

Mary Sphar's revisions to wetlands Policy 5.2.E

3. Commercial and industrial land development activities shall be prohibited in functional 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;~~
 - ~~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 offramp and the connecting roadway; and~~
 - ~~f. A maximum of forty (40) acres shall be allotted in proximity to the interchange, counting both sides.~~
4. Commercial and industrial land development activities may be permitted in functional 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 are met:

 - a. The property is substantially surrounded by land(s) developed as commercial or industrial as of February 23, 1996 or the property is part of a strip commercial area as defined in the Future Land Use Element of the Comprehensive Plan or the property is located within an urban infill and redevelopment area as defined in F.S. Chapter 163.2514(2), as amended.

- b. The property ~~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. 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.

- 5. In the event that the denial of commercial or industrial development activities in wetlands results in an inordinate burden under the Bert Harris Property Rights Act or a taking under state or federal law, an affected property owner may appeal such denial to the Board of County Commissioners in the manner provided in Section 62-507(b)(2), Code of Ordinances of Brevard County, Florida.
- 6?. 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.

(not sure what number this last policy should be)