

Brevard County Comprehensive Plan Conservation Element Surface Water

Objective 3

Improve the quality of surface waters within Brevard County and protect and enhance the natural functions of these waters.

Why does Brevard County have a Comprehensive Plan?

Florida Statute, Title XI, Chapter 163, Part II - Growth Policy; County and Municipal Planning; Land Development Regulation

F.S. 163.3167 - Scope of Local Government Comprehensive Planning and Land Development Regulation Act:

- (1) The several incorporated municipalities and counties shall have power and responsibility:
 - (a) To plan for their future development and growth.
 - (b) To adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth.
 - (c) To implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof.
 - (d) To establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of this act.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0163/titl0163.htm&StatuteYear=2008&Title=-%3E2008-%3EChapter%20163

Why does Brevard County have a Comprehensive Plan?

Florida Administrative Code 9J-5 (Minimum Criteria for Review of Local Government Comprehensive Plans and Plan Amendments, Evaluation and Appraisal Reports, Land Development Regulations and Determinations of Compliance)

F.A.C. 9J-5.001 - Purpose:

- (1) This chapter establishes minimum criteria for the preparation, review, and determination of compliance of comprehensive plans and plan amendments pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, F.S. This chapter establishes criteria implementing the legislative mandate that local comprehensive plans be consistent with the appropriate strategic regional policy plan and the State Comprehensive Plan, and recognizes the major role that local government will play, in accordance with that mandate, in accomplishing the goals and policies of the appropriate comprehensive regional policy plan and the State Comprehensive Plan.

F.A.C. 9J-5.012 - Coastal Management:

The purpose of this element is to plan for and where appropriate restrict development activities where such activities would damage or destroy coastal resources, and protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

F.A.C. 9J-5.013 - Conservation Element:

The purpose of the conservation element is to promote the conservation, use and protection of natural resources.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=9J-5>

Why does Brevard County regulate Surface Waters?

9J-5.012 (Coastal Element) Primary Policy Governing Surface Waters (additional applicable policies can be found at the link above):

- (2) Coastal Management Data And Analysis Requirements. The element shall be based upon the following data and analyses requirements pursuant to subsection 9J-5.005(2), F.A.C...
 - (b) Inventories and analyses of the effect of the future land uses as required to be shown on the future land use map or map series on the natural resources in the coastal planning area shall be prepared including: vegetative cover, including wetlands; areas subject to coastal flooding; wildlife habitats; and living marine resources. Maps shall be prepared of vegetative cover, wildlife habitat, areas subject to coastal flooding, and other areas of special concern to local government...
 - (d) An inventory and analysis shall be prepared of estuarine pollution conditions and actions needed to maintain estuaries including: an assessment of general estuarine conditions and identification of known existing point and non-point source pollution problems; an assessment of the impact of the development and redevelopment proposed in the future land use element and the impacts of facilities proposed in the traffic circulation and general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge elements upon water quality, circulation patterns, and accumulation of contaminants in sediments; identification of actions needed to remedy existing pollution problems; and identification of existing state, regional and local regulatory programs which will be used to maintain or improve estuarine environmental quality...

Continued below...

Why does Brevard County regulate Surface Waters?

9J-5.012 (Coastal Element) Primary Policy Governing Surface Waters (cont.):

(3) Requirements for Coastal Management Goals, Objectives, and Policies...

- (a) The coastal management element shall contain one or more goal statements which establish the long term end toward which regulatory and management efforts are directed. These shall reflect the stated intent of the Legislature in enacting Section 163.3178, F.S., which is that local governments in their comprehensive plans restrict development activities that would damage or destroy coastal resources, and protect human life and limit public expenditures in areas subject to destruction by natural disasters.

- (b) The element shall contain one or more specific objectives for each goal statement which address the requirements of paragraph 163.3177(6)(g) and Section 163.3178, F.S., and which:
 - 1. Protect, conserve, or enhance remaining coastal wetlands, living marine resources, coastal barriers, and wildlife habitat;

 - 2. Maintain or improve estuarine environmental quality...

Continued below...

Why does Brevard County regulate Surface Waters?

9J-5.012 (Coastal Element) Primary Policy Governing Surface Waters (cont.):

The element shall contain one or more policies for each objective and shall identify regulatory or management techniques for...

