

# Brevard County Comprehensive Plan Conservation Element Flood Hazard Areas

## Objective 4

Reduce loss of flood storage capacity and reduce risk to life and property by continuing to apply regulations which minimize the impact of development within flood hazard areas.

# *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](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 Flood Hazard Areas?*

## 9J-5.012 (Coastal Element) Policy Governing Flood Hazard Areas:

- (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...
- (3) Requirements for Coastal Management Goals, Objectives, and Policies...
  - (c) The element shall contain one or more policies for each objective and shall identify regulatory or management techniques for...
    - 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...

# *Why does Brevard County regulate Flood Hazard Areas?*

## 9J-5.013 (Conservation Element) Policy Governing Flood Hazard Areas:

(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:

...2. Floodplains...

(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.

(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...

(c) The element shall contain one or more policies for each objective which address implementation activities for the:

...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...

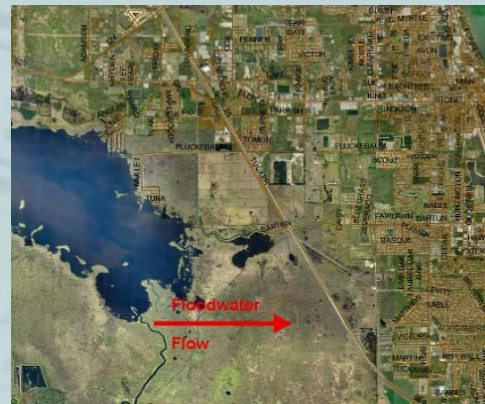
...9. Designation of environmentally sensitive lands for protection based on locally determined criteria which further the goals and objectives of the conservation element...

# Types of Floodplains

## As defined in the Comp Plan Glossary

**Floodplains (general)**: Any area susceptible to being inundated by water from any source; including areas which may or may not have a direct hydrological connection to a surface water body.

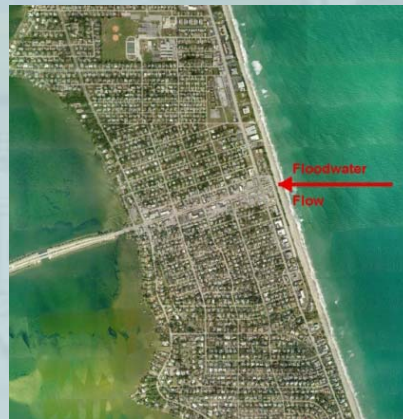
**Riverine**: The area susceptible to being inundated by waters from the St. Johns River, freshwater lakes, and freshwater tributaries to the Indian River Lagoon System from a given storm event.



**Estuarine**: The area susceptible to being inundated by waters from the Indian River Lagoon System from a given storm event.



