habitat of the Sea Turtles.

Typical problems:

1. Cell phones - too bright, playing "Tag" with them on the nesting beaches or getting too close to the hatchlings or mothers.
2. Fires - some visitors like to make a fire on the beach. They sometimes use a nesting pit for a fire pit.
3. Bright outdoor house lights, shining over hundreds of nests, causing hatchlings to be distracted from their path to the sea. Then they die a slow death.

Currently it may take two months or longer for law enforcement to force a recalcitrant property owner to actually bring their lights into compliance. During that time, untold harm (hatchling distractions) continues.

Ideas to speed up enforcement of lighting ordinances:

1. Increased funding to involved agencies (Code Enforcement, Sheriff, etc.) for the enhanced enforcement costs.
2. Immediate injunctive relief by county judges if requested by a trained lighting enforcement officer. This would stop the harming as adjudication proceeded.
3. Seizure of offending cell phones. Promptly returned to owners after payment of an appropriate fine or adjudication.

This and much more **can be done** and will be pay great dividends into our future!

Thank you for taking the time to consider.

Regards,

Robert Hinckley



## Land Mgmt Plan for BBIA

Bethany Ferriell <bethanyferriell@gmail.com>

Wed 9/4/2024 7:46 PM

To:Thad.Altman@myfloridahouse.gov <Thad.Altman@myfloridahouse.gov>

\*\*\***No Increases in Density; Delete Policy 12.** Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 Because of the high number of short term rentals, the environment groups can't educate these people fast enough on how to safely interact with the sea turtles and other wildlife that call our area home. The roads can't take any more traffic during "Snowbird Season" either. It's bad enough a lot of the snowbirds can't follow the speed limits up and down A1A.

\*\*\*We have to protect our dunes for the sea turtles that come here every summer to nest. It took over 30 yrs to get to where we are today, thanks to Archie Carr, and we have too many different wildlife creatures that call the ACNWR home. While we know these creatures draw visitors in to see them, that doesn't mean we need more housing, whether single family beach homes OR high density condos.

Thank you for your time and consideration!

Beth Ferriell  
6466 Floridana Ave



# SEA TURTLE CONSERVANCY

S I N C E 1 9 5 9



Jeffrey Ball  
Brevard County Planning and Development Department  
2725 Judge Fran Jamieson Way  
Viera, FL, 32940

August 28, 2024

Dear Mr. Ball,

We are writing on behalf of the Florida-based Sea Turtle Conservancy (STC), the oldest sea turtle conservation group in the world, to provide comments on the Brevard Comprehensive Plan Area of Critical State Concern (ACSC) appendix. We are grateful for the County’s work to meet the intention of 380.0553, F.S., which is to protect the Brevard Barrier Island Area (BBIA) from the adverse impacts of development. While the draft in its current form serves as an adequate baseline, there is more that can be added to the plan to protect our globally-important sea turtles and their essential habitats.

Objective BBIA 2, which focuses on protecting sea turtle habitat, should be further refined in order to strengthen its requirements. For example, **Policy BBIA 2.1** should define exactly the types of “new shoreline hardening structures” that are prohibited. This should include all of the examples of “Rigid Coastal Structures” as defined in Florida’s Marine Turtle Protection Act (Rule 62B-33, F.A.C.).<sup>1</sup> More than half of the State’s beaches have been designated as critically eroded by the Florida Department of Environmental Protection (FDEP).<sup>2</sup> Florida’s coastal areas are ground zero for the impacts of climate change and sea level rise in the U.S. In the wake of destructive hurricanes, such as Hurricanes Ian and Nicole in 2022, coastal governments and property representatives are increasingly turning toward hard armoring structures to manage coastal erosion. Although seawalls, rock revetments, geotubes, and other man-made erosion control methods provide the illusion of protection of upland property, these structures create a fixed barrier on the beach that prevents the natural sediment transfer process from occurring, leading to further erosion in front of the property and down the beach. For sea turtles in particular, hard shoreline armoring has wide-ranging effects at every stage of their life cycle. These effects include preventing access to ideal nesting locations on the beach and/or forcing turtles to deposit nests in areas vulnerable to inundation, causing turtles to abandon their nesting attempts, and eliminating sandy beach nesting habitat altogether through erosion exacerbated by hardened armoring.<sup>3</sup> By specifically describing what constitutes a “new shoreline hardening structure,” the County will be providing further clarity on the type of coastal construction that is not compatible with sea turtle protection.

Poorly managed artificial lighting is a major threat to Brevard County’s sea turtles.<sup>4</sup> **Policy BBIA 2.3** can be expanded upon to better address this threat. We recommend that this policy reference the Florida Department of Environmental Protection’s (FDEP) Model Lighting Ordinance for Sea Turtle Protection, which was updated in 2020, in this policy to provide a guideline upon which the County should be basing its lighting ordinance language.<sup>5</sup> In 2022, representatives from the Florida Fish and Wildlife Conservation Commission (FWC), National Wildlife Federation, and STC analyzed the language and implementation of all local sea turtle protection ordinances in Florida and assigned each a score in comparison to the State’s Model and a set of ideal implementation standards.<sup>6</sup> In our analysis, we found that Brevard County’s lighting ordinance language and implementation scored in the

<sup>1</sup> Florida Marine Turtle Protection Act. 62B-33.002(55)(a)

<sup>2</sup> [FDEP Critically Eroded Beaches Report, July 2023](#)

<sup>3</sup> [Coastal Armoring Impacts on Sea Turtles, UF IFAS Extension](#)

<sup>4</sup> [300 lb loggerhead sea turtle hit, killed by car in Brevard County – FOX 35 Orlando](#)

<sup>5</sup> The State of Florida Model Sea Turtle Lighting Ordinance. Rule 62B-55.004, F.A.C

<sup>6</sup> [Analysis of Florida’s Sea Turtle Protections](#)





“Somewhat Ideal” category, indicating that there is room for improvement in the language and enforcement policies to protect the area’s sea turtles from disorientation.<sup>7</sup> By including the State’s Model as a guiding document for the County during its “periodic reviews” of the ordinance in Policy BBIA 2.3, the County will be providing government staff with the most ideal language upon which to carry out an update of the County’s existing language. In addition to improving the County’s existing ordinance language, a statement should be added in Policy BBIA 2.3 that requires proactive enforcement of the County’s ordinance. Proactive enforcement of the County’s ordinance includes conducting regular nighttime beach surveys within the ordinance’s jurisdiction to identify properties in violation of the ordinance; outreach to owners of properties in violation that provides solutions to address lighting problems; active engagement with the community on the best practices to comply with the ordinance language; and collaboration with the various stakeholders in the community that are working to reduce sea turtle disorientations. In addition to strengthening its language around coastal light management, the County should add a priority in Policy BBIA 2.3 to pursue a “Dark Sky” certification for interior lights within the BBIA that could contribute to sea turtle disorientations.<sup>8</sup> The City of Groveland became the first Florida municipality to receive this designation in 2023.<sup>9</sup> Adhering to “Dark Sky” principles for inland light fixtures will allow for the County to fulfill the Section 380.0553 Guiding Principle to “enhance natural scenic resources to promote the aesthetic benefits of the natural environment.” In addition to further screening coastal light pollution, maintaining native dune vegetation secures upland property, stabilizes the beach, and provides habitat for numerous coastal species.<sup>10</sup> STC recommends that the County proactively enforce each policy within **BBIA Policy 8** (Upland Resources) in order to prevent the destruction of critical upland vegetation and adhere to Section 380.0553’s Guiding Principles.

Each BBIA Objective in the plan is critical to protecting the area’s sea turtles and their habitats from development pressure. In addition to consulting with local, state, and federal agency representatives and STC, we encourage the County to meet with subject-matter experts for each category (water quality restoration and protection, reducing nutrient contributions, nature-based solutions, critical assets, marine and upland resources, and compatibility) to ensure that the requirements outlined in the plan will have the desired result. These subject matter experts include but are not limited to: members of the Archie Carr Refuge Working Group, 1000 Friends of Florida, the Marine Resources Council, the Indian River Lagoon Coalition, the Florida Oceanographic Society, the Barrier Islands Preservation and Protection Association, and the Florida Department of Health in Brevard County.

**We appreciate the County’s consideration of these comments. We respectfully encourage the County to strengthen the policies in the Brevard Comprehensive Plan ACSC appendix to create a distinct set of rules to further protect crucial natural resources for wildlife, residents, and visitors alike.**

Sincerely,

David Godfrey  
Executive Director

Stacey Gallagher  
Policy Coordinator

<sup>7</sup> [Analysis of Florida’s Sea Turtle Lighting Protections – Project Results](#)

<sup>8</sup> [International Dark Sky Places – DarkSky](#)

<sup>9</sup> [City of Groveland named first International Dark Sky Community in Florida](#)

<sup>10</sup> [The Value of Dune Vegetation. Brevard County Natural Resources Department.](#)



## Dark Skies Declaration for the Brevard Barrier Island Area

Craig Blum <crblum@gmail.com>

Mon 9/2/2024 4:02 PM

To:steve.swanke@brevardfl.gov <steve.swanke@brevardfl.gov>;Darcie.McGee@brevardfl.gov <Darcie.McGee@brevardfl.gov>  
Cc:Bonnie Landry and Associates - General Info <info@blandry.com>

Dear Mr. Swanke, Ms. McGee, and Others,

In keeping with the State's critical Area designation for the Brevard Barrier Island Area, we support a community Dark Skies declaration and enhanced efforts to minimize light pollution in the area. I am a resident of this area and can attest to the importance of this due to my ardent amateur astronomy activities, amateur photography interests, and participation in outdoor activities. The turtle nesting in this area is unique and something to protect, as is the ability to maintain as much night sky beauty as possible. I thank you on my behalf, the residents of this area, and the region. We have a very special area worthy of improvement. Please do not hesitate to contact me for information on my perspective.

Sincerely,

Craig Blum

[crblum@gmail.com](mailto:crblum@gmail.com)

321-917-1113

## BBIA SUPPORT

STPS Chair <stpschair@seaturtlespacecoast.org>

Mon 9/2/2024 5:13 PM

To:steve.swanke@brevardfl.gov <steve.swanke@brevardfl.gov>;Darcie.McGee@brevardfl.gov <Darcie.McGee@brevardfl.gov>  
Cc:blairwitherington@gmail.com <blairwitherington@gmail.com>;Bonnie Landry and Associates - General Info  
<info@bclandry.com>

📎 1 attachments (499 KB)

dark skies final.docx;

**ATTENTION: Steve Swanke, Darcie.McGee,**

**Subject: BBIA Dark Skies**

The Sea Turtle Preservation Society has been working( for more than 36yrs) with local groups to save sea turtles through habitat conservation and rescue. Lighting on the Space Coast shore has been a consistent educational outreach program of STPS, but the increase in residential and commercial building is taking a toll on our once dark beaches.

Our organization supports programs that reduce lighting glare (parking lots, commercial signage, street lighting ) : In keeping with the State's critical Area designation for the Brevard Barrier Island Area, with the State's critical Area designation for the Brevard Barrier Island Area, we support a community Dark Skies declaration and enhanced efforts to minimize light pollution in the area.

Dark skies matter to all living creatures, even the sea turtles that call our beaches home.

Please support the Dark Skies Declaration.

Roger Pszonowsky

Co Chair 321-412-5989 mobile  
The Sea Turtle Preservation Society

## BIAA Comments

Will Gardenswartz <willgardenswartz@gmail.com>

Mon 9/2/2024 6:43 PM

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

Esteemed Public Officials-

My wife and I recently moved to south Melbourne Beach (in the BIAA zone) from the wilds of Hailey, Idaho.

I say wilds, but that's not entirely true... post-COVID, we saw our once peaceful, low density, wildlife-laden slice of alpine heaven transformed into a hellish suburb blotted with McMansions and ADUs (additional dwelling units). Sage replaced with grass and asphalt. Aspen groves uprooted. Light pollution swallowing the Milky Way.

We relocated here precisely because it is a relatively un-developed part of Florida. As some of you say, "It still feels like Old Florida."

Let's keep it that way! The area designated BIAA has a good thing going. Specifically, please consider the following:

- 1) Do not give into calls for increased density. Yes, there is an undeniable need for more housing, but a sensitive barrier island eco-system is not the place to accomplish that. Nor is it a place for large-scale commercial development;
- 2) Spend to improve Indian River water quality. A healthy river will pay huge dividends in recreation and tourism. We should think of ourselves as the Costa Rica of Florida;
- 3) Expanding on point 2, do not support clear cutting land for development. The native trees not only help control erosion and flooding, but also are incomparably beautiful. We are a unique costal jungle; and,
- 4) Tying 1, 2, and 3 together, let's maintain the character of this community. Here surfers, tarpon-chasers, regular folks and millionaires mingle in a relaxed, laid-back, unpretentious atmosphere. When I was young I got to travel to Maui and Kauai before they became bastions of Ritz Carlton and 4 Seasons douche-baggery. We feel like old Hawaii, old Florida and Costa Rica. That's a good thing!

I understand the need for growth and development. I am a committed conservative. But I also appreciate that the other great impulse of conservative philosophy is to conserve. Teddy Roosevelt grew the U.S. economy and set aside Yellowstone and the Badlands. Growth and conservation are not opposing forces. Again, look at how Costa Rica delivers on its Pura Vida brand of being safe, happy, prosperous and ecologically pristine. We can do this. But, the proposed BBIA polices do not put us on that path.

Thank you for hearing our comments,

Will & Jenny Gardenswartz  
268 Camino Place  
Melbourne Beach, FL 32951

## Dark Skies Declaration for the Brevard Barrier Island Area

Steve Izzo <steve.izzo@brevardastro.net>

Mon 9/2/2024 7:22 PM

To:steve.swanke@brevardfl.gov <steve.swanke@brevardfl.gov>;Darcie.McGee@brevardfl.gov <Darcie.McGee@brevardfl.gov>  
Cc:Bonnie Landry and Associates - General Info <info@bclandry.com>

Dear Mr. Swanke, Ms. McGee, and Others,

On behalf of my fellow officers of the Brevard Astronomical Society, our 85 dues paying members and the 750+ Facebook group members, we support the Critical Area designation for the Brevard Barrier Island Area and enhanced efforts to minimize light pollution and light-trespass in our area.

We believe that a Dark Skies designation benefits far more than the wildlife, but enhances safety, reduces lighting costs and improves the attractiveness of this area for both residents and visitors.

There are numerous examples of successful policies of this type nationwide that provide both proof of success and frameworks for good policies.

Please feel free to contact me for information on our perspective and expertise in this area.

Sincerely,  
Steve Izzo  
President,  
Brevard Astronomical Society  
[Brevard Astronomical Society](#)

cell: 862-222-4820

## Comments Regarding the Brevard Barrier Island Area (BBIA) Appendix A

Mitchell Roffer <tunadoctor@me.com>

Tue 9/3/2024 12:07 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; Virginia H Barker <virginia.barker@brevardfl.gov>  
Cc: Mitchell Roffer <tunadoctor@me.com>

📎 1 attachments (134 KB)

Roffer Letter to Landry Assoc.pdf;

Michael Meier and Associates

Bonnie Landry & Associates

615 St. Lucie Crescent, Suite 201

Stuart, FL 34994

September 03, 2024

Dear Michael and Associates:

This letter contains a pdf attachment for my comments related to the Brevard Barrier Island Area (BBIA) Appendix A document as it relates to the draft goals, objectives and policies for the south Brevard barrier island that was designated as an Area of Critical State Concert in 2023. I have been living in the Melbourne Shores neighborhood for 17+ years and have been a property owner for 25 years. Not incidentally, I have nearly 50 years of experience in marine and estuarine ecology, conservation management, water and wastewater treatment, and biodiversity monitoring. I will be happy to elucidate my comments if need be.

Sincerely,

Mitchell A. Roffer, Ph.D.:  
6025 Highway A1A  
Melbourne Beach, FL 32951  
321-806-8940

Another Great Day at the Beach

Focusing on Fisheries Oceanography, Biological Diversity, Remote Sensing and Environmental Science & Advocacy.

NASA Biodiversity and Ecological Forecasting Science Team  
<https://earthdata.nasa.gov/learn/toolkits/biological-diversity>

South Florida MBON Team

-Goal: Integrate ground and satellite observations related to marine & estuarine biodiversity to inform ecosystem-based management in and around the Florida Keys National Marine Sanctuary (FKNMS).

<https://marinebon.org>

Indian River Lagoon Council: Science, Technology, Engineering, Mathematics Committee.

<https://onelagoon.org>

## **MITCHELL A. ROFFER, PH.D.**

Michael Meier  
Bonnie Landry & Associates  
615 St. Lucie Crescent, Suite 201  
Stuart, FL 34994

September 03, 2024

Dear Michael:

This letter contains my comments related to the Brevard Barrier Island Area (BBIA) Appendix A document that relates to the draft goals, objectives and policies for the south Brevard barrier island that was designated as an Area of Critical State Concern in 2023. I have been living in the Melbourne Shores neighborhood for 17+ years and have been a property owner for 25 years. Not incidentally, I have nearly 50 years of experience in marine and estuarine ecology, conservation management, water and wastewater treatment, and biodiversity monitoring.

Thank you for the education and outreach meeting on August 28, 2024. But before I comment on the Appendix A I wanted to comment on your education and outreach program for this project. I have several decades of experience in education and outreach and if you wanted true, two-way outreach, you would have had this meeting a few months before the "Brevard Barrier Island Area, Appendix A" document was drafted. There should have been a mechanism to get public input prior to this draft was written and thus, include the primary stakeholders an avenue for input. I think that the County should have a limited stakeholders committee of residents of the South Beaches who have a background in water quality, land management, estuarine ecology and environmental protection.

The remainder of my comments related to the BBIA Appendix A draft. While I agree with many of the apparent protections in this Draft, there are many aspects that that need further clarification or change. The guiding principles sound very nice, but until we have concrete details, where no specifics are included, it seems that we are in the "trust me" stage that an actual and real conservation and management plan will be in place. This would also include a call for enhanced presence of Brevard's Code Enforcement staff along with Codes that include significant fines that actually act to protect the land, the water and entire ecosystem of the barrier island.

Regarding Appendix A draft I am limiting my comments regarding water quality. Many people living here and around the State are concerned about the water quality of the waters being returned to the surficial aquifer and to the Indian River Lagoon (IRL). Of note is unfiltered surface runoff, without nutrient and chemical remediation, surface runoff is a significant source of water quality degradation, only to worsen as we see our population increase. Some of the issues that I include here mostly be considered in the "Nature Based Solutions, under Policy BBIA item 5.0 – 5.8. But I have some comments related to nutrient contributions and marina development under Policy BBIA 4.

I am concerned about the effluent from existing septic systems, including the newer mandated ones. These systems are too inefficient. In my opinion all septic systems should be removed by 3030 or 3035 the latest. These septic waters enter both the IRL and the aquifer. Older septic systems at best have an efficiency of 30% for nitrogen and 60% for phosphorus. The newly mandate systems still only reduce 50% nitrogen. While I do not want County drinking water, I would like to see everyone connected to the County's sewer and wastewater system. Additionally, population density on any part of the barrier should not be increased as this will stress existing-outdated septic systems and surface runoff.

I would like to see a year-round band on spreader type fertilizers. There is enough atmospheric nitrogen and other natural marine and legacy nutrients to support lawn and other plant growth. Spot fertilizing for plants and gardens should be allowed.

In the following sections I have included the draft policy in black and my comments in blue.

#### Policy BBIA 2.5

2. In order to maintain the freshwater lens of the surficial aquifer and reduce saltwater intrusion, post-development groundwater recharge volume and rate shall equal pre-development recharge volume and rate. {How is this measured, verified and what penalties will be for this?}

3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean. {I disagree with this as we are trying to maintain groundwater recharge rate and reduce the volume of water running into the IRL. Thus, reducing setbacks should not be an option.}.

4. Reconstruction of shoreline hardening structures that are more than fifty (50) percent destroyed should be considered new construction and should be regulated as such, except for the maintenance of existing public navigational projects. {There should not be new permits for reconstruction of shoreline hardening. Protection should be done with a living shoreline using mangroves, sea grapes, native grasses and bivalves as these remediate the water.}

#### Policy BBIA 2.6

Brevard County shall enforce development restrictions associated with the CSL and the Brevard County Coastal Construction Line (CCL) and re-evaluate the effectiveness of these lines from time to time as coastline changes dictate. The County shall provide FDEP with their findings and request a review of the CCCL, if deemed appropriate.

{This relates to water quality runoff and superficial aquifer. Development restrictions should be changed to percent area of developable land instead of total land ownership. Area from the mean high tide to the CCL and area setbacks from A1A or other streets should not be part of any calculations for development or clearing of vegetation.}

#### Policy BBIA 2.7

Outer Continental Shelf (OCS) activities such as oil and gas exploration or mining adjacent to Brevard County are discouraged for several reasons. {Would like to see "banned" instead of "discouraged" unless during times of national emergencies and US Congressionally declared war.}

#### Policy BBIA 3.9

Brevard County shall support the SJRWMD's mapping of submerged aquatic vegetation within the Indian River Lagoon system. Evaluation results shall be made available to municipalities and other agencies or programs. { This should be at least quarterly and should be made available to the public within 30 days of survey.}

#### Policy BBIA 4.1

Brevard County shall maintain its practice of no new direct discharges of wastewater into surface water bodies. {What about the construction of new water treatment plants in existing condos and home owners associations on the barrier and off the barrier island? How will the County keep up with

population growth? Impaired water from the western side of the IRL will impact the waters surrounding the south beaches}.

#### Policy BBIA 4.3

Brevard County shall discourage new package treatment plants. {This should read that Brevard County shall not provide permit approval for new package treatment plants unless these plants reduce the nutrient outflow, in pounds nitrogen and phosphorus, to less than municipal treatment plant levels. New package treatment plants should provide tertiary treatment and remove pesticides, pharmaceuticals, and heavy metals that meet drinking water standards}.

Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer. {This should read that ground water disposal system water shall meet or exceed local drinking water standards for nutrients, metals, pharmaceuticals and pesticides. This is to prevent hiding subsurface polluted water for future generations to treat}.

#### Policy BBIA 4.5

Interim and/or “package-type” wastewater treatment facilities shall be required, at the option of the County, to connect to the public centralized system when access to the system is made available. {Interim and/or package-type wastewater treatment facilities shall be required to connect to the public centralized sewer system when access to the system is made available and within a two year period}.

#### Policy BBIA 4.6

Brevard County shall maintain land development regulations that encourage development to locate in areas within a designated sewer service area with adequate capacity and in the appropriate service sector for the land use proposal. {This should be changed to “Brevard County shall maintain land development regulations that only permits development to locate in areas within a designated sewer service area with adequate capacity for the land use.”}.

#### Policy BBIA 4.7

Brevard County shall continue to analyze drainage basins to identify the impact of drainage facilities on adjacent natural resources, including water quality of receiving waters. Such analysis shall be incorporated into basin prioritization in Stormwater Management Plans. {Add this: “If such drainage has a negative impact on adjacent natural resources, then zero growth should be permitted”}.

#### Policy BBIA 4.9

Where illegal or accidental discharges of materials, or violations of water quality standards are observed, such violations shall be reported to the appropriate federal, state and local regulatory agencies for further action and enforcement. {Change to: When illegal discharges are determined then the responsible party(s) shall be fined and receive penalties to the maximum required by law. If “accidental discharges are due to poor maintenance and/or are the deemed repetitive, then the discharges shall be deemed “illegal.”}

#### Policy BBIA 4.12

Brevard County should address modification of existing development that does not meet stormwater management standards {Add: “by revoking development permits”}.

Policy BBIA 4.13

Brevard County shall continue to implement performance standards for marinas and marine-related facilities. Such performance standards shall comply with the Brevard County Manatee Protection Plan (MPP), as amended, and provide for the protection of water quality and include the maintenance and containment of stormwater runoff and wash-down water for dry storage areas. {Add the following: Repeated failure to comply shall result in the suspension and/or revocation of license to conduct business.}

Policy BBIA 4.15 {No marina facilities shall be expanded beyond that which presently exists. No new marinas should be allowed to be constructed. No new fuel facilities shall be added to existing ones.}

Nature-Based Solutions

Objective BBIA 5

Brevard County shall support innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration. {Add this: "This shall include the use of mangrove and sea grape trees, native plants and bivalves to filter the water".}

Policy BBIA 5.1

Brevard County shall identify structural controls within the floodplain that degrade natural systems and make recommendations for alternatives to re-establish the natural floodplain where feasible. {Add this "these alternatives must be in operation within five years of identification."}

Thank you for considering my comments. I will be happy to elucidate these if you would like further clarification.

Sincerely,



Mitchell A. Roffer, Ph.D.  
321-806-8940

## FW: Comments regarding BBIA

Bonnie Landry <bonnie@bclandry.com>

Thu 8/29/2024 3:32 PM

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

📎 2 attachments (36 KB)

20240828 VSL Comments regarding BBIA.docx; 20240820 FOCR Board Motion .docx;

More for the matrix.

Bonnie C. Landry, AICP

President

Office (772) 266-9427

Cell (772) 201-5052

[bonnie@bclandry.com](mailto:bonnie@bclandry.com)

**BONNIE LANDRY**  
& ASSOCIATES Professional Planning Services



---

**From:** Prasad, Billy <Billy.Prasad@brevardfl.gov>

**Date:** Thursday, August 29, 2024 at 3:04 PM

**To:** Bonnie Landry <bonnie@bclandry.com>

**Cc:** Swanke, Stephen M <Steve.Swanke@brevardfl.gov>

**Subject:** FW: Comments regarding BBIA

See attached additional comments regarding the BBIA.

Thanks,



**Billy Prasad**

*Deputy Director*

*Brevard County Planning and Development*

PH: (321) 633-2086, Ext. 58283 \* Fax: (321) 633-2167

Direct Line: (321) 350-8283

2725 Judge Fran Jamieson Way #A114

Viera, Florida 32940

**From:** vince.lamb@icloud.com <vince.lamb@icloud.com>

**Sent:** Thursday, August 29, 2024 11:15 AM

**To:** Prasad, Billy <Billy.Prasad@brevardfl.gov>

**Subject:** Comments regarding BBIA

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

Billy,

Please find my comments on this matter attached. I also attached a copy of a motion passed by the Friends of the Carr Refuge expressing support for the implementation of this important designation.

Please share these comments as needed to be included in the review. I have one more comment that I will submit separately.

Respectfully  
Vince Lamb  
321-258-5168

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

On August 20, 2024, the Friends of the Carr Refuge, a 501(c)(3) non-profit associated with the Archie Carr National Wildlife Refuge passed a motion to express support of the Brevard County efforts associated with the Area of Critical Concern designation for the South Beaches. This includes policies and actions to reduce lighting for the sea turtles, to prevent zoning density increases, and to restore dune and lagoon health.

Vince Lamb  
Board Member, Friends of the Carr Refuge  
321-258-5168

First, I want to commend Brevard County Natural Resources for the preparation of this draft document. I consider this an excellent start for the Area of Critical Concern Designation. My hopes are that we can improve this draft via public comments and provide the maximum protection of the BBIA. I have high expectations of this public workshop process.

I am a resident of Brevard County but not of this area. I have been a FWC permit listed sea turtle volunteer in the Archie Carr Refuge for 15 years, plus a board member for the Friends of the Carr Refuge for a dozen years, a board member of the Brevard Zoo with active involvement in living shorelines. I am a board member and past chair of the Brevard Indian River Lagoon Coalition and a member of the Management Board of the IRLNEP.

Sea Turtle Habitat Objective BBIA: The main threats to sea turtle nesting in the BBIA are people on the beach after dark in the nesting season (actually April to November) and violations of the lighting ordinance. Based upon recent turtle nesting numbers in the Archie Carr NWR portion of the BBIA, neither of these is a serious threat to turtle nesting currently, but they could get serious with increased development. Brevard County had the first sea turtle lighting ordinance in the state in the 1980s, but this ordinance has not been updated in decades. This ordinance should be reviewed using the Florida DEP Model Lighting Ordinance for Sea Turtle Nesting as a guideline for improvement..

The beach access parks and public lots should have posted signs that parking is not allowed between sunset and sunrise, with exceptions for persons attending permitted sea turtle walks. Law enforcement is needed to enforce compliance,

Policy BBIA 2.5: The Coastal Construction Setback Line has not been reviewed or revised in many years, perhaps more than two decades. Recent data suggests that the line should be moved back from the dunes to reduce the risk of new homes being destroyed by hurricanes and tropical storms. With the Area of Special Concern designation becoming effective, this is a good time for this review and revision.

Policy BBIA 2.5 (4): This number (50%) should be decreased to 30% or perhaps the matter be more fully described. These structures only exist because they were

constructed long before the current ordinances. These structures cause erosion on nearby properties that are prevented from constructing similar protection. If nature destroys them, they should not be replaced.

Policy BBIA 2.5 (6): Conventional septic systems and drain fields should not be allowed in the BBIA. Unless sewer is available, Advanced Septic Systems should be the minimum requirement. Brevard County already requires this in areas close to the Indian River Lagoon. This requirement should be extended to the entire BBIA. In 2023, the Florida Legislature passed a law that all conventional septic systems be replaced by sewer or advanced septic by 2030. No more should be allowed starting now.

Policy BBIA 2.6: The Coastal Construction Setback Line should be reviewed and revised as soon as possible. Clearly, new data exists for sea level rise what should be used for this revision.

Policy BBIA 4.15: As far as I know, the only marina in the BBIA is the facility in the Sebastian Inlet State Park that no longer provides fuel. I am unaware of any other locations in the BBIA that could become a marina. Perhaps this policy could list the requirements for any new marinas that would show that no new marinas are possible.

Policy BBIA 5.6: The Brevard County Environmentally Endangered Lands Program (EEL) was authorized in a 2022 referendum to issue bonds up to \$50 million to acquire additional conservation lands with an emphasis on lands that protect the Indian River Lagoon from nutrient pollution. Commission actions would be needed to increase the bond amounts and each property must be approved by the Commission individually. The program already protects multiple sanctuaries in the BBIA including the Coconut Point Sanctuary and the Maritime Hammock Sanctuary as well as the property around the Barrier Island Sanctuary. I have not time to examine the potential candidates but I understand that a 6 acre parcel near the South Beach Community Center is privately owned and perhaps a candidate. I am sure that there are others. This opportunity should be carefully examined.

Policy BBIA 8.13: Sea turtle research and nest monitoring should be included in the allowed use of motorized vehicles.

Policy BBIA 11-1: This is the most important statement in the document. It should be moved up in the document close to the beginning.

Thanks to the Brevard County Natural Resources Department for your efforts to effectively implement this Area of Critical Concern designation.

Vince Lamb

321-258-5168

11590 Dragon Point Drive, Merritt Island, FL 32952

## BIPPA

djsmts <djsmts@protonmail.com>

Mon 9/2/2024 3:05 PM

To: virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; Bonnie Landry and Associates - General Info <info@bclandry.com>

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals
- Maintaining Existing Community Character, consulting with 1000 Friends of Florida, a long-time Brevard partner.
- Clean Water, no private treatment plants
- Coastal Setback updating for new single family residential homes
- Mosquito impoundments management

## Policy Changes Needed to Protect Brevard's Barrier Island Area of Critical State Concern

Donna Lee Crawford <donnalee.c@icloud.com>

Mon 9/2/2024 5:01 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>

Dear Brevard County Board of County Commissioners,

I am writing to share my support for the following policy changes needed to protect our South Beaches Barrier Island, that now has the designation of an area of critical state concern:

- \* Prevent density from increasing, both residential and commercial, and rather increase Environmentally Endangered Lands acquisition of the fragile natural resources of this area
- \* Protect endangered sea turtles nesting habitats, by restoring dunes, enforcing lighting ordinances and partnering with conservation organizations and barrier island communities to promote awareness
- \* Halt clear cutting of indigenous trees, and advocate for planting of native flora to enhance a harmonious balance of life for humans and locale fauna
- \* Reduce runoff pollution into the currently imperiled Indian River Lagoon, a sensitive estuary of significant importance

Thank you for your dedication to preserve the precious ecosystems of Brevard County's southern barrier island, ocean to lagoon, one of the most biodiverse habitats in North America.

Sincerely,

Donna Lee Crawford  
201 Osprey Villas Court  
Melbourne Beach, Florida  
32951

Sent from my iPad

## Florida Statute 380.0553...Area of State Critical Concern...BBIA

Pamela Acevedo <pamelaje51@gmail.com>

Mon 9/2/2024 5:58 PM

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

This letter is being written to implore you to reject the proposed BBIA Goal, Objectives, Policies in its current form without intelligent revision, omissions, and fine tuning of various policy points. The last 10 pages of this proposal are filled with loopholes and contradictions for this special designation.

Policy 12. should be deleted in its entirety. As currently worded it screams development. We need to STOP increase in density of any kind, residential, commercial and all other. This area doesn't have adequate infrastructure to support additional density. Such increase will only further compromise the fragility of the Indian River Lagoon, area maritime hammock, surrounding wildlife habitat and turtle nesting.

Clear cutting of lots is counterproductive to preservation of the area. Loss of vegetation lends itself to increased erosion, additional runoff, potential for flooding. Loss of Specimen, Heritage and various hardwoods totally change the complexion of our fragile barrier island. Percentage of allowed lot clearing must be tightened and carefully addressed as to location ei. Oceanfront lots, wetland bordering lots, conservation area lots.

Maintenance and care of the dunes along our beaches must be ongoing with serious consideration as to lighting, renourishment, natural planting for stabilization and pedestrian traffic needs to be addressed. Our beaches within the Arch Carr Wildlife Refuge should represent preservation at its best.

Please recognize the proposal in current form is in many aspects contrary to the intended purpose for this designation. Areas of great concern are contained in the following policies: 2.5, 7.1A, 8.1C, 11.1, and 12. which should be deleted.

Thank you for your attention to  
John Acevedo, M.D.  
Pamela Acevedo

Sent from my iPad

## 8/28/24 Public Outreach Meeting and the Draft Proposal of the Barrier Barrier Island Comp Plan

M Saffer and T Aborlleile <msaffer1@bellsouth.net>

Tue 9/3/2024 11:18 AM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>  
Cc: msaffer1@bellsouth.net <msaffer1@bellsouth.net>

📎 1 attachments (571 KB)

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

Hello all,

First I want to thank you for bringing this meeting to the people who are going to be affected by all of this.

The Area of Critical State Concern is a good designation and will hopefully protect our area for many years to come, however there need to be more changes to this draft. I am concerned about the following:

Stop Clear Cutting Trees-Brevard County Ordinance Sec 62, Article XIII, Div 2, 62-4334

The solution is to remove the exemption of lots less than 1.25 acres or less

Policy 2.5 #1 after the words "vegetation on sight", add "excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL, whichever is most westerly"

Policy BBIA 4.4 Is sludge going to be allowed onto our lands and waterways? Is it being allowed by private or public treatment plants now?

No private treatment plants. If we delete all of Section 12, 12.1 -12.13 we won't need them.

Policy 5.8 after the words "flooding impacts", add "and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections".

### Policy 7.1

**Letter A – after the words "reduce runoff." Add 2 new sentences "The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL. The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly." This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can by clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 100% of buildable oceanfront lots are being clear-cut. This is because of the unintended way the calculation is made. It's a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound to build in the**

**unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.**

Policy 8.1C after the word "vegetation" add ",specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation"; delete "unless exempt by ordinance. **This is the same reasoning as in Policy 5.8 above.**

Policy 11.1 add commercial and all other

**Policy 12 - Delete all 12, 12.1-12.13 Stop Density from increasing, residential and commercial.**

**I lived in Miami and saw what happened to Miami Beach- it creeps and crawls and then the beauty is gone.**

Thank you.

Teresita Aborlleile

**BREVARD BARRIER ISLAND AREA  
APPENDIX A**

DRAFT

## **GOAL, OBJECTIVES, AND POLICIES**

### **INTRODUCTION**

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

### **GOAL**

The BBIA's natural environmental and ecological resources, community character, and public health and safety are protected.

### **Designation of the BBIA Objective BBIA 1**

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

### **BBIA Boundary Policy**

#### **BBIA 1.1**

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

### **Legislative Findings for the BBIA**

#### **Policy BBIA 1.2**

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

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

- upland communities in the state and nation.
- B. The beaches of the region are among the most important nesting grounds for threatened and endangered sea turtles in the Western Hemisphere. The beach running the length of the southern barrier island of Brevard County is home to the largest nesting aggregation of loggerhead sea turtles in the world, and the management decisions made in the region have global impacts for the species.
  - C. The Archie Carr National Wildlife Refuge is located within the barrier island of Brevard County and is a significant conservation area designated to protect habitat at the most significant area for loggerhead sea turtle nesting in the world, at the most significant area for green turtle nesting in North America, and for a diverse array of plant and animal species.
  - D. The Indian River Lagoon, designated as an Estuary of National Significance by the United States Environmental Protection Agency in 1990, borders the western shore of the barrier island of Brevard County, and the natural habitats of the barrier island ecosystem protect the water quality and productivity of the Indian River Lagoon.
  - E. The salt water recreational fishery of the Indian River Lagoon generates hundreds of millions of dollars per year in local economic benefit.
  - F. Density limitations and natural resource protection on the barrier island of Brevard County have decreased public tax burdens associated with the provisions of services, building and maintenance of infrastructure for barrier island residential developments, and public costs for rebuilding public and private structures following severe erosion events.
  - G. Protection of the primary dune system of the barrier island of Brevard County provides the only protective buffer for local development from storm surges associated with tropical storms and hurricanes.
  - H. The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.

### **Legislative Intent for the BBIA**

#### **Policy BBIA 1.3**

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

- A. Establish a land use management system that protects the natural environment of the BBIA;

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

**Guiding Principles for Development within the BBIA**

**Policy BBIA 1.4**

Brevard County shall coordinate this local comprehensive plan, its associated land development regulations, and its programs and regulatory activities to be consistent with all of the guiding principles for development within the BBIA as specified in section 380.0553, F.S.

**Existing Use Exception**

**Policy BBIA 1.5**

The policies contained within this local comprehensive plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023.

**Conflicting Policies**

**Policy BBIA 1.6**

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

**Sea Turtle Habitat**

**Objective BBIA 2**

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

**Policy BBIA 2.1**

Brevard County shall prohibit new shoreline hardening structures.

**Policy BBIA 2.2**

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

**Criteria:**

- A. Limit development water-ward of the Brevard County Coastal Setback Line (CSL) to those structures necessary to protect the natural dune system and to provide beach access.
- B. Brevard County shall continue to maintain construction standards for all development within the one-hundred-year storm surge zone as established by the Florida Department of Environmental Protection, the Florida Building Code, as amended, and other applicable regulations.

**Policy BBIA 2.3**

Brevard County shall maintain lighting regulations in order to eliminate the visibility of artificial or otherwise man-made light to nesting female and hatchling turtles. Such regulations shall be periodically reviewed and updated to reflect best practices in coordination with organizations such as FWC.

**Policy BBIA 2.4**

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

**Policy BBIA 2.5**

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

1. Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on site. In addition, native dune vegetation seaward of the FDEP 1981 Coastal Construction Control Line (CCCL) shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs.
2. In order to maintain the freshwater lens of the surficial aquifer and reduce saltwater intrusion, post-development groundwater recharge volume and rate shall equal pre-development recharge volume and rate.
3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean.
4. Reconstruction of shoreline hardening structures that are more than fifty (50) percent destroyed should be considered new construction and should be regulated as such, except for the maintenance of existing public navigational projects.
5. Underground storage tanks or the storage of hazardous materials are not permitted.
6. Septic tank or septic tank drainfields shall not be permitted seaward of the CSL. Septic tanks shall be located landward of the most seaward portion of the habitable structure.

**Policy BBIA 2.6**

Brevard County shall enforce development restrictions associated with the CSL and the Brevard County Coastal Construction Line (CCL) and re-evaluate the effectiveness of these lines from time to time as coastline changes dictate. The County shall provide FDEP with their findings and request a review of the CCCL, if deemed appropriate.

**Policy BBIA 2.7**

Outer Continental Shelf (OCS) activities such as oil and gas exploration or mining adjacent to Brevard County are discouraged for several reasons. The County's beaches are the most heavily nested beaches by sea turtles in the western Atlantic. Impacts to water quality, beach quality and fisheries could negatively impact the threatened and endangered species that nest here. Brevard County should review and comment on all OCS and offshore drilling leases proposed for waters adjacent to the county. This policy does not discourage OCS sand and gravel mining conducted as part of Brevard County's shore protection and restoration strategy.

**Water Quality Restoration****Objective BBIA 3**

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

**Policy BBIA 3.1**

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

**Policy BBIA 3.2**

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

**Policy BBIA 3.3**

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

**Policy BBIA 3.4**

The channelization, dredging or impoundment of natural waters of the State shall be prohibited, except where no practical alternative exists for those operations necessary to correct existing threats to public health or safety, allow maintenance of existing navigational waterways, improve water quality, or provide reasonable access to water dependent shore-

based facilities. All practical steps shall be taken to minimize adverse impacts to biological attributes of the water resources and water-dependent natural systems.

**Policy BBIA 3.5**

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

**Policy BBIA 3.6**

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

**Policy BBIA 3.7**

The Brevard County Natural Resources Management Department shall coordinate with the FDEP to develop and implement BMAPs to comply with NPDES permits and meet the TMDL's established for local surface waters.

**Policy BBIA 3.8**

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

**Policy BBIA 3.9**

Brevard County shall support the SJRWMD's mapping of submerged aquatic vegetation within the Indian River Lagoon system. Evaluation results shall be made available to municipalities and other agencies or programs. Areas that show decline should be targeted for increased watershed management, including non-point source pollution, and restoration. Management strategies shall be coordinated with the municipalities and other agencies.

**Policy BBIA 3.10**

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

**Policy BBIA 3.11**

Brevard County supports the goals of the IRLNEP Comprehensive Conservation and Management Plan (CCMP) for recovery of the Lagoon. This support is reflected in the strategies identified in the County's Action Plan Implementation Status Report for the CCMP.

## **Reducing Nutrient Contributions**

### **Objective BBIA 4**

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

#### **Policy BBIA 4.1**

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

#### **Policy BBIA 4.2**

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

#### **Policy BBIA 4.3**

Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection.

#### **Policy BBIA 4.4**

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

##### **Criteria:**

- A. Private treatment plants shall be permitted under any of the following circumstances:
  - 1. When environmental conditions exist that preclude on-site sewage disposal, connection to the central sewer system is not feasible and the establishment of a private treatment plant is the only alternative for wastewater treatment;
  - 2. To serve commercial land uses adjacent to existing residential uses in the urban fringe, urbanizing or urban density areas. Such commercial uses shall reduce an existing deficiency in commercial area, defined as less than 160 square feet of commercial area for each residence within a two-mile radius;
  - 3. To serve developments with a mixture of uses located as an extension of existing residential uses and of an overall project density no greater than that permitted in the density area.
  - 4. To serve residential development using a transfer of density to protect an environmentally sensitive area. Such development shall be located as an extension of existing residential uses and shall be of an overall project density no greater than that permitted in the density area.
- B. Private treatment plants shall be permitted by the Florida Department of Environmental Protection.
- C. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer.

**Policy BBIA 4.5**

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

**Policy BBIA 4.6**

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

**Policy BBIA 4.7**

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

**Policy BBIA 4.8**

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

**Policy BBIA 4.9**

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

**Policy BBIA 4.10**

Brevard County shall maintain within the land development code regulations that implement standards consistent with NPDES Permits and Total Maximum Daily Loads.

**Policy BBIA 4.11**

The Brevard County Natural Resources Management Office shall review and comment, as necessary, on dredge-and-fill applications and/or Environmental Resource Permits from the FDEP, SJRWMD, the U.S. Army Corps of Engineers, or other appropriate agencies.

**Policy BBIA 4.12**

Brevard County should address modification of existing development that does not meet stormwater management standards.

**Policy BBIA 4.13**

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

**Policy BBIA 4.14**

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

**Criteria:**

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

**Policy BBIA 4.15**

Retrofitting or modification of existing marina facilities shall be required to meet the criteria within the MPP, as amended, and the following minimum criteria:

**Criteria:**

- A. Stormwater retention/detention requirements established in the Stormwater Management Criteria Ordinance as adopted on August 23, 1993.
- B. Substantially expanded marina facilities shall retain all work area runoff. For those projects with combined detention areas of five (5) acres or greater, the work area runoff shall be retained in a separate retention area. In addition, the first inch of stormwater runoff from a 10-year, 24 hour storm event shall be retained on site or shall meet the water quality standards as required by the state, whichever is more restrictive. For projects with a combined detention area of less than five (5) acres, stormwater and work area runoff may be retained in a single retention/detention area.
- C. When ten (10) slips or ten (10) percent or more of the total number of slips, whichever is greater, are added, pump-out facilities shall be required, as recommended by the Marine Sanitation Study (1990), sufficient to accommodate the pump-out requirements concurrent with the total number of slips.
- D. Prior to operation of any new marina fueling facility or expansion due to an existing facility, a fuel management/spill contingency plan will be developed and provided to the Natural Resources Management Department for review. The plan shall describe methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a fuel spill.

**Policy BBIA 4.16**

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

**Nature-Based Solutions****Objective BBIA 5**

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

**Policy BBIA 5.1**

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

**Policy BBIA 5.2**

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

**Criteria:**

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

**Policy BBIA 5.3**

Brevard County shall determine the feasibility of innovative methods of stormwater treatment other than standard retention and detention basins, which shall include such alternatives as stormwater reuse and area wide stormwater management facilities.

**Policy BBIA 5.4**

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

**Policy BBIA 5.5**

Mosquito impoundments should be reconnected to the Indian River Lagoon where benefits can be demonstrated to increase habitat value of the impoundments and benefits to the Lagoon.

**Policy BBIA 5.6**

Using best available data, the County should consider identifying areas vulnerable to current and future flooding impacts that may benefit from nature-based design standards and/or Low Impact Development projects that reduce run-off; mitigate flood impacts; provide for the on-site absorption, capture, and reuse of stormwater; and preserve and restore natural drainage characteristics.

**Policy BBIA 5.7**

Brevard County should continue to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions and amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

**Policy BBIA 5.8**

Based on the 2021 Resilient Brevard Community Survey, completed by the East Central Florida Regional Planning Council (ECFRPC), the County must encourage nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts. Such adaptation strategies may include:

- a. Multi-use stormwater parks,
- b. Bioswales as stormwater management techniques,
- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, and
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

## **Critical Assets**

### **Objective BBIA 6**

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

#### **Policy BBIA 6.1**

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

##### **Criteria:**

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

#### **Policy BBIA 6.2**

Brevard County shall require hurricane plans to be submitted to the Florida Division of Emergency Management in conjunction with marina site plans for review.

#### **Policy BBIA 6.3**

Brevard County shall not support or finance new local transportation corridors that lie within the coastal high hazard area or areas zoned as Environmental Area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the densities programmed on the Future Land Use Map (FLUM) series of the Comprehensive Plan or the protection of the transportation facilities from flooding and storm surge.

#### **Policy BBIA 6.4**

Brevard County should not locate sewer and water transmission lines within the coastal high hazard area, except where there is no practical and cost-feasible alternative due to engineering, safety and cost considerations, lack of alternative existing rights-of-way, or for septic to sewer conversion projects selected specifically to improve ground and surface water quality. Such transmission lines shall be designed to withstand flooding and storm surge.

**Policy BBIA 6.5**

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

**Policy BBIA 6.6**

Public facilities, except for recreational facilities, shall not be located by Brevard County within the coastal high hazard area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the densities programmed on the Future Land Use Map (FLUM) series of the Comprehensive Plan or the protection of the public facilities from flooding and storm surge.

**Policy BBIA 6.7**

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

**Criteria:**

- A. The most current behavioral response scenario.
- B. The requirement to evacuate prior to sustained tropical storm force (39 mph) winds.

**Policy BBIA 6.8**

Brevard County shall coordinate with the municipalities and appropriate state agencies to develop Evacuation Zone Management Plans to reduce evacuation times above the current optimum behavioral response time. The following shall be considered, at a minimum:

**Criteria:**

- A. Roadway and other infrastructure improvements and funding mechanisms.
- B. Programs designed to improve the behavioral response to hurricane evacuation orders.
- C. Land use strategies.

**Policy BBIA 6.9**

Brevard County shall identify roadway and operational improvements to the hurricane evacuation network based upon the number of people who cannot be evacuated within an optimum evacuation time limit.

**Criteria:**

- A. Priority shall be given to improvements serving the zone with the highest number of people remaining after the current optimum evacuation time.
- B. The remaining improvements shall be given priority in descending order according to the number of people remaining after the optimum evacuation time.
- C. Brevard County, in cooperation with the Florida Department of Transportation, shall identify key hurricane evacuation routes that are vulnerable to flooding, erosion and critical points of congestion during the

- established evacuation time.
- D. Brevard County shall present recommended roadway, operational and maintenance improvements to the appropriate implementing and funding agencies.