1. Limiting the specific impacts and cumulative impacts of development or redevelopment upon wetlands, water quality, water quantity, wildlife habitat, living marine resources, and beach and dune systems;
2. Restoration or enhancement of disturbed or degraded natural resources including beaches and dunes, estuaries, wetlands, and drainage systems; and programs to mitigate future disruptions or degradations;
3. General hazard mitigation including regulation of building practices, floodplains, beach and dune alteration, stormwater management, sanitary sewer and septic tanks, and land use to reduce the exposure of human life and public and private property to natural hazards; and incorporating the recommendations of the hazard mitigation annex of the local peacetime emergency plan and applicable existing interagency hazard mitigation reports. Incorporating recommendations from interagency hazard mitigation reports shall be at the discretion of the local government...
14. Protecting estuaries which are within the jurisdiction of more than one local government, including methods for coordinating with other local governments to ensure adequate sites for water-dependent uses, prevent estuarine pollution, control surface water runoff, protect living marine resources, reduce exposure to natural hazards, and ensure public access; and
15. Demonstrating how the local government will coordinate with existing resource protection plans such as resource planning and management plans, aquatic preserve management plans, and estuarine sanctuary plans.

Why does Brevard County regulate Surface Waters?

9J-5.013 (Conservation Element) Policy Governing Surface Waters (additional applicable policies can be found at the link above):

(1) Conservation Data and Analysis Requirements. The element shall be based upon the following data and analyses requirements pursuant to subsection 9J-5.005(2), F.A.C.

(a) The following natural resources, where present within the local government's boundaries, shall be identified and analyzed:

1. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters and air, including information on quality of the resource available from and classified by the Florida Department of Environmental Regulation...
4. Areas known by the local soil and water conservation district to have experienced soil erosion problems; and
5. Areas which are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened or species of special concern.

(b) For each of the above natural resources, existing commercial, recreational or conservation uses, known pollution problems including hazardous wastes and the potential for conservation, use or protection shall be identified.

Continued below...

Why does Brevard County regulate Surface Waters?

9J-5.013 (Conservation Element) Policy Governing Surface Waters (cont.):

(2) Requirements for Conservation Goals, Objectives and Policies.

- (a) The element shall contain one or more goal statements which establish the long-term end toward which conservation programs and activities are ultimately directed.
- (b) The element shall contain one or more specific objectives for each goal statement which address the requirements of paragraph 163.3177(6)(d), F.S., and which:
 - ...2. Conserve, appropriately use and protect the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters...
 - 4. Conserve, appropriately use and protect fisheries, wildlife, wildlife habitat and marine habitat.
- (c) The element shall contain one or more policies for each objective which address implementation activities for the:
 - 1. Protection of water quality by restriction of activities and land uses known to affect adversely the quality and quantity of identified water sources, including natural groundwater recharge areas, wellhead protection areas and surface waters used as a source of public water supply...
 - 5. Restriction of activities known to adversely affect the survival of endangered and threatened wildlife;
 - 6. Protection and conservation of the natural functions of existing soils, fisheries, wildlife habitats, rivers, bays, lakes, floodplains, harbors, wetlands including estuarine marshes, freshwater beaches and shores, and marine habitats...
 - 8. Continuing cooperation with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one local jurisdiction;
 - 9. Designation of environmentally sensitive lands for protection based on locally determined criteria which further the goals and objectives of the conservation element...

Why is NRMCO proposing modifications to Objective 3?

In October 2009, the Board of County Commissioners directed staff to revise the Surface Water Objective policies to improve consistency and streamline the permitting process between the appropriate state agencies, while remaining consistent with the requirements of 9J-5.012 and 9J-5.013.

These proposed policy modifications regarding Objective 3 include recommendations identified during the Surface Water Working Group discussions. The group was convened in May 2008 to participate in an independently facilitated analysis and discussion of the Brevard County Surface Water Protection ordinance. Per Board direction, the group was composed of representatives from organizations representing a wide variety of interests, as well as citizen representatives from the Commission Districts.

