

## Horst, Rachel

---

**From:** CEER@brevardfl.gov  
**Sent:** Thursday, January 29, 2026 4:13 PM  
**To:** Horst, Rachel  
**Subject:** A new CEER Recommendation has been submitted as ID #2026043

### Recommendation # 2026043

Dear CEER Administrator,

Speak Up Brevard Recommendation ID #2026043 has been submitted. Please login to the CEER Application to start the recommendation evaluation workflow.

#### Contact Information:

<b>Group/Organization</b>	Marine Resources Council of East Florida, Inc.
<b>Name</b>	Laura E Wilson
<b>Address</b>	3275 Dixie Hwy NE, Palm Bay FL 32905
<b>Phone</b>	(321) 725-7775
<b>Email</b>	<a href="mailto:laura@mrcirl.org">laura@mrcirl.org</a>
<b>Alternate Email</b>	<a href="mailto:lew999@gmail.com">lew999@gmail.com</a>

#### Recommendation Information:

<b>Recommendation ID</b>	2026043
<b>Recommendation Title</b>	Incentive Program for Low Impact Development
<b>Areas Affected</b>	Code of Ordinances
<b>Department Affected</b>	BOARD OF COUNTY COMMISSIONERS
<b>Current problem</b>	Stormwater runoff is the single largest source of nutrient pollution to the Indian River Lagoon in Brevard County. While the County (SOIRL program) lists muck flux as the top nutrient source, muck is the result of stormwater runoff and dredged muck deposits are being filled in with new muck deposits because we're not adequately addressing the water running off our land. As land is developed or redeveloped, natural landscapes that once absorbed rainfall are replaced with rooftops, roads, parking lots, and compacted lawns. Rainfall that would have soaked into the ground and replenished our aquifers now runs off hard surfaces picking up pollutants before flowing into the Indian River Lagoon or St. Johns River. In residential areas, stormwater can carry fertilizer, pet waste, grass clippings, pesticides, sediments, and bacteria. In commercial and industrial areas, runoff adds oils, heavy metals, trash, and other contaminants from parking lots and roadways. Together, these pollutants fuel harmful algal blooms, reduce water clarity, and stress seagrass, oysters, and other wildlife. In addition to nutrients and contaminants, stormwater delivers large pulses of freshwater to the Lagoon. Freshwater itself is a pollutant in an estuarine system like

the Indian River Lagoon, where rapid changes in salinity harm oysters, clams, seagrass and other estuary-dependent species.

**Recommendation**

Low Impact Development (LID) and green stormwater infrastructure (GSI) are proven solutions that address these problems at their source. LID practices, like rain gardens, bioswales, native plant buffer zones, permeable pavement, preserved and engineered wetlands, and on-site infiltration, slow stormwater, filter pollutants, and allow for aquifer recharge. Benefits for municipalities include: mitigating local flooding, reduced nutrient discharges, increased tax revenue, and surficial aquifer recharge. Benefits for developers include: tools to meet new stormwater regulations and BMAP requirements, access to more buildable land, and social benefits. Brevard County already has several LID/GSI policies in the Comprehensive Plan (e.g. surface water protection buffers with limited impervious surfaces) and Land Development Regulations (e.g. tree canopy preservation, planted littoral zones, landscaping performance standards). There is even an incentive program for preserving trees. However, these policies can go further, be expanded to homeowners and businesses, and consolidated as a model for municipalities across the county. As Commissioner Delany mentioned at the second SOIRL workshop in January 2026, Volusia County recently released a Low Impact Development incentive program (<https://www.volusia.org/core/fileparse.php/6149/urlt/Request-3-LID-Guidebook-attachment.pdf>); this guidebook drew heavily from Titusville’s LID incentive program (<https://titusville.com/DocumentCenter/View/3248/Exhibit-A-LID-Tech-Manual-clean-ADOPTED?bidId=>). Brevard could follow suit to incentivizing developers to go above and beyond what is already on record for land development practices. This could include incentives for installing impervious surfaces, below-ground rainwater storage that promotes aquifer recharge, planting mangroves along the Lagoon, reducing compact turf-grass areas, and increasing the percentage of land cover with native plants. These should be applied to both residential and industrial developments and redevelopments. Ultimately, it needs to be easier to do the right/more environmentally sustainable thing than to continue more destructive practices. Assuring that LID practices are synonymous with Best Management Practices, fee discounts, permit fast-tracking, rebates, grants, and other incentives can help with this. The element missing from other incentive programs is incentives (and assistance) for individual homeowners and businesses. There is considerable expense to replace traditional driveways with pervious pavers or pavement, install underground water storage, or install a living shoreline. The same way there is a rebate program for installing a rain barrel in some places, there could be rebates for “rainscapes” that incorporate bioretention, pervious pavers, and more. See Montgomery County, Maryland (in the Chesapeake Bay Watershed) for a program model: <https://www.montgomerycountymd.gov/DEP/property-care/rainscapes/index.html>). Alternatively (or additionally) there could be a grant program similar to septic upgrade grants offered by the County and State. Lastly, many municipal leaders across the county are not aware that there are already LID policies in the county ordinances. With increased awareness and ease of discovery, the county’s regulations (and any subsequently developed incentive program) could become a model for Brevard cities and towns updating their own land development codes.

