

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, RELATING TO THE TOWN COMPREHENSIVE PLAN; MAKING FINDINGS; AMENDING SECTION 2A-1, OF THE LAND DEVELOPMENT CODE, APPENDIX A, MELBOURNE BEACH CODE OF ORDINANCES, BY REFERENCING ADOPTION OF THIS ORDINANCE AMENDING THE COMPREHENSIVE PLAN; ADOPTING EVALUATION AND APPRAISAL AMENDMENTS TO THE TOWN COMPREHENSIVE PLAN BY REVISING THE INTRODUCTION; AMENDING THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT AND TEN-YEAR WATER SUPPLY FACILITIES WORK PLAN SUB-ELEMENT, COASTAL MANAGEMENT ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, PUBLIC SCHOOL FACILITIES ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND CAPITAL IMPROVEMENTS ELEMENT; CREATING AND ADOPTING A PRIVATE PROPERTY RIGHTS ELEMENT; REVISING TABLES AND MAPS; UPDATING AND PROVIDING FOR SUPPORT DOCUMENTATION; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; PROVIDING FOR CODIFICATION AND RENUMBERING; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, the Town of Melbourne Beach, Florida pursuant to Florida Statutes, Chapter 163, desires to amend its Comprehensive Plan adopted by Ordinance No. 88-01, as amended by Ordinances, 95-03, 2010-05, 2010-07, and 2017; and,

WHEREAS, the Town of Melbourne Beach, Florida pursuant to Florida Statutes, Chapter 163, has prepared certain Comprehensive Plan amendments based upon the August 2019 Evaluation and Appraisal Report adopted by Resolution 2021-10; and,

WHEREAS, the Town of Melbourne Beach, Florida has held a first and second public hearing(s) on the amendments to the Comprehensive Plan before the Local Planning Agency and the Town Commission; and,

WHEREAS, the Town of Melbourne Beach, Florida has considered, or will consider, any applicable written objections, recommendations, and comments of the State Land Planning Agency and other persons, agencies, and governing bodies; and,

WHEREAS, the Town of Melbourne Beach, Florida finds that the amendments to the Comprehensive Plan have been processed in accordance with the applicable law and desires to amend the Comprehensive Plan; and,

WHEREAS, in accordance with Chapter 2021-195, Laws of Florida, the Town of Melbourne Beach, Florida desires to amend the Comprehensive Plan to add a Property Rights Element;

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF MELBOURNE BEACH, FLORIDA:

SECTION 1. That Section 2A-1, Appendix A, of the Code of the Town of Melbourne Beach, Florida, is hereby amended to read as follows:

§2A-1. PLAN ADOPTED BY REFERENCE.

Pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, §§ 163.3161 et seq., Fla. Stat., the Town Comprehensive Plan, as prepared by the Local Planning Agency, and including but not limited to: goals, objectives and policies for ~~ten~~ eleven (11) elements, including an introduction, a chapter relating to population of the Town, and the following elements: coastal management; conservation; inter- governmental coordination; capital improvements; infrastructure which includes provisions relating to sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge; housing; future land use; transportation; public school facilities; ~~and~~ recreation and open space and private property rights; 10-year water supply facilities work plan sub element; the existing traffic circulation map; the

future land use map; and other maps and tables, and separate Support Documentation all as adopted by Ordinance No. 88-01, adopted September 6, 1988; as amended by Ordinance 95-03, adopted January 17, 1996; Ordinance 2010-05, adopted June 16, 2010; ~~and~~ Ordinance 2010-07, adopted October 20, 2010 and Ordinance 2021-04 adopted April 20, 2022, are incorporated by reference and constitute the official Comprehensive Plan for and of the Town.

SECTION 2. Attached hereto as Exhibit “A” and incorporated herein by this reference is the set of amendments revising the Town’s Comprehensive Plan. Said revised plan consists of (1) August 2021 Town of Melbourne Beach Comprehensive Plan Support Documentation (Support Document) and (2) August 2021 Town of Melbourne Beach Comprehensive Plan Goals, Objectives and Policies (Goals, Objectives and Policies) which together constitute the Comprehensive Plan. The revisions are shown by use of underlined terms which constitute new text and stricken through words which constitute text deleted from the Comprehensive Plan.

SECTION 2. Severability/Interpretation Clause.

(a) In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

- (1) Words underlined are additions to existing text.
- (2) Words ~~stricken through~~ are deletions from existing text.

(3) Asterisks (***) indicates a deletion from the Ordinance of text existing in the Code of Ordinances. It is intended that the text in the Code of Ordinance denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 3. Codification and Renumbering. The provisions of this Ordinance shall be codified as, and become and be made a part of, the Town of Melbourne Beach Code of Ordinances. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 4. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 5. Effective Date. The effective date of this Ordinance, if the Ordinance is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that the Comprehensive Plan Amendment adopted by way of this Ordinance is in compliance. If the Ordinance is timely challenged, or if the state land planning agency issues a notice of intent determining that the Comprehensive Plan Amendment adopted by way of this Ordinance is not in compliance, this Ordinance shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining the Comprehensive Plan Amendment adopted by way this Ordinance to be in compliance.

SECTION 6. Adoption Schedule.

PASSED by the Town Commission of the Town of Melbourne Beach on first reading on the 15th day of September, 2021, and ADOPTED by the Town Commission of the Town of Melbourne Beach, Florida, on final reading on the 20th day of April, 2022.

TOWN OF MELBOURNE BEACH, FLORIDA

By: 
WYATT HOOVER, Mayor

ATTEST:


Amber Brown
Interim Town Clerk

(TOWN SEAL)



**Town of Melbourne Beach Florida
Evaluation and Appraisal Report (EAR)**

FINAL REPORT

August 2019

Prepared for the Town of Melbourne Beach

Prepared by Place Planning and Design

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I. INTRODUCTION

The Melbourne Beach Evaluation and Appraisal Report (EAR) comprehensive plan amendments are submitted in response to the provisions of Section 163.3191, Florida Statutes (F.S.), which requires that the planning program be an ongoing process.

In order to insure the ongoing process, F.S. Section 163.3191(1) requires each local government to prepare a formal evaluation of its comprehensive plan each seven years and notify the state land planning agency of the results. The purpose of the evaluation is to identify amendments to the comprehensive plan necessary to reflect changes in state requirements since the last update. In addition, local governments are encouraged to update comprehensive plans to reflect changed local conditions.

In response to F.S. Section 163.3101(1) requirements, the Melbourne Beach Evaluation and Appraisal Notification Letter (Notification) was submitted to the Florida Department of Economic Opportunity on January 26, 2018. (Ref: Exhibit 1).

The Town's Notification concluded that the following principal amendments are necessary to reflect state comprehensive planning requirements and changed local conditions:

A. State Comprehensive Planning Requirements.

1. Comprehensive Plan updates related to the reduction of flood risk and participation in the National Flood Insurance Program included in F.S.163.3178 (2) (f) (Coastal Management Element) and 163.3177(3) (b) (Capital Improvements Element).

2. Comprehensive Plan revisions related to the Five-Year Capital Improvement Schedule (Five-Year Schedule). Florida Statutes Chapter 163.3177 (3) (b) required the Five-Year Schedule component of the Capital Improvements Element to be updated annually by a comprehensive plan amendment. Recent statutory revisions now allow the Five-Year Schedule to be adopted annually by Town Ordinance. Further, a Five-Year Schedule adopted by ordinance no longer requires a companion comprehensive plan amendment.

B. Changes in Local Conditions:

1. Update of the Town's Ten-Year Water Supply Facilities Work Plan Sub-Element to maintain consistency with the 2018 Central Springs East Coast (CSEC) Water Supply Plan update;

2. Updates to reflect current conditions including editing statutory and administrative code references in the Comprehensive Plan and updating the planning period and population projections; and

3. Reformatting of the current Comprehensive Plan to consist of two separate documents; Support Documentation, to be adopted and revised by Town Resolution, and Goals Objectives and Policies, to be adopted and revised by Town Ordinance.

The Town received confirmation of the Notification from the Florida Department of Economic Opportunity (FDEO) in a letter dated January 31, 2018 (Ref: Exhibit 2).

II. FLORIDA STATUTES BASED AMENDMENTS

A. Reduction of Flood Risk Amendments

Redevelopment principles included in F.S. 163.3178 (2) (f) are related to the elimination, when opportunities arise, of inappropriate and unsafe development in coastal areas and participation in multi-level government disaster prevention and mitigation programs. Per the Town's FDEO Notification, the following items in F.S. 163.3178 (2) (f) are to be addressed:

1. Development and redevelopment principles and strategies that reduce flood risk in the coastal area resulting from high-tide events, storm surge, flash floods, stormwater runoff and the related impacts of sea-level rise.

2. Development and redevelopment principles and strategies that result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency (FEMA).

3. Requirements for consistency with the flood-resistant construction requirements of the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

4. Participation in the National Flood Insurance Program Community Rating System (CRS) administered by FEMA to achieve flood insurance premium discounts for Town residents.

B. Florida Resilient Coastlines Program Grant

The Town of Melbourne Beach was awarded a Florida Department of Environmental Protection (FDEP) grant to assess sea level rise, storm surge and flooding impacts on the Town, engage the public and develop strategies and policies aimed to mitigate, adapt and plan for the impacts. The Town contracted with the East Central Florida Regional Planning Council (ECFRPC) to develop the vulnerability assessment, engage the public and develop Coastal Management Element policies and recommendations.

Grant work products included the following seven Deliverables which are included herein by reference, and summarized as follows:

1. Vulnerability Assessment: Maps, data and analysis were prepared identifying at-risk coastal areas that currently experience, or have historically experienced flooding and coastal inundation. Within these areas, public and private resources that are at risk of being inundated were identified. As part of the vulnerability assessment, maps, charts and/or tables illustrating the coastal high hazard area, storm surge areas, areas subject to sea level rise and flooding were prepared in order to identify vulnerabilities of roadways and Town land uses and facilities.

2. Strategies and Tools Recommendations: Potential development and redevelopment principles and strategies for consideration by the Town during the Evaluation and Appraisal Comprehensive Plan update were discussed, including Peril of Flooding and Adaptation Action Area policies, and tools that reduce flood risk in the coastal areas identified in the Vulnerability Assessment. Recommendations were based upon interaction with the residents, survey results, opinions by experts and the Vulnerability Assessment. Feedback from the public engagement process was emphasized in order to develop strategies and policies for consideration by the Town, including Coastal Element goal, objective and policy revisions to address the state mandated Peril of Flood legislation.

3. County and Regional Plans Summary: A summary of regional and county plans, programs and policies related to addressing the issue of coastal flooding was prepared as the basis to insure Town continued awareness of, and participation in multi-jurisdictional cooperation efforts. The East Central Florida Regional Planning Council (ECFRPC), through several programs, is involved in coastal flooding resiliency planning for its multi-county region, including the 2060 Plan, Regional Resiliency Action Plan, Vulnerability Analyses for specific areas, and Public Outreach (e.g. Peril of Flood and Resiliency Newsletter and Peril of Flood Website).

4. Public Meetings and Online Survey Results: Public Engagement consisted of three distinct components; two separate public workshops and a MetroQuest Online Survey. Discussions at the initial public workshop, including results of a Menti-meter poll, were used in the development of the on-line survey. The results of the on-line survey were then considered when preparing initial draft Comprehensive Plan amendments that addressed citizen concerns regarding flooding, sea level rise, and safeguarding and improving the functions of the Indian River Lagoon.

An overview of the project, vulnerability analysis, survey findings and preliminary recommendations were discussed at the second public workshop. Results of discussions at the workshop, as well as input from Town staff, were used in drafting final proposed Comprehensive Plan recommendations.

Notices of the public meetings and on-line survey were available to residents, businesses, property owners and known interest groups through postings on the Town website, targeted mailings, and existing public announcement procedures.

5. Review of Flood-Resistant Codes and Recommendations: A determination was made that the Town code is generally consistent with the flood-resistant construction requirements of the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60. It was concluded that, through its Comprehensive Plan, Land Development Code, and educational programs, the Town complies with the intent and letter of the requirements of the Florida Building Code and 44 CFR 60 regarding flood-resistant construction. It was recommended that the Town continue to coordinate with applicable State and Federal agencies, enforce various code provisions for flood-resistant construction, and update the Comprehensive Plan and Land Development Code to reflect changes and innovations in construction methods to minimize impacts of local flooding.

6. Review of the Town's National Flood Insurance Program (NFIP) Rating and Recommendations: The Town of Melbourne Beach currently benefits from the (NFIP) Community Rating System (CRS); however, potential areas for class improvement were explored.

The Town currently holds a CRS class 8 score on a scale of 1 to 10. If the Town Floodplain Manager/ CRS coordinator works with the Insurance Service Office ISO/CRS, the community can either choose to strengthen the current class, improve the class, or decide to take no action at this time.

Data was obtained from the State of Florida and examined related to common activities that other small communities implement to receive additional credits in order to help the Town determine the best course of action.

It was recommended that the Town remain in the CRS program at a class 8 unless significant further action is taken. The Town has decided not to pursue a class improvement since an improvement would require additional costs, including personnel to oversee the program.

7. Proposed EAR Comprehensive Plan Amendments: Draft Comprehensive Plan amendments were prepared incorporating the results of Tasks 1 – 6 above. Proposed amendments were prepared for the following Comprehensive Plan elements: Future Land Use; Housing; Coastal Management; Intergovernmental Coordination; and Capital Improvements.

C. Current Related Comprehensive Plan Policies

Current Town goals, objectives and policies that address the requirements of F.S. 163.3178 (2) (f) are included in the following elements of the Comprehensive Plan. These elements are appropriate locations for F.S. 163.3178 (2) (f) – based amendments to the Melbourne Beach Comprehensive Plan.

1. Future Land Use Element

GOAL:

Promote safe, quality residential development and/or restoration.

OBJECTIVE 7.0:

Ensure all new construction and/or redevelopment is consistent with requirements for flood prone areas and that residential densities are consistent with Town, county, and regional Hurricane evacuation plans.

Policy 7.1:

Maintain up-to-date copies of State and Federal Regulations regarding development and/or redevelopment within flood prone areas and ensure that developments within areas identified on the Flood Hazard Boundary Map and/or the Flood Insurance Rate Map comply with appropriate requirements.

Policy 7.2:

Ensure that Ordinances of the Town are in conformance with County, State and Federal Rules and Regulations regarding development and redevelopment within “Coastal High Hazard Areas.”

Policy 7.3:

Review, analyze, and amend as determined necessary, Code of Ordinances requirements regarding repair or reconstruction of damaged properties including those provisions that apply to Coastal High Hazard Area.

Policy 7.4:

Periodically review and revise as necessary, permitted densities within the zoning ordinance to ensure that the population densities do not exceed those that will allow the Town to meet adopted hurricane evacuation timeframes.

GOAL:

Encourage the preservation of natural features in existing and future developments.

OBJECTIVE 14.0:

Continue to maintain and strengthen tree preservation and landscape ordinances, encouraging the use of indigenous vegetation.

Policy 14.2:

Continue to enforce regulations regarding building setbacks from the dune.

2. Housing Element

GOAL:

The provision of safe, sanitary living conditions, in viable neighborhoods for present and future residents of the town.

OBJECTIVE 1.0:

Insure that all residential structures are maintained in a safe sanitary condition.

Policy 1.1:

The Town shall continue with strict enforcement of the Florida Building Code and Florida Residential Building Code and adopt revisions to these codes as appropriate to ensure that new building material and techniques are permitted in Melbourne Beach.

3. Coastal Management Element

GOAL:

Preserve, protect and enhance the coastal resources as development or redevelopment occurs in Melbourne Beach.

OBJECTIVE 1:

Protect existing native vegetation as development or redevelopment occurs.

Policy 1.1:

Native vegetation communities such as those located in dunes along the ocean and along the lagoon to the west shall be preserved and incorporated in any development or redevelopment project through procedures adopted in the Code of Ordinances.

Policy 1.2:

The Town shall coordinate with the State and local agencies to provide for the reestablishment of shoreline vegetation where it has been removed.

OBJECTIVE 2:

The Town shall continue to coordinate with the applicable Federal, State, County and agencies in order to protect the beach and dune system as a viable feature providing storm protection for upland property and serving as an important recreation and aesthetic resource.

Policy 2.1:

Codes that control and regulate construction activities in the coastal zone areas shall be adopted and enforced consistently throughout the Town.

Policy 2.2:

Codes shall be updated when necessary to conform to new state regulations and advances in the understanding of the coastal process.

Policy 2.3:

The coastal building setback requirement shall be modified when necessary to allow the setback line to follow any repositioning of the Coastal Construction Control Line (CCCL).

Policy 2.5:

The development code shall specify the appropriate vegetation for planting in dunes, and that such vegetation shall be protected from pedestrian and vehicular traffic. Any construction or reconstruction of beach access shall provide for dune crossing over walks.

GOAL:

Protect human life and limit public expenditures in areas subject to destruction by natural disasters.

OBJECTIVE 5:

Limit public expenditures that subsidize development permitted in coastal high-hazard areas except for restoration and enhancement of natural resources.

Policy 5.1:

No construction or development activity shall be permitted, except through the Florida Department of Environmental Protection, seaward of the Coastal Construction Control Line (CCCL) unless it is intended for restoration and enhancement of natural resources.

Policy 5.2:

Existing permanent structures protruding into the coastal high-hazard areas shall be required to meet the most recent version of coastal building codes and regulations established by the Florida Department of Environmental Protection when redevelopment occurs on the property.

Policy 5.3:

The Coastal High Hazard Area is the area below the elevation of the category 1 storm surge line established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. This encompasses that portion of the Town as depicted on Map 2 (2020 Future Land Use) and Map 9 (Coastal High Hazard Area). Public infrastructure within this area may be built and reconstructed when necessary but not for the purpose of facilitating an increase in permitted density.

OBJECTIVE 6:

The Town shall maintain an out of County evacuation time of less than sixteen (16) hours for a Category 5 storm event.

Policy 6.1:

The Town shall cooperate with, and support, Brevard County in planning for hurricane evacuation.

OBJECTIVE 7:

The Town shall continue to coordinate with the Brevard County Emergency Management Office to provide immediate response to post-hurricane situations.

Policy 7.1:

The current Local Peacetime Emergency Plan shall be modified to comply with the policies under this objective, and shall contain step-by-step details for post-disaster recovery operations.

Policy 7.2:

After a hurricane but prior to re-entry of the population into the evacuated areas, the Town Commission shall meet to hear preliminary damage assessments, appoint a Recovery Task Force, and consider a temporary moratorium on building activities not necessary for the public health, safety and welfare.

Policy 7.3:

The Recovery Task Force shall review and decide upon emergency building permits, and repair and cleanup actions needed to protect public health and safety; coordinate with County, State and Federal officials to prepare disaster assistance applications; develop a redevelopment plan; and recommend amendments to the Comprehensive Plan, Local Peacetime Emergency Plan, and other appropriate policies and procedures.

Policy 7.4:

Repairs to potable water, waste water, and power facilities; removal of debris; stabilization or removal of structures about to collapse; and minimal repairs to make dwellings habitable shall receive first priority in permitting decisions. Long term redevelopment activities shall be postponed until the Recovery Task Force has completed its tasks.

Policy 7.5:

Structures destroyed, by any means, to an extent of more than 50% of the replacement cost at the time of destruction shall not be reconstructed except in compliance with the Code of Ordinances.

4. Intergovernmental Coordination Element

GOAL:

Maximize the effectiveness and efficiency of intergovernmental relationships between the Town of Melbourne Beach and other governmental entities.

OBJECTIVE 1.0:

Maintain membership in organizations such as the Space Coast League of Cities in order to foster informal intergovernmental relationships.

Policy 1.1:

Ensure that annual membership fees in such organizations are budgeted and Town Representatives attend the organizations meetings.

OBJECTIVE 2.0:

The Town shall review for compatibility, all comprehensive planning elements and subsequent updates of neighboring jurisdictions. Brevard County, the Brevard County School System, the Florida Department of Transportation, and other units of local government providing services to the Town in order to coordinate with the planning activities of each jurisdiction.

Policy 2.1:

Continue to work with the Brevard County Comprehensive Planning Steering Committee. The Town participates through representation on the Spacecoast Transportation Planning Organization and the Intergovernmental Coordination Committee.

5. Capital Improvements Element

GOAL:

Undertake actions necessary to adequately provide needed public facilities to all residents of the town in a manner that protects investments in existing facilities and maximizes the use of existing facilities.

OBJECTIVE 2:

Limit public expenditures that are for the purpose of increasing density in coastal high hazard areas (CHHA).

Policy 2.1:

The Town shall not fund infrastructure in the high hazard coastal area that subsidizes development.

D. Current Town Programs

The following is a review of Town Codes and requirements to determine consistency with the Flood-resistant construction requirements of the Florida Building Code and applicable flood plain management regulations set forth in 44 CFR Part 60. To complete this task, the following documents were reviewed:

- 44 CFR Part 60, Criteria for Land Management and Use, Subparts A, B, and C;
- Florida Building Code information regarding flood-resistant construction;
- Town of Melbourne Beach Land Development Code; and
- Town of Melbourne Beach web site for relevant information.

1. 44 CFR Part 60, Criteria for Land Management and Use

Subpart A of Section 44 includes six different categories of local circumstances and related federal flood-related compliance criteria applicable to communities across the country. Section (i.e. category) E of 44 CFR 60 is applicable to the Town, which states:

“When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE, and if appropriate, has designated AH zones, AO zones, A99 zones and A zones on the communities FIRM, and has identified coastal high hazard areas by designating Zones V1-30, VE, and/or V”.

Each category of conditions includes a specific set of criteria which must be implemented in order to comply with the CFR requirements.

In the Town of Melbourne Beach, the Flood Insurance Rate Maps (FIRM) are Maps 12009C0608G, 12009C0604G, and 12009C0616G. As depicted on these FIRM maps, the following Flood Zone designations are applicable to the Town of Melbourne Beach:

- Zone VE (EL 11.7 and 13.7). This zone is a “coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.”
- Zone AO depth 1’. This zone has “flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.”
- Zone AE (EL 3.7 and 4.7). This zone has “base flood elevations determined.”

- Zone X. This zone includes “areas determined to be outside the 0.2% annual chance floodplain.”

2. Florida Building Codes for Flood-Resistant Construction

The Florida Building Code (FBC) addresses flood provisions in a number of sections including Chapter 1 Administration, the “Building” section, the “Residential” section, the “Existing Building” section, and the “Mechanical, Plumbing and Fuel Gas” sections.

In Chapter 1 Administration, the FBC establishes the applicability of the code and describes how the code is to be applied and enforced. It also specifies requirements including that site plans must show flood hazard areas, floodways and design flood elevations. The “Building” section includes the following key provisions:

- In Section 1612.3, flood hazard areas are established by local floodplain management ordinances, which adopt flood hazard maps.
- Section 1612.5 requires submission of elevation certificates.
- Section 1804.4 addresses where grading and fill are allowed in flood hazard areas.
- Section 3109 includes requirements for buildings seaward of the Coastal Construction Control Line (CCCL).

The “Residential” section includes Section R322, Flood-Resistant Construction, and that dwellings seaward of the CCCL must be in accordance with Section 3109 of the FBC, Building.

The “Existing Building” section includes criteria to address the principal that work on existing buildings does not lessen the compliance or conformance of the structure with current codes. This section also addresses work on existing buildings within flood hazard areas and defines thresholds for work related to “substantial improvement” or the repair of “substantial damage”. If these thresholds are exceeded, then the structures must be brought into compliance with current codes.

The sections on Mechanical, Plumbing, and Fuel Gas, have similar provisions requiring equipment and systems to be located at or above the flood elevations and/or that they meet certain performance standards to address flood hazards.

3. Town of Melbourne Beach Land Development Code

The Town Land Development Code (LDC) includes several sections which address construction, development and redevelopment in flood prone areas including Section 1A-3 Definitions, Chapter 4A Buildings Flood Protection Coastal Construction; Chapter 5A Coastal Setback Regulations; and Chapter 7A Zoning.

The Town Land Development Code (LDC) includes several sections which address construction, development and redevelopment in flood prone areas including Section 1A-3 Definitions, Chapter 4A Buildings Flood Protection Coastal Construction; Chapter 5A Coastal Setback Regulations; and Chapter 7A Zoning.

Chapter 1A of the LDC includes Section 1A-3, Definitions, including the following relevant terms: Area of Special Flood Hazard; Base Flood; Building Official (as the position designated to interpret the flood control regulations); Flood or Flooding; Flood Hazard Boundary Map; Flood Insurance Rate Map; Flood Insurance Study; and Floodway.

Chapter 4A is entitled “Buildings; Flood Protection; Coastal Construction” and includes the majority of land development regulations specifically regulating flood-resistant construction. Several relevant sections are as follows:

- Article II – Adoption of Building Codes. This section adopts the Florida Building Code, the Florida Residential Building Code, and the Florida Existing Building Code current editions.
- Articles IV, V, VI, VII, and VIII adopt the FBC for Unsafe Building Abatement, Plumbing, Mechanical, and Fuel Gas Codes.
- Article X Coastal Construction Code is adopted to provide construction codes for work within the Coastal Building Zone and coastal barrier islands in the Town.
- Article XII Floodplain Management Code intends to establish minimum requirements to safeguard public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas.
- Chapter 5A is the Coastal Setback Regulations section which prohibits the construction of major structures and minor structures not pile supported within the coastal setback line.

- Chapter 7A Zoning includes the following provisions related to floodplain management: Section 7A-55 Building Construction requires the lowest floor level of all buildings to be at least 18” above the crown of the highest street perpendicular to the foundation to which the property abuts. Plans for construction must include elevations of the property, street, proposed building, FEMA flood zones and elevations.

Section 7A-70 Federal and State Elevation Certificates and Documentation requires that any new construction of substantial improvements located in Flood Zones include an elevation certificate to ensure compliance with FEMA Elevation Certificate requirements.

4. Melbourne Beach Vulnerability Assessment and Resiliency Plan

A vulnerability assessment was conducted by the East Central Regional Planning Council (ECFRPC) in February 2019 which served as the basis for many of the recommendations included in this report. The principal goal of the related Resiliency Plan (i.e. Peril of Flooding and Adaptation Action Area policies) is to identify coastal vulnerabilities specific to the Town and provide recommendations, including Comprehensive Plan amendments, to mitigate the effects of sea level rise.

Maps, data and analysis were prepared in order to identify at-risk coastal areas that currently experience, or have historically experienced flooding and coastal inundation. As part of the analysis, five natural hazards are addressed, including: 1) Storm Surge; 2) Sea Level Rise; 3) FEMA 100-and-500-Year Flood Zones; 4) Nuisance Flooding Area; and (5) Sea Level Rise plus Storm Surge (Ref: FDEP Grant Deliverable 1: Vulnerability Analysis). Within these areas, public and private resources that are at risk of being inundated are identified. The purpose of the data is to provide a preliminary look at sea level rise, erosion, and coastal flooding impacts. Data and maps in the report illustrate the scale of potential flooding, not exact locations.

Based upon the vulnerability assessment, the Town will adopt Peril of Flood policies and establish a Coastal Planning Area (CPA) to address those parts of the Town that are more susceptible to sea level rise and storm surge. By definition, the CPA is the area most susceptible to sea level rise and other flooding, and where the main focus on being sustainable regarding these events will occur.

Overall, Melbourne Beach has a relatively low exposure of critical facilities to natural hazards, as compared to more urbanized areas. The dunes along the ocean protect the Town from impacts from the ocean and, while rising waters from the Indian River Lagoon (IRL) will impact residents in the long term, critical facilities will not experience impacts until after the 2070 timeframe.

Sea level rise impacts to the Town will initially be from the IRL, since elevations are lowest on the west side of Town. Sea level rise projections from NOAA suggest that by 2070, sea levels will have risen more than 4 feet in coastal Florida, which is enough to permanently inundate part of Melbourne Beach. While the impacts will not affect Melbourne Beach until later in the century, putting mechanisms in place well ahead of time will make the transitions required in the future easier to implement.

Currently, Melbourne Beach is experiencing nuisance flooding through prolonged rain and annual high tides. As with sea level rise, Town impacts will initially be from the IRL, since elevations are lowest in that area of the Town. Related inundation is encroaching on critical infrastructure along the IRL and, if not addressed, can be detrimental to the Town. Further, a warmer climate may portend stronger and more frequent hurricanes. It is recommended that the Town assess outfall elevations to determine the impacts of elevating lagoon waters and potential stormwater system failures.

The Town is challenged with maintaining a balance between the current quality of life and the physical realities of increasing hazards from higher water. As a small municipality, Melbourne Beach needs to concentrate on managing the challenges to infrastructure that will continue to be impacted. The Town will need to consider the impacts of a reasonable lower level of service than has been provided in the past due to financial capacity of the Town to construct large and expensive infrastructure projects to protect from the perils of flood. It is important that the Town take a pro-active stance in addressing the mid and long-term future of the Town.

Two public meetings were held and an on-line survey was developed to provide public input. The Town's existing Comprehensive Plan Goals, Objectives and Policies (GOPs) were reviewed and recommendations made to enhance planning for current and future flood impacts, including sea level rise and hurricane surge. Policies adopted by the Town should include approaches that maintain the safety and well-being of the community and preserve municipal infrastructure while also minimizing long-term potential legal liabilities and unintended future risks to residents from the perils of flood. Basic planning principles discussed include:

- There will be an increase in flood potential in the Town from sea level rise and associated intensification of storms and rain events due to climate change.
- The protection of safety and property due to the risk of flooding impacts should be emphasized. Regulations must be based on technical data, such as the information provided in the vulnerability assessment.
- A statement should be included in ordinances that the Town's policy mandates that the local government has a need and responsibility to make challenging decisions that balance the important interests of property rights with the need for the community to responsibly manage its limited financial resources and protect the lives of residents and first responders.

- Highlight the fact that the Comprehensive Plan and ordinances are to give residents and businesses adequate current and advanced notice of future conditions of potential property impacts due to the perils of flood.
- Ensure that the processes in ordinances respect due process of property owners.
- Strive to have Comprehensive Plan language, polices and ordinances work in conjunction to accomplish the Town's aims.
- Include policies and ordinances that minimize the risk of "moral hazard", where risk taking behavior is potentially rewarded by allowing those who take the risk of living in hazardous areas having other tax payers incur the higher costs to maintain the infrastructure necessary to service or protect them.
- Identify existing and future data required to set policy and to implement desired policies, now and in the future.

Revisions to the Coastal and other Elements of the Comprehensive Plan are recommended (Ref: Exhibits 3 and 4), consistent with state mandated Peril of Flood legislation and the findings of the Vulnerability Assessment, for consideration by the Town.

By acting now, the Town can get ahead of many future flood impacts which will have an increasing influence over the daily lives of residents and business owners.