Surface Water Working Group

Fifteen meetings were conducted from July 2008 through April 2009. The group discussed the perceived merits and shortfalls of the ordinance freely. However, per Board direction, suggested ordinance modifications were developed with the understanding that Comprehensive Plan modification of the Surface Water Objective would not be pursued (i.e., all code must comply with existing Comprehensive Plan policy).

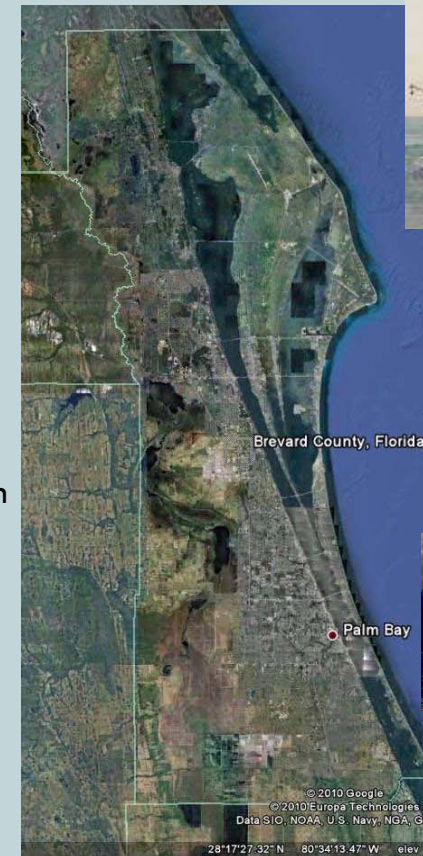
During the course of the meetings, the group identified desired ordinance modifications that were not possible at that time due to existing Comprehensive Plan policy. The group successfully reached consensus on major issues and a draft revised ordinance was in development. The group focused on balancing the rights of individual property owners, with a broader responsibility of protecting the public's financial interests through: meeting State water quality standards; protecting the commercial and recreational values of Lake Washington/Indian River Lagoon; and sustaining marine industry. As a result, discussions concentrated on how to provide more flexibility for buffer uses while protecting water quality through stormwater management.

In October 2009, prior to legal review and finalization of the draft ordinance, the Board directed staff to proposed modifications to the Surface Water Objective (during the Comprehensive Plan workshop previously mentioned). With knowledge that the group identified code changes that were not consistent with existing policy, staff postponed finalization of the ordinance pending new policy development. The group was adjourned per resolution on March 31, 2010, pending adoption of a revised Surface Water Objective.

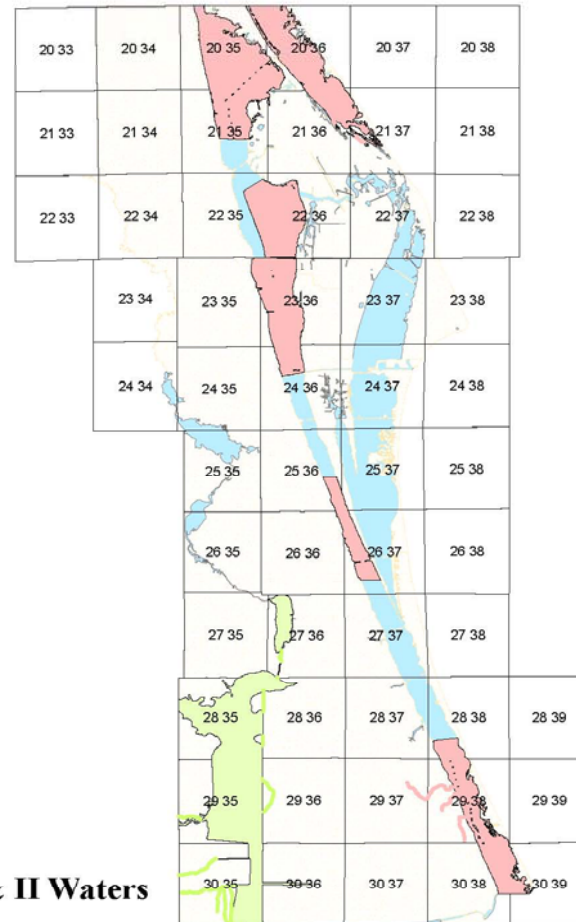
IRL Facts

http://www.brevardcounty.us/environmental_management/irl_assessment.cfm
http://www.brevardcounty.us/environmental_management/vnr_indian_river_lagoon.cfm