**Attachments**

NotRenderingCorrectlyInIE.docx  
TEST.txt

Please do not reply to this e-mail, as it will go to an unmonitored mailbox.



BOARD OF COUNTY COMMISSIONERS

**Natural Resources Management Department**

2725 Judge Fran Jamieson Way  
Building A, Room 219  
Viera, Florida 32940

**TO:** Jim Liesenfelt, County Manager

**THRU:** Tad Calkins, Assistant County Manager

**FROM:** Amanda Elmore, Deputy Director, Natural Resources Management Dept (NRM)

**SUBJ:** Citizen Efficiency and Effectiveness Recommendation #2026043

---

CEER #2026043, titled Incentive Program for Low Impact Development, was received by the County from Ms. Laura E. Wilson.

**Citizen Statement:**

Stormwater runoff is the single largest source of nutrient pollution to the Indian River Lagoon in Brevard County. While the County (SOIRL program) lists muck flux as the top nutrient source, muck is the result of stormwater runoff and dredged muck deposits are being filled in with new muck deposits because we're not adequately addressing the water running off our land. As land is developed or redeveloped, natural landscapes that once absorbed rainfall are replaced with rooftops, roads, parking lots, and compacted lawns. Rainfall that would have soaked into the ground and replenished our aquifers now runs off hard surfaces picking up pollutants before flowing into the Indian River Lagoon or St. Johns River. In residential areas, stormwater can carry fertilizer, pet waste, grass clippings, pesticides, sediments, and bacteria. In commercial and industrial areas, runoff adds oils, heavy metals, trash, and other contaminants from parking lots and roadways. Together, these pollutants fuel harmful algal blooms, reduce water clarity, and stress seagrass, oysters, and other wildlife. In addition to nutrients and contaminants, stormwater delivers large pulses of freshwater to the Lagoon. Freshwater itself is a pollutant in an estuarine system like the Indian River Lagoon, where rapid changes in salinity harm oysters, clams, seagrass and other estuary-dependent species.

**Citizen Recommendation:**

Low Impact Development (LID) and green stormwater infrastructure (GSI) are proven solutions that address these problems at their source. LID practices, like rain gardens, bioswales, native plant buffer zones, permeable pavement, preserved and engineered wetlands, and on-site infiltration, slow stormwater, filter pollutants, and allow for aquifer recharge. Benefits for municipalities include: mitigating local flooding, reduced nutrient

discharges, increased tax revenue, and surficial aquifer recharge. Benefits for developers include: tools to meet new stormwater regulations and BMAP requirements, access to more buildable land, and social benefits.

