

OPTION 3

Delete one simple compensatory storage sentence from the Board draft in 4.1.A.3 (last sentence). Then add Mary's compensatory storage details, most of which are now found in the Floodplain Protection Ordinance. This option is complicated.

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.

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:

Criteria:

- 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. Residential density shall be limited to no more than two dwelling units per acre; and
 - 2. Commercial and industrial land uses shall be limited to a filled footprint of no more than 15,000 square feet per acre, except for redevelopment. (NOTE: Addition of "Except for redevelopment" to existing restrictions.)
 - 13. 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. (NOTE: The last sentence, now crossed out, was presented to Board of County Commissioners but it is not in the existing Comprehensive Plan.)

24. 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.

5. Residential density may be transferred to an approved offsite receiving district above the 100-year flood elevation according to the Transfer of Development Rights program. (NOTE: This is a new option for properties not designated Agriculture or Conservation.)

6. For residential development activities on property partially above the 100-year floodplain elevation, density may be transferred from the portion of the site below the 100-year flood elevation to the portion of the site above the 100-year floodplain elevation according to the Transfer of Development Rights program. (NOTE: This identifies an option landowners have had for a long time.)

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. Residential density shall be limited to not more than one dwelling unit per two and one half acres; and

2. Commercial land uses shall be limited to a filled footprint of no more than 3,000 square feet per acre and commercial uses shall be no greater than one acre, except for redevelopment; and (NOTE: Addition of "except for redevelopment" to existing restrictions)

3. Industrial land uses shall be prohibited. (NOTE: Existing density language, not proposed "fill" wording)

14. 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.

25. There shall be no net change in the rate and volume of floodwater discharged from the pre-development 25-year riverine floodplain.

6. Residential density may be transferred to an approved offsite receiving district above the 100-year flood elevation according to the Transfer of Development Rights program.

7. For residential development activities on property partially above the 25-year floodplain elevation, density may be transferred from the portion of the site below the 25-year flood elevation to the portion of the site above the 25-year floodplain elevation according to the Transfer of Development Rights program.

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. Residential density shall be limited to not more than one dwelling unit per ten acres.

23. Commercial and industrial land uses shall be prohibited unless they are in the best public interest or the location of the use is integral to its operation. (NOTE: Existing density language, not proposed "fill" wording)

34. There shall be no net loss of flood storage capacity of the 10-year riverine floodplain.

45. There shall be no net change in the rate and volume of floodwater discharged from the pre-development 10-year riverine floodplain.

6. Residential density may be transferred to an approved offsite receiving district above the 100-year flood elevation according to the Transfer of Development Rights program.

7. For residential development activities on property partially above the 10-year floodplain elevation, density may be transferred from the portion of the site below the 10-year flood elevation to the portion of the site above the 10-year floodplain elevation according to the Transfer of Development Rights program.
- D. To facilitate redevelopment of commercial and industrial land uses, the filled footprint restrictions may be modified if compensatory storage is provided. Redevelopment means the renovation of a previously developed obsolete commercial or industrial parcel of land or building site which suffers from structural vacancy due to the expiration of its former use and requires intervention to achieve a subsequent useful function and come into compliance with all other current environmental and land development regulations.
- ~~D~~E. The best available data shall be utilized to determine appropriate floodplain elevations.
- ~~E~~F. Brevard County will coordinate with the SJRWMD or other appropriate agencies in determining the appropriate first floor building elevation within the twenty-five to one-hundred year floodplain and shall ensure that habitable structures are constructed above base flood elevation.
- G. Development within the riverine floodplain shall not result in a loss of floodplain storage capacity below the 100-year floodplain elevation of riverine systems according to the following criteria:
- Criteria:
1. For a single lot which is not part of a platted subdivision created after March 4, 2002, compensatory storage shall be provided for fill in excess of that which will provide an upland buildable area within the floodplain greater than one third (1/3) acre in size.
 2. For a platted subdivision created after March 4, 2002 which is sited partially or entirely within the 100-year floodplain elevation, compensatory storage shall be provided for fill for the subdivision in excess of that which will provide an upland buildable area within the floodplain greater than one third (1/3) acre in size.
 3. For a platted subdivision created after March 4, 2002 which is sited entirely below the 25-year floodplain elevation, compensatory storage shall be provided for fill.

4. Compensatory storage calculations for proposed development shall be submitted and approved by engineering staff prior to final approval of any new lot creation, site plan or subdivision application.
5. For commercial land and industrial land uses, compensatory storage shall be provided for fill.

(NOTE: The added language in G is Mary's compensatory storage details.)

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.