**Policy BBIA 6.10**

In those areas where citizens cannot be evacuated within the evacuation standards of the Brevard County Comprehensive Emergency Management Plan, development orders may be deferred until such time as adequate evacuation capacity has been programmed.

**Policy BBIA 6.11**

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

**Policy BBIA 6.12**

Brevard County shall support the School Board in their efforts to utilize enhanced hurricane shelter protection standards for all reconstruction and new development.

**Policy BBIA 6.13**

Brevard County should analyze those public structures within the high risk vulnerability zone or coastal zone that are most likely to be damaged or destroyed during a hurricane, flood, or storm surge. The analysis shall consider the following, at a minimum:

**Criteria:**

- A. The cost effectiveness of relocation versus repair shall be analyzed.
- B. Alternatives shall be considered in the light of mitigative impacts, growth management consistency, impacts to the public, timeliness, legal issues, environmental impacts and cost.
- C. The following alternatives, at a minimum, shall be analyzed:
  - 1. Repair of the structure to the pre-disaster conditions.
  - 2. Repair of the structure to the pre-disaster conditions with physical protective structures, as may be legally permissible.
  - 3. Vertical relocation of the structure, e.g. elevating roadways with bridges.
  - 4. Relocation further inland.
- D. Reconstruction or relocation of SR A1A and other roadway segments within the coastal high hazard area shall be included within this study.
- E. The study shall be consistent with the East Central Florida Regional Planning Council studies. The hurricane scenarios and loss estimates shall be consistent with the Hurricane Loss Study and shall be coordinated with other appropriate agencies.
- F. The impact of sea level rise and erosion data shall also be analyzed.

**Policy BBIA 6.14**

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

**Policy BBIA 6.16**

The County should utilize a range of sea level rise projections as recommended in the adopted East Central Florida Regional Resilience Action Plan (RRAP), as amended, for planning purposes based upon vulnerability, risk, project service life of a facility or growth management.

**Policy BBIA 6.17**

The County should consider designating Adaptation Action Areas (AAAs), as allowed by Florida Statute, as a mechanism to prioritize resilient planning, infrastructure investments, and strategies to address current and future flood impacts in areas identified as vulnerable to coastal flooding, storm surge, and sea level rise.

**Policy BBIA 6.18**

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

**Policy BBIA 6.19**

The County should consider initiatives within the Brevard County Emergency Operations Local Mitigation Strategy (LMS) and ECFRPC RRAP that focus on solutions for flood impacts; and develop methodologies for prioritizing public project expenditures based on a cost-benefit analysis, feasibility, and short- versus long-term benefits.

**Policy BBIA 6.20**

The County should identify development and redevelopment performance standards designed to minimize or withstand permanent and/or temporary inundation from flooding, sea level rise, and storm surge. These standards may include increased freeboard elevations, the consideration of future tailwater elevations for stormwater infrastructure, and/or multi-use temporary flood storage areas.

**Policy BBIA 6.21**

The County should continually identify strategies and engineering solutions that minimize the loss of flood storage capacity in all floodplains and areas vulnerable to natural hazards such as flooding, storm surge, and sea level rise, and consider incorporating them into the Land Development Regulations.

**Policy BBIA 6.22**

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

accommodation, strategic relocation - within areas identified as vulnerable to current and future flooding impacts.

**Policy BBIA 6.23**

Brevard County should continue to analyze the best available data to maintain or update relevant and current coastal hazard vulnerability projections and update maps, as applicable. The County should continue to identify and understand the risks, vulnerabilities, and opportunities for strategies within short, mid, and long-term planning horizons as established in the RRAP Formal Recommendation, as amended.

**Policy BBIA 6.24**

Brevard County shall coordinate with the municipalities and appropriate state agencies to maintain Evacuation Zone Management Plans as described in the Coastal High Hazard section of the Coastal Management Element as well as the recommendations found within the Brevard County Comprehensive Emergency Management Plan (BrevCEMP).

**Policy BBIA 6.25**

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

**Marine Resources**

**Objective BBIA 7**

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

**Policy BBIA 7.1**

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

**Criteria:**

- A. Maintain upland vegetation within required setbacks to reduce runoff.
- B. Require proper use of turbidity screens during construction activities.
- C. Control discharge rates to promote on-site settlement of sediment loads and meet minimum retention requirements for runoff from storm events.

**Policy BBIA 7.2**

Brevard County shall preserve, protect, and replace wetlands to achieve no net loss of functional wetlands. The County shall ensure the protection of wetlands and wetland functional values by prioritizing protective activities with avoidance of impacts as the first priority, minimization of impacts as the second priority, and mitigation for impacts as the third priority. The County shall maintain regulations that promote no net loss of functional wetlands. At a minimum, the following criteria shall be included in the land development regulations:

**Criteria:**

- A. The basis for no net loss shall be established by ordinance.
- B. Wetlands shall be considered functional unless the applicant demonstrates that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland functions.
- C. If an activity is undertaken that degrades or destroys a functional wetland, the person performing such an activity shall be responsible for repairing and maintaining the wetland in addition to applicable penalties. If it is not feasible or desirable for the responsible person to perform the repair and maintenance of the wetland, then the responsible person shall mitigate for the wetland loss. Mitigation can include, but not be limited to: wetland restoration, wetland replacement, wetland enhancement, monetary compensation or wetland preservation.
- D. Wetland activity conducted by a public agency may not be utilized for wetland mitigation credit by private persons unless approved by Brevard County.
- E. Development shall be subject to land use and density restrictions within wetlands as established in Policy 5.2 of the Conservation Element.
- F. Allowable wetland impacts shall be kept to a minimum and related to structural building area requirements, on-site disposal system requirements, the 100-year flood elevation requirement for first floor elevations, required stormwater management and parking, and required access to the on-site structures. Minimization shall include application for available land development regulation waivers that would result in reduced wetland impacts.
- G. Dumping of solid or liquid wastes shall be prohibited.
- H. Applying or storing pesticides and herbicides should be prohibited unless such application is required for protection of the public health or removal of invasive, exotic, or nuisance plant species for management and mitigation or conservation purposes approved by Brevard County or removal of invasive, exotic, or nuisance plant species for management and mitigation or conservation purposes approved by Brevard County.
- I. The County shall develop incentives to minimize impacts to highly functional and landscape level wetlands.
- J. Non bona-fide agricultural activities shall be regulated in accordance with Policy 5.2 of the Conservation Element. Where the allowable use is residential, residential policies shall apply. Sufficient buffer setbacks of the activity from incompatible land uses shall be provided. Buffer setbacks shall be established through the land development regulations. The property shall meet all other State regulatory criteria.

**Policy BBIA 7.3**

Wetland regulations adopted by Brevard County should avoid duplication of wetland regulation unless regulated activities will result in the destruction and/or degradation of functional wetlands. Where the wetland degradation or destruction has been permitted by

FDEP or SJRWMD based on FDEP and SJRWMD professional staff application of criteria and evaluation, the County shall apply the avoidance, minimization of impacts, and mitigation priorities and land use and density requirements of this local comprehensive plan. Any permitted wetland degradation or destruction shall provide for mitigation.

**Policy BBIA 7.4**

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

**Criteria:**

- A. Mining operations should not adversely impact protected wetlands or other water dependent systems and shall be set back a minimum of 100 feet from such wetlands.
- B. Mining operations shall not cause saltwater intrusion. Monitoring by the mining operator shall be required to insure this requirement.

**Policy BBIA 7.5**

Prior to development of any property, an environmental assessment should be completed that would analyze the impact of the proposed development on the wildlife habitat and wetland, shoreline, or marine natural resources of the property. For the purposes of this policy, the term "development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

**Policy BBIA 7.6**

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

**Policy BBIA 7.7**

All existing and new marinas shall erect manatee education and awareness signs that will be posted and maintained in a prominent location. Each marina operator shall establish and maintain a permanent manatee educational display at a prominent location at their marina. Brevard County shall establish and maintain a display at public boat launch facilities and license tag agencies.

**Policy BBIA 7.8**

Those involved in the sale of boats and motors should provide manatee information to the buyer at the time of delivery of boats or motors.

**Policy BBIA 7.9**

Brevard County shall maintain well-marked speed limit signs, in accordance with the uniform waterway marker program, for manatee protection and boating safety speed zones established by local ordinance only.

**Policy BBIA 7.10**

Brevard County, or other appropriate agencies, shall develop a standardized information packet containing information regarding manatees and regulations protecting manatees for distribution by the U.S. Fish and Wildlife Service, Florida Department of Environmental Protection, Brevard Marine Association, and other agencies or groups as appropriate. This will include information concerning the existing manatee slow speed or idle zones, and any additional zones that may be deemed necessary within areas frequented by manatees.

**Policy BBIA 7.11**

Brevard County shall identify areas containing significant manatee habitat features. Marinas with powerboat slips shall not be sited within these areas.

**Policy BBIA 7.12**

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

**Policy BBIA 7.13**

Brevard County's mosquito impoundment management plans shall address the following criteria, at a minimum:

**Criteria:**

- A. Appropriate water management system shall be utilized.
- B. Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.
- C. Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.
- D. Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.
- E. The primary use of mosquito control impoundments shall be to protect human health through the control of mosquito populations. Secondary uses may include stormwater management, habitat improvement, wildlife management, and other uses as appropriate. Brevard County shall encourage multiple uses of mosquito control impoundments.

**Policy BBIA 7.14**

Brevard County shall include seagrass protection within its performance standards for marinas and marine-related facilities.

**Policy BBIA 7.15**

Brevard County should continue to develop and implement regulations governing live-aboards within the coastal zone. The regulations shall include the following criteria at a minimum:

**Criteria:**

- A. The County shall investigate designating certain areas of the Indian River Lagoon for mooring of motorized live-aboard vessels that are not docked within marinas.
- B. The County shall coordinate with the Marine Patrol to eliminate live-aboards permanently anchored outside of a marina or area specially designated for live-aboards.
- C. Floating structures shall be required to moor within marinas or to privately owned riparian property.

**Policy BBIA 7.16**

Brevard County shall continue to implement standards for marina siting within the coastal zone that shall address the following criteria at a minimum:

**Criteria:**

- A. All proposed marina siting projects in unincorporated areas of Brevard County shall come before the Board of County Commissioners for their review. Marina development may be considered within any appropriate zoning classification, if it is consistent with the performance standards developed by the County. Uplands at the marina site shall be greater than or equal to one acre. Residential marinas shall be allowed as a permitted use, subject to the boat facility siting criteria established in the Brevard County Manatee Protection Plan and in the policies under Objectives 3 and 9 of the Conservation Element, in all of the current conditional use zoning classifications for residential/recreational marinas, except Recreational Vehicle Park (RVP) and Government Managed Lands (GML).
- B. At the beginning of the zoning process, all marina development proposals must submit a conceptual plan to be reviewed by the Natural Resources Management Department for compliance with the Brevard County Manatee Protection Plan.

**Policy BBIA 7.17**

Marinas shall be inspected periodically by Brevard County and results of these inspections shall be coordinated with other agencies. Inspections shall be coordinated with existing programs and duplication with existing inspection programs shall be avoided. It is recommended that inspection of commercial marinas occur as part of the business tax receipt renewal procedure. Items to be inspected and reviewed may include the following.

**Criteria:**

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

compliance with state and federal standards. If a water monitoring program is required, water-dependent uses shall be assessed an annual fee adequate to fund a water quality monitoring program.

**Policy BBIA 7.18**

Brevard County shall utilize available management plans in developing standards for marina siting and other water-dependent uses. These management plans include, but are not limited to, Aquatic Preserve Management Plans, the Surface Water Improvement Management (SWIM) Plan and the IRLCCMP.

**Upland Resources**

**Objective BBIA 8**

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

**Policy BBIA 8.1**

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

**Criteria:**

- A. Require permitting prior to land clearing unless exempt by ordinance.
- B. Require phased clearing in conjunction with phased construction.
- C. Require permits for the removal of trees or vegetation in conjunction with land surveying unless exempt by ordinance.
- D. Require areas cleared of vegetation to be revegetated with biologically appropriate vegetation, to prevent wind or water erosion, within ninety (90) days of initial land clearing activity where no approved landscape plan exists, or no active development order has been issued. Native vegetation should be utilized to the maximum extent possible.
- E. Require tree and canopy preservation, including root protection standards.

**Policy BBIA 8.2**

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

**Policy BBIA 8.3**

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

**Criteria:**

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

**Policy BBIA 8.4**

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

**Policy BBIA 8.5**

Brevard County shall continue to ensure removal of invasive exotics on public lands and shall educate private property owners on reasons to remove invasive exotics from private lands. This program should emphasize replacement of invasive exotics with appropriate native vegetation where feasible.

**Policy BBIA 8.6**

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

**Policy BBIA 8.7**

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

**Policy BBIA 8.8**

Brevard County Natural Resources Management Department shall continue to comply with the county-wide scrub-jay Habitat Conservation Plan as approved by the US Fish and Wildlife Service.

**Policy BBIA 8.9**

Brevard County shall develop and comply with management plans for other species, as deemed necessary.

**Policy BBIA 8.10**

The County shall continue to implement education programs to promote the preservation of endangered and threatened species and species of special concern as well as their habitat, with the assistance of the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, and the U.S. Fish and Wildlife Service, and other agencies or groups as appropriate.

### **Policy BBIA 8.11**

Brevard County shall continue to adopt and enforce standards for maintenance or re-establishment of dune areas. These standards shall include, at a minimum, the following provisions:

#### **Criteria:**

- A. Native dune vegetation shall be maintained on site unless removal or alteration is permitted by both Brevard County and the Florida Department of Environmental Protection, or other appropriate regulatory agency.
- B. Public and private beach access shall be allowed only at designated cross-over structures or historical access sites.
- C. Erosion control strategies will be utilized at unimproved public access sites until these can be improved or alternate access provided.
- D. Dune cross-overs, boardwalks, walkways and other permissible structures seaward of the CSL shall be elevated above dune vegetation and shall be designed to allow adequate light penetration.
- E. Shore-parallel boardwalks shall be prohibited seaward of the CSL except as required for handicap access.
- F. Publicly owned dunes, especially those identified for beach access sites, that have been denuded or damaged by vehicular or pedestrian traffic shall be prioritized for dune renourishment and revegetation. Improvements or erosion controls shall be implemented at the time of renourishment to prevent further site degradation.
- G. Private property owners should be encouraged to re-establish dune vegetation that has been destroyed by non-designated access activities or storm damage.
- H. Structures and impacts that are necessary for public safety or meet the best public interest shall be permitted if approved by the Board of County Commissioners.

### **Policy BBIA 8.12**

Brevard County shall maintain an ongoing program to initiate and monitor data collection projects related to beach dynamics, sand transport and coastal processes. This program should include data generated by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, the Florida Sea Grant program, universities and other appropriate agencies.

### **Policy BBIA 8.13**

Brevard County shall prohibit motorized vehicles on the dune and beach system except for governmental vehicles, public safety vehicles, vehicles necessary to repair utilities, or vehicles utilized during approved renourishment programs or approved scientific investigations. Pedestrian traffic within the vegetated dune areas shall be limited to emergency operations, scientific research, maintenance, cleaning or improvements as authorized by the Natural Resources Management Department and consistent with FDEP regulations.

**Policy BBIA 8.14**

Beach access site improvements, parking facilities, and drainage shall be secondary to improvements to the naturally functioning dune system. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species.

**Policy BBIA 8.15**

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

**Water Quality Protection****Objective BBIA 9**

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

**Policy BBIA 9.1**

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

**Criteria:**

- A. Maintain a fifty (50) foot surface water protection buffer from the ordinary high- water line, mean high water line, or safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping. On bulkheaded lots, the waterward extension of the buffer is established by the bulkhead line. A maximum width of 25 feet or 20% (whichever is greater) may be cleared for access. In lieu of an approved ordinary high-water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved administratively as defined in ordinance. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.
- B. Except as allowable under criteria C and D below, primary structures shall not be permitted within the surface water protection buffer. The County shall establish allowable uses within the surface water protection buffer. Stormwater management for all alterations associated with allowable uses shall be required to protect water quality of the receiving water body. Provisions for the alteration and/or removal of non-native invasive plants, mitigation projects, and the planting of native species shall be established by the County.
- C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, where there is insufficient lot depth to construct a primary structure, a primary structure may be located within the surface water protection buffer at least twenty five (25) feet from the water line as outlined in Criterion A if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water

body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Where applicable, stormwater management measures shall be consistent with Chapter 373, F.S., as amended.

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

### **Policy BBIA 9.2**

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

**Criteria:**

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

**Policy BBIA 9.3**

Mining operations shall not be permitted within wetlands as protected within this comprehensive plan.

**Policy BBIA 9.4**

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

**Policy BBIA 9.5**

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

**Policy BBIA 9.6**

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

**Policy BBIA 9.7**

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

**Criteria:**

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

**Policy BBIA 9.8**

The Natural Resources Management Department shall review and comment on the impact of new development on stormwater conveyance systems. If the conveyance system is determined to be deficient, the developer shall be required to retain additional runoff on site or make improvements to the conveyance system equal to the impact of the new development.

**Policy BBIA 9.9**

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

**Policy BBIA 9.10**

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

**Scenic Resources**

**Objective BBIA 10**

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

**Policy BBIA 10.1**

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

**Policy BBIA 10.2**

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

**Policy BBIA 10.3**

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

**Policy BBIA 10.4**

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

**Policy BBIA 10.5**

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

**Policy BBIA 10.6**

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

**Criteria:**

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

**Policy BBIA 10.7**

Brevard County shall investigate the feasibility of acquiring narrow strips of land along the Indian River Lagoon, where such areas could provide visual access or provide parking for passive recreation within the Lagoon.

**Compatibility**

**Objective BBIA 11**

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

**Policy BBIA 11.1**

Brevard County shall not increase residential density designations for properties located within the BBIA.

**Policy BBIA 11.2**

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

**Policy BBIA 11.3**

Brevard County shall review shore-line development within the coastal zone in order to maximize opportunities for water-dependent land uses. The following criteria, at a minimum, shall be utilized.

**Criteria:**

- A. Water-related and water-enhanced uses shall be built on uplands.
- B. Development that is feasible only through creation of land by dredging and filling of areas below the mean high-water line shall not be approved. Exceptions may be considered where overriding public benefit to the natural resource can be demonstrated.
- C. Water-dependent commercial and industrial uses may be considered for siting adjacent to the Indian River Lagoon.

**Policy BBIA 11.4**

The Brevard County Land Development Regulations shall include a provision for water-enhanced commercial uses within the coastal zone. Such uses shall be permitted as Conditional Uses within the BU-1 zoning category.

**Policy BBIA 11.5**

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

**Criteria:**

- A. Water-dependent uses such as fish, shellfish and wildlife production, recreation, water dependent industry and utilities, marinas and navigation;
- B. Water-related uses such as certain utilities, commerce and industrial uses;
- C. Water-enhanced uses such as some recreation uses;
- D. Non-water dependent or related activities such as residential; and
- E. Of lowest priority are those uses that are non-water-dependent, non-water enhanced, and result in an irretrievable commitment of coastal resources.

**Policy BBIA 11.6**

Brevard County shall review beachfront development to ensure that it does not interfere with public access in those instances where the public has established ocean access-ways through private lands by prescription, prescriptive easement or other legal means. The developer may improve, consolidate, or relocate such public access provided it is consistent with this Plan.

**Future Land Use Categories within the BBIA**

**Objective BBIA 12**

Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, RES 2-BBIA, RES 4-BBIA, RES 6-BBIA, RES 8-BBIA, RES 15-BBIA, NC-BBIA, CC-BBIA, PUB-BBIA, REC-BBIA, PRIV CONS-BBIA, and PUB CONS-BBIA.

**Residential 1 – BBIA Future Land Use**

**Policy BBIA 12.1**

The Residential 1 – BBIA land use designation permits low density residential development with a maximum density of up to one (1) unit per acre. The Residential 1 land

use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 1 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

**Residential 2 – BBIA Future Land Use**

**Policy BBIA 12.2**

The Residential 2 – BBIA land use designation permits lower density residential development with a maximum density of up to two (2) units per acre. The Residential 2 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 2 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

**Residential 4 – BBIA Future Land Use**

**Policy BBIA 12.3**

The Residential 4 – BBIA land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 4 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

**Residential 6 – BBIA Future Land Use**

**Policy BBIA 12.4**

The Residential 6 – BBIA land use designation affords a transition in density between higher density areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre. The Residential 6 land use designation may

be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 6 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

**Residential 8 – BBIA Future Land Use**

**Policy BBIA 12.5**

The Residential 8 – BBIA land use designation affords a transition in density between higher density areas and lower intensity residential uses. This land use designation permits a maximum density of up to eight (8) units per acre. The Residential 8 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 8 Directive or higher land use designations; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than eight (8) units per acre and areas with density of less than eight (8) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 8 Directive; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

**Residential 15 – BBIA Future Land Use**

**Policy BBIA 12.6**

The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and
- B. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;
- C. Areas adjacent to an existing Residential 15 land use designation; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

**Neighborhood Commercial – BBIA Future Land Use  
Policy BBIA 12.7**

Neighborhood Commercial – BBIA development activities are intended to be low impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A uses that were established as of the adoption date of this provision shall be considered consistent with this policy. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within Neighborhood Commercial Future Land Use designation, provided that listed criteria are met, include the following:

- a) Professional offices (no drive through lanes permitted);
- b) Personal Services (no drive through lanes permitted);
- c) Convenience stores (no drive through lanes permitted);
- d) Residential uses pursuant to Policy 2.10 of the Future Land Use Element;
- e) Institutional uses;
- f) Recreational uses;
- g) Public facilities; and
- h) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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

**Criteria:**

- A. Neighborhood commercial clusters should be located at collector/collector or collector/arterial intersections, except as otherwise provided for in this Comprehensive Plan.
- B. Due to the linear nature and lack of intersections along SR A1A south of Melbourne Beach, new neighborhood commercial uses may be considered along those roadways if there is sufficient infrastructure to support commercial development, if the area has an established commercial character, and if they are consistent with the other applicable policies of this Comprehensive Plan.
- C. New neighborhood commercial land use sites should incorporate no more than two acres maximum at each corner of an intersection, as set forth in Criterion A of this policy. Neighborhood commercial land uses at such intersections should not exceed eight (8) acres total.
- D. Neighborhood commercial development clusters should be spaced at least three (3) miles apart.
- E. The gross floor area of neighborhood commercial development should not exceed a Floor Area Ratio (FAR) of 0.75.

**Community Commercial – BBIA Future Land Use  
Policy BBIA 12.8**

Community Commercial - BBIA development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and

professional uses. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within the Community Commercial Future Land Use designation, provided that listed criteria are met, include the following:

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses pursuant to Policy 2.10 of the Future Land Use Element;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities; and
- l) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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

**Criteria:**

- A. Community commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For community commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.
- B. Community commercial complexes should not exceed 40 acres at an intersection.
- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.
- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.
- E. The gross floor area of a community commercial development shall not exceed a FAR of 1.0.

**Public Facilities – BBIA Future Land Use  
Policy BBIA 12.9**

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

**Criteria:**

- A. Public facilities are those uses that, at a minimum, relate to government-managed transportation, sanitary sewer, potable water, solid waste, drainage, conservation, education, government service systems, and other utilities such as gas, electric, telephone and cable. An exception should be made for transmission or collection facilities, rights-of-ways, and easements. Public facilities are also those uses classified as scientific research and technology development activities conducted by non-governmental organizations (NGOs) in formal partnership with governmental entities. Such NGOs shall provide economic, environmental and/or quality of life benefits to Brevard County. Specific land-use activities include either: life science research, ocean, coastal and marine research and technology development, or environmental science research. Public Facilities that are NGOs in formal partnership with governmental entities shall not exceed a FAR of 0.25
- B. Public facilities land uses may be considered for locations within all land use designations on the Future Land Use Map provided such uses are compatible with adjacent land uses consistent with this Comprehensive Plan.
- C. Following the purchase, lease or dedication of property for public facility purposes, the Comprehensive Plan shall be amended to depict the property as Public Facility on the Future Land Use Map.
- D. Brevard County shall encourage the use of common corridors for utility systems, including sanitary sewer, potable water, re-use, electricity, gas and other utilities.

In order to maximize the efficiency of public facilities and resources, Brevard County and the Brevard County School Board should strive to coordinate use of existing school facilities for public use. In addition, development of new libraries, parks and recreation facilities, children's services facilities, and other appropriate public uses on properties adjoining school sites should also be coordinated.

**Recreation – BBIA Future Land Use Policy BBIA 12.10**

The Recreation - BBIA land use designation shall be adopted as part of the Future Land Use Map to identify appropriate locations for public recreation land uses, based upon the following minimum criteria:

**Criteria:**

- A. Recreation land uses may be considered within all land use designations on the Future Land Use Map, provided such uses are compatible with adjacent land uses.
- B. Following determination by Brevard County to utilize property for public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.

## **Private Conservation – BBIA Future Land Use**

### **Policy BBIA 12.11**

The Private Conservation - BBIA land use designation is related to privately owned lands with significant environmental features. The land use designation applies to privately held lands that were designated Conservation on the Future Land Use Map prior to adoption of the Future Land Use Element on May 16, 2000, regardless of their zoning classification. Any lands that are privately owned and zoned Environmental Area (EA) or so designated by an approved binding development plan after May 16, 2000 shall be designated as Private Conservation. Such privately owned parcels shall permit a maximum residential density of one (1) unit per ten (10) acres.

## **Public Conservation – BBIA Future Land Use**

### **Policy BBIA 12.12**

The Future Land Use Map shall designate lands as public conservation to provide for the protection of publicly held environmentally sensitive areas. The Public Conservation – BBIA future land use designation is intended to accommodate lands and facilities that are managed by federal, state and local governments within unincorporated Brevard County for conservation or preservation uses. Such uses shall conform to the following minimum criteria:

#### **Criteria:**

- A. The Public Conservation land use designation should include lands under the ownership of Brevard County, the St. Johns River Water Management District, or other such agencies, for the purpose of environmental protection, publicly owned lands within the Environmental Area (EA) zoning classification, and publicly owned areas in which it is demonstrated that the preservation of environmentally sensitive resources will provide an overriding public benefit.
- B. Development activities within lands designated as Public Conservation shall be consistent with the specific policies and intent of this comprehensive plan. Specifically, activities that are conducted on Public Conservation lands that enhance, protect or manage such lands for nature-based recreation, conservation or preservation purposes for the benefit of the public shall be considered as consistent with this criterion.
- C. Other environmentally sensitive lands (i.e., floodplains, wetlands, or aquifer recharge areas) that are located outside of the Public Conservation land use designation are protected through the policies of this comprehensive plan.
- D. Privately owned land shall not be designated as public conservation. If privately owned lands are acquired by state, regional, or local agencies for conservation or preservation purposes, the participating agencies should provide such information to the County so that the Future Land Use Map may be amended pursuant to section 163.3187, Florida Statutes, as may be amended. The County shall annually request such information from the applicable agencies so that any necessary amendments can be made to the Future Land Use Map.

- A. Residential densities for public conservation lands should not exceed one (1) dwelling unit per fifty (50) acres. Dwelling units on publicly held lands, including those zoned EA that are in public ownership, are limited to accommodating park rangers or other authorized personnel as deemed appropriate in order to manage or protect such public conservation lands.

**Policy BBIA 12.13**

Brevard County shall designate lands without an assigned Future Land Use category as of the date of adoption of this local comprehensive plan as follows:

- A. Privately-owned lands shall be assigned Private Conservation - BBIA.
- B. Publicly-owned lands shall be assigned Public Conservation - BBIA.

**Removal of Area of Critical State Concern Designation**

**Objective BBIA 13**

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

**Sufficiency of Local Plan and Land Development Regulations**

**Policy BBIA 13.1**

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

**Criteria for De-designation**

**Policy BBIA 13.2**

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

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

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

**Timeline for De-designation**

**Policy BBIA 13.3**

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

## BARRIER ISLAND PRESERVATION AND PROTECTION CONCERNS

Gary <garnat@aol.com>

Tue 9/3/2024 12:14 PM

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

### **Changes need to be made to help preserve our delicate barrier island.**

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals
- Maintaining Existing Community Character, consulting with 1000 Friends of Florida, a long-time Brevard partner.
- Clean Water, no private treatment plants
- Coastal Setback updating for new single family residential homes
- Mosquito impoundments management

Thank you for your attention to the above.

Natashia Tabler  
5331 Tay Court  
Melbourne Beach FL 32951

## BBIA policy suggestions

rel2421@aol.com <rel2421@aol.com>

Tue 9/3/2024 1:04 PM

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

Good day,

I respectfully would like to provide my suggestions for consideration to Brevard County Planning and Zoning BBIA draft policy.

I am a Brevard County resident and live within the area of critical concern.

### Reducing Nutrient Contributions Objective

#### BBIA 4

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

Is this based on: HB1379

( applicants for any new septic systems serving lots of any size to install nitrogen-reducing system (ER-OSTDS). By July 1, 2030 any commercial or residential property with an existing OSTDS located with this area must connect to central sewer if available or upgrade to nitrogen reducing system or other waste water treatment that achieves at least 65% nitrogen reduction)

#### Policy BBIA 4.1

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

Provide penalties

#### Policy BBIA 4.2

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

Change to treated and untreated

#### Policy BBIA 4.3

Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection.

Eliminate completely if no existing commercial or residential uses in urban fringe, urbanizing or urban density area warrant this policy.

#### Policy BBIA 4.4

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

Criteria:

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

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

B. Private treatment plants shall be permitted by the Florida Department of Environmental Protection.

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

Provide examples of existing commercial or residential uses in urban fringe, urbanizing or urban density area that warrant this policy or delete it completely.

Policy BBIA 4.5

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

Delete option and add time period. (helps discourage development using package systems) per Mitch

Policy BBIA 4.6

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

Brevard county shall maintain land development regulations that only permits development to locate in areas with designated sewer system with adequate capacity for proposed development.

BBIA 6.18

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

What is a vulnerability analysis? Who is responsible? County or developer?

Policy BBIA 7.16

Brevard County shall continue to implement standards for marina siting within the coastal zone that shall address the following criteria at a minimum:

Criteria:

A. All proposed marina siting projects in unincorporated areas of Brevard County shall come before the Board of County Commissioners for their review. Marina development may be considered within any appropriate zoning classification, if it is consistent with the performance standards developed by the County. Uplands at the marina site shall be greater than or equal to one acre. Residential marinas shall be allowed as a permitted use, subject to the boat facility siting criteria established in the Brevard County Manatee Protection Plan and in the policies under Objectives 3 and 9 of the Conservation Element, in all of the current conditional use zoning classifications for residential/recreational marinas, except Recreational Vehicle Park (RVP) and Government Managed Lands (GML).

B. At the beginning of the zoning process, all marina development proposals must submit a conceptual plan to be reviewed by the Natural Resources Management Department for compliance with the Brevard County Manatee Protection Plan.

No new marinas

BBIA 7.5 same as BBIA 8.7?

Policy BBIA 7.5

Prior to development of any property, an environmental assessment should be completed that would analyze the impact of the proposed development on the wildlife habitat and wetland, shoreline, or marine natural resources of the property. For the purposes of this policy, the term "development" excludes renovation, rehabilitation, or remodeling of any existing structure only when such activity does not include a change in the size of the structure on the land or any clearing of land as an adjunct of construction.

motors.

Who performs the environmental assessment. What is the criteria?

Policy BBIA 10.6

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

Criteria:

A. Property owners along designated roadways shall be encouraged to preserve trees and vegetation during development of these properties.

B. Billboards and other physical barriers, such as fences, exceeding four feet in height, excluding primary and accessory structures, that interfere with or prevent visual access to the scenic qualities of the roadways designated as scenic resources, shall be prohibited. Non-conforming existing billboards and the referenced opaque physical barriers shall be amortized.

C. Vegetation and trees growing adjacent to scenic roadways within the rights-of-way for those roads shall be protected by the land development regulations regarding land clearing activities except in those cases involving health and safety concerns or those that would deny visual access beyond the immediate area.

Needs more Teeth, Encourage to preserve is not enough. At least some tradeoffs or mediation  
What does Amortized mean. Set a time table for removal including grandfathered signage that does not meet current code.

Policy BBIA 11.2

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

Change to:

The existence of sewer, water, roadways or other public infrastructure shall not and will not be considered justification for an increase in density.

Policy BBIA 11.5

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

Criteria:

A. Water-dependent uses such as fish, shellfish and wildlife production, recreation, water dependent industry and utilities, marinas and navigation;

B. Water-related uses such as certain utilities, commerce and industrial uses;

C. Water-enhanced uses such as some recreation uses;

D. Non-water dependent or related activities such as residential; and

E. Of lowest priority are those uses that are non-water-dependent, non-water enhanced, and result in an irretrievable commitment of coastal resources.

Change to marinas to last in descending order of priority

Robert Logsdon

9020 S. Hwy. A1A

Melbourne Beach, FL 32951

## Brevard Barrier Island Area Comprehensive Plan comments

Aaron Adams <aaronjadams.64@gmail.com>

Tue 9/3/2024 3:03 PM

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

Cc: d1.Commissioner@brevardfl.gov <d1.Commissioner@brevardfl.gov>; d2.Commissioner@brevardfl.gov <d2.Commissioner@brevardfl.gov>; d3.Commissioner@brevardfl.gov <d3.Commissioner@brevardfl.gov>; d4.Commissioner@brevardfl.gov <d4.Commissioner@brevardfl.gov>; d5.Commissioner@brevardfl.gov <d5.Commissioner@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; mayfield.debbie@web.flsenate.gov <mayfield.debbie@web.flsenate.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>

Dear Ms. Landry:

I appreciate the work that you and your staff are doing to develop the Brevard Barrier Island Area Comprehensive Plan as part of the Brevard County Barrier Island Area of Critical State Concern Project. I realize the the timeline to complete the Plan is very compressed, and that an Area of Critical State Concern has not been done since 1985, making this a challenging process.

The draft Plan, last accessed online on September 3, 2024, is a good start, but is in need of significant revision to achieve the goals of an ACSC designation.

My first concern is that the Plan needs to explicitly incorporate the best and most recent available data. For example, many policies rely upon outdated data on sea level rise, meteorological events, and aquifer status. For sea level rise and meteorological events (both of which influence aquifer status) please see the ongoing work by the Florida Flood Hub at University of South Florida (<https://www.usf.edu/marine-science/research/florida-flood-hub-for-applied-research-and-innovation/>), and the Florida Office of Resilience and Coastal Protection (<https://floridadep.gov/orcp>).

The draft Plan also violates the intent of the ACSC designation in that it proposes expanded application of high density development and encourages commercial development of Indian River Lagoon waterfront property.

The draft plan also assumes that the environmental health of the Indian River Lagoon and of the beaches for sea turtle nesting are issues that don't need long term planning and management, suggesting in Objective 13, for example, that improvements in the IRL environmental status would terminate the ACSC designation.

I address these and my other main concerns specific to draft policies below.

Policy 2.2 on protecting the dune system

- A. The Brevard County Coastal Setback Line should be recalculated to incorporate recent and projected sea level rise. The current CSL is out of date. The new line should be at the very least applicable to current data, and would be most effective using data for projected sea level rise.
- B. The storm surge zone should be recalculated based on new data, and should be adaptable as new data are available. The Flood Hub at USF will be a good source of new data. FEMA recently issued revised and updated flood plan maps.

#### Policy 2.3 on lighting regulations for sea turtle nesting

- This should be expanded to consider a dark skies provision to better manage overall light pollution, which can disrupt nesting.

#### Policy 2.4 on beach renourishment

- Enforcement of grain size for nourishment sediments needs to be enforced. Far too much fine grained sediment was deposited in the past couple of years.

#### Policy 2.5 and 2.6 on land development regulations

1. The 1981 Coastal Construction Control Line and Coastal Setback Line need to be updated to reflect recent and projected data on Sea Level Rise. Since the CCCL is a FLDEP regulation, Brevard County should create a new CCCL for the BBIA using updated data. Revising the CCCL and CSL based on current and recent coastline changes is reactive. A development plan for the BBIA should be proactive.

2. Aquifer use calculations need to incorporate data from the Florida Flood Hub (USF), which accounts for SLR, aquifer draw down, climate (rainfall) changes. The occurrence of meteorological extremes (drought, heavy rain events) is increasing, and needs to be factored in to development regulations. Policy 6.16 and 6.17 list sources of better data that will be used for other purposes. Those data should be applied here.

#### Policy 3.2 on water resources

- Evaluation of new development should be done in the context of current conditions due to development that has already occurred. New development can't be evaluated without this broader context. This no-context evaluation is often done with new house development, when a dirt is brought in to raise the elevation of a new construction, the drainage patterns change which causes issues to adjacent properties. Past development has already impacted the aquifer, the amount of impervious surface (and thus aquifer recharge), and contaminants entering the IRL.

#### Policy 4.4 on private sewage treatment plants

- No private treatment plans should be allowed at all. If the described types of developments are to occur, Brevard County must first install central sewer. Private plants are prone to failures, enforcement of current private plants is insufficient, and the region is already over capacity on septic systems.

#### Policy 4.14 and 7.15 on live-aboard vessels

- Live-aboards should be restricted to designated zones. This will simplify monitoring and enforcement

- Brevard County should implement a policy to facilitate the removal of derelict vessels in a timely manner

#### Policy 6.9, 6.10, 6.11 on the evacuation network

- The language used in these draft policies leaves the door open to building an additional bridge to the mainland to provide closer evacuation access. A new bridge should be specifically prohibited.

#### Policy 7.2 on wetlands

- This text should be revised to state that there is no allowable loss of wetlands. Mitigation is not effective natural resource management. The mitigation approach facilitates wetland destruction for development. Under mitigation, a wetland on the barrier island can be destroyed for development, and 'mitigated' by the developer purchasing habitat restoration credits in a different part of the state (such as Jacksonville). This impacts the barrier island with no local environmental benefits.

#### Policy 7.4 on mining

- Mining on or near the barrier island is impossible without adversely affecting groundwater resources and groundwater quality. Therefore, it should be prohibited.

#### Policy 7.13 on mosquito impoundments

- Mosquito impoundments should be managed to increase their value as fish nursery habitats for economically important species in a manner that also manages for mosquitos.

#### Policy 7.16 on marinas

- One acre of upland is insufficient for a functioning marina. More land should be required. The better question is whether additional marinas are needed given that boat owners have access to many boat ramps.

#### Policy 8.1 on land clearing

- Failure to follow these criteria should result in accountability that is not specified here

#### Policy 8.3 on vegetative communities

- Aquifer recharge and flood mitigation should be added as priority criteria  
Evaluation of development of vegetated areas should not be done as a stand-alone evaluation, but in the context of current development locations and impacts on flooding and aquifer recharge, and the amount of impervious surface.

#### Policy 8.7 on development environmental assessment

- The assessment should include freshwater flows (runoff) that will impact the IRL

#### Policy 9.7 on stormwater management

C. The 25-year 24-hour storm event threshold is no longer viable, and is not adequate given the meteorological changes (more frequent and intense rain events) resulting from climate change. Consult the Florida Flood Hub at USF for better data. The standards should be much higher.

#### Policy 10.7 on land acquisition

- Brevard County should make a strong effort to acquire more lands in the BBIA for conservation purposes to offset future development.

#### Policy 11.3, 11.4, 11.5 on commercialization of the IRL waterfront

- This is an open attempt to promote the commercialization of the waterfront in the BBIA. Marinas and other such developments will be claimed as being for the public interest. The environmental integrity of the BBIA should be retained, which means that such IRL-adjacent developments should be prohibited. Such commercial facilities should not be in the BBIA, there are enough such facilities on the mainland and farther north in the IRL

#### Policy 12

- This policy should be deleted. There should be no density increases allowed. Existing land use and zoning are already in effect from July 2023.

#### Objective 13

- This objective assumes that environmental management is not a long term activity. For example,

there is no consideration of future impacts of removing the designation - i.e., an increase in human impacts on the IRL, barrier island, and beaches due to increased development. Overall, this Objective leaves the door way too wide open to reversing this designation.

Aaron J. Adams, Ph.D.  
Marine Conservation Biologist  
190 Ibis Drive  
Melbourne Beach, FL

## Barrier Island development

PATRICIA BIAGI <biagi@bellsouth.net>

Tue 9/3/2024 6:43 PM

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

Please be aware that the majority of the people who live in Melbourne Beach are extremely concerned as to the future of this small and sensitive area.

The meeting at the community center last week was vague as to what the plans for the future are. Most everyone I have spoken to is asking the same question "what was the meeting really about?"

Please be aware.

Policy 12 needs to be deleted. Density is at its peak the houses that are being built on the beach are HUGE might as well be condos. I wonder how they are getting building permits. Why are these lots allowed to be clear cut? Truly doesn't make any sense to take out such sensitive echo habitats. No matter what size your lot is clear cutting should not be allowed. You have street lights on A1A that are very very bright I know it can confuse the turtles and they can end up going on the main road. This recently happened.

There should be no more private water treatment plants, What is the coastal setback going to be for new homes being built?

Short term rentals should be enforced.

Have any of you ever driven on A1A in the early morning the amount of dead animals is alarming. You say you want to preserve Then please please pay attention as to what is really going on here before its to late.

The lagoon preservation is questionable is anything really being done?

Are we as citizens paying for a service that is to be done by the people "running" the county? I implore you all to look at the picture and look hard look at the small things as well as the big picture.

Patricia Biagi

155 Sea Dunes Dr

Melbourne Beach

!

## South Melbourne Beach unincorporated barrier island

cad5016@aol.com <cad5016@aol.com>

Tue 9/3/2024 7:38 PM

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

Hello,

In helping to preserve the balance of population growth with wildlife and our natural habitat on the South Melbourne Beach unincorporated barrier island, please consider the following changes:

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals
- Maintaining Existing Community Character, consulting with 1000 Friends of Florida, a long-time Brevard partner.
- Clean Water, no private treatment plants
- Coastal Setback updating for new single family residential homes
- Mosquito impoundments management

Sincerely,

Carol Delahanty

\* a resident here since 1978!

## Brevard Barrier Island Area

Matt Sears <ducked.up@hotmail.com>

Wed 9/4/2024 11:50 AM

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

Respectfully asking all for your attention and help with The Brevard Barrier Island Area.

1<sup>st</sup> - No Increases in Density; Delete Policy 12. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023.

2<sup>nd</sup> - Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less.

3<sup>rd</sup> - Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon.

I look forward to your responses.

Thank you,

Matt Sears  
285 Ross Ave.  
Melbourne Beach, FL 32951

## Brevard Barrier Island Area

Barbara Arthur <barbaraarthur1@yahoo.com>

Wed 9/4/2024 12:57 PM

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

Cc: d1.commissioner@BrevardFL.gov <d1.commissioner@BrevardFL.gov>; d2.commissioner@BrevardFL.gov <d2.commissioner@BrevardFL.gov>; D3 Commissioner <d3.commissioner@brevardfl.gov>; d4.commissioner@BrevardFL.gov <d4.commissioner@BrevardFL.gov>; d5.commissioner@BrevardFL.gov <d5.commissioner@BrevardFL.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; mayfield.debbie@flsenate.gov <mayfield.debbie@flsenate.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; robert.brackett@myfloridahouse.gov <robert.brackett@myfloridahouse.gov>; shawn.hamilton@myfloridadep.gov <shawn.hamilton@myfloridadep.gov>; tad.calkis@brevardfl.gov <tad.calkis@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>

Ms. Landry,

I am providing comments on the Brevard Barrier Island Area Appendix A draft.

Policy 2.3 Brevard County shall maintain **and strengthen** lighting regulations.....

Add Policy 3.12 No new public or private golf courses shall be permitted within the BBIA due to large amounts of water necessary to maintain.

Policy 4.1 Add: Unpermitted discharges shall be fined and restitution required.

Policy 4.12 Brevard County **shall** address modification.....

Policy 4.14 Criteria: No liveaboards shall be moored outside of marinas. Marinas with liveaboards shall contain pump out facilities.

Policy 5.5 Mosquito impoundments should be reconnected **by culverts** to the Indian River Lagoon.....

Policy 6.2 Delete

Policy 6.9 Add: When FDOT widens SRA1A to four lanes within the BBIA, an increase in capacity (LOS) shall NOT allow for an increase in density.

Policy 6.16 The County **shall** utilize a range of sea level rise.....

Policy 7.4 Delete Replace with: Mining operations shall not be permitted within the BBIA.

Policy 7.11 Delete: Marinas with powerboat slips shall not be sited within these areas. (No new public or private marinas shall be sited within the BBIA.)

Policy 7.15 Criteria A should read: The County shall require motorized and non-motorized liveaboard vessels to be docked within marinas.

Policy 7.16 Delete (Brevard County shall not permit new marinas within the BBIA.)

Policy 7.18 Delete

Policy 8.1 Add: F. Abide by the Brevard County Landscape/Land Clearing Ordinance pertaining to the barrier island.

Policy 8.8 Not necessary as there are no remaining scrub jays living in the BBIA.

Policy 9.3 Mining operations shall not be permitted within the BBIA.

Policy 11.1 Brevard County shall not increase residential **or commercial** density designations.....

Policy 11.3 B. Remove: Exceptions may be considered where overriding public benefit to the natural resource can be demonstrated. C. Remove **and industrial**.

Policy 11.4 Remove: Such uses shall be permitted as Conditional Uses within the BU-I zoning category. (There are no BU-1 zonings in the BBIA; only BU-1-A.)

Policy 11.5 A Remove **marinas**.

**Future Land Use Categories within the BBIA**

Objective 12 Remove RES 4, RES 6, RES 8, RES 15. Zoning allows two units per acre north of Crystal Lakes to the Melbourne Beach Town City Limits and one unit per acre south of Crystal Lakes on unplatted land.

Policy 12.3 Remove

Policy 12.4 Remove

Policy 12.5 Remove

Policy 12.6 Remove

Policy 12.7 Remove h Add: h. Maintain the existing commercial node locations. Do not designate new neighborhood commercial clusters.

Policy 12.8 Delete

Question: Under Policy 13.2, do all criteria have to be met or only one? I believe all criteria under this de-signation shall be met.

Thank you for your consideration of these comments.

Barbara Arthur

# Brevard Barrier Island Area Comprehensive Plan

Jim Chell <jimchell@gmail.com>

Wed 9/4/2024 3:35 PM

To: Bonnie Landry and Associates - General Info <info@bclandry.com>; d1.Commissioner@brevardfl.gov <d1.Commissioner@brevardfl.gov>; d4.commissioner@brevardfl.gov <d4.commissioner@brevardfl.gov>; d5.commissioner@brevardfl.gov <d5.commissioner@brevardfl.gov>  
Cc: mayfield.debbie@flsenate.gov <mayfield.debbie@flsenate.gov>; frank.abate@brevard.gov <frank.abate@brevard.gov>; darce.mcgee@brevard.gov <darce.mcgee@brevard.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; robert.brackett@myfloridahouse.gov <robert.brackett@myfloridahouse.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>; virgina.barker@brevardfl.gov <virgina.barker@brevardfl.gov>

Dear Ms. Landry:

I appreciate the work that you and your staff are doing to develop the Brevard Barrier Island Area Comprehensive Plan as part of the Brevard County Barrier Island Area of Critical State Concern Project. I realize the the timeline to complete the Plan is very compressed, and that an Area of Critical State Concern has not been done since 1985, making this a challenging process.

The draft Plan, last accessed online on September 3, 2024, is a good start, but is in need of significant revision to achieve the goals of an ACSC designation.

My first concern is that the Plan needs to explicitly incorporate the best and most recent available data. For example, many policies rely upon outdated data on sea level rise, meteorological events, and aquifer status. For sea level rise and meteorological events (both of which influence aquifer status) please see the ongoing work by the Florida Flood Hub at University of South Florida (<https://www.usf.edu/marine-science/research/florida-flood-hub-for-applied-research-and-innovation/>), and the Florida Office of Resilience and Coastal Protection (<https://floridadep.gov/orcp>).

The draft Plan also violates the intent of the ACSC designation in that it proposes expanded application of high density development and encourages commercial development of Indian River Lagoon waterfront property.

The draft plan also assumes that the environmental health of the Indian River Lagoon and of the beaches for sea turtle nesting are issues that don't need long term planning and management, suggesting in Objective 13, for example, that improvements in the IRL environmental status would terminate the ACSC designation.

I address these and my other main concerns specific to draft policies below.

## Policy 2.2 on protecting the dune system

- A. The Brevard County Coastal Setback Line should be recalculated to incorporate recent and projected sea level rise. The current CSL is out of date. The new line should be at the very least applicable to current data, and would be most effective using data for projected sea level rise.
- B. The storm surge zone should be recalculated based on new data, and should be adaptable as new data are available. The Flood Hub at USF will be a good source of new data. FEMA recently issued revised and updated flood plan maps.

## Policy 2.3 on lighting regulations for sea turtle nesting

- This should be expanded to consider a dark skies provision to better manage overall light pollution, which can disrupt nesting.