Brevard County already has several LID/GSI policies in the Comprehensive Plan (e.g. surface water protection buffers with limited impervious surfaces) and Land Development Regulations (e.g. tree canopy preservation, planted littoral zones, landscaping performance standards). There is even an incentive program for preserving trees. However, these policies can go further, be expanded to homeowners and businesses, and consolidated as a model for municipalities across the county.

As Commissioner Delany mentioned at the second SOIRL workshop in January 2026, Volusia County recently released a Low Impact Development incentive program (<https://www.volusia.org/core/fileparse.php/6149/urlt/Request-3-LID-Guidebook-attachment.pdf>); this guidebook drew heavily from Titusville's LID incentive program (<https://titusville.com/DocumentCenter/View/3248/Exhibit-A-LID-Tech-Manual-clean-ADOPTED?bidId=>). Brevard could follow suit to incentivizing developers to go above and beyond what is already on record for land development practices. This could include incentives for installing impervious surfaces, below-ground rainwater storage that promotes aquifer recharge, planting mangroves along the Lagoon, reducing compact turf-grass areas, and increasing the percentage of land cover with native plants. These should be applied to both residential and industrial developments and redevelopments. Ultimately, it needs to be easier to do the right/more environmentally sustainable thing than to continue more destructive practices. Assuring that LID practices are synonymous with Best Management Practices, fee discounts, permit fast-tracking, rebates, grants, and other incentives can help with this.

The element missing from other incentive programs is incentives (and assistance) for individual homeowners and businesses. There is considerable expense to replace traditional driveways with pervious pavers or pavement, install underground water storage, or install a living shoreline. The same way there is a rebate program for installing a rain barrel in some places, there could be rebates for "rainscapes" that incorporate bioretention, pervious pavers, and more. See Montgomery County, Maryland (in the Chesapeake Bay Watershed) for a program model: <https://www.montgomerycountymd.gov/DEP/property-care/rainscapes/index.html>). Alternatively (or additionally) there could be a grant program similar to septic upgrade grants offered by the County and State.

Lastly, many municipal leaders across the county are not aware that there are already LID policies in the county ordinances. With increased awareness and ease of discovery, the county's regulations (and any subsequently developed incentive program) could

become a model for Brevard cities and towns updating their own land development codes.

### **Staff Analysis:**

#### *Existing LID+GSI-Related County Requirements & Continuing Efforts*

As stated above, NRM continues to implement policies and Land Development Regulations (LDRs) that align with LID/GSI principles and ensure avoidance and minimization of impacts to natural coastal ecosystems, including native vegetation, wetlands, floodplains, aquifer recharge areas, and dunes. These include:

- Chapter 62, Article XIII, Division 2 - Landscaping, Land Clearing & Tree Protection, Section 62-4341 requires at least 50% native preserved or planted trees for new development. Additionally, at least 50% native or water-wise shrubs are required. Trees and shrubs must be maintained on-site in perpetuity. Meeting all principles of Xeriscaping or water-wise landscaping is incentivized through a 50% reduction in the required shrub quantity for new developments.
- Chapter 62, Article XIII, Division 2 - Landscaping, Land Clearing & Tree Protection, Section 62-4344 provides incentives for increased canopy preservation and landscaping above the required thresholds. For example, one preserved specimen tree can offset the requirement for planting up to 16 smaller trees, thereby retaining the environmental benefits of the established preserved tree and offsetting the risk of establishing new, smaller planted trees. Landscaping credit may also be accumulated for the preservation of healthy vegetation of special concern, such as rare, endangered or threatened plant species or hardwood hammock, barrier island scrub, or sand pine scrub.
- Chapter 62, Article XIII, Division 2 - Landscaping, Land Clearing & Tree Protection, Section 62-4346, provides for an administrative waiver of up to 30% of nonresidential parking standards for the preservation or additional planting of native or Florida-Friendly Landscaping. This waiver reduces impervious surfaces while requiring additional planted green space.
- Chapter 62, Article XII - Coastal Setback and Control Lines establishes the Brevard County Coastal Setback Line (CSL), located an additional 25 feet west (landward) of the FDEP Coastal Construction Control Line (CCCL). No development impacts are permitted east of the CSL, with the exception of a minimized elevated dune crossover and maximum of 100 square feet of elevated minor structure. The removal of native vegetation is prohibited east of the CSL.
- Chapter 62, Article X, Division 4 - Wetland Protection establishes specific allowable land uses in wetlands, including residential density of one unit per five