**Coastal**: The area susceptible to being inundated by waters from the Atlantic Ocean from a given storm event.

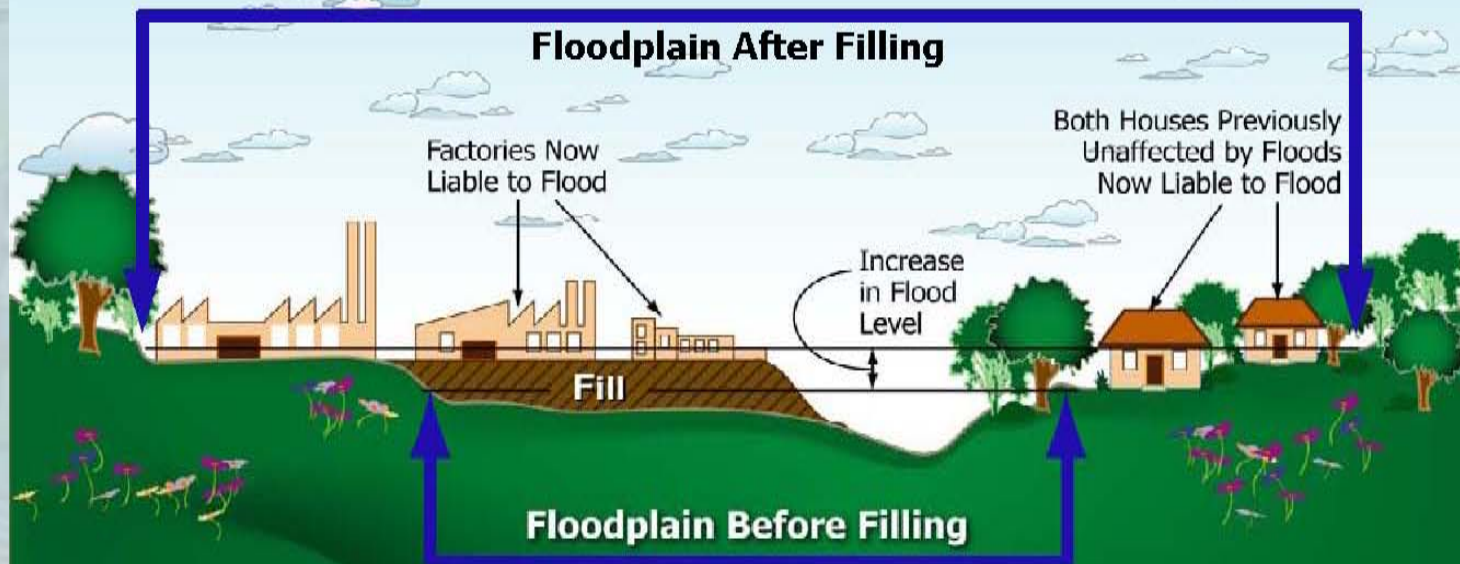


**Isolated**: The area susceptible to being inundated by waters which are not riverine, estuarine, or coastal from a given storm event.



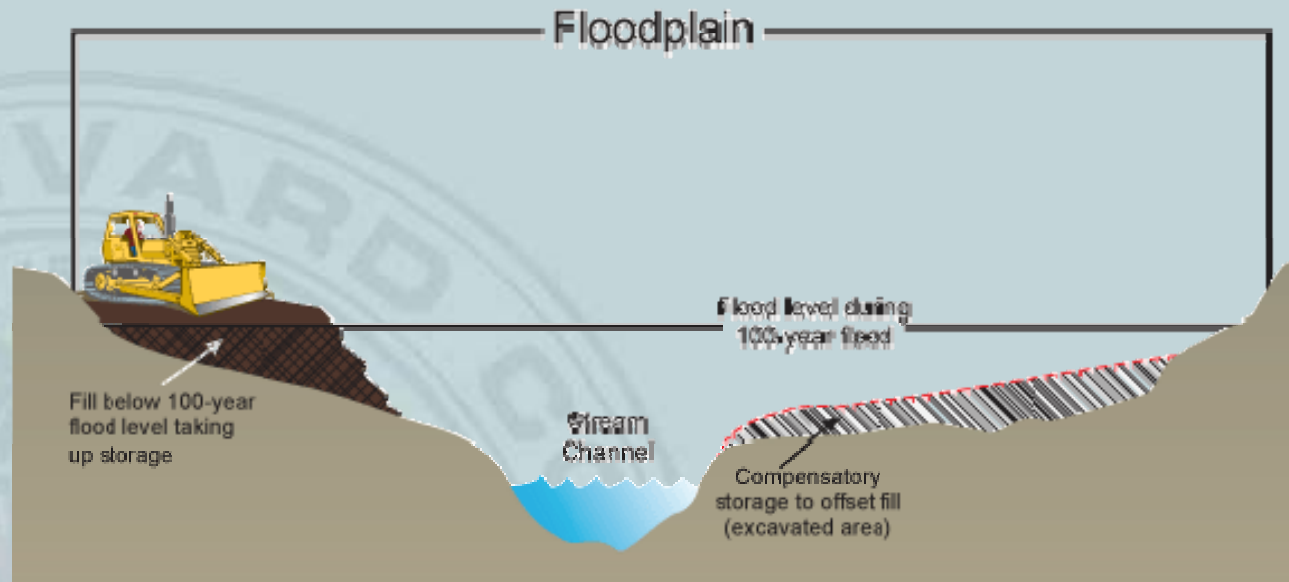
# *What can happen when we impact floodplains?*

## Today's Floodplain Is Not Necessarily Tomorrow's Floodplain



If large areas of the floodplain are filled, then there will be an increase in the land area needed to store flood waters.  
**This means your home or business may be impacted.**

# Compensatory Storage



Compensatory storage is an artificially excavated, hydraulically equivalent volume of storage within the 100-year floodplain that is used to balance the loss of natural storage capacity when artificial fill or structures are placed within the floodplain.

# Proposed Riverine Floodplain Policies

## Policy 4.1

Brevard County shall continue to protect the riverine floodplain in order to protect infrastructure and human life, conserve flood storage capacities, and to improve, where feasible, the quality of water within the watershed. At a minimum, the following criteria shall be the basis for the protection of the riverine floodplain:

# 100-year Riverine

	Current Policy	Proposed Policy
Allowable Residential Density	<ul style="list-style-type: none"> <li>• 2 units /1 acre</li> </ul>	<ul style="list-style-type: none"> <li>• Density is assigned as any other property (i.e., through zoning/FLU designation).</li> </ul>
Allowable Commercial, Industrial, and Institutional Density	<ul style="list-style-type: none"> <li>• 15,000 sq. ft. of fill/acre of 100-year floodplain</li> <li>• Silent on institutional uses.</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial, industrial, institutional square footage not limited by Objective 4, but project must meet Land Development Regulations.</li> </ul>
Compensatory Storage	<ul style="list-style-type: none"> <li>• “Shall not adversely impact drainage of adjoining properties...”</li> <li>• Current ordinance (not Comp Plan policy) allows 1/3 acre of fill in 100-year riverine floodplain without compensatory storage.</li> </ul>	<ul style="list-style-type: none"> <li>• No net loss of flood storage capacity (i.e., must provide compensatory storage for all fill within the 100-year riverine floodplain).</li> </ul>