5. Other Related Documents and Information

The Town of Melbourne Beach undertakes additional efforts to ensure compliance with State and Federal requirements as well as help educate it citizens on flood hazards. The Town's web site includes a web page devoted to stormwater management (<https://www.melbournebeachfl.org/stormwater>). This web page includes links to downloadable informational/educational documents, provides links to other related web sites and a link to the Town's stormwater plan.

Informational and educational documents which can be downloaded from the web page include the following:

- Effective Use of Swales brochure.
- Landscaping and Gardening brochure.
- Urban Runoff Facts brochure.

Links to other related web sites which provide additional educational information for flooding and stormwater include:

- National Water Quality Monitoring Council water quality sampling database.
- University of Florida Institute of Food and Agricultural Sciences (UF/IFAS).
- Brevard County Natural Resources – Watershed Management Program.
- US Environmental Protection Agency – National Pollutant Discharge Elimination System (NPDES).

The Town of Melbourne Beach 2007 Stormwater Management Plan updated the Town’s 2002 Plan and included conditions of the existing system and recommendations for prioritizing and budgeting stormwater system improvements. The overall goal of the plan is to improve flood control and water quality treatment in the Town.

E. Regional and County Programs

Redevelopment principles included in F.S. 163.3178 *Coastal Management* Section (2) (f) are related to the elimination, when opportunities arise, of inappropriate and unsafe development in coastal areas and participation in multi-level government disaster prevention and mitigation programs.

1. East Central Florida Regional Planning Council

The East Central Florida Regional Planning Council (ECFRPC), through several programs, is involved in coastal flooding resiliency planning for the multi- county region, including Brevard, Lake, Marion, Orange, Osceola, Seminole, Sumter, and Volusia counties. The following is a summary of ECFRPC programs and services.

Resiliency is defined as the capacity of individuals, communities, institutions, businesses, and systems within a region to plan, sustain, adapt, recover, improve and grow collaboratively through specific actions and implementation strategies geared to address specific vulnerabilities (Source: East Central Florida Regional Resiliency Action Plan).

ECFRPC resiliency planning efforts include assisting State, County and municipal governments with strategies for adapting to both acute shocks and long-term stresses from natural hazards such as sea level rise, storm surge and flooding.

- **2060 Plan:** Florida Statutes 186.507 mandates each Regional Planning Council to adopt a Strategic Regional Policy Plan (SRPP) that includes emergency preparedness strategies. In response to the statutory directive, East Central Florida Regional Planning Council (ECFRPC) prepared the 2060 Plan.

The 2060 Plan promotes coordinated emergency responses for several types of risk, including flooding and storm surge, in Chapter 6 *Emergency Preparedness*. Strategies to address evacuation in vulnerable areas, provision of emergency shelters,

coordination of emergency planning agencies and post-disaster reconstruction are addressed. Maps of evacuation routes and shelter, and fire and law enforcement facility locations are included.

The overall 2060 Plan Emergency Preparedness Goal is to prepare communities to effectively respond to disasters by implementing an all-hazards approach to emergency preparedness planning and coordination at the regional level.

2060 Plan policies pertinent to sea level rise, storm surge and flooding include: Shelters and Evacuation Routes; Smart Growth; and Intergovernmental Coordination.

- **Regional Resiliency Action Plan**

ECFRPC has prepared the East Central Florida Regional Resiliency Action Plan (RRAP) which focuses upon Brevard and Volusia Counties. The goal of the RRAP is to increase the ability of local and regional stakeholders to implement resiliency and climate adaptation strategies across various disciplines. The RRAP identified the following four “focus” areas for which plan objectives are identified: Leadership and Strategy; Economic and Society; Infrastructure and Environment; and Health and Wellbeing.

- **Vulnerability Analyses**

ECFRPC has completed a Sea Level Rise Vulnerability Analysis for each of the following areas: Space Coast (i.e. includes Brevard County), River to Sea (includes Flagler and Volusia Counties evacuation routes and critical facilities), Satellite Beach, and Indian River Lagoon (includes outfalls within Volusia and Brevard Counties within the East Central Florida Region and Martin, St. Lucie and Indian River Counties within the Treasure Coast Region). Definitions of key terms used in a vulnerability analysis include: Storm surge; Flooding; Coastal erosion; and Sea level rise.

A Vulnerability Analysis consists of two basic components; hazard analysis, and critical facility vulnerability analysis. The hazard analysis portion utilizes hazard-specific data to determine the short and long-term vulnerabilities facing residents and critical infrastructure within an area or political jurisdiction. The following hazards are normally analyzed at the municipal level: storm surge, flooding, coastal erosion, and sea level rise.

The second component, a critical facility vulnerability analysis, normally determines impacts from the following from five perspectives: Financial exposure; Exposure to built parcels by build year; Land use exposure; Critical facility exposure; and Environmental and ecological exposure.

The ECFRPC recommends that local governments opting to prepare a Vulnerability Analysis for their jurisdiction utilize the Satellite Beach study as a model.

- **Public Outreach**

In addition to the assessment, planning and management activities summarized above, ECFRPC is actively engaged in the following public outreach efforts: Peril of Flood and Resiliency Newsletter.

Peril of Flood is a website maintained and continually updated by ECFRPC which features a compilation of projects, resources and important dates related to coastal resiliency.

In addition the Resiliency Newsletter, addressing such topics as hurricane evacuation, sustainable communities, and health and wellbeing, is published and updated every two months by the ECFRPC.

2. Brevard County 2015 Local Mitigation Strategy (LMS)

The action group Brevard Prepares established a number of goals and objectives to guide the development of the LMS. The goals and objectives are oriented to focusing the LMS mitigation planning effort to achieve an end result that matches the unique needs, capabilities and desires of the participating jurisdictions.

Brevard County Emergency Management, coupled with a number of community stakeholders, prepared the LMS which is updated every five years to include current data and implementation strategies. The collaborative effort includes all 16 municipal jurisdictions and the County, as well as the American Red Cross, Health First, the Home Builders and Contractors Association, Eastern Florida State College, Florida Power & Light, St. Johns River Water Management District, Florida Solar Energy Center, Harris Corporation, Circles of Care, Brevard Amateur Radio Services, Brevard Public Schools, and Wueshoff Health System.

The goal of the LMS is to provide Brevard County residents, businesses and industries, non-profit organizations, and local governments the education and support necessary to reduce the loss of life and human suffering; to minimize property damage; and to protect environmentally sensitive areas from all types of disasters through a comprehensive, risk-based, all-hazard emergency management program. The principal purposes of the LMS include the following: Provide a methodical, substantive approach to mitigation planning; Enhance public awareness; Create a decision tool for management; Promote compliance with state and federal program requirements; Enhance local policies for hazard mitigation capability; assure inter-jurisdictional coordination of mitigation-related programming; and Create jurisdiction-specific hazard mitigation plans for implementation.

The LMS provides a Hazard Identification and Vulnerability Assessment for each participating jurisdiction, including land uses and population growth trends, existing policies and plans incorporating mitigation goals and actions, identified critical

facilities present in the community, and properties that have been damaged multiple times by past disasters. The LMS profile for the Town of Melbourne Beach is as follows:

“The Town of Melbourne Beach is built-out. Recent development trends include redevelopment of parcels due to the lack of vacant land on which to develop. As these new structures are completed, it has decreased the Town's vulnerability as new construction meets updated codes.

Over the last five years, a local floodplain ordinance has been established, the Town has joined the Community Rating System program as of 2015, a permanent Floodplain Administrator has been hired, and repetitive loss properties have been reduced to two areas by implementing stormwater mitigation projects. Current Stormwater projects, in process, will mitigate flooding problem areas.

Website information has been updated to include Floodplain Ordinance topics. Future land use plans have been amended to not include any increase in density, or lot coverage. New construction project guidelines regarding swales, stormwater run-off, and storm drain protection have been updated by certified and trained permitting staff.

The Public Works employees are now required to complete NPDES training. Beach sea oats planting projects are ongoing through local community involvement. Emergency management plans are being updated to include Police, Fire, Public Works and Building Departments. The Police and Fire Departments are currently updating radio communications for future mutual aid conditions during statewide emergency declarations.

All of the projects listed and the development trends have made the town less vulnerable and more resilient to disasters”.

The LMS individualized mitigation plan for the Town of Melbourne Beach is as follows:

“The Town of Melbourne Beach is located in the southeastern coastal section of Brevard County and is susceptible to a wide variety of climatic, technological and societal hazards”

Top LMS listed hazards for Melbourne Beach include: High winds associated with thunderstorms, tropical storms and hurricanes; storm surge created by tropical systems and severe winter storms; flooding of normally dry areas resulting from storm surge or intense, short-term rain associated with a thunderstorm; coastal erosion due to natural processes and/or human activity; and sea level rise caused by climate change which alters weather patterns.

The LMS includes a matrix identifying all critical facilities in each of the municipalities in Brevard County. A summary matrix, including the critical facilities in the Town of Melbourne Beach and their vulnerabilities to specific hazards is presented in Table 1.

**Table 1
Melbourne Beach Vulnerability Matrix**

Facility Name	Address	Flood Zone	Wind Zone (MPH)	Storm Surge Zone	Fire Risk	Type
Community Chapel	501 Ocean Ave.	X-500	111-115	Category 3	Low	Other
Grace Lutheran Church	1805 Oak St.	X-500	111-115	Category 3	Low	Other
Police Department	505 Ocean Ave.	X-500	111-115	Category 3	Low	Other
Public Works Dept.	507 Ocean Ave.	X-500	111-115	Category 3	Low	Other
Town Hall	570 Ocean Ave.	X-500	111-115	Category 3	Low	Other
U.S. Post Office	504 Ocean Ave.	X-500	111-115	Category 3	Low	Other

Source: Brevard County Local Mitigation Strategy

3. Brevard County Emergency Management (BREM)

BREM is responsible for coordinating the review of all local jurisdictions mitigation programs and policies. To complete this task, BREM has conducted county and municipal departmental interviews to identify the mitigation programs and policies. The following Melbourne Beach operating departments are identified as performing functions related to hazard mitigation:

- **Public Works Department**

The Department provides four specific types of services: vehicle and equipment maintenance, building maintenance, road and sign maintenance, and parks and grounds maintenance. The Department repairs and performs preventative maintenance and modifications to all Town structures, cleans and repairs all storm drain inlets, cleans storm drain swales, maintains 16 miles of Town streets, replaces damaged signs, and installs new signs as required. The Public Works Department also maintains all of the Town parks and implements beautification and mitigation projects.

Recent stormwater mitigation projects have reduced the potential for future repetitive loss to only two areas. Current stormwater projects have alleviated flooding problem areas. Public Works employees are now required to complete NPDES training to help recognize areas that can be improved upon.

- **Building Department**

The Building Official is designated by the Town Manager and charged with the administration, interpretation and enforcement of the building code, flood control, coastal construction, coastal setback regulation, landscaping and trees, environmentally sensitive lands and concurrency, as set forth in the Land Development Code.

New construction project guidelines regarding swales, stormwater run-off, and storm drain protection have been updated and appropriate permitting staff trained and certified.

- **Zoning Department**

The Zoning Official is designated by the Town Manager and charged with the administration, interpretation, and enforcement of general code administration, comprehensive planning, subdivision regulation, zoning regulation, takings, vested rights, and due process, all as set forth in the Land Development Code. Future land use plans do not include any increase in density or lot coverage. A local floodplain ordinance has been established along with webpage updates to include floodplain topics. The Town of Melbourne Beach has also joined the Community Rating System as of 2015 and hired a permanent Floodplain Administrator. The Town's emergency management plans are being updated.

- **Volunteer Fire Department**

The Town has a Volunteer Fire Department which consists of 30 volunteers. The department operates out the City's one fire station. The Fire Department's ISO rating is 4.

The department has 2 engines, a 4WD mini-pumper equipped with a 10,000 pound winch, a 12-foot RHIB rescue boat, a 19' Carolina skiff rescue boat with full radio and light packages, and a 4X4 ATV. Above and beyond regular firefighting, the Fire Department aggressively trains to U.S. Coast Guard standards for Search and Rescue in marine environments (ocean and inter-coastal waterway).

The Fire Department answers, on average, 110 calls per year. It is on standby during emergency situations, is part of the Beach Strike Team for urban interface fires, and assists with hurricane evacuation and post-disaster operations.

Fire prevention efforts include education of local students via annual visits to area schools. The Fire Department mitigates disaster by performing fire and life safety inspections to businesses and homeowners and fire systems plan review, and providing homeowner insurance information. The Fire Department accomplishments include improvements to communication systems, acquiring equipment for emergency response, and conducting staff training and exercises.

- **Police Department**

The prime function of the Melbourne Beach Police Department is the preservation of peace and order, the prevention and detection of crime, the apprehension of offenders, the protection of persons and property under the laws of the State of Florida, the ordinances of the Town of Melbourne Beach, and the performance of a multitude of tasks relating to public welfare and safety. The department also plays a role in hurricane evacuation and post-disaster operations. This includes re-entry to the City after a disaster. The Department is also updating radio systems to improve mutual aid and other emergency communications.

F. National Flood Insurance Program (NFIP)

The National Flood Insurance Program (NFIP) provides federally underwritten private flood insurance to homeowners. Although the NFIP is nominally a voluntary program, in reality it is a de facto requirement for most homeowners. Typically, property-owners in a Federal Emergency Management Agency (FEMA) designated floodplain (an area with a 1% chance of flooding in any given year) are required to have flood insurance in order to secure a mortgage. Once a mortgage is paid off, homeowners typically retain insurance to preserve their investment.

The National Flood Insurance Program's (NFIP's) Community Rating System (CRS) incentivizes implementation of floodplain management practices that exceed the Federal minimum requirements of the NFIP. CRS is a voluntary program that provides for reductions in flood insurance premiums by 5 to a maximum of 45 percent for policy holders with insurable property in flood zones located within CRS communities. The CRS recognizes 19 creditable activities organized under four categories: Public Information, Mapping and Regulations, Flood Damage Reduction, and Warning and Response.

Communities can elect to undertake any or all of these activities. Based on the number of credit points received, a community earns a rank in one of ten CRS classes.

The CRS recognizes, encourages, and rewards community and State activities that go beyond the minimum required by the NFIP by offering flood insurance premium adjustments if they:

1. Reduce and avoid flood damage to insurable property.
2. Strengthen and support the insurance aspects of the NFIP.
3. Foster comprehensive floodplain management.

Melbourne Beach commissioned a CRS Study by the East Central Regional Planning Council in January 2019. The report focused on how the Town of Melbourne Beach currently benefits from the NFIP CRS as well as exploring the potential for class improvement. The Town currently holds a CRS Class 8 score on a scale of 1 to 10, with one being the highest achievable score. The report gathered data from the State of Florida and examined some of the common activities that other small communities implement to receive credit in order to assist the Town of Melbourne Beach determining the best course of action.

Following completion of the report, the Town decided to remain in the CRS program at a Class 8 designation and not pursue a class improvement due to additional funding and personnel requirements to administer the program.

G. Analysis of Notification Issues

The following paragraphs comprise an assessment of the four State Comprehensive Planning Law issues identified in the Town's Notification Letter.

1. Development and redevelopment principles and strategies that reduce flood risk in the coastal area.

The Town, through its Code of Ordinances, specifically Chapter 4A Article II *Adoption of Building Codes*, Article X *Coastal Construction*, Article XII *Floodplain Management* has implemented Florida Building Code standards, including minimum first-floor elevations and the use of flood resistant materials and construction practices to reduce flood risk in new developments and redevelopment in the Special Flood Hazard Area (Flood Zones AE and VE). Further, Code Chapter 7A *Zoning Section 7A-70 Federal and State Elevation Certificates and Documentation* requires new and substantial improvements construction to procure an elevation certificate from the Town.

In addition, through its web site and a web, page devoted to stormwater management, the Town has implemented a public education program identifying private property protection measures to minimize flood-related damage.

2. Development and redevelopment principles and strategies that result in the removal of coastal real property from flood zone designations.

The Special Flood Hazard Areas of Melbourne Beach includes primarily developed single-family residential lots that border the Indian River Lagoon and Atlantic Ocean. The Town has no programs or policies to remove these areas from the Special Flood Hazard Area. However, Article II defines and addresses substantial improvements. The regulations do not result in the removal of properties from a Special Flood Hazard Area; however, they are intended to prevent or minimize future risks of damage due to flooding, including the use of flood resistant elevations, construction materials and practices.

3. Requirements for consistency with the flood-resistant construction requirements of the Florida Building Code.

Town Code of Section 4A requires that major structures must conform to state minimum building code requirements and constructed and located in compliance with National Flood Insurance Program regulations. Any development activity within a flood hazard area, or partially within a this area is required to obtain a permit or approval from the Floodplain Administrator. The Town Code also requires that new construction and substantial improvements utilize construction methods and practices that minimize flood damage, and include materials and utility equipment resistant to flood damage.

4. Participation in the National Flood Insurance Program Community Rating System (CRS).

Melbourne Beach currently participates in the CRS. Through participation in the CRS program, the Town has achieved a CRS Rating of 8, which has resulted in a 10% reduction of NFIP rates. Consistent with this effort, the Town also participates in the following programs to heighten public awareness on the issue of disaster preparedness and risk reduction strategies: (1) Local Mitigation Strategy; (2) Brevard County Emergency Management Plan; and (3) East Central Florida Regional Planning Council planning activities.

H. Proposed Comprehensive Plan Amendments

Proposed Comprehensive Plan amendments, presented in Exhibit 3 *Reduction of Flood Risk Amendments*, are based upon the results of the vulnerability assessment and related interaction with residents, an analysis of current Town plans and programs, and the Town's participation in county, regional and federal flood protection programs.

III. FIVE-YEAR SCHEDULE OF IMPROVEMENTS AMENDMENTS

Rather than include the required Five-Year Schedule of Capital Improvements within the Capital Improvements Element of the Comprehensive Plan, the Town of Melbourne Beach has elected to utilize the alternative method of annual review and update provided in Florida Statutes Chapter 163.3177 (3) (b). The alternative method provides

that the Five-Year Schedule of Capital Improvements may be accomplished by Town Ordinance and not deemed an amendment to the Comprehensive Plan. However, the alternative method of Five-Year Schedule of Improvements adoption is referenced in Table x of the Capital Improvements element.

Based upon the alternate method, the Five-Year Schedule of Capital Improvements is referred to the Town's annual budget process and revisions to Policies 1.2 and 1.3 are made to implement the alternative procedure.

IV. UPDATES RELATED TO CHANGES IN LOCAL CONDITIONS

A. Ten-Year Water Supply Facilities Work Plan Update

1. Support Documentation

The Town's Evaluation and Appraisal Notification Letter identified the update of the Town's Ten-Year Water Supply Facilities Work Plan as an item to be completed as a component of the EAR-based Comprehensive Plan amendments.

Melbourne Beach residential and non-residential users purchase retail water directly from the City of Melbourne which is enabled through a 30-year Water Franchise Agreement enacted on June 10, 2018. The Agreement grants the City of Melbourne the non-exclusive right to operate a potable water distribution system within Melbourne Beach and to sell and distribute water through said system. Specifically, the Agreement grants the City of Melbourne the right to erect, maintain and operate a potable water distribution system in order to provide potable water service to customers within Melbourne Beach.

Per the Florida Department of Economic Opportunity Division of Community Development Bureau of Community Planning document entitled: "A Guide to the Preparation of the Water supply Facilities Work Plan", local governments with no water supply responsibility need only compile the following data and analysis:

1. Population and Water Demand Projections for at least a 10-year period, and a discussion of reuse and conservation methods to reduce demand during the projection period.

The City of Melbourne has a consumptive use permit (CUP) from the St. Johns River Water Management District for its potable water system. The permit (CUP No. 50301) will expire in 2019.

The City has proposed population and water use projections which are being reviewed by the St. Johns Water Management District as part of the CUP renewal process. Proposed projections for the Melbourne service area are presented in Table 2, assuming a consumption rate of 100 gallons per capita per day (gpcd). If approved, the projections will be used in the Town of Melbourne Water Facilities Work Plan Update.

Melbourne Beach population and water use projections are not prepared by Melbourne as part of its CUP and Water Supply Facilities Work Plans. However, Town-prepared projections are used in Table 3 to project Melbourne Beach water demand.

Table 2
City of Melbourne Potable Water Service Area
Population and Potable Water Consumption Projections

<i>Year</i>	<i>Population Projection</i>	<i>Potable Water Consumption (mgd)</i>
2020	192,966	19.2
2025	202,847	20.3
2030	211,121	21.1

Source: Town of Melbourne, St. Johns Water Management District; April 2019

Table 3
Town of Melbourne Beach
Population and Potable Water Consumption Projections

<i>Year</i>	<i>Population Projection</i>	<i>Potable Water Consumption (mgd)</i>
2015	3,398	0.3398
2020	3,426	0.3426
2025	3,454	0.3454
2030	3,482	0.3482

Source: Melbourne Beach Comprehensive Plan; Place Planning and Design; April 2019.

Section 10 of the Water Franchise Agreement states that Melbourne Beach will ,at its discretion, cooperate with and support Melbourne with implementation of water conservation plans and consider municipal ordinances relating to adopting codes for using cross-connection prevention devices, ultra-low flow water fixtures, and moisture sensing devises for irrigation systems and or xeriscape landscaping alternatives. Further, the City of Melbourne may, in its sole discretion, discontinue water services to any customer pursuant to Melbourne’s systematic rules and regulations in an effort to enforce compliance with water conservation plans.

2. If the supplier is another local government, demonstration that it has the capacity through its Water Supply Facilities Work Plan or plans to provide adequate capacity. The Town of Melbourne CUP is due to expire in 2019. The Town is currently

negotiating with the St. Johns Water Management District to renew the CUP. Upon renewal, the Town can update its Water Supply Facilities Work Plan.

2. Ten-Year Water Supply Facilities Work Plan Amendments

(NOTE: To be included if necessary following completion of the Town of Melbourne Five Year Water Supply Facilities Work Plan Update)

B. Future Land Use Map Series Amendments

It is necessary to update the Future Land Use Map Series to indicate the projection date of 2030, as well as any new or edited maps resulting from the EAR process. EAR process Maps are included in Exhibit 5.

EXHIBIT 1
MELBOURNE BEACH EVALUATION AND APPRAISAL NOTIFICATION



Town of Melbourne Beach

January 26, 2018

RECEIVED
JAN 31 2018
Office of Community Development
Economic Growth

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison Street MSC - 160
Tallahassee, Florida 32399-4120

Re: Submittal of Evaluation and Appraisal Notification for the Town of Melbourne Beach (Brevard County).

Dear Mr. Eubanks:

Pursuant to the requirements of F.S. 163.3191(1), please accept this letter as the Evaluation and Appraisal Notification (Notification) for the Town of Melbourne Beach. In completing the Notification, the Town has researched changes in state comprehensive planning requirements since the date of its last (2009) Evaluation and Appraisal Report (EAR).

Based upon the Town's research into the matter, the principal amendments necessary to reflect updated state comprehensive planning requirements are those included in F.S. 163.3178 (2)(f) (Coastal Management Element) and F.S. 163.3177(3)(b) (Capital Improvements Element).

The following are to be reviewed and appropriately incorporated within the Coastal Management Element of the Town's Comprehensive Plan:

1. Development and redevelopment principles and strategies that reduce flood risk in the coastal area resulting from high-tide events, storm surge, flash floods, Stormwater runoff and the related impacts of sea-level rise.
2. Development and redevelopment principles and strategies that result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Requirements for consistency with the flood-resistant construction requirements of the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

4. Participation in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for Town residents.

The Town will also review the Capital Improvements Element 5-year capital improvements schedule requirement to determine if future modifications are to be accomplished by ordinance as opposed to a Comprehensive Plan amendment. Based upon this determination, appropriate amendments to the Capital Improvements Element will be made.

In addition to a review of updated state requirements, the Town has determined that the Comprehensive Plan requires the following additional amendments to appropriately reflect current conditions:

1. Ten-Year Water Supply Facilities Work Plan Sub-Element update (Sub-Element Update). The Town anticipates updating the Sub-Element Update to maintain consistency with the 2018 Central Springs East Coast (CSEC) Water Supply Plan update by the St. Johns River Water Management District. An adoption date of the CSEC Water Supply Plan update is anticipated in December 2018.

ju

2. Updates to reflect current conditions: Updates include editing statutory and administrative code references in the Comprehensive Plan, and updating the planning period and population projections.

3. Updates to reflect additional local issues. Additional updates, unknown at this time, to address issues that arise during the course of the EAR update process may be included.

The Town will review the above items and transmit appropriate Comprehensive Plan amendments to the State Land Planning Agency. A transmittal date sufficient to allow for the incorporation of the 2018 Central Springs East Coast (CSEC) Water Supply Plan update is proposed.

Any questions regarding this submittal may be addressed to:

Robert J. Daniels	Tel: (321) 724-5860
Town Manager	FAX: (321) 984-8994
Town of Melbourne Beach	E-Mail: townmanager@melbournebeachfl.org
507 Ocean Avenue	
Melbourne Beach, FL 32951-8994	

Respectfully submitted,



Robert J. Daniels
Town Manager

507 Ocean Avenue, Melbourne Beach, Florida 32951

(321) 724-5860 phone

(321) 984-8994 fax

Brevard County's Oldest Beach Community * Established 1883

EXHIBIT 2
FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY
CONFIRMATION LETTER

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

January 31, 2018

Mr. Robert J. Daniels
Town Manager
Town of Melbourne Beach
507 Ocean Avenue
Melbourne, Beach 32951-8994

RE: Melbourne Beach Evaluation and Appraisal Notification Letter

Dear Mr. Daniels,

This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter which was due on October 1, 2017, and received by the Department on January 31, 2018.

Please note that your proposed comprehensive plan amendments based on your Evaluation and Appraisal should be transmitted to the Department by January 31, 2019, within one year of your notification, pursuant to Section 163.3191(2), Florida Statutes. The amendments are subject to the State Coordinated Review Process as outlined in Section 163.3184(4), Florida Statutes.

Mr. Adam Antony Biblo of the Department's staff is available to assist and provide technical guidance to your questions concerning the contents of the Evaluation and Appraisal based comprehensive plan amendments and may be reached at (850) 717-8503.

If you have any questions concerning the processing of the Evaluation and Appraisal based amendments, please contact Mr. Ray Eubanks, Plan Processing Administrator, at (850) 717-8483.

Sincerely,

D. Ray Eubanks
Plan Processing Administrator

DRE/me

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

EXHIBIT 3
REDUCTION OF FLOOD RISK AMENDMENTS
Comprehensive Plan Policy Revisions and Additions

Town goals, objectives and policies that address the requirements of F.S. 163.3178 (2) (f) are included in the following elements of the Comprehensive Plan. These objectives are appropriate locations for F.S. 163.3178 (2) (f) – based amendments to the Melbourne Beach Comprehensive Plan. Proposed additions are indicated in underline format.

Future Land Use Element

GOAL

Promote safe, quality residential development and/or restoration.

OBJECTIVE 7.0:

Ensure all new construction and/or redevelopment is consistent with requirements for flood prone areas, is resilient and considers peril of flood issues, and that residential densities are consistent with Town, county, and regional Hurricane evacuation plans.

Policy 7.1:

Maintain up-to-date copies of State and Federal Regulations regarding development and/or redevelopment within flood prone areas and ensure that developments within areas identified on the Flood Hazard Boundary Map and/or the Flood Insurance Rate Map comply with appropriate requirements.

Policy 7.2:

Ensure that Ordinances of the Town are in conformance with County, State and Federal Rules and Regulations regarding development and redevelopment within “Coastal High Hazard Areas.”

Policy 7.3:

Review, analyze, and amend as determined necessary, Code of Ordinances requirements regarding repair or reconstruction of damaged properties including those provisions that apply to Coastal High Hazard Area.

Policy 7.4:

Periodically review and revise as necessary, permitted densities within the zoning ordinance to ensure that the population densities do not exceed those that will allow the Town to meet adopted hurricane evacuation timeframes.

GOAL

Encourage the preservation of natural features in existing and future developments, and incorporate resiliency practices that protect from the peril of floods.

OBJECTIVE 14.0:

Continue to maintain and strengthen tree preservation and landscape ordinances, encouraging the use of indigenous vegetation.

Policy 14.2:

Continue to enforce regulations regarding building setbacks from the dune.

Policy 14.4 (new policy)

Stringently enforce protection of vegetation along the lagoon to enhance shoreline protection, erosion control and water quality.

Policy 14.5 (new policy)

Promote the revegetation of mangroves, grasses and other appropriate plantings as listed in the Coastal element of this plan.

Housing Element

GOAL

The provision of safe, sanitary living conditions, in viable neighborhoods for present and future residents of the town.

OBJECTIVE 1.0:

Insure that all residential structures are maintained in a safe sanitary condition.

Policy 1.1:

The Town shall continue with strict enforcement of the Florida Building Code and Florida Residential Building Code and adopt revisions to these codes as appropriate to ensure that new building material and techniques are permitted in Melbourne Beach.

Policy 1.2 (new policy)

The Town shall require additional base elevation as needed in areas that will be impacted due to the effects of high tides, sea level rise and storm surge for new construction or reconstruction of substantially damaged structures.

Coastal Management Element

GOAL

Preserve, protect and enhance the coastal resources as development or redevelopment occurs in Melbourne Beach.

OBJECTIVE 1:

Protect existing native vegetation as development or redevelopment occurs.

Policy 1.1:

Native vegetation communities such as those located in dunes along the ocean and along the lagoon to the west shall be preserved and incorporated in any development or redevelopment project through procedures adopted in the Code of Ordinances.

Policy 1.2:

The Town shall coordinate with the State, Brevard County and local agencies to provide for the reestablishment of shoreline vegetation where it has been removed to enhance resiliency and protect residents and property from the perils of flood.

OBJECTIVE 2:

To promote resiliency, the Town shall continue to coordinate with the applicable Federal, State, County and agencies in order to protect the beach and dune system from the perils of flood as a viable feature providing storm protection for upland property and serving as an important recreation and aesthetic resource.

Policy 2.1:

Codes that control and regulate construction activities ~~in the coastal zone areas~~ 100-year flood zones that promote resiliency and protect the town from the perils of flood shall be shall be adopted and enforced consistently throughout the Town that promote resiliency and protect from the perils of flood.

Policy 2.2:

Codes shall be updated when necessary to conform to new state regulations and advances in the understanding of the coastal process.

Policy 2.3:

The coastal building setback requirement shall be modified when necessary to allow the setback line to follow any repositioning of the Coastal Construction Control Line (CCCL) or future implementation of an Adaptation Action Area.

Policy 2.5:

The development code shall specify the appropriate vegetation for planting in dunes, and that such vegetation shall be protected from pedestrian and vehicular traffic. Any construction or reconstruction of beach access shall provide for dune crossing over walks.

GOAL

Protect human life and limit public expenditures in areas subject to destruction by natural disasters.