- The Indian River Lagoon (IRL) salt water recreational fishery generated \$346 million per year in economic benefits to the E. central Florida region.
- The market and non-market economic value of the lagoon exceeds \$700 million per year. The economic value of the Indian River Lagoon in the five Indian River Lagoon counties was about **\$3.7 billion** in benefits in 2007 because of the existence of the IRL in its 2007 environmental condition.
- The IRL is one of the most popular destinations for recreational anglers in the State of Florida. The IRL brings in \$465 million to the economy through Recreational Activities.
- The economic value of recreational fishing and commercial shellfish in the IRL is worth over \$352 million.
- The Lagoon provides 15,000 jobs to area residents.
- The IRL provides 50% of Eastern Florida's fish catch and 90% of Florida's clam harvest.
- The IRL is 1 out of only 28 "Estuaries of Significance" listed by the Environmental Protection Agency (EPA). Approximately 2,200 species have been identified in the lagoon system, with 35 of these species listed as threatened or endangered.
- The unique conditions of the IRL provide the specific habitat that is necessary for seagrass to flourish. This is significant because seagrass is valued at \$20,500/acre annually. Even just one acre of seagrass can provide shelter for 40,000 fish and 50,000,000 invertebrates.



Class I & II Waters

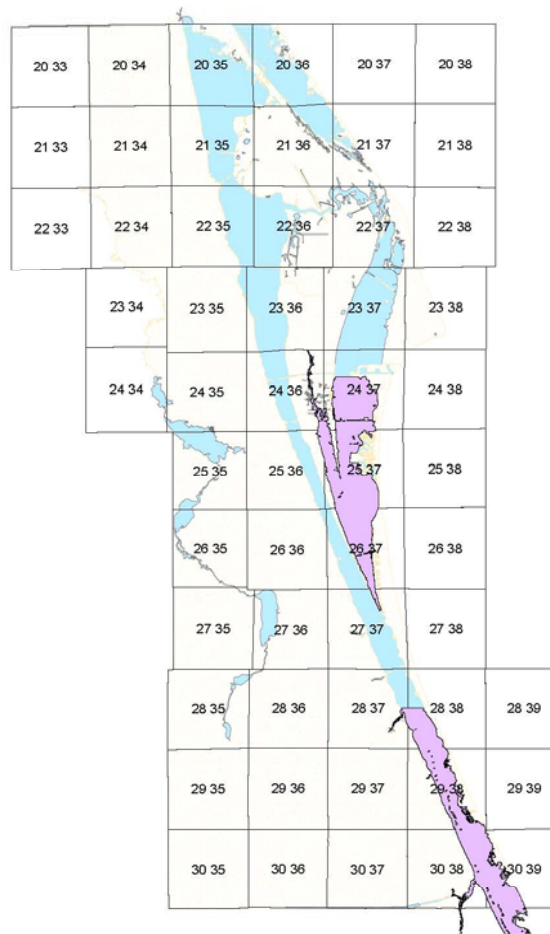


Class I & II Waters

Legend

SURF_WATER_CLASS_BOUND_LINES	SURF_WATER_CLASS_BOUND_AREAS
COUNTY, CLASS	COUNTY, CLASS
—, 1	BREVARD, 1
—, 2	BREVARD, 2

Aquatic Preserves

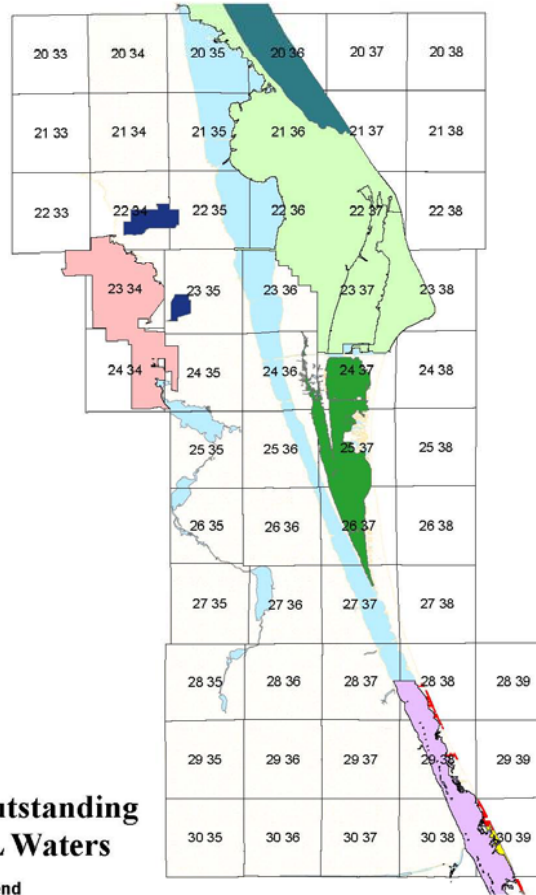


Aquatic Preserves

Legend

 AQUATIC_PRESERVES_AREAS

Outstanding FL Waters



Outstanding FL Waters

Legend

OUTSTANDING_FLORIDA_WATERS

NAME

ARCHIE CARR

BANANA RIVER AQUATIC PRESERVE

CANAVERAL NATIONAL SEASHORE

INDIAN RIVER - MALABAR TO VERO BEACH AQUATIC PRESERVE

Indian River North Beach

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

PELICAN ISLAND NATIONAL WILDLIFE REFUGE

ST. JOHNS NATIONAL WILDLIFE REFUGE

Sebastian Inlet State Recreation Area

William Beardall Tosohatchee State Reserve

Why Shoreline Protection Buffers?

Brevard County enjoys well over 200 miles of estuarine shoreline. The cumulative impacts of “Pointless Personal Pollution” has a significant impact on the health of the Indian River Lagoon system. Many kinds of pollutants contaminate our waters in various ways:

- Stormwater runoff is the number one threat in Brevard county waterways. The first inch of stormwater runoff carries 90% of the pollutants into our waterways.