## Policy 2.4 on beach renourishment

- Enforcement of grain size for nourishment sediments needs to be enforced. Far too much fine grained sediment was deposited in the past couple of years.

#### Policy 2.5 and 2.6 on land development regulations

- 1. The 1981 Coastal Construction Control Line and Coastal Setback Line need to be updated to reflect recent and projected data on Sea Level Rise. Since the CCCL is a FLDEP regulation, Brevard County should create a new CCCL for the BBIA using updated data. Revising the CCCL and CSL based on current and recent coastline changes in reactive. A development plan for the BBIA should be proactive.
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Policy 9.7 on stormwater management

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Policy 10.7 on land acquisition

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- This is an open attempt to promote the commercialization of the waterfront in the BBIA. Marinas and other such developments will be claimed as being for the public interest. The environmental integrity of the BBIA should be retained, which means that such IRL-adjacent developments should be prohibited. Such commercial facilities should not be in the BBIA, there are enough such facilities on the mainland and farther north in the IRL

Policy 12

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Objective 13

- This objective assumes that environmental management is not a long term activity. For example, there is no consideration of future impacts of removing the designation - i.e., an increase in human impacts on the IRL, barrier island, and beaches due to increased development. Overall, this Objective leaves the door way too wide open to reversing this designation.

Thank you for your consideration.

Jim Chell

...

[Message clipped] [View entire message](#)



Reply

Forward

## Brevard South Beaches Area of Critical Concern

Paul Moran <6340pem@gmail.com>

Wed 9/4/2024 4:26 PM

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

Thank You State and County officials for your support in protecting the natural environment of Brevard's South Beaches with unanimous passing of legislation designating Brevard South Beach Area as a "Area of Critical State Concern".

Currently Brevard County is in Phase 1 of developing a Land management Plan for South Beaches along with an informational meeting with the South Beaches Community on August 28th. I am writing to further ask of your support of comments from the local community with respect to the "Draft of Brevard Barrier Island Area Comprehensive Plan" The key points requesting support are:

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. **BBIA Policy 11.1**; Brevard Co shall not increase residential designations for properties within the BBIA and **Policy BBIA 1.5** The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Enforcing Breezeway requirements of the east side of A1a
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals
- Maintaining Existing Community Character
- Clean Water, no private treatment plants
- Utilizing Currently published Coastal Setbacks for new single family residential homes.

Respectfully Thanking you for your support.

Paul Moran  
6340 S Highway A1a  
Melbourne Beach, FL

email: [6340pem@gmail.com](mailto:6340pem@gmail.com)

## BBIA Area of Critical Concern Feedback / Brevard Barrier Island Proposal

Joel Ledlow <joelledlow@gmail.com>

Thu 9/5/2024 4:53 AM

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

Thank you to Brevard and associated teams for including us in this development plan. Please review and advise.

### Clarifying Questions:

1. Please share the adoption of feedback process and its incorporation into the BBIA plan. Also where feedback will be made public.
2. Is adoption of feedback based on the volume of residents response or restricted to a County official and or Commissioner choice?
3. What is the Enforceability of the Plan?

\*\*\* Please incorporate the following requests into the Draft Document in accordance with our increased protective status.

1. No Land Zoning changes within BBIA without documented Public input (Variance process) and Community Approval (Add to 12.9). All zoning is to remain "As Is" per 2023 State adoption of BBIA. No changes to coastal CCL setbacks.

No high density construction (Condos, high rises, water treatment systems etc. Remove 12.4, 12.5, 12.6 - No new high density development)

2. Brevard County shall promote State and County Parks within BBIA for Public Use / Tourism, NOT neighborhood beach easements / walkovers. Remove publications of community accesses / walkovers from county website and online public sources. (11.4 beach "recreational uses" - needs definition / cite examples. 11.5 and 11.6 All "recreational use" enhancements shall be restricted to / within existing County and State Parks. 12.10 NO New recreational facilities within BBIA - Enhancements to "existing" State and County Parks is okay. 12.7 and 12.8 amend - Remove "Recreational Uses" east of A1A unless within an existing State or County Park.)

3. Reduce / eliminate Promotion of the BBIA area as a tourist "destination". Apportioned promotional dollars to be moved to Conservation Education via Park Eco tours offered by Rangers or qualified conservation guides. (8.10)

4. NO new river or beach accesses will be created within BBIA. Existing easements WILL NOT expand and neighborhood walkovers within BBIA will be prioritized for Community Use over Public Use. ( Remove 10.4 and 10.7)

*Why? There are already 9 State and County Parks in existence within the BBIA. These Parks include trash receptacles, bathrooms, showers, dedicated parking spaces and are ADA compliant. Ideal for tourism.*

*Neighborhood easements and crossovers have become overrun by non community Users / Tourists as a way to avoid FWC scrutiny and Pay to Park expenses. Tourism brings an uneducated User into the BBIA including trash, death / damage to protected species and coastal dune / upland habitat destruction. Meanwhile, homeowner property taxes get allocated to under utilized Parks while access to their own neighborhood beaches is reduced.*

*As Brevard increases Pay to Park initiatives across the county at its Parks, the use of the BBIA conservation and small community walkovers grows - deviating from both their intended purposes.*

5. Expand Environmental awareness / protections for Ocean, Coastline and Upland species to include Sea Turtles, Sharks, Land Tortoise / Gopher, Bobcats, Osprey. (add Ocean species / Sharks to 8.9)

6. Ban shoreline shark angling within BBIA. (Add to 8.9) Why: A) Documented studies show trauma to sharks via catch and release can lead to a delayed death of the non harvestable / protected species B) eliminate safety issues for swimmers / surfers by knowingly chumming, baiting and conditioning predator species into community waters. You don't feed a bear or alligator - why sharks?

7. Eliminate overnight camping and or fishing along the coastline within BBIA due to its negative impact on protected species and their natural habitats. (Add to 8.10)

Thank you in advance

Joel Ledlow  
561.445.9360

## Brevard Barrier Island Area (BBIA) Land Management Draft

dccapemay@aol.com <dccapemay@aol.com>

Thu 9/5/2024 7:42 AM

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

Dear Bonnie Landry,

Thank you for taking the time, to read my email regarding the Brevard Barrier Island Area (BBIA) Land Management Draft. I have lived on the barrier island for over 20 years, I could not be happier that the area is going to be protected. To strengthen the Draft, please consider adding the following items underlined, in blue. The greatest danger to the island is development above RES 1-BBIA and the practice of clear-cutting building lots to bare dirt or sand.

In 2023, The Florida Legislature unanimously voted to designate the Brevard Barrier Island Area as an Area of Critical State Concern. That was a big deal and a special moment for us. Our journey to this point has involved many hours of trying to hold back uncontrollable development that wanted to increase density through variance requests. We have been trying very hard to protect the sea turtles, the dunes, the tree canopy, and numerous habitats. We feel the BBIA, ACSC designation, with your help and expertise, will provide the level of protection needed to preserve the island into the future.

1. Density and Development must be addressed if the island is to be protected. To stop density from increasing above **RES 1- BBIA, Policy 12-1 to Policy 12-8** must be deleted from the Comp Plan Draft and should be replaced with the following:

### **Future Land Use Categories within the BBIA**

#### **Objective BBIA 12**

Add - Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, Residential Single Family Home.

Remove - RES 2-BBIA, RES 4-BBIA, RES 6-BBIA, RES 8-BBIA, RES 15-BBIA, NC-BBIA, CC-BBIA, PUB-BBIA, REC-BBIA

### **Residential 1 – BBIA Future Land Use**

#### **Policy BBIA 12.1**

**Add -** The Residential 1 – BBIA land use designation permits low-density residential development with a maximum density of up to one (1) unit per acre. There shall be no Variance Request approved that would change the maximum density above one (1) unit per acre.

The Residential 1 land use designation may be considered for lands within the following generalized locations unless otherwise limited by this Comprehensive Plan:

#### **Criteria:**

- A. Areas adjacent to existing Residential 1 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with a density of one (1) unit per acre and areas with

lesser density; or

C. Unincorporated areas that are adjacent to incorporated areas, may only be considered a logical transition for Residential 1-BBIA.

**Add** - D. Unincorporated areas adjacent to existing multi-family, shall not serve as a transition to new multi-family development and any Variance Request for density changes above RES 1-BBIA shall not be approved in the BBIA, ACSC area.

2. Clear-cutting lots: Some Developers in the South Beaches are using clear-cutting methods to prepare lots for building. There are other options. The practice of clear-cutting a lot removes almost every tree, bush, and plant. Removing trees not only interrupts the continuity of the island's canopy but it leaves the lot bare so runoff of dirt and sediment finds its way to the IR Lagoon. Evidence from cleared lots and bare dunes along A1A shows that the current regulations are not working. Land clearing regulations must be strengthened and the Comp Plan Draft must include language that prohibits clear-cutting in the BBIA, ACSC. The practice of clear-cutting lots is the exact opposite of what we are trying to accomplish with the BBIA, ACSC designation.

Currently any property in the BBIA, by the exemption in Brevard County Section 62-4334, can clear-cut 100% of the trees on a residential lot, many trees are over 100 years old with extensive root systems that prevent erosion and runoff, protecting the land on the fragile barrier island from being completely overrun by a storm surge. Clear-cutting a lot removes all tree canopy, destroys habitats, and interrupts migrating bird patterns. *Currently, Section 62-4334 "Landscaping, Land Clearing, and Tree Protection" of the County Code, exempts 100% of the lots on the island from the 28 pages of protection. Brevard County has 28 pages of regulations about Specimen, Heritage, and other trees, and then EXEMPTED them ALL from the 28 pages of code in a single sentence.*

**Policy BBIA 1.4** in the Comp Plan Draft \* **Add this to Policy BBIA 1.4 To prohibit clear-cutting lots in the BBIA, ACSC**

Brevard County shall establish land development regulations specific to the BBIA, ACSC area to protect its natural environment and strengthen the protection of tree canopy, native vegetation, and vegetated dunes on the island. \* **To protect the tree canopy, no lots shall be exempted from protection on the barrier island in the BBIA, ACSC referenced in Section 62-4334. Single-family lots that are 1.25 acres or less are not exempted and shall not be clear-cut. The practice of clear-cutting shall be prohibited in lands that are in the area with the designation of BBIA, ACSC.**

We need to be exempt from the 62-4334 exemption; This edit does not change, in any way, the intended footprint of the building.

3. **Policy 5.8** – after the words “flooding impacts”, **Add “and shall exclude all properties from the exemption** (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County

ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing, and Tree protections”.

### **Policy BBIA 5.8**

Based on the 2021 Resilient Brevard Community Survey, completed by the East Central Florida Regional Planning Council (ECFRPC), the County must encourage nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts **“and shall exclude all properties from the exemption ”**. Such adaptation strategies \* **Remove "may" and Add "shall" include a,b,c,d, and shall include e and f:**

- a. Multi-use stormwater parks,
- b. Bioswales as stormwater management techniques,
- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, and
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

**4.) Policy 8.1.C** – after the word “vegetation” **Add “, specifically Specimen, Heritage, and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation”;** **delete “unless exempt by ordinance. This is the same reasoning as in Policy 5.8 above. This edit does not change, in any way, the intended footprint of the building.”**

### **Policy BBIA 8.1**

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

**Criteria:**

**A. Require permitting prior to land clearing unless exempt by ordinance.**

**B. Require phased clearing in conjunction with phased construction.**

**C. Require permits for the removal of trees or vegetation, Add -"specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation"; delete “unless exempt by ordinance. This is the same reasoning as in Policy 5.8 above. in conjunction with land.**

**(Add)**

**surveying unless exempt by ordinance.**

**D. Require areas cleared of vegetation to be revegetated with biologically appropriate vegetation, to prevent wind or water erosion, within ninety (90) days of initial land clearing activity where no approved landscape plan exists or no active development order has been issued. Native vegetation shall be utilized to the maximum extent possible.**

**E. Require tree and canopy preservation, including root protection standards. Add - "Native and wind-tolerant trees such as Live Oaks, Sand Live Oaks, Sabal Palms, Sea Grapes, Cabbage Palms, and Saw Palmetto palms shall require extra protection and tree canopy preservation when land is being cleared."**

Thank you in advance for allowing input and additions to the Comp Plan Land Management Draft.

Sincerely,

Dolores Conway  
123 Cardinal Dr  
Melbourne Beach, FL 32951  
email: dccapemay@aol.com

## Area of Critical Concern

charlesrhardin@aol.com <charlesrhardin@aol.com>

Thu 9/5/2024 9:59 AM

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

Cc: d1.Commissioner@BrevardFL.gov <d1.commissioner@brevardfl.gov>; d2.Commissioner@BrevardFL.gov

<d2.commissioner@brevardfl.gov>; d3.Commissioner@BrevardFL.gov <d3.commissioner@brevardfl.gov>;

d4.Commissioner@BrevardFL.gov <d4.commissioner@brevardfl.gov>; d5.Commissioner@BrevardFL.gov

<d5.commissioner@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; frank.abbate@brevardfl.gov

<frank.abbate@brevardfl.gov>; mayfield.debbie@flsenate.gov <mayfield.debbie@flsenate.gov>; randy.fine@myfloridahouse.gov

<randy.fine@myfloridahouse.gov>; robert.brackett@myfloridahouse.gov <robert.brackett@myfloridahouse.gov>;

shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>;

thad.altman@myfloridahouse.gov <thad.altman@myfloridahouse.gov>

Dear Ms. Landry and all Brevard and Florida State officials as noted:

As a resident of the South Beaches for over 22 years I am pleased that this area has been designated one of Critical Concern. Your "town hall" meeting was very informative however I believe that some points of your study need to be revised in order to provide the best protection of this area. I have noted many of my concerns below and believe that these should be considered.

It seems that, when it comes down to land development, many elected officials choose to side with developers as opposed to the residents (voters) that they represent. Hopefully I will be proven wrong in this particular instance but I assure you that the residents of the South Beaches are vehemently opposed to any development that will change, and essentially destroy, the fragile environment and lifestyle that they moved here to enjoy.

Any increased density in the South beaches must be avoided at all costs, and funds need to be sought to provide "city" water and sewer systems at the earliest possible time since many homes are on septic/well systems...and NO private sewage systems (such as already exist in the Aquarina, Indian Landing, and South Shores developments) should be approved. These and other concerns I have regarding the area are noted below:

### Policy 2.2 on protecting the dune system

- A. The Brevard County Coastal Setback Line should be recalculated to incorporate recent and projected sea level rise. The current CSL is out of date. The new line should be at the very least applicable to current data, and would be most effective using data for projected sea level rise.
- B. The storm surge zone should be recalculated based on new data, and should be adaptable as new data are available. The Flood Hub at USF will be a good source of new data. FEMA recently issued revised and updated flood plan maps.

### Policy 2.3 on lighting regulations for sea turtle nesting

- This should be expanded to consider a dark skies provision to better manage overall light pollution, which can disrupt nesting.

### Policy 2.4 on beach renourishment

- Enforcement of grain size for nourishment sediments needs to be enforced. Far too much fine grained sediment was deposited in the past couple of years.

### Policy 2.5 and 2.6 on land development regulations

- 1. The 1981 Coastal Construction Control Line and Coastal Setback Line need to be updated to reflect recent and projected data on Sea Level Rise. Since the CCCL is a FLDEP regulation, Brevard County should create a new CCCL for the BBIA using updated data. Revising the CCCL and CSL based on current and recent coastline changes in reactive. A development plan for the BBIA should be proactive.
- 2. Aquifer use calculations need to incorporate data from the Florida Flood Hub (USF), which accounts for SLR, aquifer draw down, climate (rainfall) changes. The occurrence of meteorological extremes (drought, heavy rain events) is increasing, and needs to be factored in to development regulations.
- Policy 6.16 and 6.17 list sources of better data that will be used for other purposes. Those data should be applied here.

### Policy 3.2 on water resources

- Evaluation of new development should be done in the context of current conditions due to development that has already occurred. New development can't be evaluated without this broader context. This no-context evaluation is often done with new house development, when a dirt is brought in to raise the elevation of a new construction, the drainage patterns change which causes issues to adjacent properties. Past development has already impacted the aquifer, the amount of impervious surface (and thus aquifer recharge), and contaminants entering the IRL.

Policy 4.4 on private sewage treatment plants

- No private treatment plans should be allowed at all. If the described types of developments are to occur, Brevard County must first install central sewer. Private plants are prone to failures, enforcement of current private plants is insufficient, and the region is already over capacity on septic systems.

Policy 4.14 ad 7.15 on live-aboard vessels

- Live-aboards should be restricted to designated zones. This will simplify monitoring and enforcement
- Brevard County should implement a policy to facilitate the removal of derelict vessels in a timely manner

Policy 6.9, 6.10, 6.11 on the evacuation network

- The language used in these draft policies leaves the door open to building an additional bridge to the mainland to provide closer evacuation access. A new bridge should be specifically prohibited.

Policy 7.2 on wetlands

- This text should be revised to state that there is no allowable loss of wetlands. Mitigation is not effective natural resource management. The mitigation approach facilitates wetland destruction for development. Under mitigation, a wetland o the barrier island can be destroyed for development, and 'mitigated' by the developer purchasing habitat restoration credits in a different part of the state (such as Jacksonville). This impacts the barrier island with no local environmental benefits.

Policy 7.4 on mining

- Mining on or near the barrier island is impossible without adversely affecting groundwater resources and groundwater quality. Therefore, it should be prohibited.

Policy 7.13 on mosquito impoundments

- Mosquito impoundments should be managed to increase their value as fish nursery habitats for economically important species in a manner that also manages for mosquitos.

Policy 7.16 on marinas

- One acre of upland is insufficient for a functioning marina. More land should be required. The better question is whether additional marinas are needed given that boat owners have access to many boat ramps.

Policy 8.1 on land clearing

- Failure to follow these criteria should result in accountability that is not specified here

Policy 8.3 on vegetative communities

- Aquifer recharge and flood mitigation should be added as priority criteria
- Evaluation of development of vegetated areas should not be done as a stand-alone evaluation, but in the context of current development locations and impacts on flooding and aquifer recharge, and the amount of impervious surface.

Policy 8.7 on development environmental assessment

- The assessment should include freshwater flows (runoff) that will impact the IRL

Policy 9.7 on stormwater management

- C. The 25-year 24-hour storm event threshold is no longer viable, and is not adequate given the meteorological changes (more frequent and intense rain events) resulting from climate change. Consult the Florida Flood Hub at USF for better data. The standards should be much higher.

Policy 10.7 on land acquisition

- Brevard County should make a strong effort to acquire more lands in the BBIA for conservation purposes to offset future development.

Policy 11.3, 11.4, 11.5 on commercialization of the IRL waterfront

- This is an open attempt to promote the commercialization of the waterfront in the BBIA. Marinas and other such developments will be claimed as being for the public interest. The environmental integrity of the BBIA should be retained, which means that such IRL-adjacent developments should be prohibited. Such commercial facilities should not be in the BBIA, there are enough such facilities on the mainland and farther north in the IRL

Policy 12

- This policy should be deleted. There should be no density increases allowed. Existing land use and zoning are already in effect from July 2023.

Objective 13

- This objective assumes that environmental management is not a long term activity. For example, there is no consideration of future impacts of removing the designation - i.e., an increase in human impacts on the IRL, barrier island, and beaches due to increased development. Overall, this Objective leaves the door way too wide open to reversing this designation.

Thank you for this opportunity to comment and I (once again) hope that these concerns do not fall on "deaf" ears.

Sincerely,

Charles R Hardin  
290 Heron Dr.  
Melbourne Beach, FL 32951

## Brevard Barrier Island Area of Concern

Lisa Lisa <summergirlfla@gmail.com>

Thu 9/5/2024 11:28 AM

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

As a local resident and as a result of the meeting held August 28, 2024 at the South Beach Community Center in Melbourne Beach I'd like to list my concerns with regard to protecting our barrier island.

No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023

Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less

Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon

Dune protection and restorations, Sea Turtle and Wildlife habitats

Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals

Maintaining Existing Community Character, consulting with 1000 Friends of Florida, a long-time Brevard partner.

Clean Water, no private treatment plants

Coastal Setback updating for new single family residential homes

Mosquito impoundments management

You are our voice please help protect our coastal community.

Sincerely,  
Lisa Kishegyi

## South beaches

William Seplow <bongofury@icloud.com>

Thu 9/5/2024 11:42 AM

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

I will make this short because I know you are busy and you've probably gotten a lot of mail regarding the subject.

I am writing this so as to be counted amongst the hundreds of residence of the South beaches that are firmly against increasing population density in the south beaches.

I have personally seen having lived in Miami for 50 years. What happens when the camel gets its nose under the tent.

We don't need commercial development here. We don't need another bridge and at this point, the Indian River Lagoon is struggling to keep any type of viable ecology. Building single-family track, homes, condominiums, townhouses, and like along the Indian river Lagoon and the South beaches in general would be disastrous.

Many of these types of developments would have to have their own sewage treatment plants, which, even the few that we have now are not very closely monitored and many times run beyond their capabilities, causing pollution into the Indian river lagoon.

We have a very small two lane highway ;during the busy times of the year we are quite challenged by traffic. Those times of the year do not coincide with hurricane season so evacuation is not an issue. What is an issue is the increased traffic that would be diverted over to the beaches if another bridge were to be built. Not to mention the potential for people to come over the bridge Execute crimes and then run back over the bridge. Currently the distance between bridges provides a nice level of security in the south beaches.

I realize that there is a glut of greedy developers that would love to come in and create a mini Miami Beach here in South Beaches. This is one of the the last areas of a somewhat natural coastline and environment on the East Coast of Florida. It needs to remain so.

Dr. Bill seplow

Fwd: [EXTERNAL] - Fwd: Commissioner Goodson's answer to building height restrictions

Sandra Sullivan <s2sully@gmail.com>

Thu 9/5/2024 11:57 AM

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

📎 4 attachments (4 MB)

Satellite Beach 06-1 (2).pdf; Satellite Beach 17-02ESR (2).pdf; image001.jpg; image001.jpg;

While I appreciate that Area of Critical Concern legislation exempts SB102; in case that changes, there should be comp plan addressing FS limiting growth on the barrier island of Brevard.

----- Forwarded message -----

From: **Sandra Sullivan** <s2sully@gmail.com>

Date: Thu, Sep 5, 2024 at 10:27 AM

Subject: Fwd: [EXTERNAL] - Fwd: Commissioner Goodson's answer to building height restrictions

To: Sirois, Tyler <Tyler.Sirois@myfloridahouse.gov>, Feltner, Rob <rob.feltner@brevardfl.gov>, Richardson, Morris <Morris.Richardson@brevardfl.gov>, <robert.brackett@myfloridahouse.gov>, Fine, Randy <randy.fine@myfloridahouse.gov>, <Chase.Tramont@myfloridahouse.gov>, Wright.Megan@School Board <wright.megan@brevardschools.org>, <tom.goodson@brevardfl.gov>, Erica Ehly <eehly@satellitebeach.gov>, Brittany Retherford <bretherford@satellitebeach.org>

REF 98 feet SB102 / SB328 Satellite Beach 1230 Highway A1A. Satellite Beach, FL 3293 (former bowling alley)

Dear Representative Sirois,

Given the LOS of 16 hours for evacuation, **putting SB102 is not allowed in Satellite Beach Barrier Island according to this email response FROM DEPT OF COMMERCE.** "Level of Service standards for public facilities (which would include hurricane evacuation LOS standards, if those have been identified within the Comprehensive Plan in question). I hope this information clarifies the issue for you."

According to ECRPC there are 164K people to evacuate with 77,558 vehicles and 122 shelters that can accommodate 8077 people. Evacuation time is 61 hours for CAT5 and 16 hours to shelter.

<https://portal.floridadisaster.org/preparedness/RES/Studies/SitePages/RES.aspx#ECFRPC>

According to 163.3178 (8)(a) Coastal management.—State Level of Service Requirements - Brevard, like many coastal barrier island areas are deficient thus limiting development on the barrier island, including Live Local as it turns out. .

A 12-hour evacuation time to shelter is maintained for a category 5 storm event - **Satellite Beach is 16 hours so exceeds LOS of 12 hours.**

A developer would need to contribute to hurricane shelters. **Not addressed.**

The level of service shall be no greater than 16 hours for a category 5 storm event out of county - **Satellite Beach is 61 hours to evacuate Barrier Island in excess of LOS of 16 hours.**

<https://www.flsenate.gov/Laws/Statutes/2022/Chapter163/All> Evacuation Clearance Times: [https://portal.floridadisaster.org/preparedness/RES/Studies/Shared%20Documents/Supporting%20Documents/Region-Specific%20Folders/East%20Central%20FL/Evacuation%20Scenario%20Reports/ECFRPC\\_Operational\\_Scenario\\_10\\_Level\\_E\\_2025.pdf](https://portal.floridadisaster.org/preparedness/RES/Studies/Shared%20Documents/Supporting%20Documents/Region-Specific%20Folders/East%20Central%20FL/Evacuation%20Scenario%20Reports/ECFRPC_Operational_Scenario_10_Level_E_2025.pdf)

Sincerely,  
Sandra Sullivan

----- Forwarded message -----

From: **Williams, Jana** <[Jana.Williams@commerce.fl.gov](mailto:Jana.Williams@commerce.fl.gov)>

Date: Fri, Aug 30, 2024 at 10:36 AM

Subject: RE: [EXTERNAL] - Fwd: Commissioner Goodson's answer to building height restrictions

To: [s2sully@gmail.com](mailto:s2sully@gmail.com) <[s2sully@gmail.com](mailto:s2sully@gmail.com)>

Dear Sandra,

Thank you for reaching out. The only land planning issue that can be considered 'waived' within a Comprehensive Plan in relation to the Live Local Act is the allowance of affordable housing on sites that are designated Commercial or Industrial on the local government's Future Land Use Map. HOWEVER, this allowance does not waive the other regulations and requirements found within the Comprehensive Plan. That is, all other regulations and requirements **must** be met, including Level of Service standards for public facilities (which would include hurricane evacuation LOS standards, if those have been identified within the Comprehensive Plan in question). I hope this information clarifies the issue for you.

Sincerely,

Jana

**Jana Williams, AICP**

Regional Planning Administrator, East Florida Region

Bureau of Community Planning and Growth / Division of Community Development

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FloridaCommerce

Office: 850.717.8483

**FLORIDACOMMERCE** [www.FloridaJobs.org](http://www.FloridaJobs.org)



**From:** Stansbury, James <[James.Stansbury@commerce.fl.gov](mailto:James.Stansbury@commerce.fl.gov)>

**Sent:** Thursday, August 15, 2024 4:20 PM

**To:** Williams, Jana <[Jana.Williams@commerce.fl.gov](mailto:Jana.Williams@commerce.fl.gov)>

**Subject:** FW: [EXTERNAL] - Fwd: Commissioner Goodson's answer to building height restrictions

**From:** Sandra Sullivan <[s2sully@gmail.com](mailto:s2sully@gmail.com)>

**Sent:** Thursday, August 15, 2024 12:15 PM

**To:** Stansbury, James <[James.Stansbury@commerce.fl.gov](mailto:James.Stansbury@commerce.fl.gov)>; [melissa.corbett@commerce.fl.gov](mailto:melissa.corbett@commerce.fl.gov);  
[Kelly.corvin@commerce.fl.gov](mailto:Kelly.corvin@commerce.fl.gov)

**Subject:** [EXTERNAL] - Fwd: Commissioner Goodson's answer to building height restrictions

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

This is a SB102 issue in Satellite Beach, on the barrier island and I would appreciate your assistance with conformance to SB102 to this development given the documentation on Comp Plans going back to 2006.

I look forward to a formal response from your office.

Sandra Sullivan

954.224.8624

----- Forwarded message -----

From: **Sandra Sullivan** <[s2sully@gmail.com](mailto:s2sully@gmail.com)>

Date: Thu, Aug 15, 2024 at 10:21 AM

Subject: Fwd: Commissioner Goodson's answer to building height restrictions

To: Mark Boyd <[mboyd@satellitebeach.org](mailto:mboyd@satellitebeach.org)>, Steve Osmer <[sosmer@satellitebeach.gov](mailto:sosmer@satellitebeach.gov)>, David Vigliotti <[dVigliotti@satellitebeach.org](mailto:dVigliotti@satellitebeach.org)>, Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>, Sirois, Tyler <[Tyler.Sirois@myfloridahouse.gov](mailto:Tyler.Sirois@myfloridahouse.gov)>, Erica Ehly <[eehly@satellitebeach.gov](mailto:eehly@satellitebeach.gov)>, [dennisquolke.realtor@gmail.com](mailto:dennisquolke.realtor@gmail.com) <[dennisquolke.realtor@gmail.com](mailto:dennisquolke.realtor@gmail.com)>, [michaeldevivo@blumarlinre.com](mailto:michaeldevivo@blumarlinre.com) <[michaeldevivo@blumarlinre.com](mailto:michaeldevivo@blumarlinre.com)>, Bob White <[rwhite345@hotmail.com](mailto:rwhite345@hotmail.com)>, John and Barbara Weiler <[JohnWeiler@aol.com](mailto:JohnWeiler@aol.com)>, <[jrozycki@satellitebeach.gov](mailto:jrozycki@satellitebeach.gov)>, Feltner, Rob <[rob.feltner@brevardfl.gov](mailto:rob.feltner@brevardfl.gov)>, Berman, David <[dberman@floridatoday.com](mailto:dberman@floridatoday.com)>, Richardson, Morris <[Morris.Richardson@brevardfl.gov](mailto:Morris.Richardson@brevardfl.gov)>, Commissioner, D2 <[D2.Commissioner@brevardfl.gov](mailto:D2.Commissioner@brevardfl.gov)>, Brittany Retherford <[bretherford@satellitebeach.org](mailto:bretherford@satellitebeach.org)>

Ref SB102 redevelopment Bowling Alley Property, 1230 HIGHWAY A1A SATELLITE BEACH FL 32937

Dear Officials et al,

With critical evacuation deficiency on the Barrier Island, the City of Satellite actions impacts unincorporated residents ability to evacuate and thus I am formally requesting the assistance of Brevard County to work with the City of Satellite Beach and our State Representative Tyler Sirois, to assist in the resolution of this matter given the City of Satellite Beach has ignored correction of the matter.

The issue is the use of Oceana 98 feet as basis of height for SB102 Live Local Development in Satellite Beach according to Legal Opinion below. Oceana is not a height that is a matter of right as a zoning - as was a variance reflecting 2 TDRs AND THIS IS REFLECTED IN EVERY COMPREHENSIVE PLAN SINCE 2006 THAT THIS ZONING WAS FOR THIS PROPERTY ONLY. The right height according to the changer and zoning is 65 feet as per the west side of A1A. **As it stands now, the owner of the Bowling Alley has not signed and notarized authorization so nothing is binding.** THUS, the legal issues with what has taken place can be corrected. My request is for the city and developer to correct the Determination Letter appropriately, and further respect the residents of city of Satellite Beach in respect that SB102 height of Oceana (or even 72 feet) will devalue their adjacent properties and they also have a right to enjoy their property.

In January, 2024, I brought the legal opinion from Brevard County below to your City Council meeting and gave you each a copy. Further, it was emailed to you. The essence of this legal opinion is that you CANNOT use Oceana as the baseline for SB102. Oceana was a variance where there was a TDR of density from Sunrise and Gemini properties that was moved to the Oceana property. The Comprehensive Plans are clear that this zoning is only for this property. The variance made for the hospital in MI is akin to the variance made for Oceana and it is clear in the Comprehensive Plan that this is not a maximum height allowed as a matter of right in the city zoning.

*"Our County Attorney interpretation is **"highest currently allowed height for a commercial or residential development"** to mean the **maximum height allowed as a matter of right** for a commercial or residential development in a zoning district in the unincorporated county within a mile of the proposed project. "Highest currently allowed height" does not include any additional building height allowed upon compliance with certain conditions (see section 62-2101.5, Additional building height, Brevard County Code of Ordinances), unless the proposed project meets those conditions. Of most significance to your question, "highest currently allowed height" does not include height permitted to exceed the maximum allowed by virtue of an approval or waiver that must be obtained from the Board of County Commissioners."*

Given that the "Determination Letter" from the city was signed 3 June 2024, after Gov DeSantis signing SB328 on 16 May 2024, the city should have corrected the letter to remove the Oceana height as reference as right. Further, the letter should have stated that the city MAY restrict the height to 3 stories (or 150% of adjacent homes) WHICH was in the Draft copy submitted by Developer to city but the city removed that language!

Some of the SB City Council were involved in the Ordinance 1135 zoning with misrepresentation on diaz that it was a clerical change not giving the developer (Vue) additional rights but where the city took the PUD language and added "commercial"; and then bringing the changes back to the PUD (LDRs) with Ord 1177 2 years later so the Ordinance 1135 could not be rescinded for malfeasance, and

that Ord 1177 according to legal opinion had to go to referendum under the terms of your city Charter. The city also hid the environmental Phase 2 report on that property and a Phase 1 was done a year later by a different entity.

History has a way of repeating itself. I am urging our legislators, county and city government as well as the real estate developers, to proceed correctly and do what is right under State Law THAT OCEANA MAY NOT BE USED AS THE REFERENCE FOR OCEANA. Please also respect that 3 sides of the property is single family, and the city **MAY** restrict a maximum height of 3 stories (or 150% of the adjacent homes whichever is greater) should be respected in the interests of the community.

As it stands now, the owner has not signed and notarized authorization so nothing is binding. This legal issue can be fixed NOW before it is too late. This will be an election issue for the city.

To our legislators, I would suggest that we have an insurance crisis on putting increased density on the barrier island will only further that issue. We are supposed to be capped in density under FCT agreements 1998/9 and also under FS163 which limits development because of critical evacuation deficiency. We cannot shelter in place with a storm surge of 6-9+ feet and we cannot get everyone off the barrier island in a fast moving hurricane. We are 56.5 hours to evac in CAT5 and FS requires no more than 16 hours.

Sincerely,

Sandra Sullivan

----- Forwarded message -----

From: **Sandra Sullivan** <[s2sully@gmail.com](mailto:s2sully@gmail.com)>

Date: Sun, Aug 11, 2024 at 10:49 AM

Subject: Fwd: Commissioner Goodson's answer to building height restrictions

To: Fine, Randy <[randy.fine@myfloridahouse.gov](mailto:randy.fine@myfloridahouse.gov)>, Bernier, Nancy

<[Nancy.Bernier@myfloridahouse.gov](mailto:Nancy.Bernier@myfloridahouse.gov)>, Sirois, Tyler <[Tyler.Sirois@myfloridahouse.gov](mailto:Tyler.Sirois@myfloridahouse.gov)>,

Commissioner, D4 <[D4.Commissioner@brevardfl.gov](mailto:D4.Commissioner@brevardfl.gov)>, Richardson, Morris

<[Morris.Richardson@brevardfl.gov](mailto:Morris.Richardson@brevardfl.gov)>

I am asking for the assistance of your office pertaining to the inappropriate actions of City of Satellite Beach. This is important because we are critical evacuation deficiency. It is about life safety.

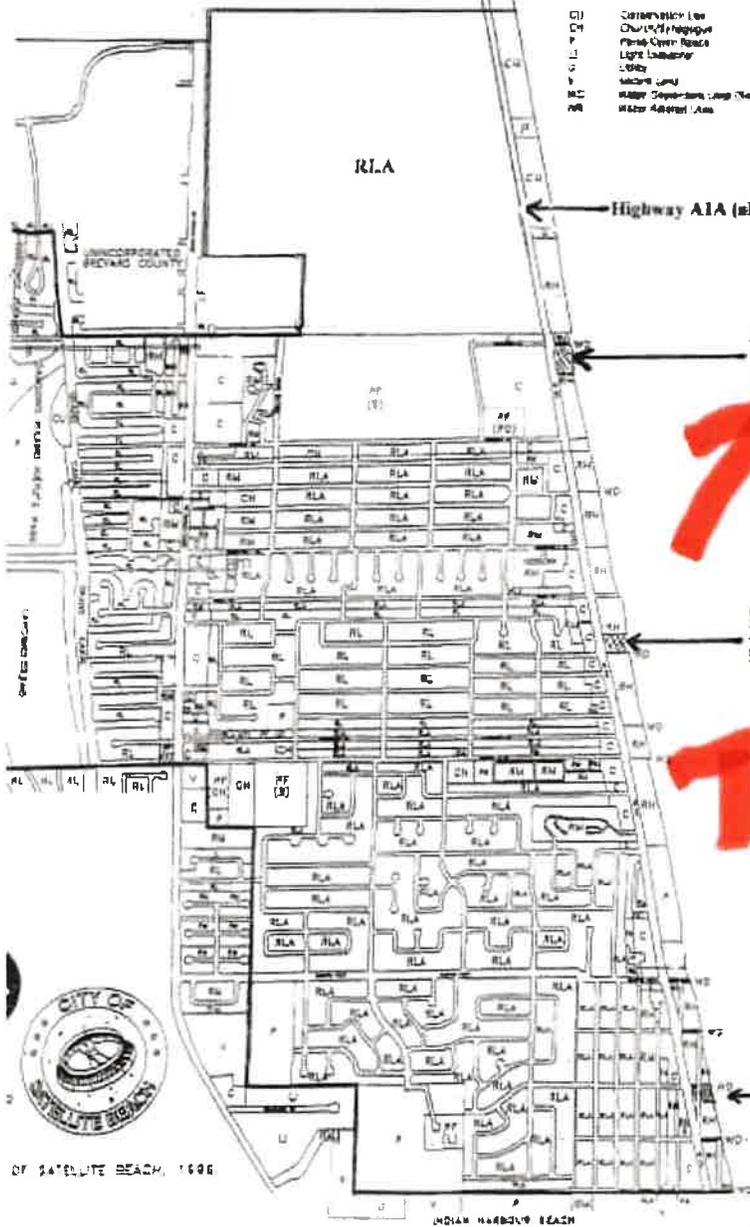
The legal opinion obtained from Brevard County supports that Satellite Beach cannot use the Oceana zoning for SB102 because " Our County Attorney interpretation is "highest currently allowed height for a commercial or residential development" to mean the maximum height allowed **as a matter of right for a commercial or residential development in a zoning district** in the unincorporated county within a mile of the proposed project."

**City saying that SB102 Live Local can use the height of Oceana 98 feet on Bowling Alley Property SB102 development to 98 feet. However, Oceana was a variance with TDRs and Comprehensive Plan is clear only for this one property - like the variance for hospital in MI.**

2006 Comprehensive Plan change made it clear that Oceana was an unique zoning for this tax account only because the additional zoning was a variance for Transfer of Development Rights from 2 other parcels. All comprehensive plans since have a disclaimer that this zoning is for this property ONLY. [https://drive.google.com/file/d/1mcWWy5xKxMI2ATd6cX0jf9fBRhUpbkbD/view?usp=drive\\_link](https://drive.google.com/file/d/1mcWWy5xKxMI2ATd6cX0jf9fBRhUpbkbD/view?usp=drive_link)

2007

- RL Residential - (Low Density) (1 - 4 du/acre)
- RLA Residential - Low Density (2 - 8 du/acre)
- RM Residential - Medium Density (3 - 10 du/acre)
- RMH Residential - High Density (over 10 du/acre)
- RMH-2 Residential - High Density (over 12 du/acre)
- PC Commercial & Services
- ED Educational and Other Public Facilities
  - (C1) City Hall
  - (C2) Emergency Services
  - (L) Library
  - (S) Schools
  - (PC) Post Office
- CJ Community Use
  - (C1) Church/Religious
  - (C2) Civic Center
  - (L) Light Industrial
  - (C3) Cemetery
- MC Major Department (Neighborhood)
- MA Major Activity Area



**SATELLITE BEACH LOCAL COMPREHENSIVE PLAN**  
 - GENERALIZED FUTURE LAND USE (2007)



This map was compiled from recorded documents and does not reflect The City of Satellite Beach does not assume responsibility for errors or omissions hereon.

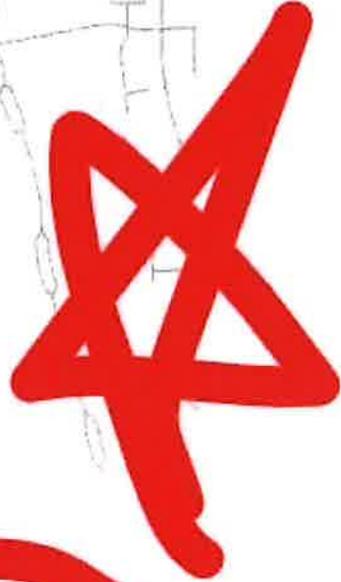




### LEGEND

-  RL-1, Residential Low Density (1 du/ac)
-  RL, Residential Low Density (1-4 du/ac)
-  RLA, Residential Low Density (1-6 du/ac)
-  MU RLA PUD, Mixed Use Residential Low-A Density Planned Unit Development (1-6 du/ac)
-  RM, Residential Medium Density (10 du/ac)
-  RH, Residential High Density (11 du/ac)  
Multi-Family units prohibited
-  RH, Residential High Density (11 du/ac)
-  RHA, Residential High-A Density (22 du/ac)\*
-  C, Commercial and Services
-  LI, Light Industrial
-  U, Utility
-  CH, Church and Synagogue
-  PF, Educational and other Public Facilities
-  P, Parks and Open Space
-  CU, Conservation Use

WD= Water Dependent Uses (Beach Access)



### NOTES:

- Brevard County Tax Parcel 26-37-35-00-00003.20000.00 shall be designated as RH-A (with maximum 108 units) and this classification shall be limited exclusively to this parcel.

I hope I can count on you for assistance.

Sandra Sullivan

954.224.8624

----- Forwarded message -----

From: Michael Wilson <[gwilson508@gmail.com](mailto:gwilson508@gmail.com)>

Date: Fri, Jan 12, 2024 at 1:54 PM

Subject: Commissioner Goodson's answer to building height restrictions

To: Sandra Sullivan <[s2sully@gmail.com](mailto:s2sully@gmail.com)>

Cc: Janice Scott <[ms-mayor@hotmail.com](mailto:ms-mayor@hotmail.com)>, John Weiler <[johnweiler@aol.com](mailto:johnweiler@aol.com)>

Hi Sandra,

I have copied the answer Tom Goodson provided as a follow-up to your question at the Patriots meeting. Please let me know if you concur. Thanks.

Mike

Good morning Michael,

Commissioner Goodson asked me to send you some clarification for comments made by attendants during the meeting held last Monday. Ms Sandra Sullivan stated that because of SB102 (LiveLocalAct) and the County allowing for a 160+ feet tall building in Merritt Island (the future Health First Hospital), that means that there will be multiple high rises allowed in the Island. This is false.

The Live Local Act created section 125.01055(7)(c), Florida Statutes, which reads:

A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

Our County Attorney interpretation is “highest currently allowed height for a commercial or residential development” to mean the maximum height allowed as a matter of right for a commercial or residential development in a zoning district in the unincorporated county within a mile of the proposed project. “Highest currently allowed height” does not include any additional building height allowed upon compliance with certain conditions (see section 62-2101.5, Additional building height, Brevard County Code of Ordinances), unless the proposed project meets those conditions. Of most significance to your question, “highest currently allowed height” does not include height permitted to exceed the maximum allowed by virtue of an approval or waiver that must be obtained from the Board of County Commissioners.

Therefore, a Live Local Act project within a mile of the Health First site would not automatically be entitled to a height of 161 feet, because the height of the Health First project greatly exceeds the “highest currently allowed height for a commercial or residential development....” To achieve that additional height, Health First changed its zoning classification to PUD, satisfied certain conditions,

and obtained project-specific waivers pertaining to height that had to be granted by the Board of County Commissioners.

A Live Local Act project would be limited to the maximum height allowed as a matter of right for a commercial or residential development in a zoning district in the unincorporated county within a mile of the proposed development, or 3 stories, whichever is higher. In order to exceed that maximum, the Live Local Act project would need to satisfy the conditions set forth in section 62-2101.5 of the Code, or otherwise qualify for and receive a waiver approved by the Board of County Commissioners.

Thank you,



## **Kika Golan**

*Director of Community Affairs*

County Commissioner Tom Goodson, District 2

Ph: (321) 454-6601 \ [kika.golan@brevardfl.gov](mailto:kika.golan@brevardfl.gov)

2575 N. Courtenay Parkway, #200

Merritt Island, FL 32953

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## BBIA

Todd Harrison <tfhee@hotmail.com>

Thu 9/5/2024 3:34 PM

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

Hi,

My wife and I are permanent resident of Florida Beach and therefore directly affected by the policies of Brevard Barrier Island Area. The language of the BBIA needs specific changes to meet the intent of the Area of Critical State Concern passed unanimously by both the Florida House and Senate.

Specifically the following needs to be addressed:

1) Policy 12 -**Delete entirely. STOP Density from increasing.** This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.

2) Policy 5.8 – after the words “flooding impacts”, add “and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.

Also helpful, at the end after the word include add “a, b, c, and e and “shall include d and e”.

3) Policy 8.1.C – after the word “vegetation” add “,specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation”; delete “unless exempt by ordinance.”

4) Policy 11.1 – **STOP Density of ANY kind** after the word “residential”, add “and commercial and all other”. After the word “designations”, add “or allow density swaps or exchanges within the BBIA”.

5) a. Policy 2.5 – Number 1. – after the words “vegetation on sight” , add “ excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL , whichever is most westerly”

b. Policy 7.1 – Letter A – after the words “reduce runoff.” Add 2 new sentences **“The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL.** The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.”

Thank you for your time.

Todd&Ishbel Harrison  
104 Estrella Rd  
Melbourne Beach, FL  
(321) 431-5451

## (BIPPA) Barrier Island Preservation & Protection Assn.

Erika Orriss <Erika@erikaorriss.com>

Thu 9/5/2024 9:31 PM

To:Bonnie Landry and Associates - General Info <info@bclandry.com>;Calkins, Tad <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>;darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>;Barker, Virginia H <Virginia.Barker@brevardfl.gov>;Rep Thad Altman <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>;Robert.brackett@myfloridahouse.gov <Robert.brackett@myfloridahouse.gov>;shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

Hi all,

As a resident of the south beaches, I recently attended the meeting on BIPPA and thought of some of the issues that are pressing to myself and my family;

1. Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon - Clearly, we are all concerned about evacuations in case of emergency. There is not a good way off the island from the south beaches which is more of a manages growth issue I assume or density. But it is problematic and it is an issue that must be addressed. However, I did want to speak to the issue with flooding and having the runoff into the lagoon. We are so close to the lagoon here and it is a magical place to live. We must protect our lagoon from runoff and other issues that we can work closely with the IRL coalition to achieve. Water quality is paramount to all of us in this area and in most of Brevard.
2. Dune protection and restorations, Sea Turtle and Wildlife habitats - Our backyard is the Archie Carr Preservation and it is a sanctuary for our wildlife that must be protected. We are world renown for the amount of loggerhead turtles nesting and I have even seen a leatherback turtle down here which are endangered. As we have such beauty and a natural habitat for them, let's protect them.
3. Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals - This of course goes hand in hand with #2 above. We have sea turtles lost and ending up on the back porch of folks living on the beach who are not adhering to the lighting rules. One would hope they are not educated rather than that they do not care. I would not mind starting a class or helping make them more available to the public. Education is key.
4. Clean Water, no private treatment plants - We must do better for all of Brevard in this.

So those were some of the issues that called out to me. I do not mind taking some of them on. We are one Brevard and BIPPA is not only important to the south beaches, it is important to all of us. Brevard is a special place to live. Some of these issues are pertinent to the entire county, however, I will show my support of the south beaches here.

My best,  
Erika Orriss  
4074606198

Erika Orriss  
4074606198



## FW: Important: Your Barrier Island Habitat needs your help: Act Now

La Shawn Viccellio <lashawn.viccellio@gmail.com>

Fri 9/6/2024 10:14 AM

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

My husband and I live in the South Beach and would like to express our concern with the following issues and support all issues. We are also in favor of and support an Oversight Committee.

We live in such a delicate environment that needs to be protected from over population and growth. We should put our environment first and not increasing density to line the pockets of builders. Thank you all for your service to our community.

With regards,

Hodges and La Shawn Viccellio  
101 Estrella Road  
Melbourne Beach, FL 32951  
321-704-2384

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. **BBIA Policy 11.1**; Brevard Co shall not increase residential designations for properties within the BBIA and **Policy BBIA 1.5** The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals
- Maintaining Existing Community Character
- Clean Water, no private treatment plants
- Coastal Setback updating for new single family residential homes
- Mosquito impoundments management

## BREVARD BARRIER ISLAND AREA APPENDIX A

### Forward:

For more than thirty years the Barrier Islands Preservation and Protection Association (BIPPA), a non-profit organization, has been helping to “Preserve the Balance of Population Growth with Wildlife and Natural Habitat.” With this unprecedented opportunity to reshape and mold the new local comprehensive plan (Appendix A), in accordance with the intentions of the Florida State legislature and its Governor, BIPPA has solicited comments and assistance from both its Executive and Research Councils to better align Appendix A with F.S. 380.0553 and the unparalleled designation as an Area of Critical State Concern.