OBJECTIVE 5

Limit public expenditures that subsidize development permitted in coastal high-hazard areas or Coastal Planning Areas except for restoration and enhancement of natural resources.

Policy 5.1:

No construction or development activity shall be permitted, except through the Florida Department of Environmental Protection, seaward of the Coastal Construction Control Line (CCCL) unless it is intended for restoration and enhancement of natural resources or is the minimum development technique to allow reasonable use of the land while preserving natural coastal features.

Policy 5.2:

Existing permanent structures protruding into the coastal high-hazard areas shall be required to meet the most recent version of coastal building codes and regulations established by the Florida Department of Environmental Protection when redevelopment occurs on the property.

Policy 5.3:

The Coastal High Hazard Area is the area below the elevation of the category 1 storm surge line established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. This encompasses that portion of the Town as depicted on Map 2 (2020 2030 Future Land Use) and Map 9 (Coastal High Hazard Area). Public infrastructure within this area, as well as within the Coastal Planning Area, may be built and reconstructed when necessary but not for the purpose of facilitating an increase in permitted density.

Policy 5.4: (new policy)

Include the Coastal Planning Area (CPA) as a layer within the future land use element. Periodically review and revise as necessary based on available information.

OBJECTIVE 6

The Town shall maintain an out of County evacuation time of less than sixteen (16) hours for a Category 5 storm event.

Policy 6.1:

The Town shall cooperate with, and support, Brevard County in planning for hurricane evacuation.

OBJECTIVE 7:

The Town shall continue to coordinate with the Brevard County Emergency Management Office to provide immediate response to post-hurricane situations.

Policy 7.1:

The current Local Peacetime Emergency Plan shall be modified to comply with the policies under this objective, and shall contain step-by-step details for post-disaster recovery operations.

Policy 7.2:

After a hurricane but prior to re-entry of the population into the evacuated areas, the ~~Town Commission~~ staff responsible for emergency response shall assess the damage, report to the Town Commission if possible, meet to hear preliminary damage assessments, appoint a Recovery Task Force, and consider may recommend a temporary moratorium on building activities not necessary for the public health, safety and welfare.

Policy 7.3:

The Recovery Task Force shall review and decide upon emergency building permits, and repair and cleanup actions needed to protect public health and safety; coordinate with County, State and Federal officials to prepare disaster assistance applications; develop a redevelopment plan; and recommend amendments to the Comprehensive Plan, Local Peacetime Emergency Plan, and other appropriate policies and procedures.

Policy 7.4:

Repairs to potable water, waste water, and power facilities; removal of debris; stabilization or removal of structures about to collapse; and minimal repairs to make dwellings habitable shall receive first priority in permitting decisions. Such repairs within the Coastal Planning Area shall receive the first and highest priority. Long term redevelopment activities shall be postponed until the Recovery Task Force has completed its tasks.

Policy 7.5:

Structures destroyed by any means ~~to an extent of more than 50% of the replacement cost at the time of destruction~~ shall not be reconstructed except in compliance with the Code of Ordinances.

GOAL (new Goal Objectives and Policies)

Protect, conserve, maintain and enhance the Town's coastal resources from the natural processes attributable to sea level rise, storm surge, erosion and flooding.

OBJECTIVE 9

The Town shall continue to limit human-induced dune and beach damage and expand maintenance and restoration efforts, while balancing these with the need to provide beach access to the public for recreational purposes.

Policy 9.1

At a minimum, the Town shall utilize the following means of obtaining this objective:

- A. Enforcement of existing regulations and penalties for violations;
- B. Continuation and updating of existing communication efforts;
- C. Cooperative ventures for dune protection and maintenance with ocean-front property owners, citizens, and local volunteer organizations;
- D. Municipal capital outlays for enforcement and resource management;
- E. Continuing Town research and implementation of the latest dune management techniques.

Policy 9.2

The Town shall maintain and replace as necessary dune cross-overs at all public access points to beaches in accordance with the latest dune protection design standards, including barriers to prohibit user access to adjoining vegetative areas; transportation or parking facilities with appropriate shielded lighting for beach access; and appropriate warning signage to users regarding improper access and penalties for such action.

Policy 9.3

The Town shall maintain or as resources allow expand its capability to achieve Policy 9.2.

Policy 9.4

The Town shall minimize the disturbance of natural shorelines by improving shoreline stabilization, protection and habitat. Living shoreline elements, including, but not limited to plantings that stabilize the shoreline and inhibit erosion, shall be prioritized over new or replacement armoring (e.g. man-made walls or bolder rocks, etc.)in the CPA. If evidence demonstrates that a living shoreline, by itself, is not sufficient to protect property and life, additional structural elements may be utilized; however, structural elements must be accompanied by living shoreline elements, where effective and feasible.

Policy 9.5

The Town shall research and implement where feasible the latest techniques to strengthen the integrity of the Town's sand dune system, such as the planting of vegetative native to said systems.

Policy 9.6

The Town shall consider incorporating a living shoreline element within the Master Drainage Plan to counter the loss of shoreline and sand dunes due to the effects of sea level rise.

Policy 9.7

The Town shall conduct post-storm coastal monitoring to assess beach erosion impacts and monitor subsequent beach recovery progress and additional recovery needs.

Policy 9.8

The Town shall, where appropriate and to the extent physically and financially feasible while considering impacts from sea level rise and flooding, maintain and preserve all public access and water-related recreational facilities and shall inventory existing public access to the lagoon and water-related recreational facilities to identify deficiencies and opportunities.

Policy 9.9

The Town shall work internally and with stakeholders to seek public and private funding for adaptation projects to address the impacts of flooding within the CPA.

Policy 9.10

The Town shall seek opportunities to collaborate with academic and scientific organizations to serve as a monitoring location for sea level rise.

Policy 9.11

As part of subsequent Evaluation and Appraisal Reports (EARs), the Town shall compare the extent of sea level rise relative to past predictions herein and modify policies accordingly.

OBJECTIVE 10

To protect, conserve, maintain and enhance the Town's resources proximate to the Indian River Lagoon from the natural processes attributable to sea level rise, flooding and sea level rise.

Policy 10.1

The Town shall continue to cooperate with the Indian River Lagoon National Estuary Program, Florida Department of Environmental protection, St. Johns River Water Management District, Brevard County , and other communities to achieve the goals, objectives, and policies of the Indian River Lagoon Comprehensive Conservation and Management Plan; to protect, conserve, enhance wetlands; marine resources; estuarine, surface and ground water quality; watersheds; wildlife habitat; natural areas and open space for outdoor recreation and enjoyment to the extent that fiscal resources permit.

Policy 10.2

The Town shall continue enforcing the fertilizer-free zone regulations in Section 27-54 of the land development code for properties along the Indian River Lagoon.

Policy 10.3

The Town will encourage the planting of landscaping known for cleansing and absorption properties in the Town-maintained List of Water Cleansing Plants within 10 feet of the Indian River Lagoon.

Policy 10.4

The Town shall participate in programs, including Keep Brevard Beautiful, that educate property owners on the benefits and creation of lagoon-friendly yards and recognize property owners utilizing such principles.

Policy 10.5

The Town shall encourage and be involved in Brevard County programs creating oyster beds in the Indian River Lagoon as both a way of improving water quality and expanding the local and regional economy through aquaculture opportunities.

Policy 10.6

The Town shall examine the possibility of creating minimum height standards for all new, reconstructed, and substantially improved seawalls along the Indian River Lagoon to counter the impacts of rising river levels.

Policy 10.7

The Town shall continue to enforce, and strengthen when determined necessary, its Wetland Protection regulations under Article 1, Chapter 11A of Appendix 1, Land Development Code.

Policy 10.8

The Town shall continue to enforce the erosion and sediment control provisions under its National Pollutant Discharge Elimination System Permit.

Policy 10.9

The Town shall continue to direct property owners to the proper state and/or federal regulatory agencies when considering the removal of grass beds and other submerged habitat.

Policy 10.10

The Town shall continue to administer or cooperate with the programs of other organizations in providing information on protecting the West Indian manatee within the Indian River Lagoon.

Policy 10.11

The Town shall continue to work with appropriate regulatory bodies regarding construction activities involving the waters of the State of Florida or the United States.

Policy 10.12

The Town shall continue to coordinate with appropriate local, state, and federal agencies regarding the monitoring of local waters, including the Indian River Lagoon.

Policy 10.13

The Town shall participate in future updates to the Indian River Lagoon Comprehensive Conservation and Management Plan, most recently updated in 2008, and will continue to support and implement the action plan items applicable to the Town.

GOAL

Protect, conserve, maintain, and enhance the Town's infrastructure, built, and human environment from the natural processes attributable to sea level rise, storm surge and flooding, with primary focus on areas proximate to the Atlantic Ocean and Indian River Lagoon.

OBJECTIVE 11

Development, redevelopment, rebuilds, retrofits and additions in the Town shall be planned and managed through strategies and design principles that are consistent with sound planning practices that protect life and property from the effects of flooding, storm surge and related impacts of sea level rise and that protect the long-term financial viability of the Town.

Policy 11.1

The Town shall consider prohibiting the increase in development density within the CPA if applications for such increase would be contrary to Objective 11 above.

Policy 11.2

All new development and redevelopment shall be consistent with, or more stringent than, the flood resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. Part 60.

Policy 11.3

At the time of the next Master Drainage Plan update, consider incorporating green infrastructure elements, including such techniques as rain barrels, rain gardens, native landscaping, cisterns, and permeable pavement, particularly on Town-owned properties.

Policy 11.4

The Town shall only allow development and redevelopment where consistent with sound planning and engineering practices that shall protect life, the subject property, and adjoining properties from the effects of coastal erosion, flooding, sea level rise, or damage to environmental systems.

Policy 11.5

The Town shall continue to regulate repairs and improvements to all buildings in terms of substantial improvements or damage by requiring compliance with flood plain management provisions of the Town code. In addition, development standards shall be updated to reflect revised flood elevations, as updated information becomes available from FEMA.

Policy 11.6

The Town shall research and amend as necessary, its Land Development Regulations during each successive Evaluation and Appraisal Report review to address the following:

- A. The feasibility of increasing the freeboard requirement for all new or substantially redeveloped properties within a special flood hazard area (SFHA) with defined or revised base flood elevation provided in the applicable FIRM.
- B. The feasibility of requiring all new or substantially redeveloped properties within the SFHA without an elevation provided on the applicable FIRM to elevate the lowest floor to the greater of the standards of Land Development Code §4A-189(2)-(3), or a minimum elevation.
- C. The feasibility of requiring all new or substantially redeveloped properties outside of the SFHA to be built with the lowest floor being at a minimum elevation.

Policy 11.7

The Town shall continue to encourage and work with residents and business owners through educational and other programs in utilizing green infrastructure techniques, per Policy 11.3, in combating the impacts of sea level rise.

Policy 11.8

The Town shall seek opportunities to purchase properties within the Coastal Planning Area and subject to repetitive storm damage through the assistance of the Federal Emergency Management Administration (FEMA), non-profit conservation land trusts, and other sources.

Policy 11.9

The Town shall regularly review the land development regulations that require low-impact development, and will make feasible code revisions, as needed.

Policy 11.10

The Town may utilize, but shall not be limited to, the following tools, site development techniques and strategies for use within the 100-year floodplain to mitigate flooding and effects of sea level rise and storm surge in order to protect property, to the greatest physical and financial extent possible:

- A. Green street techniques, which emulate natural systems, to divert, capture or absorb water in a way to reduce flood impacts on private property, including, but not limited to street trees, landscaped areas and vegetative curb extensions, bioswales, vernacular streetscapes, and roadway re-design.
- B. A Hybrid stormwater master plan to integrate a combination of green and gray (concrete and man-made) infrastructure, including but not limited to bioretention, increasing pipe capacity, stormwater parks, rain gardens/bioswales, pumps, and water flow diversion strategies.
- C. Underground utilities in vulnerable and feasible areas;
- D. Parking standards and parking lot site plan design with greater water capture techniques;
- E. Increase of set-back lines for properties in the CPA;
- F. Natural dune restoration;
- G. Permeable pavement;
- H. Dry and Wet flood proofing of structures; and
- I. Green/Open space

Policy 11.11

The Town shall hold properties in the Coastal Planning Area to their current developed density in order to protect life and property from natural hazards and the effects of sea level rise.

Policy 11.12

The Town shall continue to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for its residents.

Policy 11.13

The Town shall research the potential for purchasing flood panels which could be installed in the event of storm/flooding events to protect municipally-owned building during such events and expedite their return to service.

Policy 11.14

The Town shall study options for the hardening of the lift station located within Ryckman Park and coordinate with Melbourne Utilities to accomplish necessary improvements.

Policy 11.15

The Town shall research using solar energy to run or augment the running capacity of the Town's power generator.

Policy 11.16

The Town may consider limiting the construction of new public infrastructure or public buildings within the Coastal Planning Area if contrary to Objective 11 above. New construction shall conform to the beach access and lighting standards of Section 40-25 of the Town of Melbourne Beach Code of Ordinances.

Policy 11.17

The Town shall construct and maintain its stormwater management system to ensure that water velocities are below the level which could cause scour or erosion.

Policy 11.18

The stormwater master plan shall incorporate an increase in green engineering/infrastructure solutions to reduce run off into the lagoon either directly or indirectly and provide additional opportunities for water capture and filtration. These solutions shall include, but not be limited to, bioswales, water detention/retention ponds, seasonal stormwater parks, trees and other native vegetation, rain gardens and other water flow diversion and capture solutions.

Policy 11.19

The Town shall consider the acquisition of properties in the 100-year flood plain that can be used for public open space and function as part of a hybrid stormwater master plan that utilizes green engineering techniques such as stormwater parks, bioswales, rain gardens and others that will result in the capture of water and provide natural filtration

prior to entering the lagoon and will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency (FEMA). These projects shall be designed in a manner that will allow for continued functionality when considering future effects from sea level rise.

Policy 11.20

The Town shall place the greatest priority and work with service providers on infrastructure construction and reconstruction in the Coastal Planning Area.

Policy 11.21

The Town shall research the latest methodologies for hardening roads and other infrastructure to resist the impacts of sea level rise and flooding within the Coastal Planning Area. Where such methodologies are reasonably feasible, the Land Development Code shall be amended by the next Evaluation and Appraisal Report (EAR) to mandate the use of these methodologies for this area.

Policy 11.22

The Town shall research the feasibility of planting additional canopy trees along State Road A1A/Atlantic Street, Oak Street, Riverside Drive, and Pine Street to assist in stormwater absorption, as well as provide traffic calming.

Policy 11.23

The Town shall continue to research the opportunities, and update the Stormwater Management Plan accordingly, for using green infrastructure as a way of augmenting the Town's traditional stormwater infrastructure to reduce runoff into the Indian River Lagoon and increase the quality of water entering the surficial aquifer while providing for recreation and nature enjoyment opportunities.

Policy 11.24

The Town will integrate sea level rise planning with its plans, procedures and policies based upon the consideration of a range or rise, vulnerability, allowable risk, and project service life from the date of development construction.

Planning periods should include the following: Short-term – impacts to 2040 (20-year planning horizon); medium-term - impacts to 2060 (40-year planning horizon), and long-term impacts to 2000 (80-year planning horizon).

OBJECTIVE 12: The use of public funds for infrastructure improvements which subsidize increased development in the Coastal Planning Area (CPA) may be restricted to those projects which restore or enhance natural resources, are part of the Town's post-disaster redevelopment plan, and/or serve to reduce existing development risks and property hazards such as sea level rise, flooding and storm surge.

Policy 12.1

The Town may limit use of public funds and discourage use of funds by other levels of government that subsidize new private development or redevelopment within the CPA, while prioritizing infrastructure improvement projects which mitigate the impacts of sea level rise and flooding.

Policy 12.2

Public expenditures for capital improvements that promote public access, hazard mitigation and use of coastal areas shall be reviewed through the annual budget process to minimize loss potential and account for future impacts from sea level rise and flooding

Policy 12.3

Any construction activities that are seaward of the coastal construction control lines established pursuant to s. 161.953 shall be consistent with Chapter 161.

Intergovernmental Coordination Element

GOAL

Maximize the effectiveness and efficiency of intergovernmental relationships between the Town of Melbourne Beach and other governmental entities, especially those involved in peril of flood issues.

OBJECTIVE 1.0:

Maintain membership in organizations such as the Space Coast League of Cities and other agencies involved in preparing for peril of flood issues, in order to foster informal intergovernmental relationships.

Policy 1.1:

Ensure that annual membership fees in such organizations are budgeted and Town Representatives attend the organizations meetings.

OBJECTIVE 2.0:

The Town shall review for compatibility, all comprehensive planning elements and subsequent updates of neighboring jurisdictions. Brevard County, the Brevard County School System, the Florida Department of Transportation, and other units of local government providing services to the Town in order to coordinate with the planning and peril of flood-related activities of each jurisdiction.

Policy 2.1:

Continue to work with the Brevard County Comprehensive Planning Steering Committee. The Town participates through representation on the Spacecoast Transportation Planning Organization and the Intergovernmental Coordination Committee.

Capital Improvements Element

GOAL

Undertake actions necessary to adequately provide needed public facilities to all residents of the town in a manner that protects investments in existing facilities and maximizes the use of existing facilities, while considering the risk of flood or sea level rise damage.

OBJECTIVE 2:

Limit public expenditures that are for the purpose of increasing density in coastal high hazard areas (CHHA) and the Coastal Planning Area (CPA).

Policy 2.1:

The Town shall not fund infrastructure in the high hazard coastal area and Coastal Planning Area that subsidizes development.

EXHIBIT 4
FIVE-YEAR SCHEDULE OF IMPROVEMENTS AMENDMENTS
Capital Improvements Element Policy Revisions and Additions

The Town of Melbourne Beach has elected to utilize the alternative method of annual review and update of the Five-Year Schedule of Improvements provided in Florida Statutes Chapter 163.3177 (3) (b); adoption by Town Ordinance. Proposed additions are indicated in underline format. Proposed deletions are indicated in ~~striketrough~~ format.

GOAL

Undertake actions necessary to adequately provide needed public facilities to all residents of the town in a manner that protects investments in existing facilities and maximizes the use of existing facilities.

OBJECTIVE 1:

Provide capital improvements to replace or rebuild worn out, obsolete or eroded facilities when necessary, and include these capital improvements in the 5-Year Schedule of Improvements ~~of this element~~, as soon as the need becomes evident.

Policy 1.2:

~~Proposed capital~~ Capital improvement projects including those proposed by State, Regional, and local entities that provide services to the Town, shall be evaluated and ranked in order of priority according to the following guidelines: included within the Five-Year Schedule of Improvements.

- ~~a) Whether the project is needed to:~~
 - ~~(1) Protect public health and safety;~~
 - ~~(2) Fulfill the Town's legal commitment to provide facilities and services; or~~
 - ~~(3) Preserve or achieve full use of existing facilities.~~

- ~~b) Whether the project:~~
 - ~~(1) Increases efficiency of use of existing facilities;~~
 - ~~(2) Prevents or reduces future improvement cost; or~~
 - ~~(3) Provides service to developed areas lacking some service.~~

Policy 1.3:

The Five-Year Schedule of Capital Improvements shall be revised adopted annually in conjunction with the annual ~~revision of the~~ Town operational budget. ~~The Capital Budget shall be adopted annually as~~ Although part of the operational budget of the Town, the Five-Year Schedule of Capital Improvements shall be adopted by Town Ordinance, and included by reference herein.

**EXHIBIT 5
FUTURE LAND USE MAP SERIES AMENDMENTS**

(Refer to following Pages)

Hurricane Storm Surge Zones

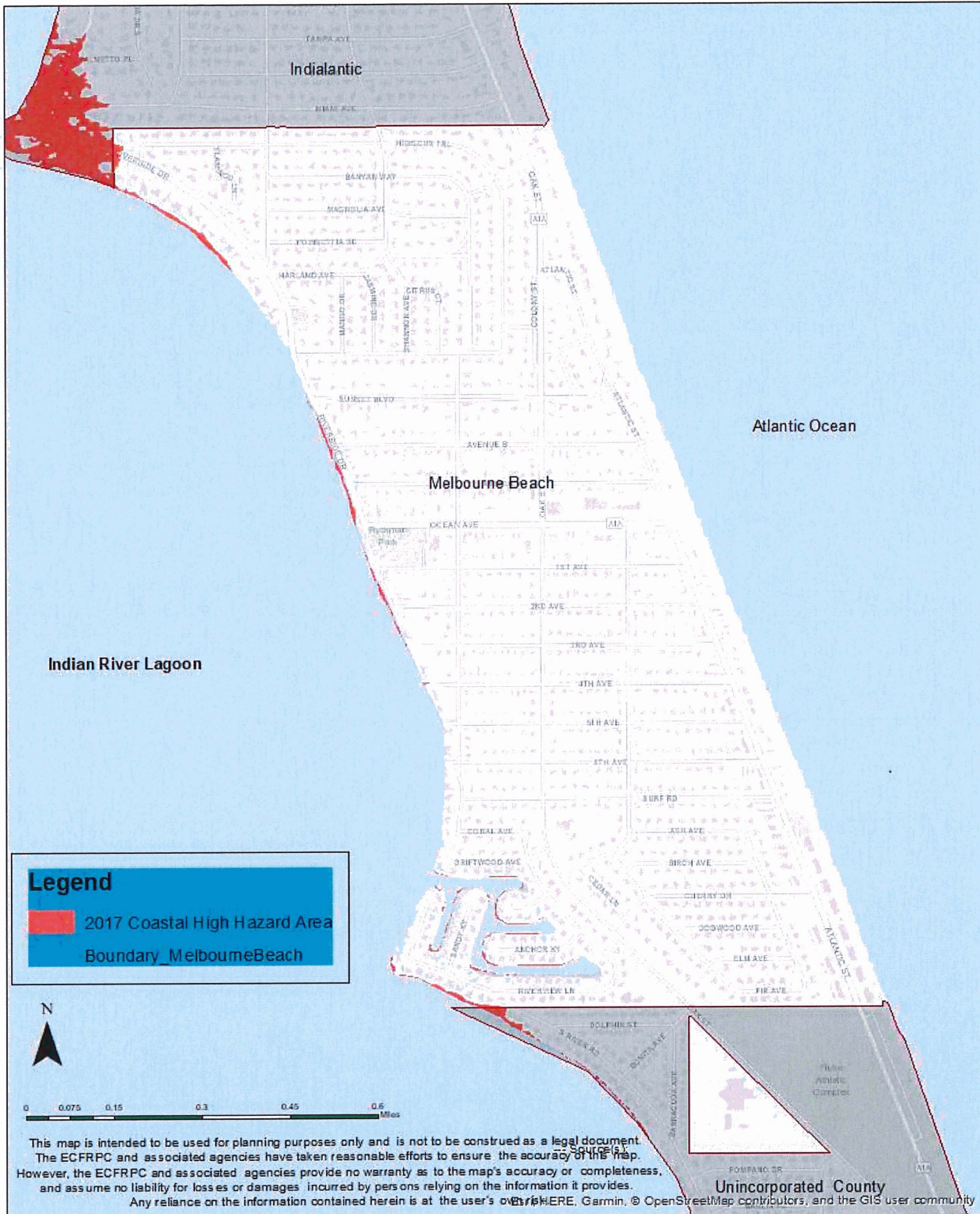


Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community
--- Source(s): SRES (Storm Surge Zones)

FEMA Flood Zones & Critical Facilities



2017 Melbourne Beach Coastal High Hazard Area



Melbourne Beach, FL Coastal Planning Area (CPA)



TOWN OF MELBOURNE BEACH COMPREHENSIVE PLAN

GOALS, OBJECTIVES AND POLICIES



August 2021

CHAPTER 1 INTRODUCTION

Included with the Evaluation and Appraisal Report update of the Melbourne Beach Comprehensive Plan, the Town has opted to create separate Support and Goals, Objectives and Policies documents. In order to complete the task, the September 2010 Town of Melbourne Beach Comprehensive Plan is separated into the following two documents: (1) April 2020 Town of Melbourne Beach Comprehensive Plan Support Documentation; and (2) April 2020 Town of Melbourne Beach Comprehensive Plan Goals, Objectives and Policies.

The April 2020 Town of Melbourne Beach Comprehensive Plan Support Documentation (Support Documentation) consists of data and analysis for each of the Comprehensive Plan Elements extracted from the September 2010 Town of Melbourne Beach Comprehensive Plan. The Support Documentation is adopted by Town Resolution for ease of future updates.

The following April 2020 Town of Melbourne Beach Comprehensive Plan Goals, Objectives and Policies (GOPs) document consists of goals, objectives and policies for each of the Comprehensive Plan Elements extracted from the September 2010 Town of Melbourne Beach Comprehensive Plan and updated, where necessary, from the results of the August 2019 Town of Melbourne Beach Evaluation and Appraisal Report. GOP updates included herein, are presented in underline and strikethrough format so that the revisions can be easily tracked. The GOPs including future updates, are adopted by Ordinance, per Florida Statutes requirements.

General Requirements

Chapter 163.3161 - 163.3197, Florida Statutes (Community Planning Act) establishes basic requirements for the format and content of the Town of Melbourne Beach Comprehensive Plan.

Chapter 163.3164(4), Florida Statutes defines comprehensive plan as “. . . a plan that meets the requirements of Sections 163.3177 and 163.3178”. Section 163.3177 lists required conditions, studies, surveys and elements of the Comprehensive Plan. Further, the following two provisions of Chapter 163, Florida Statutes are emphasized by the State:

1. Melbourne Beach is charged with setting levels of service for public facilities in the Comprehensive Plan in accordance with which development must occur and permits will be issued; and
2. Public facilities and services needed to support development in Melbourne Beach shall be available concurrent with the impacts of such development.

Data and Analysis Requirements

All goals, objectives, policies, standards, findings and conclusions within the Town’s Comprehensive Plan and its support documents shall be based upon relevant and appropriate data. All tables, charts, graphs, maps, figures and data sources, and their limitations shall be clearly described.

The Town is not required to collect original data; however, it is encouraged to utilize any original data necessary to update or refine the Comprehensive Plan data base, as long as methodologies are professionally accepted.

Data used shall be the best available, unless the Town desires original data or special studies. Where data augmentation, updates, or special studies or surveys are deemed necessary, appropriate methodologies shall be clearly described or referenced and shall meet professionally accepted standards for such methodologies.

The Comprehensive Plan shall be based upon resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections shall be either those provided by the University of Florida, Bureau of Economic and Business Research, those provided by the Executive Office of the Governor, or shall be generated by the Town.

Procedural Requirements

The Town’s comprehensive plan shall be adopted and amended pursuant to the procedural requirements of Sections 163.3184 and 163.3187, Florida Statutes.

Goals, Objectives and Policies

The following sections of this document shall comprise the goals, objectives and policies component of the Melbourne Beach Comprehensive Plan:

<u>Element</u>	<u>Chapter</u>
Future Land Use	2
Transportation	3
Housing	4
Infrastructure	5.A
Ten-Year Water Supply Facilities Work Plan Sub-Element	5.B
Coastal Management	6
Conservation	7
Recreation And Open Space	8
Public School Concurrency	9
Intergovernmental Coordination	10
Capital Improvements	11
Private Property Rights	12
Maps	13

Citizen Participation

When the Town begins the adoption or amendment process, it is required by State law that appropriate public hearings be held. Procedures presented in Chapter 163, Part II, Florida Statutes are closely followed and adhered to at that time. As particular issues or matters of an expressed community concern arise, the Local Planning Agency (LPA) may hold additional public meetings or hearings, to address such concerns. Copies of public meeting legal notices are published pursuant to Chapter 166.04 (3) (a), Florida Statutes.

The Town shall review, and revise as necessary, the Five-Year Schedule of Capital Improvements, pursuant to Policy 1.3 of the Capital Improvements Element each year.

Maps Showing Future Conditions

Maps showing future conditions and/or illustrating Comprehensive Plan directives are included within Element 13 *Maps*.

Comprehensive Plan Adoption Ordinance

The comprehensive plan adoption ordinance is included herein by reference. Copies of ordinances and legal notices, published pursuant to Chapter 163, Florida Statutes are on file with the Melbourne Beach Town Clerk.

Support Documentation

The balance of the statutory requirements not specifically cited herein shall be considered as support documentation. These requirements are addressed in the 2010 Town of Melbourne Comprehensive Plan document, and updated by the Melbourne Beach Evaluation and Appraisal Report (EAR), dated August 2019, and the 2020 Melbourne Beach Support Documentation.

Support documentation that forms the basis for the Comprehensive Plan should be updated as part of each successive EAR-based comprehensive plan amendments.

Planning Period

The Town's comprehensive plan must include a planning period for at least a ten-year period. On this basis, the 2020 – 2030 period is utilized in the Melbourne Beach Comprehensive Plan.

The Town is projected to be nearly fully developed, with little remaining vacant land, during the planning period. As a result, buildout impacts upon infrastructure and services are fully accounted for during the planning period. This conclusion will be reassessed at the time that each subsequent Evaluation and Appraisal Report is prepared.

Population Projections

The 2019 population of Melbourne Beach in 2019 was estimated at 3,111 residents by the Florida Legislature Office of Economic and Business Research. Population projections for Melbourne Beach were prepared during the 2019 EAR process. It was projected that buildout of the Town will occur during the FY 2020 – 2030 period. Based upon analysis in the EAR, it is projected that Melbourne Beach will attain a population of 3,184 permanent residents and 292 peak seasonal residents by 2030, the planning horizon of this Comprehensive Plan (Source: Land Research Management, Inc.).

Monitoring and Evaluation

The role of monitoring and evaluation is vital to the effectiveness of any planning program and particularly for the Capital Improvements Element. This is largely because the Town's revenue and expenditure streams are subject to fluctuations every year. In order to maintain the effectiveness and relevance of the Capital Improvements Schedule, the Capital Improvements Element requires a continuous program for monitoring and evaluation.

The annual review will be the responsibility of the Town Commission. The Town Manager will serve as advisory member at all formal deliberations related to capital improvement monitoring and evaluation. The Town Council will direct the Town Manager to take appropriate action based upon its findings.

Community Character Goal

The community character goal is the overall goal toward which all other goals, objectives and policies are directed. Ultimately, the development of plans, enforcement of regulations, and operations of the Town are directed toward this end.

It is important to note that in 1980, the Town of Melbourne Beach adopted a Comprehensive Plan containing an overall community character goal. This community character goal was carried over into the Comprehensive Plan adopted in 1988. Over the last thirty years, there has been much done to ensure that this goal is accomplished. It is with this in mind that we restate and reaffirm the following goal for the Town of Melbourne Beach upon which this plan and all local government actions are based:

**To Retain And Further Promote A Residential Community With Basic
Public Services Provided Locally**

CHAPTER 2 FUTURE LAND USE ELEMENT

Introduction

The purpose of the Future Land Use Element is to provide for the future general distribution, location, and extent of the uses of land for residential, commercial, recreation, education, public facilities, and other purposes by private and public property owners.