- Nutrients & organic contaminants from fertilizers, septic tanks, litter, yard wastes, and animal wastes enter our waters, causing excessive growth of algae and aquatic weeds. Pathogens can result in health risks associated with consuming fish and shellfish.
- Heavy metals and pesticides from road runoff, yards, and gardens can kill aquatic organisms and contaminate sediments.
- Sewage, garbage, and litter reduce oxygen in the water to levels that can kill aquatic life.
- Sediments from soil erosion caused by unvegetated soils and by uncontrolled construction activities clog fish gills and shellfish filter.



Policy 3.1

Brevard County shall cooperate with the Florida Department of Environmental Protection (FDEP) to require small package treatment plants adjacent to surface waters to comply with existing federal, state, or regional rules and regulations, and to ensure that the necessary renovations to achieve compliance are completed in a timely manner.

Policy 3.2

Brevard County shall continue to prevent negative impacts of development in and adjacent to Class I waters by implementing and revising, as necessary, the Surface Water Protection Ordinance including the following minimum criteria:

Criteria:

- A. Maintain a two hundred (200) foot shoreline protection buffer from the ordinary high water line or mean high water line as determined or approved by the FDEP Bureau of Survey and Mapping. 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 water/shoreline interface may be approved administratively as defined in ordinance.

Justification: In general, FDEP no longer readily establishes OHWL or MHWL. The safe upland line (SUL) is easily established. However, the use of the SUL may result in the reduction of developable property, as in some cases it may be located well landward of the water/shoreline interface.

Policy 3.2 (cont.)

- B. Acceptable uses within the shoreline protection buffer are passive recreation, hunting, fish and wildlife management, open space and nature trails, and similar uses.
- C. Require discharges of any substances into Class I waters to meet or exceed applicable receiving water quality standards.
- D. Prohibit dredging and filling, except for permitted utility crossings, publicly owned recreational projects which do not degrade water quality, and necessary maintenance of existing projects.
- E. Regulate development and mining operations within the hydrologic basin of Class I waters. Prohibit mining operations within the 10-year floodplain of Class I waters.
- F. Prohibit alteration within the shoreline protection buffer unless it is in the public interest ~~or~~ and does not adversely impact water quality and natural habitat.

