

Horst, Rachel

From: CEER@brevardfl.gov
Sent: Monday, January 6, 2025 1:23 PM
To: Horst, Rachel
Subject: A new CEER Recommendation has been submitted as ID #2026009

Recommendation # 2026009

Dear CEER Administrator,

Speak Up Brevard Recommendation ID #2026009 has been submitted. Please login to the CEER Application to start the recommendation evaluation workflow.

Contact Information:

Group/Organization

Name	Lillian Leber
Address	5150 DALEHURST DR, COCOA FL 32926 3292
Phone	(412) 302-9732
Email	lilgene79@gmail.com
Alternate Email	lilgene79@gmail.com

Recommendation Information:

Recommendation ID	2026009
Recommendation Title	Moratorium on New Building Permitting
Areas Affected	Loss of wetlands. Flooding in Communities
Department Affected	
Current problem	Our communities are being flooded and the problem will get worse as indiscriminate building permits are continually issued. I would like to see a moratorium on all new building permits that include destruction and 'mitigation' of wetlands. Agencies that should be gatekeepers don't have the guts to speak up and say, no. It's time for Brevard to take the lead to protect our communities from flooding and to save our fresh water aquifers. With talk of new water treatment plants recycling sewage water to our taps, it is apparent that there is or soon will be a fresh water supply crisis. I don't understand why this is allowed to happen. Wetlands provide water for all living things. Wetlands replenish our fresh water aquifers. Indiscriminate building destroys our wetlands. I'm speaking up. I'd like to see Brevard step up and say, no more!
Recommendation	Less flooding in our communities. Available fresh water for all living things. Proof that Brevard really does care about us and what is important.
Attachments	No Documents were attached.

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



Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

TO: Jim Liesenfelt, Interim County Manager
THRU: Tad Calkins, Assistant County Manager
FROM: Billy Prasad, Director, Planning and Development Department
SUBJECT: Citizen Efficiency and Effectiveness Recommendation #2025009

CEER # 2025009, titled "Moratorium on New Building Permitting," was received by the County from Lillian Leber.

Citizen Statement:

Our communities are being flooded and the problem will get worse as indiscriminate building permits are continually issued. I would like to see a moratorium on all new building permits that include destruction and 'mitigation' of wetlands. Agencies that should be gatekeepers don't have the guts to speak up and say, no. It's time for Brevard to take the lead to protect our communities from flooding and to save our fresh water aquifers. With talk of new water treatment plants recycling sewage water to our taps, it is apparent that there is or soon will be a fresh water supply crisis. I don't understand why this is allowed to happen. Wetlands provide water for all living things. Wetlands replenish our fresh water aquifers. Indiscriminate building destroys our wetlands. I'm speaking up. I'd like to see Brevard step up and say, no more!

Citizen Recommendation:

Less flooding in our communities. Available fresh water for all living things. Proof that Brevard really does care about us and what is important.

Staff Analysis:

In the event of a moratorium, the County could be subject to legal action if applicants are not permitted to develop their properties. Changes to Future Land Use and rezoning require review by the Planning & Zoning Board, Local Planning Agency, and the Board of County Commissioners. Hearings regarding rezoning applications are quasi-judicial in nature under State law, so only competent substantial evidence may be considered. Any affected party may submit comments or testify at a public hearing regarding the application at that time. The P&Z Board meets once per month and a list of meetings and available agendas are made public online the County website. For those actions, such as building permits, that happen after the zoning and land use are in place, the process is typically administrative in nature; preventing the exercise of property rights could subject the County to legal action.



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Building permits, site plans, subdivisions, and zoning actions are received in the Planning & Development Department, as may be required under County Code and Florida Building Code prior to commencement of building construction. If a reviewer of any of these application types determines that it does not meet code requirements, the application is put into a status of deficiency and will not be approved unless and until the issue is rectified. For example, as part of the application process, parcels are researched individually to ensure the present zoning and land use is consistent with the proposed project.

Building permit applications go through a detailed review under the Code requirements of Building, Engineering, Land Development, Natural Resources, Public Works, Traffic, and Zoning. A permit may additionally be reviewed by Utilities, Fire Prevention, Concurrency, and Address Assignment as applicable to the permit application.

For new residential construction and additions which increase the floor area footprint, a site drainage plan is required and evaluated as per County Code of Ordinance Sec. 22-48. The intent of this Code is to provide for drainage of surface water away from structures to protect buildings from potential flooding. All building permit applications for new residential buildings, mobile and manufactured home installations, additions to residences and substantial improvements to residential buildings affecting or altering existing drainage patterns must be accompanied by a site drainage plan meeting the minimum standards of County Code. At minimum, the site drainage plan must demonstrate that surface water is diverted to the road right-of-way, or to a storm water conveyance or surface water discharge improvement designed and constructed to receive surface water discharge from the lot. Building permit applications are reviewed by experienced County Engineers or other technical review staff with training in site drainage plan review. These reviewers confirm the site drainage plan contains all the information required by County Code. Additionally, they ensure that the development of the lot that is within an engineered subdivision is in conformance with the approved subdivision plan. Upon site work completion, a signed and sealed final survey ("as-built survey") must be submitted that shows adequate detail to ensure conformance with the site drainage plan, and an onsite inspection takes place (prior to final building inspection) to evaluate conformance with the drainage plan.

As it pertains to zoning actions, new development is reviewed by Natural Resource Management for any impacts to wetlands as per County Code of Ordinance 62-3692.

The Natural Resources Management Department (NRM) conducts environmental review of development activities on developed and undeveloped properties in unincorporated Brevard County. NRM assesses proposed development for compliance with 10 environmental protection ordinances,



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including wetland protection, floodplain protection, aquifer recharge, and surface water protection regulations. Development review includes site plans, subdivisions, and building permits.

NRM regulates allowable land uses within wetlands through Chapter 62, Article X, Division 4, Brevard County Code of Ordinances, entitled Wetlands Protection. The Brevard County Comprehensive Plan and associated ordinance require "no-net-loss" of wetland function in unincorporated Brevard and establish standards for residential, commercial, and industrial development in and adjacent to wetlands. Applicants must demonstrate that any proposed development complies with all ordinance criteria, including those within Wetlands Protection.

In February 2022, Brevard County adopted 13 new "Peril of Flood" policies as part of the 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 land development regulations (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.

NRM will continue to implement policies and LDRs to ensure avoidance and minimization of impacts to natural coastal ecosystems, including wetlands, floodplains, aquifer recharge areas, and dunes.

Currently, staff are working on the 2024 Comprehensive Plan Evaluation and Appraisal Report (EAR), further modifying policies in the Conservation and Coastal Management Elements to better facilitate the implementation of LID practices. Once the EAR is adopted later this year, staff will modify LDRs to align with the new Comprehensive Plan policies.

Current ERM ordinances can be viewed here: [Article X. Environmental Protection and Conservation](#), [Article XII. Coastal Setback and Control Lines](#), and [Article XIII. Landscaping, Tree Protection, Land Clearing and Land Alteration](#).



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BOARD OF COUNTY COMMISSIONERS

Staff Recommended Action:

It is recommended that the Board of County Commissioners reject CEER # 2025009 with provided clarification as detailed in the staff analysis and because it does not enhance the effectiveness and efficiency of County government as required by Home Rule Charter.

CC: Frank Abbate, County Manager