acres and the direction of commercial development into established areas of commercial use and prioritizes the protection of higher functioning wetlands. Additionally, there shall be no net loss of wetland function in the County.

- Chapter 62, Article X, Division 5 - Floodplain Protection establishes criteria that exceed state stormwater standards by requiring “no adverse impact” to off-site properties, resources, and infrastructure through compensatory storage of stormwater volume. Brevard County continually advances area-specific flood studies to further refine current modelling and engineering practices. Development is limited or prohibited in the most vulnerable floodplains such as the mean and 10-year riverine floodplains. Riverine floodplains are those areas that have a surface water connection to major freshwater bodies during the 100-year flood.
- Chapter 62, Article X, Division 3 - Surface Water Protection establishes buffers 25 to 200 feet in width, depending on water body classification, between development and the Indian River Lagoon (IRL) and St. Johns River. Native vegetation is required in these buffers as well as stormwater management for all impacts to the buffers. This includes GSI practices such as dense native vegetation, rain gardens, and exfiltration.
- Chapter 62, Article X, Division 5 - Aquifer Protection establishes impervious area restrictions in recharge soils and/or demonstration of preservation of recharge volume to protect water infiltration into the surficial aquifer.
- Chapter 46, Article II, Division 4, Section 46-87, Nitrogen Reduction Overlay, requires enhanced nutrient-reducing on-site sewage treatment and disposal systems (OSTDS) within the Indian River Lagoon septic overlay area.

Note that the above referenced Volusia County LID Implementation Guidebook concluded that successful implementation of an LID program is most likely when the program is required through regulation rather than being voluntary.

In February 2022, Brevard County adopted 13 new “Peril of Flood” Policies as Comprehensive Plan, Coastal Element, Objective 14, entitled Coastal Development and Redevelopment. The primary objective is to create procedures to allow consideration of the changing dynamics of flooding, sea level rise, and storm surge in growth management decisions within Brevard County. The Policies also direct the County to:

- Develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate conditions and amend LDRs to reduce obstacles that hinder nature-based design standards and/or LID.

- Continually identify strategies and engineering solutions that minimize the loss of flood storage capacity in all floodplains and areas vulnerable to natural hazards such as flooding, storm surge, and sea level rise, and incorporate them into the LDRs.
- Encourage nature-based adaptation strategies design standards and/or LID design for development and redevelopment within areas vulnerable to current and future flooding impacts.

Importantly, in July 2025, after more than a year of research and development, and multiple public workshops and hearings, the Board of County Commissioners submitted to the Florida Commerce for adoption the 2024 Comprehensive Plan Evaluation and Appraisal Report (EAR) and a new Brevard Barrier Island Area (BBIA) Element required by F.S. 380.0553, entitled Brevard Barrier Island Area; protection and designation as area of critical state concern. The EAR submittal further modified Policies in the Conservation and Coastal Management Elements to better facilitate the implementation of LID/GSI practices. The BBIA created new policies for the area that provide additional protection of the natural environment, promote orderly and balanced growth, and protect and improve the Indian River Lagoon ecosystem, including improving water quality.

In June 2025, the FL Legislature passed Chapter 2025-190, Laws of Florida, which is commonly known by its originating bill number, SB 180 which prohibits local governments from adopting more restrictive or burdensome amendments to its comprehensive plan or LDRs. Although SB 180 had not even been introduced at the time the County transmitted the policy amendments, because of its retroactive application, the transmittal was subject to this prohibition, and the entire process was deemed void *ab initio* ("from the beginning"). Legally, it is as if the County never transmitted the Amendments. Thus, in October 2025 Florida Commerce declared the EAR and BBIA amendments as "null and void."