Goals, Objectives and Policies

GOAL

Retain the existing residential character of the Town.

OBJECTIVE 1.0:

Ensure that new construction, new development, expansion, and/or redevelopment, within existing neighborhoods maintains the scale and character of existing structures.

POLICY 1.1:

As appropriate review and analyze development and redevelopment trends in Melbourne Beach and elsewhere. Adopt ordinance amendments, if existing regulations are found insufficient to maintain the scale and character of existing structures in neighborhoods throughout the Town.

POLICY 1.2:

Continue to enforce existing requirements for site plan review in order to ensure that all new development makes adequate provision for drainage, stormwater management, open space, parking and safe convenient on-site traffic flow.

OBJECTIVE 2.0:

Development, as defined herein, shall be consistent with the Comprehensive Plan Future Land Use Category assigned to the property and the corresponding zoning district or districts as depicted in the Support Documentation on Tables 3 and 4, as well as, all land use compatibility standards included in the Comprehensive Plan and Code of Ordinances.

POLICY 2.1:

Ensure that the zoning map and corresponding regulations and other land use decisions are consistent with the use categories on the Future Land Use Map (Map 1).

POLICY 2.2:

Review and revise Code of Ordinances, if necessary, to comply with goals, objectives and policies of the Comprehensive Plan as updated herein.

OBJECTIVE 3.0:

Preserve neighborhood stability by discouraging commercial conversion of residentially zoned properties.

POLICY 3.1:

Maintain policies and standards that prohibit encroachment of commercial uses into residential zoning districts.

OBJECTIVE 4.0:

Encourage the preservation of the historical value of structures and archaeological sites deemed to be of historical or archaeological interest to the town.

POLICY 4.1:

Continue to identify structures of local historical or archaeological significance. Encourage development or redevelopment that maintains the historical integrity of sites or buildings. Request assistance, as necessary, from groups and/or organizations with expertise in identifying and preserving archaeological sites and historical structures.

GOAL

Promote safe, quality residential development and/or restoration.

OBJECTIVE 5.0:

Ensure that existing regulations are adequately enforced.

POLICY 5.1:

Ensure that all personnel responsible for enforcement of development/redevelopment and/or other land-use regulations are adequately trained and are knowledgeable in the need for such regulation.

OBJECTIVE 6.0:

Improve existing Code of Ordinances as needed to reflect changes in the community, environmental conditions and industry standards.

POLICY 6.1:

Periodically review existing development regulations to ensure that they are consistent with changes within the community and that they reflect, to the extent possible, improvements in methods and practices in the regulation of land-uses.

POLICY 6.2:

Periodically review land development options in adjoining jurisdictions and elsewhere that are designed to reduce greenhouse gasses and implement those options determined to be appropriate for the Town.

OBJECTIVE 7.0:

Ensure all new construction and/or redevelopment is consistent with requirements for flood prone areas and that residential densities are consistent with Town, county, and regional Hurricane evacuation plans.

POLICY 7.1:

Maintain up-to-date copies of State and Federal Regulations regarding development and/or redevelopment within flood prone areas and ensure than developments within areas identified on the Flood Hazard Boundary Map and/or the Flood Insurance Rate Map comply with appropriate requirements.

POLICY 7.2:

Ensure that Ordinances of the Town are in conformance with County, State and Federal Rules and Regulations regarding development and redevelopment within “Coastal High Hazard Areas.”

POLICY 7.3:

Review, analyze, and amend as determined necessary, Code of Ordinances requirements regarding repair or reconstruction of damaged properties including those provisions that apply to Coastal High Hazard Area (ref Map 5).

POLICY 7.4:

Periodically review and revise as necessary, permitted densities within the zoning ordinance to ensure that the population densities do not exceed those that will allow the Town to meet adopted hurricane evacuation timeframes.

OBJECTIVE 8.0:

Ensure future land uses are appropriate for the topography, soil conditions, and the availability of facilities and services.

POLICY 8.1:

Periodically review, analyze, and amend as necessary, ordinances, that prohibit development, that is not consistent with sound engineering practices considering existing topography and soil conditions.

POLICY 8.2:

Prior to the issuance of building permits and/or development orders, the Town shall ensure that the locally established and adopted “Level of Service Standards” and “Level of Service Targets” (for transportation level of service) are being met or that facility improvements will be available concurrently with the impact of new construction or development such that the level of service standards are maintained.

OBJECTIVE 9.0:

Ensure the availability of suitable land for utility facilities necessary to support future development.

POLICY 9.1:

The installation of utility facilities shall be permitted in a manner consistent with surrounding land-uses and in accordance with the Town Land Development Regulations as applicable.

POLICY 9.2:

Electrical utility substations may be permitted in any zoning district within the Town. Include compatibility and buffering standards in the Code of Ordinances to ensure that any adverse impact of the electrical utility substation is minimized to the greatest extent feasible.

GOAL

Permit commercial development and/or redevelopment in areas identified as commercial on the Town of Melbourne Beach Future Land Use Map.

OBJECTIVE 10.0:

Amend the Land Development Regulations if necessary to ensure that property owners maintain areas where commercial development exists so that it will not result in deterioration of nearby residential neighborhoods or result in pressure for conversion of those neighborhoods to commercial uses.

POLICY 10.1:

Ensure that the zoning map conforms to the Future Land-Use Map.

OBJECTIVE 11.0:

Amend the Land Development Regulations if necessary to ensure that suitable buffers are required between residential properties and commercial uses.

POLICY 11.1:

Periodically review, analyze, and amend as determined necessary, the established criteria within the Code of Ordinances that provide standards upon which commercial land-use plan amendments and rezoning requests may be reviewed. The criteria shall be designed to ensure that any proposed future land uses are consistent with the surrounding area and will not encourage further requests for conversions into areas where such land-use would not be deemed appropriate.

POLICY 11.2:

Where zoning districts that allow non-residential uses abut residentially zoned property periodically review buffering standards and amend as necessary to minimize any adverse impacts of the non-residential development on the residential area.

OBJECTIVE 12.0:

Improve the aesthetics of the major commercial area within the Town.

POLICY 12.1:

Continue to consider appropriate methods of improving the visual impact of the Ocean Avenue Corridor on the Town and adjoining properties; identify public improvements to be made; identify sources of funding; and encourage further voluntary improvements to existing facilities by the property owners.

POLICY 12.2:

Continue to review, analyze, enforce, amend the sign ordinance, as determined necessary.

OBJECTIVE 13.0:

Periodically review the Land Development Regulations to ensure that compatible commercial development is located in areas identified as commercial on the Town of Melbourne Beach Future Land Use Map.

POLICY 13.1:

Prohibit spot zoning and strongly discourage additional strip commercial zoning and maintain Ocean Avenue as the commercial corridor within the Town.

POLICY 13.2:

Maintain standardized procedures for site plan review and update the standards to maintain consistency with the Comprehensive Plan and as otherwise determined necessary.

GOAL

Encourage the preservation of natural features in existing and future developments.

OBJECTIVE 14.0:

Periodically review and revise the tree preservation and landscape ordinances, to encourage the use of indigenous vegetation.

POLICY 14.1:

Periodically review, analyze, and amend, as determined necessary, the tree preservation and landscape ordinances to ensure that minimum standards are consistent with the desires of the community, are easily understood and enforceable.

POLICY 14.2:

Continue to enforce regulations regarding building setbacks from the dune.

POLICY 14.3:

Continue to enforce maximum building coverage requirements and open space requirements on all development sites.

POLICY 14.4:

Where applicable enforce protection of vegetation along the lagoon to enhance shoreline protection, erosion control and water quality.

POLICY 14.5:

Promote the revegetation of mangroves, grasses and other appropriate plantings.

OBJECTIVE 15.0:

The Town may consider developing streetscape plans for Ocean Avenue and A-1-A in conjunction with F.D.O.T to enhance the visual image of the Town in this area.

CHAPTER 3 TRANSPORTATION ELEMENT

Introduction

The purpose of the Transportation Element is to plan for a multimodal transportation system that places emphasis on ecologically friendly transportation alternatives including public transportation system.

Goals, Objectives, and Policies

GOAL

To provide a safe, convenient and energy efficient transportation system that supports the community defined by this Comprehensive Plan, and enhances mobility, reduces reliance on the automobile, and minimizes adverse impacts on neighborhoods and cultural and natural resources.

OBJECTIVE 1.0:

If proposed development will result in deterioration of the adopted minimum level of service targets to unacceptable levels then capacity increasing improvements that mitigate the reduction in the level of service shall be accomplished.

POLICY 1.1:

The Town hereby adopts the following minimum peak hour Level of Service Targets for each listed facility segment as indicated below. These standards are consistent with Policy 1.3 of the Brevard County Comprehensive Plan.

TABLE 1 – ROAD FUNCTIONAL CLASSIFICATION SYSTEM

<u>FACILITY SEGMENT</u>	<u>FUNCTIONAL CLASSIFICATION</u>	<u>LOWEST ACCEPTABLE LOS</u>
A-1-A:	Minor Arterial	D
Riverside Drive North of Ocean Ave	Urban Collector	E
Ocean Ave West of Oak St	Urban Collector	E
Oak St South of Ocean Ave	Collector	E

OBJECTIVE 2.0:

Participate with Brevard County and the Town of Indialantic in the routine monitoring and evaluation of the performance of county and State roadways, as well as, other modes of transportation including bicycle, pedestrian, and transit as appropriate.

Policy 2.1:

As appropriate, the Town will continue to participate with Brevard County, the Spacecoast Transportation Planning Organization (TPO), Florida Department of Transportation (FDOT), and the Town of Indialantic to establish and maintain a common performance monitoring system for arterial and collector roadways using minimum criteria as follows:

- a. Traffic count data provided by the Spacecoast TPO shall be utilized;
- b. The Town shall participate in coordination efforts with Brevard County, the Spacecoast TPO, FDOT and Indialantic to develop, enhance, and maintain a centralized transportation data reporting system;
- c. The Town shall monitor, participate and assist in developing and maintaining the annual “State of the System Report” published by the Spacecoast TPO. The report monitors system trends and conditions and roadway segment conditions;
- d. Level of service definitions shall be as adopted by the Florida Department of Transportation.

OBJECTIVE 3.0:

Transportation planning will be coordinated with the Future Land Uses shown on the Future Land Use Map (Map 1), the Florida Department of Transportation 5 Year Transportation Plan, plans of Brevard County, Spacecoast TPO and plans of neighboring jurisdiction.

POLICY 3.1:

The Town will regularly review updated versions of the Florida Department of Transportation 5 Year Transportation Plan, as well as the Traffic Circulation Elements of Brevard County and the Town of Indialantic, in order to update or modify this element, if necessary to ensure that the Town’s interests are considered.

POLICY 3.2:

All proposed amendments to this Element shall include a statement of findings supporting such amendments.

OBJECTIVE 4.0:

Where appropriate and feasible, the Town will provide for non-motorized traffic circulation (pedestrian and bicycle) along all collectors and arterials as shown on the Future Traffic Circulation Map (Map 2), within the Town.

POLICY 4.1:

When appropriate identify roadways where adequate pavement width exists and designate bikepaths by striping and signing.

POLICY 4.2:

When appropriate the Town may consider preparing a Pathways Plan that will address right-of-way requirements, pavement requirements and locations of bike paths and sidewalks.

POLICY 4.3:

Continue to enforce the requirements of the Code of Ordinances regarding the construction and maintenance of sidewalks by property owners that develop or redevelop property in the 6-B, 7-C, 8-B, and 9-I zoning districts as described in Table 3 and Table 4 in the Support Documentation.

POLICY 4.4:

If appropriate, the Town may consider coordinating with Space Coast Area Transit (SCAT) to determine the feasibility of extending transit service to Melbourne Beach.

OBJECTIVE 5.0:

Continue to enforce existing requirements for Site Plan review to ensure safe efficient on-site traffic circulation.

POLICY 5.1:

Continue to enforce the requirements of the Town's Code of Ordinances in order to ensure safe efficient on-site traffic circulation.

POLICY 5.2:

If appropriate the Town will consider an ordinance that outlines objective criteria for the issuance of driveway and/or curb-cut permits which will include standards for minimum and maximum width, minimum frontage requirements, distance from intersecting streets, and minimum separation.

OBJECTIVE 6.0:

When appropriate the Town will explore options for design and construction of streets, parking lots, and sidewalks to be energy efficient and reduce greenhouse gasses.

POLICY 6.1:

The Town may consider amendments to the land development regulations that allow or require porous surfacing in locations determined to be appropriate for such surfacing for sidewalks, parking areas, and local roadways.

CHAPTER 4 HOUSING ELEMENT

Introduction

The purpose of this element is to prepare policies for the provision of housing for current and future residents of Melbourne Beach and to meet any identified or projected deficits in the supply of housing for moderate, low and very low income households, group homes, foster care facilities, and households with special housing needs.

Goals, Objectives and Policies

GOAL

The provision of safe, sanitary living conditions, in viable neighborhoods for present and future residents of the town.

OBJECTIVE 1.0:

The Town may consider amendments to the Code or Ordinances to ensure that all residential and commercial structures are maintained in a safe sanitary condition.

POLICY 1.1:

The Town shall continue with strict enforcement of the Florida Building Code and Florida Residential Building Code and adopt revisions to these codes as appropriate to ensure that new building material and techniques are permitted in Melbourne Beach.

POLICY 1.2:

The Town shall require additional base elevation as needed in areas that will be impacted due to the effects of high tides, sea level rise and storm surge for new construction or substantially damaged structures.

OBJECTIVE 2.0:

Maintain the residential character of the Town to instill community pride and prevent blighting influences.

POLICY 2.1:

Ensure that the zoning map remains consistent with the requirements of the Future Land Use Element (Ref: Map 1).

POLICY 2.2:

The Town shall review and update, as necessary, the land development ordinances to assure the residential quality of the Town is maintained.

OBJECTIVE 3.0:

Prior to conducting acquisition of real property which could result in the displacement of persons or businesses, the Town will consider the formulation and adoption of policies for real estate acquisition and relocation of persons and businesses.

OBJECTIVE 4.0:

As needed, the Town will work with Brevard County and other governmental agencies and private organizations to ensure that the needs of special needs population groups are met.

POLICY 4.1:

Establish criteria in the Code of Ordinances to ensure that the Town provides support to agencies such as the Brevard County Housing Authority and the Department of Health and Rehabilitative Services in their efforts to meet the housing needs of special needs population groups.

POLICY 4.2:

As appropriate review existing development regulations and prepare revisions as necessary to ensure that objective criteria are provided in order to permit group homes, and foster care facilities licensed by the State of Florida.

POLICY 4.3:

As appropriate the Town will participate in regional efforts to address low income and work force housing.

OBJECTIVE 5.0:

As appropriate, identify housing of historical significances and consider amendments to the Land Development Regulations for preserving and/or maintaining such structures.

POLICY 5.1:

As needed request the assistance of groups, such as the Brevard County Historical Society and/or state or federal agencies in inventorying and identifying historical structures and if appropriate establish local historic designations.

OBJECTIVE 6.0:

Periodically review the Land Development Regulations to reduce the barriers to the provision of low and/or moderate income housing, if any.

POLICY 6.1:

As appropriate, review the Code of Ordinances to identify any provisions that are exclusionary to the permitting low and moderate income housing, and consider amendments if needed.

OBJECTIVE 7.0:

The Town supports nondiscriminatory housing practices to ensure that housing units are available to all residents regardless to age, race, handicaps, sex or family size.

POLICY 7.1:

As appropriate the Town will work with members of the home building profession, financial institutions, real estate firms and community organizations to adopt coordinated affirmative marketing plans that comply with the Federal Fair Housing requirements.

**CHAPTER 5A INFRASTRUCTURE ELEMENT AND
CHAPTER 5B TEN-YEAR WATER SUPPLY FACILITIES WORK PLAN
SUB-ELEMENT**

Chapter 5A Infrastructure Element Introduction

The purpose of this Infrastructure element is to provide for necessary public facilities and services correlated to existing development and anticipated growth of the Town that include existing and proposed sanitary sewer, solid waste, drainage, and potable water facilities and services. The Element also addresses the natural groundwater aquifer recharge system as it relates to the Town and the surrounding area.

Chapter 5A Infrastructure Element Goals, Objectives and Policies

SANITARY SEWER GOAL

The Town of Melbourne Beach will ensure the provision of sanitary sewer facilities to meet the needs of existing and future residents of the town.

OBJECTIVE 1.0:

The Town will ensure that sanitary sewer service is maintained to serve all existing and future residents.

POLICY 1.1:

The Town will seek to secure and/or maintain an interlocal agreement with Brevard County as applicable, which will establish and/or include as a minimum level of service the treatment of 92 gallons/person/day and allocate plant capacity sufficient to meet the projected needs of the Town through a ten-year planning timeframe.

SOLID WASTE GOAL

The Town of Melbourne Beach will ensure the provision of solid waste collection services and disposal to meet the needs of existing and future residents of the Town.

OBJECTIVE 2.0:

The Town will continue to ensure that solid waste collection and disposal is available to all residents and that the parties responsible for collection and disposal shall have adequate facilities necessary to meet the needs of the Town.

POLICY 2.1:

The minimum level of service for the collection and disposal of solid waste shall be established to provide for the disposal of all solid waste generated by the Town's population. The criterion for determining the level of service standard shall be at a minimum 8.32 lbs per capita per day.

POLICY 2.2:

Upon the expiration of the existing contract for solid waste collection the Town shall seek a contract which establishes the above minimum levels of service.

POLICY 2.3:

The Town shall seek to secure and/or maintain an interlocal agreement with Brevard County as necessary to ensure the disposal of solid waste in an amount equivalent to the minimum levels of service outlined above and an allocation of landfill capacity.

DRAINAGE GOAL

The Town of Melbourne Beach will ensure that drainage facilities are provided to meet the existing and projected demands of existing and future residents.

OBJECTIVE 3.0:

The Town shall ensure that new and/or replacement drainage structures meet minimum Town design standards.

POLICY 3.1:

The minimum level of service for all new and replacement drainage facilities and structures excluding streets, shall be based upon retaining the first 8” of runoff from a 10 Year / 24 Hour Rainfall Event.

POLICY 3.2:

Periodically review drainage and stormwater management regulations for all new construction, additions to existing structures and redevelopment in the Town code to ensure that they meet industry standard and accommodate local conditions.

OBJECTIVE 4.0:

As appropriate and when feasible, the Town will make best efforts to reduce pollutant loads being discharged into the Indian River, and ensure that replacement structures comply with the minimum design standards outlined above.

POLICY 4.1:

Seek grant funding and participate in intergovernmental efforts with Federal, State, Regional and local governments and agencies in order to complete a drainage and storm water management study in order to identify and implement methods of capturing and treating storm water before it is discharged into the lagoonal system.

OBJECTIVE 5.0:

Following completion of updates and revisions to the Town drainage and storm water management study, the Town will evaluate existing ordinances for consistency with the study and for the protection of functions of the natural drainage features.

POLICY 5.1:

Following completion of updates and revisions to the Town drainage and storm water management study the Town will consider amendments to the Town Land Development Regulations to ensure the protection of the function of natural drainage features, by controlling grading, requiring on-site retention and controlling the rate and direction of drainage discharge points.

POTABLE WATER GOAL

The Town of Melbourne Beach will ensure the provision of potable water facilities to meet the needs of existing and future residents of the Town.

OBJECTIVE 6.0: The Town shall ensure that potable water is available to all residents at adequate volumes and pressures.

POLICY 6.1:

The minimum acceptable level of service will be to supply 100 gallons per person per day, at a pressure sufficient to maintain a fire insurance rating of ISO 3 (as it pertains to the water distribution system only).

POLICY 6.2:

The Town will continue working with the City of Melbourne as needed, in order to establish and maintain a minimum level of service and allocate plant capacity sufficient to meet the projected needs of the Town as part of the adoption and implementation of the 10-Year Regional Water Supply Plan.

OBJECTIVE 7.0:

The Town may consider preparation and adoption of a water conservation ordinance if appropriate.

POLICY 7.1:

The water conservation ordinance, if considered by the Town, will include provisions for low volume plumbing fixtures for new construction and renovations which include such fixtures.

POLICY 7.2:

If appropriate, the Town will establish and maintain a public education program focused on water conservation through existing public information systems.

POLICY 7.3:

The Town shall ensure potable water is available at the time of issuance of a building permit.

NATURAL GROUNDWATER AQUIFER RECHARGE GOAL

The Town of Melbourne Beach will ensure that drainage facilities are provided to meet the existing and projected demands of existing and future residents in order to improve groundwater recharge.

OBJECTIVE 8.0:

The minimum level of service (design standard) for drainage for all new structures, except single family houses, shall be a 25 year 24 hour event (Type II modified distribution).

POLICY 8.1:

Prepare and adopt drainage regulations which impose as a minimum that all new construction subject to the requirements for Site Plan review, except single family houses, are designed to retain on-site additional run-off generated by the 10 year 24 hour event in excess of the pre-developed run-off, with a discharge rate not to exceed the pre-developed rate, with the overflow treated prior to disposal into the drainage system.

OBJECTIVE 9.0:

In the event existing storm water collection and disposal facilities must be replaced, ensure that replacement structures comply with the following policies.

POLICY 9.1:

All replacement structures must be capable of satisfactorily disposing the run-off from a 10-year 24 hour design storm.

Chapter 5B Ten-Year Water Supply Facilities Work Plan Sub-Element Introduction

The purpose of the Town of Melbourne Beach Water Supply Facility Work Plan (hereinafter the Work Plan) is to identify and plan for the water supply sources and facilities needed to serve existing and new development within the local government’s jurisdiction. Chapter 163 Part II, FS., requires local governments to prepare and adopt Work Plans into their comprehensive plans within 18 months after the water management district approves a regional water supply plan or its updated. The St. Johns River Water Management District implemented their Water Supply Plan in 2005.

Chapter 5B Ten-Year Water Supply Facilities Work Plan Sub-Element Goals, Objectives and Policies

TEN-YEAR WATER SUPPLY FACILITIES WORK PLAN GOAL

Promote water conservation through practicing water conservation strategies.

OBJECTIVE 1.0: As appropriate, the Town will identify key areas that the Town can contribute to water conservation and smart use of water resources to ensure capacity can be achieved and quality maintained.

POLICY 1.1:

The Town may consider water conservation regulations that promote and encourage the use of low impact development techniques such as those that use the Florida Water Star Program.

POLICY 1.2:

The Town may consider creating incentive programs that encourage the installation of water-saving plumbing devices, such as indoor water audits and leak detection and will consider adopting regulations that require water-efficient landscaping for all new development and major renovation projects and require functioning rain sensor devices on automatic irrigation systems, as well as overriding green lawn deed restrictions.

POLICY 1.3:

The Town may consider including the use of lower quality sources of water for nonpotable needs when such sources (storm water, surface water, or reclaimed water) become available, and if appropriate may require such sources in amendments to the Land Development Regulations.

POLICY 1.4:

As appropriate the Town will implement water conservation practices that may include, but will not necessarily be limited to: educational programs at schools; observing “Water Conservation Month” in April through press releases and resolution; promoting water conservation and environmental education newsletters, as well as water conservation messages inside utility bills; and, enforcement of the Water Management District’s “permanent water conservation rule”.

CHAPTER 6 COASTAL MANAGEMENT ELEMENT

Introduction

The purpose of the Coastal Zone Management Element is to provide direction and establish a plan for and where appropriate restrict development activities that would damage or destroy coastal resources, and to protect human life and limit public expenditures in the coastal area.

Goals, Objectives and Policies

GOAL

Preserve, protect and enhance the coastal resources as development or redevelopment occurs in Melbourne Beach.

OBJECTIVE 1:

Protect existing native vegetation as development or redevelopment occurs.

Policy 1.1:

Consider amending the Land Development Regulations if needed to remove invasive species and preserve native vegetation communities such as those located in dunes along the ocean and along the lagoon to the west to be incorporated in any development or redevelopment project.

Policy 1.2:

As needed, the Town will coordinate with the State and local agencies to provide for the reestablishment of shoreline vegetation where it has been removed to enhance resiliency and protect residents and property from the perils of flood.

Policy 1.3:

As needed, the Town will consider amendments to the Land Development Code to require that the plant material used in landscaping of any development or redevelopment project shall be predominately native, Florida Friendly, and include a list of recommended native plant species adapted to the coastal environment of the area.

OBJECTIVE 2:

To promote resiliency, the Town shall continue to coordinate with the applicable Federal, State, County and agencies in order to protect the beach and dune system from the perils of flood as a viable feature providing storm protection for upland property and serving as an important recreation and aesthetic resource.

Policy 2.1:

Codes that control and regulate construction activities in the 100year flood zones that promote resiliency and protect the Town from the perils of flood shall be periodically assessed and amendments adopted, as needed.

Policy 2.2:

Codes shall be updated when necessary to conform to new state regulations and advances in the understanding of the coastal process.

Policy 2.3:

The coastal building setback requirement shall be modified when necessary to allow the setback line to follow any repositioning of the Coastal Construction Control Line (CCCL) or future implementation of an Adaptation Action Area.

Policy 2.4:

The Town shall maintain public access to the beach.

Policy 2.5:

The Town may consider amendments to the Land Development Regulations to specify the appropriate vegetation for planting in dunes, and that such vegetation shall be protected from pedestrian and vehicular traffic. Any construction or reconstruction of beach access shall provide for dune crossing over walks.

OBJECTIVE 3:

Protect, conserve and enhance coastal resources, living marine resources, wildlife and wildlife habitats, especially those with special status.

Policy 3.1:

The Town shall cooperate with the State to implement adopted regulations that provide for the protection of sea turtle nesting areas by prohibiting the disturbance of nests, restricting beach cleaning activities in nesting season, and controlling the emission of light from structure on, or adjacent to, the beach.

Policy 3.2:

If appropriate the Town may consider amending the Land Development Regulations to regulate the specific and cumulative impacts of development and redevelopment on coastal resources, living marine resources wildlife and wildlife habitats, especially those with special status.

OBJECTIVE 4:

The Town may consider amendments to the Land Development Regulations intended to maintain and/or improve Indian River Lagoon environmental quality by preventing potentially adverse impacts of development or redevelopment from affecting this natural resource.

Policy 4.1:

The Town may consider coordinating with the SJRWMD, Department of Environmental Protection and other entities to establish a regulatory program to limit the specific and cumulative impacts of development or redevelopment on this multi-jurisdictional estuarine system.

GOAL

Protect human life and limit public expenditures in areas subject to destruction by natural disasters.

OBJECTIVE 5

Limit public expenditures that subsidize development permitted in coastal high-hazard areas or Coastal Planning Areas (Ref: Map 6) except for restoration and enhancement of natural resources.

Policy 5.1:

No construction or development activity shall be permitted, except through the Florida Department of Environmental Protection, seaward of the Coastal Construction Control Line (CCCL) unless it is intended for restoration and enhancement of natural resources or is the minimum development technique to allow reasonable use of the land while preserving natural coastal features and pursuant to the Town Land Development Regulations.

Policy 5.2:

Existing permanent structures protruding into the coastal high-hazard areas shall be required to meet the most recent version of coastal building codes and regulations established by the Florida Department of Environmental Protection when redevelopment occurs on the property.

Policy 5.3:

The Coastal High Hazard Area is the area below the elevation of the category 1 storm surge line established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. This encompasses that portion of the Town as depicted on Map 5 (2020-2030 Future Land Use) and Map 5 (Coastal High Hazard Area). Public infrastructure within this area as well as within the Coastal Planning Area (Ref: Map 6) may be built and reconstructed when necessary but not for the purpose of facilitating an increase in permitted density.

Policy 5.4:

Include the Coastal Planning Area (CPA) map (Ref: Map 6) within the future land use element. Periodically review and revise the map, as necessary, at the time of each successive Evaluation and Appraisal of the Comprehensive Plan based on information provided by the National Oceanic and Atmospheric Administration (NOAA).

OBJECTIVE 6

The Town shall issue an evacuation notice 24-hours in advance of arrival of a Category 5 storm event.

Policy 6.1:

The Town shall cooperate with, and support, Brevard County in planning for hurricane evacuation (Ref: Map 3).

OBJECTIVE 7:

The Town shall continue to coordinate with the Brevard County Emergency Management Office to provide immediate response to post-hurricane situations.

Policy 7.1:

The current Local Peacetime Emergency Plan shall be modified to comply with the policies under this objective, and shall contain step-by-step details for post-disaster recovery operations.

Policy 7.2:

After a hurricane but prior to re-entry of the population into the evacuated areas, the Town staff responsible for emergency response shall assess the damage, report to the Town Commission if possible, and may recommend a temporary moratorium on building activities not necessary for the public health, safety and welfare.

Policy 7.3:

After a hurricane the Town will give consideration to issues including but not limited to: emergency building permits, and repair and cleanup actions needed to protect public health and safety; coordinate with County, State and Federal officials to prepare disaster assistance applications; develop a redevelopment plan; and recommend amendments to the Comprehensive Plan, Local Peacetime Emergency Plan, and other appropriate policies and procedures.

Policy 7.4:

Repairs to potable water, waste water, and power facilities; removal of debris; stabilization or removal of structures about to collapse; and minimal repairs to make dwellings habitable shall receive first priority in permitting decisions. Such repairs within the Coastal Planning Area shall receive the first and highest priority. Long term redevelopment activities shall be postponed until the Recovery Task Force has completed its tasks.

Policy 7.5:

Structures destroyed, by any means, shall not be reconstructed except in compliance with the Code of Ordinances.

GOAL

Public facilities shall be adequate and available to serve the residents and visitors to the Town's coastal area.

OBJECTIVE 8:

Whenever development orders or permits are requested, apply the level of service standards adopted elsewhere in this Comprehensive Plan for facilities in the coastal area and additional standards under this objective. The entire Town shall be considered a service area for solid waste, drainage, water and sewer facilities.

Policy 8.1:

The entire Town shall be considered a service area for solid waste, drainage, water and sewer facilities. Development within the Town shall be limited to the capacity of the respective facilities to supply the appropriate service as established by the level of service standard adopted in this Comprehensive Plan.

GOAL (new Goals Objectives and policies)

Protect, conserve, maintain and enhance the Town's coastal resources from the natural processes attributable to sea level rise, storm surge, erosion and flooding.

OBJECTIVE 9

The Town shall continue to limit human-induced dune and beach damage and expand maintenance and restoration efforts, while balancing these with the need to provide beach access to the public for recreational purposes.

Policy 9.1

At a minimum, the Town shall utilize the following means of obtaining this objective:

- A. Enforcement of existing regulations and penalties for violations;
- B. Continuation and updating of existing communication efforts;
- C. Cooperative ventures for dune protection and maintenance with ocean-front property owners, citizens, and local volunteer organizations;
- D. Municipal capital outlays for enforcement and resource management;
- E. Continuing Town research and implementation of the latest dune management techniques.

