

Brevard County Comprehensive Plan Conservation Element Wetlands

Objective 5

Preserve, protect, restore, and replace wetlands to achieve no net loss of functional wetlands in Brevard County after September, 1990. The County shall ensure the protection of wetlands and wetland functional values by prioritizing protective activities with avoidance of impacts as the first priority, minimization of impacts as the second priority, and mitigation for impacts as the third priority.

Policy 5.2.E (cont.)

E. The following land use and density restrictions within wetlands are established as a maximum density or most intense land use that may be considered only if the other criteria established in Conservation Element Policy 5.2 are met:

- ~~2. Commercial and industrial land development activities shall be prohibited in wetlands contained in properties designated on the Future Land Use Map as commercial and industrial after February 23, 1996, and in surrounding buffers for such wetlands, with specifications based on the Buffer Zones for Water, Wetlands, and Wildlife in the East Central Florida Region, (1990, Brown, M.T., Schaefer, and K. Brandt, published by the Center for Wetlands, University of Florida), except for certain commercial development at I-95 interchanges that are consistent with the following criteria:~~
 - ~~a. There will be no less than 100,000 square feet of commercial building within a project;~~
 - ~~b. There is current overcapacity on the adjacent roadways, and it is projected that roadway capacity within four (4) miles of the intersection will be no more than 80% of the congestion ratio (the ratio of projected volume to maximum allowable volume) after 500,000 square feet of commercial space has been developed within one-half mile of the intersection of the off-ramp with the connecting roadway;~~

Policy 5.2.E.2 (cont.)

- ~~c. Wetland mitigation shall equal or exceed 125% of the mitigation which is otherwise required;~~
- ~~d. The development is located within one-half mile of the intersection of the off-ramp with the connecting roadway;~~
- ~~e. There will be no more than two curb cuts on each quadrangle of the interchange within one-half mile of the connection of the off-ramp and the connecting roadway; and~~
- ~~f. A maximum of forty (40) acres shall be allotted in proximity to the interchange, counting both sides.~~

Policy 5.2.E (cont.)

- ~~3. Commercial and industrial land development activities may be permitted in wetlands contained in properties designated on the Future Land Use Map as commercial and industrial prior to February 23, 1996, only if all of the following criteria are met:~~
 - ~~a. The property is substantially surrounded by land(s) developed as commercial or industrial as of February 23, 1996, and has sufficient infrastructure in place to serve the commercial or industrial use.~~
 - ~~b. The proposed land development activity will not result in increased flooding problems on adjacent properties.~~
 - ~~c. The wetland is not classified by the Florida Land Use, Cover and Forms Classification System (1985) as a Stream and Lake Swamp (FLUCS 615), Cypress (FLUCS 621), Atlantic White Cedar (FLUCS 623), Wetland Forested Mixed (FLUCS 630), or Wet Prairies (FLUCS 643).~~

~~For wetlands specified in 5.2.F.3(c), the wetland functionality shall be maintained and protected by a 15 foot natural, native vegetative buffer for isolated wetlands and by a 50 foot natural, native vegetative buffer for other wetlands.~~

Policy 5.2.E.3 (cont.)

~~The Forested Wetlands Location Map depicts the location of the following wetland types (FLUCS 615, 621, 623, 630, and 643), which also possess commercial or industrial zoning classifications and Future Land Use Map designations as of February 23, 1996, and is incorporated herein by this reference.~~

3. Brevard County shall establish criteria for allowable wetland impacts for commercial and industrial development in and adjacent to wetlands. Criteria shall protect and conserve wetlands and the natural functions of wetlands by directing commercial and industrial development towards areas characterized by existing or planned commercial and industrial development. Minimum criteria shall be established for the following:
 - a. Commercial and industrial development activities within wetlands contained in properties that are part of a strip commercial area as defined in the Future Land Use Element of the Comprehensive Plan or as further defined in ordinance.
 - b. Commercial and industrial development activities within wetlands that would be considered infill development as defined in FS Chapter 163.2514(2), as amended.
 - c. De minimus wetland impacts for commercial and industrial development activities in other wetlands of the County.

Policy 5.2.E.3 (cont.)

Justification: All current policy regarding commercial and industrial development in wetlands is stricken herein and new policy is proposed in Policy 5.2.E.3. In an effort to provide greater consistency with the State Growth Management policies, while maintaining consistency with FAC Chapter 9J-5.013(3); proposed Policy 5.2.E.3 will allow the development of ordinance that will direct allowable commercial and industrial development to those wetlands contained in established commercial areas and discourage sprawl development into areas where additional infrastructure is required.

Policy 5.2.E (cont.)

4. Brevard County shall establish criteria for allowable wetland impacts for high and low intensity institutional land development in and adjacent to wetlands. Criteria shall distinguish intensity according to physical impacts at the property and the land use of the development.

Justification: Objective 5 currently does not address institutional land uses within wetlands. In an effort to provide greater consistency with the State Growth Management policies, while maintaining consistency with FAC Chapter 9J-5.013(3); Policy 5.2.E.4 will allow the appropriate development of ordinance for institutional land uses within wetlands. The stricken verbiage is now contained in Policy 5.2.E.5.

Policy 5.2.E (cont.)

10. For wetlands classified by the Florida Land Use, Cover and Forms Classification System (1985) as a Stream and Lake Swamp (FLUCS 615), Cypress (FLUCS 621), Atlantic White Cedar (FLUCS 623), Wetland Forested Mixed (FLUCS 630), or Wet Prairies (FLUCS 643), the wetland functionality shall be maintained and protected by a 15-foot natural, native vegetative buffer for isolated wetlands and by a 50-foot natural, native vegetative buffer for other wetlands. The Forested Wetlands Location Map depicts the location of the following wetland types (FLUCS 615, 621, 623, 630, and 643).

Justification: The content proposed within Policy 5.2.E.10 is reordered within this Objective. It also consolidates and provides consistency of buffer requirements for residential, institutional, commercial, and industrial land uses in wetlands.

Policy 5.3 - 5.5

Policy 5.3

Wetland regulations adopted by Brevard County should avoid duplication of wetland regulation unless regulated activities will result in the destruction and/or degradation of functional wetlands. Where the wetland degradation or destruction has been permitted by FDEP or SJRWMD based on FDEP and SJRWMD professional staff application of criteria and evaluation the County shall apply the land use and density requirements of Policy 5.2 and the avoidance, minimization of impacts, and mitigation priorities established by Objective 5. Any permitted wetland degradation or destruction shall provide for mitigation as designated in the Conservation Element.