The 2026 State Legislative Session acknowledged the unintended consequences of SB 180, with proposed language intended to scale back certain provisions of the bill. However, the session concluded before this language advanced, leaving those impacts unaddressed. In future, should new laws allow Brevard County to adopt modified EAR and new BBIA policies, staff could then propose LID/GSI LDR amendments to align with the Comprehensive Plan, the 2018 East Central Florida Regional Resilience Action Plan, and the 2023 University of Florida LID/GSI Code Audit.

The referenced Volusia County LID Implementation Guidebook also concluded that if regulatory standards requiring LID/GSI development principles are not feasible, a well-designed incentive program can also be effective in encouraging LID behavior and

projects. NRM staff would need Board direction to investigate the possibility of an incentive program for single family homeowners to implement LID/GSI strategies such as rain gardens and bioswales. While there are existing programs in the region to draw from, a funding source for such projects has not been Board-approved.

Likewise, there are multiple well-known incentives for subdivisions and commercial site plans. Some, including technical assistance and expedited permitting, are impractical due to current staffing levels and volume of work. Brevard county already provided comparatively expedited reviewed. Reduced or waived plan review fees would require revenue subsidy as NRM's development review program is funded through user fees that have not been adjusted since January 2017. Regulatory incentives such as increased density, height, and lot coverage or reduced setbacks and parking requirements would require cross-departmental LDR modifications. Brevard County currently provides stormwater fee credits for entities that properly operate and maintain their stormwater management systems. Other monetary incentives such as rebates and loans would require budget to be approved by the Board.

#### *Revised State Stormwater Rule*

On June 28, 2024, Governor Ron DeSantis signed Senate Bill 7040 into law, which updates Florida's stormwater rules and design criteria to protect the state's waterways. Under the new rule, developers and builders have flexibility to choose from a range of LID design options, and other best management practices, when designing systems to meet the performance-based design criteria. The revised Stormwater Quality Nutrient Permitting Requirements, administered by the Florida Department of Environmental Protection (FDEP), apply to individual and general permits, issued after December 28, 2025. To meet the new performance standard nutrient reduction levels, all new development will likely need to incorporate LID tools appropriate for the site. Brevard County already incorporates, requires, and encourages aspects of LID in many of the existing local environmental regulations.

#### *Low Impact Development (LID) + Green Stormwater Infrastructure (GSI) Education & Outreach*

In October 2020, the Natural Resources Management Department (NRM) produced the grant-funded LID Guide for Commercial and Light Industrial Facilities for Brevard County. The Brevard guide preceded the Volusia effort and is referenced in the Volusia County LID Implementation Guidebook. This and other educational materials are available as part of the Lagoon Loyal stormwater outreach program, [www.lagoonloyal.com](http://www.lagoonloyal.com). A link to the guide, which defines LID and identifies principles and practices that can be applied to virtually all development, is also available on the

NRM Stormwater Program webpage at [www.brevardfl.gov/NaturalResources/StormwaterProgram](http://www.brevardfl.gov/NaturalResources/StormwaterProgram).

The EAR and BBIA process discussed above provided multiple education and outreach opportunities. There was a public outreach meeting regarding the BBIA attended by over 200 area residents with an additional 42 people attending virtually via a Zoom link. There were an additional six public hearings during the transmittal and adoption process where LID/GSI was heavily represented.

**Staff Recommended Action:**

It is recommended that the Board of County Commissioners accept CEER #2026043 with revisions, as LID/GSI practices are already being implemented as detailed in the staff analysis. Any legislative changes related to LID/GIS must be enacted through the policy and ordinance adoption process that are currently beholden to the State Legislature. Staff will continue to present LID/GSI strategies to applicants where appropriate and seek funding incentives.