

**BREVARD BARRIER ISLAND AREA  
PLAN AMENDMENT**

**STAFF COMMENTS**

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

---

**Property Information**

Owner / Applicant: **Brevard County**

Adopted Future Land Use Map Designation: n/a

Requested Future Land Use Map Designation: n/a

Acreage : 4,235.68 acres

Tax Account #: n/a

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

Commission District: 3

Current Zoning: n/a

Requested Zoning: n/a

**Background & Purpose**

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

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

Coastal Management Policy 7.1 was adopted in the early 1990's and the deadline to submit a Bert Harris claim has passed. Section 380.0553, FS went into effect July 1, 2023 and the deadline to submit a Bert Harris claim has passed.

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

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

This statute contains Guiding Principles for Development. They are:

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

- (i) Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment.
- (j) Ensuring that development is compatible with the unique characteristics of the Brevard Barrier Island Area.

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

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

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

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

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

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

- Over 76% strongly supported prohibiting shoreline hardening and encouraging living shoreline concepts.
- Over 92% felt that prioritizing funding for water quality restoration projects was very important.
- Almost 60% felt that limiting development in this area is the most important strategy for reducing nutrient pollution in the Brevard Barrier Island Area.
- Over 95% felt it was very important to protect upland resources such as dune ridges, beaches and wildlife habitat.

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

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

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