Policy 9.2

The Town shall maintain and replace as necessary dune cross-overs at all public access points to beaches in accordance with the latest dune protection design standards, including barriers to prohibit user access to adjoining vegetative areas; transportation or parking facilities with appropriate shielded lighting for beach access; and appropriate warning signage to users regarding improper access and penalties for such action.

Policy 9.3

The Town shall maintain or as resources allow expand its capability to achieve Policy 9.2.

Policy 9.4

The Town shall minimize the disturbance of natural shorelines by improving shoreline stabilization, protection and habitat. Living shoreline elements, including, but not limited to plantings that stabilize the shoreline and inhibit erosion, shall be prioritized over new or replacement armoring (e.g. man-made walls or bolder rocks, etc.) in the CPA. If evidence demonstrates that a living shoreline, by itself, is not sufficient to protect property and life, additional structural elements may be utilized; however, structural elements must be accompanied by living shoreline elements, where effective and feasible.

Policy 9.5

The Town shall research and implement where feasible the latest techniques to strengthen the integrity of the Town's sand dune system, such as the planting of vegetative native to said systems.

Policy 9.6

The Town shall consider incorporating a living shoreline element within the Master Drainage Plan to counter the loss of shoreline and sand dunes due to the effects of sea level rise.

Policy 9.7

The Town shall conduct post-storm coastal monitoring to assess beach erosion impacts and monitor subsequent beach recovery progress and additional recovery needs.

Policy 9.8

The Town shall, where appropriate and to the extent physically and financially feasible while considering impacts from sea level rise and flooding, maintain and preserve all public access and water-

related recreational facilities and shall inventory existing public access to the lagoon and water-related recreational facilities to identify deficiencies and opportunities.

Policy 9.9

The Town shall work internally and with stakeholders to seek public and private funding for adaptation projects to address the impacts of flooding within the CPA.

Policy 9.10

The Town shall seek opportunities to collaborate with academic and scientific organizations to serve as a monitoring location for sea level rise.

Policy 9.11

As part of subsequent Evaluation and Appraisal Reports (EARs), the Town shall compare the extent of sea level rise relative to past predictions herein and modify policies accordingly.

OBJECTIVE 10

To protect, conserve, maintain and enhance the Town's resources proximate to the Indian River Lagoon from the natural processes attributable to sea level rise, flooding and sea level rise.

Policy 10.1

The Town shall continue to cooperate with the Indian River Lagoon National Estuary Program, Florida Department of Environmental Protection, St. Johns River Water Management District, Brevard County, and other communities to achieve the goals, objectives, and policies of the Indian River Lagoon Comprehensive Conservation and Management Plan; to protect, conserve, enhance wetlands; marine resources; estuarine, surface and ground water quality; watersheds; wildlife habitat; natural areas and open space for outdoor recreation and enjoyment to the extent that fiscal resources permit.

Policy 10.2

The Town shall continue enforcing the fertilizer-free zone regulations in Section 27-54 of the land development code for properties along the Indian River Lagoon.

Policy 10.3

The Town will encourage the planting of landscaping known for water cleansing and absorption properties within 10 feet of the Indian River Lagoon.

Policy 10.4

The Town shall participate in programs, including Keep Brevard Beautiful, that educate property owners on the benefits and creation of lagoon-friendly yards and recognize property owners utilizing such principles.

Policy 10.5

The Town shall encourage and be involved in Brevard County programs creating oyster beds in the Indian River Lagoon as both a way of improving water quality and expanding the local and regional economy through aquaculture opportunities.

Policy 10.6

The Town shall examine the possibility of creating minimum height standards for all new, reconstructed, and substantially improved seawalls along the Indian River Lagoon to counter the impacts of rising river levels.

Policy 10.7

The Town shall continue to enforce the erosion and sediment control provisions under its National Pollutant Discharge Elimination System Permit.

Policy 10.8

The Town shall continue to enforce the erosion and sediment control provisions under its National Pollutant Discharge Elimination System Permit.

Policy 10.9

The Town shall continue to direct property owners to the proper state and/or federal regulatory agencies when considering the removal of grass beds and other submerged habitat.

Policy 10.10

The Town shall continue to administer or cooperate with the programs of other organizations in providing information on protecting the West Indian Manatee within the Indian River Lagoon.

Policy 10.11

The Town shall continue to coordinate with appropriate regulatory bodies regarding construction activities involving the waters of the State of Florida or the United States.

Policy 10.12

The Town shall continue to coordinate with appropriate local, state, and federal agencies regarding the monitoring of local waters, including the Indian River Lagoon.

Policy 10.13

The Town may as appropriate participate in future updates to the Indian River Lagoon Comprehensive Conservation and Management Plan, and will continue to support and implement the action plan items applicable to the Town.

GOAL

Protect, conserve, maintain, and enhance the Town's infrastructure, built, and human environment from the natural processes attributable to sea level rise, storm surge and flooding, with primary focus on areas proximate to the Atlantic Ocean and Indian River Lagoon.

OBJECTIVE 11

Development, redevelopment, rebuilds, retrofits and additions in the Town shall be planned and managed through strategies and design principles that are consistent with sound planning practices that protect life and property from the effects of flooding, storm surge and related impacts of sea level rise and that protect the long-term financial viability of the Town.

Policy 11.1

The Town shall consider prohibiting the increase in development density within the CPA if applications for such increase would be contrary to Objective 11 above.

Policy 11.2

All new development and redevelopment shall be consistent with, or more stringent than, the flood resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. Part 60.

Policy 11.3

At the time of the next Master Drainage Plan update, consider incorporating green infrastructure elements, including such techniques as rain barrels, rain gardens, native landscaping, cisterns, and permeable pavement, particularly on Town-owned properties.

Policy 11.4

The Town shall only allow development and redevelopment where consistent with sound planning and engineering practices that shall protect life, the subject property, and adjoining properties from the effects of coastal erosion, flooding, sea level rise, or damage to environmental systems.

Policy 11.5

The Town shall continue to regulate repairs and improvements to all buildings in terms of substantial improvements or damage by requiring compliance with the flood plain management provisions of the Town code. In addition, development standards shall be updated to reflect revised flood elevations, as updated information becomes available from FEMA.

Policy 11.6

The Town shall research, and amend as necessary, its Land Development Regulations during each successive Evaluation and Appraisal Report review to address the following:

- A. The feasibility of increasing the freeboard requirement for all new or substantially redeveloped properties within a special flood hazard area (SFHA) with a defined or revised base flood elevation provided in the applicable FIRM.
- B. The feasibility of requiring all new or substantially redeveloped properties within the SFHA without an elevation provided on the applicable FIRM to elevate the lowest floor to the greater of the standards of Land Development Code §4A-189(2)-(3), or a minimum elevation.
- C. The feasibility of requiring all new or substantially redeveloped properties outside of the SFHA to be built with the lowest floor being a minimum elevation.

Policy 11.7

The Town shall continue to encourage and work with residents and business owners through educational and other programs in utilizing green infrastructure techniques, per Policy 11.3 in combating the impacts of sea level rise.

Policy 11.8

The Town shall seek opportunities to purchase properties within the Coastal Planning Area and subject to repetitive storm damage through the assistance of the Federal Emergency Management Administration (FEMA), non-profit conservation land trusts, and other sources.

Policy 11.9

The Town shall regularly review the land development regulations that require low-impact development and will make feasible code revisions, as needed.

Policy 11.10

The Town may utilize, but shall not be limited to, the following tools, site development techniques and strategies for use within the 100-year floodplain to mitigate flooding and effects of sea level rise and storm surge in order to protect property, to the greatest physical and financial extent possible:

- A. Green street techniques, which emulate natural systems, to divert, capture or absorb water in a way to reduce flood impacts on private property, including, but not limited to street trees, landscaped areas and vegetative curb extensions, bioswales, vernacular streetscapes, and roadway re-design.
- B. A Hybrid stormwater master plan to integrate a combination of green and gray (concrete and man-made) infrastructure, including but not limited to bioretention, increasing pipe capacity, stormwater parks, rain gardens/bioswales, pumps, and water flow diversion strategies.
- C. Underground utilities in vulnerable and feasible areas;
- D. Parking standards and parking lot site plan design with greater water capture techniques;
- E. Increased set-back lines for properties in the CPA;
- F. Natural dune restoration;
- G. Permeable pavement;
- H. Dry and Wet flood proofing of structures; and
- I. Green/Open space

Policy 11.11

The Town shall hold properties in the Coastal Planning Area to their current development density in order to protect life and property from natural hazards and the effects of sea level rise.

Policy 11.12

The Town shall continue to participate in the national Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for its residents.

Policy 11.13

The town shall research the potential for purchasing flood panels (i.e. a permanent or temporary barricade that is erected to prevent flood waters from entering a structure) which could be installed in the event of storm/flooding events to protect municipally-owned buildings during such events and expedite their return to service.

Policy 11.14

The town shall study options for the hardening of the lift station located within Ryckman Park and coordinate with Melbourne Utilities to accomplish necessary improvements.

Policy 11.15

The Town shall research using solar energy to run or augment the running capacity of the Town's power generator.

Policy 11.16

The Town may consider limiting the construction of ~~No~~-new public infrastructure or public buildings, within the Coastal Planning Area if contrary to Objective 11 above. New Construction shall conform to the beach access and lighting standards of Section 40-25 of the Town of Melbourne Beach Code of Ordinances (Code of Ordinances).

Policy 11.17

The Town shall construct and maintain its stormwater management system to ensure that water velocities are below the level which could cause scour or erosion.

Policy 11.18

The stormwater master plan shall incorporate an increase in green engineering/infrastructure solutions to reduce run off into the lagoon either directly or indirectly and provide additional opportunities for water capture and filtration. These solutions shall include, but not be limited to, bioswales, water detention/retention ponds, seasonal stormwater parks, trees and other native vegetation, rain gardens and other water flow diversion and capture solutions.

Policy 11.19

The Town shall consider the acquisition of properties in the 100-year flood plan that can be used for public open space and function as part of a hybrid stormwater master plan that utilizes green engineering techniques such as stormwater parks, bioswales, rain gardens and others that will result in the capture of water and provide natural filtration prior to entering the lagoon and will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency (FEMA). These projects shall be designated in a manner that will allow for continued functionality when considering future effects from sea level rise.

Policy 11.20

The Town shall place the greatest priority and work with service providers on infrastructure construction and reconstruction in the Coastal Planning Area.

Policy 11.21

The Town shall research the latest methodologies for hardening roads and other infrastructure to resist the impacts of sea level rise and flooding within the Coastal Planning Area. Where such methodologies are reasonably feasible, the Land Development Regulations shall be amended by the next Evaluation and Appraisal Report (EAR) to mandate the use of these methodologies for this area.

Policy 11.22

The Town shall research the feasibility of planting additional canopy trees along State Road A1A/Atlantic Street, oak Street, Riverside Drive, and Pine Street to assist in stormwater absorption, as well as provide traffic calming.

Policy 11.23

The Town shall continue to research the opportunities, and update the Stormwater Management plan accordingly, for using green infrastructure as a way of augmenting the Town's traditional stormwater infrastructure to reduce runoff into the Indian River Lagoon and increase the quality of water entering the surficial aquifer while providing for recreation and nature enjoyment opportunities.

Policy 11.24

The Town will integrate sea level rise planning with its plans, procedures and policies based upon a consideration of a range of rise, vulnerability, allowable risk, and project service life from the date of development or construction.

Planning periods should include the following: Short-term - impacts out to 2040 (20-year planning horizon); medium-term - impacts out to 2060 (50-year planning horizon); and long-term - impacts to 2100 (80-year planning horizon).

OBJECTIVE 12

The use of public funds for infrastructure improvements which subsidize increased development in the Coastal Planning Area (CPA) may be restricted to those projects which restore or enhance natural resources, are part of the Town's post-disaster redevelopment plan and/or serve to reduce existing development risks and property hazards such as sea level rise, flooding and storm surge.

Policy 12.1

The Town may limit use of public funds and discourage use of funds by other levels of government that subsidize new private development or redevelopment within the CPA, while prioritizing infrastructure improvement projects which mitigate the impacts of seal level rise and flooding.

Policy 12.2

Public expenditures for capital improvements that promote public access, hazard mitigation and use of coastal areas shall be reviewed through the annual budget process to minimize loss potential and account for future impacts from sea level rise and flooding.

Policy 12.3

Any construction activities that are seaward of the coastal construction control lines established pursuant to s. 161.053 shall be consistent with Chapter 161 of the Florida Statutes.

CHAPTER 7 CONSERVATION ELEMENT

Introduction

The purpose of the Conservation Element is to provide a guide for the conservation, use and protection of natural resources, including factors that affect energy conservation, located within the Town. A specific component of this guide is the provision of a 10-year water supply plan.

Goals, Objectives and Policies

GOAL

Protect and/or enhance existing coastal resources.

OBJECTIVE 1.0:

Protect the coastal dune system, associated native vegetative communities and beaches from the impacts of development.

POLICY 1.1:

As needed, review and amend existing ordinances which are directed at protection of the beaches, dune system, and dune vegetative communities.

POLICY 1.2:

Consider establishment of administrative procedures, which would ensure cooperation and coordination among the various regulatory agencies involved in assuring adequate dune, dune vegetation and beach protection, if needed.

POLICY 1.3:

Periodically review existing ordinance regarding clearing and/or grading of the dune area to ensure that regulations are consistent with those of other governmental agencies and develop administrative procedures which will ensure on-going cooperation and coordination of the activities of the various agencies.

OBJECTIVE 2.0:

Enhance and improve existing dune systems, and maintain permanent public access to the beaches and shores according to the level of service standards outlined in the Recreation Open Space Element.

POLICY 2.1:

If necessary develop ordinances, which prohibit pedestrian and/or vehicular use of the dune systems.

POLICY 2.2:

Improve community awareness of the dune system and its importance to the community through existing community information systems.

POLICY 2.3:

When necessary and feasible, increase vegetation on the dune system to prevent erosion and plant “barrier vegetation” adjacent to dune crossovers to discourage pedestrian access around the structure.

POLICY 2.4:

When needed, identify funding sources, and through preparation and submission of grant applications, endeavor to secure funding, and cooperate with extra-jurisdictional agencies, such as Brevard County and the Florida Department of Environmental Protection.

POLICY 2.5:

When necessary and feasible, improve aesthetic quality of beach and/or river accessways through means including but not necessarily limited to the following:

- i. Control vehicular uses of existing unimproved accessways through the use of signs and/or traffic control devise.
- ii. Develop landscape and/or parking plans for the various beach and river accessways.
- iii. Encourage public and private participation in the implementation of such plans within the Capital Improvement Program.

OBJECTIVE 3.0:

Protect the Indian River lagoon system, its fisheries and marine habitat from further water quality degradation where such protection is within the Town's jurisdiction.

POLICY 3.1:

Continue to enforce stormwater management practices within the corporate limits of the Town by developing ordinances, which would require all new construction or substantial reconstruction to retain on-site the first 8" of runoff from a 10 year / 24 hour storm event prior to discharging into the drainage system.

POLICY 3.2:

Periodically update the Town drainage and stormwater management study in order to identify methods of capturing and treating stormwater before it is discharged into the lagoonal system.

POLICY 3.3:

When appropriate, the Town will coordinate its activities directed toward protecting the Indian River Lagoon with the Town of Indialantic, Brevard County, and other units or local and regional government.

OBJECTIVE 4.0:

Protect plant and animal species that are endangered, threatened, and listed as species of special concern including the sea turtle, the manatee, other wildlife and wildlife habitat from the adverse effect of human interference and enhance Melbourne Beach as a wildlife breeding area.

POLICY 4.1:

When needed, improve community awareness of the existence of the sea turtle and the fragile nature of its nesting and hatching habits through existing community information systems.

POLICY 4.2:

Continue to enforce existing ordinances dealing with lighting on the beach and enforce existing laws which prohibit disturbing sea turtles or their nests.

POLICY 4.3:

Maintain the Town's status as a bird sanctuary.

POLICY 4.4:

As needed, work with State and County environmental protection personnel in the placement of limits upon the speed of boats in areas frequented by manatee, within canals within the town.

OBJECTIVE 5.0:

The establishment of shoreline land uses shall be consistent with the land-uses outlined on the Future Land Use Map.

POLICY 5.1:

Continue to enforce existing zoning and development regulations.

OBJECTIVE 6.0:

Encourage the preservation of the historical value of structures and archaeological sites deemed to be of historical or archaeological significance.

POLICY 6.1:

Identify structures or sites of local historical or archaeological significance to encourage development or redevelopment that maintains the historical integrity of the site or building, by requesting assistance from groups and/or organizations with expertise in identifying and preserving archaeological sites and historical structures.

OBJECTIVE 7.0:

The Level of Service Standards for the coastal area shall be the same as those established in the various elements of the Comprehensive Plan for the Town as a whole.

POLICY 7.1:

Infrastructure necessary to serve new construction within the coastal area will be available concurrent with the need for such service.

OBJECTIVE 8.0:

If needed, the Town will review and amend the water conservation ordinance for consistency with water management district rules and other applicable regulations as appropriate.

POLICY 8.1:

If needed, pursue amendments to State building codes consistent with the water conservation ordinance, which requires low volume plumbing fixtures for all new construction.

POLICY 8.2:

If needed, educate the public of wasteful water usage through existing public information systems.

POLICY 8.3:

The Town shall adopt a Ten Year Regional Water Supply plan consistent with Brevard County and the contingency plans developed by the St. John's River Water Management District.

OBJECTIVE 9.0:

The Town will continue to maintain existing land-use policies in order to ensure that land-uses, which may contribute to air pollution, are not permitted.

POLICY 9.1:

Ensure the Zoning map remains consistent with the Future Land Use Map.

OBJECTIVE 10.0:

Contribute to the reduction of greenhouse gases by implementing policies and strategies that encourage increased pedestrian activity, reduce vehicular dependency, and decrease energy consumption and carbon loading activities.

POLICY 10.1:

If appropriate the Town may conduct an energy consumption audit on municipal facilities to determine operational efficiencies that can be made to reduce the overall energy consumption.

POLICY 10.2:

If appropriate the Town may prepare an action plan that prioritizes retrofitting of municipal facilities to implement energy consumption reduction.

POLICY 10.3:

Reduce Vehicle Miles Travelled (VMT) and Greenhouse Gases (GHG) by ensuring Future Land Use Categories and consistent Zoning designations that continue a development pattern where goods and services for the community are in close proximity to the residential neighborhoods.

POLICY 10.4:

Implement GHG reduction strategies in the Future Land Use Element and Transportation Element consistent with the reduction of VMT and GHG.

POLICY 10.5:

Evaluate implementation a GHG reduction educational program for the Town as part of land development/redevelopment permitting process.

POLICY 10.6:

Regulate land clearing and landscaping regulations to augment passive cooling by trees.

POLICY 10.7

The Town will continue to implement energy efficiency requirements of the Florida Building Code as applicable to new construction and substantially rehabilitated structures.

CHAPTER 8 RECREATION AND OPEN SPACE ELEMENT

Goals, Objectives and Policies

GOAL

Provide adequate recreational opportunities for all residents, including those with special needs.

OBJECTIVE 1.0:

Ensure that, as minimum, recreational facilities and open space areas are provided to meet the needs of Melbourne Beach residents as outlined in the level of service standards.

POLICY 1.1:

The levels of service standards outlined in Table 2 are hereby adopted.

POLICY 1.2:

Funding of all identified maintenance needs will be accomplished through the annual budget process.

POLICY 1.3:

As appropriate seek funding to improve the handicap beach accessways to the ocean in order to make for easier access for handicapped persons.

POLICY 1.4:

Continue to implement adopted open space and recreation definitions and standards, consistent with the level of service standards outlined in Table 2 that will require a minimum percent of open space, for all new construction.

POLICY 1.5:

If needed, review and amend the Town land development regulations to ensure that prior to the issuance of a development order for any new construction the necessary recreation facilities and open space area consistent with the adopted level of service standards.

OBJECTIVE 2.0:

Provide leisure resources for the Town's residents to enhance their health and well-being.

POLICY 2.1:

When appropriate and feasible identify roadways that have adequate pavement width to create a striped bike lane. Stripe and provide bikeway signage in these locations.

POLICY 2.2:

When appropriate develop a Pathways Plan that will address right-of-way requirements, pavement requirements and locational needs for bikepaths and sidewalks.

OBJECTIVE 3.0

Ensure permanent public access (including handicap) to the Atlantic Ocean and to the Indian River, by maintaining, as a minimum, all existing access areas.

POLICY 3.1:

If demonstrated demand for river access increases the Town will review and evaluate existing points of access for potential improvements to accommodate the need. Potential improvements include, but are not limited to the following:

- i. Signs to identify public access and control parking and permitted uses.
- ii. Picnic tables, shelters, benches, and parking areas.

POLICY 3.2:

When appropriate and feasible improve aesthetic quality of beach and/or river access ways through actions that include, but are not limited to, the following:

- i. Control vehicular uses of existing unimproved accessways through the use of signs and/or traffic control devices.
- ii. Develop landscape and/or parking plans for the various beach and river accessways.
- iii. Encourage public and private participation in the implementation of the plans.
- iv. Establish timetable and funding mechanisms for the implementation of such plans within the Capital Improvement Program.

Objective 4.0:

When appropriate cooperate with the County, State and Federal Governments as well as private enterprise in acquiring accessing, and funding quality park and recreational needs.

POLICY 4.1:

If needed to maintain established Levels of Service, the Town may seek agreements with the Brevard County School Board, other local governments and private enterprise in an effort to meet the increased demand for activity based recreational facilities.

CHAPTER 9 PUBLIC SCHOOL FACILITIES ELEMENT

Introduction

The purpose of the Public School Facility Element is to coordinate with the Brevard County School District in providing a quality education for all students.

Goals, Objectives and Policies

Goal:

To provide a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand within a financially feasible school district's five-year capital facilities work program.

OBJECTIVE 1.0: Concurrency Management System

Maintain adequate school facilities in Brevard County Schools by adopting the Public Schools Interlocal Agreement (Interlocal Agreement) pursuant to Florida Statutes Chapter 163.31777 to address the need for correction of school facility deficiencies for the short and long term planning periods.

POLICY 1.1:

The Town of Melbourne Beach will work with the School Board of Brevard County and other entities, as needed, on public school facility planning in accordance with the Interlocal Agreement in which the Town of Melbourne Beach is a party.

POLICY 1.2:

The Town of Melbourne Beach hereby adopts the School Board's current public school attendance boundaries.

POLICY 1.3:

The Parties shall observe the following process for changes in the use of schools:

- A. At such time as the School District determines that a school change is appropriate considering the appropriate use of the school and utilization requirements, the School District shall transmit the proposed school change in use and data and analysis to support the changes to the Town.
- B. The Town shall review the proposed changes to the school use and send their comments to the School District within forty five (45) days of receipt.
- C. The change in school use shall become effective upon final approval by the School Board.

OBJECTIVE 2: School Concurrency Evaluation

The Town of Melbourne Beach shall ensure a school capacity evaluation shall be performed by the Brevard County School District to review projected residential development in order to accommodate new students at adequate school facility capacity.

Policy 2.1:

The Town of Melbourne Beach shall not approve any non-exempt residential development application for a new residential preliminary plat, site plan or functional equivalent until the School District has determined available school capacity.

Policy 2.2:

The Town of Melbourne Beach shall consider the criteria in Florida Statutes 163.31777 (3) to determine if the Town is exempt from the Interlocal Agreement requirement.

Policy 2.3:

The Town of Melbourne Beach, through the Interlocal Agreement, and in conjunction with the School District, shall participate in the school capacity review process for all residential projects that are not exempt from the process.

POLICY 2.4:

The Town of Melbourne Beach in conjunction with the School District shall review developer proposed applications to add the school capacity necessary to satisfy the impacts of a proposed residential development.

OBJECTIVE 3: New Facilities Coordination

Beginning with an effective date of 2008, all new public schools built within the Town of Melbourne Beach will be coordinated with the School District to be consistent with the Town of Melbourne Beach's Future Land Use Map designation to: ensure facilities are proximate to appropriate existing and future land uses; serve as community focal points; are co-located with other appropriate public facilities; and, will have needed supporting infrastructure.

POLICY 3.1:

The Town of Melbourne Beach, in conjunction with the School District, shall jointly determine the need for, and timing of, on-site and off-site improvements necessary to support a new school.

POLICY 3.3:

The Town of Melbourne Beach shall encourage the location of schools near residential areas by:

- A. Assisting the School District in the identification of funding and/or construction opportunities (including developer participation or local government capital budget expenditures) for sidewalks, traffic signalization, access, water, sewer, drainage and other infrastructure improvements.
- B. Reviewing and providing comments on all new school sites including the compatibility and integration of new schools with surrounding land uses.
- C. Allowing schools within all residential land use categories.

POLICY 3.4:

The Town of Melbourne Beach, in conjunction with the School District, shall seek opportunities to collocate schools with public facilities, such as parks, libraries, and community centers, as the need for these facilities is identified.

POLICY 3.5:

The Town of Melbourne Beach, in conjunction with the School District, hereby designates the Capital Outlay Committee (COC) as the monitoring group for coordinated planning and school concurrency in The Town of Melbourne Beach.

POLICY 3.6:

The Town of Melbourne Beach, in conjunction with the School District, the County and the other municipalities within Brevard County shall identify issues relating to public school emergency preparedness, such as:

- A. The determination of evacuation zones, evacuation routes, and shelter locations.
- B. The design and use of public schools as emergency shelters.
- C. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

CHAPTER 10 INTERGOVERNMENTAL COORDINATION ELEMENT

Introduction

The purpose of the Intergovernmental Coordination Element is to identify and resolve incompatible goals, objectives and policies and developments proposed in local government comprehensive plans and to determine and respond to the needs for coordination with other local, county, and regional governments as well as state agencies.

Goals, Objectives and Policies

GOAL

Maximize the effectiveness and efficiency of intergovernmental relationships between the Town of Melbourne Beach and other governmental entities.

OBJECTIVE 1.0:

Maintain membership in organizations such as the Space Coast League of Cities in order to foster informal intergovernmental relationships.

POLICY 1.1:

As feasible, the Town will ensure that annual membership fees in such organizations are budgeted and Town Representatives attend the organizations meetings.

OBJECTIVE 2.0:

The Town may review for compatibility, all comprehensive planning elements and subsequent updates of neighboring jurisdictions, including but not limited to Brevard County, the Brevard County School System, the Florida Department of Transportation, and other units of local government providing services to the Town in order to coordinate with the planning activities of each jurisdiction.

POLICY 2.1:

Continue to work with the Brevard County Comprehensive Planning Steering Committee. The Town participates through representation on the *Spacecoast Transportation* Planning Organization and the Intergovernmental Coordination Committee.

POLICY 2.2:

The Town of Melbourne Beach shall seek to resolve conflicts with other units of local government through the East Central Florida Regional Planning Council's informal mediation process.

POLICY 2.3:

The Town shall coordinate its activities with respect to future growth and development with the City of Melbourne, Brevard County, and private waste collection companies and provide these agencies with information regarding such growth and development such that these service providers may require.

POLICY 2.4:

The Town of Melbourne Beach shall ensure that any annexation is compatible with the Comprehensive Plans of Brevard County, conflicts which may arise as a result of such annexation shall be resolved through the regional planning council's informal mediation process.

OBJECTIVE 3.0:

Through cooperative efforts with Brevard County and the City of Melbourne, the Town will develop and maintain interlocal agreements for the provision of sewer service, solid waste disposal and water service which includes a minimum acceptable level of service and an allocation of plant capacity to the Town of Melbourne Beach.

POLICY 3.1:

The Town will continue to cooperate in efforts to negotiate or renegotiate agreements with the appropriate jurisdictions.

OBJECTIVE 4.0:

The Town of Melbourne Beach will ensure that development within its jurisdiction does not adversely affect surrounding units of local governments.

POLICY 4.1:

Any development which may necessitate an amendment to the Comprehensive Plan of the Town of Melbourne Beach shall be reviewed with respect to the relationship such development may have upon compatibility with comprehensive plans of surrounding units of local and regional government.

POLICY 4.2:

A Future Land Use amendment requires the demonstration of adequate water supplies and demonstrates that associated public facilities are (or will be) available to meet projected growth demands pursuant to state statutes.

POLICY 4.3:

The Town shall ensure that its activities are coordinated with Brevard County, the Town of Indian River, the Florida Department of Environmental Protection, and the St. Johns River Water Management District in order to provide for coordinated management of the resources on the Indian River.

POLICY 4.4:

For development that increase the demand for water usages, prior to approving a building permit or its functional equivalent, the City will consult with the City of Melbourne Utility Authority to determine whether adequate water supplies will be available to serve the new development no later than the anticipated date of issuance of a certificate of occupancy or its functional equivalent by the Town.

OBJECTIVE 5.0:

Through cooperative efforts with affected local, state and regional jurisdictions (such as the Florida Department of Transportation, Brevard County, and City of Melbourne) ensure that

established level of service standards and level of service targets (for transportation) are consistent with the operational and maintenance needs of the affected agency.

POLICY 5.1:

The Town will seek input from the various agencies regarding the impact of the adopted level of service standards upon the maintenance and operational needs, on an as-needed basis as this Comprehensive Plan is reviewed.

POLICY 5.2:

The Town has developed a ten-year water supply work plan that addresses current and projected water needs and sources. The Town shall coordinate with all applicable local, state, and federal agencies regarding the work plan. In addition, the Town will update the work plan, if needed, following any update to the regional water supply plan.

POLICY 5.3:

The city will participate in the development of updates to the SJRWMD's water supply assessment and district water supply plan and in other water supply development-related initiatives facilitated by SJRWMD that affect the city.

POLICY 5.4:

The Town will coordinate with the City of Melbourne, Brevard County, and other local jurisdictions in Melbourne's water service area regarding population projections and development projects that affect future water demands to assist in master planning to ensure that current and future water demands can be met.

OBJECTIVE 6.0:

The Town will participate in coordination and implementation of the County-wide public school facilities concurrency management system to address the need for correction of school facility deficiencies through a tiered level of service for the short and long term planning periods.

Policy 6.1:

Melbourne Beach shall continue coordination with the Brevard County School District and municipalities through the Interlocal Agreement that ensures the public school facilities level of service is maintained. Melbourne Beach shall continue to be responsive to any legislative changes regarding school facility development and coordination with local governments and agencies.

CHAPTER 11 CAPITAL IMPROVEMENTS ELEMENT

Introduction

The purpose of the Capital Improvements Element is to evaluate the need for facilities and other improvements as identified in the various elements of the comprehensive plan; to estimate the costs of such improvements for which the local government has responsibility; to analyze the fiscal capability of the Town to finance and construct such improvements; and to schedule the funding and construction of these improvements to ensure that they are provided when required based upon needs identified in the other elements.