These edits, comments, and further information/clarification needed are highlighted in yellow below.

Comments in green relate to Land Use and Future Land Use.

To facilitate moving around in the document the Guiding Principles below are linked to the appropriate BBIA sections and from there you can link back to the Guiding Principles.

### Guiding Principles (GP):

Guiding Principles for Development:

The bill/law requires state, regional, and local agencies and governmental units in the Brevard Barrier Island Area to coordinate their plans and conduct their programs and regulatory activities to be consistent with the following guiding principles:

GP1 Preventing the adverse impacts of development on resources critical to sea turtle habitat by prohibiting new shoreline hardening structures and enforcing existing state and county coastal construction regulations.

**Local Comp Plan (LCP) [BBIA2](#)**

GP2 Prioritizing water quality restoration projects in the IRL.

**LCP [BBIA3](#)**

GP3 Reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture non-point sources into the IRL.

**LCP [BBIA4](#)**

GP4 Supporting innovative, nature-based solutions, including living shorelines and freshwater and coastal wetland restoration.

**LCP [BBIA5](#)**

GP5 Safeguarding against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting identified critical assets.

LCP BBIA6

GP6 Protecting shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, fish and wildlife, and related habitats.

LCP BBIA7

GP7 Protecting upland resources, including dune ridges, beaches, wildlife, and related habitats.

LCP BBIA8

GP8 Limiting the adverse impacts of development on the quality of water throughout the Brevard Barrier Island Area and the IRL.

LCP BBIA9

GP9 Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment.

LCP BBIA10

GP10 Ensuring that development is compatible with the unique barrier island characteristics.

LCP BBIA11

[Section 12 Future Land Use](#) (Not a Guiding Principle per se but Hugely Relevant) and

Listed here for Document Navigational Purposes

## **GOAL, OBJECTIVES, AND POLICIES**

### **INTRODUCTION**

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

### **GOAL**

The BBIA's natural environmental and ecological resources, community character, and public health and safety are protected.

### **Designation of the BBIA Objective BBIA 1**

Brevard County locally establishes and delineates the southern portion of the County's barrier island as a part of the BBIA in compliance with section 380.0553, F.S., geographically described in BBIA 1.1 below.

*We have to be careful not to confuse the BBIA definition as the actual act/law with the geographical description of the BBIA. We may want to identify these two with different acronyms such as BBIACSC and the BBIAGA.*

### **BBIA Boundary Policy BBIA 1.1**

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

### **Legislative Findings for the BBIA Policy BBIA 1.2**

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

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

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

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

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

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

F. Density limitations and natural resource protection on the barrier island of Brevard County have decreased public tax burdens associated with the provisions of services, building and maintenance of

infrastructure for barrier island residential developments, and public costs for rebuilding public and private structures following severe erosion events.

G. Protection of the primary dune system of the barrier island of Brevard County provides the only protective buffer for local development from storm surges associated with tropical storms and hurricanes.

H. The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.

### **Legislative Intent for the BBIA Policy BBIA 1.3**

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

A. Establish a land use management system that protects the natural environment of the BBIA;

B. Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of existing public facilities and services;

C. Protect and improve the Indian River Lagoon ecosystem, including improving water quality of the BBIA through federal, state, and local funding of water quality improvement projects; and

D. Ensure that the population of the BBIA can be safely evacuated in the event of a hurricane.

### **Guiding Principles for Development within the BBIA Policy BBIA 1.4**

Brevard County shall coordinate this local comprehensive plan, its associated land development regulations, and its programs and regulatory activities to be consistent with all of the guiding principles for development within the BBIA as specified in section 380.0553, F.S.

### **Existing Use Exception Policy BBIA 1.5**

The policies contained within this local comprehensive plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023.

### **Conflicting Policies Policy BBIA 1.6**

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

### **Sea Turtle Habitat Objective BBIA 2 (BBIA2) [Back to Guiding Principles](#)**

Brevard County shall prevent the adverse impacts of development on resources critical to sea turtle habitat. The draft should address strengthening and review of the County's 21-year-old sea turtle protection ordinance (Chapter 46, Article III). There are new technologies, science, and land-use trends, and qualified partners to assist the County with expertise, such as FWC. An independent review of Brevard's Sea Turtle Ordinance by the Sea Turtle Conservancy found weaknesses unbecoming an Area of Critical State Concern.

### **Policy BBIA 2.1**

Brevard County shall prohibit new shoreline hardening structures.

The draft should clearly define “shoreline hardening structures” prohibited in Policy BBIA 2.1. Although there is a related definition in State Statute (Ch 161.54), this is incomplete in terms of effects on sea turtles. Prohibited shoreline hardening should include any artificial conditions that could impede sea turtle nesting. This would include beach structures such as seawalls, bulkheads, revetments, rubble, groins, breakwaters, and materials other than beach sand, but also wood walls, lattice, huts, gazebos, boats, fencing, lawn debris, and other hazards. Because these structures within the current BBIA have a poor detection history, the County should proactively survey the beachfront for these structures, annually, before the spring nesting season.

### **Policy BBIA 2.2**

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

#### **Criteria:**

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

This is a terrific opportunity to recalculate the Brevard County Coastal Setback to incorporate recent and projected sea level rise (SLR). The current CSL is out of date. The new line should be proactive for SLR.

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

The storm surge zone should be recalculated based on new data, and should be adaptable as new data are available. This is very important. The Flood Hub at USF will be a good source of new data.

Page 5

### **Policy BBIA 2.3**

Brevard County shall maintain and enforce lighting regulations in order to eliminate the visibility of artificial or otherwise man-made light to nesting female and hatchling turtles. Such regulations shall be periodically reviewed and updated to reflect best practices in coordination with organizations such as FWC.

### **Policy BBIA 2.4**

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

Enforcement of grain size for nourishment sediments needs to be enforced. Far too much fine-grained sediment was deposited over the past couple of years.

## Policy BBIA 2.5

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

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

1. Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on site excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL, whichever is most westerly. All land seaward or East of the CSL or CCCL is not a part of the 50% and is excluded from the 50% calculation. In addition, native dune vegetation seaward of the FDEP 1981 Coastal Construction Control Line (CCCL) or the Brevard County Coastal Setback Line (CSL), whichever is most westerly shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs.
2. In order to maintain the freshwater lens of the surficial aquifer and reduce saltwater intrusion, post-development groundwater recharge volume and rate shall equal pre-development recharge volume and rate. How is this measured, verified, and what are the penalties for this.
3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean.
4. Reconstruction of shoreline hardening structures that are more than fifty (50) percent destroyed should be considered new construction and should be regulated as such, except for the maintenance of existing public navigational projects. Please see Guiding Principles BBIA 2.1 prohibiting new shoreline hardening structures, and if there is a bona fide need to repair as new then perhaps should be bifurcated between ocean shoreline hardening structures and river or IRL shoreline hardening structures
5. Underground storage tanks or the storage of hazardous materials are not permitted.
6. Septic tank or septic tank drain fields shall not be permitted seaward of the CSL. Septic tanks shall be located landward of the most seaward portion of the habitable structure. Please include new Septic system requirements as mandated under HB 1379 which became law July 1, 2023 that requires all new permitted septic tanks to use enhanced nutrient-reducing onsite sewage treatment and disposal systems (ENR-OSTDS, or "nitrogen-reducing systems") and that all septic tanks will need to be upgraded by Jan 1, 2030 throughout the BBIA.

## Policy BBIA 2.6

Brevard County shall enforce development restrictions associated with the CSL and the Brevard County Coastal Construction Line (CCL) and re-evaluate the effectiveness of these lines within 6 months of the enactment of the BBIA and afterwards every two years and from time to time as coastline changes dictate. The public will be broadly notified no later than 2 months before re-evaluation. The County shall provide FDEP with their findings and request a review of the CCCL, if deemed appropriate.

The Brevard County Coastal Construction Line (CCL) has remained the same for more than 40 years. Over that time, Brevard has had a hurricane disaster declaration about every 1.5 years. This Comp Plan change is an opportunity to require re-assessment of the coastal setback line relative to the high-hazard zone.

Policy 6.16 and 6.17 list sources of better data that will be used for other purposes. Those data sources should be applied here.

### **Policy BBIA 2.7**

Outer Continental Shelf (OCS) activities such as oil and gas exploration or mining adjacent to Brevard County are discouraged for several reasons. The County's beaches are the most heavily nested beaches by sea turtles in the western Atlantic. Impacts to water quality, beach quality and fisheries could negatively impact the threatened and endangered species that nest here. Brevard County should review and comment on all OCS and offshore drilling leases proposed for waters adjacent to the county. This policy does not discourage OCS sand and gravel mining conducted as part of Brevard County's shore protection and restoration strategy. Because of ACSC designation and turtle nesting can we/County/State work with the Federal Gov't about not permitting these activities in Federal Waters.

### **Policy BBIA 2.8**

Establishes a land use management system that reduces flooding severity and events, including root systems.

## **Water Quality Restoration Objective BBIA 3 (BBIA3) [Back to Guiding Principles](#)**

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

### **Policy BBIA 3.1**

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

### **Policy BBIA 3.2**

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

Evaluation of new development should be done in the context of current conditions due to development that has already occurred. New development can't be evaluated without this broader context. This no-context evaluation is often done with new house development, when a dirt is brought in to raise the elevation of a new construction, the drainage patterns change which causes issues to adjacent properties to flood.

### **Policy BBIA 3.3**

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

### **Policy BBIA 3.4**

The channelization, dredging or impoundment of natural waters of the State shall be prohibited, except where no practical alternative exists for those operations necessary to correct existing threats to public health or safety, allow maintenance of existing navigational waterways, improve water quality, or provide reasonable access to water dependent shore-

based facilities. All practical steps shall be taken to minimize adverse impacts to biological attributes of the water resources and water-dependent natural systems.

### **Policy BBIA 3.5**

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

### **Policy BBIA 3.6**

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

### **Policy BBIA 3.7**

The Brevard County Natural Resources Management Department shall coordinate with the FDEP to develop and implement BMAPs to comply with NPDES permits and meet the TMDL's established for local surface waters.

### **Policy BBIA 3.8**

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

**Policy BBIA 3.9**

Brevard County shall support the SJRWMD’s mapping of submerged aquatic vegetation within the Indian River Lagoon system. Evaluation results shall be made available to municipalities and other agencies or programs. Areas that show decline should be targeted for increased watershed management, including non-point source pollution, and restoration. Management strategies shall be coordinated with the municipalities and other agencies **at least quarterly and should be made available to the public within 30 days of survey.**

**Policy BBIA 3.10**

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

**Policy BBIA 3.11**

Brevard County supports the goals of the IRLNEP Comprehensive Conservation and Management Plan (CCMP) for recovery of the Lagoon. This support is reflected in the strategies identified in the County’s Action Plan Implementation Status Report for the CCMP.

**Reducing Nutrient Contributions Objective BBIA 4 (BBIA4) [Back to Guiding Principles](#)**

Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon **to levels that continued contributions do not pose a negative impact on the health of the ecosystem. Brevard County shall enforce HB 1379 Law governing permitting of new septic systems in the BBIA.**

**Policy BBIA 4.1**

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

**Policy BBIA 4.2**

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

**Policy BBIA 4.3**

Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection. **Brevard County shall not provide permit approval for new package treatment plants unless these plants reduce the nutrient outflow in pounds nitrogen to less than municipal treatment plant levels. New package treatment plants should provide tertiary treatment and remove pesticides, pharmaceuticals, and heavy metals that meet drinking water standards.**

**Policy BBIA 4.4**

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

**Criteria:**

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

1. When environmental conditions exist that preclude on-site sewage disposal, connection to the central sewer system is not feasible and the establishment of a private treatment plant is the only alternative for wastewater treatment;
2. To serve commercial land uses adjacent to existing residential uses in the urban fringe, urbanizing or urban density areas. Such commercial uses shall reduce an existing deficiency in commercial area, defined as less than 160 square feet of commercial area for each residence within a two-mile radius;

Please provide examples of existing commercial or residential uses in urban fringe, urbanizing or urban density area that warrant this policy or delete it completely.

3. To serve developments with a mixture of uses located as an extension of existing residential uses and of an overall project density no greater than that permitted in the density area.
4. To serve residential development using a transfer of density to protect an environmentally sensitive area. Such development shall be located as an extension of existing residential uses and shall be of an overall project density no greater than that permitted in the density area.

B. Private treatment plants shall be permitted by the Florida Department of Environmental Protection.

C. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer. This ground water disposal system water shall meet or exceed local drinking water standards for nutrients, metals, pharmaceuticals and pesticides. This is to ensure clean water for future generations.

*Or alternatively, no private treatment plans should be allowed. If the described types of developments are to occur, Brevard County must first install central sewer. Private plants are prone to failures, and the region is already over capacity on septic systems.*

**Policy BBIA 4.5**

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

**Policy BBIA 4.6**

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

**Policy BBIA 4.7**

Brevard County shall continue to analyze drainage basins to identify the impact of drainage facilities on adjacent natural resources, including water quality of receiving waters. Such analysis shall be incorporated into basin prioritization in Stormwater Management Plans. If such drainage has a negative impact on adjacent natural resources, then zero growth should be permitted.

**Policy BBIA 4.8**

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

**Policy BBIA 4.9**

Where illegal or accidental discharges of materials, or violations of water quality standards are observed, such violations shall be reported to the appropriate federal, state and local regulatory agencies for further action and enforcement. When illegal discharges are determined then the responsible party(s) shall be fined and receive penalties to the maximum required by law. If “accidental discharges are due to poor maintenance and/or are the deemed repetitive, then the discharges shall be deemed “illegal.”

**Policy BBIA 4.10**

Brevard County shall maintain within the land development code regulations that implement standards consistent with NPDES Permits and Total Maximum Daily Loads.

**Policy BBIA 4.11**

The Brevard County Natural Resources Management Office shall review and comment, as necessary, on dredge-and-fill applications and/or Environmental Resource Permits from the FDEP, SJRWMD, the U.S. Army Corps of Engineers, or other appropriate agencies.

**Policy BBIA 4.12**

Brevard County ~~should~~ shall address modification of existing development that does not meet stormwater management standards. How is this being addressed and what is typically the outcome, plan of action?

**Policy BBIA 4.13**

Brevard County shall continue to implement and monitor performance standards for marinas and marine-related facilities. Such performance standards shall comply with the Brevard County Manatee Protection Plan (MPP), as amended, and provide for the protection of water quality and include the maintenance and containment of stormwater runoff and wash-down water for dry storage areas. Repeat offenders should receive a fine and /or suspension/revocation of license.

**Policy BBIA 4.14**

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

**Criteria:**

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

B. Floating structures shall be connected to pump-out facilities or a municipal sewer facility.

#### **Policy BBIA 4.15**

Retrofitting or modification of existing marina facilities shall be required to meet the criteria within the MPP, as amended, and the following minimum criteria:

##### **Criteria:**

A. Stormwater retention/detention requirements established in the Stormwater Management Criteria Ordinance as adopted on August 23, 1993.

B. Substantially expanded marina facilities shall retain all work area runoff. For those projects with combined detention areas of five (5) acres or greater, the work area runoff shall be retained in a separate retention area. In addition, the first inch of stormwater runoff from a 10-year, 24-hour storm event shall be retained on site or shall meet the water quality standards as required by the state, whichever is more restrictive. For projects with a combined detention area of less than five (5) acres, stormwater and work area runoff may be retained in a single retention/detention area.

C. When ten (10) slips or ten (10) percent or more of the total number of slips, whichever is greater, are added, pump-out facilities shall be required, as recommended by the Marine Sanitation Study (1990), sufficient to accommodate the pump-out requirements concurrent with the total number of slips.

D. Prior to operation of any new marina fueling facility or expansion due to an existing facility, a fuel management/spill contingency plan will be developed and provided to the Natural Resources Management Department for review. The plan shall describe methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a fuel spill.

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#### **Policy BBIA 4.16**

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

#### **Nature-Based Solutions Objective BBIA 5 (BBIA5) [Back](#) to Guiding Principles**

Brevard County shall support innovative, nature-based solutions including living shorelines **to include mangrove and sea grape trees**, and freshwater and coastal wetland restoration

#### **Policy BBIA 5.1**

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

**Policy BBIA 5.2**

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

**Criteria:**

A. Stormwater management facilities within existing developments should be retrofitted to provide for treatment of runoff (including sediment removal where appropriate) prior to release to receiving waters. The Level of Service Standards for these facilities shall include the reduction of the pollutant loading as necessary to enhance or maintain the beneficial uses of the receiving water and to meet receiving water standards per Florida Administrative Code. All facilities should be maintained at design capacity.

B. Properties with bulkheads or seawalls shall be modified so that runoff is detained prior to release to the receiving body. This may be achieved by planting native or other appropriate vegetation along the shoreline to retain silt, sediment, and nutrients so that the quality and rate of runoff is equivalent to the pre-development state.

C. Properties with altered vegetated shorelines shall be modified to retain silt, sediment, and nutrients by planting native vegetation or other appropriate vegetation. A detention structure, swale, and/or berm may be used to allow sediments to settle and nutrient uptake to occur only if non-native vegetation is predominant. Runoff quality and rates ~~should~~ shall be evaluated and identified with incentives to reach be the equivalent to the pre- development state.

**Policy BBIA 5.3**

Brevard County shall determine the feasibility of innovative methods of stormwater treatment other than standard retention and detention basins, which shall include such alternatives as stormwater reuse and area wide stormwater management facilities.

**Policy BBIA 5.4**

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

**Policy BBIA 5.5**

Mosquito impoundments should be reconnected to the Indian River Lagoon where benefits can be demonstrated to increase habitat value of the impoundments and benefits to the Lagoon.

**Policy BBIA 5.6**

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

Development projects that reduce run-off; mitigate flood impacts; provide for the on-site absorption, capture, and reuse of stormwater; and preserve and restore natural drainage characteristics.

#### **Policy BBIA 5.7**

Brevard County ~~should~~ shall continue to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions and amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

#### **Policy BBIA 5.8**

Based on the 2021 Resilient Brevard Community Survey, completed by the East Central Florida Regional Planning Council (ECFRPC), the County must encourage and require development to meet nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.

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

The county wrote 28 pages of regulations about Specimen, Heritage and other trees and then EXEMPTED them ALL from the 28 pages of code in a single sentence.

We need to be exempt from the 62-4334 exemption; This edit does not change, in any way, the intended footprint of the building.

. Such adaptation strategies may include:

- a. Multi-use stormwater parks,
- b. Bioswales as stormwater management techniques,
- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, and
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

## **Critical Assets Objective BBIA 6 (BBIA6) [Back to Guiding Principles](#)**

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

### **Policy BBIA 6.1**

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

#### **Criteria:**

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

### **Policy BBIA 6.2**

Brevard County shall require hurricane plans to be submitted to the Florida Division of Emergency Management in conjunction with marina site plans for review.

### **Policy BBIA 6.3**

Brevard County shall not support or finance new local transportation corridors that lie within the coastal high hazard area or areas zoned as Environmental Area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the densities programmed on the Future Land Use Map (FLUM) series of the Comprehensive Plan or the protection of the transportation facilities from flooding and storm surge.

### **Policy BBIA 6.4**

Brevard County should not locate sewer and water transmission lines within the coastal high hazard area, except where there is no practical and cost-feasible alternative due to engineering, safety and cost considerations, lack of alternative existing rights-of-way, or for septic to sewer conversion projects selected specifically to improve ground and surface water quality. Such transmission lines shall be designed to withstand flooding and storm surge. **However, connecting to existing sewer lines is highly encouraged.**

### **Policy BBIA 6.5**

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

**Policy BBIA 6.6**

Public facilities, except for recreational facilities, shall not be located by Brevard County within the coastal high hazard area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the densities programmed on the Future Land Use Map (FLUM) series of the Comprehensive Plan or the protection of the public facilities from flooding and storm surge.

**Policy BBIA 6.7**

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

**Criteria:**

- A. The most current behavioral response scenario.
- B. The requirement to evacuate prior to sustained tropical storm force (39 mph) winds.
- C. The current requirements of F.S. 163.3.

**Policy BBIA 6.8**

Brevard County shall coordinate with the municipalities, Indian River Sheriff's Department, and appropriate state agencies to develop Evacuation Zone Management Plans to reduce evacuation times above the current optimum behavioral response time. The following shall be considered, at a minimum:

**Criteria:**

- A. Roadway and other infrastructure improvements and funding mechanisms.
- B. Programs designed to improve the behavioral response to hurricane evacuation orders.
- C. Land use strategies.
- D. Mock evacuation studies simulating land falls for all category hurricanes.

**Policy BBIA 6.9**

Brevard County shall identify roadway and operational improvements to the hurricane evacuation network based upon the number of people who cannot be evacuated within an optimum evacuation time limit.

**Criteria:**

- A. Priority shall be given to improvements serving the zone with the highest number of people remaining after the current optimum evacuation time.
- B. The remaining improvements shall be given priority in descending order according to the number of people remaining after the optimum evacuation time.

C. Brevard County, in cooperation with the Indian River Sherrif's Department and the Florida Department of Transportation, shall identify key hurricane evacuation routes that are vulnerable to flooding, erosion and critical points of congestion during the established evacuation time. This includes Sebastian Inlet bridge and A1A corridor leading to the Wabasso Causeway bridge.

D. Brevard County shall present recommended roadway, operational and maintenance improvements to the appropriate implementing and funding agencies.

**Policy BBIA 6.10**

In those areas where citizens cannot be evacuated within the evacuation standards of the Brevard County Comprehensive Emergency Management Plan, development orders may be deferred until such time as adequate evacuation capacity has been programmed.

**Policy BBIA 6.11**

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

**Policy BBIA 6.12**

Brevard County shall support the School Board in their efforts to utilize enhanced hurricane shelter protection standards for all reconstruction and new development.

**Policy BBIA 6.13**

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

**Criteria:**

- A. The cost effectiveness of relocation versus repair shall be analyzed.
- B. Alternatives shall be considered in the light of mitigative impacts, growth management consistency, impacts to the public, timeliness, legal issues, environmental impacts and cost.
- C. The following alternatives, at a minimum, shall be analyzed:
  - 1. Repair of the structure to the pre-disaster conditions.
  - 2. Repair of the structure to the pre-disaster conditions with physical protective structures, as may be legally permissible.
  - 3. Vertical relocation of the structure, e.g. elevating roadways with bridges.
  - 4. Relocation further inland.
- D. Reconstruction or relocation of SR A1A and other roadway segments within the coastal high hazard area shall be included within this study.

E. The study shall be consistent with the East Central Florida Regional Planning Council studies. The hurricane scenarios and loss estimates shall be consistent with the Hurricane Loss Study and shall be coordinated with other appropriate agencies.

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

**Policy BBIA 6.14**

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

**Policy BBIA 6.16**

The County should utilize a range of sea level rise projections as recommended in the adopted East Central Florida Regional Resilience Action Plan (RRAP), as amended, for planning purposes based upon vulnerability, risk, project service life of a facility or growth management.

**Policy BBIA 6.17**

The County should ~~consider~~ utilize designating Adaptation Action Areas (AAAs), as allowed by Florida Statute, as a mechanism to prioritize resilient planning, infrastructure investments, and strategies to address current and future flood impacts in areas identified as vulnerable to coastal flooding, storm surge, and sea level rise.

**Policy BBIA 6.18**

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

**Policy BBIA 6.19**

The County should consider utilize initiatives within the Brevard County Emergency Operations Local Mitigation Strategy (LMS) and ECFRPC RRAP that focus on solutions for flood impacts; and develop methodologies for prioritizing public project expenditures based on a cost-benefit analysis, feasibility, and short- versus long-term benefits.

**Policy BBIA 6.20**

The County should identify development and redevelopment performance standards designed to minimize or withstand permanent and/or temporary inundation from flooding, sea level rise, and storm surge. These standards may include increased freeboard elevations, the consideration of future tailwater elevations for stormwater infrastructure, and/or multi-use temporary flood storage areas.

**Policy BBIA 6.21**

The County should continually identify strategies and engineering solutions that minimize the loss of flood storage capacity in all floodplains and areas vulnerable to natural hazards such as flooding, storm surge, and sea level rise, and consider incorporating them into the Land Development Regulations.

**Policy BBIA 6.22**

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

**Policy BBIA 6.23**

Brevard County should continue to analyze the best available data to maintain or update relevant and current coastal hazard vulnerability projections and update maps, as applicable. The County should continue to identify and understand the risks, vulnerabilities, and opportunities for strategies within short, mid, and long-term planning horizons as established in the RRAP Formal Recommendation, as amended.

**Policy BBIA 6.24**

Brevard County shall coordinate with the municipalities and appropriate state agencies to maintain Evacuation Zone Management Plans as described in the Coastal High Hazard section of the Coastal Management Element as well as the recommendations found within the Brevard County Comprehensive Emergency Management Plan (BrevCEMP).

**Policy BBIA 6.25**

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

**Marine Resources Objective BBIA 7 (BBIA7) [Back to Guiding Principles](#)**

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

**Policy BBIA 7.1**

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

**Criteria:**

A. Maintain upland vegetation within required setbacks to reduce runoff. The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL. The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.” This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can be clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 100% of buildable oceanfront lots are being clear-cut. This is because of the unintended way the calculation is made. It’s a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound

to build in the unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.

B. Require proper use of turbidity screens during construction activities.

C. Control discharge rates to promote on-site settlement of sediment loads and meet minimum retention requirements for runoff from storm events.

### **Policy BBIA 7.2**

Brevard County shall preserve, protect, and replace wetlands to achieve no net loss of functional wetlands. The County shall ensure the protection of wetlands and wetland functional values by prioritizing protective activities with avoidance of impacts as the first priority, minimization of impacts as the second priority, and mitigation for impacts as the third priority. The County shall maintain regulations that promote no net loss of functional wetlands. At a minimum, the following criteria shall be included in the land development regulations:

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#### **Criteria:**

A. The basis for no net loss shall be established by ordinance.

B. Wetlands shall be considered functional unless the applicant demonstrates that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland functions.

C. If an activity is undertaken that degrades or destroys a functional wetland, the person performing such an activity shall be responsible for repairing, replacing, and maintaining the wetland in addition to applicable penalties. If it is not ~~feasible or desirable~~ possible for the responsible person to perform the repair, replacement, or ~~and~~ maintenance of the wetland, then the responsible person shall mitigate for the wetland loss. Mitigation can include, but not be limited to: wetland restoration, wetland replacement, wetland enhancement, monetary compensation (determined by a full financial review of destroyed environmental value) or wetland preservation.

D. Wetland activity conducted by a public agency may not be utilized for wetland mitigation credit by private persons unless approved by Brevard County.

E. Development shall be subject to land use and density restrictions within wetlands as established in Policy 5.2 of the Conservation Element.

F. Allowable wetland impacts shall be kept to a minimum and related to structural building area requirements, on-site disposal system requirements, the 100-year flood elevation requirement for first floor elevations, required stormwater management and parking, and required access to the on-site structures. Minimization shall include application for available land development regulation waivers that would result in reduced wetland impacts.

G. Dumping of solid or liquid wastes shall be prohibited.

H. Applying or storing pesticides and herbicides ~~should~~ **shall** be prohibited unless such application is required for protection of the public health or removal of invasive, exotic, or nuisance plant species for management and mitigation or conservation purposes approved by Brevard County or removal of invasive, exotic, or nuisance plant species for management and mitigation or conservation purposes approved by Brevard County.

I. The County shall develop incentives to minimize impacts to highly functional and landscape level wetlands.

J. Non bona-fide agricultural activities shall be regulated in accordance with Policy 5.2 of the Conservation Element. Where the allowable use is residential, residential policies shall apply. Sufficient buffer setbacks of the activity from incompatible land uses shall be provided. Buffer setbacks shall be established through the land development regulations. The property shall meet all other State regulatory criteria.

### **Policy BBIA 7.3**

Wetland regulations adopted by Brevard County should avoid duplication of wetland regulation unless regulated activities will result in the destruction and/or degradation of functional wetlands. Where the wetland degradation or destruction has been permitted by

FDEP or SJRWMD based on FDEP and SJRWMD professional staff application of criteria and evaluation, the County shall apply the avoidance, minimization of impacts, and mitigation priorities and land use and density requirements of this local comprehensive plan. Any permitted wetland degradation or destruction shall provide for mitigation.

### **Policy BBIA 7.4**

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

**Need to understand mining and the need in as ACSC.**

#### **Criteria:**

A. Mining operations should not adversely impact protected wetlands or other water dependent systems and shall be set back a minimum of 100 feet from such wetlands.

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

### **Policy BBIA 7.5**

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

Who performs the environmental assessment and what is the criteria.

**Policy BBIA 7.6**

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

**Policy BBIA 7.7**

All existing and new marinas shall erect manatee education and awareness signs that will be posted and maintained in a prominent location. Each marina operator shall establish and maintain a permanent manatee educational display at a prominent location at their marina. Brevard County shall establish and maintain a display at public boat launch facilities and license tag agencies.

**Policy BBIA 7.8**

Those involved in the sale of boats and motors ~~should~~ shall provide manatee information to the buyer at the time of delivery of boats or motors.

**Policy BBIA 7.9**

Brevard County shall maintain well-marked speed limit signs, in accordance with the uniform waterway marker program, for manatee protection and boating safety speed zones established by local ordinance only.

**Policy BBIA 7.10**

Brevard County, or other appropriate agencies, shall develop a standardized information packet containing information regarding manatees and regulations protecting manatees for distribution by the U.S. Fish and Wildlife Service, Florida Department of Environmental Protection, Brevard Marine Association, and other agencies or groups as appropriate. This will include information concerning the existing manatee slow speed or idle zones, and any additional zones that may be deemed necessary within areas frequented by manatees.

**Policy BBIA 7.11**

Brevard County shall identify areas containing significant manatee habitat features.

Marinas with powerboat slips shall not be sited within these areas.

**Policy BBIA 7.12**

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

**Policy BBIA 7.13**

Brevard County's mosquito impoundment management plans shall address the following criteria, at a minimum:

Mosquito impoundments should be managed to increase their value as fish nursery habitats. This might include multi-day opening of culverts during summer to allow juvenile fish to emigrate from the impoundments, followed by refilling impoundments to prevent mosquito breeding.

**Criteria:**

- A. Appropriate water management system shall be utilized.
- B. Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.
- C. Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.
- D. Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.
- E. The primary use of mosquito control impoundments shall be to protect human health through the control of mosquito populations. Secondary uses may include stormwater management, habitat improvement, wildlife management, and other uses as appropriate. Brevard County shall encourage multiple uses of mosquito control impoundments.

**Policy BBIA 7.14**

Brevard County shall include seagrass protection within its performance standards for marinas and marine-related facilities.

**Policy BBIA 7.15**

Brevard County should continue to develop and implement regulations governing live-aboards within the coastal zone. The regulations shall include the following criteria at a minimum:

**Criteria:**

- A. The County shall investigate designating certain areas of the Indian River Lagoon for mooring of motorized live-aboard vessels that are not docked within marinas.
- B. The County shall coordinate with the Marine Patrol to eliminate live-aboards permanently anchored outside of a marina or area specially designated for live-aboards.
- C. Floating structures shall be required to moor within marinas or to privately owned riparian property.

**Policy BBIA 7.16**

Brevard County shall continue to implement standards for marina siting within the coastal zone that shall address the following criteria at a minimum:

One acre of upland is insufficient for a functioning marina. More land should be required.

**Criteria:**

A. All proposed marina siting projects in unincorporated areas of Brevard County shall come before the Board of County Commissioners for their review. Marina development may be considered within any appropriate zoning classification, if it is consistent with the performance standards developed by the County. Uplands at the marina site shall be greater than or equal to one acre. Residential marinas shall be allowed as a permitted use, subject to the boat facility siting criteria established in the Brevard County Manatee Protection Plan and in the policies under Objectives 3 and 9 of the Conservation Element, in all of the current conditional use zoning classifications for residential/recreational marinas, except Recreational Vehicle Park (RVP) and Government Managed Lands (GML). **Should we have new marinas in BBIA?**

B. At the beginning of the zoning process, all marina development proposals must submit a conceptual plan to be reviewed by the Natural Resources Management Department for compliance with the Brevard County Manatee Protection Plan.

**Policy BBIA 7.17**

Marinas shall be inspected periodically by Brevard County and results of these inspections shall be coordinated with other agencies. Inspections shall be coordinated with existing programs and duplication with existing inspection programs shall be avoided. It is recommended that inspection of commercial marinas occur as part of the business tax receipt renewal procedure. Items to be inspected and reviewed may include the following.

**Criteria:**

A. Pump-out facilities and marine sanitation devices, if required. Live-aboards and floating structures at marinas shall be inspected to ensure that marine sanitation devices are present and operational.

B. Compliance with power/sailboat mix, if required.

C. Spill prevention, control, containment and cleanup plans.

D. Waste collection and disposal methods.

E. Firefighting equipment, if required.

F. Monitoring of marina basin water quality for bacteriological levels to insure

compliance with state and federal standards. If a water monitoring program is required, water-dependent uses shall be assessed an annual fee adequate to fund a water quality monitoring program.

**Policy BBIA 7.18**

Brevard County shall utilize available management plans in developing standards for marina siting and other water-dependent uses. These management plans include, but are not limited to, Aquatic Preserve Management Plans, the Surface Water Improvement Management (SWIM) Plan and the IRLCCMP.

**Upland Resources Objective BBIA 8 (BBIA8) [Back](#) to Guiding Principles**

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

**Policy BBIA 8.1**

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

**Criteria:**

- A. Require permitting prior to any land clearing unless exempt by ordinance. Should never be exempt by ordinance, there should be no ordinance exempting land clearing without a permit.
- B. Require phased clearing in conjunction with phased construction.
- C. Require permits for the removal of trees or vegetation specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation in conjunction with land surveying unless exempt by ordinance. Should never be exempt by ordinance, there should be no ordinance exempting land clearing without a permit
- D. Require areas cleared of vegetation to be revegetated with biologically appropriate vegetation, to prevent wind or water erosion, within ninety (90) days of initial land clearing activity where no approved landscape plan exists, or no active development order has been issued. Native vegetation should be utilized to the maximum extent possible.
- E. Require tree and canopy preservation, including root protection standards.

Brevard County shall establish land development regulations specific to the BBIA ACSC area to protect its natural environment and strengthen the protection of tree canopy, native vegetation, and vegetated dunes on the island.

Brevard County shall establish a land use management system that provides specific guidelines for clearing residential lots developed in the BBIA, ACSC area. Brevard County shall make it illegal to clear-cut any residential lot in the ACSC area. Clear-cutting removes almost all native trees and vegetation on the lot, releasing sediment that finds its way to the Indian River Lagoon. Sedimentation is one of the biggest threats to the Lagoon and it can be sped up by land clearing that exposes soils that can be washed away. Violating the clear-cutting policy should be a 2nd-degree misdemeanor with a fine from \$500 to \$5,000.

Brevard County shall allow no exemptions for canopy (tree) removal on Single-family lots, 1.25 acres or less, during the development of any property in the BBIA ACSC area.

Brevard County shall establish a land use policy that preserves continuous tree canopy and preserves wind-tolerant native trees, and native vegetation as a property is being developed in the BBIA ACSC area. Special attention shall be given to saving wind-tolerant native trees such as Live Oaks, Sand Live Oaks, Sabal Palms, Sea Grapes, Cabbage Palms, and Saw Palmetto palms especially if they are grouped together, on the lot. (According to [ISA-arbor.org](http://ISA-arbor.org) "Structures positioned on properties with more trees per unit area, received less damage from hurricane-force winds than properties with a lower tree density. Isolated trees were damaged more in hurricanes than those trees that were grouped together.")

*Brevard County shall clearly state the guidelines for how land is cleared on a property being developed in the BBIA ASCS such as:* A requirement that 25% of the native tree canopy and vegetation must remain on the lot that is being developed. Ideally, the 25% would be in groups where they could continue to grow wild. Invasive plants like Brazilian Pepper trees can and should be removed and excluded from saving. Credits for keeping maturing Live Oaks and other native trees could be applied to the 25% mandate in coordination with the developer. Native trees and vegetation left as buffers on the sides of the property, do not count towards the 25%.

Brevard County shall preserve scenic vistas and protect native tree canopy by requiring 50% of the right-of-way area in the front area of the lot to remain un-cleared, during the development of any property in the BBIA ACSC area. The right-of-way area is directly in front of each lot, extending from the end of the lot line to the walking path or the end of the lot line to the street. Invasive species like Brazilian Pepper and dead trees can and should be removed. Native tree canopy, and vegetation in 50% of the right-of-way area, must be preserved.

Vegetation and trees growing adjacent to scenic roadways within the right-of-way for those roads shall be protected by the land development regulations regarding land clearing activities except in those cases involving health and safety concerns or those that would deny visual access beyond the immediate area.

Brevard County shall establish land development regulations that strengthen protections for ocean dunes and dune vegetation within the BBIA. Requirements to keep, maintain, and revegetate dunes should specify native shrubby dune plants like sea grapes, beach elder, and blue saw palmetto as well as native dune grasses like sea oats, beach cordgrass, and railroad vine.

Brevard County shall ensure that Developers modify dune cross-overs and stairs that lead to the beach, so they are blocked from the sides to prevent sea turtles from getting stuck under them when they come onto the beach to nest.

Protection and preservation of a continuous vegetated dune system must be strengthened. Dune grass is part of sea turtle nesting. When a sea turtle comes up on the beach and hits the seagrass on the dune wall, it signals the mother to start digging, laying eggs.

There should be incentives, in the code, for beachside property owners to maintain existing dune vegetation on their developed lots. A community outreach and education program could send beachside residents a list of native dune vegetation like sea oats, beach cordgrass, railroad vine, sea grapes, blue saw palmetto, and others as well as how to restore the areas of their dunes that are currently bare sand or have turf on them.

Land development regulations must ensure that Developers preserve existing dune vegetation and require restoration of dunes they damaged. Restoration shall include stabilization projects using native vegetation. Native dune vegetation traps wind-blown sand. The sand collects around the vegetation. Native dune plants, like sea oats, develop massive root systems capable of holding large amounts of sand. As sea oats grow larger, they trap more sand. As more sand gets trapped, sea oats grow larger to avoid being buried by the sand. An interruption in dune growth caused by damage to the dune

vegetation stops the process of dune expansion. Damage to dune vegetation should result in a 2nd-degree misdemeanor charge that includes \$500 to \$5,000 fine.

**Policy BBIA 8.2**

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

**Policy BBIA 8.3**

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

add aquifer recharge, flood mitigation

Evaluation of development of vegetated areas should to be done as a stand-alone evaluation, but in the context of the area, to include current development locations, current development impacts, impervious surface, and similar criteria.

**Criteria:**

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

**Policy BBIA 8.4**

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

**Policy BBIA 8.5**

Brevard County shall continue to ensure removal of invasive exotics on public lands and shall educate private property owners on reasons to remove invasive exotics from private lands. This program should emphasize replacement of invasive exotics with appropriate native vegetation where feasible.

**Policy BBIA 8.6**

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

**Policy BBIA 8.7**

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

the assessment should include freshwater flows (runoff) that will impact the IRL

Who performs the environmental assessment and what is the criteria.

#### **Policy BBIA 8.8**

Brevard County Natural Resources Management Department shall continue to comply with the county-wide scrub-jay Habitat Conservation Plan as approved by the US Fish and Wildlife Service.

#### **Policy BBIA 8.9**

Brevard County shall develop and comply with management plans for other species, as deemed necessary.

#### **Policy BBIA 8.10**

The County shall continue to implement education programs to promote the preservation of endangered and threatened species and species of special concern as well as their habitat, with the assistance of the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, and the U.S. Fish and Wildlife Service, and other agencies or groups as appropriate.

#### **Policy BBIA 8.11**

Brevard County shall continue to adopt and enforce standards for maintenance or re-establishment of dune areas. These standards shall include, at a minimum, the following provisions:

##### **Criteria:**

- A. Native dune vegetation shall be maintained on site unless removal or alteration is permitted by both Brevard County and the Florida Department of Environmental Protection, or other appropriate regulatory agency.
- B. Public and private beach access shall be allowed only at designated cross-over structures or historical access sites.
- C. Erosion control strategies will be utilized at unimproved public access sites until these can be improved or alternate access provided.
- D. Dune cross-overs, boardwalks, walkways and other permissible structures seaward of the CSL shall be elevated above dune vegetation and shall be designed to allow adequate light penetration.
- E. Shore-parallel boardwalks shall be prohibited seaward of the CSL except as required for handicap access.

F. Publicly owned dunes, especially those identified for beach access sites, that have been denuded or damaged by vehicular or pedestrian traffic shall be prioritized for dune renourishment and revegetation. Improvements or erosion controls shall be implemented at the time of renourishment to prevent further site degradation.

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

H. Structures and impacts that are necessary for public safety or meet the best public interest shall be permitted if approved by the Board of County Commissioners.

#### **Policy BBIA 8.12**

Brevard County shall maintain an ongoing program to initiate and monitor data collection projects related to beach dynamics, sand transport and coastal processes. This program should include data generated by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, the Florida Sea Grant program, universities and other appropriate agencies.

#### **Policy BBIA 8.13**

Brevard County shall prohibit motorized vehicles on the dune and beach system except for governmental vehicles, public safety vehicles, vehicles necessary to repair utilities, or vehicles utilized during approved renourishment programs or approved scientific investigations. Pedestrian traffic within the vegetated dune areas shall be limited to emergency operations, scientific research, maintenance, cleaning or improvements as authorized by the Natural Resources Management Department and consistent with FDEP regulations.

Does this include electric bikes? It should.

#### **Policy BBIA 8.14**

Beach access site improvements, parking facilities, and drainage shall be secondary to improvements to the naturally functioning dune system. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species.

#### **Policy BBIA 8.15**

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

#### **Water Quality Protection Objective BBIA 9 (BBIA9) [Back to Guiding Principles](#)**

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

#### **Policy BBIA 9.1**

Brevard County shall continue to make efforts to prevent negative impacts of development in and adjacent to the Indian River Lagoon and its tributaries by implementing and revising as necessary, the

Surface Water Protection Ordinance, including the following minimum criteria: **Due to ACSC we need to revisit all of this below.**

**Criteria:**

A. Maintain a fifty (50) foot surface water protection buffer from the ordinary high-water line, mean high water line, or safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping. On bulkheaded lots, the waterward extension of the buffer is established by the bulkhead line. A maximum width of 25 feet or 20% (whichever is greater) may be cleared for access. In lieu of an approved ordinary high-water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved administratively as defined in ordinance. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.

B. Except as allowable under criteria C and D below, primary structures shall not be permitted within the surface water protection buffer. The County shall establish allowable uses within the surface water protection buffer. Stormwater management for all alterations associated with allowable uses shall be required to protect water quality of the receiving water body. Provisions for the alteration and/or removal of non-native invasive plants, mitigation projects, and the planting of native species shall be established by the County.

C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, where there is insufficient lot depth to construct a primary structure, a primary structure may be located within the surface water protection buffer at least twenty-five (25) feet from the water line as outlined in Criterion A if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water

body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Where applicable, stormwater management measures shall be consistent with Chapter 373, F.S., as amended.

D. For residential lots located along areas of the Indian River Lagoon and its tributaries added to the State's designation of Class II Waters as of February 17, 2016, and platted or established by deed on the official record books of Brevard County prior to that date, where there is insufficient lot depth to construct a primary structure, a primary structure may be located within the surface water protection buffer at least twenty five (25) feet from the water line as outlined in Criterion A if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Avoidance and minimization of buffer impacts shall be required. Where applicable, stormwater management measures shall be consistent with Chapter 373, F.S., as amended.

E. Within the surface water protection buffer the maximum amount of impervious surface is thirty (30) percent, inclusive of primary structures as outlined in Criteria C and D.

F. Prohibit shoreline alteration other than that allowed by ordinance, unless the alteration is in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses.

G. Prohibit channelization, dredging and filling, and impoundment of natural waters of the State unless the activity is clearly in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses. Dredging shall not be permitted in or connected to Class II Waters, Outstanding Florida Waters (OFWs), Aquatic Preserves, areas that contain ten percent (10%) seagrass or more, and conditionally approved shellfish harvesting waters unless the activity is a federal navigation project, in the public interest, such as approved maintenance dredging of existing public or private navigational channels, or where dredging may improve water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility structures and utility crossings, or for shoreline alteration as allowed by this comprehensive plan.

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

#### **Policy BBIA 9.2**

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

##### **Criteria:**

A. Development within the one-hundred-year estuarine floodplain shall not adversely impact the drainage of adjacent properties or the quality of the receiving surface water body.

B. The following specific uses are not compatible with the resource requirements of the one-hundred-year estuarine floodplain and shall not be permitted. These include, but are not limited to:

1. Placing, depositing, or dumping of solid wastes.
2. Processing and storing of threshold amounts of hazardous materials.
3. Disposal of hazardous materials.

C. The annual estuarine floodplains within Brevard County should be left in their natural state, and re-established where feasible.

#### **Policy BBIA 9.3**

Mining operations shall not be permitted within wetlands as protected within this comprehensive plan.

#### **Policy BBIA 9.4**

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

#### **Policy BBIA 9.5**

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

#### **Policy BBIA 9.6**

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

**Policy BBIA 9.7**

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

**Criteria:**

- A. Retention and detention requirements shall at a minimum meet SJRWMD Criteria.
- B. Retention of the first inch of runoff.
- C. Post-development rate of discharge shall not exceed pre-development rate of discharge for a 25 year - 24-hour storm event.

The 25-year 24-hour storm event threshold is no longer viable, and is not adequate given the meteorological changes due to climate change. Consult the Florida Flood Hub at USF for better data. The standards should be much higher.

- D. Stormwater discharge facilities shall be designed so as to not lower receiving water quality or degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302 FAC.

**Policy BBIA 9.8**

The Natural Resources Management Department shall review and comment on the impact of new development on stormwater conveyance systems. If the conveyance system is determined to be deficient, the developer shall be required to retain additional runoff on site or make improvements to the conveyance system equal to the impact of the new development.

**Policy BBIA 9.9**

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

**Policy BBIA 9.10**

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

**Scenic Resources Objective BBIA 10 (BBIA10) [Back](#) to Guiding Principles**

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

Safe and effective bicycle lanes on Highway A1A would provide many benefits in the South Beaches, such as reducing motor vehicle traffic. The current bicycle lanes fall far short of the U. S. Department of

Transportation standards. These standards recommend a minimum of four feet in width; portions of the current lanes are 18 inches or less. Sustainable community plans across our country and the work address ways to make bicycling an effective means of transportation. Currently, the BBIA fails to provide safe and effective bicycle lands. Would you feel safe in an 18-inch land with cars coming within a foot of your elbow at 55 miles per hour?

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

**Policy BBIA 10.1**

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

**Policy BBIA 10.2**

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

**Policy BBIA 10.3**

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

**Policy BBIA 10.4**

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

**Policy BBIA 10.5**

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

**Policy BBIA 10.6**

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

**Criteria:**

A. Property owners along designated roadways shall be encouraged to preserve trees and vegetation during development of these properties.

B. Billboards and other physical barriers, such as fences, exceeding four feet in height, excluding primary and accessory structures, that interfere with or prevent visual access to the scenic qualities of the roadways designated as scenic resources, shall be prohibited. Non-conforming existing billboards and the referenced opaque physical barriers shall be amortized.

Please explain in greater detail “shall be amortized”.

C. Vegetation and trees growing adjacent to scenic roadways within the rights-of-way for those roads shall be protected by the land development regulations regarding land clearing activities except in those cases involving health and safety concerns or those that would deny visual access beyond the immediate area.

#### **Policy BBIA 10.7**

Brevard County shall investigate the feasibility of acquiring narrow strips of land along the Indian River Lagoon, where such areas could provide visual access or provide parking for passive recreation within the Lagoon.

#### **Compatibility Objective BBIA 11 (BBIA11) [Back](#) to Guiding Principles**

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

#### **Policy BBIA 11.1**

Brevard County shall not increase residential and commercial and all other density designations or allow density swaps or exchanges within the BBIA for properties located within the BBIA.

#### **Policy BBIA 11.2**

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

#### **Policy BBIA 11.3**

Brevard County shall review shore-line development within the coastal zone in order to maximize opportunities for water-dependent land uses. This is counter intuitive to Legislative Intent and Guiding Principles. The following criteria, at a minimum, shall be utilized.

##### **Criteria:**

A. Water-related and water-enhanced uses shall be built on uplands.

B. Development that is feasible only through creation of land by dredging and filling of areas below the mean high-water line shall not be approved. Exceptions may be considered where overriding public benefit to the natural resource can be demonstrated. No dredging in the BBIA.

C. Water-dependent commercial and industrial uses need examples as to what industry would be considered may be considered for siting adjacent to the Indian River Lagoon.

#### **Policy BBIA 11.4**

The Brevard County Land Development Regulations shall include a provision for water-enhanced commercial uses within the coastal zone. Such uses shall be permitted as Conditional Uses within the BU-1 zoning category.

