

**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.