Policy 3.3

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

Criteria:

- A. Maintain a fifty (50) foot shoreline protection buffer from the ordinary high water line, mean high water line, or ~~the~~ safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping. 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 water/shoreline interface may be approved administratively as defined in ordinance.

Justification: In general, FDEP no longer readily establishes OHWL or MHWL for the Indian River Lagoon system. The safe upland line (SUL) is easily established. However, the use of the SUL may result in the reduction of developable property, as in some cases it may be located well landward of the water/shoreline interface.

Policy 3.3 (cont.)

- B. Except as allowable under Policies 3.3.C and 3.3.D, 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. ~~No more than twenty (20) percent of the lot width or twenty-five (25) linear feet, whichever is greater, of any shoreline protection buffer of a project or parcel, or the offshore emergent vegetation associated with a project or parcel may be altered for reasonable access or for allowable development. Within the shoreline protection buffer, allowable development shall be limited to docks, boat ramps, pervious walkways, elevated walkways, and approved accessory uses, as set forth by the County land development regulations. Accessory uses shall be allowable only on existing bulkheaded lots utilizing required stormwater management techniques.~~

Policy 3.3.B (cont.)

~~The remainder of the shoreline protection buffer shall be maintained in unaltered vegetation, except for noxious species, as permanent open space. This shall not preclude mitigation projects or the planting of native species.~~ Provisions for the alteration and/or removal of non-native invasive plants ~~noxious vegetation~~, mitigation projects, and the planting of native species shall be established by the ~~Brevard County Natural Resources Management Division~~.

Justification: This language has been modified to provide better consistency across water body classifications relative to allowable uses within the buffer. Specific allowable uses within the buffer are stricken, as these uses (not to include primary uses as indicated) will be allowable within ordinance criteria. These uses will include, but will not be limited to pools, decks, and fences.

Policy 3.3 (cont)

- C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, an alternative to the fifty (50) foot shoreline protection buffer described above shall be available for those lots which have insufficient lot depth to construct a primary structure ~~or pool with its associated decking and features~~. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the shoreline protection buffer to be reduced to twenty five (25) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. ~~In the case where there is insufficient lot depth to construct a pool with its associated decking and features, an encroachment of up to 720 square feet within the shoreline protection buffer shall be available if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body...~~Continued next slide...

Policy 3.3.C (cont.)

...These additional measures ~~should~~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 DEP 62-25, as amended and FS 373, as amended.~~be consistent with DEP 17-25 and 17.302 F.A.C. and may include but are not limited to the provision of a stormwater system which is capable of preventing the first inch of runoff from a 25 year, 24 hour storm from entering surface waters and revegetation with native shoreline vegetation. Within the shoreline protection buffer, development shall be limited to those activities outlined in 3.4 (B).~~

Justification: This language has been modified to provide better consistency across water body classifications relative to allowable uses within the buffer. Specific allowable uses within the buffer are stricken, as these uses (not to include primary uses as indicated) will be allowable within ordinance criteria. These uses will include, but will not be limited to pools, decks, and fences. Further, the stormwater requirement has been clarified to ensure consistency with applicable regulations.

Policy 3.3 (cont.)

D. Within the shoreline protection buffer the maximum amount of impervious surface is thirty (30) percent.

Justification: Repositioned former Policy 3.3.G to 3.3.D for contextual ease.

DE. Prohibit shoreline alteration other than that allowed ~~for reasonable access or approved accessory uses~~ by ordinance, unless the alteration is in the public interest and does not adversely impact water quality, natural habitat, and adjacent shoreline uses.

Policy 3.3 (cont.)

~~EF.~~ 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 hardening as allowed by this element.

~~FG.~~ Prohibit discharges of any substances below ambient water quality standards.

~~G.~~ ~~Within the shoreline protection buffer the maximum amount of impervious surface is thirty (30) percent.~~

Policy 3.4

Brevard County shall continue to prevent negative impacts of development in and adjacent to Class III waters (except Outstanding Florida Waters and Aquatic Preserves) along the St. Johns River and Indian River Lagoon and its tributaries by implementing and revising as necessary, the Surface Water Protection Ordinance including the following minimum criteria:

Criteria:

- A. A twenty five (25) foot shoreline protection buffer from the ordinary high water line, mean high water line, or the safe upland line as determined or approved by the FDEP Bureau of Survey and Mapping shall be established. 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 water/shoreline interface may be approved by the director.