#### **Policy BBIA 11.5**

During rezoning and other development order approval reviews, Brevard County should give immediate shoreline use priorities (in descending order of priority) to: **More than likely only “downzoning” would be approved in the BBIA.**

#### **Criteria:**

A. Water-dependent uses such as fish, shellfish and wildlife production, recreation, water dependent industry and utilities, marinas and navigation;

B. Water-related uses such as certain utilities, commerce and industrial uses;

#### **Need examples of industrial uses**

C. Water-enhanced uses such as some recreation uses;

D. Non-water dependent or related activities such as residential; and

E. Of lowest priority are those uses that are non-water-dependent, non-water enhanced, and result in an irretrievable commitment of coastal resources.

#### **Policy BBIA 11.6**

Brevard County shall review beachfront development to ensure that it does not interfere with public access in those instances where the public has established ocean access-ways through private lands by prescription, prescriptive easement or other legal means. The developer may improve, consolidate, or relocate **should not allow relocation** such public access provided it is consistent with this Plan.

#### **Future Land Use Categories within the BBIA Objective BBIA 12 (BBIA12) [Back](#) to Guiding Principles**

**We think there will be no zoning changes/amendments future zoning changes will be proposed with this “go around” of the submission and will be addressed at a later date-we need to get this confirmed. At the Public Meeting at the Community Center Bonnie Landry & Associates stated there would no change to Zoning other than no increase in Residential Density, i.e. Future Land Use Map to stay intact.**

**All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”**

**For example, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-1S, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.**

Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, RES 2-BBIA, RES 4-BBIA, RES 6-BBIA, RES 8-BBIA, RES 15-BBIA, NC-BBIA, CC-BBIA, PUB-BBIA, REC-BBIA, PRIV CONS-BBIA, and PUB CONS-BBIA.

#### **Residential 1 – BBIA Future Land Use Policy BBIA 12.1**

The Residential 1 – BBIA land use designation permits low density residential development with a maximum density of up to one (1) unit per acre. The Residential 1 land

use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

##### **Criteria:**

- A. Areas adjacent to existing Residential 1 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

#### **Residential 2 – BBIA Future Land Use Policy BBIA 12.2**

The Residential 2 – BBIA land use designation permits lower density residential development with a maximum density of up to two (2) units per acre. The Residential 2 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

##### **Criteria:**

- A. Areas adjacent to existing Residential 2 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

#### **Residential 4 – BBIA Future Land Use Policy BBIA 12.3**

The Residential 4 – BBIA land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

##### **Criteria:**

- A. Areas adjacent to existing Residential 4 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

**Residential 6 – BBIA Future Land Use Policy BBIA 12.4**

The Residential 6 – BBIA land use designation affords a transition in density between higher density areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre. The Residential 6 land use designation may

be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 6 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

**Residential 8 – BBIA Future Land Use Policy BBIA 12.5**

The Residential 8 – BBIA land use designation affords a transition in density between higher density areas and lower intensity residential uses. This land use designation permits a maximum density of up to eight (8) units per acre. The Residential 8 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 8 Directive or higher land use designations; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than eight (8) units per acre and areas with density of less than eight (8) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 8 Directive; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

**Residential 15 – BBIA Future Land Use Policy BBIA 12.6**

The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and
- B. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;
- C. Areas adjacent to an existing Residential 15 land use designation; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

**Neighborhood Commercial – BBIA Future Land Use Policy BBIA 12.7**

Neighborhood Commercial – BBIA development activities are intended to be low impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A uses that were established as of the adoption date of this provision shall be considered consistent with this policy. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within Neighborhood Commercial Future Land Use designation, provided that listed criteria are met, include the following:

- a) Professional offices (no drive through lanes permitted);
- b) Personal Services (no drive through lanes permitted);
- c) Convenience stores (no drive through lanes permitted);
- d) Residential uses pursuant to Policy 2.10 of the Future Land Use Element;
- e) Institutional uses;
- f) Recreational uses;
- g) Public facilities; and
- h) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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

**Criteria:**

- A. Neighborhood commercial clusters should be located at collector/collector or collector/arterial intersections, except as otherwise provided for in this Comprehensive Plan.
- B. Due to the linear nature and lack of intersections along SR A1A south of Melbourne Beach, new neighborhood commercial uses may be considered along those roadways if there is sufficient infrastructure to support commercial development, if the area has an established commercial character, and if they are consistent with the other applicable policies of this Comprehensive Plan.

C. New neighborhood commercial land use sites should incorporate no more than two acres maximum at each corner of an intersection, as set forth in Criterion A of this policy. Neighborhood commercial land uses at such intersections should not exceed eight (8) acres total.

D. Neighborhood commercial development clusters should be spaced at least three (3) miles apart.

E. The gross floor area of neighborhood commercial development should not exceed a Floor Area Ratio (FAR) of 0.75.

### **Community Commercial – BBIA Future Land Use Policy BBIA 12.8**

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

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses pursuant to Policy 2.10 of the Future Land Use Element;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities; and
- l) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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

#### **Criteria:**

A. Community commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For community commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

B. Community commercial complexes should not exceed 40 acres at an intersection.

C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

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

#### **Public Facilities – BBIA Future Land Use Policy BBIA 12.9**

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

##### **Criteria:**

A. Public facilities are those uses that, at a minimum, relate to government- managed transportation, sanitary sewer, potable water, solid waste, drainage, conservation, education, government service systems, and other utilities such as gas, electric, telephone and cable. An exception should be made for transmission or collection facilities, rights-of-ways, and easements. Public facilities are also those uses classified as scientific research and technology development activities conducted by non-governmental organizations (NGOs) in formal partnership with governmental entities. Such NGOs shall provide economic, environmental and/or quality of life benefits to Brevard County. Specific land-use activities include either: life science research, ocean, coastal and marine research and technology development, or environmental science research. Public Facilities that are NGOs in formal partnership with governmental entities shall not exceed a FAR of 0.25

B. Public facilities land uses may be considered for locations within all land use designations on the Future Land Use Map provided such uses are compatible with adjacent land uses consistent with this Comprehensive Plan.

C. Following the purchase, lease or dedication of property for public facility purposes, the Comprehensive Plan shall be amended to depict the property as Public Facility on the Future Land Use Map.

D. Brevard County shall encourage the use of common corridors for utility systems, including sanitary sewer, potable water, re-use, electricity, gas and other utilities. In keeping with the Scenic requirement of BBIA 10 all existing utility systems shall not increase in physical size, statute, and land mass. Reductions of same are encouraged.

In order to maximize the efficiency of public facilities and resources, Brevard County and the Brevard County School Board should strive to coordinate use of existing school facilities for public use. In addition, development of new libraries, parks and recreation facilities, children’s services facilities, and other appropriate public uses on properties adjoining school sites should also be coordinated.

#### **Recreation – BBIA Future Land Use Policy BBIA 12.10**

The Recreation - BBIA land use designation shall be adopted as part of the Future Land Use Map to identify appropriate locations for public recreation land uses, based upon the following minimum criteria:

**Criteria:**

A. Recreation land uses may be considered within all land use designations on the Future Land Use Map, provided such uses are compatible with adjacent land uses.

B. Following determination by Brevard County to utilize property for public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.

**Private Conservation – BBIA Future Land Use Policy BBIA 12.11**

The Private Conservation - BBIA land use designation is related to privately owned lands with significant environmental features. The land use designation applies to privately held lands that were designated Conservation on the Future Land Use Map prior to adoption of the Future Land Use Element on May 16, 2000, regardless of their zoning classification.

Any lands that are privately owned and zoned Environmental Area (EA) or so designated by an approved binding development plan after May 16, 2000 shall be designated as Private Conservation. Such privately owned parcels shall permit a maximum residential density of one (1) unit per ten (10) acres.

**Public Conservation – BBIA Future Land Use Policy BBIA 12.12**

The Future Land Use Map shall designate lands as public conservation to provide for the protection of publicly held environmentally sensitive areas. The Public Conservation – BBIA future land use designation is intended to accommodate lands and facilities that are managed by federal, state and local governments within unincorporated Brevard County for conservation or preservation uses. Such uses shall conform to the following minimum criteria:

**Criteria:**

A. The Public Conservation land use designation should include lands under the ownership of Brevard County, the St. Johns River Water Management District, or other such agencies, for the purpose of environmental protection, publicly owned lands within the Environmental Area (EA) zoning classification, and publicly owned areas in which it is demonstrated that the preservation of environmentally sensitive resources will provide an overriding public benefit.

B. Development activities within lands designated as Public Conservation shall be consistent with the specific policies and intent of this comprehensive plan. Specifically, activities that are conducted on Public Conservation lands that enhance, protect or manage such lands for nature-based recreation, conservation or preservation purposes for the benefit of the public shall be considered as consistent with this criterion.

C. Other environmentally sensitive lands (i.e., floodplains, wetlands, or aquifer recharge areas) that are located outside of the Public Conservation land use designation are protected through the policies of this comprehensive plan.

D. Privately owned land shall not be designated as public conservation. If privately owned lands are acquired by state, regional, or local agencies for conservation or preservation purposes, the participating agencies should provide such information to the County so that the Future Land Use Map may be amended pursuant to section 163.3187, Florida Statutes, as may be amended. The County shall annually request such information from the applicable agencies so that any necessary amendments can be made to the Future Land Use Map. A. Residential densities for public conservation lands should not exceed one (1) dwelling unit per fifty (50) acres. Dwelling units on publicly held lands, including those zoned EA that are in public ownership, are limited to accommodating park rangers or other authorized personnel as deemed appropriate in order to manage or protect such public conservation lands.

### **Policy BBIA 12.13**

Brevard County shall designate lands without an assigned existing and Future Land Use category as of the date of adoption of this local comprehensive plan as follows:

- A. Privately-owned lands shall be assigned Private Conservation - BBIA.
- B. Publicly-owned lands shall be assigned Public Conservation - BBIA.

### **Removal of Area of Critical State Concern Designation Objective BBIA 13**

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

### **Sufficiency of Local Plan and Land Development Regulations Policy BBIA 13.1**

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

## Brevard County Barrier Island rezoning draft

Natalie Hussein <nataliehussein@gmail.com>

Fri 9/6/2024 1:36 PM

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Dear Respected Legislators and Committee Members,

I live in the unincorporated area of Brevard County and attended an Area of Critical Concern meeting last Wednesday to listen to a presentation regarding the rezoning of our protected areas that will include many multifamily units to be built, increase in public parking spaces in official neighborhoods, ideas for storm water runoff, clear cutting acres of land causing erosion, and protection of Indian River Lagoon water quality.

The Indian River is making improvements little by little and I am afraid that all of the proposed changes will cause the further destruction of clean water improvements and especially with high density R-15 units. New buildings bring fertilizer and nutrient pollution from landscapes that make their way into the river and also bring visitors in the protected areas that do not take heed or understand the conservation areas.

Below is a synopsis (composed from my neighbor, Joel Ledlow) of the major points I would like to see changes to the draft that was presented at the meeting.

Respectfully,

Natalie Hussein

8955 S Highway A1A

Melbourne Beach 32951

1. No Land Zoning changes within BBIA without documented Public input (Variance process) and Community Approval (Add to 12.9). All zoning is to remain "As Is" per 2023 State adoption of BBIA. No changes to coastal CCL setbacks.

No high density construction (Condos, high rises, water treatment systems etc. Remove 12.4, 12.5, 12.6 - No new high density development)

2. Brevard County shall promote State and County Parks within BBIA for Public Use / Tourism, NOT neighborhood beach easements / walkovers. Remove publications of community accesses / walkovers from county websites and online public sources. (11.4 beach "recreational uses" - needs definition / cite examples. 11.5 and 11.6 All "recreational use" enhancements shall be restricted to / within existing County and State Parks. 12.10 NO New recreational facilities within BBIA - Enhancements to "existing" State and County Parks is okay. 12.7 and 12.8 amend - Remove "Recreational Uses" east of A1A unless within an existing State or County Park.)

3. Reduce / eliminate Promotion of the BBIA area as a tourist "destination". Apportioned promotional dollars to be moved to Conservation Education via Park Eco tours offered by Rangers or qualified conservation guides. (8.10)

4. NO new river or beach accesses will be created within BBIA. Existing easements WILL NOT expand and neighborhood walkovers within BBIA will be prioritized for Community Use over Public Use. ( Remove 10.4 and 10.7)

*Why? There are already 9 State and County Parks in existence within the BBIA. These Parks include trash receptacles, bathrooms, showers, dedicated parking spaces and are ADA compliant. Ideal for tourism.*

*Neighborhood easements and crossovers have become overrun by non community Users / Tourists as a way to avoid FWC scrutiny and Pay to Park expenses. Tourism brings an uneducated User into the BBIA including trash, death / damage to protected species and coastal dune / upland habitat destruction. Meanwhile, homeowner property taxes get allocated to underused Parks while access to their own neighborhood beaches is reduced.*

*As Brevard increases Pay to Park initiatives across the county at its Parks, the use of the BBIA conservation and small community walkovers grows - deviating from both their intended purposes.*

5. Expand Environmental awareness / protections for Ocean, Coastline and Upland species to include Sea Turtles, Sharks, Land Tortoise / Gopher, Bobcats, Osprey. (add Ocean species / Sharks to 8.9)

6. Ban shoreline shark angling within BBIA. (Include in 8.9) Why: A) Documented studies show trauma to sharks via catch and release can lead to a delayed death of the non harvestable / protected species B) eliminate safety concerns swimmers / surfers by

knowingly baiting and conditioning predator species into community waters. You don't feed a bear or alligator - why sharks?

7. Eliminate overnight camping / fishing along the coastline within BBIA due to its negative impact on protected species and their natural habitats. (Add to 8.10)

## BREVARD BARRIER ISLAND AREA ( BBIA) APPENDIX A

### Forward:

For more than thirty years the Barrier Islands Preservation and Protection Association (BIPPA), a non-profit organization, has been helping to “Preserve the Balance of Population Growth with Wildlife and Natural Habitat.” With this unprecedented opportunity to reshape and mold the new local comprehensive plan (Appendix A), in accordance with the intentions of the Florida State legislature and its Governor, BIPPA has solicited comments and assistance from both its Executive and Research Councils to better align Appendix A with F.S. 380.0553 and the unparalleled designation as an Area of Critical State Concern.

These edits, comments, and further information/clarification needed are highlighted in yellow below.

Comments in green relate to Land Use and Future Land Use.

To facilitate moving around in the document the Guiding Principles below are linked to the appropriate BBIA sections and from there you can link back to the Guiding Principles.

### Guiding Principles (GP):

Guiding Principles for Development:

The bill/law requires state, regional, and local agencies and governmental units in the Brevard Barrier Island Area to coordinate their plans and conduct their programs and regulatory activities to be consistent with the following guiding principles:

GP1 Preventing the adverse impacts of development on resources critical to sea turtle habitat by prohibiting new shoreline hardening structures and enforcing existing state and county coastal construction regulations.

***Local Comp Plan (LCP) [BBIA2](#)***

GP2 Prioritizing water quality restoration projects in the IRL.

***LCP [BBIA3](#)***

GP3 Reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture non-point sources into the IRL.

***LCP [BBIA4](#)***

GP4 Supporting innovative, nature-based solutions, including living shorelines and freshwater and coastal wetland restoration.

***LCP [BBIA5](#)***

GP5 Safeguarding against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting identified critical assets.

LCP [BBIA6](#)

GP6 Protecting shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, fish and wildlife, and related habitats.

LCP [BBIA7](#)

GP7 Protecting upland resources, including dune ridges, beaches, wildlife, and related habitats.

LCP [BBIA8](#)

GP8 Limiting the adverse impacts of development on the quality of water throughout the Brevard Barrier Island Area and the IRL.

LCP [BBIA9](#)

GP9 Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment.

LCP [BBIA10](#)

GP10 Ensuring that development is compatible with the unique barrier island characteristics.

LCP [BBIA11](#)

[Section 12 Future Land Use](#) (Not a Guiding Principle per se but Hugely Relevant) and

Listed here for Document Navigational Purposes

## **GOAL, OBJECTIVES, AND POLICIES**

### **INTRODUCTION**

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

### **GOAL**

The BBIA's natural environmental and ecological resources, community character, and public health and safety are protected.

### **Designation of the BBIA Objective BBIA 1**

Brevard County locally establishes and delineates the southern portion of the County's barrier island as a part of the BBIA in compliance with section 380.0553, F.S., geographically described in BBIA 1.1 below.

*We have to be careful not to confuse the BBIA definition as the actual act/law with the geographical description of the BBIA. We may want to identify these two with different acronyms such as BBIACSC and the BBIAGA.*

### **BBIA Boundary Policy BBIA 1.1**

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

### **Legislative Findings for the BBIA Policy BBIA 1.2**

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

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

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

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

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

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

F. Density limitations and natural resource protection on the barrier island of Brevard County have decreased public tax burdens associated with the provisions of services, building and maintenance of

infrastructure for barrier island residential developments, and public costs for rebuilding public and private structures following severe erosion events.

G. Protection of the primary dune system of the barrier island of Brevard County provides the only protective buffer for local development from storm surges associated with tropical storms and hurricanes.

H. The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.

### **Legislative Intent for the BBIA Policy BBIA 1.3**

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

A. Establish a land use management system that protects the natural environment of the BBIA;

B. Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of existing public facilities and services;

C. Protect and improve the Indian River Lagoon ecosystem, including improving water quality of the BBIA through federal, state, and local funding of water quality improvement projects; and

D. Ensure that the population of the BBIA can be safely evacuated in the event of a hurricane.

### **Guiding Principles for Development within the BBIA Policy BBIA 1.4**

Brevard County shall coordinate this local comprehensive plan, its associated land development regulations, and its programs and regulatory activities to be consistent with all of the guiding principles for development within the BBIA as specified in section 380.0553, F.S.

### **Existing Use Exception Policy BBIA 1.5**

The policies contained within this local comprehensive plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023.

### **Conflicting Policies Policy BBIA 1.6**

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

### **Sea Turtle Habitat Objective BBIA 2 (BBIA2) [Back to Guiding Principles](#)**

Brevard County shall prevent the adverse impacts of development on resources critical to sea turtle habitat. The draft should address strengthening and review of the County's 21-year-old sea turtle protection ordinance (Chapter 46, Article III). There are new technologies, science, and land-use trends, and qualified partners to assist the County with expertise, such as FWC. An independent review of Brevard's Sea Turtle Ordinance by the Sea Turtle Conservancy found weaknesses unbecoming an Area of Critical State Concern.

### **Policy BBIA 2.1**

Brevard County shall prohibit new shoreline hardening structures.

The draft should clearly define “shoreline hardening structures” prohibited in Policy BBIA 2.1. Although there is a related definition in State Statute (Ch 161.54), this is incomplete in terms of effects on sea turtles. Prohibited shoreline hardening should include any artificial conditions that could impede sea turtle nesting. This would include beach structures such as seawalls, bulkheads, revetments, rubble, groins, breakwaters, and materials other than beach sand, but also wood walls, lattice, huts, gazebos, boats, fencing, lawn debris, and other hazards. Because these structures within the current BBIA have a poor detection history, the County should proactively survey the beachfront for these structures, annually, before the spring nesting season.

### **Policy BBIA 2.2**

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

#### **Criteria:**

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

This is a terrific opportunity to recalculate the Brevard County Coastal Setback to incorporate recent and projected sea level rise (SLR). The current CSL is out of date. The new line should be proactive for SLR.

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

The storm surge zone should be recalculated based on new data, and should be adaptable as new data are available. This is very important. The Flood Hub at USF will be a good source of new data.

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### **Policy BBIA 2.3**

Brevard County shall maintain and enforce lighting regulations in order to eliminate the visibility of artificial or otherwise man-made light to nesting female and hatchling turtles. Such regulations shall be periodically reviewed and updated to reflect best practices in coordination with organizations such as FWC.

### **Policy BBIA 2.4**

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

Enforcement of grain size for nourishment sediments needs to be enforced. Far too much fine-grained sediment was deposited over the past couple of years.

## Policy BBIA 2.5

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

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

1. Oceanfront development shall be required to maintain at least 50% of the native dune vegetation on site excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL, whichever is most westerly. All land seaward or East of the CSL or CCCL is not a part of the 50% and is excluded from the 50% calculation. In addition, native dune vegetation seaward of the FDEP 1981 Coastal Construction Control Line (CCCL) or the Brevard County Coastal Setback Line (CSL), whichever is most westerly shall not be removed unless necessary for approved emergency vehicle access or coastal protection needs.
2. In order to maintain the freshwater lens of the surficial aquifer and reduce saltwater intrusion, post-development groundwater recharge volume and rate shall equal pre-development recharge volume and rate. How is this measured, verified, and what are the penalties for this.
3. Reducing setbacks from A1A will be considered where it is necessary to maintain and maximize setback requirements from the ocean.
4. Reconstruction of shoreline hardening structures that are more than fifty (50) percent destroyed should be considered new construction and should be regulated as such, except for the maintenance of existing public navigational projects. Please see Guiding Principles BBIA 2.1 prohibiting new shoreline hardening structures, and if there is a bona fide need to repair as new then perhaps should be bifurcated between ocean shoreline hardening structures and river or IRL shoreline hardening structures
5. Underground storage tanks or the storage of hazardous materials are not permitted.
6. Septic tank or septic tank drain fields shall not be permitted seaward of the CSL. Septic tanks shall be located landward of the most seaward portion of the habitable structure. Please include new Septic system requirements as mandated under HB 1379 which became law July 1, 2023 that requires all new permitted septic tanks to use enhanced nutrient-reducing onsite sewage treatment and disposal systems (ENR-OSTDS, or "nitrogen-reducing systems") and that all septic tanks will need to be upgraded by Jan 1, 2030 throughout the BBIA.

## Policy BBIA 2.6

Brevard County shall enforce development restrictions associated with the CSL and the Brevard County Coastal Construction Line (CCL) and re-evaluate the effectiveness of these lines within 6 months of the enactment of the BBIA and afterwards every two years and from time to time as coastline changes dictate. The public will be broadly notified no later than 2 months before re-evaluation. The County shall provide FDEP with their findings and request a review of the CCCL, if deemed appropriate.

The Brevard County Coastal Construction Line (CCL) has remained the same for more than 40 years. Over that time, Brevard has had a hurricane disaster declaration about every 1.5 years. This Comp Plan change is an opportunity to require re-assessment of the coastal setback line relative to the high-hazard zone.

Policy 6.16 and 6.17 list sources of better data that will be used for other purposes. Those data sources should be applied here.

### **Policy BBIA 2.7**

Outer Continental Shelf (OCS) activities such as oil and gas exploration or mining adjacent to Brevard County are discouraged for several reasons. The County's beaches are the most heavily nested beaches by sea turtles in the western Atlantic. Impacts to water quality, beach quality and fisheries could negatively impact the threatened and endangered species that nest here. Brevard County should review and comment on all OCS and offshore drilling leases proposed for waters adjacent to the county. This policy does not discourage OCS sand and gravel mining conducted as part of Brevard County's shore protection and restoration strategy. Because of ACSC designation and turtle nesting can we/County/State work with the Federal Gov't about not permitting these activities in Federal Waters.

### **Policy BBIA 2.8**

Establishes a land use management system that reduces flooding severity and events, including root systems.

## **Water Quality Restoration Objective BBIA 3 (BBIA3) [Back to Guiding Principles](#)**

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

### **Policy BBIA 3.1**

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

### **Policy BBIA 3.2**

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

Evaluation of new development should be done in the context of current conditions due to development that has already occurred. New development can't be evaluated without this broader context. This no-context evaluation is often done with new house development, when a dirt is brought in to raise the elevation of a new construction, the drainage patterns change which causes issues to adjacent properties to flood.

### **Policy BBIA 3.3**

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

### **Policy BBIA 3.4**

The channelization, dredging or impoundment of natural waters of the State shall be prohibited, except where no practical alternative exists for those operations necessary to correct existing threats to public health or safety, allow maintenance of existing navigational waterways, improve water quality, or provide reasonable access to water dependent shore-

based facilities. All practical steps shall be taken to minimize adverse impacts to biological attributes of the water resources and water-dependent natural systems.

### **Policy BBIA 3.5**

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

### **Policy BBIA 3.6**

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

### **Policy BBIA 3.7**

The Brevard County Natural Resources Management Department shall coordinate with the FDEP to develop and implement BMAPs to comply with NPDES permits and meet the TMDL's established for local surface waters.

### **Policy BBIA 3.8**

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

**Policy BBIA 3.9**

Brevard County shall support the SJRWMD’s mapping of submerged aquatic vegetation within the Indian River Lagoon system. Evaluation results shall be made available to municipalities and other agencies or programs. Areas that show decline should be targeted for increased watershed management, including non-point source pollution, and restoration. Management strategies shall be coordinated with the municipalities and other agencies **at least quarterly and should be made available to the public within 30 days of survey.**

**Policy BBIA 3.10**

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

**Policy BBIA 3.11**

Brevard County supports the goals of the IRLNEP Comprehensive Conservation and Management Plan (CCMP) for recovery of the Lagoon. This support is reflected in the strategies identified in the County’s Action Plan Implementation Status Report for the CCMP.

**Reducing Nutrient Contributions Objective BBIA 4 (BBIA4) [Back to Guiding Principles](#)**

Brevard County shall reduce nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon **to levels that continued contributions do not pose a negative impact on the health of the ecosystem.** **Brevard County shall enforce HB 1379 Law governing permitting of new septic systems in the BBIA.**

**Policy BBIA 4.1**

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

**Policy BBIA 4.2**

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

**Policy BBIA 4.3**

Brevard County shall discourage new package treatment plants, except as provided for in the Sanitary Sewer Element, and encourage sewer connection. **Brevard County shall not provide permit approval for new package treatment plants unless these plants reduce the nutrient outflow in pounds nitrogen to less than municipal treatment plant levels. New package treatment plants should provide tertiary treatment and remove pesticides, pharmaceuticals, and heavy metals that meet drinking water standards.**

**Policy BBIA 4.4**

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

**Criteria:**

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

1. When environmental conditions exist that preclude on-site sewage disposal, connection to the central sewer system is not feasible and the establishment of a private treatment plant is the only alternative for wastewater treatment;

2. To serve commercial land uses adjacent to existing residential uses in the urban fringe, urbanizing or urban density areas. Such commercial uses shall reduce an existing deficiency in commercial area, defined as less than 160 square feet of commercial area for each residence within a two-mile radius;

Please provide examples of existing commercial or residential uses in urban fringe, urbanizing or urban density area that warrant this policy or delete it completely.

3. To serve developments with a mixture of uses located as an extension of existing residential uses and of an overall project density no greater than that permitted in the density area.

4. To serve residential development using a transfer of density to protect an environmentally sensitive area. Such development shall be located as an extension of existing residential uses and shall be of an overall project density no greater than that permitted in the density area.

B. Private treatment plants shall be permitted by the Florida Department of Environmental Protection.

C. Developers of new private treatment plants in areas where potable water is used as the irrigation source are strongly encouraged to utilize reclaimed water to assist in meeting the irrigation needs for the development or should configure a ground water disposal system to recharge the surficial aquifer. This ground water disposal system water shall meet or exceed local drinking water standards for nutrients, metals, pharmaceuticals and pesticides. This is to ensure clean water for future generations.

*Or alternatively, no private treatment plans should be allowed. If the described types of developments are to occur, Brevard County must first install central sewer. Private plants are prone to failures, and the region is already over capacity on septic systems.*

**Policy BBIA 4.5**

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

**Policy BBIA 4.6**

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

**Policy BBIA 4.7**

Brevard County shall continue to analyze drainage basins to identify the impact of drainage facilities on adjacent natural resources, including water quality of receiving waters. Such analysis shall be incorporated into basin prioritization in Stormwater Management Plans. If such drainage has a negative impact on adjacent natural resources, then zero growth should be permitted.

**Policy BBIA 4.8**

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

**Policy BBIA 4.9**

Where illegal or accidental discharges of materials, or violations of water quality standards are observed, such violations shall be reported to the appropriate federal, state and local regulatory agencies for further action and enforcement. When illegal discharges are determined then the responsible party(s) shall be fined and receive penalties to the maximum required by law. If “accidental discharges are due to poor maintenance and/or are the deemed repetitive, then the discharges shall be deemed “illegal.”

**Policy BBIA 4.10**

Brevard County shall maintain within the land development code regulations that implement standards consistent with NPDES Permits and Total Maximum Daily Loads.

**Policy BBIA 4.11**

The Brevard County Natural Resources Management Office shall review and comment, as necessary, on dredge-and-fill applications and/or Environmental Resource Permits from the FDEP, SJRWMD, the U.S. Army Corps of Engineers, or other appropriate agencies.

**Policy BBIA 4.12**

Brevard County ~~should~~ shall address modification of existing development that does not meet stormwater management standards. How is this being addressed and what is typically the outcome, plan of action?

**Policy BBIA 4.13**

Brevard County shall continue to implement and monitor performance standards for marinas and marine-related facilities. Such performance standards shall comply with the Brevard County Manatee Protection Plan (MPP), as amended, and provide for the protection of water quality and include the maintenance and containment of stormwater runoff and wash-down water for dry storage areas. Repeat offenders should receive a fine and /or suspension/revocation of license.

**Policy BBIA 4.14**

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

**Criteria:**

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

B. Floating structures shall be connected to pump-out facilities or a municipal sewer facility.

#### **Policy BBIA 4.15**

Retrofitting or modification of existing marina facilities shall be required to meet the criteria within the MPP, as amended, and the following minimum criteria:

##### **Criteria:**

A. Stormwater retention/detention requirements established in the Stormwater Management Criteria Ordinance as adopted on August 23, 1993.

B. Substantially expanded marina facilities shall retain all work area runoff. For those projects with combined detention areas of five (5) acres or greater, the work area runoff shall be retained in a separate retention area. In addition, the first inch of stormwater runoff from a 10-year, 24-hour storm event shall be retained on site or shall meet the water quality standards as required by the state, whichever is more restrictive. For projects with a combined detention area of less than five (5) acres, stormwater and work area runoff may be retained in a single retention/detention area.

C. When ten (10) slips or ten (10) percent or more of the total number of slips, whichever is greater, are added, pump-out facilities shall be required, as recommended by the Marine Sanitation Study (1990), sufficient to accommodate the pump-out requirements concurrent with the total number of slips.

D. Prior to operation of any new marina fueling facility or expansion due to an existing facility, a fuel management/spill contingency plan will be developed and provided to the Natural Resources Management Department for review. The plan shall describe methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a fuel spill.

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#### **Policy BBIA 4.16**

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

#### **Nature-Based Solutions Objective BBIA 5 (BBIA5) [Back to Guiding Principles](#)**

Brevard County shall support innovative, nature-based solutions including living shorelines **to include mangrove and sea grape trees**, and freshwater and coastal wetland restoration

#### **Policy BBIA 5.1**

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

### **Policy BBIA 5.2**

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

#### **Criteria:**

A. Stormwater management facilities within existing developments should be retrofitted to provide for treatment of runoff (including sediment removal where appropriate) prior to release to receiving waters. The Level of Service Standards for these facilities shall include the reduction of the pollutant loading as necessary to enhance or maintain the beneficial uses of the receiving water and to meet receiving water standards per Florida Administrative Code. All facilities should be maintained at design capacity.

B. Properties with bulkheads or seawalls shall be modified so that runoff is detained prior to release to the receiving body. This may be achieved by planting native or other appropriate vegetation along the shoreline to retain silt, sediment, and nutrients so that the quality and rate of runoff is equivalent to the pre-development state.

C. Properties with altered vegetated shorelines shall be modified to retain silt, sediment, and nutrients by planting native vegetation or other appropriate vegetation. A detention structure, swale, and/or berm may be used to allow sediments to settle and nutrient uptake to occur only if non-native vegetation is predominant. Runoff quality and rates ~~should~~ shall be evaluated and identified with incentives to reach ~~be the~~ equivalent to the pre- development state.

### **Policy BBIA 5.3**

Brevard County shall determine the feasibility of innovative methods of stormwater treatment other than standard retention and detention basins, which shall include such alternatives as stormwater reuse and area wide stormwater management facilities.

### **Policy BBIA 5.4**

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

### **Policy BBIA 5.5**

Mosquito impoundments should be reconnected to the Indian River Lagoon where benefits can be demonstrated to increase habitat value of the impoundments and benefits to the Lagoon.

### **Policy BBIA 5.6**

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

Development projects that reduce run-off; mitigate flood impacts; provide for the on-site absorption, capture, and reuse of stormwater; and preserve and restore natural drainage characteristics.

#### **Policy BBIA 5.7**

Brevard County ~~should~~ shall continue to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions and amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

#### **Policy BBIA 5.8**

Based on the 2021 Resilient Brevard Community Survey, completed by the East Central Florida Regional Planning Council (ECFRPC), the County must encourage and require development to meet nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.

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

The county wrote 28 pages of regulations about Specimen, Heritage and other trees and then EXEMPTED them ALL from the 28 pages of code in a single sentence.

We need to be exempt from the 62-4334 exemption; This edit does not change, in any way, the intended footprint of the building.

. Such adaptation strategies may include:

- a. Multi-use stormwater parks,
- b. Bioswales as stormwater management techniques,
- c. Green streets,
- d. Reduced impervious areas,
- e. Florida-friendly landscaping/xeriscaping, and
- f. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

## **Critical Assets Objective BBIA 6 (BBIA6) [Back to Guiding Principles](#)**

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

### **Policy BBIA 6.1**

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

#### **Criteria:**

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

### **Policy BBIA 6.2**

Brevard County shall require hurricane plans to be submitted to the Florida Division of Emergency Management in conjunction with marina site plans for review.

### **Policy BBIA 6.3**

Brevard County shall not support or finance new local transportation corridors that lie within the coastal high hazard area or areas zoned as Environmental Area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the densities programmed on the Future Land Use Map (FLUM) series of the Comprehensive Plan or the protection of the transportation facilities from flooding and storm surge.

### **Policy BBIA 6.4**

Brevard County should not locate sewer and water transmission lines within the coastal high hazard area, except where there is no practical and cost-feasible alternative due to engineering, safety and cost considerations, lack of alternative existing rights-of-way, or for septic to sewer conversion projects selected specifically to improve ground and surface water quality. Such transmission lines shall be designed to withstand flooding and storm surge. **However, connecting to existing sewer lines is highly encouraged.**

### **Policy BBIA 6.5**

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

**Policy BBIA 6.6**

Public facilities, except for recreational facilities, shall not be located by Brevard County within the coastal high hazard area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the densities programmed on the Future Land Use Map (FLUM) series of the Comprehensive Plan or the protection of the public facilities from flooding and storm surge.

**Policy BBIA 6.7**

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

**Criteria:**

- A. The most current behavioral response scenario.
- B. The requirement to evacuate prior to sustained tropical storm force (39 mph) winds.
- C. The current requirements of F.S. 163.3.

**Policy BBIA 6.8**

Brevard County shall coordinate with the municipalities, Indian River Sheriff's Department, and appropriate state agencies to develop Evacuation Zone Management Plans to reduce evacuation times above the current optimum behavioral response time. The following shall be considered, at a minimum:

**Criteria:**

- A. Roadway and other infrastructure improvements and funding mechanisms.
- B. Programs designed to improve the behavioral response to hurricane evacuation orders.
- C. Land use strategies.
- D. Mock evacuation studies simulating land falls for all category hurricanes.

**Policy BBIA 6.9**

Brevard County shall identify roadway and operational improvements to the hurricane evacuation network based upon the number of people who cannot be evacuated within an optimum evacuation time limit.

**Criteria:**

- A. Priority shall be given to improvements serving the zone with the highest number of people remaining after the current optimum evacuation time.
- B. The remaining improvements shall be given priority in descending order according to the number of people remaining after the optimum evacuation time.

C. Brevard County, in cooperation with the Indian River Sherrif's Department and the Florida Department of Transportation, shall identify key hurricane evacuation routes that are vulnerable to flooding, erosion and critical points of congestion during the established evacuation time. This includes Sebastian Inlet bridge and A1A corridor leading to the Wabasso Causeway bridge.

D. Brevard County shall present recommended roadway, operational and maintenance improvements to the appropriate implementing and funding agencies.

**Policy BBIA 6.10**

In those areas where citizens cannot be evacuated within the evacuation standards of the Brevard County Comprehensive Emergency Management Plan, development orders may be deferred until such time as adequate evacuation capacity has been programmed.

**Policy BBIA 6.11**

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

**Policy BBIA 6.12**

Brevard County shall support the School Board in their efforts to utilize enhanced hurricane shelter protection standards for all reconstruction and new development.

**Policy BBIA 6.13**

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

**Criteria:**

- A. The cost effectiveness of relocation versus repair shall be analyzed.
- B. Alternatives shall be considered in the light of mitigative impacts, growth management consistency, impacts to the public, timeliness, legal issues, environmental impacts and cost.
- C. The following alternatives, at a minimum, shall be analyzed:
  - 1. Repair of the structure to the pre-disaster conditions.
  - 2. Repair of the structure to the pre-disaster conditions with physical protective structures, as may be legally permissible.
  - 3. Vertical relocation of the structure, e.g. elevating roadways with bridges.
  - 4. Relocation further inland.
- D. Reconstruction or relocation of SR A1A and other roadway segments within the coastal high hazard area shall be included within this study.

E. The study shall be consistent with the East Central Florida Regional Planning Council studies. The hurricane scenarios and loss estimates shall be consistent with the Hurricane Loss Study and shall be coordinated with other appropriate agencies.

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

**Policy BBIA 6.14**

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

**Policy BBIA 6.16**

The County should utilize a range of sea level rise projections as recommended in the adopted East Central Florida Regional Resilience Action Plan (RRAP), as amended, for planning purposes based upon vulnerability, risk, project service life of a facility or growth management.

**Policy BBIA 6.17**

The County should ~~consider~~ utilize designating Adaptation Action Areas (AAAs), as allowed by Florida Statute, as a mechanism to prioritize resilient planning, infrastructure investments, and strategies to address current and future flood impacts in areas identified as vulnerable to coastal flooding, storm surge, and sea level rise.

**Policy BBIA 6.18**

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

**Policy BBIA 6.19**

The County should consider utilize initiatives within the Brevard County Emergency Operations Local Mitigation Strategy (LMS) and ECFRPC RRAP that focus on solutions for flood impacts; and develop methodologies for prioritizing public project expenditures based on a cost-benefit analysis, feasibility, and short- versus long-term benefits.

**Policy BBIA 6.20**

The County should identify development and redevelopment performance standards designed to minimize or withstand permanent and/or temporary inundation from flooding, sea level rise, and storm surge. These standards may include increased freeboard elevations, the consideration of future tailwater elevations for stormwater infrastructure, and/or multi-use temporary flood storage areas.

**Policy BBIA 6.21**

The County should continually identify strategies and engineering solutions that minimize the loss of flood storage capacity in all floodplains and areas vulnerable to natural hazards such as flooding, storm surge, and sea level rise, and consider incorporating them into the Land Development Regulations.

**Policy BBIA 6.22**

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

**Policy BBIA 6.23**

Brevard County should continue to analyze the best available data to maintain or update relevant and current coastal hazard vulnerability projections and update maps, as applicable. The County should continue to identify and understand the risks, vulnerabilities, and opportunities for strategies within short, mid, and long-term planning horizons as established in the RRAP Formal Recommendation, as amended.

**Policy BBIA 6.24**

Brevard County shall coordinate with the municipalities and appropriate state agencies to maintain Evacuation Zone Management Plans as described in the Coastal High Hazard section of the Coastal Management Element as well as the recommendations found within the Brevard County Comprehensive Emergency Management Plan (BrevCEMP).

**Policy BBIA 6.25**

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

**Marine Resources Objective BBIA 7 (BBIA7) [Back to Guiding Principles](#)**

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

**Policy BBIA 7.1**

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

**Criteria:**

A. Maintain upland vegetation within required setbacks to reduce runoff. The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL. The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.” This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can be clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 100% of buildable oceanfront lots are being clear-cut. This is because of the unintended way the calculation is made. It’s a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound

to build in the unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.

B. Require proper use of turbidity screens during construction activities.

C. Control discharge rates to promote on-site settlement of sediment loads and meet minimum retention requirements for runoff from storm events.

### **Policy BBIA 7.2**

Brevard County shall preserve, protect, and replace wetlands to achieve no net loss of functional wetlands. The County shall ensure the protection of wetlands and wetland functional values by prioritizing protective activities with avoidance of impacts as the first priority, minimization of impacts as the second priority, and mitigation for impacts as the third priority. The County shall maintain regulations that promote no net loss of functional wetlands. At a minimum, the following criteria shall be included in the land development regulations:

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#### **Criteria:**

A. The basis for no net loss shall be established by ordinance.

B. Wetlands shall be considered functional unless the applicant demonstrates that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland functions.

C. If an activity is undertaken that degrades or destroys a functional wetland, the person performing such an activity shall be responsible for repairing, replacing, and maintaining the wetland in addition to applicable penalties. If it is not ~~feasible or desirable~~ possible for the responsible person to perform the repair, replacement, or ~~and~~ maintenance of the wetland, then the responsible person shall mitigate for the wetland loss. Mitigation can include, but not be limited to: wetland restoration, wetland replacement, wetland enhancement, monetary compensation (determined by a full financial review of destroyed environmental value) or wetland preservation.

D. Wetland activity conducted by a public agency may not be utilized for wetland mitigation credit by private persons unless approved by Brevard County.

E. Development shall be subject to land use and density restrictions within wetlands as established in Policy 5.2 of the Conservation Element.

F. Allowable wetland impacts shall be kept to a minimum and related to structural building area requirements, on-site disposal system requirements, the 100-year flood elevation requirement for first floor elevations, required stormwater management and parking, and required access to the on-site structures. Minimization shall include application for available land development regulation waivers that would result in reduced wetland impacts.

G. Dumping of solid or liquid wastes shall be prohibited.

H. Applying or storing pesticides and herbicides ~~should~~ shall be prohibited unless such application is required for protection of the public health or removal of invasive, exotic, or nuisance plant species for management and mitigation or conservation purposes approved by Brevard County or removal of invasive, exotic, or nuisance plant species for management and mitigation or conservation purposes approved by Brevard County.

I. The County shall develop incentives to minimize impacts to highly functional and landscape level wetlands.

J. Non bona-fide agricultural activities shall be regulated in accordance with Policy 5.2 of the Conservation Element. Where the allowable use is residential, residential policies shall apply. Sufficient buffer setbacks of the activity from incompatible land uses shall be provided. Buffer setbacks shall be established through the land development regulations. The property shall meet all other State regulatory criteria.

### **Policy BBIA 7.3**

Wetland regulations adopted by Brevard County should avoid duplication of wetland regulation unless regulated activities will result in the destruction and/or degradation of functional wetlands. Where the wetland degradation or destruction has been permitted by

FDEP or SJRWMD based on FDEP and SJRWMD professional staff application of criteria and evaluation, the County shall apply the avoidance, minimization of impacts, and mitigation priorities and land use and density requirements of this local comprehensive plan. Any permitted wetland degradation or destruction shall provide for mitigation.

### **Policy BBIA 7.4**

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

**Need to understand mining and the need in as ACSC.**

#### **Criteria:**

A. Mining operations should not adversely impact protected wetlands or other water dependent systems and shall be set back a minimum of 100 feet from such wetlands.

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

### **Policy BBIA 7.5**

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

Who performs the environmental assessment and what is the criteria.

**Policy BBIA 7.6**

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

**Policy BBIA 7.7**

All existing and new marinas shall erect manatee education and awareness signs that will be posted and maintained in a prominent location. Each marina operator shall establish and maintain a permanent manatee educational display at a prominent location at their marina. Brevard County shall establish and maintain a display at public boat launch facilities and license tag agencies.

**Policy BBIA 7.8**

Those involved in the sale of boats and motors ~~should~~ shall provide manatee information to the buyer at the time of delivery of boats or motors.

**Policy BBIA 7.9**

Brevard County shall maintain well-marked speed limit signs, in accordance with the uniform waterway marker program, for manatee protection and boating safety speed zones established by local ordinance only.

**Policy BBIA 7.10**

Brevard County, or other appropriate agencies, shall develop a standardized information packet containing information regarding manatees and regulations protecting manatees for distribution by the U.S. Fish and Wildlife Service, Florida Department of Environmental Protection, Brevard Marine Association, and other agencies or groups as appropriate. This will include information concerning the existing manatee slow speed or idle zones, and any additional zones that may be deemed necessary within areas frequented by manatees.

**Policy BBIA 7.11**

Brevard County shall identify areas containing significant manatee habitat features.

Marinas with powerboat slips shall not be sited within these areas.

**Policy BBIA 7.12**

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

**Policy BBIA 7.13**

Brevard County's mosquito impoundment management plans shall address the following criteria, at a minimum:

Mosquito impoundments should be managed to increase their value as fish nursery habitats. This might include multi-day opening of culverts during summer to allow juvenile fish to emigrate from the impoundments, followed by refilling impoundments to prevent mosquito breeding.

**Criteria:**

- A. Appropriate water management system shall be utilized.
- B. Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.
- C. Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.
- D. Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.
- E. The primary use of mosquito control impoundments shall be to protect human health through the control of mosquito populations. Secondary uses may include stormwater management, habitat improvement, wildlife management, and other uses as appropriate. Brevard County shall encourage multiple uses of mosquito control impoundments.

**Policy BBIA 7.14**

Brevard County shall include seagrass protection within its performance standards for marinas and marine-related facilities.

**Policy BBIA 7.15**

Brevard County should continue to develop and implement regulations governing live-aboards within the coastal zone. The regulations shall include the following criteria at a minimum:

**Criteria:**

- A. The County shall investigate designating certain areas of the Indian River Lagoon for mooring of motorized live-aboard vessels that are not docked within marinas.
- B. The County shall coordinate with the Marine Patrol to eliminate live-aboards permanently anchored outside of a marina or area specially designated for live-aboards.
- C. Floating structures shall be required to moor within marinas or to privately owned riparian property.

**Policy BBIA 7.16**

Brevard County shall continue to implement standards for marina siting within the coastal zone that shall address the following criteria at a minimum:

One acre of upland is insufficient for a functioning marina. More land should be required.

**Criteria:**

A. All proposed marina siting projects in unincorporated areas of Brevard County shall come before the Board of County Commissioners for their review. Marina development may be considered within any appropriate zoning classification, if it is consistent with the performance standards developed by the County. Uplands at the marina site shall be greater than or equal to one acre. Residential marinas shall be allowed as a permitted use, subject to the boat facility siting criteria established in the Brevard County Manatee Protection Plan and in the policies under Objectives 3 and 9 of the Conservation Element, in all of the current conditional use zoning classifications for residential/recreational marinas, except Recreational Vehicle Park (RVP) and Government Managed Lands (GML). **Should we have new marinas in BBIA?**

B. At the beginning of the zoning process, all marina development proposals must submit a conceptual plan to be reviewed by the Natural Resources Management Department for compliance with the Brevard County Manatee Protection Plan.

**Policy BBIA 7.17**

Marinas shall be inspected periodically by Brevard County and results of these inspections shall be coordinated with other agencies. Inspections shall be coordinated with existing programs and duplication with existing inspection programs shall be avoided. It is recommended that inspection of commercial marinas occur as part of the business tax receipt renewal procedure. Items to be inspected and reviewed may include the following.

**Criteria:**

A. Pump-out facilities and marine sanitation devices, if required. Live-aboards and floating structures at marinas shall be inspected to ensure that marine sanitation devices are present and operational.

B. Compliance with power/sailboat mix, if required.

C. Spill prevention, control, containment and cleanup plans.

D. Waste collection and disposal methods.

E. Firefighting equipment, if required.

F. Monitoring of marina basin water quality for bacteriological levels to insure

compliance with state and federal standards. If a water monitoring program is required, water-dependent uses shall be assessed an annual fee adequate to fund a water quality monitoring program.

**Policy BBIA 7.18**

Brevard County shall utilize available management plans in developing standards for marina siting and other water-dependent uses. These management plans include, but are not limited to, Aquatic Preserve Management Plans, the Surface Water Improvement Management (SWIM) Plan and the IRLCCMP.

**Upland Resources Objective BBIA 8 (BBIA8) [Back](#) to Guiding Principles**

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

#### **Policy BBIA 8.1**

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

##### **Criteria:**

A. Require permitting prior to any land clearing unless exempt by ordinance. Should never be exempt by ordinance, there should be no ordinance exempting land clearing without a permit.

B. Require phased clearing in conjunction with phased construction.

C. Require permits for the removal of trees or vegetation specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation in conjunction with land surveying unless exempt by ordinance. Should never be exempt by ordinance, there should be no ordinance exempting land clearing without a permit

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

E. Require tree and canopy preservation, including root protection standards.

Brevard County shall establish land development regulations specific to the BBIA ACSC area to protect its natural environment and strengthen the protection of tree canopy, native vegetation, and vegetated dunes on the island.