Goals, Objectives and Policies

GOAL

Undertake actions necessary to adequately provide needed public facilities to all residents of the town in a manner that protects investments in existing facilities and maximizes the use of existing facilities.

OBJECTIVE 1:

Provide capital improvements to replace or rebuild worn out, obsolete or eroded facilities when necessary, and include these capital improvements in the 5-Year Schedule of Improvements of this element, as soon as the need becomes evident.

Policy 1.1:

All capital improvement projects with costs of \$10,000 or more shall be included in the 5-Year Schedule of Improvements of this element.

Policy 1.2:

Capital improvement projects proposed by State, Regional, and local entities that provide services to the Town, shall be included within the Five-Year Schedule of Improvements.

Policy 1.3:

The Five-Year Schedule of Capital Improvements shall be adopted annually in conjunction with the annual Town operational budget. Although part of the operational budget of the Town, the Five-Year Schedule of Capital Improvements shall be adopted by Town Ordinance, and included by reference herein. For purposes of compliance with F.S. Section 163.177(1)(b), the Title of the document is Town of Melbourne Beach Five-Year Schedule of Capital Improvements, the Author of the document is Town Manager, the adoption by reference to this Policy 1.3 is for all provisions of the Five-year Schedule of Capital Improvements, and includes all Editions adopted subsequent to adoption of this Comprehensive Plan through Fiscal Year 2028.

Policy 1.4:

The Town shall direct capital improvement costs in a manner that is consistent with the other elements of the Comprehensive Plan.

Policy 1.5:

Capital Improvements financed by the Town shall be funded by either a debt to be repaid by user fees or assessments; or through the use of current assets; or a combination of the two.

OBJECTIVE 2:

Limit public expenditures that are for the purpose of increasing density in coastal high hazard areas (CHHA).

Policy 2.1:

The Town shall not fund infrastructure in the high hazard coastal area that subsidizes development.

OBJECTIVE 3:

Ensure that decisions regarding the issuance of development orders and permits are based upon coordination of the development requirements included in the Comprehensive Plan, the Land Development Regulations, and the availability of necessary public facilities needed to support such development.

Policy 3.1:

The Town shall use the following Level of Service (LOS) standards and LOS targets (for roadways) in reviewing the impacts of new development or redevelopment upon public facility provision:

TABLE 2 – LEVEL-OF-SERVICE STANDARDS/TARGETS

Sanitary Sewer	92 gallons per capita per day		
Solid Waste	8.32 pounds per capita per day		
Drainage	Water Quality Standard: retain the first 8” of runoff from a 10 year / 24 your storm event.		
Potable Water	100 gallons per capita per day		
Roadways	A-1-A	LOS	D
	Ocean Avenue	LOS	E
	Oak Street	LOS	E
	Riverside Drive	LOS	E
<u>Recreational Facility</u>		<u>Level of Service</u>	
Neighborhood Park			
Ball fields	1.5 acre per 1000 population		
Multi-purpose Field	1 per 2000 population		
Tennis Court	1 per 2000 population		
Playgrounds	1 per 2000 population		
Community Center	1 per 4000 population		
Beach Access	1 per 5000 population		
River Access	1 per 500 population		

Policy 3.2:

Any plan amendment and development or redevelopment project shall be consistent with future land uses as shown on the Future Land Use Map of the Future Land Use Element.

Policy 3.3:

Development and redevelopment activities shall be approved only if public facilities necessary to meet level of service standards as adopted in this plan are available concurrently with the impact of the development.

OBJECTIVE 4:

Future development and redevelopment activities shall fund a proportionate cost of the needed facility improvements necessitated by the development.

Policy 4.1:

Development and redevelopment shall be assessed a pro rata share of costs for improvements or expansion to public facilities, necessitated by the development impact, in order to maintain the adopted levels of service.

OBJECTIVE 5:

The Town will manage its fiscal resources to ensure the provision of needed capital improvements.

POLICY 5.1:

The Town shall make efforts to secure grants or private fund whenever available to finance all or part of capital improvement projects.

POLICY 5.2:

Debt management practices shall insure that:

- (a) Revenue bonds, as a percent of total debt, shall not exceed 50 percent.
- (b) The maximum ratio of total non voted debt service to total revenue shall not exceed 15 percent.
- (c) The maximum ratio of outstanding debt to the property tax base shall not exceed 15 percent.

OBJECTIVE 6.0:

Maintain adequate school facilities in Brevard County Schools by adopting a concurrency management system to address the need for correction of school facility deficiencies through a tiered level of service for the short and long term planning periods.

CHAPTER 12 PRIVATE PROPERTY RIGHTS ELEMENT

Goals, Objectives and Policies

GOAL

The Town of Melbourne Beach shall make all decisions with respect for private property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 1

The Town of Melbourne Beach will respect judicially acknowledged and constitutionally protected property rights.

Policy 1.1

The Town of Melbourne Beach will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 1.2

The Town of Melbourne Beach will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 1.3

The Town of Melbourne Beach will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 1.4

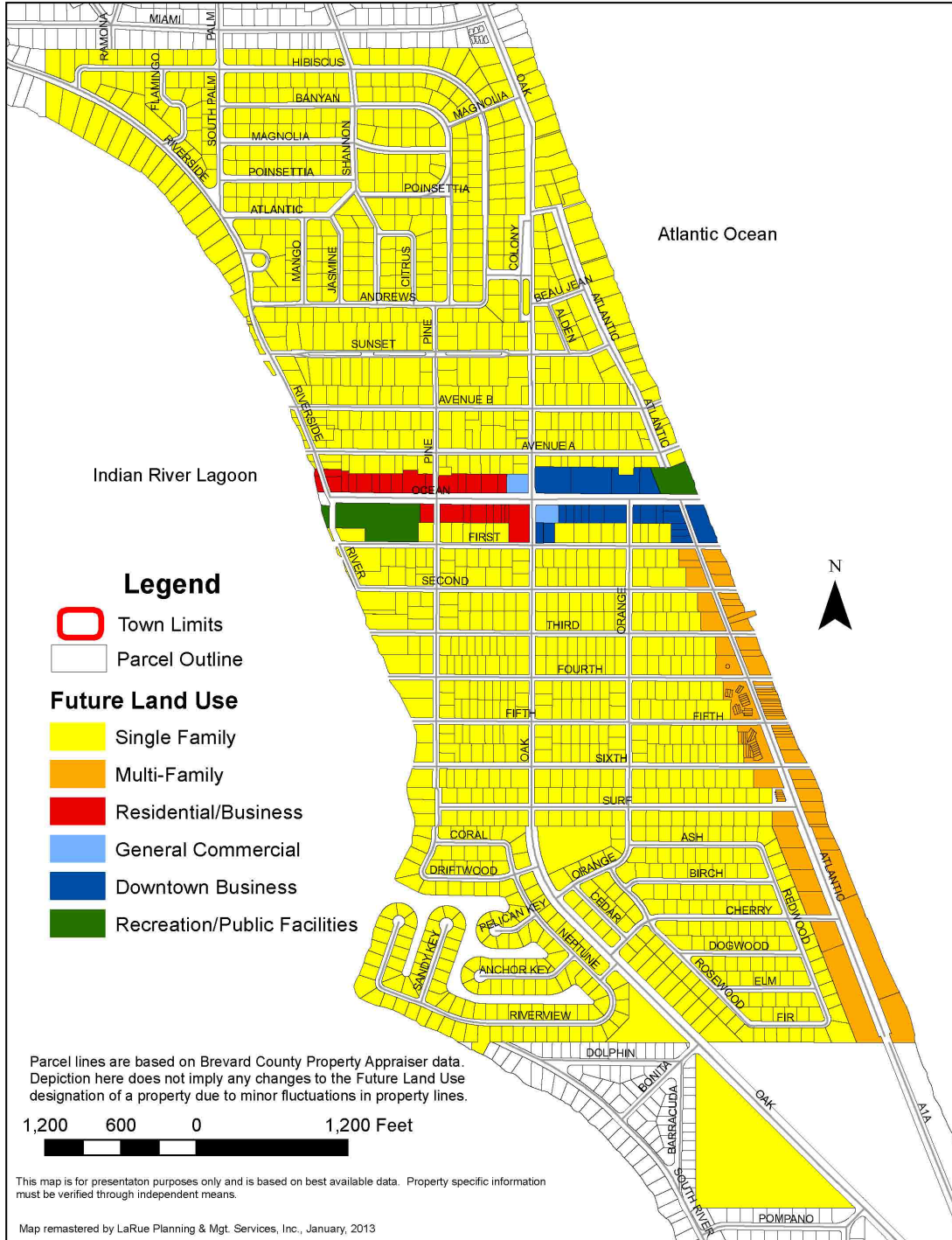
The Town of Melbourne Beach will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

CHAPTER 13 MAPS

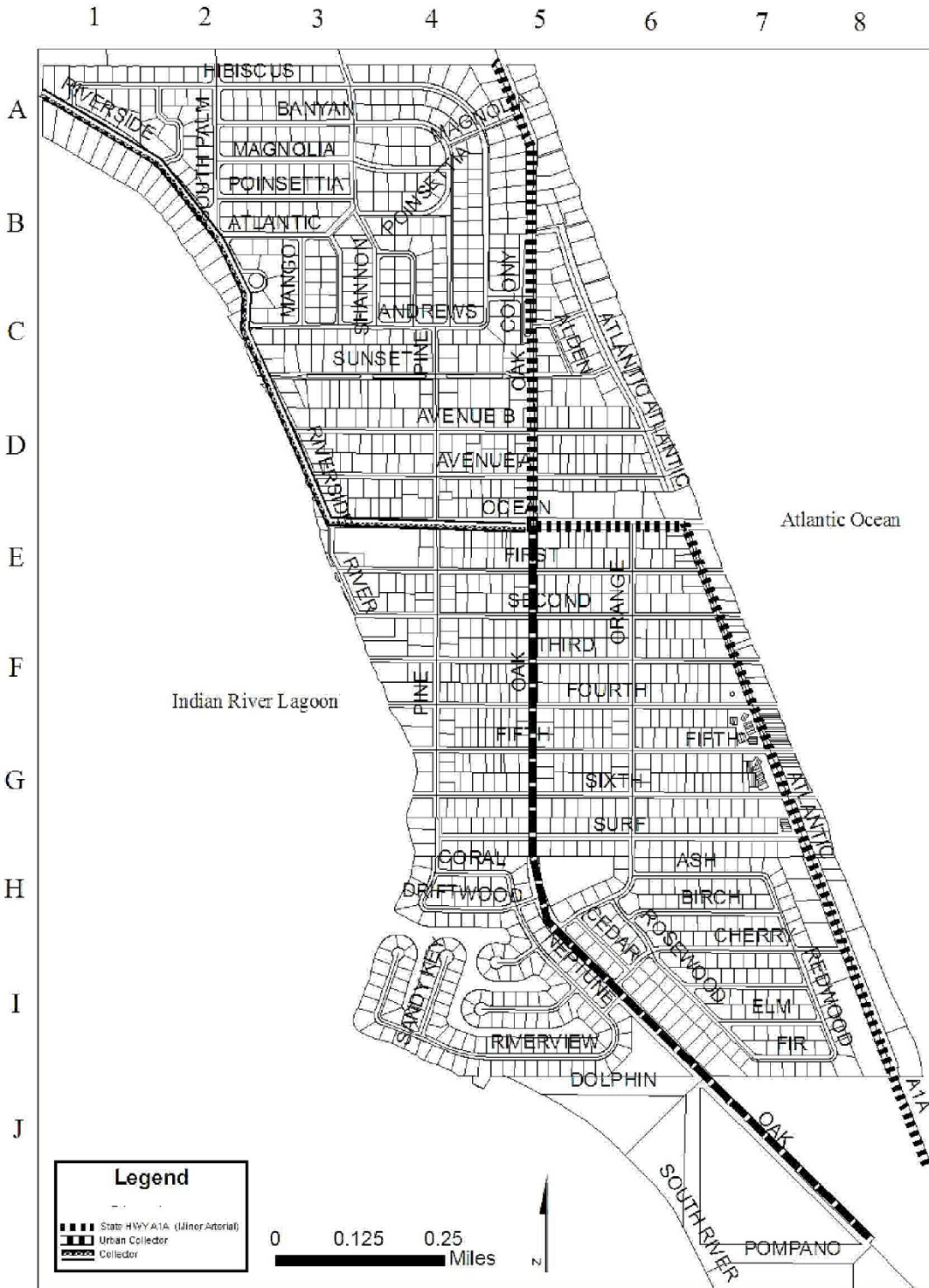
MAP 1

FUTURE LAND USE MAP

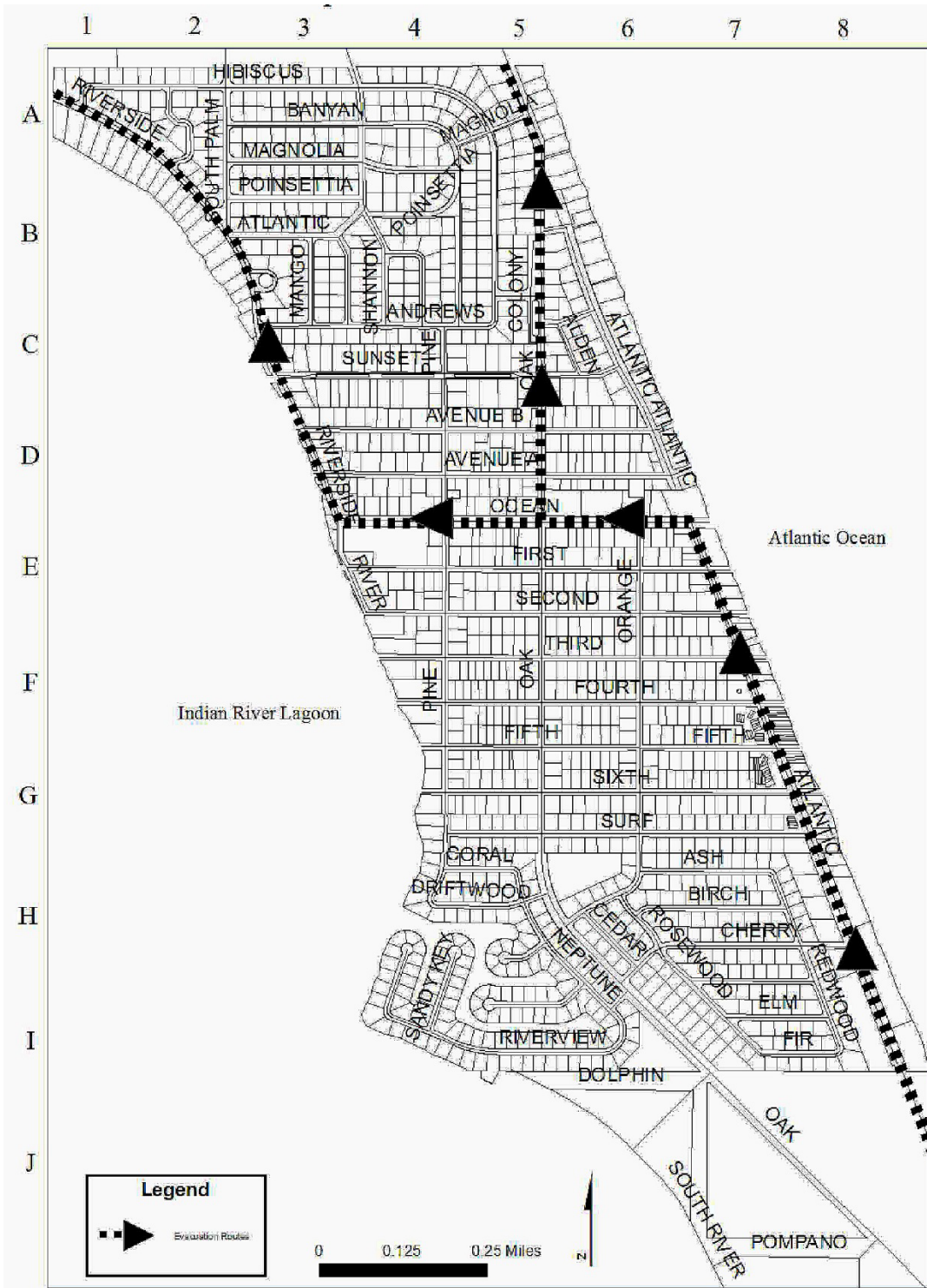
Town of Melbourne Beach
Map 2 - 2020 Future Land Use
 Melbourne Beach Comprehensive Plan
 April 2020



MAP 2 FUTURE TRAFFIC CIRCULATION MAP



**MAP 3
HURRICANE EVACUATION ROUTES MAP**



MAP 4 FLOOD ZONE MAP



**MAP 5
COASTAL HIGH HAZARD ZONE MAP**

Town of Melbourne Beach Coastal High Hazard Areas



MAP 7 HURRICANE STORM SURGE MAP



ORDINANCE NO. 2021-04

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, RELATING TO THE TOWN COMPREHENSIVE PLAN; MAKING FINDINGS; AMENDING SECTION 2A-1, OF THE LAND DEVELOPMENT CODE, APPENDIX A, MELBOURNE BEACH CODE OF ORDINANCES, BY REFERENCING ADOPTION OF THIS ORDINANCE AMENDING THE COMPREHENSIVE PLAN; ADOPTING EVALUATION AND APPRAISAL AMENDMENTS TO THE TOWN COMPREHENSIVE PLAN BY REVISING THE INTRODUCTION; AMENDING THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT AND TEN-YEAR WATER SUPPLY FACILITIES WORK PLAN SUB-ELEMENT, COASTAL MANAGEMENT ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, PUBLIC SCHOOL FACILITIES ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND CAPITAL IMPROVEMENTS ELEMENT; CREATING AND ADOPTING A PRIVATE PROPERTY RIGHTS ELEMENT; REVISING TABLES AND MAPS; UPDATING AND PROVIDING FOR SUPPORT DOCUMENTATION; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; PROVIDING FOR CODIFICATION AND RENUMBERING; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, the Town of Melbourne Beach, Florida pursuant to Florida Statutes, Chapter 163, desires to amend its Comprehensive Plan adopted by Ordinance No. 88-01, as amended by Ordinances, 95-03, 2010-05, 2010-07, and 2017; and,

WHEREAS, the Town of Melbourne Beach, Florida pursuant to Florida Statutes, Chapter 163, has prepared certain Comprehensive Plan amendments based upon the August 2019 Evaluation and Appraisal Report adopted by Resolution 2021-10; and,

WHEREAS, the Town of Melbourne Beach, Florida has held a first and second public hearing(s) on the amendments to the Comprehensive Plan before the Local Planning Agency and the Town Commission; and,

WHEREAS, the Town of Melbourne Beach, Florida has considered, or will consider, any applicable written objections, recommendations, and comments of the State Land Planning Agency and other persons, agencies, and governing bodies; and,

WHEREAS, the Town of Melbourne Beach, Florida finds that the amendments to the Comprehensive Plan have been processed in accordance with the applicable law and desires to amend the Comprehensive Plan; and,

WHEREAS, in accordance with Chapter 2021-195, Laws of Florida, the Town of Melbourne Beach, Florida desires to amend the Comprehensive Plan to add a Property Rights Element;

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF MELBOURNE BEACH, FLORIDA:

SECTION 1. That Section 2A-1, Appendix A, of the Code of the Town of Melbourne Beach, Florida, is hereby amended to read as follows:

§2A-1. PLAN ADOPTED BY REFERENCE.

Pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, §§ 163.3161 et seq., Fla. Stat., the Town Comprehensive Plan, as prepared by the Local Planning Agency, and including but not limited to: goals, objectives and policies for ~~ten~~ eleven (11) elements, including an introduction, a chapter relating to population of the Town, and the following elements: coastal management; conservation; inter- governmental coordination; capital improvements; infrastructure which includes provisions relating to sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge; housing; future land use; transportation; public school facilities; ~~and~~ recreation and open space and private property rights; 10-year water supply facilities work plan sub element; the existing traffic circulation map; the

future land use map; and other maps and tables, and separate Support Documentation all as adopted by Ordinance No. 88-01, adopted September 6, 1988; as amended by Ordinance 95-03, adopted January 17, 1996; Ordinance 2010-05, adopted June 16, 2010; ~~and~~ Ordinance 2010-07, adopted October 20, 2010 and Ordinance 2021-04 adopted April 20, 2022, are incorporated by reference and constitute the official Comprehensive Plan for and of the Town.

SECTION 2. Attached hereto as Exhibit “A” and incorporated herein by this reference is the set of amendments revising the Town’s Comprehensive Plan. Said revised plan consists of (1) August 2021 Town of Melbourne Beach Comprehensive Plan Support Documentation (Support Document) and (2) August 2021 Town of Melbourne Beach Comprehensive Plan Goals, Objectives and Policies (Goals, Objectives and Policies) which together constitute the Comprehensive Plan. The revisions are shown by use of underlined terms which constitute new text and stricken through words which constitute text deleted from the Comprehensive Plan.

SECTION 2. Severability/Interpretation Clause.

(a) In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

- (1) Words underlined are additions to existing text.
- (2) Words ~~stricken through~~ are deletions from existing text.

(3) Asterisks (* * *) indicates a deletion from the Ordinance of text existing in the Code of Ordinances. It is intended that the text in the Code of Ordinance denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 3. Codification and Renumbering. The provisions of this Ordinance shall be codified as, and become and be made a part of, the Town of Melbourne Beach Code of Ordinances. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 4. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 5. Effective Date. The effective date of this Ordinance, if the Ordinance is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that the Comprehensive Plan Amendment adopted by way of this Ordinance is in compliance. If the Ordinance is timely challenged, or if the state land planning agency issues a notice of intent determining that the Comprehensive Plan Amendment adopted by way of this Ordinance is not in compliance, this Ordinance shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining the Comprehensive Plan Amendment adopted by way this Ordinance to be in compliance.

Melbourne Beach Town Manager

From: PW Supervisor
Sent: Monday, June 13, 2022 12:13 PM
To: Melbourne Beach Town Manager
Subject: volleyball court edge

Spoke with Satellite Beach PW. They use the 8" schedule 40 PVC pipe to maintain the sand onto the courts. To date they have not experienced any problem. Due to heavy weight of that much pipe it is not secured or fill with any material. Based upon current cost of 8" PVC pipe and fittings estimated cost would be close to \$5000 – each 10 ft. pipe is \$215 then the cost of fittings (\$700)/ our area is 40 x 60 ft.

Using 6 " pvc pipe and fittings would be approximately \$2750 plus about \$700 for fittings.

SECTION 6. Adoption Schedule.

PASSED by the Town Commission of the Town of Melbourne Beach on first reading on the 15th day of September, 2021, and ADOPTED by the Town Commission of the Town of Melbourne Beach, Florida, on final reading on the 20th day of April, 2022.

TOWN OF MELBOURNE BEACH, FLORIDA

By: 
WYATT HOOVER, Mayor

ATTEST:


Amber Brown
Interim Town Clerk

(TOWN SEAL)



**TOWN OF
MELBOURNE BEACH
COMPREHENSIVE PLAN**

**SUPPORT
DOCUMENTATION**



August 2021

TOWN OF MELBOURNE BEACH

TOWN COMMISSION

Wyatt Hoover, Mayor
Honorable Joyce Barton, Vice Mayor
Honorable Sherri Quarry, Commissioner
Honorable Steve Walters, Commissioner
Honorable Corey Runte, Commissioner

PLANNING AND ZONING BOARD

David Campbell, Chairman
Kurt Belson
April Evans
Doug Himes
Daniel Gonzalez

TOWN MANAGER

Elizabeth Mascaro

TOWN ATTORNEY

Clifford R. Repperiger

PLANNING CONSULTANTS

Place Planning and Design
700 U.S. Highway One Suite C
North Palm Beach, Florida 33408

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CHAPTER 1
INTRODUCTION

Introduction

The Town of Melbourne Beach has designated the Planning and Zoning Board to act as the Local Planning Agency to work with consultants to prepare amendments to the Comprehensive Plan based upon the August 2019 *Town of Melbourne Beach Florida Evaluation and Appraisal Report* (EAR).

Included with the 2019 EAR, the Town has opted to create separate Support and Goals, Objectives and Policies documents. In order to complete the task, the Town of Melbourne Beach Comprehensive Plan now consists of the following two documents: (1) April 2020 Town of Melbourne Beach Comprehensive Plan Support Documentation (Support Document); and (2) April 2020 Town of Melbourne Beach Comprehensive Plan Goals, Objectives and Policies (Goals, Objectives and Policies).

The following Town of Melbourne Beach Support Document consists of: (1) data and analysis for each of the required Comprehensive Plan Elements extracted, and updated where necessary, from the September 2010 Town of Melbourne Beach Comprehensive Plan; and (2) updates from the 2019 EAR. The Support Document is adopted by Town Resolution for ease of future updates while the Goals, Objectives and Policies document is adopted by Town Ordinance, as required by Florida Statutes.

Definitions

The following are definitions created for use with the Melbourne Beach Comprehensive Plan. All other terms are as defined in Chapter 163, Florida Statutes which shall apply within the Support Document and Goals, Objectives and Policies Document of the Town of Melbourne Beach.

ACCESSORY USE: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

ACQUIRE: To come into possession or control of.

ADAPTIVE REUSE: The installation of a new use within an older building, or within a building originally designed for a special or specific purpose, while retaining historic features, if any, of the original building.

AFFORDABLE HOUSING: A dwelling unit for which monthly rents or monthly mortgage payments, including taxes, insurance and utilities, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for households or persons indicated in Section 420.0004, Florida Statutes (F.S.) (i.e., Low income, moderate income and very low income households or persons as defined herein.) Affordable housing definitions that are prescribed by housing programs administered by the U.S. Department of Housing and Urban Development (HUD) or the State of Florida may also be used by Melbourne Beach when implementing such programs.

AGRICULTURAL USES: Uses of land or water for the following purposes: crop cultivation (including crops for biomass purposes), plant nurseries and greenhouses; poultry and livestock production; grazing and pasturing of animals, including horses; veterinary services for livestock and horses; fish hatcheries; dairies; apiculture; silviculture; structures such as stables, barns, sheds, silos, granaries, windmills and related agricultural structures and supportive appurtenances, such as machinery for harvesting and processing of crops and the sale of such machinery; and farm worker and farm owner housing directly associated with land and water in bona fide agricultural use.

ANCILLARY USES: Uses that are supportive of and subordinate to the principal use or uses of a property or structure; such uses may not be customarily located with the principal use.

ANTIQUATED PLAT: A subdivision of land that does not comply with current zoning district and/or subdivision requirements, or that has limited development potential due to inadequate public facilities, services or environmental constraints. These generally include lands platted prior to modern land development regulations adopted in 1972. Examples include plats with substandard designs for lot size, configuration, roads or drainage facilities.

ANTIQUATED SUBDIVISION: A subdivision of land that was created prior to modern land development regulations adopted in 1972 and does not comply with current zoning and/or subdivision standards, typically in terms of lot size, road access, stormwater management or utility service.

AQUIFER: A subsurface rock layer that contains water and releases it in appreciable amounts. Aquifers are important reservoirs storing large amounts of water relatively free from evaporation loss or pollution. An aquifer may be porous rock, unconsolidated gravel, fractured rock or cavernous limestone.

AREAS OF SPECIAL FLOOD HAZARD (ALSO KNOWN AS SPECIAL FLOOD HAZARD AREAS): Land in the floodplain of a community subject to a one (1) percent or greater chance of flooding in any given year.

AREA MEDIAN INCOME (AMI): Median income is that income which divides the income distribution into two equal parts, with one-half of the cases falling below the median income and one-half falling above. HUD uses the median income for families in metropolitan and non-metropolitan areas to calculate income limits for eligibility in a variety of housing programs and adjusts the median for different family sizes so that family income is expressed as a percentage of the area median income.

ATTAIN: To reach an end, to arrive by effort.

BACKLOGGED FACILITY: Road on the State Highway System operating at a level of service below the minimum level of service standards, which is not a constrained facility, and which is not programmed for construction adequate to bring it up to the applicable minimum level of service standard in the first three years of the Florida Department of Transportation's adopted work program or in a local government's capital improvements element.

BASE FLOOD ELEVATION (BFE): The elevation of flooding expected in a one (1) percent chance flood event. The Flood Insurance Rate Map (FIRM) for Melbourne Beach measures such elevations in North American Vertical Datum (NAVD) 1988.

BONA FIDE AGRICULTURAL USE: Land or water areas currently in active use for one or more of the agricultural uses specified herein and eligible for Federal, State and local recognition as such for tax purposes.

BUFFER, OPEN SPACE: A specified setback between land uses that contains no buildings or signage; a physical dimension intended to reduce the impact of a more intense use on a less intense use.

BUFFER, VEGETATIVE: A permanent strip of perennial native vegetation (or vegetation with low water demands) of a specified width, established and maintained in accordance with an approved landscape plan to minimize the risk of pollutants reaching surface waters, to treat stormwater, and/or to provide a protective transition between land uses and reduce the impact of a more intense use on a less intense use.

CENTRAL TREATMENT FACILITY/PLANT: A large water or sewage treatment facility providing service to a number of customers over a broad area.

COASTAL EROSION:The wearing away of land, including depletion of dune systems and damage to water-front properties and infrastructure, by the action of natural forces embodied in waves, water currents and wind. Additionally, coastal erosion effecting inland properties can occur along streams, canals, drainage ditches and rivers.

COASTAL HIGH HAZARD AREA (CHHA): The area defined by the SLOSH model to be inundated by a Category 1 hurricane.

COASTAL PLANNING AREA (CPA): The area most susceptible to sea level rise and other flooding, and where the main focus on being sustainable regarding these events will occur.

COMMUNITY PARK: A community park is designed to serve the recreation needs of several communities, a city or a county, and may provide some areas and facilities that are resource-based. Typical areas and facilities include ball fields, sport courts, multipurpose jogging/walking trails, community centers along with natural areas, playgrounds and picnic areas. A size range between 10-50 acres is desirable, although larger areas are found often where a large portion of a site is set aside for passive recreation and preservation.

COMMUNITY RESIDENTIAL HOME: The term "community residential home" shall be defined as set forth in Section 419.001, Florida Statutes, or its successor provisions.

COMPATIBILITY:

1. A condition in which land uses can coexist in relative proximity to each other in a stable fashion over time such that no use has a materially negative impact directly or indirectly on another use; and

2. A use or structure that by function, hours of operation, type and amount of traffic generated, building size, setbacks from property lines, relationship to land value, and relationship to mass and bulk of other structures in the same zoning district and neighborhood, does not alter the character of the community or neighborhood.

CONCURRENCY: A requirement of Florida Statutes mandating that public services and facilities meet or exceed the level of service standards established in the Capital Improvements Element required by Section 163.3177, Florida Statutes., and are available for a development in accordance with the requirements of Florida Statutes, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development without reduction in level of service. The concurrency requirement does not apply to public transit facilities, defined by state law to include: transit stations and terminals, transit station parking, park-and-ride lots, intermodal public transit connection or transfer facilities and fixed bus, guideway and rail stations.

