



Planning & Development Department

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

BOARD OF COUNTY COMMISSIONERS

TO: Jim Liesenfelt, Interim County Manager
THRU: Tad Calkins, Assistant County Manager
FROM: Billy Prasad, Director, Planning and Development Department
SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2025026

CEER #2025026, titled "Stop building apartments!!!!," was received by the County from Diane Maynard.

Citizen Statement:

Overpopulation due to excessive apartment and PUDs without considering roads, green area, wildlife, water usage, parking etc. We are Orlando with all the crime, accidents, etc. Please have consideration for long time residents that care about the lagoon and the environment!

Citizen Recommendation:

Moratorium and low density only. 35% green area only and leave 25% native !!! Stop the renourishment projects. No one should build that close to environmentally endangered turtles. Put speed bumps on Post..all the way and decrease the speed . College students can't drive.. lots of deaths already by the schools The county will be sued if they don't stop the reckless driving! More police and Sherriffs please...traffic control! South Brevard is just awful now!!! All due to Countyvand City planning smg zoning and lack of rules!!!

Staff Analysis:

In the event of a moratorium, the County could be subject to legal action if applicants are not permitted to develop their properties. Changes to Future Land Use and rezoning require review by the Planning & Zoning Board, Local Planning Agency, and the Board of County Commissioners. Any affected party may submit comments or testify at a public hearing regarding the application at that time. The P&Z Board meets once per month and a list of meetings and available agendas are made public online the County website. For those actions, such as building permits, that happen after the zoning and land use are in place, the process is typically administrative in nature; preventing the exercise of property rights could subject the County to legal action.

The Brevard County Board of County Commissioners have been working to promote more uniform, county-wide development practices using Low Impact Development (LID). For example, as part of its Comprehensive Plan (the very essence of uniform, county-wide development practices), in February



BOARD OF COUNTY COMMISSIONERS

2022, Objective 14 - Coastal Development and Redevelopment, was adopted into the Coastal Management Element to address "Peril of Flood." These 13 new policies include language that creates procedures to allow consideration of the changing dynamics of flooding, sea level rise, and storm surge in growth management decisions through nature-based design standards and/or Low Impact Development.

With new or improved development, the Traffic Engineering Office administers programs including street lighting, speed humps, traffic accident data analysis and engineering studies. In addition, Traffic Engineering is included in the review process for all subdivisions, site plans and right-of-way use permits that are submitted to the County.

Brevard County preliminary concurrency applications must be submitted and approved prior to application for site plan, driveway permit, right-of-way permit or pre-application for subdivision. Pursuant to Section 163.3202 (2)(g), Florida Statutes a potable water service capacity reservation certificate verifies potable water is available, sanitary sewer service capacity certificate verifies sanitary sewer service is available, and a solid waste capacity reservation certificate verifies that adequate solid waste capacity is available. In addition, a review is also conducted ensuring roadway capacity. Concurrency reviews, site plans, subdivisions, building permits and zoning actions such as Planned Unit Developments (PUDs) are received in the Planning & Development Department as required for building construction to commence. As part of the application process, parcels are researched individually to ensure the present zoning is consistent with the proposed project. If the scope of the project does not meet the code requirements, applicants are then referred to the appropriate reviewer for further instruction and guidance with how to proceed. Permit applications go through a detailed review under the Code requirements of Building, Land Development, Natural Resources, and Zoning. A permit may additionally be reviewed by Utilities, Fire Prevention, Concurrency, and Address Assignment as applicable to the permit application.

For decades, Brevard County has required native or waterwise landscape plantings, preferred by pollinators, for development. Chapter 62, Article XIII, Division 2 Brevard County Code, Landscaping, Land Clearing, and Tree Protection, Section 62-4341 (4) requires that at least 50 percent of trees, shrubs and groundcovers shall be native species or recommended by "Waterwise Florida Landscapes", 2004, Florida Water Management Districts, as may be amended. These plantings must be maintained in perpetuity pursuant to Section 62-4343 (1).

Brevard County has had a tree ordinance in place since the 1980's. Chapter 62, Article XIII, Division 2 of Brevard County Code is entitled Landscaping, Land Clearing, and Tree Protection (LLTP). The LLTP regulations include canopy preservation and planting requirements that vary depending on the size of the area of alteration and land use. Trees must be preserved or relocated on-site during development to the greatest extent feasible and replacement of protected trees is required if minimum canopy



BOARD OF COUNTY COMMISSIONERS

thresholds are not met. If specimen trees are removed, they must be replaced regardless of canopy threshold satisfaction. Where adverse site conditions make the removal of a protected or specimen tree necessary and cause the site to fall below the minimum required canopy preservation percentage, an Alternative Landscape Enhancement Plan is required that demonstrates the adverse site conditions and provides a planting plan that exceeds the minimum landscape and canopy standards.

