

Policy 4.2

Brevard County shall continue to implement land use density restrictions within riverine floodplains 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 shall apply:

A. Within the one-hundred 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.
3. Residential density and commercial land uses may be transferred to approved offsite receiving districts above the 100-year flood elevation according to the Transfer of Development Rights program. NOTE: I believe this is a new option for properties not designated Agriculture or Conservation. I am including commercial because it is an element in Mixed Use. We would probably have to modify Future Land Use Element (FLUE) policies under FLUE Objective 10 to allow transfer of residential densities or commercial land uses from areas within the 100-year floodplain.
4. 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 twenty-five 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
3. Industrial land uses shall be prohibited.
4. 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.
5. 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 ten-year riverine floodplain (that is the area that is at or below the 10-year flood elevation but above the annual flood elevation):

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

2. 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.
3. 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.
4. 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.

DE. Development within the riverine floodplain should shall not result in a loss of floodplain storage capacity below the 25 100-year floodplain elevation of riverine systems, or impact adjacent property, according to the following criteria:

Criteria:

1. For a single lot which is within a platted subdivision as of 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 language in part DE is not meant to add any new restrictions to current County practices. It is only meant to clarify what the current practices are. It's best for people to know exactly what the floodplain land use planning policies are - makes it easier for both staff and the public.

EF. The best available data shall be utilized to determine appropriate floodplain elevations.