Policy 3.4 (cont.)

- B. Except as allowable under Policies 3.4.C and 3.4.D, 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. No more than twenty (20) percent of the lot width or twenty-five (25) linear feet, whichever is greater, of any shoreline protection buffer of a project, parcel, or the offshore emergent vegetation associated with a project or parcel may be altered for a reasonable access or for allowable development. Within the shoreline protection buffer, allowable development shall include docks, boat ramps, pervious walkways, elevated walkways, and approved accessory uses, as set forth by the County land development regulations. Accessory uses shall be allowable only on existing bulkheaded lots utilizing required stormwater management techniques. The remainder of the shoreline protection buffer shall be maintained in unaltered vegetation, except for noxious species, as permanent open space. This shall not preclude mitigation projects or the planting of native species. Provisions for the alteration and/or removal of non-native invasive plants, ~~noxious vegetation~~, mitigation projects, and the planting of native species shall be established by the ~~Brevard County Office of Natural Resources~~.

Policy 3.4 (cont.)

- C. For residential lots platted or established by deed on the official record books of Brevard County prior to September 8, 1988, an alternative to the twenty five (25) foot shoreline protection buffer described above along Class III waters shall be available for those lots which have insufficient lot depth to construct a primary structure ~~or pool with its associated decking and features~~. In the case where there is insufficient lot depth to construct a primary structure, this alternative shall allow the shoreline protection buffer to be reduced to fifteen (15) feet if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body. ~~In the case where there is insufficient lot depth to construct a pool with its associated decking and features, an encroachment of up to 720 square feet within the shoreline protection buffer shall be available if additional measures are taken to preserve water quality and natural habitat within the adjacent surface water body.~~ ...Continued next slide...

Policy 3.4.C (cont.)

...These additional measures ~~should~~ 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 DEP 62-25, as amended and FS 373, as amended. ~~be consistent with DEP 17-25 and 17.302 F.A.C. and may include but are not limited to the provision of a stormwater system which is capable of preventing the first inch of runoff from a 25 year, 24 hour storm from entering the surface waters and revegetation with native shoreline vegetation. Within the shoreline protection buffer, development shall be limited to those activities outlined in this policy.~~

Justification: This language has been modified to provide better consistency across water body classifications relative to allowable uses within the buffer. Specific allowable uses within the buffer are stricken, as these uses (not to include primary uses as indicated) will be allowable within ordinance criteria. These uses will include, but will not be limited to pools, decks, and fences. Further, the stormwater requirement has been clarified to ensure consistency with applicable regulations.

Policy 3.4 (cont.)

- D. Prohibit shoreline alteration other than that allowed ~~for reasonable access or approved accessory uses by ordinance~~, unless it is in the public interest; ~~or prevents or repairs erosion; or~~ and does not adversely impact water quality, natural habitat and adjacent shoreline uses.
- E. Except for properties on existing residential manmade canals, the maximum amount of impervious surface within the shoreline protection buffer is thirty (30) percent.

Justification: This language has been modified to provide better consistency across water body classifications relative to allowable uses within the buffer. Stormwater management is required for all buffers.

- EF. Prohibit discharges of any substances below ambient water quality standards.

Policy 3.5 & 3.6

Policy 3.5

All dredging activities must be done with effective turbidity controls. Where turbidity screens or similar devices are used, they should be secured and regularly monitored to avoid manatee entrapment.

Policy 3.6

Vertical seawalls and bulkheads shall be prohibited along the Indian River Lagoon system, excluding man-made canals. ~~Hardening~~ Stabilization of the estuarine shoreline shall be allowed to protect structures and real property from both gradual and accelerated erosion only when erosion is causing a serious (significant) threat to life or property. Rip-rap material, pervious interlocking brick systems, filter mats and other similar stabilization methods combined with vegetation shall be used in lieu of vertical seawalls and bulkheads when ~~hardening~~ stabilization of the shoreline is approved. Living shorelines shall be encouraged as a preferred shoreline stabilization method.