CONSERVE: To keep in a safe or sound state, to avoid wasteful or destructive use of.

CONSTRAINED FACILITY: Road on the State Highway System operating at a level of service below the minimum level of service standards and on which it is not feasible to add two or more through-lanes to meet current or future traffic needs because of physical, environmental or policy constraints. Physical constraints primarily occur when intensive land use development is immediately adjacent to roads making expansion costs prohibitive. Environmental or policy constraints primarily occur when decisions are made not to expand a road based on environmental considerations, operational considerations or documented policy (FDOT definition).

CONSUMPTIVE USE PERMIT (CUP): A permit issued by a Florida Water Management District (such as the St. Johns River Water Management District) that specifies the maximum amount of water that can be withdrawn from a regulated water resource by the permit holder.

CONSISTENT: Development that complies with land use categories, densities or intensities, and furthers the goals, objectives and policies in the Comprehensive Plan and meets all other applicable criteria established by the local government.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED): A multi-disciplinary approach to deterring criminal behavior through the use of strategies that rely on the ability to influence a potential offender's decisions that precede criminal acts. These design strategies emphasize the use of 'defensible space' design features, such as natural surveillance and natural access control, that enhance the perceived risk of detection, thus deterring criminal action.

DENSITY: See NET RESIDENTIAL DENSITY

DEVELOPMENT: The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. This term does not include the use of land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, or the raising of livestock; or for other agricultural purposes.

1. The following activities or uses shall be taken for the purposes of this chapter to involve "development," as defined in this section:

- (a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- (b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- (c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in s. 161.021.
- (d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- (e) Demolition of a structure.
- (f) Clearing of land as an adjunct of construction.
- (g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

2. The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined in this section:

- (a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
- (b) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners.
- (c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- (d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
- (e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

- (f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.
- (g) A change in the ownership or form of ownership of any parcel or structure.
- (h) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

"Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. [Sources: Section 380.04(1) and 380.04(3)(f), Florida Statutes (Florida Statutes.)]

DEVELOPMENT ORDER: An order granting, denying or granting with conditions an application for a development permit. (Source: Section 163.3164(7). F.S.)

DEVELOPMENT PERMIT: A building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, conditional use or any other official action of local government having the effect of permitting the development of land. (Source: Section 163.3164(8), F.S.)

DIRECT: To regulate the activities or course of, to dominate and determine the course, enjoy with authority.

EFFECTIVE: Producing a desired result.

EFFICIENT: Productive with minimal waste when compared to current conventional methods.

ENCOURAGE: To stimulate, spur on, inspire, and give help or patronage.

ENHANCE: To improve, to make better in value, function, desirability or attractiveness.

ENSURE: To make sure; to make certain; guarantee

ESTABLISH: To institute permanently by enactment or agreement, bring into existence, bring about.

EVALUATE: to determine the significance or worth of by careful appraisal or study

EXTREMELY LOW INCOME HOUSEHOLDS (FORMERLY KNOWN AS POVERTY LEVEL HOUSEHOLDS): One or more persons or a family, the total annual adjusted gross income of which does not exceed 30 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA), or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

FINANCIAL FEASIBILITY: A comprehensive plan is financially feasible if sufficient revenues are currently available or will be available from committed funding sources for the first three years, or will be available from committed or planned funding sources for years 4 and 5, of a 5- year capital improvements schedule or financing capital improvements, such as ad valorem taxes, bonds, State and Federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the schedule of capital improvements.

FLASH FLOODING: Flooding that begins within six (6), and often within three (3) hours of heavy rainfall.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Insurance Administration has delineated both special flood hazard areas (SFHA) and the risk premium zones applicable to the community.

FLOODING: The inundation of a normally dry area caused by an increased water level in an established watercourse, such as a river, stream, drainage ditch, or ponding of water at or near the point where rain fell.

FLOODS: An inundation of water which occur during heavy rains, when rivers overflow, or when dams or levees break.

FLOODWAY: The channel of a river and the portion of the overbank floodplain that carries most of the flood.

FLOOR AREA: The sum of the gross horizontal areas of all floors of a building or buildings on a property measured from the exterior faces of exterior walls, or from the centerlines of walls separating two attached buildings.

FLOOR AREA RATIO (FAR): The floor area of the building(s) on a property divided by the square feet of land area of that property.

FREEBOARD: A margin of safety added to the base flood elevation to account for waves, debris, miscalculations, or lack of data.

FLORIDA-FRIENDLY LANDSCAPING: Landscaping practices designed to preserve Florida's natural resources and protect the environment.

FUNCTIONAL CLASSIFICATION: Assignment of roads into systems according to the character of service they provide in relation to the total road network. Basic functional categories include arterial roads, collector roads and local roads.

GEOGRAPHIC SERVICE AREA: For recreational facilities, a geographic service area identifies the time or distance which a resident is willing to travel to use a given park or facility.

GOAL: a generalized statement of a desired end state toward which objectives and policies are directed.

GREEN BUILDING PRACTICES: Green building design and construction practices address: sustainable site planning; safeguarding water; energy efficiency; conservation of materials and resources and indoor environmental quality. (Website of US Green Building Council, Atlanta Chapter).

GREEN ROOFS: Ecological roof gardens that improve a building's thermal insulation, absorb less heat, produce oxygen, absorb carbon dioxide, filter air pollution and absorb and/or manage a portion of rainwater falling onto it, thus slowing stormwater runoff.

GROUP HOME FACILITY: The term "group home facility" shall be defined as set forth at Section 393.063(25), Florida Statutes, or its successor provisions.

IMPLEMENT: To carry out, to give practical effect to, ensure actual fulfillment by concrete measures.

IMPROVE: To make more acceptable or bring nearer to some standard.

IDENTIFY: To establish the identity, location or existence of.

INFILL DEVELOPMENT AREA: Infill development areas are developable vacant lands located in otherwise built up urban areas where public facilities such as sewer systems, roads, schools and recreation areas are already in place or are in close proximity; the average residential density is at least four dwelling units per net acre. Infill development areas may be located within residential, nonresidential or mixed use urban areas.

INTENSITY: A measurement of the amount of development either allowed or existing on a property typically expressed as density (units per acre) for residential uses and floor area ratio (FAR) for non residential uses.

JOINT PLANNING AGREEMENT (JPA):An interlocal agreement enabled by Chapter 163.3171 and adopted through appropriate official action that provides for joint policies and programs on annexation, future land use designations, provision of services and conflict resolution.

LAGOON: A shallow body of water connected with a larger water body.

LAGOON-FRIENDLY LANDSCAPING/YARDS: Landscaping practices designed to preserve Florida's natural resources and protect the environment, in the Town's case with particular emphasis on landscaping practices which limit pollutants and emphasize cleansing of the Indian River Lagoon. The term is synonymous with Florida-friendly landscaping.

LAND USE DESIGNATION: Classification of land use that specifies the allowed range of densities (numbers of housing units per acre or other similar measure) and/or intensities (number of square feet of buildings or similar measure), general types of uses allowed, and zoning district or districts allowable within that land use classification. Land use designations represent the long-range desired use of a property. A land use designation is not a development order nor development permit. It does not grant permission to begin construction, and does not automatically assure rezoning to a particular zoning district. The uses identified in the definitions for land use designations are intended to identify the range of uses allowable within each designation.

All uses noted as examples are not permitted within each zoning classification permitted within the designation. The Code of Ordinances identifies the particular uses permitted within particular zoning classifications.

LEED: Leaders in Energy and Environmental Design, a building environmental certification program developed and operated by the United States Green Building Council.

LEVEL OF SERVICE (PARKS): An indicator of the extent or degree of service provided, based on the operational characteristics of a facility both from a programming and maintenance standard.

LEVEL OF SERVICE (TRAFFIC): For highways is a qualitative measure describing operating conditions within a traffic stream and driver perception of the quality of traffic flow. Levels range from "A" to "F" with level of service. A representing the best operating conditions and level of service F representing the worst operating conditions as defined by the Transportation Research Board.

LEVEL OF SERVICE: An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on the operational characteristics of the facility. Level of service indicates the capacity per unit of demand for each facility, providing a measure indicating the planned operating condition or capacity of a service according to a measurable unit, as in 'gallons per capita' for water or wastewater service.

LIMITED ACCESS FACILITY: A street or highway especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air or view by reason of the fact that their property abuts upon such limited access facility or any other reason. Such highways or streets may be facilities from which trucks, buses and other commercial vehicles may be excluded or they may be facilities open to use by all customary forms of traffic.

LOCAL ROAD: A route providing service which is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property.

LOT: The least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement) for living purposes. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not so built so as to render the structure in violation of requirements.

MINIMIZE: To reduce to the least quantity possible.

MAINTAIN: To keep in an existing state, to support or provide for, bear the expense of.

MAXIMIZE: To increase to the greatest quantity possible.

MINOR STRUCTURE: As also defined in Section 4A-110 of the Land Development Code, pile supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas; earth retaining walls; sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be characteristic of minor structures that they are considered to be expendable under design, wind, wave, and storm forces.

MULTIMODAL TRANSPORTATION SYSTEM: A transportation system that provides for the safe and efficient use of multiple modes of transportation for people and goods, and the seamless transfer of people and goods from one mode to another.

NEIGHBORHOOD PARK: The Neighborhood Park is a "walk-to" park generally located along streets where people can walk or bicycle without encountering heavy traffic. Neighborhood Parks may be provided through the development review process, direct acquisition and joint use through schools or the municipal jurisdiction.

NET BUILDABLE ACRES: The number of acres within the boundary of a development excluding areas devoted to road rights-of-way, transmission power line easements, lakes and wetland or flood prone areas.

NET RESIDENTIAL DENSITY: The number of dwelling units per net buildable acre.

OBJECTIVE: Statements, more specific in nature and which further define the area's goals and identifies the steps necessary for the satisfactory pursuit of a goal.

PARCEL OF LAND: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established. It may be designated by its owner or developer as land to be used, or developed as a unit, or which has been used or developed as a unit.

PLAT: A map or delineated representation of the subdivision of lands, being a complete, exact representation of the subdivision and other information in compliance with the requirement of all applicable statutes and of local ordinances, and may include the terms "replat".

POLICY: A statement that is more detailed than an objective and provides guidelines for specific actions, which will satisfy particular objectives.

POTABLE WATER: Water suitable for drinking purposes that conforms to the drinking water standards of Federal, State and local authorities for human consumption.

PRESERVE: To keep intact.

PROMOTE: To contribute to the growth of prosperity of, to help bring into being, to present for public inspection.

PROPORTIONATE SHARE, PUBLIC EDUCATIONAL FACILITIES: A program established in accordance with Section 163.3180(13)(e), Florida Statutes (F.S.) that allows the school district and local government to enter into a legally binding agreement with a developer to provide mitigation proportionate to the demand for public school facilities to be created by actual development of a property.

PROPORTIONATE SHARE, TRANSPORTATION: A program established in accordance with Subsection 163.3180(16), Florida Statutes (F.S.), that shall apply to all developments in the Town that impact a road segment in the Town Concurrency Management System for which the developer has been notified of a failure to achieve transportation concurrency on a roadway segment or segments. This program shall not apply to Developments of Regional Impact (DRIs) using proportionate share under Subsection 163.3180(12), F.S., developments meeting the de minimis standards under Subsection 163.3180(6), F.S., or to developments exempted from concurrency as provided in the Melbourne Beach Code of Ordinances. An eligible applicant may choose to satisfy the transportation concurrency requirements of the Town by making a proportionate share contribution if the proposed development is otherwise consistent with the Comprehensive Plan of Melbourne Beach and applicable Code of Ordinances, and if the Town's five-year capital improvement program (CIP) and the Capital Improvements Element (CIE) of the Town's Comprehensive Plan includes a transportation improvement or improvements that, upon completion, will accommodate the additional trips generated by the proposed development. The Town may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Share program by contributing to an improvement that, upon completion, will accommodate the additional trips generated by the proposed development.

PROTECT: To shield from injury or destruction.

PROVIDE: To supply what is needed for sustenance or support, to supply for use.

PURSUE: To find or employ measures to obtain or accomplish.

RECLAIMED WATER: Water resulting from treatment of domestic, municipal or industrial wastewater and sewage that is suitable for reuse for purposes such as irrigation of landscaping.

RECREATIONAL FACILITY: A place designed and equipped for the conduct of sports and leisure-time activities.

RECREATIONAL FACILITY, PRIVATE: A recreational facility operated by a private organization and open only to bona fide members and their guests.

RECREATIONAL FACILITY, PUBLIC: A recreational facility open to the general public; ownership need not be a governmental agency.

REGIONAL WATER SUPPLY PLAN: Adopted by the Governing Board of a Water Management District pursuant to Section 373.0361, Florida Statutes, for each water supply planning region within the District where it has been determined that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses, and to sustain water resources and related natural systems for the planning period. Each regional water supply plan shall be based on a 20-year planning period and include, but not be limited to a water supply development component for each water supply planning region that includes a quantification of water supply needs for existing the future reasonable-beneficial uses within the planning horizon, based on best available data, and a list of water supply development project options from which local government, government-owned, privately owned utilities and other water suppliers may choose for water supply development. Water conservation and other demand management measures, and water resources constraints, must be taken into account in developing the plan.

RETAIL SALES: Retail stores, sales and display rooms, including places where goods are produced and sold at retail on the premises.

SEA LEVEL RISE: The long term hydrologic, atmospheric and geographic effects of rising seas as caused by climate change.

SHALL: Used to express a command, is mandatory, to be done at all times without deviation.

SHOULD: Expresses ultimate desire, is generally mandatory unless otherwise justified.

SPECIAL FLOOD HAZARD AREA (SFHA): The base floodplain displayed on FEMA maps. It includes the A and V zones, which are areas with a one (1) percent chance of flooding at any given time.

STORM SURGE: The increase in water level along a shoreline during wind and wave-induced storm events.

STRIP COMMERCIAL: Strip commercial development is shallow-depth, free standing commercial development along a road, as opposed to being concentrated at major intersections or within a planned development that allows access by multiple modes of transportation, a transit-oriented development, or a mixed use development. Strip commercial is characterized by:

- Relatively small and narrow parcels (lot depths of approximately 300 feet or less); or,
- Frequent curb cuts, lack of coordinated access such as cross access drives or joint use driveways; or
- Lack of coordinated parking, between commercial uses.

STRIVE: To endeavor, to devote serious effort or energy.

SUBSTANTIAL IMPROVEMENT: Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, taking place during a two (2)-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the 2-year period begins on the date of the first improvement or repair of that building or structure subsequent to October 26, 1988. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUPPORT: To promote the interest or cause of, to favor actively, to advocate.

TOTAL MAXIMUM DAILY LOAD (TMDL): A calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources.

TRANSPORTATION CONCURRENCY EXCEPTION AREA (TCEA): A specified geographic area delineated in comprehensive plan within which, under limited circumstances, exceptions to transportation concurrency is allowed to reduce the adverse impact transportation concurrency may have on urban infill development and redevelopment, and the achievement of other goals and policies of the state comprehensive plan, such as promoting public transportation. Exceptions apply to land uses within the designated area. When a local government designates a TCEA, data and analysis must support the designation, and guidelines and policies within the plan must specify how transportation needs will be met. Programs may include improvements to public transportation, transportation demand management, transportation system management and financing tools for public transportation. A TCEA may cross jurisdictions when appropriate and be designated in each comprehensive plan.

URBAN SPRAWL: Urban development or uses that are located in rural areas, or rural areas interspersed with generally low-intensity or low-density urban uses, and which are characterized by one or more of the following conditions:

- (a) the premature or poorly planned conversion of rural land to other uses which fails to adequately protect and conserve natural resources;
- (b) the creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent area;
- (c) failure to provide a clear separation between rural and urban uses;
- (d) allowing for land use patterns or timing that disproportionately increase the cost in time, money and energy of providing and maintaining facilities and services, including roads, water, sewer, stormwater management, law enforcement;

(e) the creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided or proposed to be provided. Urban sprawl is typically manifested in one or more of the following land use or development patterns: leapfrog or scattered development; ribbon or strip commercial development; or low-intensity, low- density, or single-use development other than bona fide agricultural uses.

WATERSHED: A geographic area in which water, sediments, and dissolved materials drain from higher elevations to a common, low-lying outlet or basin, a point on a larger stream, lake, underlying aquifer or estuary (US Environmental Protection Agency).

WATER DEPENDENT: a use or activity which is dependent upon a location on the water, i.e. a marina is water dependent

WATER RELATED: a use or activity which derives a benefit from a location on the water, however, it may exist away from the water, i.e. a bait shop may derive a benefit from a shoreline location but may exist in an upland location.

WORKFORCE HOUSING: Housing affordable to Melbourne Beach working households that earn up to 140 percent of Area Median Income (AMI). Melbourne Beach further defines Workforce Housing to include households in which one or more of the wage-earners, employed by either the private or the public sector, are compensated for provision of services essential to Melbourne Beach, including but not limited to: teachers and educators, police and fire personnel, government employees, healthcare personnel, and skilled building trades personnel.

ZONING DISTRICT: A specifically delineated area shown on The Town of Melbourne Beach Official Zoning Map Identified in section 7A-15 of the Code of Ordinances within which regulations govern the use, placement, spacing and size of buildings, lots and yards.

CHAPTER 2
FUTURE LAND USE ELEMENT

Introduction

The purpose of the Future Land Use Element is to provide for the future general distribution, location, and extent of the uses of land for residential, commercial, recreation, education, public facilities, and other purposes by private and public property owners.

Existing Land Uses

The Town of Melbourne Beach is predominantly a residential community. Approximately 73.0% of the developed land area is used for residential purposes. Of the total 627 acres of land within the Town, 5.06 (0.8%) acres remain vacant.

Existing Land Use Categories

Existing Land Uses are divided into categories of Residential, Commercial Recreational, Educational, Public Facilities, Places of Worship, Rights-of-Way, and Vacant. Bays, lakes, harbors, wetlands and significant soils or minerals are not located within the Town. The distribution of existing land uses in Town is illustrated in Table 1 below.

TABLE 1

EXISTING LAND USE

LAND USE	ACRES	% OF TOTAL
Residential	457.98	73.00
Commercial	10.47	1.67
Recreational	8.25	1.32
Educational	17.90	2.86
Public Facilities	2.88	0.47
Places of Worship	6.32	1.01
Rights-of-Way	117.60	18.76
Vacant	5.06 (1)	0.80
TOTAL	627.00	100.00

(1) Consists of the following vacant parcels: Residential common area; Single-family platted lots; municipally-owned land, commercial and multiple-family.

Future Land Use Categories: Town of Melbourne Beach Future Land use categories are presented in Table 2 below.

TABLE 2 - PERMITTED LAND USE BY FUTURE LAND USE CATEGORY

<u>Future Land Use Category</u>	<u>Permitted Use Description</u>
Single Family	Single Family dwellings, Public and private kindergarten through 12 th grade (K-12) schools meeting standards for property size and location consistent with the Brevard County School District standards, electric utility substations meeting compatibility standards included in the Comprehensive Plan and Code of Ordinances, accessory structures and certain uses permitted by Special Exception as specified in the Code of Ordinances.
Multi-Family	Multi-family residences, duplexes, single family dwellings, Public and private K-12 schools meeting standards for property size and location consistent with the Brevard County School District standards, electric utility substations, accessory structures and certain uses permitted by Special Exception as specified in the Code of Ordinances.
Residential/Business	Single-family dwellings, multi-family residences, electric utility substations meeting compatibility standards included in the Comprehensive Plan and Code of Ordinances, and certain uses permitted by Special Exception as specified in the Code of Ordinances.
General Commercial	Retail sales, professional offices, personal services, vocational and trade schools, educational and cultural institutions (excluding public and private K-12 schools), gas stations and recreation areas, electric utility substations, and certain uses permitted by Special Exception as specified in the Code of Ordinances.
Downtown Business	Retail sales, professional offices, personal services, vocational and trade schools, educational and cultural institutions (excluding public and private K-12 schools), financial institutions, government and municipal buildings, public and private parking lots and public recreation areas, electric utility substations, and certain uses permitted by Special Exception as specified in the Code of Ordinances.
Recreation/ Public Buildings	Parks; Playgrounds; Active recreation facilities including, fields, courts, pools, and similar features; Public beaches, Fishing pier, Community Center, Restrooms, Dune crossover structures, electric utility substations, and other uses and structures determined by a 4/5 vote of the full Town Commission to fulfill a recreational need.

Compatible Zoning Categories

Town zoning districts which implement the Future Land Use Categories are listed in Table 3 below.

TABLE 3

COMPATIBLE ZONING DISTRICTS BY FUTURE LAND USE CATEGORY

<u>Future Land Use Category</u>	<u>Zoning District</u>
Single Family	1-RS Single Family Residential 2-RS Single Family Residential 3-RS Single Family Residential
Multi-Family	4-RM Multi-Family Residential 5-RMO Oceanfront Multi-Family
Residential/Business	8-B Residential Business
General Commercial	7-C General Commercial
Downtown Business	6-B Downtown Business
Recreation/ Public Buildings	9-I Institutional District

Density and Intensity Standards

Town maximum residential densities (i.e. units/acre) and non-residential intensities (sq. ft. of building floor area/sq. ft. of lot or parcel = Floor-Area-Ratio; F.A.R.) are presented in Table 4.

TABLE 4

FUTURE LAND USE DENSITY/INTENSITY STANDARDS

<u>Future Land Use Category</u>	<u>Acreage*</u>	<u>Percent of Total Land</u>	<u>Maximum Density or Intensity</u>
Residential			
Single Family	459.99	73.4%	4.3 Units/Acre**
Multi-Family	27.0	4.3%	6.00 Units/Acre
Residential-Business	8.48	1.4%	
Multi-Family			15.00 Units/Acre
Non-Residential			0.50 FAR
Commercial			
General Commercial	1.41	0.2%	0.50 FAR
Downtown Business	9.00	1.4%	0.50 FAR
Recreation/ Public Buildings			
Recreation	8.25	1.3%	0.00 FAR
Public Buildings	1.55	0.2%	1.00 FAR

* 18.8% (117.88 acres) of the total percent of land is attributed to rights-of-way.

**minimum lot size of 10,000 square feet yields density of 4.3 units per acre

Infrastructure Analysis

Potable Water

Potable water is provided to the Town by the City of Melbourne as stipulated in a water franchise agreement that was extended for a term of 31 years beginning February 12, 2018. The agreement stipulates that the City of Melbourne will sell and distribute potable water within the Town and has the right to construct, erect, maintain and operate a water distribution system including mains, pipes, valves, meters and fire hydrants. The City of Melbourne is obligated to operate and maintain the water supply and distribution system in accordance with applicable statutes, rules and regulations and to maintain a level of service including water pressure equal to the service provided throughout the water system.

Distribution lines exist to serve all properties within the Town. These lines are the maintenance responsibility of the City of Melbourne Utilities Department. Details of the sufficiency of the water supply to meet current and future needs of Melbourne Beach are further discussed in the Ten Year Water Supply Facilities Work Plan in the Infrastructure Element.

Sanitary Sewer

Sanitary sewer service is provided by Brevard County Utilities Department. Adequate capacity, available to serve Melbourne Beach currently and in the future, is addressed in the Brevard County Comprehensive Plan. The Brevard County Plan includes policies to ensure capacity is available prior to approval of new development throughout the County system. A resolution that serves as a contract binds the Town of Melbourne Beach to participation in the Brevard County sanitary sewerage system. Policies to assure sanitary sewer capacity is available through the planning period be addressed in the Infrastructure Element.

Solid Waste

Solid Waste and recycling service is provided, through contract with the Town, by a private collection service, and disposed of in an approved Sanitary Landfill outside the jurisdiction of the Town of Melbourne Beach. Brevard County includes policies in their Comprehensive Plan regarding providing land fill space sufficient for every county household to have twice per week service. The level of service standard is also established and maintained by Brevard County.

Transportation

The existing traffic circulation patterns of streets are sufficient to meet the anticipated future needs of the community. State Road A-1-A runs north and south along the east side of Town. Traffic volumes on State Road A-1-A north of Ocean Avenue have exceeded the level of service standard "E" adopted in the Comprehensive Pan. At current levels of usage the facility does not materially affect other streets or roads within the Town. The limited new development that is possible combined with the impacts of any redevelopment activity during the next 10 years is expected to have no more than a *de minimus* impact on levels of service. Virtually all traffic volume increases are a result of traffic generated either to the north or south of Melbourne Beach.

Drainage

Drainage standards consistent with the standards of the St. Johns Water Management District are in place and are enforced. Melbourne Beach has implemented recommendations included in a drainage study and has completed installation of storm water treatment devices in strategic locations. The Town continues to improve and retrofit old drainage facilities. Drainage structures have been installed as development occurred in most areas of Melbourne Beach.

Vacant Land Analysis

There are 5.06 acres of vacant land in Melbourne Beach. Six vacant platted parcels are designated for single family residential development according to Brevard County Property Appraiser records. The lot sizes range from 0.21 acre to 0.41 acre. There are a total of 2.01 acres of vacant single family residential properties; a total of 6 units.

There is one vacant multi-family parcel of land. The parcel is 0.31 acres in size according to the Brevard County Property Appraiser. Development of this parcels will yield a maximum of three multi-family residential units. Two vacant properties are designated for commercial use. These properties total 0.30 acres.

Population Projections

The 2020 population of Melbourne Beach was estimated at 3,247 residents by the U.S. Census. It was projected during the 2019 EAR process that buildout of the Town will occur during the FY 2020 – 2030 period. Based upon the data included herein (i.e. buildout potential of 9 dwelling units at 2.64 persons per household per the U.S. Census), it is projected that Melbourne Beach will attain a population of 3,271 permanent residents and 292 peak seasonal residents by 2030, the planning horizon of this Comprehensive Plan (Source: Land Research Management, Inc.).

Soils

With the exception of the barrier, dune, topography is reasonably level, ranging from approximately 12 feet above mean sea level west of the dune line to 15 feet above mean sea level. (U.S.G.S) Quad Sheet N2800-w8030/7.5)

According to the Soil Survey of Brevard County, the soils in this area (Ref: Table 5) are one of four series of Coastal Beaches; Galveston; Palm Beach; or Welaka. With the exception of the Coastal Beaches the soils hold moderate limitations for urban development. Drainage structures have previously been installed when the subdivisions were developed. Wetlands exist only along the lagoon waters edge.

Vegetation above the line of mean high water consists of lawn grasses and landscaping generally associated with single- family residential development. Thus wetlands do not present obstacles to development consistent with existing ordinances. Given the reasonably flat terrain as well as soils types associated with a barrier island and the fact that no large tracts exist, future development of vacant properties consistent with existing regulations is not incompatible with soils, topography, natural and/or historic resources.

Future Needs For Land To Accommodate Population Growth

The Town of Indialantic occupies the entire northern town boundary, while the Atlantic Ocean and the Indian River make up the eastern and western boundaries. South of Melbourne Beach land in unincorporated Brevard County is developed at urban densities and intensities. This development straddles either side of State Road A-1-A from the southern edge of the Town to a distance at least one mile to the south. It is not reasonable to plan for this land to meet any future needs for land to accommodate population growth.

TABLE 5

SOILS OF MELBOURNE BEACH

Soil type	Depth to Season High Water Table	Permeability Rate	Limitations as Absorption Field
Coastal Beaches	No valid estimates		Very severe High water table Salinity
Galveston	40 – 60 inches	> 20	Moderate Rapid permeability Results in Inadequate Filtration and Contamination of Ground water
Palm Beach	>120 inches	> 20	Slight Rapid permeability Results in Inadequate Filtration and Contamination of Ground water
Welaka	40 – 60 inches	>20	Moderate Rapid permeability Results in Inadequate Filtration and Contamination of Ground water

Source: Soil Survey of Brevard County Florida, S.C.S.

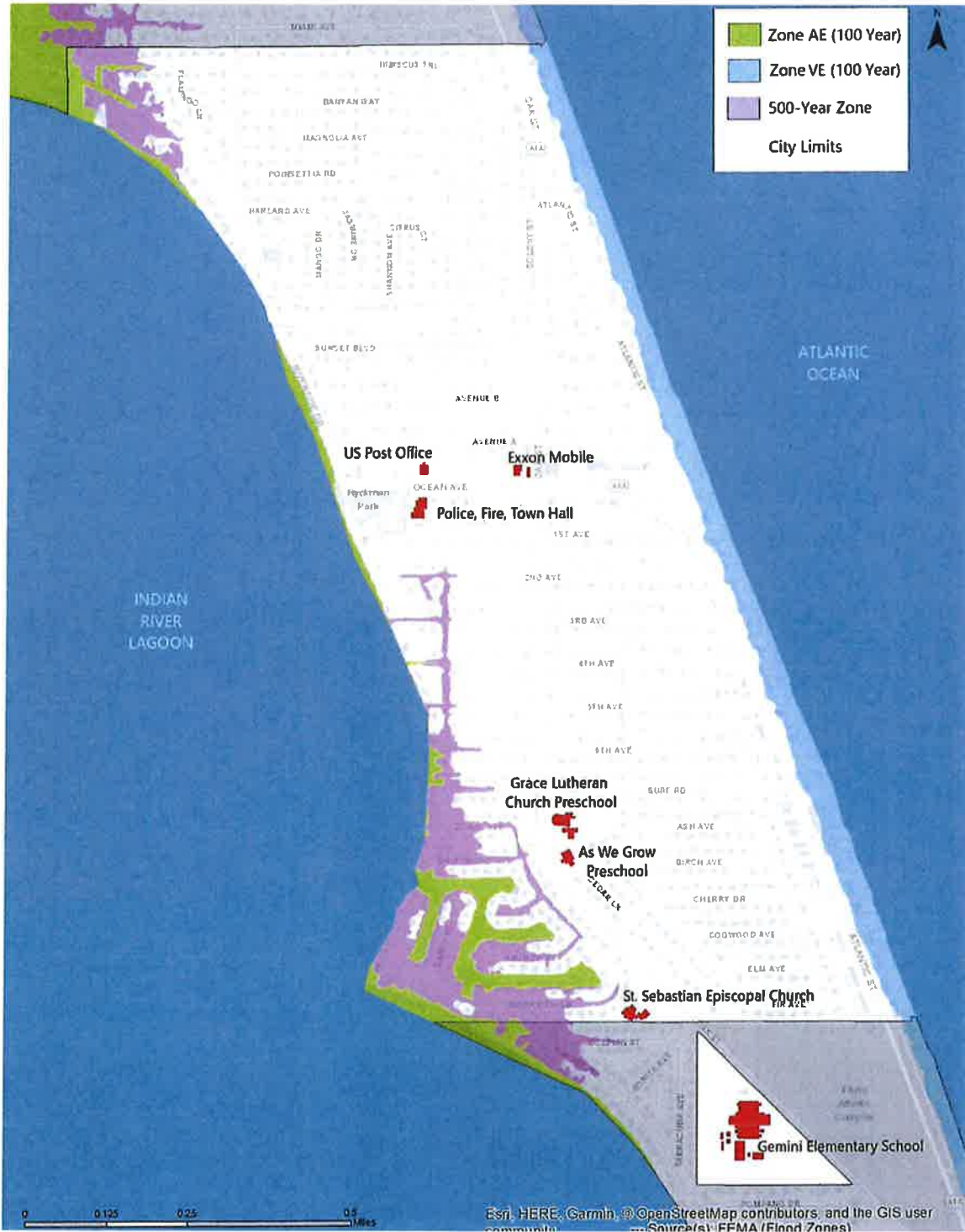
Redevelopment Needs Analysis

The Town of Melbourne Beach is a bedroom community to the larger metropolitan areas of Melbourne and Palm Bay. These areas serve as employment centers and provide for most of the services necessary within reasonable commuting distance. The existing commercially zoned areas are adequate to provide for convenience goods and service to the Town.