For vacant parcels, land clearing is prohibited without Natural Resources Management review and approval with few exemptions (bona fide agricultural use pursuant to F.S. Ch. 163.3162(4), emergency removal of a dead or seriously damaged tree that poses an immediate threat, removal of nonnative invasive or undesirable plants, etc). For parcels that are already developed, minimum landscaping and canopy preservation requirements must be maintained in perpetuity, after the issuance of certificate of occupancy.

Sand placement through beach nourishment and/or dune restoration is used to maintain Brevard County beaches to support quality of life for Brevard County beachgoers and the beach-based tourism that fuels Brevard's economy. The Florida Office of Economic & Demographic Research (EDR) completed a study that determined the state's return on investment (ROI) for investing in beach restoration was a positive 5.4 to 1. This is based largely on the tax revenues generated by beach-related tourists. On average, Brevard receives approximately one dollar in State funding for each dollar Brevard spends on beaches. Therefore, Brevard's ROI is likely similar to the state's ROI. Brevard generally funds its portion of beach nourishment projects using the tourism "bed tax" paid by visiting tourists.

Before ongoing beach nourishment efforts in Brevard, Brevard's beaches and dunes were suffering from erosion rather than truly flourishing. Once sand placement began in the early 2000s, Brevard's dunes began to recover and grow through natural processes driven by the placement of added beach-quality sand. All sand placed by Brevard County meets the state standard for beach quality sand and environmental permit requirements. Brevard's beaches might now be described as thriving as a direct result of sand placement.



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department

2725 Judge Fran Jamieson Way

Building A, Room 114

Viera, Florida 32940



Photos above show south Cocoa Beach before and after the initial construction of the North Reach Shore Projection (beach nourishment) Project. Before the first nourishment of this project in 2001, the Cocoa Beach shoreline was seriously eroded and much of it had been armored with seawalls and rip-rap. After nourishment of the North Reach, waves could no longer reach the seawalls, and this allowed dunes to develop with wind-blown sand, provided by the project, collecting around native plants.



BOARD OF COUNTY COMMISSIONERS



Photos above show the Breakers Condominium before and after the initial construction of the **South Reach Shore Projection** (beach nourishment) Project. Before the first nourishment of this project in 2002-2003, the South Reach shoreline (including the towns of Indialantic and Melbourne Beach) was seriously eroded and portions of it had been armored with seawalls and rip-rap. At that time, residents of the Breakers were afraid for their building and considering a seawall that could have caused harm to the public beach sea turtle nesting habitat. After the nourishment of the South Reach, the added sand allowed dunes to develop, providing protection and habitat.

Brevard County's current coastal development ordinance ensures that new construction is located behind the primary, and secondary, dunes in the unincorporated County. Buildings that still exist on the dune in unincorporated Brevard are structures built in the 1980's and before, prior to the adoption of coastal development regulations.

Further, Brevard nourishment projects occur outside of primary marine turtle nesting season. Turtle nesting is carefully monitored, as required by permit, before and during sand placement to avoid impacts. As habitat has been protected and restored through nourishment, nesting and hatching have increased.

Staff Recommended Action:

It is recommended that the Board of County Commissioners reject CEER # 2025026 with provided clarification as detailed in the staff analysis. As the recommendation pertains to law enforcement



Planning & Development Department

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

BOARD OF COUNTY COMMISSIONERS

agencies, the Brevard County Sheriff's Office is not under the Brevard County Board of County Commissioner's jurisdiction.

CC: Frank Abbate, County Manager

Horst, Rachel

From: CEER@brevardfl.gov
Sent: Friday, January 17, 2025 8:11 AM
To: Horst, Rachel
Subject: A new CEER Recommendation has been submitted as ID #2025026

Recommendation # 2025026

Dear CEER Administrator,

Speak Up Brevard Recommendation ID #2025026 has been submitted. Please login to the CEER Application to start the recommendation evaluation workflow.

Contact Information:

Group/Organization

Name Diane L Maynard
Address 4473 COUNTRY RD, MELBOURNE FL 32934
Phone (321) 419-8202
Email Dmaynard321@gmail.com
Alternate Email

Recommendation Information:

Recommendation ID 2025026
Recommendation Title Stop building apartments!!!
Areas Affected All of Brevard
Department Affected
Current problem Overpopulation due to excessive apartment and PUDs without considering roads, green area, wildlife, water usage, parking etc. We are Orlando with all the crime, accidents, etc. Please have consideration for long time residents that care about the lagoon and the environment!
Recommendation Moratorium and low density only. 35% green area only and leave 25% native !!! Stop the renourishment projects. No one should build that close to environmentally endangered turtles. Put speed bumps on Post..all the way and decrease the speed . College students can't drive..lots of deaths already by the schools The county will be sued if they don't stop the reckless driving! More police and Sherriffs please...traffic control! South Brevard is just awful now!!! All due to County and City planning smg zoning and lack of rules!!!
Attachments No Documents were attached.

Please do not reply to this e-mail, as it will go to an unmonitored mailbox.