Policy 3.5 & 3.6

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Vertical seawalls and bulkheads shall be prohibited along the Indian River Lagoon system, excluding man-made canals. ~~Hardening~~ Stabilization of the estuarine shoreline shall be allowed to protect structures and real property from both gradual and accelerated erosion only when erosion is causing a serious (significant) threat to life or property. Rip-rap material, pervious interlocking brick systems, filter mats and other similar stabilization methods combined with vegetation shall be used in lieu of vertical seawalls and bulkheads when ~~hardening~~ stabilization of the shoreline is approved. Living shorelines shall be encouraged as a preferred shoreline stabilization method.

Types of Shoreline Stabilization



Living Shorelines



Policy 3.7

New man-made canals connected to the Indian River Lagoon system are prohibited. The expansion (widening and/or deepening) of existing ditches, drainage right-of-ways, drainage easements and stormwater facilities connected to the Indian River Lagoon to accommodate navigation shall be prohibited unless the activity is in the best public interest and does not adversely impact the Indian River Lagoon. Maintenance dredging on existing navigational channels, private or public canals, or within existing marinas is allowable upon review by the County. ~~unless it is in the public interest, as defined in the glossary, and does not adversely impact the Indian River Lagoon to accommodate boat traffic shall be prohibited unless the activity is an approved maintenance dredging on existing public navigational channels, private or public canals, or an existing marina's maintenance dredging.~~

Justification: Grammatical and content clarification.

Policy 3.8

~~Septic tanks and drain fields shall be set back at least one hundred (100) feet from the shoreline of the Indian River Lagoon. When deemed necessary to meet State-mandated water quality standards, Brevard County may establish setbacks from the shoreline of the Indian River Lagoon for septic tanks and drainfields. Such setbacks shall at a minimum, be in accordance with F.S. 381.0065(4), as may be amended. In those cases where there is insufficient lot depth to meet County-established setbacks more stringent than those established by State statute, except where a variance has been granted by the state, the septic tank and drainfield shall be placed the maximum distance possible from the edge of the lagoon, a minimum of seventy five (75) feet septic tanks and drainfields shall be located in accordance with F.S. 381.0065(4), as may be amended.~~

Justification: Policy modification recognizes the significant advancement of waste water treatment/septic tank/drain field technology since the implementation of this policy.

Policy 3.9 - 3.11

Policy 3.9

~~By 2002, Brevard County will undertake a~~ continue to support spoil island assessment projects to determine which islands are valuable bird rookery areas. These islands ~~will then~~ should be designated as such, and protected during nesting season. Other islands ~~will~~ should be designated as recreational areas. ~~This~~ Any study will be coordinated with any spoil island management plans designed and implemented by other agencies, such as the Florida Inland Navigational District.

Policy 3.10

Brevard County shall continue to work with the St. Johns River Water Management District (SJRWMD), FDEP, and Indian River Lagoon Program (IRLP) and other appropriate agencies in developing appropriate water quality standards for estuarine waters within the Indian River Lagoon.

Policy 3.11

Brevard County shall continue to support ~~and implement its~~ programs for plugging free-flowing artesian wells, with highest priority being given to those adjacent to the Lagoon.

Policy 3.12 - 3.14

Policy 3.12

Brevard County should cooperate with the SJRWMD in the District's aquatic weed program for the St. Johns River.

Policy 3.13

Brevard County strongly supports the designation of the Indian River Lagoon from SR 405 north to the County line as an Aquatic Preserve.

Policy 3.14

The creation of new spoil islands should be discouraged. Existing spoil islands should be retained in public ownership and utilized as bird rookeries and recreational areas. In addition, restoration efforts such as wetland vegetation planting, upland vegetation planting, and refuse removal that could foster biological production, control erosion and enhance the habitat, aesthetic and recreational values of the island should be undertaken.

Policy 3.15

By 2013, the County shall establish appropriate protective measures along conveyance systems and tributaries of the St. Johns River and Indian River Lagoon to meet State and Federal water quality standards.

Justification: The year 2013 represents the next EAR-based amendment cycle. Further, Brevard County is currently involved in the State-mandated development of Basin Management Action Plans (BMAPs) to address the Federally mandated Total Maximum Daily Load water quality allocations. The BMAP for the Indian River Lagoon should be completed by 2013 with identified loading allocations, improvements required, and costs.