Brevard County shall establish a land use management system that provides specific guidelines for clearing residential lots developed in the BBIA, ACSC area. Brevard County shall make it illegal to clear-cut any residential lot in the ACSC area. Clear-cutting removes almost all native trees and vegetation on the lot, releasing sediment that finds its way to the Indian River Lagoon. Sedimentation is one of the biggest threats to the Lagoon and it can be sped up by land clearing that exposes soils that can be washed away. Violating the clear-cutting policy should be a 2nd-degree misdemeanor with a fine from \$500 to \$5,000.

Brevard County shall allow no exemptions for canopy (tree) removal on Single-family lots, 1.25 acres or less, during the development of any property in the BBIA ACSC area.

Brevard County shall establish a land use policy that preserves continuous tree canopy and preserves wind-tolerant native trees, and native vegetation as a property is being developed in the BBIA ACSC area. Special attention shall be given to saving wind-tolerant native trees such as Live Oaks, Sand Live Oaks, Sabal Palms, Sea Grapes, Cabbage Palms, and Saw Palmetto palms especially if they are grouped together, on the lot. (*According to ISA-arbor.org "Structures positioned on properties with more trees per unit area, received less damage from hurricane-force winds than properties with a lower tree density. Isolated trees were damaged more in hurricanes than those trees that were grouped together."*)

Brevard County shall clearly state the guidelines for how land is cleared on a property being developed in the BBIA ASCS such as: A requirement that 25% of the native tree canopy and vegetation must remain on the lot that is being developed. Ideally, the 25% would be in groups where they could continue to grow wild. Invasive plants like Brazilian Pepper trees can and should be removed and excluded from saving. Credits for keeping maturing Live Oaks and other native trees could be applied to the 25% mandate in coordination with the developer. Native trees and vegetation left as buffers on the sides of the property, do not count towards the 25%.

Brevard County shall preserve scenic vistas and protect native tree canopy by requiring 50% of the right-of-way area in the front area of the lot to remain un-cleared, during the development of any property in the BBIA ACSC area. The right-of-way area is directly in front of each lot, extending from the end of the lot line to the walking path or the end of the lot line to the street. Invasive species like Brazilian Pepper and dead trees can and should be removed. Native tree canopy, and vegetation in 50% of the right-of-way area, must be preserved.

Vegetation and trees growing adjacent to scenic roadways within the right-of-way for those roads shall be protected by the land development regulations regarding land clearing activities except in those cases involving health and safety concerns or those that would deny visual access beyond the immediate area.

Brevard County shall establish land development regulations that strengthen protections for ocean dunes and dune vegetation within the BBIA. Requirements to keep, maintain, and revegetate dunes should specify native shrubby dune plants like sea grapes, beach elder, and blue saw palmetto as well as native dune grasses like sea oats, beach cordgrass, and railroad vine.

Brevard County shall ensure that Developers modify dune cross-overs and stairs that lead to the beach, so they are blocked from the sides to prevent sea turtles from getting stuck under them when they come onto the beach to nest.

Protection and preservation of a continuous vegetated dune system must be strengthened. Dune grass is part of sea turtle nesting. When a sea turtle comes up on the beach and hits the seagrass on the dune wall, it signals the mother to start digging, laying eggs.

There should be incentives, in the code, for beachside property owners to maintain existing dune vegetation on their developed lots. A community outreach and education program could send beachside residents a list of native dune vegetation like sea oats, beach cordgrass, railroad vine, sea grapes, blue saw palmetto, and others as well as how to restore the areas of their dunes that are currently bare sand or have turf on them.

Land development regulations must ensure that Developers preserve existing dune vegetation and require restoration of dunes they damaged. Restoration shall include stabilization projects using native vegetation. Native dune vegetation traps wind-blown sand. The sand collects around the vegetation. Native dune plants, like sea oats, develop massive root systems capable of holding large amounts of sand. As sea oats grow larger, they trap more sand. As more sand gets trapped, sea oats grow larger to avoid being buried by the sand. An interruption in dune growth caused by damage to the dune

vegetation stops the process of dune expansion. Damage to dune vegetation should result in a 2nd-degree misdemeanor charge that includes \$500 to \$5,000 fine.

#### **Policy BBIA 8.2**

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

#### **Policy BBIA 8.3**

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

add aquifer recharge, flood mitigation

Evaluation of development of vegetated areas should to be done as a stand-alone evaluation, but in the context of the area, to include current development locations, current development impacts, impervious surface, and similar criteria.

#### **Criteria:**

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

#### **Policy BBIA 8.4**

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

#### **Policy BBIA 8.5**

Brevard County shall continue to ensure removal of invasive exotics on public lands and shall educate private property owners on reasons to remove invasive exotics from private lands. This program should emphasize replacement of invasive exotics with appropriate native vegetation where feasible.

#### **Policy BBIA 8.6**

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

#### **Policy BBIA 8.7**

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

the assessment should include freshwater flows (runoff) that will impact the IRL

Who performs the environmental assessment and what is the criteria.

#### **Policy BBIA 8.8**

Brevard County Natural Resources Management Department shall continue to comply with the county-wide scrub-jay Habitat Conservation Plan as approved by the US Fish and Wildlife Service.

#### **Policy BBIA 8.9**

Brevard County shall develop and comply with management plans for other species, as deemed necessary.

#### **Policy BBIA 8.10**

The County shall continue to implement education programs to promote the preservation of endangered and threatened species and species of special concern as well as their habitat, with the assistance of the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, and the U.S. Fish and Wildlife Service, and other agencies or groups as appropriate.

#### **Policy BBIA 8.11**

Brevard County shall continue to adopt and enforce standards for maintenance or re-establishment of dune areas. These standards shall include, at a minimum, the following provisions:

##### **Criteria:**

- A. Native dune vegetation shall be maintained on site unless removal or alteration is permitted by both Brevard County and the Florida Department of Environmental Protection, or other appropriate regulatory agency.
- B. Public and private beach access shall be allowed only at designated cross-over structures or historical access sites.
- C. Erosion control strategies will be utilized at unimproved public access sites until these can be improved or alternate access provided.
- D. Dune cross-overs, boardwalks, walkways and other permissible structures seaward of the CSL shall be elevated above dune vegetation and shall be designed to allow adequate light penetration.
- E. Shore-parallel boardwalks shall be prohibited seaward of the CSL except as required for handicap access.

F. Publicly owned dunes, especially those identified for beach access sites, that have been denuded or damaged by vehicular or pedestrian traffic shall be prioritized for dune renourishment and revegetation. Improvements or erosion controls shall be implemented at the time of renourishment to prevent further site degradation.

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

H. Structures and impacts that are necessary for public safety or meet the best public interest shall be permitted if approved by the Board of County Commissioners.

#### **Policy BBIA 8.12**

Brevard County shall maintain an ongoing program to initiate and monitor data collection projects related to beach dynamics, sand transport and coastal processes. This program should include data generated by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, the Florida Sea Grant program, universities and other appropriate agencies.

#### **Policy BBIA 8.13**

Brevard County shall prohibit motorized vehicles on the dune and beach system except for governmental vehicles, public safety vehicles, vehicles necessary to repair utilities, or vehicles utilized during approved renourishment programs or approved scientific investigations. Pedestrian traffic within the vegetated dune areas shall be limited to emergency operations, scientific research, maintenance, cleaning or improvements as authorized by the Natural Resources Management Department and consistent with FDEP regulations.

Does this include electric bikes? It should.

#### **Policy BBIA 8.14**

Beach access site improvements, parking facilities, and drainage shall be secondary to improvements to the naturally functioning dune system. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species.

#### **Policy BBIA 8.15**

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

#### **Water Quality Protection Objective BBIA 9 (BBIA9) [Back to Guiding Principles](#)**

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

#### **Policy BBIA 9.1**

Brevard County shall continue to make efforts to prevent negative impacts of development in and adjacent to the Indian River Lagoon and its tributaries by implementing and revising as necessary, the

Surface Water Protection Ordinance, including the following minimum criteria: Due to ACSC we need to revisit all of this below.

**Criteria:**

A. Maintain a fifty (50) foot surface water protection buffer from the ordinary high- water line, mean high water line, or safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping. On bulkheaded lots, the waterward extension of the buffer is established by the bulkhead line. A maximum width of 25 feet or 20% (whichever is greater) may be cleared for access. In lieu of an approved ordinary high-water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved administratively as defined in ordinance. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.

B. Except as allowable under criteria C and D below, primary structures shall not be permitted within the surface water protection buffer. The County shall establish allowable uses within the surface water protection buffer. Stormwater management for all alterations associated with allowable uses shall be required to protect water quality of the receiving water body. Provisions for the alteration and/or removal of non-native invasive plants, mitigation projects, and the planting of native species shall be established by the County.

C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, where there is insufficient lot depth to construct a primary structure, a primary structure may be located within the surface water protection buffer at least twenty-five (25) feet from the water line as outlined in Criterion A if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water

body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Where applicable, stormwater management measures shall be consistent with Chapter 373, F.S., as amended.

D. For residential lots located along areas of the Indian River Lagoon and its tributaries added to the State's designation of Class II Waters as of February 17, 2016, and platted or established by deed on the official record books of Brevard County prior to that date, where there is insufficient lot depth to construct a primary structure, a primary structure may be located within the surface water protection buffer at least twenty five (25) feet from the water line as outlined in Criterion A if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Avoidance and minimization of buffer impacts shall be required. Where applicable, stormwater management measures shall be consistent with Chapter 373, F.S., as amended.

E. Within the surface water protection buffer the maximum amount of impervious surface is thirty (30) percent, inclusive of primary structures as outlined in Criteria C and D.

F. Prohibit shoreline alteration other than that allowed by ordinance, unless the alteration is in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses.

G. Prohibit channelization, dredging and filling, and impoundment of natural waters of the State unless the activity is clearly in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses. Dredging shall not be permitted in or connected to Class II Waters, Outstanding Florida Waters (OFWs), Aquatic Preserves, areas that contain ten percent (10%) seagrass or more, and conditionally approved shellfish harvesting waters unless the activity is a federal navigation project, in the public interest, such as approved maintenance dredging of existing public or private navigational channels, or where dredging may improve water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility structures and utility crossings, or for shoreline alteration as allowed by this comprehensive plan.

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

**Policy BBIA 9.2**

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

**Criteria:**

A. Development within the one-hundred-year estuarine floodplain shall not adversely impact the drainage of adjacent properties or the quality of the receiving surface water body.

B. The following specific uses are not compatible with the resource requirements of the one-hundred-year estuarine floodplain and shall not be permitted. These include, but are not limited to:

1. Placing, depositing, or dumping of solid wastes.
2. Processing and storing of threshold amounts of hazardous materials.
3. Disposal of hazardous materials.

C. The annual estuarine floodplains within Brevard County should be left in their natural state, and re-established where feasible.

**Policy BBIA 9.3**

Mining operations shall not be permitted within wetlands as protected within this comprehensive plan.

**Policy BBIA 9.4**

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

**Policy BBIA 9.5**

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

**Policy BBIA 9.6**

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

**Policy BBIA 9.7**

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

**Criteria:**

- A. Retention and detention requirements shall at a minimum meet SJRWMD Criteria.
- B. Retention of the first inch of runoff.
- C. Post-development rate of discharge shall not exceed pre-development rate of discharge for a 25 year - 24-hour storm event.

The 25-year 24-hour storm event threshold is no longer viable, and is not adequate given the meteorological changes due to climate change. Consult the Florida Flood Hub at USF for better data. The standards should be much higher.

- D. Stormwater discharge facilities shall be designed so as to not lower receiving water quality or degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302 FAC.

**Policy BBIA 9.8**

The Natural Resources Management Department shall review and comment on the impact of new development on stormwater conveyance systems. If the conveyance system is determined to be deficient, the developer shall be required to retain additional runoff on site or make improvements to the conveyance system equal to the impact of the new development.

**Policy BBIA 9.9**

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

**Policy BBIA 9.10**

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

**Scenic Resources Objective BBIA 10 (BBIA10) [Back to Guiding Principles](#)**

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

Safe and effective bicycle lanes on Highway A1A would provide many benefits in the South Beaches, such as reducing motor vehicle traffic. The current bicycle lanes fall far short of the U. S. Department of

Transportation standards. These standards recommend a minimum of four feet in width; portions of the current lanes are 18 inches or less. Sustainable community plans across our country and the work address ways to make bicycling an effective means of transportation. Currently, the BBIA fails to provide safe and effective bicycle lands. Would you feel safe in an 18-inch land with cars coming within a foot of your elbow at 55 miles per hour?

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

#### **Policy BBIA 10.1**

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

#### **Policy BBIA 10.2**

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

#### **Policy BBIA 10.3**

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

#### **Policy BBIA 10.4**

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

#### **Policy BBIA 10.5**

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

#### **Policy BBIA 10.6**

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

##### **Criteria:**

A. Property owners along designated roadways shall be encouraged to preserve trees and vegetation during development of these properties.

B. Billboards and other physical barriers, such as fences, exceeding four feet in height, excluding primary and accessory structures, that interfere with or prevent visual access to the scenic qualities of the roadways designated as scenic resources, shall be prohibited. Non-conforming existing billboards and the referenced opaque physical barriers shall be amortized.

Please explain in greater detail “shall be amortized”.

C. Vegetation and trees growing adjacent to scenic roadways within the rights-of-way for those roads shall be protected by the land development regulations regarding land clearing activities except in those cases involving health and safety concerns or those that would deny visual access beyond the immediate area.

#### **Policy BBIA 10.7**

Brevard County shall investigate the feasibility of acquiring narrow strips of land along the Indian River Lagoon, where such areas could provide visual access or provide parking for passive recreation within the Lagoon.

#### **Compatibility Objective BBIA 11 (BBIA11) [Back to Guiding Principles](#)**

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

#### **Policy BBIA 11.1**

Brevard County shall not increase residential and commercial and all other density designations or allow density swaps or exchanges within the BBIA for properties located within the BBIA.

#### **Policy BBIA 11.2**

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

#### **Policy BBIA 11.3**

Brevard County shall review shore-line development within the coastal zone in order to maximize opportunities for water-dependent land uses. This is counter intuitive to Legislative Intent and Guiding Principles. The following criteria, at a minimum, shall be utilized.

#### **Criteria:**

- A. Water-related and water-enhanced uses shall be built on uplands.
- B. Development that is feasible only through creation of land by dredging and filling of areas below the mean high-water line shall not be approved. Exceptions may be considered where overriding public benefit to the natural resource can be demonstrated. No dredging in the BBIA.
- C. Water-dependent commercial and industrial uses need examples as to what industry would be considered may be considered for siting adjacent to the Indian River Lagoon.

#### **Policy BBIA 11.4**

The Brevard County Land Development Regulations shall include a provision for water-enhanced commercial uses within the coastal zone. Such uses shall be permitted as Conditional Uses within the BU-1 zoning category.

#### **Policy BBIA 11.5**

During rezoning and other development order approval reviews, Brevard County should give immediate shoreline use priorities (in descending order of priority) to: **More than likely only "downzoning" would be approved in the BBIA.**

#### **Criteria:**

A. Water-dependent uses such as fish, shellfish and wildlife production, recreation, water dependent industry and utilities, marinas and navigation;

B. Water-related uses such as certain utilities, commerce and industrial uses;

**Need examples of industrial uses**

C. Water-enhanced uses such as some recreation uses;

D. Non-water dependent or related activities such as residential; and

E. Of lowest priority are those uses that are non-water-dependent, non-water enhanced, and result in an irretrievable commitment of coastal resources.

#### **Policy BBIA 11.6**

Brevard County shall review beachfront development to ensure that it does not interfere with public access in those instances where the public has established ocean access-ways through private lands by prescription, prescriptive easement or other legal means. The developer may improve, consolidate, or relocate **should not allow relocation** such public access provided it is consistent with this Plan.

#### **Future Land Use Categories within the BBIA Objective BBIA 12 (BBIA12) [Back](#) to Guiding Principles**

**We think there will be no zoning changes/amendments future zoning changes will be proposed with this "go around" of the submission and will be addressed at a later date-we need to get this confirmed. At the Public Meeting at the Community Center Bonnie Landry & Associates stated there would no change to Zoning other than no increase in Residential Density, i.e. Future Land Use Map to stay intact.**

**All of the policies 12.1 thru 12.8 allow density to increase by "creeping", as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states "Brevard County Shall not increase density for residential properties in the BBIA"**

**For example, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research**

Brevard County shall restrict the assignment of future land use categories within the BBIA to the following: RES 1-BBIA, RES 2-BBIA, RES 4-BBIA, RES 6-BBIA, RES 8-BBIA, RES 15-BBIA, NC-BBIA, CC-BBIA, PUB-BBIA, REC-BBIA, PRIV CONS-BBIA, and PUB CONS-BBIA.

**Residential 1 – BBIA Future Land Use Policy BBIA 12.1**

The Residential 1 – BBIA land use designation permits low density residential development with a maximum density of up to one (1) unit per acre. The Residential 1 land

use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 1 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 1.

**Residential 2 – BBIA Future Land Use Policy BBIA 12.2**

The Residential 2 – BBIA land use designation permits lower density residential development with a maximum density of up to two (2) units per acre. The Residential 2 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 2 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

**Residential 4 – BBIA Future Land Use Policy BBIA 12.3**

The Residential 4 – BBIA land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre. The Residential 4 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 4 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or

C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 4.

**Residential 6 – BBIA Future Land Use Policy BBIA 12.4**

The Residential 6 – BBIA land use designation affords a transition in density between higher density areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre. The Residential 6 land use designation may

be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 6 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

**Residential 8 – BBIA Future Land Use Policy BBIA 12.5**

The Residential 8 – BBIA land use designation affords a transition in density between higher density areas and lower intensity residential uses. This land use designation permits a maximum density of up to eight (8) units per acre. The Residential 8 Directive land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 8 Directive or higher land use designations; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than eight (8) units per acre and areas with density of less than eight (8) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 8 Directive; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

**Residential 15 – BBIA Future Land Use Policy BBIA 12.6**

The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and
- B. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;
- C. Areas adjacent to an existing Residential 15 land use designation; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.

**Neighborhood Commercial – BBIA Future Land Use Policy BBIA 12.7**

Neighborhood Commercial – BBIA development activities are intended to be low impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A uses that were established as of the adoption date of this provision shall be considered consistent with this policy. Minimum public facilities and services are required for commercial uses, as specified in Policy 2.4 of the Future Land Use Element. Development activities that may be considered within Neighborhood Commercial Future Land Use designation, provided that listed criteria are met, include the following:

- a) Professional offices (no drive through lanes permitted);
- b) Personal Services (no drive through lanes permitted);
- c) Convenience stores (no drive through lanes permitted);
- d) Residential uses pursuant to Policy 2.10 of the Future Land Use Element;
- e) Institutional uses;
- f) Recreational uses;
- g) Public facilities; and
- h) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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

**Criteria:**

- A. Neighborhood commercial clusters should be located at collector/collector or collector/arterial intersections, except as otherwise provided for in this Comprehensive Plan.
- B. Due to the linear nature and lack of intersections along SR A1A south of Melbourne Beach, new neighborhood commercial uses may be considered along those roadways if there is sufficient infrastructure to support commercial development, if the area has an established commercial character, and if they are consistent with the other applicable policies of this Comprehensive Plan.

C. New neighborhood commercial land use sites should incorporate no more than two acres maximum at each corner of an intersection, as set forth in Criterion A of this policy. Neighborhood commercial land uses at such intersections should not exceed eight (8) acres total.

D. Neighborhood commercial development clusters should be spaced at least three (3) miles apart.

E. The gross floor area of neighborhood commercial development should not exceed a Floor Area Ratio (FAR) of 0.75.

### **Community Commercial – BBIA Future Land Use Policy BBIA 12.8**

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

- a) Existing strip commercial;
- b) Transient commercial uses;
- c) Tourist commercial uses;
- d) Professional offices;
- e) Personal service establishments;
- f) Retail establishments;
- g) Non-retail commercial uses;
- h) Residential uses pursuant to Policy 2.10 of the Future Land Use Element;
- i) Institutional uses;
- j) Recreational uses;
- k) Public facilities; and
- l) Transitional uses pursuant to Policy 2.11 of the Future Land Use Element.

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

#### **Criteria:**

A. Community commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For community commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

B. Community commercial complexes should not exceed 40 acres at an intersection.

C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

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

#### **Public Facilities – BBIA Future Land Use Policy BBIA 12.9**

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

##### **Criteria:**

A. Public facilities are those uses that, at a minimum, relate to government- managed transportation, sanitary sewer, potable water, solid waste, drainage, conservation, education, government service systems, and other utilities such as gas, electric, telephone and cable. An exception should be made for transmission or collection facilities, rights-of-ways, and easements. Public facilities are also those uses classified as scientific research and technology development activities conducted by non-governmental organizations (NGOs) in formal partnership with governmental entities. Such NGOs shall provide economic, environmental and/or quality of life benefits to Brevard County. Specific land-use activities include either: life science research, ocean, coastal and marine research and technology development, or environmental science research. Public Facilities that are NGOs in formal partnership with governmental entities shall not exceed a FAR of 0.25

B. Public facilities land uses may be considered for locations within all land use designations on the Future Land Use Map provided such uses are compatible with adjacent land uses consistent with this Comprehensive Plan.

C. Following the purchase, lease or dedication of property for public facility purposes, the Comprehensive Plan shall be amended to depict the property as Public Facility on the Future Land Use Map.

D. Brevard County shall encourage the use of common corridors for utility systems, including sanitary sewer, potable water, re-use, electricity, gas and other utilities. In keeping with the Scenic requirement of BBIA 10 all existing utility systems shall not increase in physical size, statute, and land mass. Reductions of same are encouraged.

In order to maximize the efficiency of public facilities and resources, Brevard County and the Brevard County School Board should strive to coordinate use of existing school facilities for public use. In addition, development of new libraries, parks and recreation facilities, children's services facilities, and other appropriate public uses on properties adjoining school sites should also be coordinated.

#### **Recreation – BBIA Future Land Use Policy BBIA 12.10**

The Recreation - BBIA land use designation shall be adopted as part of the Future Land Use Map to identify appropriate locations for public recreation land uses, based upon the following minimum criteria:

**Criteria:**

A. Recreation land uses may be considered within all land use designations on the Future Land Use Map, provided such uses are compatible with adjacent land uses.

B. Following determination by Brevard County to utilize property for public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.

**Private Conservation – BBIA Future Land Use Policy BBIA 12.11**

The Private Conservation - BBIA land use designation is related to privately owned lands with significant environmental features. The land use designation applies to privately held lands that were designated Conservation on the Future Land Use Map prior to adoption of the Future Land Use Element on May 16, 2000, regardless of their zoning classification.

Any lands that are privately owned and zoned Environmental Area (EA) or so designated by an approved binding development plan after May 16, 2000 shall be designated as Private Conservation. Such privately owned parcels shall permit a maximum residential density of one (1) unit per ten (10) acres.

**Public Conservation – BBIA Future Land Use Policy BBIA 12.12**

The Future Land Use Map shall designate lands as public conservation to provide for the protection of publicly held environmentally sensitive areas. The Public Conservation – BBIA future land use designation is intended to accommodate lands and facilities that are managed by federal, state and local governments within unincorporated Brevard County for conservation or preservation uses. Such uses shall conform to the following minimum criteria:

**Criteria:**

A. The Public Conservation land use designation should include lands under the ownership of Brevard County, the St. Johns River Water Management District, or other such agencies, for the purpose of environmental protection, publicly owned lands within the Environmental Area (EA) zoning classification, and publicly owned areas in which it is demonstrated that the preservation of environmentally sensitive resources will provide an overriding public benefit.

B. Development activities within lands designated as Public Conservation shall be consistent with the specific policies and intent of this comprehensive plan. Specifically, activities that are conducted on Public Conservation lands that enhance, protect or manage such lands for nature-based recreation, conservation or preservation purposes for the benefit of the public shall be considered as consistent with this criterion.

C. Other environmentally sensitive lands (i.e., floodplains, wetlands, or aquifer recharge areas) that are located outside of the Public Conservation land use designation are protected through the policies of this comprehensive plan.

D. Privately owned land shall not be designated as public conservation. If privately owned lands are acquired by state, regional, or local agencies for conservation or preservation purposes, the participating agencies should provide such information to the County so that the Future Land Use Map may be amended pursuant to section 163.3187, Florida Statutes, as may be amended. The County shall annually request such information from the applicable agencies so that any necessary amendments can be made to the Future Land Use Map. A. Residential densities for public conservation lands should not exceed one (1) dwelling unit per fifty (50) acres. Dwelling units on publicly held lands, including those zoned EA that are in public ownership, are limited to accommodating park rangers or other authorized personnel as deemed appropriate in order to manage or protect such public conservation lands.

### **Policy BBIA 12.13**

Brevard County shall designate lands without an assigned existing and Future Land Use category as of the date of adoption of this local comprehensive plan as follows:

- A. Privately-owned lands shall be assigned Private Conservation - BBIA.
- B. Publicly-owned lands shall be assigned Public Conservation - BBIA.

### **Removal of Area of Critical State Concern Designation Objective BBIA 13**

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

### **Sufficiency of Local Plan and Land Development Regulations Policy BBIA 13.1**

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

## BBIA

Joan Engel <joan.engel@gmail.com>

Fri 9/6/2024 4:02 PM

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

As a South Beach resident, who unfortunately did not make it to the BBIA meeting last week, please know I am very concerned about the future of our Barrier Island and support all the items listed below as well as improving the quality of the IRL.

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals
- Maintaining Existing Community Character
- Clean Water, no private treatment plants
- Coastal Setback updating for new single family residential homes
- Mosquito impoundments management

Please add me to your email lists about any further developments on these topics. Also, please let me know if there is anything I can do to help.

Joan Engel

Joan Engel

917-751-4435 (M)

## Comments re Barrier Island Area of Critical State Concern

thomas groblewski <tgroblewski@gmail.com>

Fri 9/6/2024 3:24 PM

To:tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>;Bonnie Landry and Associates - General Info <info@bclandry.com>

Dear Representatives-

I am a seasonal resident of Floridana Beach in Brevard County.

I'm writing to share my strong feelings and opinions about how we all must work together to support the State's recent designation of the barrier Island as an Area of Critical State Concern.

Here are my thoughts and specific recommendations:

1. Delete policy 12. We need to stop both residential and commercial density from increasing in order to preserve the precarious current ecologic balance. Any further increase in residential or commercial density will continue to tip the scales in the wrong, possibly irreversible, direction.
2. Stop clear cutting trees. Peer-reviewed research from around the world continues to present us with irrefutable evidence showing the detrimental effects of clear cutting. Remove the existing county ordinance tree-cutting exemption for lots less than 1.25 acres.
3. Take decisive action to do whatever is necessary to promote the right kind of land drainage so as to limit flooding. The inherent value of having healthy waterways on both sides of a land mass cannot be overstated. This valuable resource is supported by having only evidence-based drainage systems in place. In addition, concerted, permanent management will enhance the safest evacuation of the populace when that becomes necessary. Commit to cooperative action with the Indian River Lagoon coalition to make permanent programs limit runoff into the lagoon.
4. Make permanent commitments to protect the naturally occurring flora & fauna on the dunes, and take decisive steps now to restore existing and future compromised areas. Published scientific studies make clear the irreversible, contiguous environmental damage that comes from improper management of dunes and dune environments. Take steps to work with, not against, the natural evolution of the environment.
5. Make permanent any and all current and future scientifically proven steps to safeguard the sea turtle nesting areas. Welcome the opportunity to collaborate with existing and future research efforts such as County Natural Resource Departments and the Sea Turtle Conservancy to monitor and support this critical piece of the Marine Web.
6. Develop and implement permanent potable water and sewerage solutions for the populace of the Barrier Islands. Permanently replace existing individual and community systems which compromise both the safety and physical integrity of natural groundwater.
7. Permanently ban the application of any and all pesticides, insecticides, fungicides, fertilizers, chemicals etc. within the boundaries of this Area of Critical State Concern. Refer to the numerous, documented, worldwide examples of chemicals such as PFAS, nitrate, arsenic, lead, etc. being found in both private and

public tap water.

That the State of Florida has made this herculean commitment to recognize the Barrier Islands as an Area of Critical State Concern should show us all how concerned our elected representatives are about the long-term health of this environmental jewel. Let's show our support by taking bold, decisive, and permanent action!

Respectfully submitted,

Tom Groblewski, DO  
128 Delmar Street  
Melbourne Beach, FL 32951  
978-778-0285

**FW: SUBJECT: Protecting Environment and Property Rights; Brevard Barrier Island Area (BIPPA)**

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

Fri 9/6/2024 5:45 PM

To: Heather Shaw <Heather@bclandry.com>

Cc: Elmore, Amanda T <Amanda.Elmore@brevardfl.gov>

📎 2 attachments (3 KB)

publickey - jpoblete@pm.me - 0x5BFEA245.asc; signature.asc;

I can't tell who was copied, so sending to you...

**From:** Jason I. Poblete <jpoblete@pm.me>

**Sent:** Friday, September 06, 2024 10:18 AM

**Subject:** SUBJECT: Protecting Environment and Property Rights; Brevard Barrier Island Area (BIPPA)

After 30 years in the Washington, DC Metro region, my family and I returned to Florida to be closer to our family and a better quality of life. Having been born and raised in Miami, I can say that while I love Florida, Miami's development has gone way too far for our taste. We chose Brevard County precisely because of its unique environmental attributes—its beautiful beaches, nature preserves, and overall quality of life. However, in the two years we've been here I am concerned by the seemingly haphazard approach to development in this area.

Our cities must coordinate more effectively to plan in a way that enhances our environment while respecting the rights of property owners. Much more conservation work should be prioritized, as there is no reason we can't coexist with the space program and other developments. But if we compromise the environment—especially our water quality and green spaces—we risk creating severe long-term issues.

It's equally important to recognize the necessity of protecting private property rights. As residents, we should be able to peacefully enjoy our land with the assurance that our water is clean and our surrounding environment is healthy. Is that one of many reasons we pay taxes? Development policies should not come at the expense of our natural resources and our ability to enjoy our property.

In this spirit, I would like to offer my support for the following policy changes:

1. Delete Policy 12 in its entirety: This policy, which allows for density increases, directly contradicts Policy 11.1 and the overarching goals of the BIPPA. The provisions from Policies 12.1 to 12.8 that promote density "creeping" must be removed to prevent overdevelopment and preserve our community's character.

2. Amend Policies 5.8 and 8.1.C: Ensure that all properties in the BIPPA are excluded from exemptions that currently allow for 100% clear-cutting of trees under Brevard County ordinance 62-4334. This exemption devastates the area's tree canopy, which is crucial for preventing erosion, protecting water quality, and reducing the risks associated with hurricanes and flooding.
3. Strengthen Policy 11.1: Extend the density limitation to all property types, not just residential. Prohibit any movement of density from one part of the BIPPA to another to avoid overburdening specific areas and degrading the community's character.
4. Amend Policies 2.5 and 7.1: Clarify that no clear-cutting should be allowed in areas east of the CCCL or CSL. Address loopholes that permit excessive vegetation removal and threaten the critical root systems protecting our barrier island.

Please consider these changes to protect our unique environmental assets, safeguard our property rights, and ensure we enjoy clean water and the outdoors in Brevard County for generations. I also urge more communication and coordination among our local cities to align planning efforts. We can make this area even greater by leveraging one of our most valuable assets—our natural resources. Let's strive to maintain and enhance what makes Brevard County a special place to live. Thank you, JIP

**Jason I. Poblete**

E [jpoblete@pm.me](mailto:jpoblete@pm.me)

C 202.361.0947

T @jasonpoblete

B [Jason Poblete Dispatches](#)

W [Global Liberty Alliance](#)

W [jasonpoblete.co](http://jasonpoblete.co) (Jason Poblete Photography)

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(No subject)

Mohamad Hussein <mashussein@gmail.com>

Fri 9/6/2024 6:17 PM

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

Dear all, thanks for the opportunity to comment on issues that affect our residential community.

A great effort and a great start, however, the draft document's language, along with the discussions at the town hall, presents ambiguities and contradictions, particularly concerning: Population Density Limitation.

### **General Comments**

- 1- The approach to controlling how densely populated areas can become needs clearer definition.
- 2- Environmental Protection: There's a lack of specificity on how the environment will be safeguarded against urban sprawl and industrial activities.
- 3- Conservation Areas and Habitats: The measures to minimize damage to these sensitive zones are not explicitly detailed.

### **Specific Comments to Sections**

1. No Land Zoning changes within BBIA without documented Public input (Variance process) and Community Approval (Add to 12.9). All zoning is to remain "As Is" per 2023 State adoption of BBIA. No changes to coastal CCL setbacks.
2. No high density construction (Condos, high rises, water treatment systems etc. Remove 12.4, 12.5, 12.6 - No new high density development)
3. Brevard County shall promote State and County Parks within BBIA for Public Use / Tourism, NOT neighborhood beach easements / walkovers. Remove publications of community accesses / walkovers from county website and online public sources. (11.4 beach "recreational uses" - needs definition / cite examples. 11.5 and 11.6 All "recreational use" enhancements shall be restricted to / within existing County and State Parks. 12.10 NO New recreational facilities within BBIA - Enhancements to "existing" State and County Parks is okay. 12.7 and 12.8 amend - Remove "Recreational Uses" east of A1A unless within an existing State or County Park.)

4. Reduce / eliminate Promotion of the BBIA area as a tourist "destination". Apportioned promotional dollars to be moved to Conservation Education via Park Eco tours offered by Rangers or qualified conservation guides. (8.10)

5. NO new river or beach accesses will be created within BBIA. Existing easements WILL NOT expand and neighborhood walkovers within BBIA will be prioritized for Community Use over Public Use. ( Remove 10.4 and 10.7)

6. *Why? There are already 9 State and County Parks in existence within the BBIA. These Parks include trash receptacles, bathrooms, showers, dedicated parking spaces and are ADA compliant. Ideal for tourism.*

*Neighborhood easements and crossovers have become overrun by non community Users / Tourists as a way to avoid FWC scrutiny and Pay to Park expenses. Tourism brings an uneducated User into the BBIA including trash, death / damage to protected species and coastal dune / upland habitat destruction. Meanwhile, homeowner property taxes get allocated to under used Parks while access to their own neighborhood beaches is reduced.*

*As Brevard increases Pay to Park initiatives across the county at its Parks, the use of the BBIA conservation and small community walkovers grows - deviating from both their intended purposes.*

7. Expand Environmental awareness / protections for Ocean, Coastline and Upland species to include Sea Turtles, Sharks, Land Tortoise / Gopher, Bobcats, Osprey. (add Ocean species / Sharks to 8.9)

8. Ban shoreline shark angling within BBIA. (Include in 8.9) Why: A) Documented studies show trauma to sharks via catch and release can lead to a delayed death of the non harvestable / protected species B) eliminate safety concerns swimmers / surfers by knowingly baiting and conditioning predator species into community waters. You don't feed a bear or alligator - why sharks?

9. Eliminate overnight camping / fishing along the coastline within BBIA due to its negative impact on protected species and their natural habitats. (Add to 8.10)

Thank you in advance for this great effort and support protecting our community and the environment!

Mohamad Hussein  
8955 S A1A

## Your Barrier Island Habitat

Mohamad Hussein <mash21@pm.me>

Fri 9/6/2024 6:25 PM

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

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### General Comments

- 1- The approach to controlling how densely populated areas can become needs clearer definition.
- 2- Environmental Protection: There's a lack of specificity on how the environment will be safeguarded against urban sprawl and industrial activities.
- 3- Conservation Areas and Habitats: The measures to minimize damage to these sensitive zones are not explicitly detailed.

### Specific Comments to Sections

1. No Land Zoning changes within BBIA without documented Public input (Variance process) and Community Approval (Add to 12.9). All zoning is to remain "As Is" per 2023 State adoption of BBIA. No changes to coastal CCL setbacks.
2. No high density construction (Condos, high rises, water treatment systems etc. Remove 12.4, 12.5, 12.6 - No new high density development)
3. Brevard County shall promote State and County Parks within BBIA for Public Use / Tourism, NOT neighborhood beach easements / walkovers. Remove publications of community accesses / walkovers from county website and online public sources. (11.4 beach "recreational uses" - needs definition / cite examples. 11.5 and 11.6 All "recreational use" enhancements shall be restricted to / within existing County and State Parks. 12.10 NO New recreational facilities within BBIA - Enhancements to "existing" State and County Parks is okay. 12.7 and 12.8 amend - Remove "Recreational Uses" east of A1A unless within an existing State or County Park.)

4. Reduce / eliminate Promotion of the BBIA area as a tourist "destination".  
Apportioned promotional dollars to be moved to Conservation Education via Park  
Eco tours offered by Rangers or qualified conservation guides. (8.10)

5. NO new river or beach accesses will be created within BBIA. Existing easements  
WILL NOT expand and neighborhood walkovers within BBIA will be prioritized for  
Community Use over Public Use. ( Remove 10.4 and 10.7)

6. *Why? There are already 9 State and County Parks in existence within the BBIA.  
These Parks include trash receptacles, bathrooms, showers, dedicated parking  
spaces and are ADA compliant. Ideal for tourism.*

*Neighborhood easements and crossovers have become overrun by non  
community Users / Tourists as a way to avoid FWC scrutiny and Pay to Park  
expenses. Tourism brings an uneducated User into the BBIA including trash, death /  
damage to protected species and coastal dune / upland habitat  
destruction. Meanwhile, homeowner property taxes get allocated to under used  
Parks while access to their own neighborhood beaches is reduced.*

*As Brevard increases Pay to Park initiatives across the county at its Parks, the use  
of the BBIA conservation and small community walkovers grows - deviating from both  
their intended purposes.*

7. Expand Environmental awareness / protections for Ocean, Coastline and Upland  
species to include Sea Turtles, Sharks, Land Tortoise / Gopher, Bobcats, Osprey.  
(add Ocean species / Sharks to 8.9)

8. Ban shoreline shark angling within BBIA. (Include in 8.9) Why: A) Documented  
studies show trauma to sharks via catch and release can lead to a delayed death of  
the non harvestable / protected species B) eliminate safety concerns swimmers /  
surfers by knowingly baiting and conditioning predator species into community  
waters. You don't feed a bear or alligator - why sharks?

9. Eliminate overnight camping / fishing along the coastline within BBIA due to its  
negative impact on protected species and their natural habitats. (Add to 8.10)

Thank you in advance for this great effort and support protecting our community and  
the environment!

Mohamad Hussein  
8955 S A1A

Fwd: I have received comments that what was sent earlier needed simplification, so here it is!

C Pangb <carolynpangborn@gmail.com>

Sun 9/8/2024 7:38 AM

Dear Sir,

Please see our community has many concerns over increased density changes in our area. It would effect our daily driving, which is already horrendous.

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less

Look at Winter Springs FL who has a policy for replacement of a tree if you cut down a tree. The employ a arborist who will decide if you can remove your tree or not. You pay big fines if caught cutting w/o permit. Trees provide many benefits for society. Lets be forward thinking, not live with regret.

- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon Yes we want a clean Lagoon please
- Dune protection and restorations, Sea Turtle and Wildlife habitats All it took to convince me that people were bad for the Turtles was going down to the beach at night ONE night. These tourist go down there with their cell phones lit up videoing the turtles coming in and then not understanding why they turn right back around w/o laying eggs (because of them standing in their path with light) It was so frustrating! These folks don't want to be educated, have been foul mouthed when approached, yelled they have paid good money to be there. Believe me they have paid a lot to come experience Florida in this new kind of build in Melbourne Beach. It's really a nightmare for our turtle population.
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals Again, more density equals less knowledge, care and consideration for sea turtles nesting. Light sends turtles back to the ocean but also when the turtle hatch sends them to A1A instead of the Atlantic Ocean where at least they have a chance at life,
- Maintaining Existing Community Character, consulting with 1000 Friends of Florida, a long-time Brevard partner. We love Melbourne Beach's Charm! Lets not turn it into ugly crime ridden south Florida.
- Clean Water, no private treatment plants

Have you ever smelled the river after one of these so called "accidents" took place where raw sewage was dumped in the river, then the dying bloated manatees and fish start washing up on shore? It's not only disgusting, it prevents us from getting anywhere near the water on the preserve, for 6 months.

- Coastal Setback updating for new single family residential homes Again we ask for clean water
- Mosquito impoundments management Yes

Please consider these realistic request that will make a better community

Best Regards,

Carolyn Pangborn  
127 Carmen St  
Melbourn Beach, FL 32951

## FW: Saving the IRL & BI

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

Mon 9/9/2024 7:23 AM

To: Heather Shaw <Heather@bclandry.com>

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

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

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

From: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>  
Sent: Monday, September 9, 2024 6:55 AM  
To: Swanke, Stephen M <Steve.Swanke@brevardfl.gov>  
Subject: FW: Saving the IRL & BI

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

From: Joan vaughan <joanvaughanphoto@yahoo.com>  
Sent: Thursday, September 5, 2024 7:10 PM  
To: Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>  
Subject: Saving the IRL & BI

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

We have been a resident of Melbourne Beach since 1984. Witnessed the population increase with negative impact to our IRL, water, air & soil. Pesticides, fertilizers, toxic chemicals, human sewage, plastic and other materials destroying our IRL , oceans , soil aquifers & air!  
The turtles have been negatively impacted with condo lights, beach home lights, disrespectful humans digging , gawking & photographing while nesting. I have photos of a loggerhead strangled by fishing line and hooks left on beach.  
This summer a loggerhead was struck & killed on A1A from being disoriented from so many lights.  
The flooding on A1A during heavy rain is much worse from clear cut & development.  
The mangrove, oaks, trees, preserves & all the foliage absorbs the rain & prevents flooding !  
Evacuation is a nightmare already. More development on the BI will be detrimental to our health and our

Life.  
Thank you  
Joan Vaughan

Sent from my iPhone

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

Re: I have received comments that what was sent earlier needed simplification, so here it is!

C Pangb <carolynpangborn@gmail.com>

Mon 9/9/2024 3:13 PM

To: Heather Shaw <Heather@bclandry.com>

For those that weren't on this list I wrote separately. At least I tried to include everyone. Thank you for your hard work!

Sincerely,

Carolyn Pangborn

On Mon, Sep 9, 2024 at 2:05 PM Heather Shaw <[Heather@bclandry.com](mailto:Heather@bclandry.com)> wrote:

Ms. Pangborn,

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

Your input is valuable to us. Should we need any further clarification, we will reach out to you. Thank you once again for your contribution.

Best regards,

Heather Shaw

Office Manager & Project Coordinator

Bonnie C. Landry and Associates

[Heather@bclandry.com](mailto:Heather@bclandry.com)

---

**From:** C Pangb <[carolynpangborn@gmail.com](mailto:carolynpangborn@gmail.com)>

**Sent:** Sunday, September 8, 2024 7:38 AM

**Subject:** Fwd: I have received comments that what was sent earlier needed simplification, so here it is!

Dear Sir,

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or not. You pay big fines if caught cutting w/o permit. Trees provide many benefits for society. Lets be forward thinking, not live with regret.

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- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals Again, more density equals less knowledge, care and consideration for sea turtles nesting. Light sends turtles back to the ocean but also when the turtle hatch sends them to A1A instead of the Atlantic Ocean where at least they have a chance at life,
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- Coastal Setback updating for new single family residential homes Again we ask for clean water
- Mosquito impoundments management Yes

Please consider these realtic request that will make a better community

Best Regards,

Carolyn Pangborn  
[127 Carmen St](#)  
[Melbourn Beach, FL 32951](#)

## Code Enforcement

Sue Macuska <suemacuska@hotmail.com>

Thu 9/5/2024 2:16 PM

To: Bonnie Landry and Associates - General Info <info@blandry.com>; tad.calkins@brevardfl.gov <tad.calkins@brevardfl.gov>; frank.abbate@brevardfl.gov <frank.abbate@brevardfl.gov>; darcie.mcgee@brevardfl.gov <darcie.mcgee@brevardfl.gov>; virginia.barker@brevardfl.gov <virginia.barker@brevardfl.gov>; State of Florida: <thad.altman@myfloridahouse.gov>; randy.fine@myfloridahouse.gov <randy.fine@myfloridahouse.gov>; shawn.hamilton@floridadep.gov <shawn.hamilton@floridadep.gov>

 3 attachments (524 KB)

hatchlingdangers (1).heic; dawn3375a1a (5) copy.jpg; 8may23\_3373a1alabeled (7) copy.jpg;

Thank you for taking time to review barriers. It's not enough to pass legislation if the funds to timely enforce them are not also allocated. AirBnB light/noise violators are long gone. Neighbors reporting violators must provide personal information or Code Enforcement will not take the report they are short staffed, I dont think Brevard County has night employees. When reporting you must provide your name, privacy protection initially and into the future is urgently needed, this information should not be visible to anyone other than code enforcement. Fining violators should help pay for additional code Enforcement. Deputize law enforcement including Firefighters. Archie Carr has FIT doctorate Students patrolling in golf carts, Sea World Scientist all could assist with urgent reportable violations.

Fwd: Fw: Your Barrier Island Habitat needs your help. Important and simple.

Max Taylor <gypsyscribe.max@gmail.com>

Sun 9/1/2024 1:38 PM

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

## **Five (5) MAJOR ISSUES** (the word Policy refers to each section of the entire BBIA)

1) Policy 12 -**Delete entirety. STOP Density from increasing.** This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”.

**For example**, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

## **#'s 2) and 3) and 5) changes will help to STOP Clear-Cutting Trees**

2) Policy 5.8 – after the words “flooding impacts”, add “and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.

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

The county wrote 28 pages of regulations about Specimen, Heritage and other trees and then EXEMPTED them ALL from the 28 pages of code in a single sentence.

**We need to be exempt from the 62-4334 exemption;** This edit does not change, in any way, the intended footprint of the building.

Also helpful, at the end after the word include add “a, b, c, and e and “shall include d and e”.

3) Policy 8.1.C – after the word “vegetation” add “,specifically Specimen, Heritage and important hardwoods and other trees as defined by section 62, ART. XIII, Div. 2, Landscaping Clearing and Tree Preservation”; delete “unless exempt by ordinance. **This is the same reasoning as in Policy 5.8 above. This edit does not change, in any way, the intended footprint of the building.**

4) Policy 11.1 – **STOP Density of ANY kind** after the word “residential”, add “and commercial and all other” **This stops density in all classifications, not just residential;** after the word “designations”, add “or allow density swaps or exchanges within the BBIA”. **This prevents moving densities from different parts of the BBIA to other parts, which would overwhelm certain areas and otherwise destroy the community character as described in the BBIA.**

5) a. Policy 2.5 – Number 1. – after the words “vegetation on sight” , add “ excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL , whichever is most westerly”

b. Policy 7.1 – Letter A – after the words “reduce runoff.” Add 2 new sentences **“The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL.** The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.” **This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can by clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 100% of buildable oceanfront lots are being clear-cut. This is because of the unintended way the calculation is made. It’s a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound to build in the unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.**

THE MESSAGE IS ELOQUENT AND CLEAR. PLEASE TREAT IT AS A COMMUNICATION FROM MAX TAYLOR AT 8850 SOUTH A1A HIGHWAY, MELBOURNE BEACH, FL 32951. [321-727-2071/GYPSYSCRIBE.MAX@GMAIL.COM](mailto:321-727-2071/GYPSYSCRIBE.MAX@GMAIL.COM)

## Brevard Barrier Island Area

Chris Schwartzter <cschwartzter@mac.com>

Sun 9/1/2024 1:52 PM

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

### To all addressed parties:

**My name is Christian Schwartzter and I am a resident of Indialantic, FL and while I do not live in south beaches of Brevard county I share these concerns with my friends and family who do. Please review these needed changes to the policies for the Brevard Barrier Island Area.**

**1) Policy 12 -Delete entirety. STOP Density from increasing. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.**

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”.

**For example**, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

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**Currently any property in the BBIA, by the exemption in 62-4334, can clear-cut 100% of the trees, many of which are over 100 years old with extensive root systems that prevent erosion and runoff, protecting the land on this fragile barrier island from being completely overrun by a storm surge. This exclusion of the exemption protects the land and the Indian River Lagoon from runoff and prevents massive flooding, reducing evacuation times and saving lives during hurricanes. This edit does not change, in any way, the intended footprint of the building; The current 62-4334 says ”The following land**

uses and activities shall be exempt from the requirements of this Division 62, (2) Single family lots that are 1.25 acres or less.” WELL, Since ALL of the lots on the island are “1.25 ACRES or less” than ALL of the BBIA is subject to 100% clear-cutting.

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These changes are necessary to protect this fragile area.

Respectfully, but ever vigilant.

**Christian Schwartzer**

**596 Oak Ridge Drive**

**Indialantic, FL 32903**

## Concern for Florida's unique Barrier Island

jane fleury <janeaf252@gmail.com>

Sun 9/1/2024 2:02 PM

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

Dear Sir,

As an extremely concerned Barrier Island resident, I urge you to make the following changes to protect our delicate ecosystem and save our Island from destruction. Every day there are more houses, condos, and rental units being constructed with no consideration for the Island, its inhabitants, and its wildlife. A huge increase in Vrbo and Airbnb guests run all over the dunes, dig huge holes on the beach, and walk away, leaving us more vulnerable to hurricane damage, and endangering our precious sea turtles. It's time to get control of this situation before it's too late.

