

**EAR BASED AMENDMENTS  
PLAN AMENDMENT**

**STAFF COMMENTS**

*Large Scale Plan Amendment 25LS.02 (24LS00002)*  
**EAR Based Amendments are Countywide**

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**Property Information**

Owner / Applicant: **Brevard County**

Adopted Future Land Use Map Designation: n/a

Requested Future Land Use Map Designation: n/a

Acreage : 416,687 acres

Tax Account #: n/a

Site Location: Countywide

Commission District: All

Current Zoning: n/a

Requested Zoning: n/a

**Background & Purpose**

Chapter 85-55, Laws of Florida, amended the Chapter 163, Part II, Florida Statutes, that 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.

Section 163.3191, Florida Statutes, requires each local government to evaluate its comprehensive plan every seven years to determine if plan amendments are necessary to reflect a minimum planning period of at least ten years or reflect changes in state requirements adopted since the last update. This process is known as the Evaluation and Appraisal Review (EAR). The state land planning agency (Florida Commerce) established December 1, 2023, as the deadline to complete the EAR.

Brevard County reviewed the requirements of Section 163.3191, Florida Statutes and determined that amendments to the comprehensive plan would be necessary to

comply with the statutory requirements. The County notified Florida Commerce of its determination on November 28, 2023. The County now has one year to prepare and transmit the necessary amendments to Florida Commerce for review pursuant to the State Coordinated Review process (Section 3184(4), Florida Statutes). Florida Commerce has established December 1, 2024, as the due date for transmittal of the EAR based amendments.

Planning and Development along with its consultant, Bonnie C. Landry and Associates, has prepared EAR based amendments for each of the fifteen elements in the Comprehensive Plan with the exception of the Historic Preservation Element and the Property Rights Element which did not require amendment. The amendments consist of proposed new goals, objectives, and policies and/or revisions to previously adopted goals, objectives, and policies for the following elements: Conservation; Surface Water Management; Recreation and Open Space; Housing; Potable Water; Sanitary Sewer; Solid Waste and Hazardous Materials; Transportation; Coastal Management; Future Land Use; Intergovernmental Coordination; Capital Improvements, Public School Facilities; and the Glossary. The amendments propose a new element (Part XVI) to the Comprehensive Plan establishing goals, objectives, and policies relating to the Brevard Barrier Island Area.

Planning and Development, along with its consultant, has coordinated the preparation of the proposed amendments with the affected departments.

Once the EAR based amendments have been received by Florida Commerce, they will issue an Objections, Recommendations, and Comments (ORC) Report within sixty days of determining that the transmittal package is complete. The County will then have 180 days to make changes to address the ORC Report and adopt the EAR based amendments.

Once the EAR based amendments have been adopted, an affected person has 30 days to file a petition with the Division of Administrative Hearings to challenge whether the plan amendments consistent with the requirements of Subsections 163.3177, 163.3178, 163.3180, 163.3191, 163.3245 and 163.3248, Florida Statutes. The adopted amendments will then be subject to an Administrative Hearing.