# 100-year Riverine (cont.)

## Policy 4.1 (cont.)

- A. Within the 100-year riverine floodplain (that is the area that is below the 100-year flood elevation but above the 25-year flood elevation):
1. Development shall not adversely impact the drainage of adjoining properties or degrade the quality of the receiving surface water body. There shall be no net loss of flood storage capacity of the 100-year riverine floodplain.
  2. The following uses are not compatible with the resource requirements of the 100-year riverine floodplain and shall not be permitted. These include, but are not limited to:
    - a. Placing, depositing or dumping of solid waste except for treated municipal solid sludge.
    - b. Processing and storing of threshold amounts of hazardous materials.
    - c. Disposal of hazardous materials.

# 25-year Riverine

	Current Policy	Proposed Policy
Allowable Residential Density	<ul style="list-style-type: none"><li>• 1 unit/2.5 acres</li></ul>	<ul style="list-style-type: none"><li>• Density is assigned as any other property (i.e., through zoning/FLU designation).</li></ul>
Allowable Commercial, Industrial, and Institutional Density	<ul style="list-style-type: none"><li>• Commercial: 3,000 sq. ft. of fill/acre of 25-year floodplain. Commercial uses shall be no greater than 1 acre.</li><li>• No industrial uses.</li><li>• Silent on institutional uses.</li></ul>	<ul style="list-style-type: none"><li>• Commercial and institutional square footage and project size not limited by Objective 4, but project must meet Land Development Regulations.</li><li>• No fill for industrial uses unless the project is in best public interest.</li></ul>
Compensatory Storage	<ul style="list-style-type: none"><li>• No net loss of flood storage capacity.</li></ul>	<ul style="list-style-type: none"><li>• No change.</li></ul>

# 25-year Riverine (cont.)

## Policy 4.1 (cont.)

B. Within the 25-year riverine floodplain (that is the area that is at or below the 25-year flood elevation but above the 10-year flood elevation):

1. There shall be no net loss of flood storage capacity of the 25-year riverine floodplain. Development shall not impact adjacent property or degrade the quality of the receiving surface water body.
2. There shall be no net change in the rate and volume of floodwater discharged from the pre-development 25-year riverine floodplain.
3. Fill in the 25-year floodplain for industrial land uses shall be prohibited unless such activity is in the best public interest.

# 10-year Riverine

	Current Policy	Proposed Policy
Allowable Residential Density	<ul style="list-style-type: none"> <li>• 1 unit/10 acres</li> </ul>	<ul style="list-style-type: none"> <li>• Density is assigned as any other property (i.e., through zoning/FLU designation).</li> <li>• Note that allowable uses include, but are not limited to, agriculture; which has an allowable residential density. If code ends up allowing non-ag residential (e.g., subdivisions) in the 10-yr floodplain, higher densities would be self limiting due to the compensatory storage requirement.</li> </ul>
Allowable Commercial, Industrial, and Institutional Density	<ul style="list-style-type: none"> <li>• No commercial/industrial unless special reason to be there or in best public interest.</li> <li>• Silent on institutional uses.</li> </ul>	<ul style="list-style-type: none"> <li>• No fill for institutional, commercial, or industrial uses.</li> </ul>
Compensatory Storage	<ul style="list-style-type: none"> <li>• No net loss of flood storage capacity.</li> </ul>	<ul style="list-style-type: none"> <li>• No change.</li> </ul>

# 10-year Riverine (cont.)

## Policy 4.1 (cont.)

C. Within the 10-year riverine floodplain (that is the area that is at or below the 10-year flood elevation but above the annual flood elevation):

1. The 10-year riverine floodplain should be maintained in its natural state unless a project has a special reason or need to be located there. These special reasons and needs are further defined in the land development regulations. These needs may include but are not limited to agriculture and passive recreation.
2. Fill in the 10-year riverine floodplain for institutional, commercial, and industrial land uses shall be prohibited unless such activity is in the best public interest.
3. There shall be no net loss of flood storage capacity of the 10-year riverine floodplain.
4. There shall be no net change in the rate and volume of floodwater discharged from the pre-development 10-year riverine floodplain.

# Mean Annual Riverine

## Policy 4.2

Within the annual riverine floodplain (that is the area that is at or below the annual flood elevation) residential, commercial, and industrial land uses shall be prohibited unless the project has a special reason or need to locate within the annual floodplain and it is in the best public interest. The annual riverine floodplains within Brevard County should be left in their natural state, and re-established where feasible.

# Estuarine/Isolated/Coastal Floodplains

- Proposed Policy modifications are only grammatical in nature (e.g., ~~one hundred~~ 100-year floodplain).
- Current Comprehensive Plan policy does not require compensatory storage for estuarine, isolated, or coastal floodplains.