**1) Policy 12 -Delete entirety. STOP Density from increasing. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.**

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The county wrote 28 pages of regulations about Specimen, Heritage and other trees and then EXEMPTED them ALL from the 28 pages of code in a single sentence.

**We need to be exempt from the 62-4334 exemption;** This edit does not change, in any way, the intended footprint of the building.

Also helpful, at the end after the word include add “a, b, c, and e and ”shall include d and e”.

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5) a. Policy 2.5 – Number 1. – after the words “vegetation on sight” , add “ excluding the portion of the property east of the developed building in the already unbuildable land or dune east of the CSL or CCCL , whichever is most westerly”

b. Policy 7.1 – Letter A – after the words “reduce runoff.” Add 2 new sentences **“The fifty percent allowable clearing of ocean side properties shall not include property east of the CSL or CCCL.** The allowable clearing shall be fifty percent of the remaining property not east of the building or CSL or CCCL, whichever is most westerly.” **This is a different issue than 62-4334 which allows all properties to be clear-cut. Even if the 62-4334 is excluded in Policies 5.8 and 8.1, 100% of properties can by clear-cut unless the calculation of buildable area is changed to exclude the already unbuildable dune and foliage east of all oceanfront properties. Currently, 100% of buildable oceanfront lots are being clear-cut. This is because of the unintended way the calculation is made. It’s a loop-hole that is destroying the 50+ year-old root systems holding the sand in place to prevent flooding, and destroying irreplaceable Specimen and Heritage trees, that protect RESILIANCY, on a daily basis. It is already illegal and environmentally unsound to build in the unbuildable area of the lot. Regardless, this area is being included in the 100%, so the builder uses the already unbuildable area to claim it counts as the 50% that cannot be cut. The dune vegetation east of the home already cannot be cut. Therefore, it should not be allowed as a credit for destroying whatever tree canopy is left in the BIAA. This edit does not change, in any way, the intended footprint of the building.**

Sincerely,  
Jane A Fleury  
299 Liberty Lane  
Melbourne Beach, FL 32951

## RE: Brevard Barrier Island Area of Critical State Concern

Debbie Colburn <dpcolburn@me.com>

Sun 9/1/2024 4:46 PM

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

I know you are busy so I will keep this brief. I know this is a confusing and daunting task, but it is vitally important to get it right.

Below are listed changes that must be made in order to offer the protection necessary for Brevard Barrier Island under this ACSC designation.

Thank You for your attention.

**1) Policy 12 -Delete entirety. STOP Density from increasing. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.**

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”.

**For example**, if I knock down 4 houses, zoned R-1, only one of which was adjacent to a property that is zoned R-15, Policy 12.6 appears to allow me to build 15 units per acre on all 4 knocked down lots, which Policy 11.1 prohibits. Each of 12.1 through 12.8 are of identical language (as the example 12.6) and all must be deleted. 12.9 thru 12.13 must be deleted and possibly re-inserted after significant research.

**#'s 2) and 3) and 5) changes will help to STOP Clear-Cutting Trees**

**2) Policy 5.8 – after the words “flooding impacts”, add “and shall exclude all properties from the exemption (which currently allows clear-cutting of all original natural trees and foliage on 100% of the properties in the BIAA) in Brevard County ordinance Section 62, ART. XIII, Div. 2, 62-4334 Landscaping, Land Clearing and Tree protections”.**

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## BBIA concerns

Dan Lederer <dklederer@hotmail.com>

Sun 9/1/2024 7:11 PM

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

Good afternoon,

As a resident of south Melbourne Beach, please see my concerns below regarding BBIA:

**Five (5) MAJOR ISSUES** (the word Policy refers to each section of the entire BBIA)

**1) Policy 12 -Delete entirety. STOP Density from increasing. This entire section will cause protracted litigation as it is the complete opposite of Policy 11.1 and the opposite of the entire GOAL and purpose of the BBIA.**

All of the policies 12.1 thru 12.8 allow density to increase by “creeping”, as seen in Miami Beach all the way to Palm Beach. This is the direct opposite of Policy 11.1 which states “Brevard County Shall not increase density for residential properties in the BBIA”.

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Thank you for your time and service,

Dan Lederer, Melbourne Beach

## Changes that need to be made

Patricia Hall <pathall255@gmail.com>

Mon 9/2/2024 8:04 PM

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

- No Increases in Density; **Delete Policy 12**. Stop Density from increasing, residential and Commercial. BBIA Policy 11.1; Brevard Co shall not increase residential designations for properties within the BBIA and Policy BBIA 1.5 The policies contained within this plan do not affect any existing zoning or use of land in effect within the BBIA before July 1, 2023
- Stop Clear Cutting Trees; Brevard County ordinance Sec 62, Article XIII, Div 2, 62-4334; Solution is to remove the exemption of lots less than 1.25 acres or less
- Flooding and Evacuations; working with Indian River Lagoon Coalition to reduce runoff into the lagoon
- Dune protection and restorations, Sea Turtle and Wildlife habitats
- Lighting enforcement along our beaches during Sea Turtle Nesting Season; working with County Natural Resources and Sea Turtle Conservancy, including outreach programs with short term rentals

## FW: Protect and Preserve Barrier Island

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

Tue 9/3/2024 1:21 PM

To: Bonnie Landry <bonnie@bclandry.com>; Heather Shaw <Heather@bclandry.com>

See Mr. Raymond's comments below.

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

### Stephen M. Swanke

Senior Planner

Brevard County Planning & Development Department

(321) 633-2070 ext 58298

(321) 350-8298 direct line

**From:** Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>

**Sent:** Tuesday, September 3, 2024 1:15 PM

**To:** Swanke, Stephen M <Steve.Swanke@brevardfl.gov>

**Subject:** FW: Protect and Preserve Barrier Island

**From:** Barker, Virginia H <[Virginia.Barker@brevardfl.gov](mailto:Virginia.Barker@brevardfl.gov)>

**Sent:** Tuesday, September 3, 2024 12:40 PM

**To:** Rollin Raymond <[omiraymond@gmail.com](mailto:omiraymond@gmail.com)>; Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>

**Cc:** Elmore, Amanda T <[Amanda.Elmore@brevardfl.gov](mailto:Amanda.Elmore@brevardfl.gov)>; Mcgee, Darcie A <[Darcie.Mcgee@brevardfl.gov](mailto:Darcie.Mcgee@brevardfl.gov)>

**Subject:** Re: Protect and Preserve Barrier Island

Dear Mr Raymond,

Thank you for your email. I am copying Jeff Ball who is the point person in the Planning and Development Department for the drafting the Comprehensive Plan for the Brevard Barrier Island Area of Critical State Concern.

Have a great day,

Virginia

Sent from my iPhone

On Sep 2, 2024, at 9:01 PM, Rollin Raymond <[omiraymond@gmail.com](mailto:omiraymond@gmail.com)> wrote:

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

Dear Government Authorities and Consultants,  
Please do not allow further development of the Brevard Barrier Island Area until you have considered and corrected policies which as written would allow loopholes for destructive and irreversible damage to the land and vegetation which protects the area from erosion and storm surges. Reading the recommendations below alarmed me and prompted me to write to you.

Sincerely,  
Rollin Raymond  
508 Sunset Blvd  
(PO Box 510054)  
Melbourne Beach  
FL 32951

## **Five (5) MAJOR ISSUES** (the word Policy refers to each section of the entire BBIA)

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from my iPhone

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



**SEA TURTLE  
CONSERVANCY**  
S I N C E 1 9 5 9



Jeffrey Ball  
Brevard County Planning and Development Department  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

October 14, 2024

Dear Mr. Ball,

We are writing on behalf of the Florida-based Sea Turtle Conservancy (STC), the oldest sea turtle conservation group in the world, to provide comments on the October 2024 version of the County's Brevard Comprehensive Plan Area of Critical State Concern (ACSC) appendix. As the County receives comments from subject matter experts and residents who have a direct stake in this plan's implementation, we encourage the County to amend the language of the draft plan to address their concerns.

In the October 2024 version of the appendix, it appears that very few changes have been made, and in some cases, changes have been made that appear to weaken the County's existing policies on residential density increases. The intention of 380.0553, F.S., is to add further protection to the Brevard Barrier Island Area (BBIA) by preventing the adverse impacts of development. In its most recent iteration of the appendix, the County has changed **Policy BBIA 12.1** to only prohibit density increases by "amending the Future Land Use Map designation for such properties," this could create confusion and open up the possibility for density increases to be made by the County using other methods, such as approving Planned Unit Developments. STC encourages the County to explain to all of the stakeholders invested in the implementation of this law what this change means, why it was made, and how it will continue to fulfill the Guiding Principles in 380.0553, F.S.

The newest version of the appendix does not take into account suggestions made by STC to strengthen the County's policies to reduce coastal light pollution within the BBIA. **Policy BBIA 2.3** in the new draft is identical to the same policy in the initial draft and would benefit from being updated. We recommend that this policy reference the Florida Department of Environmental Protection's (FDEP) Model Lighting Ordinance for Sea Turtle Protection, which was updated in 2020, in this policy to provide a guideline upon which the County should be basing its lighting ordinance language. By including the State's Model as a guiding document for the County during its "periodic reviews" of the ordinance in Policy BBIA 2.3, the County will be providing government staff with the most ideal language upon which to carry out an update of the County's existing language. In addition to improving the County's existing ordinance language, a statement should be added in Policy BBIA 2.3 that requires proactive enforcement of the County's ordinance. Proactive enforcement of the County's ordinance includes conducting regular nighttime beach surveys within the ordinance's jurisdiction to identify properties in violation of the ordinance; outreach to owners of properties in violation that provides solutions to address lighting problems; active engagement with the community on the best practices to comply with the ordinance language; and collaboration with the various stakeholders in the community that are working to reduce sea turtle disorientations. In addition to strengthening its language around coastal light management, the County should add a priority in Policy BBIA 2.3 to pursue a "Dark Sky" certification for interior lights within the BBIA that could contribute to sea turtle disorientations. STC recommends that the County proactively enforce each policy within BBIA Policy





**SEA TURTLE  
CONSERVANCY**  
S I N C E 1 9 5 9



8 (Upland Resources) in order to prevent the destruction of critical upland vegetation and adhere to Section 380.0553's Guiding Principles.

**Policy BBIA 2.1** also remains unchanged from the original draft and should be updated to define exactly the types of “new shoreline hardening structures” that are prohibited. This should include all of the examples of “Rigid Coastal Structures” as defined in Florida’s Marine Turtle Protection Act (Rule 62B-33, F.A.C.).<sup>1</sup> Although seawalls, rock revetments, geotubes, and other man-made erosion control methods provide the illusion of protection of upland property, these structures create a fixed barrier on the beach that prevents the natural sediment transfer process from occurring, leading to further erosion in front of the property and down the beach. For sea turtles in particular, hard shoreline armoring has wide-ranging effects at every stage of their life cycle. By specifically describing what constitutes a “new shoreline hardening structure,” the County will be providing further clarity on the type of coastal construction that is not compatible with sea turtle protection.

Each BBIA Objective in the plan is critical to protecting the area’s sea turtles and their habitats from development pressure. In addition to consulting with local, state, and federal agency representatives and STC, we encourage the County to meet with subject-matter experts for each category (water quality restoration and protection, reducing nutrient contributions, nature-based solutions, critical assets, marine and upland resources, and compatibility) to ensure that the requirements outlined in the plan will have the desired result. These subject matter experts include but are not limited to: members of the Archie Carr Refuge Working Group, 1000 Friends of Florida, the Marine Resources Council, the Indian River Lagoon Coalition, the Florida Oceanographic Society, the Barrier Islands Preservation and Protection Association, and the Florida Department of Health in Brevard County.

**We appreciate the County’s consideration of these comments. We respectfully encourage the County to strengthen the policies in the Brevard Comprehensive Plan ACSC appendix to create a distinct set of rules to further protect crucial natural resources for wildlife, residents, and visitors alike.**

Sincerely,

David Godfrey  
Executive Director

Stacey Gallagher  
Policy Coordinator

<sup>1</sup> Florida Marine Turtle Protection Act. 62B-33.002(55)(a)



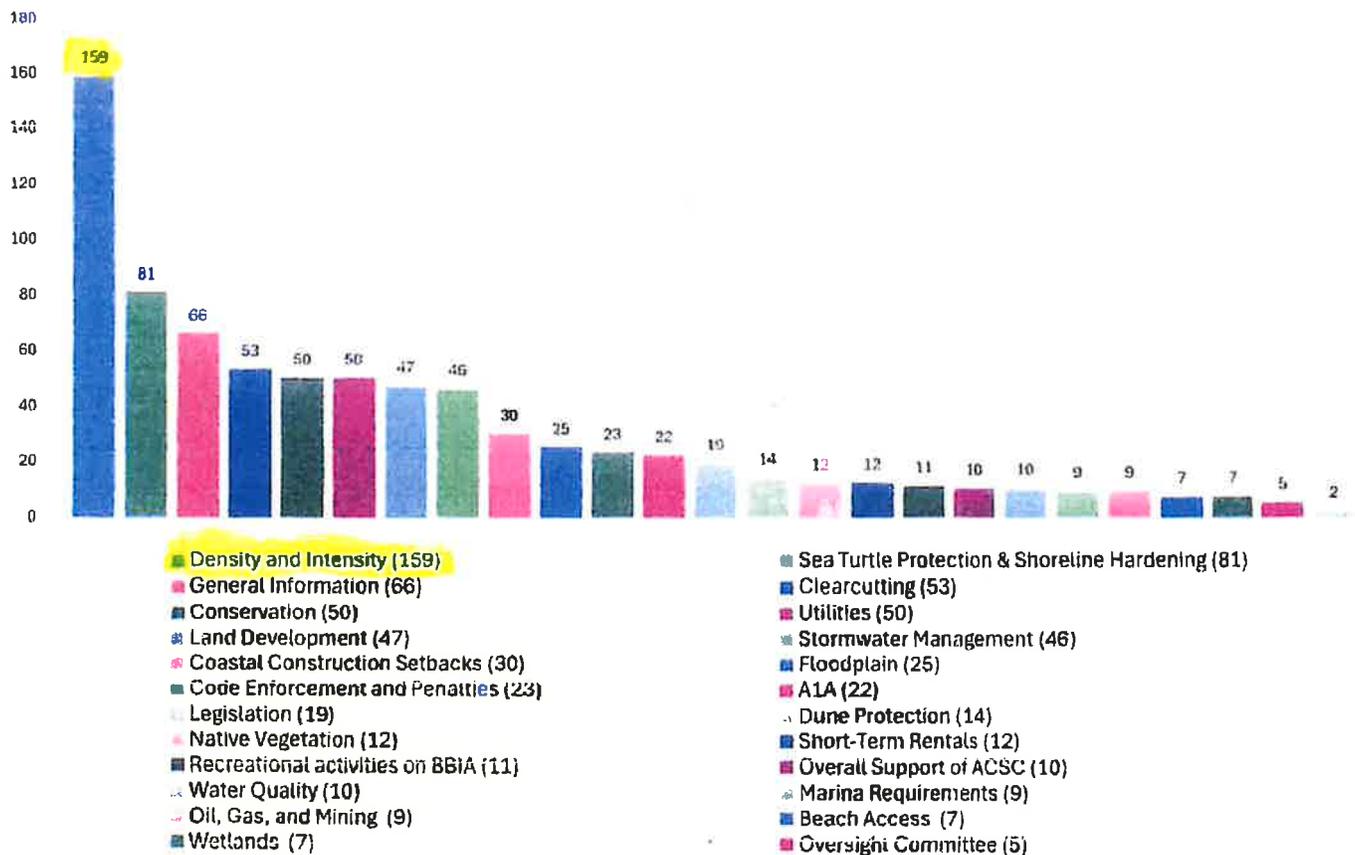
1. **Intent of Brevard Barrier Island Area (BBIA) – Area of Critical Concern**
  - a. The most important function for the creation of the Area of Critical Concern was to limit the density and intensity of development within the area (ref: Executive Summary BBIA, Public Feedback, page 7 No. 1 Public Comment surveyed, attached).
  - b. The BBIA 12.4 Item D represents a discrepancy of providing up to 25% bonus densities by allowing Planned Urban Developments (PUDs) in Critical Concern – which is in **direct conflict with the limiting of density and intensity identified in the BBIA Area of Critical Concern.**
2. **Revision Requested - Policy BBIA 12.4, Residential 1., Item D – Strike Item D** (in its entirety) as it is inconsistent with the intent of BBIA Area of Critical Concern and Public Safety (page XVI-29).
  - a. Ref: Policy BBIA 1.2, Item H - *The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.*
  - b. Ref: Policy BBIA 12.1 - *Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA by amending the Future Land Use Map designation for such properties.*
3. **Revision Requested - Policy BBIA 12.5, Residential 2., Item D – Strike Item D** (in its entirety) as it is inconsistent with the intent of BBIA Area of Critical Concern and Public Safety (page XVI-29).
  - a. Ref: Policy BBIA 1.2, Item H - *The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.*
  - b. Ref: Policy BBIA 12.1 - *Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA by amending the Future Land Use Map designation for such properties.*
4. **Revision Requested - Policy BBIA 12.3, Residential 4., Item D – Strike Item D** (in its entirety) as it is inconsistent with the intent of BBIA Area of Critical Concern and Public Safety (page XVI-30).
  - a. Ref: Policy BBIA 1.2, Item H - *The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.*
  - b. Ref: Policy BBIA 12.1 - *Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA by amending the Future Land Use Map designation for such properties.*
5. **Revision Requested - Policy BBIA 12.4, Residential 6., Item D– Strike Item D** (in its entirety) as it is inconsistent with the intent of BBIA Area of Critical Concern and Public Safety (page XVI-30).
  - a. Ref: Policy BBIA 1.2, Item H - *The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation*

- protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.*
- b. Ref: Policy BBIA 12.1 - *Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA by amending the Future Land Use Map designation for such properties.*
6. **Revision Requested** - Policy BBIA 12.6, Residential 15., Item E– Strike Item E (in its entirety) as it is inconsistent with the intent of BBIA Area of Critical Concern and Public Safety (page XVI-31).
- a. Ref: Policy BBIA 1.2, Item H - *The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.*
  - b. Ref: Policy BBIA 12.1 - *Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA by amending the Future Land Use Map designation for such properties.*
7. **Revision Requested** - Policy BBIA 12.7, Neighborhood Commercial., Item E – Strike Criteria Item E verbiage, *“unless zoned PUD”* (in its entirety) as it is inconsistent with the intent of BBIA Area of Critical Concern and Public Safety (page XVI-32).
- a. Ref: Policy BBIA 1.2, Item H - *The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.*
  - b. Ref: Policy BBIA 12.1 - *Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA by amending the Future Land Use Map designation for such properties.*
8. **Revision Requested** - Policy BBIA 12.8, Community Commercial, Item D – Strike Criteria Item D verbiage, *“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.”* (in its entirety) as it is inconsistent with the intent of BBIA Area of Critical Concern and Public Safety. Strike Criteria Item F verbiage, *“unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.”* (in its entirety) as it is inconsistent with the intent of BBIA Area of Critical Concern and Public Safety.
- a. Ref: Policy BBIA 1.2, Item H - *The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.*
  - b. Ref: Policy BBIA 12.1 - *Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA by amending the Future Land Use Map designation for such properties.*

## 2. ANALYSIS & SUMMARY OF PUBLIC INPUT

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

ACSC Public Comments - Total Number by Topic



DISCREPANCY:

THIS RECORD DOES NOT EXIST IN PUBLIC RECORDS

COMMUNITY COMMERCIAL PROPERTY OWNED BY CITY OF MELBOURNE  
REF: PROPERTY APPRAISERS OFFICE # 2860162

Legend

Future Land Use Type

- COMMUNITY COMMERCIAL BBIA
- NEIGHBORHOOD COMMERCIAL BBIA
- PRIVATE-CONSERVATION BBIA
- PUBLIC-CONSERVATION BBIA
- PUBLIC BBIA
- RECREATION BBIA
- RESIDENTIAL 1 BBIA
- RESIDENTIAL 2 BBIA
- RESIDENTIAL 4 BBIA
- RESIDENTIAL 6 BBIA
- RESIDENTIAL 15 BBIA
- RESIDENTIAL 4 DIRECTIVE BBIA
- RESIDENTIAL 6 DIRECTIVE BBIA
- RESIDENTIAL 8 DIRECTIVE BBIA

QUESTION:

WHY IS COMMUNITY COMMERCIAL BBIA REFERENCED IF NO SUCH PROPERTIES EXIST.



RECOMMEND:

REMOVE ALL REFERENCES OF COMMUNITY COMMERCIAL WITHIN THE COMPREHENSIVE PLAN FOR THE BBIA



Area of Critical State Concern  
Future Land Use Map



Search

Results

Details

Maps

Contact

Map Subject Property

Open Map in New Window

MapView

EdgeView

Account: 103057

Zoom Clear Details Hide Info Instructions Disclaimers

Account: 2860162 Parcel ID: 28-38-20-60-88  
 Sale: 12/18/2014 \$655,000  
 BCPAO Assesst Value: \$404,020  
 Owners: MELBOURNE, CITY OF  
 Address: NONE

Show Street Map

Sales: 2024 2023 2022 2021 2020

LEGEND

ACCOUNT # 2860162 PROPERTY APPRAISERS OFFICE  
 HIZ OWNER; CITY OF MELBOURNE

Account: 2860162

# PROPERTY APPRAISERS RECORDS

**?** Owners:

MELBOURNE, CITY OF

Wrong ownership? [Maybe this is why.](#)

**?** Mail Address:

900 E STRAWBRIDGE AVE MELBOURNE FL 32901

**?** Site Address:

NONE

**?** Parcel ID:

28-38-20-00-88

**?** Taxing District:

3400 - UNINCORP DISTRICT 3

**?** 2024 Exemptions:

EXMU - MUNICIPALLY OWNED PROPERTY

Wrong exemption? [Maybe this is why.](#)

**?** Property Use:

8080 - MUNICIPALLY OWNED LAND - VACANT

**?** Total Acres:

3.71

**?** Site Code:

0340 - A1A

**?** Plat Book/Page:

0000/0000

**?** Subdivision Name:

--

**?** Land Description:

PART OF GOV'T LOT 1 AS DESC IN ORB 4595 PG 521

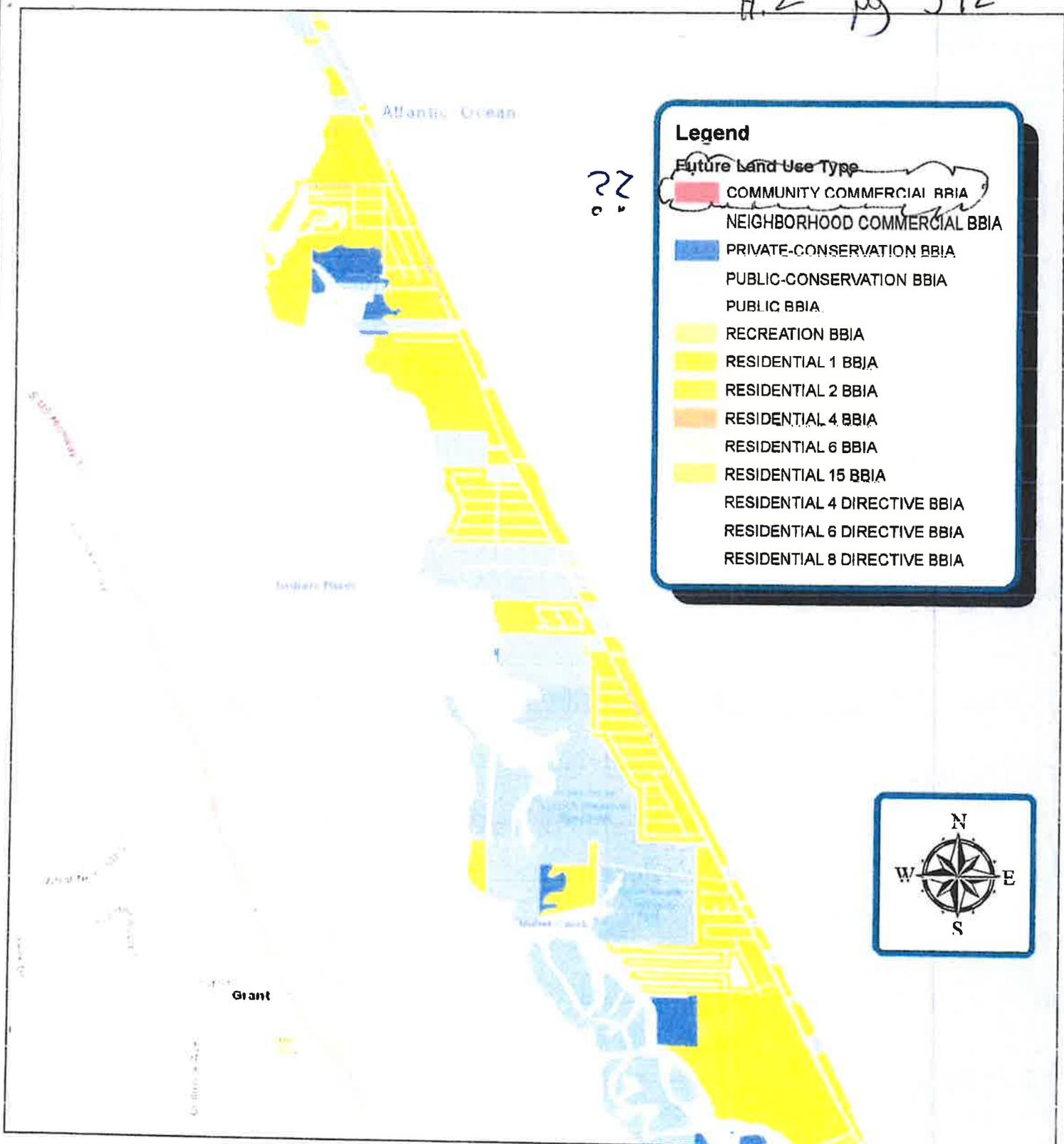
## Value

Category	2024	2023	2022
<b>?</b> Market Value:	\$404,020	\$404,020	\$404,020
<b>?</b> Agricultural Classified Use Value:	\$0	\$0	\$0
<b>?</b> Assessed Value Non-School:	\$404,020	\$404,020	\$404,020
<b>?</b> Assessed Value School:	\$404,020	\$404,020	\$404,020
<b>?</b> Homestead Exemption:	\$0	\$0	\$0
<b>?</b> Additional Homestead:	\$0	\$0	\$0
<b>?</b> Other Exemptions:	\$404,020	\$404,020	\$404,020
<b>?</b> Taxable Value Non-School:	\$0	\$0	\$0
<b>?</b> Taxable Value School:	\$0	\$0	\$0

## Sales/Transfers

Find out your sale/tranfer here? [Maybe this is why.](#)

Date	Price	Type	Instrument
12/18/2014	\$685,000	WD	72741627



??  
c

**Legend**

**Future Land Use Type**

- COMMUNITY COMMERCIAL BBIA
- NEIGHBORHOOD COMMERCIAL BBIA
- PRIVATE-CONSERVATION BBIA
- PUBLIC-CONSERVATION BBIA
- PUBLIC BBIA
- RECREATION BBIA
- RESIDENTIAL 1 BBIA
- RESIDENTIAL 2 BBIA
- RESIDENTIAL 4 BBIA
- RESIDENTIAL 6 BBIA
- RESIDENTIAL 15 BBIA
- RESIDENTIAL 4 DIRECTIVE BBIA
- RESIDENTIAL 6 DIRECTIVE BBIA
- RESIDENTIAL 8 DIRECTIVE BBIA

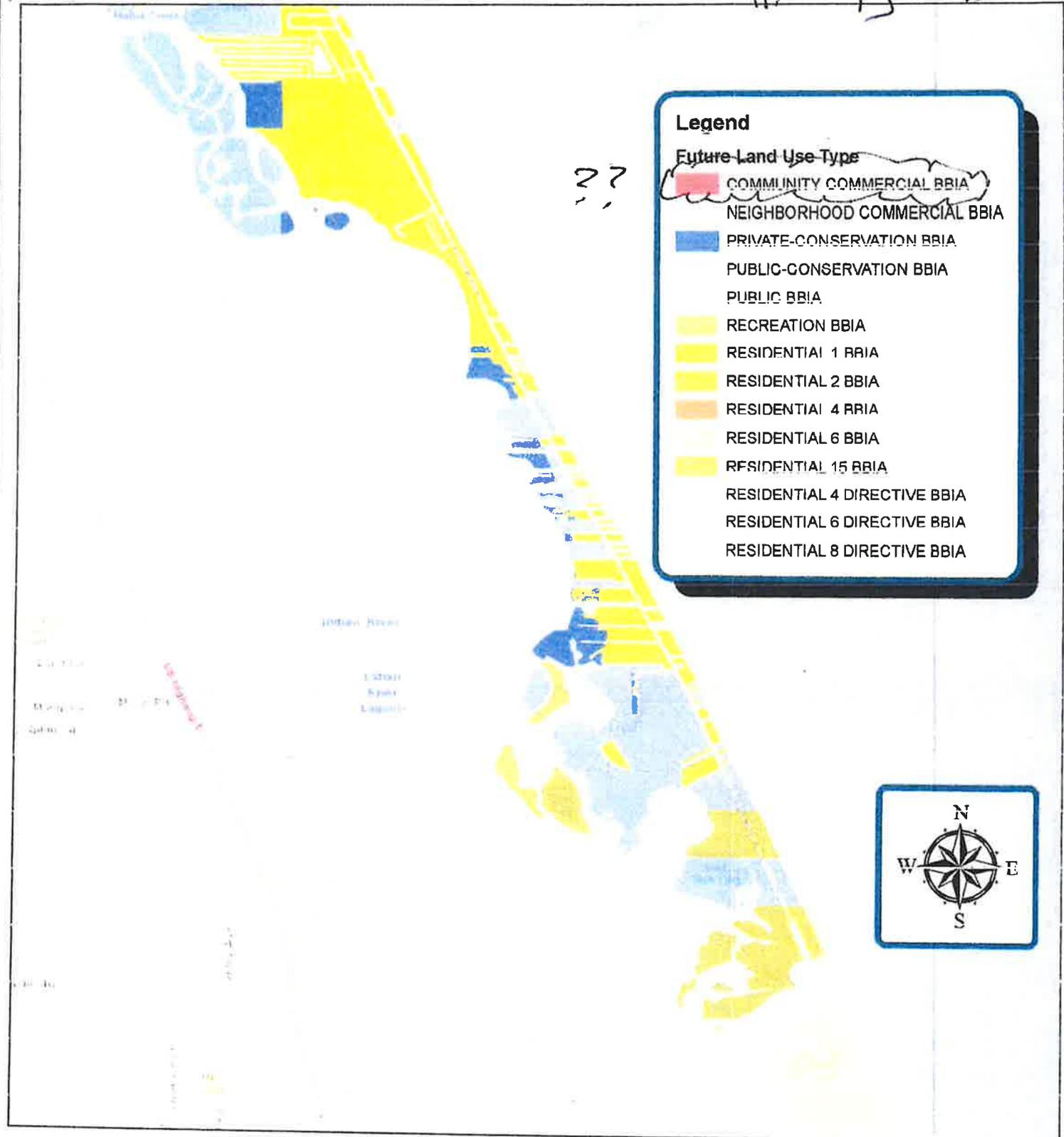


*Area of Critical State Concern  
Future Land Use Map*



H.C. 19 275

??



**Legend**

**Future Land Use Type**

- COMMUNITY COMMERCIAL BBIA
- NEIGHBORHOOD COMMERCIAL BBIA
- PRIVATE-CONSERVATION BBIA
- PUBLIC-CONSERVATION BBIA
- PUBLIC BBIA
- RECREATION BBIA
- RESIDENTIAL 1 BBIA
- RESIDENTIAL 2 BBIA
- RESIDENTIAL 4 BBIA
- RESIDENTIAL 6 BBIA
- RESIDENTIAL 15 BBIA
- RESIDENTIAL 4 DIRECTIVE BBIA
- RESIDENTIAL 6 DIRECTIVE BBIA
- RESIDENTIAL 8 DIRECTIVE BBIA



*Area of Critical State Concern  
Future Land Use Map*





## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 14, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Voting Board members present were Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Erika Orriss (D3); Mark Wadsworth, Chair (D4); Ana Saunders (D5), and John Hopengarten (BPS).

Staff members present were John Denninghoff, Assistant County Manager; Edward Fontanin, Director (Utility Services); Ian Golden, Director (Housing and Human Services); Darcie McGee, Assistant Director (Natural Resources Management); Tad Calkins, Director (Planning and Development); Alex Esseesse, Deputy County Attorney; Jeffrey Ball, Zoning Manager; Trina Gilliam, Planner; and Desirée Jackson, Planner.

### Excerpt of complete agenda

#### **H.1. Transmittal of a Large-Scale Comprehensive Plan Amendment (24LS00001) regarding the Brevard Barrier Island Area (BBIA) as a new element to the Comprehensive Plan under the State Coordinated Review process.**

Jeffrey Ball read the application into the record.

On January 01, 2023, Florida Statute Section 380.0553 the State Legislature established the Brevard Barrier Island Area as a critical area of state concern. Section 163.3191 Florida Statute requires changes in the State law to be included in any amendments resulting from the Evaluation and Appraisal Review of the Comprehensive Plan. Brevard County has contracted with a consultant to identify these goals, objectives and policies that are necessary to implement the statutory guiding principles of the Brevard Barrier Island Area. These draft goals, objectives and policies will be incorporated and adopted as Element 16 Brevard Barrier Island Area to the Brevard County Comprehensive Plan. Legislation 380.0553 established guiding principles for development. State, regional and local agencies in units of the government in the Brevard Barrier Island Area shall coordinate their plans and conduct their programs and regulatory activities to be consistent with the following guideline principles for development within this area.

Guiding principal "A" is preventing adverse impacts of development on resources critical to the sea turtle habit by prohibiting new shoreline structures and enforcing existing state and county coastal construction regulations, prioritizing water quality restoration projects in the Indian River Lagoon, reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharge, and agricultural non-point sources in the Indian River Lagoon. Supporting innovative nature-based solutions including living shorelines and freshwater coastal wetland restorations. Safeguarding against adverse economic, social, and environmental and public health and safety impacts posed by flooding storm surge and protecting critical assets identified in Section 380.093. Protecting shoreline marine resources including mangrove, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife and related habitats. Protecting upland resources including dunes ridges, beaches, wildlife, and related habitats. Limiting adverse impacts of development on quality of water throughout Brevard Barrier Island Area and Indian River Lagoon. Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment. Ensuring that development is compatible with the characteristics of the Brevard Barrier Island Area.

This is a 2-step process, with the first step being transmitted to the Florida Commerce. The adoption hearing will be scheduled at a future board meeting date which allows for County staff and the consultant time to address any comments or responses from the state reviewing agencies prior to adoption by the board. Once the element is adopted staff in coordination with the consultant and the department of commerce will review and draft the land development code regulations as part of the implementation tool for the area of critical state concern. This will be done later.

On August 28, 2024, staff held a public outreach meeting at the South Beaches Community Center. This meeting was well attended with approximately 254 residents in attendance in person and online. In addition to an online survey a questionnaire was published on the County website. Those results are included in this packet. Of the 732 comments received 5 requested the creation of an oversight committee. Analysis of the public input through both email and survey that were received prior to September 26, 2024, is included for the Board to consider. Input received after September 26, 2024, will be attached separate from the analysis. Public input would primarily focus on keep topics such as density and intensity, sea turtle protection, shoreline hardening, clear cutting, conservation, and stormwater management. Below are examples of policies and objectives contained in the element that address these concerns.

Staff has prepared a draft element to include the goals, objectives, and policies included in an attachment. This item will be presented to the Board of County Commissioners on November 7, 2024. Landry and Associates is in attendance to answer any questions along with Darcie McGee from Natural Resources Management to answer any questions you may have.

#### Public Comment

Vince Lamb has been tracking this item since Representative Altman told him he was going to introduce it at the State, and he is overall very supportive of it. He read the latest draft document that the County has prepared on this, and he feels like it's quite good. He appreciates the effort that went into it. There is still a bit of room for improvement. He is deeply involved in the sea turtles and has been for 17 years, leading turtle walks down there and working with the refuge. We live in an area that's one of the best beaches in the world for sea turtle nesting and he appreciates this effort to protect it. He supports the objectives taken forth from the legislative text, which you read a few minutes ago. He read the document, which is not his area of expertise, so he's counting on as much protection as we can get out of this and can't tell personally if we're there or not. Policy 2.3, the sea turtle lighting ordinance, this policy states that the lighting ordinances should be reviewed periodically but fails to identify the period. Brevard County had the first lighting ordinance in the state. To his knowledge it's never been reviewed or changed. The sea turtle conservancy is encouraging a review. He'd rather have periodically changed to every 5 years or every 10 years, and not be quite that vague. Similar item, item 2.6, reevaluating the effectiveness of the coastal setback line this policy suggests reevaluating the effectiveness from time to time. And requests a review of FDEP 1981 coastal construction line if deemed appropriate.

Craig Wallace, also with the Brevard Indian River Lagoon Coalition, has main concerns with protecting the Indian River Lagoon from a watershed perspective, any storm water coming off any areas that are an issue. But the biggest concern is septic and sewer in the area. Any increase in additional septic tanks in that area with new development is a big concern. Not sure if this addresses that specifically enough and he doesn't have the exact wordage of what he would like to see

changed. But his biggest concern is the additional new development creating new septic tanks or if we can get sewer down there, that would be great.

Mel Scott, Urban Planner, and resident of the south beaches, wants to thank staff for their hard work. He's very much in agreement. Jeffrey set the stage for the points that he understands you are affirming because of the state legislature's creation of this area. It's a very, very special area, not just to this county, but you can really speak in terms to the western hemisphere as it relates to the impact that this has on nesting sea turtles. He's in full support and understand that this is the beginning of a longer journey that will include this coming back for adoption. At this point in time, you've got a really nice assembly of clay and you're about to make a really nice clay pot, and he's in full support of this.

Robert Logsten just wanted to point out some serious contradictions between the Florida Statute for the area of critical concern and the new BBIA policy. There's a minimum of at least two, 3A and 3B of the legislation intent and four items, 5B, 5C, 5H and 5J of the guiding principles that are conflicting with the BBIA proposals. All these conflicts would result in additional nutrient contribution to the lagoon via language inserted in the BBIA policy for coastal element future land use property designation. According to the BBIA residential designations a Res-1 owner that is adjacent to a Res-4 property could meet the criteria that transition to a Res-2. Here's an example of a 1 acre that increases density and the existing septic tank is old, and the nutrient reduction system is probably less than 50%. His new home on the same 1 acre installs a required 65% reduction system, so he is now contributing an 85% load. The math's undeniable. If he's required to follow the state statute that was established to protect the lagoon his risk to increase destination bumps up to 70% nutrient contribution to the lagoon and his old system that was only 50%. Then when you look at the criteria to allow a planned unit development 25% bonus increase, this ultimately will reflect the over whelming number of the future land use designation of Res-1. Take 10 Res-1 lots and add 2.5 additional septic tanks that increase the density we will be contributing additional nutrients to the lagoon. Even though the BBIA criteria higher density designations would require public water and sewer. We don't have that. There are no public sewer plants in the plan. The existing south beaches plant is only at 85% capacity and there are no plans to expand in it. I'm going to urge you folks to remove all the language added to the existing future land use coastal element property designations.

Mark Chansis, executive director of the BIPA (Barrier Island Preservation Association) an organization that was started 30 years ago, in 1990, and was the key negotiator and final stamp of approval on Publix shopping center down there to allow it and it was traded off. That's what we do. We understand that there's significant desire to develop down there but it can't be developed because of what this gentle man was saying about the sewer, the water, flooding, evacuation is already 3 times the amount of time it takes as required by the state. Specifically, in BBIA 12.1 I'd like to take the sentence that says, "not increase residential densities" and insert the words "or intensity", so that we don't end up with commercial properties there. In 12.8, take out the entire section. We do not have community commercial on the south beaches. Why even open the door of talking about community commercial when there is no community commercial zoning down there. In 12.7 neighborhood commercial I'd like to take the items of public facilities and recreational uses and move them to the classifications of public facilities and recreational uses. Otherwise it's confusing and you can end up with residential properties with again end up moving, someone comes in with a public facility, the county and they already have their own, or recreational uses because there's a lot of language about marinas in this and we don't want there to be confusion that they can put in a marina because it says recreational uses on the residential property. Move it to the recreational section. I also agree we should be removing the PUD's because there's only one PUD on the beaches, which

is the golf course. Why even mention PUD if there aren't any PUD's. It just confuses things and makes everybody fodder for lawyers.

Eva Nacka Maholley and I'm Mel's neighbor. I'm just adding to what I've heard here. I don't have that added information, except to simply say that that is the most beautiful area that I've ever seen. And therefore, I want that oversight, I want people to be keeping it the way it is, and no high density for this area, and keep it for the animals, the wild animals, the turtles and for single family homes as much as possibly can be done. And I appreciate your looking at this and thank you, it's a great place.

End of public comment.

Robert Sullivan provided a document, exhibit 1, for staff into the record. It identifies the same items that the public pulled out. The first one is the intent of the Brevard Barrier Island Area (BBIA) area of critical concern and the most important function for this creation of the area of concern was to limit density and intensity of the development within the area. That's referenced in the executive summary on page 7. If you use the public comment that was attached, overwhelming is intensity and density reduction. So that concern is for that area and I'm a consultant for FEMA and evacuation. I spent 30 years in search and rescue, Hurricane Katrina, , Hurricane Michael, Hurricane Florence, and Hurricane Harvey. I've done a lot of victim recovery, so evacuation for this area is extremely critical, which is why it became an area of critical concern. So, with that they brought up a number of elements concerning loading for both water supply and wastewater. It's a little bit more. There's solid waste, there's other elements, there's utility corridors, there is response for search and rescue, and response for medical and law enforcement as well. . He is all for this document. He went further on to say "but if we strike item D for residential 1, item D for residential 2, item D for residential 4, and item D for residential 6, and item E for residential 15, item E for neighborhood commercial, and community commercial. I found a document that I don't see any residential or commercial there. So, what that says is that the planned urban development allows you 1.25 increase in density and that is completely counter to the intent of the area of critical concern. If we're here to reduce and restrict development, we should not incorporate an option or loophole that allows 1.25 increase in that. So, that's open for discussion. I'll make a motion, but I'll bring it back to the board and let that be discussed."

Erika Oriss noted that she is new here and appointed to District 3. She said "I was also at that meeting, and I live in the south shores, so I love it there. I agree with everything that's been said. However, I do think that as we look at the documents that have been put forth everyone's mainly concerned with the density and intensity. And it doesn't say that, so if we could make a motion to strike where it says simply in keeping with CN 7.1 shall not increase residential densities and it may want to say there intensity as well. And then also every other place that you have alluded to Robert. And additionally, when it goes into future land use up to a 25% density bonus, I don't think that's the intent of this document. Everyone appeared very, very concerned at the meeting about density and intensity. Everything else I think can be worked out and that seems to be the largest concern."

Ron Bartcher said he had several comments. One is a general comment about the document itself. There's a whole lot of "should" in there instead of "shall". Should is a very weak word. He would really like to see "should" replaced with either "strongly recommended" or "shall strongly include, encourage". He said "The reason for doing that is when you say should what the person you're talking with or writing to hears is okay he wants me to do this, but he doesn't really care whether I do it or not. But, if you change it and put that strongly encouraged word now, you're saying yes, I

understand he is very strong about this, he does care about it, and it's kind of like when a mother tells her child you're going to do this or else. That or else is implied in the word strongly. So, the person hearing it says I don't want to find out what or else means. The County's been very cooperative. If I don't do what this was, they may very well not be cooperative with me. So, I would like to see that changed both in this document and in the one we're going to review next. And then in addition to that I did have some specific comments on policy 4.7 which says we should require storm water retrofits. I would like to see that changed to shall. There's no better time to do that retrofitting than when you're doing redevelopment. I had a few more changes. Policy 4.9 says that people on the water live aboard on board for over 3 days, my question is otherwise what? If they just dump the 3 days' worth of sewerage into the lagoon? Can't we prohibit dumping into the lagoon? That's a question I don't know the answer to. But, if we can I would like to see us do it." Another question he had was in 4.10 criteria B which says "first inch of storm water runoff...". He asked "Does that mean the first inch of rain the first inch of water that flows out of the retention area and how is that inch of runoff determined?"

Robert Sullivan answered that the 24-year, 1 day event is a theoretical storm where the inch of rainfall is the total inch over that area. That will be the retaining area. It is with the South Florida Water Management District. All the water management districts use the same criteria. It's a theoretical storm. That's to calculate a volume for either retention treatment or whatever they need to use.

Ron Bartcher said policy 5.2 criteria A has several sentences in there and we're mixing up should and shall. He was just wondering why aren't all those "should" in that criteria "shall". Is that a legal problem for us?

Alex Esseesse noted that generally with respect to the land use chapter, in this case the BBIA the real rubber meets the road with the land development regulations which are to come. These are just general guiding principles. And then where there's stricter laid out requirements are in the LDRs.

Jeffrey Ball noted that this is the framework document that will set up for us to go back and update our land development code regulations to further define what we're trying to do to meet these guiding principles.

Ron Bartcher further stated in policy 6.13 criteria F mentions sea level rise. How does that fit with the Governor's banning of the use climate change? Are we stepping into a messy area there?

Darcie McGee answered that despite that ruling the Governor has allocated a lot of money and regulations requiring cities and counties to look at future conditions. The Resilient Florida program has distributed millions of dollars to help communities do vulnerability analysis and risk analysis of critical facilities. We were actually required to do a parallel floods section which I think you all approved last year, that was added to the comp plan so we're okay with that.

Ron Bartcher went on to say that in policy 9.4 you need to correct the spelling of "previous". In policy 11.2 criteria C why are we putting industrial area uses next to a lagoon? It seems to me that shouldn't be in there at all.

Erika Orriss said "I have a feeling that there's going to be a lot of reworks done on this, but I just am thinking off the top of my head that to just get it going. I'm so thrilled that Representative Altman and

Senator Wright went ahead and came up with this. It's been 40 years since we've identified a critical area of concern. And so, if we can just get it going and I think that maybe some laws because it gives the highest concern of the analysis is 159 people were concerned about density and intensity. I think that's the most important thing if we're going to make any, I make a motion to just address that. And then the rest of it we can work out, that's certainly the most important part. Spelling errors and things like that, we can get to all that."

Robert Sullivan made a motion to incorporate exhibit H.1. and recommend approval of item H.1., seconded by Ron Bartcher to approve. The motion passed unanimously.

**ORDINANCE 25-\_\_**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 62, ARTICLE III OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, ENTITLED "COMPREHENSIVE PLAN", SETTING FORTH AMENDMENTS NECESSARY TO IMPLEMENT SECTION 380.0553, FLORIDA STATUTES, THE BREVARD BARRIER ISLAND AREA PROTECTION ACT; SPECIFICALLY AMENDING SECTION 62-501 ENTITLED "CONTENTS" TO ADOPT GOALS, OBJECTIVES AND POLICIES FOR THE BREVARD BARRIER ISLAND AREA AS PART XVI TO THE COMPREHENSIVE PLAN; PROVIDING LEGAL STATUS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

**WHEREAS**, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a comprehensive plan as scheduled by the Department of Commerce; and

**WHEREAS**, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, as amended, hereinafter referred to as the "1988 Plan"; and

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

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

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

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

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

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

**WHEREAS**, the Board of County Commissioners of Brevard County, Florida, has provided for the broad dissemination of proposals and alternatives, opportunity for written public comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto, including the Florida Legislature's designation of the Brevard Barrier Island Area as an Area of Critical State Concern pursuant to Chapter 380, Florida Statutes; and

**WHEREAS**, Section 62-181, Brevard County Code, designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said Local Planning Agency; and

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

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

**WHEREAS**, on \_\_\_\_\_, 202\_\_ the State land planning agency issued its Objections, Recommendations, and Comments (ORC) report; and

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

**WHEREAS**, the Local Planning Agency conducted a duly noticed public hearing on \_\_\_\_\_, 2025, and recommended adoption of the amendments establishing goals, objectives and policies for the Brevard Barrier Island Area; and

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

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

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

**SECTION 2.** Authority. This Ordinance is adopted in compliance with and pursuant to Florida law, including, but not limited to, Sections 163.3184, 163.3191, 380.05, and 380.0553, Florida Statutes.

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

**SECTION 4.** Legal Status of the Plan Amendment. After and from the effective date of this Ordinance and in accordance with Section 7 below, this plan amendment shall amend and become part of the 1988 Plan, and the plan amendment shall retain the legal status of the 1988 Plan established in Chapter 62, Article III, Brevard County Code of Ordinances, as amended.

**SECTION 5.** Inclusion in Code. Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, the contents of the amendment shall be incorporated into the Brevard County Comprehensive Plan as Part XVI.

**SECTION 6.** Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

**SECTION 7.** Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the State land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the State land planning agency issues a notice of intent determining that this amendment is not in compliance, the amendment shall become effective on the date the State land planning agency ultimately issues its notice of intent or the Administration Commission enters a final order determining this Ordinance, including the associated plan amendment, to be in compliance.

DONE AND ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

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

By: \_\_\_\_\_  
, Chair

**PART XVI**

**BREVARD BARRIER ISLAND AREA ELEMENT**

DRAFT

## **GOAL, OBJECTIVES, AND POLICIES**

### **INTRODUCTION**

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

### **GOAL**

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

### **Designation of the BBIA**

#### **Objective BBIA 1**

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

### **BBIA Boundary**

#### **Policy BBIA 1.1**

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

### **Legislative Findings for the BBIA**

#### **Policy BBIA 1.2**

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

- A. The southern barrier island of Brevard County represents one of the most fragile and endangered coastal ecosystems in North America, and the

## **BREVARD BARRIER ISLAND AREA**

beaches, dunes, coastal scrub, and maritime hammock areas of the barrier island ecosystem represent some of the most fragile and endangered natural upland communities in the state and nation.

- B. The beaches of the region are among the most important nesting grounds for threatened and endangered sea turtles in the Western Hemisphere. The beach running the length of the southern barrier island of Brevard County is home to the largest nesting aggregation of loggerhead sea turtles in the world, and the management decisions made in the region have global impacts for the species.
- C. The Archie Carr National Wildlife Refuge is located within the barrier island of Brevard County and is a significant conservation area designated to protect habitat at the most significant area for loggerhead sea turtle nesting in the world, at the most significant area for green turtle nesting in North America, and for a diverse array of plant and animal species.
- D. The Indian River Lagoon, designated as an Estuary of National Significance by the United States Environmental Protection Agency in 1990, borders the western shore of the barrier island of Brevard County, and the natural habitats of the barrier island ecosystem protect the water quality and productivity of the Indian River Lagoon.
- E. The salt water recreational fishery of the Indian River Lagoon generates hundreds of millions of dollars per year in local economic benefit.
- F. Density limitations and natural resource protection on the barrier island of Brevard County have decreased public tax burdens associated with the provisions of services, building and maintenance of infrastructure for barrier island residential developments, and public costs for rebuilding public and private structures following severe erosion events.
- G. Protection of the primary dune system of the barrier island of Brevard County provides the only protective buffer for local development from storm surges associated with tropical storms and hurricanes.
- H. The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.

### **Legislative Intent for the BBIA**

#### **Policy BBIA 1.3**

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

## **BREVARD BARRIER ISLAND AREA**

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

### **Guiding Principles for Development within the BBIA**

#### **Policy BBIA 1.4**

Brevard County shall develop and implement its local comprehensive plan and its associated land development regulations to be consistent with all of the guiding principles for development within the BBIA as specified in section 380.0553, F.S. This includes ensuring that its programs and regulatory activities are consistent with these principles.

### **Conflicting Policies**

#### **Policy BBIA 1.5**

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

### **Sea Turtle Habitat**

#### **Objective BBIA 2**

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

#### **Policy BBIA 2.1**

Brevard County shall prohibit new shoreline hardening structures on the Atlantic coast and develop strategies for the removal of existing structures and re-establishment of the natural dune system.

#### **Policy BBIA 2.2**

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

##### **Criteria:**

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

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

**Policy BBIA 2.3**

Brevard County shall maintain lighting regulations in order to eliminate the visibility of artificial or otherwise man-made light to nesting female and hatchling turtles. Such regulations shall be periodically reviewed and updated to reflect best practices in coordination with organizations such as FWC.

**Policy BBIA 2.4**

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

**Policy BBIA 2.5**

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

**Criteria:**

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

**Policy BBIA 2.6**

Brevard County shall enforce development restrictions associated with the CSL and re-evaluate the effectiveness of this line from time to time as coastline changes dictate. The County shall provide the Florida Department of Environmental Protection (FDEP) with their

findings and request a review of the 1981 FDEP Coastal Construction Control Line (CCCL), if deemed appropriate.

**Policy BBIA 2.7**

Outer Continental Shelf (OCS) activities such as oil and gas exploration or mining adjacent to Brevard County are discouraged for several reasons. The County's beaches are the most heavily nested beaches by sea turtles in the western Atlantic. Impacts to water quality, beach quality and fisheries could negatively impact the threatened and endangered species that nest here. Brevard County should review and comment on all OCS and offshore drilling leases proposed for waters adjacent to the County. This policy does not discourage or otherwise prohibit OCS sand and gravel mining activities conducted as part of Brevard County's shore protection and restoration strategy.

**Water Quality Restoration**

**Objective BBIA 3**

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

**Policy BBIA 3.1**

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

**Policy BBIA 3.2**

If during the time that the Stormwater Ordinance is being reviewed and updated, it becomes apparent that additional regulations are required in order to protect water quality in surface water bodies in Brevard County, the County will initiate protective regulations through the adoption or revision of land development regulations.

**Policy BBIA 3.3**

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

**Policy BBIA 3.4**

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

**Policy BBIA 3.5**

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

**Policy BBIA 3.6**

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

**Policy BBIA 3.7**

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

**Policy BBIA 3.8**

Brevard County shall support the SJRWMD’s mapping of submerged aquatic vegetation within the Indian River Lagoon system. Evaluation results shall be made available to municipalities and other agencies or programs. Areas that show decline should be targeted for increased watershed management, including non-point source pollution control. Management strategies shall be coordinated with the municipalities and other agencies.

**Policy BBIA 3.9**

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

**Policy BBIA 3.10**

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

## **Reducing Nutrient Contributions**

### **Objective BBIA 4**

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

#### **Policy BBIA 4.1**

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

#### **Policy BBIA 4.2**

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

#### **Policy BBIA 4.3**

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

#### **Policy BBIA 4.4**

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

#### **Policy BBIA 4.5**

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

#### **Policy BBIA 4.6**

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

#### **Policy BBIA 4.7**

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

#### **Policy BBIA 4.8**

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

#### **Policy BBIA 4.9**

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

**Criteria:**

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

#### **Policy BBIA 4.10**

Retrofitting or modification of existing marina facilities shall be required to meet the criteria within the MPP, as amended, and the following minimum criteria:

**Criteria:**

- A. Stormwater retention/detention requirements as established by County and state stormwater management criteria.
- B. Substantially expanded marina facilities shall retain all work area runoff. For those projects with combined detention areas of five (5) acres or greater, the work area runoff shall be retained in a separate retention area. In addition, the first inch of stormwater runoff from a 10-year, 24-hour storm event shall be retained on site or shall meet the water quality standards as required by the state, whichever is more restrictive. For projects with a combined detention area of less than five (5) acres, stormwater and work area runoff may be retained in a single retention/detention area.
- C. When ten (10) slips or ten (10) percent or more of the total number of slips, whichever is greater, are added, pump-out facilities shall be required, as recommended by the Marine Sanitation Study (1990), sufficient to accommodate the pump-out requirements concurrent with the total number of slips.
- D. Prior to operation of any new marina fueling facility or expansion due to an existing facility, a fuel management/spill contingency plan will be developed and provided to the Natural Resources Management Department for review. The plan shall describe methods to be used in dispensing fuel and all the procedures, methods, and materials to be used in the event of a fuel spill.

#### **Policy BBIA 4.11**

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

#### **Policy BBIA 4.12**

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

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

**Policy BBIA 4.13**

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

**Policy BBIA 4.14**

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

**Nature-Based Solutions**

**Objective BBIA 5**

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

**Policy BBIA 5.1**

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

**Policy BBIA 5.2**

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

**Criteria:**

- A. During modification of existing development, stormwater management facilities within existing developments should be retrofitted to provide for treatment of runoff (including sediment removal where appropriate) prior to release to receiving waters. The Level of Service Standards for these facilities shall include the reduction of the pollutant loading as necessary to enhance or maintain the beneficial uses of the receiving water and to meet receiving water standards per Florida Administrative Code. All facilities should be maintained at design capacity.
- B. During modification of existing development, properties with bulkheads or seawalls shall be enhanced so that runoff is detained prior to release to the receiving body. This may be achieved by planting native or other appropriate

vegetation along the shoreline to retain silt, sediment, and nutrients so that the quality and rate of runoff is equivalent to the pre-development state.

- C. During modification of existing development, properties with altered vegetated shorelines shall be enhanced to retain silt, sediment, and nutrients by planting native vegetation or other appropriate vegetation. A detention structure, swale, and/or berm may be used to allow sediments to settle and nutrient uptake to occur only if non-native vegetation is predominant. Runoff quality and rates should be equivalent to the pre-development state.

### **Policy BBIA 5.3**

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

### **Policy BBIA 5.4**

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

### **Policy BBIA 5.5**

Mosquito impoundments should be reconnected to the Indian River Lagoon where benefits can be demonstrated to increase habitat value of the impoundments and benefits to the Lagoon.

### **Policy BBIA 5.6**

Using best available data, the County should consider identifying areas vulnerable to current and future flooding impacts that may benefit from nature-based design standards and/or Low Impact Development projects that reduce run-off; mitigate flood impacts; provide for the on-site absorption, capture, and reuse of stormwater; and preserve and restore natural drainage characteristics.

### **Policy BBIA 5.7**

Brevard County should continue to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions and amend Land Development Regulations to reduce obstacles that hinder nature-based design standards and/or Low Impact Development.

### **Policy BBIA 5.8**

The County should continue to encourage nature-based design standards and/or Low Impact Development design for development and redevelopment within areas vulnerable to current and future flooding impacts. Such adaptation strategies may include:

**Criteria:**

- A. Multi-use stormwater parks,
- B. Bioswales as stormwater management techniques,
- C. Green streets,
- D. Reduced impervious areas,
- E. Florida-friendly landscaping/xeriscaping, or
- F. Ecological asset preservation (e.g., tree canopy, natural areas, mangroves, wetlands, dunes, aquifer recharge areas).

**Critical Assets**

**Objective BBIA 6**

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

**Policy BBIA 6.1**

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

**Criteria:**

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

**Policy BBIA 6.2**

Brevard County shall require hurricane plans to be submitted to the Florida Division of Emergency Management in conjunction with marina site plans for review.

**Policy BBIA 6.3**

Brevard County shall not support or finance new local transportation corridors that lie within the coastal high hazard area or areas zoned as Environmental Area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the existing densities programmed on the Future Land Use Map (FLUM) series of the Comprehensive Plan or for the protection of the transportation facilities from flooding and storm surge.

#### **Policy BBIA 6.4**

Brevard County should not locate sewer and water transmission lines within the coastal high hazard area, except where there is no practical and cost-feasible alternative due to engineering, safety and cost considerations, lack of alternative existing rights-of-way, or for septic to sewer conversion projects selected specifically to improve ground and surface water quality. Such transmission lines shall be designed to withstand flooding and storm surge.

#### **Policy BBIA 6.5**

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

#### **Policy BBIA 6.6**

Public facilities, except for recreational facilities, shall not be located by Brevard County within the coastal high hazard area, except where there are no other cost-feasible alternatives. Corresponding improvements may only be considered when the facilitation of such improvements is needed to support the existing densities programmed on the FLUM series of the Comprehensive Plan, to improve surface or groundwater quality, or for the protection of the public facilities from flooding and storm surge.

#### **Policy BBIA 6.7**

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

**Criteria:**

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

#### **Policy BBIA 6.8**

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

#### **Policy BBIA 6.9**

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

**Criteria:**

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

- C. Brevard County shall present recommended roadway, operational and maintenance improvements to the appropriate implementing and funding agencies.

**Policy BBIA 6.10**

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

**Policy BBIA 6.11**

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

**Policy BBIA 6.12**

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

**Policy BBIA 6.13**

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

**Criteria:**

- A. The cost effectiveness of relocation versus repair shall be analyzed.
- B. Alternatives shall be considered in the light of mitigative impacts, growth management consistency, impacts to the public, timeliness, legal issues, environmental impacts and cost.
- C. The following alternatives, at a minimum, shall be analyzed:
  - 1. Repair of the structure to the pre-disaster conditions.
  - 2. Repair of the structure to the pre-disaster conditions with physical protective structures, as may be legally permissible when consistent with the Conservation Element and the Coastal Management Element.
  - 3. Vertical relocation of the structure, e.g. elevating roadways with bridges.
  - 4. Relocation further inland.
- D. Reconstruction or relocation of SR A1A and other roadway segments within the coastal high hazard area shall be included within this study.
- E. The study shall be consistent with the East Central Florida Regional Planning Council (ECFRPC) studies. The hurricane scenarios and loss estimates shall be consistent with the Local Mitigation Strategy and shall be coordinated with other appropriate agencies.
- F. The impact of sea level rise and erosion data shall also be analyzed and considered.

**Policy BBIA 6.14**

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

**Policy BBIA 6.15**

The County should utilize a range of sea level rise projections as recommended in the adopted East Central Florida Regional Resilience Action Plan (RRAP), as amended, for planning purposes based upon vulnerability, risk, project service life of a facility or growth management.

**Policy BBIA 6.16**

The County should consider designating Adaptation Action Areas (AAAs), as allowed by Florida law, as a mechanism to prioritize resilient planning, infrastructure investments, and strategies to address current and future flood impacts in areas identified as vulnerable to coastal flooding, storm surge, and sea level rise.

**Policy BBIA 6.17**

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

**Policy BBIA 6.18**

The County should work to reduce hazard exposure for coastal communities by coordinating with municipalities and ECFRPC to identify, scope, and recommend hazard mitigation projects as outlined in the Local Mitigation Strategy.

**Policy BBIA 6.19**

The County should identify development and redevelopment performance standards designed to minimize or withstand permanent and/or temporary inundation from flooding, sea level rise, and storm surge. These standards may include increased freeboard elevations, the consideration of future tailwater elevations for stormwater infrastructure, and/or multi-use temporary flood storage areas.

**Policy BBIA 6.20**

The County should continually identify strategies and engineering solutions that minimize the loss of flood storage capacity in all floodplains and areas vulnerable to natural hazards such as flooding, storm surge, and sea level rise, and consider incorporating them into the Land Development Regulations.

**Policy BBIA 6.21**

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

future flooding impacts. As funding opportunities arise, the County should consider removing real property structures from coastal FEMA flood zones through acquisition of repetitive loss properties, for use as green space or stormwater management.

**Policy BBIA 6.22**

Brevard County should continue to analyze the best available data to maintain or update relevant and current coastal hazard vulnerability projections and update maps, as applicable. The County should continue to identify and understand the risks, vulnerabilities, and opportunities for strategies within short, mid, and long-term planning horizons as established in the RRAP Formal Recommendation, as amended.

**Policy BBIA 6.23**

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

**Policy BBIA 6.24**

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

**Marine Resources**

**Objective BBIA 7**

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

**Policy BBIA 7.1**

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

**Criteria:**

- A. Maintain and enhance upland vegetation within required setbacks to reduce runoff.
- B. Require proper use of turbidity screens during construction activities.
- C. Control discharge rates to promote on-site settlement of sediment loads and meet minimum retention requirements for runoff from storm events.

**Policy BBIA 7.2**

Brevard County shall establish in land development regulations criteria for enhanced vegetative buffering between development and marine resources.

### **Policy BBIA 7.3**

Brevard County shall preserve, protect, and replace wetlands to achieve no net loss of functional wetlands. The County shall ensure the protection of wetlands and wetland functional values by prioritizing protective activities with avoidance of impacts as the first priority, minimization of impacts as the second priority, and mitigation for impacts as the third priority. The County shall maintain regulations that promote no net loss of functional wetlands, in accordance with Conservation Element Policy CON 5.2.

### **Policy BBIA 7.4**

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

### **Policy BBIA 7.5**

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

#### **Criteria:**

- A. Mining operations should not adversely impact protected wetlands or other water dependent systems and shall be set back a minimum of 100 feet from such wetlands.
- B. Mining operations shall not cause saltwater intrusion. Monitoring by the mining operator shall be required to insure this requirement.

### **Policy BBIA 7.6**

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

### **Policy BBIA 7.7**

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

**Policy BBIA 7.8**

All existing and new marinas shall erect manatee education and awareness signs that will be posted and maintained in a prominent location. Each marina operator shall establish and maintain a permanent manatee educational display at a prominent location at their marina. Brevard County shall establish and maintain a display at public boat launch facilities and license tag agencies.

**Policy BBIA 7.9**

Brevard County shall maintain well-marked speed limit signs, in accordance with the uniform waterway marker program, for manatee protection and boating safety speed zones established by local ordinance only.

**Policy BBIA 7.10**

Brevard County, or other appropriate agencies, shall develop a standardized information packet containing information regarding manatees and regulations protecting manatees for distribution by the U.S. Fish and Wildlife Service, FDEP, Brevard Marine Association, and other agencies or groups as appropriate. This will include information concerning the existing manatee slow speed or idle zones, and any additional zones that may be deemed necessary within areas frequented by manatees.

**Policy BBIA 7.11**

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

**Policy BBIA 7.12**

Brevard County's mosquito impoundment management plans shall address the following criteria, at a minimum:

**Criteria:**

- A. The primary use of mosquito control impoundments shall be to protect human health through the control of mosquito populations. Secondary uses may include stormwater management, habitat improvement, wildlife management, and other uses as appropriate. Brevard County shall encourage multiple uses of mosquito control impoundments.
- B. Appropriate water management system shall be utilized.
- C. Impoundments shall be restored or reconnected with the Indian River Lagoon when a public benefit can be demonstrated.
- D. Any other "source reduction" mosquito control activities that also reduce the natural habitat required by freshwater or marine organisms should be prohibited.
- E. Mosquito control impoundments shall be managed in a manner that avoids adverse impacts to the water quality of receiving water bodies.

**Policy BBIA 7.13**

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

**Policy BBIA 7.14**

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

**Criteria:**

- A. All proposed marina siting projects in unincorporated areas of Brevard County shall come before the Board of County Commissioners for their review. Marina development may be considered within any appropriate zoning classification, if it is consistent with the performance standards developed by the County. Uplands at the marina site shall be greater than or equal to one acre. Residential marinas shall be allowed as a permitted use, subject to the boat facility siting criteria established in the MPP, as amended, and in the policies under Objectives CON 3 and CON 9 of the Conservation Element, in all of the current conditional use zoning classifications for residential/recreational marinas, except Recreational Vehicle Park (RVP) and Government Managed Lands (GML).
- B. At the beginning of the zoning or development order application process, all marina and boat ramp development proposals must submit a conceptual plan to be reviewed by the Natural Resources Management Department for compliance with the MPP, as amended.

**Policy BBIA 7.15**

Marinas shall be inspected periodically by Brevard County and results of these inspections shall be coordinated with other agencies. Inspections shall be coordinated with existing programs and duplication with existing inspection programs shall be avoided. Items to be inspected and reviewed may include the following.

**Criteria:**

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

### **Policy BBIA 7.16**

Brevard County shall utilize available management plans in developing standards for marina siting and other water-dependent uses. These management plans include, but are not limited to, Aquatic Preserve Management Plans, the Surface Water Improvement Management (SWIM) Plan, and the IRL CCMP.

## **Upland Resources**

### **Objective BBIA 8**

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

### **Policy BBIA 8.1**

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

#### **Criteria:**

- A. Require permitting prior to land clearing unless exempt by ordinance.
- B. Require phased clearing in conjunction with phased construction.
- C. Require permits for the removal of trees or vegetation in conjunction with land surveying unless exempt by ordinance.
- D. Require areas cleared of vegetation to be revegetated with biologically appropriate vegetation, to prevent wind or water erosion, within ninety (90) days of initial land clearing activity where no approved landscape plan exists, or no active development order has been issued. Native vegetation should be utilized to the maximum extent possible.
- E. Require tree and canopy preservation, including root protection standards.

### **Policy BBIA 8.2**

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

### **Policy BBIA 8.3**

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

#### **Criteria:**

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

**Policy BBIA 8.4**

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

**Policy BBIA 8.5**

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

**Policy BBIA 8.6**

Brevard County shall continue to ensure removal of invasive exotics on public lands and shall educate private property owners on reasons to remove invasive exotics from private lands. This program should emphasize replacement of invasive exotics with appropriate native vegetation where feasible.

**Policy BBIA 8.7**

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

**Policy BBIA 8.8**

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

**Policy BBIA 8.9**

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

**Policy BBIA 8.10**

Brevard County shall develop and comply with management plans for other species, as deemed necessary.

**Policy BBIA 8.11**

The County shall continue to implement education programs to promote the preservation of endangered and threatened species and species of special concern as well as their habitat, with the assistance of the FDEP, the Florida Fish and Wildlife Conservation

Commission, and the U.S. Fish and Wildlife Service, and other agencies or groups as appropriate.

**Policy BBIA 8.12**

Brevard County shall continue to adopt and enforce standards for maintenance or re-establishment of dune areas. These standards shall include, at a minimum, the following provisions:

**Criteria:**

- A. Native dune vegetation shall be maintained and restored on site unless removal or alteration is permitted by both Brevard County and FDEP, and other appropriate regulatory agency.
- B. Public and private beach access shall be allowed only at designated cross-over structures or historical access sites.
- C. Erosion control strategies will be utilized at unimproved public access sites until these can be improved or alternate access provided.
- D. Dune crossovers, boardwalks, walkways and other permissible structures seaward of the CSL shall be elevated above dune vegetation and shall be designed to allow adequate light penetration.
- E. Shore-parallel boardwalks shall be prohibited seaward of the CSL except as required to comply with Americans with Disability Act (ADA) access.
- F. Publicly owned dunes, especially those identified for beach access sites, that have been denuded or damaged by vehicular or pedestrian traffic shall be prioritized for dune renourishment and revegetation. Improvements or erosion controls shall be implemented at the time of renourishment to prevent further site degradation.
- G. Private property owners should be encouraged to re-establish dune vegetation that has been destroyed by non-designated access activities or storm damage.
- H. Structures and impacts that are necessary for public safety or meet the best public interest shall be permitted if approved by the Board of County Commissioners.

**Policy BBIA 8.13**

Brevard County shall maintain an ongoing program to initiate and monitor data collection projects related to beach dynamics, sand transport and coastal processes. This program should include data generated by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, the Florida Sea Grant program, universities, and other appropriate agencies.

**Policy BBIA 8.14**

Brevard County shall prohibit motorized vehicles on the dune and beach system except for governmental vehicles, public safety vehicles, vehicles necessary to repair utilities, or vehicles utilized during approved renourishment programs or approved scientific investigations. Pedestrian traffic within the vegetated dune areas shall be limited to

emergency operations, scientific research, maintenance, cleaning or improvements as authorized by the Natural Resources Management Department and consistent with FDEP regulations.

**Policy BBIA 8.15**

Beach access site improvements, parking facilities, and drainage shall be secondary to improvements to the naturally functioning dune system. Brevard County shall make efforts to balance the demand for beach access with the protection of the beach and dune habitat and species.

**Policy BBIA 8.16**

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

**Water Quality Protection**

**Objective BBIA 9**

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

**Policy BBIA 9.1**

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

**Criteria:**

- A. Maintain a fifty (50) foot surface water protection buffer from the ordinary high-water line, mean high water line, or safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping. On bulkheaded lots, the waterward extension of the buffer is established by the bulkhead line. In lieu of an approved ordinary high-water line, mean high water line, or safe upland line, an alternative buffer establishment line that approximates the land-water interface may be approved administratively as defined in ordinance. The use of the alternative buffer establishment line shall only be applied to shorelines with a clearly defined land-water interface.
- B. Except as allowable under criteria C and D below, primary structures shall not be permitted within the surface water protection buffer. The County shall establish in land development regulations allowable uses within the surface water protection buffer. Stormwater management for all alterations associated with allowable uses shall be required to protect water quality of the receiving water body. Provisions for the alteration and/or removal of non-native invasive plants, mitigation projects, and the planting of native species shall be established by the County.

- C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, where there is insufficient lot depth to construct a primary structure, a primary structure may be located within the surface water protection buffer at least twenty five (25) feet from the water line as outlined in Criterion A if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Where applicable, stormwater management measures shall be consistent with Chapter 373, F.S., as amended.
- D. For residential lots located along areas of the Indian River Lagoon and its tributaries added to the State's designation of Class II Waters as of February 17, 2016, and platted or established by deed on the official record books of Brevard County prior to that date, where there is insufficient lot depth to construct a primary structure, a primary structure may be located within the surface water protection buffer at least twenty five (25) feet from the water line as outlined in Criterion A if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. These additional measures shall, at a minimum, prevent the first inch of stormwater runoff from entering surface waters; and may include, but not be limited to, a stormwater retention system or native shoreline revegetation. Avoidance and minimization of buffer impacts shall be required. Where applicable, stormwater management measures shall be consistent with Chapter 373, F.S., as amended.
- E. Within the surface water protection buffer the maximum amount of impervious surface is thirty (30) percent, inclusive of primary structures as outlined in Criteria C and D.
- F. Prohibit shoreline alteration other than that allowed by ordinance, unless the alteration is in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses.
- G. Prohibit channelization, dredging and filling, and impoundment of natural waters of the State unless the activity is clearly in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses. Dredging shall not be permitted in or connected to Class II Waters, Outstanding Florida Waters (OFWs), Aquatic Preserves, areas that contain ten percent (10%) seagrass or more, and conditionally approved shellfish harvesting waters unless the activity is a federal navigation project, in the public interest, such as approved maintenance dredging of existing public or private navigational channels, or where dredging may improve water quality by removing accumulated silt or improving circulation, or for maintenance of existing structures and utility structures and utility crossings, or for shoreline alteration as allowed by this comprehensive plan.
- H. Prohibit discharges of any substances below ambient water quality standards.

## **BREVARD BARRIER ISLAND AREA**

**Policy BBIA 9.2**

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

**Criteria:**

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

**Policy BBIA 9.3**

Mining operations shall not be permitted within wetlands as protected within this comprehensive plan.

**Policy BBIA 9.4**

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

**Policy BBIA 9.5**

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

**Policy BBIA 9.6**

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

**Policy BBIA 9.7**

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

**Criteria:**

- A. Retention and detention requirements shall at a minimum meet SJRWMD Criteria.
- B. Retention of the first inch of runoff.
- C. Post-development rate of discharge shall not exceed pre-development rate of discharge for a 25-year, 24-hour storm event.

- D. Stormwater discharge facilities shall be designed so as to not lower receiving water quality or degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302, FAC.

**Policy BBIA 9.8**

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

**Policy BBIA 9.9**

Development shall not negatively impact adjacent properties or receiving surface water body quality.

**Policy BBIA 9.10**

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

**Scenic Resources**

**Objective BBIA 10**

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

**Policy BBIA 10.1**

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

**Policy BBIA 10.2**

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

**Policy BBIA 10.3**

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

**Policy BBIA 10.4**

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

**Policy BBIA 10.5**

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

**Policy BBIA 10.6**

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

**Criteria:**

- A. Property owners along designated roadways shall be encouraged to preserve trees and vegetation during development of these properties.
- B. Billboards and other physical barriers, such as fences, exceeding four feet in height, excluding primary and accessory structures, that interfere with or prevent visual access to the scenic qualities of the roadways designated as scenic resources, shall be prohibited. Non-conforming existing billboards and the referenced opaque physical barriers shall be amortized.
- C. Vegetation and trees growing adjacent to scenic roadways within the rights-of-way for those roads shall be protected by the land development regulations regarding land clearing activities except in those cases involving health and safety concerns or those that would deny visual access beyond the immediate area.
- D. Public or private linear projects and utility corridors developed or maintained by governmental or investor-owned regulated utilities that do not require an active development order are exempt if determined to be in the public interest as defined in the Brevard County Comprehensive Plan Glossary per Sec 62-4334 of the Brevard County Code of Ordinances.

**Policy BBIA 10.7**

Brevard County shall investigate the feasibility of acquiring narrow strips of land along the Indian River Lagoon, where such areas could provide visual access or provide parking for passive recreation within the Lagoon.

**Compatibility**

**Objective BBIA 11**

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

**Policy BBIA 11.1**

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

**Policy BBIA 11.2**

Brevard County shall review shore-line development within the coastal zone in order to maximize opportunities for water-dependent land uses. The following criteria, at a minimum, shall be utilized.

**Criteria:**

- A. Water-related and water-enhanced uses shall be built on uplands.
- B. Development that is feasible only through creation of land by dredging and filling of areas below the mean high-water line shall not be approved. Exceptions may be considered where overriding public benefit to the natural resource can be demonstrated.
- C. Water-dependent commercial and industrial uses may be considered for siting adjacent to the Indian River Lagoon.

**Policy BBIA 11.3**

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

**Policy BBIA 11.4**

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

**Criteria:**

- A. Water-dependent uses such as fish, shellfish and wildlife production, recreation, water dependent industry and utilities, marinas and navigation;
- B. Water-related uses such as certain utilities, commerce and industrial uses;
- C. Water-enhanced uses such as some recreation uses;
- D. Non-water dependent or related activities such as residential; and
- E. Of lowest priority are those uses that are non-water-dependent, non-water enhanced, and result in an irretrievable commitment of coastal resources.

**Policy BBIA 11.5**

Brevard County shall review beachfront development to ensure that it does not interfere with public access in those instances where the public has established ocean access-ways through private lands by prescription, prescriptive easement, or other legal means. The developer may improve, consolidate, or relocate such public access provided it is consistent with this Plan.

## **Future Land Use Categories within the BBIA**

### **Objective BBIA 12**

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

### **Policy BBIA 12.1**

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

### **Policy BBIA 12.2**

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

### **Policy BBIA 12.3**

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

- A. Lands with RES 1 Future Land Use Map designations shall be assigned RES 1 – BBIA Future land Use Map designations;
- B. Lands with RES 2 Future Land Use Map designations shall be assigned RES 2 – BBIA Future land Use Map designations;
- C. Lands with RES 4 or RES 4 Directive Future Land Use Map designations shall be assigned RES 4 – BBIA Future land Use Map designations;
- D. Lands with RES 6 or RES 6 Directive Future Land Use Map designations shall be assigned RES 6 – BBIA Future land Use Map designations;
- E. Lands with RES 8 Directive Future Land Use Map designations shall be assigned RES 8 – BBIA Future land Use Map designations;
- F. Lands with RES 15 Future Land Use Map designations shall be assigned RES 15 – BBIA Future land Use Map designations;
- G. Lands with Neighborhood Commercial Future Land Use Map designations shall be assigned Neighborhood Commercial – BBIA Future land Use Map designations;
- H. Lands with Community Commercial Future Land Use Map designations shall be assigned Community Commercial – BBIA Future land Use Map designations;
- I. Lands with Public Facilities Future Land Use Map designations shall be assigned Public Facilities – BBIA Future land Use Map designations;
- J. Lands with Recreation Future Land Use Map designations shall be assigned Recreation – BBIA Future land Use Map designations;
- K. Lands with Private Conservation Future Land Use Map designations shall be assigned Private Conservation – BBIA Future land Use Map designations;

- L. Lands with Public Conservation Future Land Use Map designations shall be assigned Public Conservation – BBIA Future land Use Map designations;
- M. Lands without an assigned Future Land Use category shall have Future Land Use Map designations as follows:
  - 1. Privately-owned lands shall be assigned Private Conservation – BBIA;
  - 2. Publicly owned lands shall be assigned Public Conservation – BBIA.

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

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

**Criteria:**

- A. Areas adjacent to existing Residential 1 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than one (1) unit per acre and areas with lesser density; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 1.
- D. Up to a 25% density bonus to permit up to 1.25 dwelling units per acre may be considered with a Planned Unit Development where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy FLU 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized by properties within the CHHA.

**Residential 2 – BBIA Future Land Use  
Policy BBIA 12.5**

The Residential 2 – BBIA land use designation permits lower density residential development with a maximum density of up to two (2) units per acre. The Residential 2 – BBIA land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 2 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

- D. Up to a 25% density bonus to permit up to 2.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy FLU 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**Residential 4 – BBIA Future Land Use**  
**Policy BBIA 12.6**

The Residential 4 – BBIA land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre. The Residential 4 – BBIA land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 4 land use designation; or
- B. Areas that serve as a transition between existing land uses or land use designations with density greater than four (4) units per acre and areas with density of less than four (4) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 4.
- D. Up to a 25% density bonus to permit up to five (5) units per acre may be considered with a Planned Unit Development where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy FLU 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**Residential 6 – BBIA Future Land Use**  
**Policy BBIA 12.7**

The Residential 6 – BBIA land use designation affords a transition in density between higher density areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre. The Residential 6 - BBIA land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas adjacent to existing Residential 6 land use designation; or

- B. Areas that serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or
- C. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 6.
- D. Up to a 25% density bonus to permit up to 7.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy FLU 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**Residential 8 – BBIA Future Land Use  
Policy BBIA 12.8**

The Residential 8 – BBIA land use designation affords a transition in density between higher density areas and lower intensity residential uses. This land use designation permits a maximum density of up to eight (8) units per acre.

**Residential 15 – BBIA Future Land Use  
Policy BBIA 12.9**

The Residential 15 – BBIA land use designation affords the highest density allowance, permitting a maximum density of up to fifteen (15) units per acre. The Residential 15 – BBIA land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

**Criteria:**

- A. Areas located east of Interstate-95, except in instances where they are adjacent to existing or designated residential densities of an equal or higher density allowance; and
- B. Unincorporated areas that are adjacent to incorporated areas and may be considered a logical transition for Residential 15 area;
- C. Areas adjacent to an existing Residential 15 land use designation; and
- D. Areas that have access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.
- E. Up to a 25% density bonus to permit up to 18.75 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy FLU 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote

inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**Neighborhood Commercial – BBIA Future Land Use  
Policy BBIA 12.10**

Neighborhood Commercial – BBIA development activities are intended to be low impact in nature and serve the needs of the immediate residential area. Intrusion of these land uses into surrounding residential areas shall be limited. Existing BU-1-A uses that were established as of the adoption date of this provision shall be considered consistent with this policy. Minimum public facilities and services are required for commercial uses, as specified in Policy FLU 2.4 of the Future Land Use Element. Development activities that may be considered within Neighborhood Commercial Future Land Use designation, provided that listed criteria are met, include the following:

- a) Professional offices (no drive through lanes permitted);
- b) Personal Services (no drive through lanes permitted);
- c) Convenience stores (no drive through lanes permitted);
- d) Residential uses pursuant to Policy FLU 2.11 of the Future Land Use Element;
- e) Institutional uses;
- f) Recreational uses; and
- g) Public facilities

The zoning classifications that may be considered in Neighborhood Commercial as transitional uses are: RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RU-2-15, RU-2-30, BU-1-A, and IN(L).

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

**Criteria:**

- A. Neighborhood commercial clusters should be located at collector/collector or collector/arterial intersections, except as otherwise provided for in this Comprehensive Plan.
- B. Due to the linear nature and lack of intersections along SR A1A south of Melbourne Beach, new neighborhood commercial uses may not be considered along those roadways.
- C. New neighborhood commercial land use sites should incorporate no more than two acres maximum at each corner of an intersection, as set forth in Criterion A of this policy. Neighborhood commercial land uses at such intersections should not exceed eight (8) acres total.
- D. Neighborhood commercial development clusters should be spaced at least three (3) miles apart.
- E. The gross floor area of neighborhood commercial development should not exceed a Floor Area Ratio (FAR) of 0.75 unless zoned PUD and adequate roadways, solid waste disposal, hazardous waste disposal, potable water,

wastewater treatment, and drainage facilities to serve the needs of the development are available concurrent with its impacts.

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

### **Community Commercial – BBIA Future Land Use Policy BBIA 12.11**

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

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

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

#### **Criteria:**

- A. Community commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For community commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.
- B. Community commercial complexes should not exceed 40 acres at an intersection.
- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.
- E. The gross floor area of a community commercial development shall not exceed a FAR of 1.0 unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.
- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

**Public Facilities – BBIA Future Land Use**

**Policy BBIA 12.12**

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

**Criteria:**

- A. Public facilities are those uses that, at a minimum, relate to government-managed transportation, sanitary sewer, potable water, solid waste, drainage, conservation, education, government service systems, and other utilities such as gas, electric, telephone and cable. An exception should be made for transmission or collection facilities, rights-of-ways, and easements. Public facilities are also those uses classified as scientific research and technology development activities conducted by non-governmental organizations (NGOs) in formal partnership with governmental entities. Such NGOs shall provide economic, environmental and/or quality of life benefits to Brevard County. Specific land-use activities include either: life science research, ocean, coastal and marine research and technology development, or environmental science research. Public Facilities that are NGOs in formal partnership with governmental entities shall not exceed a FAR of 0.25
- B. Public facilities land uses may be considered for locations within all land use designations on the Future Land Use Map provided such uses are compatible with adjacent land uses consistent with this Comprehensive Plan.
- C. Following the purchase, lease or dedication of property for public facility purposes, the Comprehensive Plan shall be amended to depict the property as Public Facility on the Future Land Use Map.
- D. Brevard County shall encourage the use of common corridors for utility systems, including sanitary sewer, potable water, re-use, electricity, gas and other utilities.

In order to maximize the efficiency of public facilities and resources, Brevard County and Brevard Public Schools should strive to coordinate use of existing school facilities for public use. In addition, development of new libraries, parks and recreation facilities, children’s services facilities, and other appropriate public uses on properties adjoining school sites should also be coordinated.

**Recreation – BBIA Future Land Use  
Policy BBIA 12.13**

The Recreation - BBIA land use designation may be adopted as part of the Future Land Use Map to identify appropriate locations for public recreation land uses, based upon the following minimum criteria:

**Criteria:**

- A. Recreation land uses may be considered within all land use designations on the Future Land Use Map, provided such uses are compatible with adjacent land uses. The County shall consider compatibility parameters including, but not limited to, hours of operation, anticipated traffic volumes, and landscaping and buffering.
- B. Following acquisition by Brevard County of the property for public recreational purposes, the Future Land Use Map shall be amended to depict said property as Recreation on the Future Land Use Map.

**Private Conservation – BBIA Future Land Use  
Policy BBIA 12.14**

The Private Conservation - BBIA land use designation is related to privately owned lands with significant environmental features. The land use designation applies to privately held lands that were designated Conservation on the Future Land Use Map prior to adoption of the Future Land Use Element on May 16, 2000, regardless of their zoning classification. Any lands that are privately owned and zoned Environmental Area (EA) or so designated by an approved binding development plan after May 16, 2000 shall be designated as Private Conservation. Such privately owned parcels shall permit a maximum residential density of one (1) unit per ten (10) acres.

**Public Conservation – BBIA Future Land Use  
Policy BBIA 12.15**

The Future Land Use Map shall designate lands as public conservation to provide for the protection of publicly held environmentally sensitive areas. The Public Conservation – BBIA future land use designation is intended to accommodate lands and facilities that are managed by federal, state, and local governments within unincorporated Brevard County for conservation or preservation uses. Such uses shall conform to the following minimum criteria:

**Criteria:**

- A. The Public Conservation land use designation should include lands under the ownership of Brevard County, the St. Johns River Water Management District, or other such agencies, for the purpose of environmental protection, publicly

- owned lands within the Environmental Area (EA) zoning classification, and publicly owned areas in which it is demonstrated that the preservation of environmentally sensitive resources will provide an overriding public benefit.
- B. Development activities within lands designated as Public Conservation shall be consistent with the specific policies and intent of this comprehensive plan. Specifically, activities that are conducted on Public Conservation lands that enhance, protect, or manage such lands for nature-based recreation, conservation, or preservation purposes for the benefit of the public shall be considered as consistent with this criterion.
  - C. Other environmentally sensitive lands (i.e., floodplains, wetlands, or aquifer recharge areas) that are located outside of the Public Conservation land use designation are protected through the policies of this comprehensive plan.
  - D. Privately owned land shall not be designated as public conservation. If privately owned lands are acquired by state, regional, or local agencies for conservation or preservation purposes, the participating agencies should provide such information to the County so that the Future Land Use Map may be amended pursuant to section 163.3187, F.S., as may be amended. The County shall annually request such information from the applicable agencies so that any necessary amendments can be made to the Future Land Use Map.
  - E. Residential densities for public conservation lands should not exceed one (1) dwelling unit per fifty (50) acres. Dwelling units on publicly held lands, including those zoned EA that are in public ownership, are limited to accommodating park rangers or other authorized personnel as deemed appropriate in order to manage or protect such public conservation lands.

### **Removal of Area of Critical State Concern Designation**

#### **Objective BBIA 13**

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

### **Sufficiency of Local Plan and Land Development Regulations**

#### **Policy BBIA 13.1**

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

**Criteria for De-designation**  
**Policy BBIA 13.2**

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

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

**Timeline for De-designation**  
**Policy BBIA 13.3**

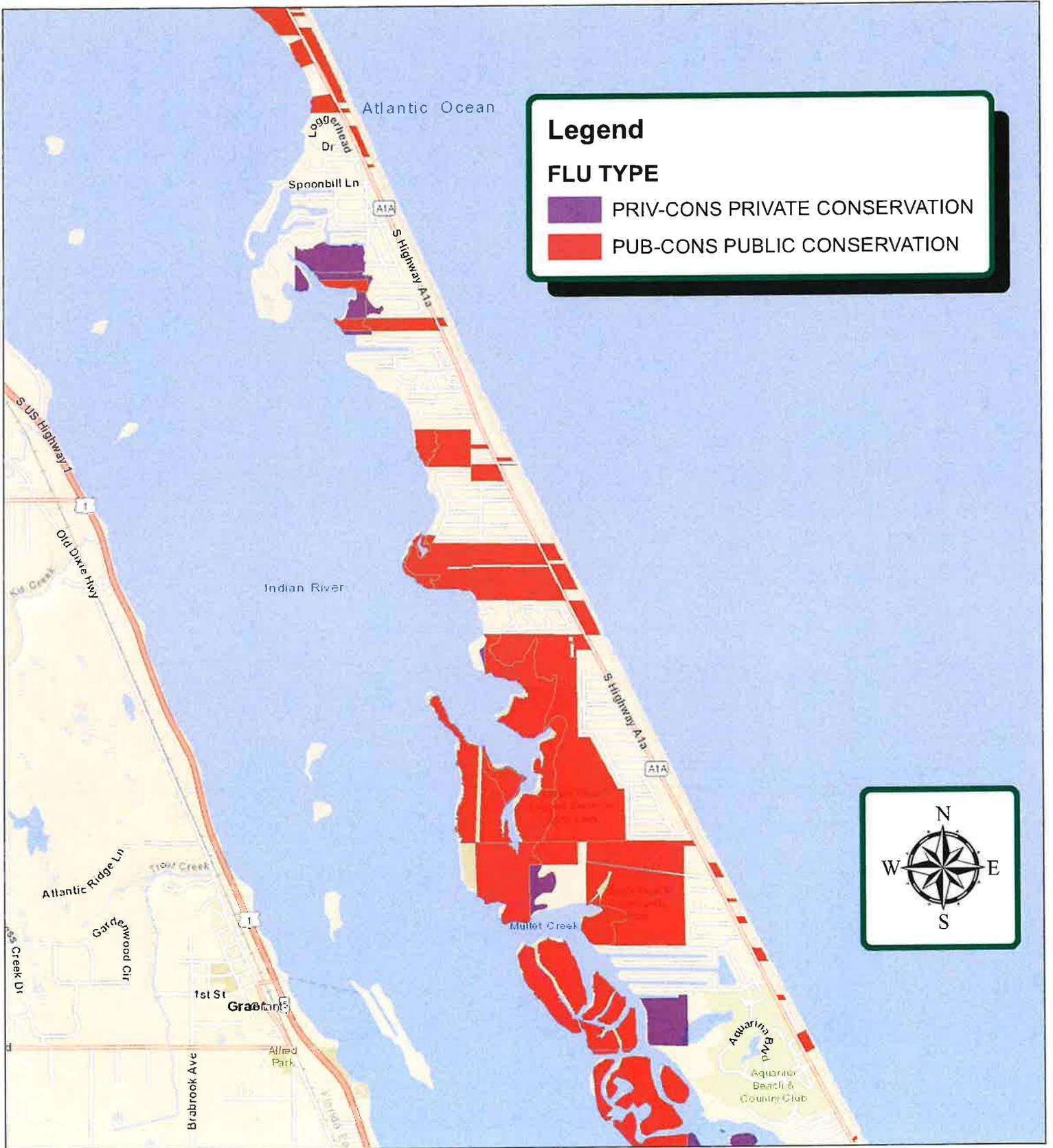
Brevard County acknowledges that the Administration Commission must initiate rulemaking to remove the BBIA area of critical state concern designation within 45 days after receipt of the recommendation from the state land planning agency, if the commission concurs with the recommendation for removal.



## *Area of Critical State Concern Map*







**Legend**

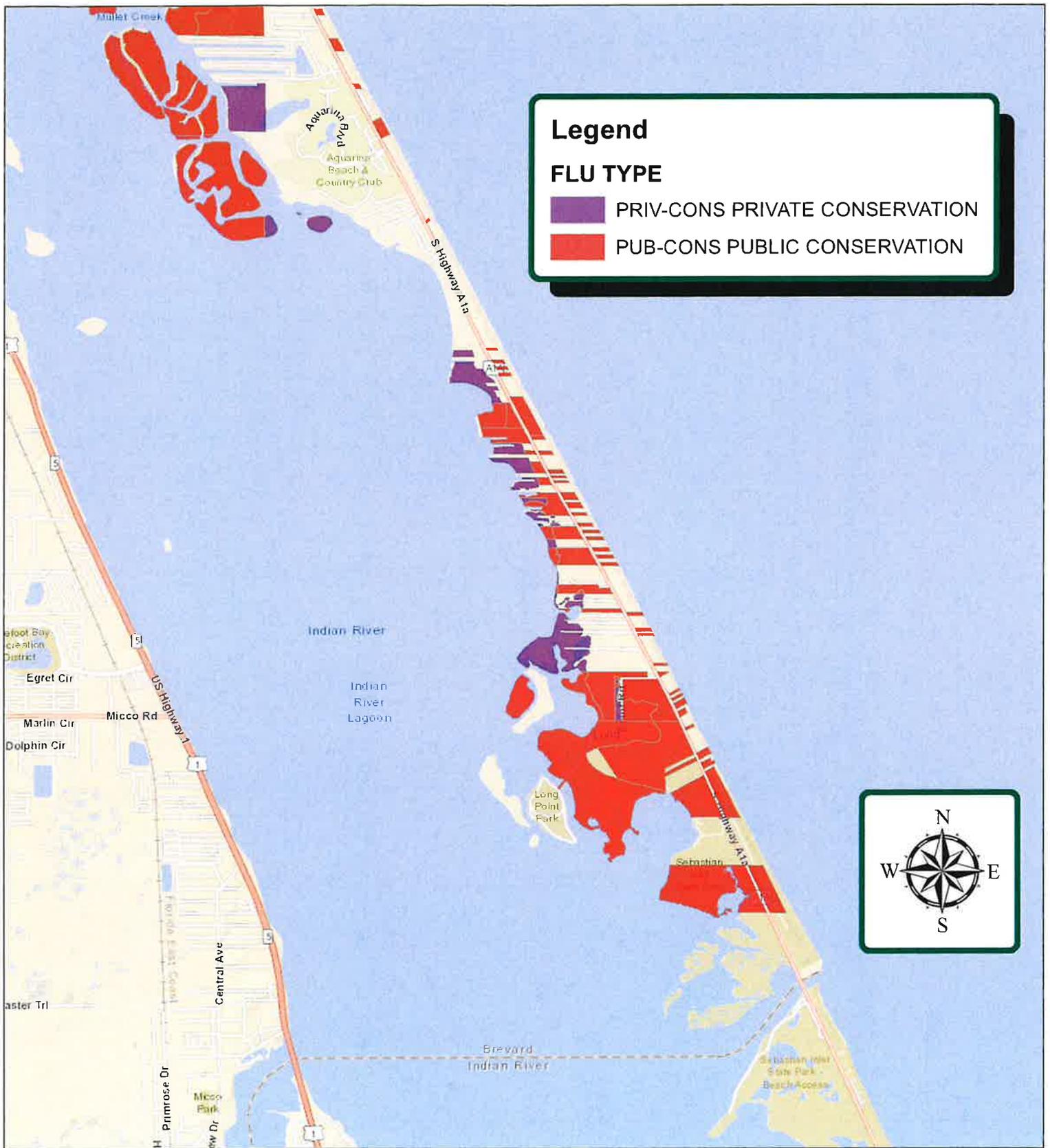
**FLU TYPE**

- PRIV-CONS PRIVATE CONSERVATION
- PUB-CONS PUBLIC CONSERVATION



*Future Land Use Conservation Areas*





**Legend**

**FLU TYPE**

- PRIV-CONS PRIVATE CONSERVATION
- PUB-CONS PUBLIC CONSERVATION



*Future Land Use Conservation Areas*