Very few uses exist which fail to conform to the community' character and/or existing zoning. Since the Town is a bedroom community many of the elements leading to blighted areas are nonexistent. At the present time redevelopment is not an important consideration. The major commercial area within the Town borders on the north and south sides of Ocean Avenue. This area is not blighted or in need of redevelopment however, Code of Ordinances designed to improve the aesthetics and ensure future uses are compatible with the character of the Town are in place. Additional polices regarding redevelopment activity along Ocean Avenue will also be considered in the future.

MAP 1

FLOOD ZONES MAP



Analysis Of Potential Development And Redevelopment Activity In Flood Prone Areas

The Town of Melbourne Beach is on a barrier island, with less than 5000 feet of land separating the Atlantic Ocean and the Indian River Lagoon. Flood prone areas are significant considerations in development and redevelopment activity. Map 1 illustrates the areas of the Town within the various 100-year flood zones (A zones and V zones).

State and Federal regulations regarding construction and reconstruction must be rigorously enforced, including the Florida Building Code, flood resistant standards. The Town has adopted and enforces several ordinances regarding construction in coastal areas including: a Coastal Construction Code designating the entire Town as existing within the "Coastal Building Zone (CBZ)" and the Floodplain Management Code (Article XII). The CBZ designation establishes minimum building and renovation requirements within this area and a Coastal Setback Line 25 feet landward of the Coastal Construction Control Line. Permitted densities are consistent with the requirements of the Brevard County Hurricane Evacuation Plan, for the south beaches area. The Town also participates in the National Flood Insurance Program

Wetlands exist only along the edge of the lagoon. Vegetation above the line of mean high water consists of lawn grasses and landscaping generally associated with single-family residential development. There are no bays, lakes harbors or significant mineral resources within the Town of Melbourne Beach.

Discouragement Of Urban Sprawl

The compact development pattern of Melbourne Beach is well established. All properties within the Town are platted. Most of the Town is platted in a traditional grid pattern. There are a few minor modifications to the grid that are a result of the shoreline alignment and location of roadways prior to the platting of the land. The Government Offices, Library, and commercial areas are located near the center of the Town. Most basic goods and services can be obtained within a maximum of a one mile travel distance for all Town residents. Any goods and services not available in Melbourne Beach are readily available in the commercial district of the Town of Indialantic, just one mile north of the Town limits.

Remaining development potential in Melbourne Beach includes 30 single family units, 3 multi-family units and approximately 1.29 acres of commercial use. Any redevelopment activity that occurs is not anticipated to materially increase residential densities or commercial intensities.

Land to the north and south of Melbourne Beach is also urbanized at similar or higher densities than those within the Town.

The Town does not promote sprawl and has strongly expressed the desire to keep the existing land use pattern in place. Primary indicators of urban sprawl, defined in Florida Statutes Chapter 163.3164 (5), are not present in Melbourne Beach.

Energy Efficient Land Use Patterns

Alteration of future land use patterns in Melbourne Beach is not anticipated in the foreseeable future. It is highly unlikely that any change in the land use pattern will occur within the 10 year planning horizon. The compact design of the Town; the central location government offices, library; recreation facilities; and commercial development; the traditional grid pattern; and the sidewalks along -State Road A-1-A and Ocean Avenue all contribute to an energy efficient land use pattern. The land use pattern results in short automobile trips, ease of pedestrian and bicycle travel and efficient use of infrastructure resources. Many Town residents either ride a bicycle or walk to Town Hall for government meetings or to conduct other Town business.

Green House Gas Reduction Strategies

The Town of Melbourne Beach has a significant tree canopy and has policies in place to protect and enhance the canopy. The shade to rooftops and paved areas near houses and commercial buildings helps to reduce energy consumption for cooling these buildings. The Town is participating in a curbside recycling program that recycles yard debris, plastic, glass, paper, and metals.

Garbage collected in Melbourne Beach is disposed of in a landfill operated by Brevard County. The County has programs that do not allow yard debris to be disposed of in plastic bags or containers; converts methane gas to green energy; and treats leachate water so that it can be included in the reuse irrigation water system.

The Town intends to continue to explore new techniques to reduce green house gases.

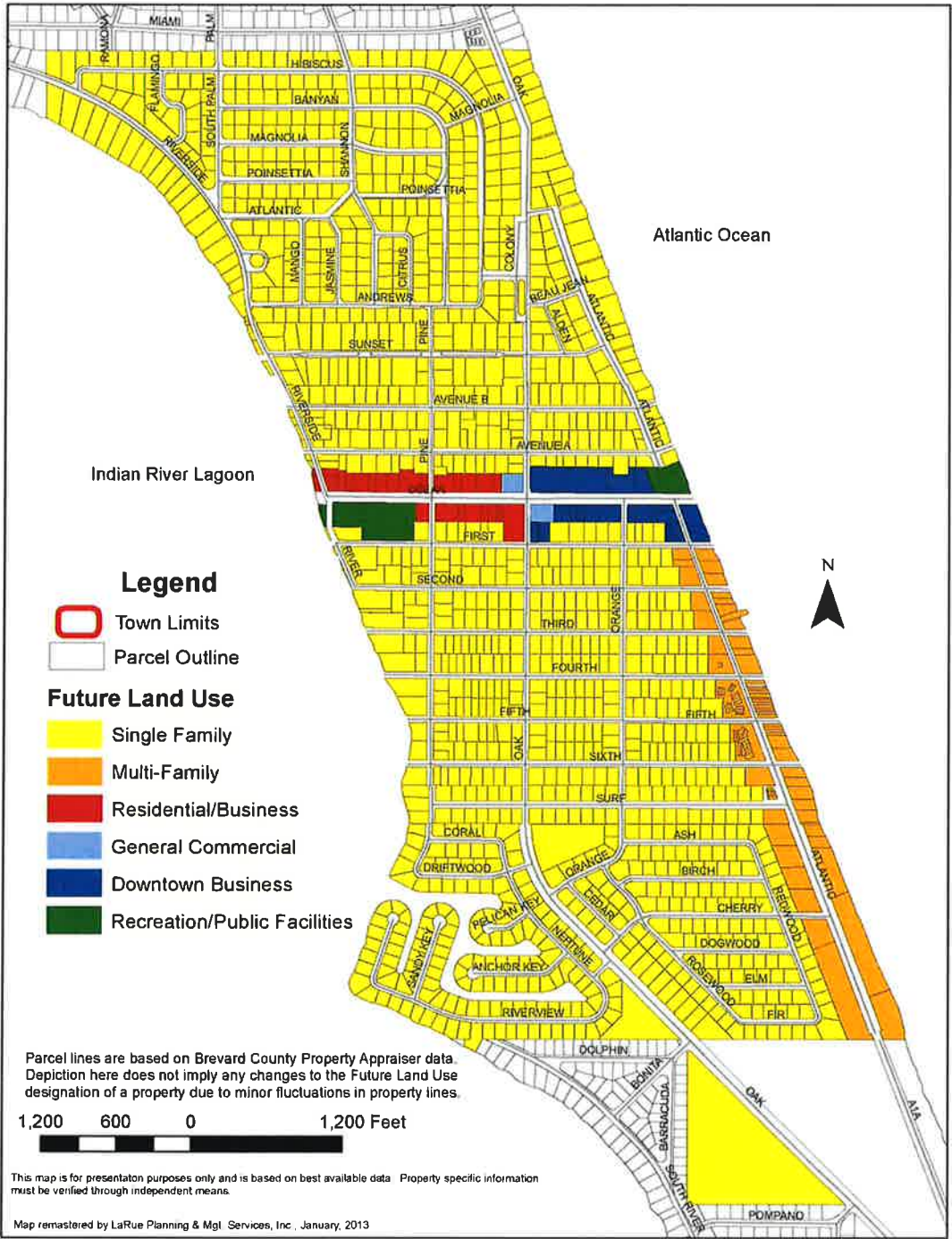
Future Land Use

Town projected future land uses are illustrated on Map 2 Melbourne Beach Future Land Use Map.

MAP 2

TOWN OF MELBOURNE BEACH FUTURE LAND USE MAP

Town of Melbourne Beach
 Map 2 - 2020 Future Land Use
 Melbourne Beach Comprehensive Plan
 April 2020



CHAPTER 3
TRANSPORTATION ELEMENT

Introduction

The purpose of the Transportation Element is to plan for a multimodal transportation system that places emphasis on ecologically friendly transportation alternatives including public transportation systems.

Existing Traffic Circulation System

Map 3 depicts the following existing transportation system features:

Road System including collector roads, arterial roads, bicycle and pedestrian ways, the functional classification and maintenance responsibility of all roads, the number of through lanes for each roadway, and the peak hour level of service (LOS).

There are no limited and controlled access facilities, significant parking facilities, public transit system facilities, public transit routes or service areas, public transit terminals or transfer stations, public transit rights-of-way, ports facilities, airports facilities including clear zone obstructions, freight and passenger rail lines and terminals, intermodal terminals and access to intermodal facilities, or major public transit trip generators and attractors, based on the existing land use map, within Melbourne Beach.

Table 6 shows the average daily traffic counts within the Town of Melbourne Beach. All roadways within the corporate limits are two lane facilities. The Florida Department of Transportation Functional Road Classification System identifies A-1-A from the south corporate limits to the north corporate limits, to include Ocean Avenue between A-1-A and Oak Street, as a Minor Arterial in the State Highway System. Riverside Drive, to include the portion of Ocean Avenue west of Oak Street to Riverside Drive, to the north corporate limits is an Urban Collector. The Florida Department of Transportation Functional Classification System states that, "all local roads (not otherwise identified) within the municipal limits are included on the city street system."

Access to the Town from the north is via A-1-A and Riverside Drive. Both of these roadways enter the Town through the Town of Indialantic. Access from the south is via A-1-A and Oak Street. These roadways enter the Town from unincorporated Brevard County. The nearest east/west access to the mainland is the Melbourne Causeway, S.R. 500.

Bike Paths and Non-motorized Circulation

Bike paths are designated along A-1-A and Ocean Avenue by striping and signage. A system of non-motorized vehicular circulation is nonexistent.

Brevard County has adopted a minimum level of service standard of "E" for arterial and collector roadways within the urban area. The minimum level of service standard for State arterial roadways, excluding the Florida Interstate Highway System, in the urbanized area is also E.

MAP 3

EXISTING TRANSPORTATION SYSTEM MAP



TABLE 6

TOWN OF MELBOURNE BEACH AVERAGE DAILY TRAFFIC COUNTS

<u>State Roads</u>	<u>Average Daily Traffic</u>	
A-1-A North of Ocean Avenue	19,200	
A-1-A at southern Town limits	14,900	
<u>Municipal Streets</u>	<u>ADT</u>	
Ocean Av. Between Oak St and Riverside Dr	4100	Two Lanes
Oak Street South of Ocean Av.	4800	Two Lanes
Riverside Drive North Ocean Av.	4100	Two Lanes
<u>Out of Jurisdiction</u>		
A-1-A north of Ormond Avenue	19,200	Two Lanes
US 192 west of A-1-A	22,000	Four Lanes
Riverside Drive south of US 192	4,100	Two Lanes

Source: Space Coast Transportation Planning Organization, 2019 Traffic Counts

The only other functional classification not previously referenced is for the residential or local street. The primary purpose of these streets is to provide direct access to adjoining properties. Local streets should be designed to minimize through traffic and discourage excessive speeds. Traffic volumes should not exceed 1000 vehicles per day.

Analysis of Existing Level of Service

There are four functional roadway classifications within the Town of Melbourne Beach: Minor Arterial, Urban Collector (FDOT Classifications), Collectors and Residential Streets (Local Classifications). The Town roadways within the Town are classified as follows:

A-1-A	Undivided Arterial, Two lane
Ocean Avenue west of Oak Street	Undivided Collector, Two lane
Oak Street South of Ocean Avenue	Undivided Collector, Two lane
Riverside Drive	Undivided Collector, Two lane

All other streets within the Town are residential streets, providing access to individual properties.

Comparing existing traffic counts on State Road A-1-A, provided in Table 6, to capacity standards in the 2020 FDOT Quality/Level of Service Handbook results in a determination that the current level of service on all segments of State Road A-1-A is "E". State Road A-1-A is the only State roadway within Melbourne Beach.

Based on traffic counts provided in Table 6 and the standards in the 2020 FDOT Quality/Level of Service Handbook the level of service on Oak Street and Riverside Drive remain at LOS B.

Transit service is not available in Melbourne Beach. The nearest transit service to Melbourne Beach is provided by Space Coast Area Transit (SCAT). The South Beach Trolley serves the Town of Indialantic with a route that runs approximately 1.6 miles to the north of Ocean Avenue at the nearest point to Melbourne Beach.

Analysis of Future Land Use Upon Traffic Circulation

As noted in the Future Land Use Element, the Town of Melbourne Beach, is essentially a fully developed community with only scattered vacant lots remaining to be developed. Thus, development consistent with the Future Land-Use Element will have very little impact upon the Level of Service of existing roadways within the Melbourne Beach area. The existing number of occupied units within the Town is 1,229. By the year 2030 this number is projected to increase to 1,238. Based upon the average number of weekday trip ends as outlined in the Institute of Transportation Engineers Trip Generation, Informational Report for residential uses (10 trips for single family detached and 6.1 for multi-family) an additional 78 trips per day may be expected, for the entire Town.

The major consideration with respect to a deterioration of the Level of Service of the various roadways within the Town will be growth which may occur south of the Town in the unincorporated South Beaches area of the County and whether or not an additional route to the mainland is provided south of the Town.

Existing conditions indicate that at least a portion of A-1-A south of Melbourne Beach is operating at the acceptable level of service. Additional traffic resulting from the growth south of this area may result in adverse impacts upon the level of service of other roadways, such as Oak Street south of Ocean Avenue and Riverside Drive north of Ocean Avenue.

Comparing future 2030 traffic projections on State Road A-1-A resulting from development of vacant properties consistent with the Comprehensive Plan to capacity standards in the FDOT Quality/Level of Service Handbook results in a determination that the future (2030) level of service on all segments of State Road A-1-A will remain at "E". State Road A-1-A is the only State roadway within Melbourne Beach.

The magnitude of future development through the planning period (2030) is not anticipated to generate traffic on Oak Street or Riverside Drive that will result in a deterioration of the LOS below acceptable standards.

Based on this analysis there is no need for new facilities to enhance mobility for the short term or long-term planning horizons.

Non-Motorized Traffic Circulation

Bikeways, as a separate striped lane exist on A-1-A north of Ocean Avenue, Oak Street south of Ocean Avenue and Ocean Avenue. Sidewalks are available along Oak Street, Ocean Avenue and most of State Road A-1-A. In the remainder of the Town sidewalks are very limited.

Short travel distances to the beach, the Indian River, recreation facilities as shown in the Open Space/Recreation Element, Town Hall, the commercial district, and the library make a more complete non-motorized circulation system practical and beneficial.

The Existing Transportation Map and the Future Transportation Map are identical. (See Map 3 Existing Transportation and Map 4 Future Transportation).

Impacts to the transportation system by the remaining properties to be developed in Melbourne Beach are minimal. Those impacts will not create a necessity for capacity improvements on any of the arterial or collector roadways within the Town. Thus, efforts toward reducing the impacts of existing development will be the focus of the planning and coordination efforts during the next 10-year planning period. Coordination with Brevard County in efforts toward enhancement of pedestrian and bicycle facilities, obtaining transit service from SCAT, and encouraging use of the transit service will be the most feasible and productive efforts in reduction of traffic congestion accompanying greenhouse gasses.

MAP 4

FUTURE TRANSPORTATION SYSTEM MAP



CHAPTER 4
HOUSING ELEMENT

Introduction

The purpose of this element is to prepare policies for the provision of housing for current and future residents of Melbourne Beach and to meet any identified or projected deficits in the supply of housing for moderate, low, and very low income households, group homes, foster care facilities, and households with special housing needs.

Residential Growth

Residential development in the Town of Melbourne Beach has virtually reached the saturation point. Infill on the 6 remaining single-family lots and one small parcel designated for multiple family development will result in a total of 9 additional units. This infill is expected to occur over the next 10 year planning period.

There are no renter-occupied units currently using Federal, State, or local subsidies, group homes licensed by the Florida Department of Health and Rehabilitative Services, or mobile homes parks licensed by the Florida Department of Health and Rehabilitative Services within the Town of Melbourne Beach. Also, there are no dwellings on the Florida Master Site File, National Register of Historic Places, or designated as historically significant by local ordinance.

Inventory

Table 7 provides a summary of the characteristics of the existing housing and households in Melbourne Beach using U.S. Census American Community Survey data. The table also provides a comparison of the characteristics in Brevard County.

Housing Analysis

Based upon data from the U S Census and Shimberg Center for Affordable Housing, and population projections outlined in the Future Land Use Element (FLUE) the Town of Melbourne Beach can theoretically contain 1,561 total housing units (i.e. resident plus part-time occupancy). The additional 9 units are projected to be in place by 2030. Six of the additional units will be single family residential and the remaining 3 units will be multi-family residential. Land for units in excess of 1,561 units is neither currently available nor expected to be available in the future. Approximately 87% of the total units will be single family detached structures with the remaining 13% in multi-family structures. Based upon the Census data approximately 85% of all units will be owner occupied. The land necessary to provide the estimated number of new units presently exists as scattered lots within existing subdivisions and is currently zoned for residential purposes. All new housing is to be provided by the private sector. Current zoning and building regulations appear to be sufficient to meet the needs for future housing.

Since the Town is urban in nature with no agricultural land-uses, there is no demonstrated need for rural or farm worker housing. Given the general condition of existing units within the Town, replacement housing is not seen as a significant consideration.

TABLE 7

HOUSING INVENTORY PER 2019 AMERICAN COMMUNITY SURVEY (ACS) (1)

	<u>Melbourne Beach</u>	<u>Brevard County</u>
Population	3,247	585,507
Dwelling Units	1,536	278,173
Households	1,230	230,417
Average Household Size (persons)	2.64	2.52
Families	871	145,323
Units In Structure		
One	78.1%	79.0%
Two or more	21.9%	21.0%
Household Tenure		
Owner	85.0%	74.3%
Renter	15.0%	25.7%
Median Household Income (\$/yr.)	76,250	56,775

(1) ACS Data collected over a 5-year period. Therefore, doesn't necessarily specifically represent the current year.

The infrastructure necessary to provide service to these new units is currently in place and operational.

Ordinances currently exist to insure the elimination of units in deteriorated condition. Principal issues related to housing condition in Melbourne Beach include flooding and sea level rise. To address these issues, the Town has included several provisions in its land development code, including: Article II – adoption of the Florida Building Code and the Florida Residential Building Code; Articles IV, V, VI, VII, and VIII – adoption of Florida Building Code unsafe building abatement, plumbing, mechanical, and fuel gas codes; Article X – Coastal Construction Code; Article XII – Floodplain Management code; and Chapter 5A – coastal setback regulations.

CHAPTER 5
INFRASTRUCTURE ELEMENT

Introduction

The purpose of this Infrastructure Element is to provide for necessary public facilities and services correlated to existing development and anticipated growth of the Town that include existing and proposed sanitary sewer, solid waste, drainage, and potable water facilities and services. The Element also addresses the natural groundwater aquifer recharge system as it relates to the Town and the surrounding area.

Sanitary Sewer

Sewer service, as well as maintenance of the existing infrastructure is provided by the Brevard County Utilities Department. The Brevard County wastewater plant serving the South Beaches area is located just south of the Town at 2800 A-1-A. The plant is currently operating at a volume of approximately 4.5 million gallons per day (mgd) (Source: South Beaches WWTP administration) which is well below its design capacity of 8 m.g.d. Effluent disposal is by deep well injection. County officials have estimated that at current levels of service the facility treats approximately 92 gallons of sewage per person per day for its service area. Thus the Town of Melbourne Beach, based on the Future Land Use Element population projections of 3,271 persons in 2030, would be contributing approximately 300,932 gallons of sewage per day (0.30 mgd).

Brevard County has estimated that the actual per capita flow is approximately 92 gallons per person per day. According to the Brevard County Planning Department, the County Comprehensive Plan will not allocate plant capacity to a specific municipality, however, it will compare a Level of Service per person of 92 gallons per day and distribute it according to the county population projection for the plant's service area.

The estimated demand (level of use) for sewer service in the Town of Melbourne Beach, based on the 2030 projected population of 3,271 is 300,932 gallons per day (3,271 population "x" 92 gallons/person/day).

Solid Waste Collection and Disposal

Solid Waste Collection within the Town of Melbourne Beach is provided by a private sanitation company, under contract with the Town Commission. As it currently exists, solid waste collection within the Town is satisfactory.

Brevard County, by a special act of the Legislature is responsible for the disposal of all solid waste within the County.

Brevard County has established a policy that the level of service standard shall be established to provide for the disposal of all solid waste generated by Brevard County's population at a rate of 8.32 pounds per capita per day, or 27,215 pounds per day in 2030.

Drainage

Generally, storm water runoff, within the Town, is collected within storm sewers located in the public rights-of-way and is disposed of at several outfalls into the Indian River. The drainage structures as shown on Map 5 are the responsibility of the Town in terms of operation and maintenance. The service area is the Town of Melbourne Beach. The drainage patterns are essentially east to west.

The Drainage structures that were installed as part of the development process, are sufficient to accommodate additional development envisioned by the Future Land Use Map, as the Town is approximately 99% built-out. The existing design capacity and level of service is a 10-year storm event.

Much of the storm water is untreated prior to disposal, because the bulk of the development occurring since the adoption of minimum storm water discharge standards has been below the minimum thresholds for enforcement. Storm water associated pollution is responsible for:

1. Virtually all of the sediment deposited in surface waters
2. Increasing the load of oxygen demanding substances in the Indian River Lagoon.
3. Approximately 90 percent of the heavy metals that enter surfaces waters.

The Town of Melbourne Beach is responsible for only a very small portion of the water quality problems of the Indian River.

Potable Water

Potable water is provided to the Town by the City of Melbourne. Distribution lines exist to serve all properties within the Town. These lines are the maintenance responsibility of the City of Melbourne Utilities Department.

The City of Melbourne is a regional water supplier for south Brevard County. The City holds a Consumptive Use Permit (CUP) issued by the St. Johns River Water Management District (SJRWMD). This permit allows the withdrawal of a combination of surface and ground waters of the state for public water supply. The Florida Department of Environmental Protection (FDEP) has issued all necessary current permits and regulates the city's water treatment and distribution facilities.

The City of Melbourne currently owns and operates two water treatment plants (WTPs). The John A. Buckley Water Treatment Facility treats surface water from Lake Washington which is a part of the St. Johns River. The Joe Mullins Water Treatment Facility uses a reverse osmosis treatment system to treat ground water drawn from the Floridan Aquifer.

MAP 5

DRAINAGE OUTFALL LOCATIONS MAP



With respect to the distribution system, the City of Melbourne is responsible for maintenance. The entire Town has water service available. There are no known deficiencies in the system.

The Town has an interlocal agreement with the City of Melbourne for the provision of water service. This agreement indicated that the level of service to be provided to the Town will be equivalent to that provided others. There is no allocation of plant capacity to the Town.

Natural Groundwater Aquifer Recharge

As noted in the Conservation Element of the Town's Comprehensive Plan, the soils in the Melbourne Beach area are not suited to groundwater recharge. The permeability is so rapid, inadequate filtration may result in contamination of the groundwater. Table 5 in the Future Land Use Element outlines the soil types and gives estimates regarding depth to the season high water table, permeability rates, and limitations upon use for absorption fields.

There are no aquifer recharge areas within the Town of Melbourne Beach. The Town is located on a barrier island between the Atlantic Ocean and the Indian River. Other than the location of the Atlantic Ocean and the Indian River, both of which are outside of the jurisdiction of the Town, there are no natural drainage features. Considering the minimal level of development, the low intensity of development, and the location of the Town, any further analysis would not be applicable.

Given that the Town is approximately 99% developed, with a large portion occurring prior to, or below the thresholds, for storm water management systems, a large volume of storm water that may be available to recharge the groundwater is lost

The regulations of the Saint John's River Water Management District regarding the management and storage of storm water apply to the Town of Melbourne Beach. These regulations are geared more toward controlling pollution of the surface waters than protecting or enhancing groundwater recharge. The Town has no regulations regarding recharge areas.

Given the level and form of development within the Town (of the total 627 acres of land within the Town, 13.2 (2.1%) acres remain vacant), future development consistent with the Future Land-Use Element will not significantly reduce groundwater recharge as it currently exists.

TEN- YEAR WATER SUPPLY FACILITIES WORK PLAN SUB-ELEMENT

Introduction

The purpose of the Town of Melbourne Beach Water Supply Facility Work Plan (hereinafter the Work Plan) is to identify and plan for the water supply sources and facilities needed to serve existing and new development within the local government's jurisdiction.

Data and Analysis

Melbourne Beach residential and non-residential users purchase retail water directly from the City of Melbourne which is enabled through a 30-year Water Franchise Agreement enacted in 2018. The Agreement grants the City of Melbourne the non-exclusive right to operate a potable water distribution system within Melbourne Beach and to sell and distribute water through said system. Specifically, the Agreement grants the City of Melbourne the right to erect, maintain and operate a potable water distribution system in order to provide potable water service to customers within Melbourne Beach.

Per the Florida Department of Economic Opportunity Division of Community Development Bureau of Community Planning document entitled: "A Guide to the Preparation of the Water supply Facilities Work Plan", local governments with no water supply responsibility need only compile the following data and analysis:

1. Population and Water Demand Projections for at least a 10-year period, and a discussion of reuse and conservation methods to reduce demand during the projection period. The City of Melbourne has a consumptive use permit (CUP) from the St. Johns River Water Management District for its potable water system. The permit (CUP No. 50301) was renewed in July 2019.

The City of Melbourne has proposed population and water use projections which were reviewed by the St. Johns Water Management District as part of the CUP renewal process. Projections for the Melbourne service area are presented in Table 8, assuming a consumption rate of 100 gallons per capita per day (gpcd). The projections will be used in the Town of Melbourne Water Facilities Work Plan Update.

Town-specific Melbourne Beach population and water use projections are not prepared by the City of Melbourne as part of its CUP and Water Supply Facilities Work Plans. However, Town-prepared projections are used in Table 9 to project Melbourne Beach water demand.

Section 10 of the Water Franchise Agreement states that Melbourne Beach will, at its discretion, cooperate with and support Melbourne with implementation of water conservation plans and consider municipal ordinances relating to adopting codes for using cross-connection prevention devices, ultra-low flow water fixtures, and moisture sensing devices for irrigation systems and or xeriscape landscaping alternatives. Further, the City of Melbourne may, at its sole discretion, discontinue water services to any customer pursuant to Melbourne's systematic rules and regulations in an effort to enforce compliance with water conservation plans.

2. If the supplier is another local government, demonstration that it has the capacity through its Water Supply Facilities Work Plan or plans to provide adequate capacity. The Town of Melbourne CUP was renewed in July 2019. The City of Melbourne's Water Supply Facilities Work Plan update is pending.

**Table 8
City of Melbourne Potable Water Service Area
Population and Potable Water Consumption Projections**

Year	Population Projection	Potable Water Consumption (mgd)
2020	192,966	19.2
2025	202,847	20.3
2030	211,121	21.1

Source: Town of Melbourne, St. Johns Water Management District; April 2019

**Table 9
Town of Melbourne Beach
Population and Potable Water Consumption Projections**

Year	Population Projection	Potable Water Consumption (mgd)
2019	3,247	0.3247
2025	3,259	0.3259
2030	3,271	0.3271

Source: Melbourne Beach Comprehensive Plan; Place Planning and Design; April 2019.

CHAPTER 6
COASTAL MANAGEMENT ELEMENT

Introduction

The purpose of the Coastal Zone Management Element is to provide direction and establish a plan for and where appropriate restrict development activities that would damage or destroy coastal resources, and to protect human life and limit public expenditures in the coastal area.

Existing Land Uses

Melbourne Beach is a coastal community bounded by the Atlantic Ocean to the east and the Indian River Lagoon to the west. The entire Town is a coastal area and is located on the barrier island.

Characterized by single family subdivisions, several multiple family developments, and a commercial strip along Ocean Avenue, Melbourne Beach is predominately a residential community, as described in the Future Land Use Element.

Melbourne Beach existing land uses are described in the Future Land Use Element. Virtually all shoreline uses through the entire Town are residential with the exception of ocean and river parks, and one commercial restaurant/office use fronting the ocean.

Water-Dependent and Water-Related Uses

The Town is approximately 99% built out. Water dependent recreation is the only water dependent use occurring in the Town. The beach along the ocean provides recreation opportunities to the Town's residents and others. Public access to the beach is available at several access points as well as at Ocean Park.

The need for additional water-dependent or water-related development is not anticipated within the Town for the foreseeable future.

Estuarine Pollution

The Indian River lagoon to the west of the Town includes the Intracoastal Waterway which is connected with the Atlantic Ocean through inlets to the north and south of Town. The only known point sources of estuarine pollution within Melbourne Beach are the drainage outfalls shown on Map 5 in the Infrastructure Element. Table 10 provides a listing of State, regional and local regulatory agencies and programs that maintain or improve estuarine environmental quality.

TABLE 10
STATE, REGIONAL AND LOCAL REGULATORY AGENCIES AND
PROGRAMS THAT MAINTAIN OR IMPROVE ESTUARINE
ENVIRONMENTAL QUALITY

STATE

1. Department of Environmental Protection. The Department of Environmental Protection (DEP) is the state's lead agency for environmental management and stewardship, protecting air, water and land. DEP is divided into three primary areas: Land and Recreation programs acquire and protect lands for preservation and recreation. Regulatory programs safeguard natural resources by overseeing permitting and compliance activities that protect air and water quality, and manage waste cleanups. Ecosystems Restoration programs protect and improve water quality and aquatic resources, as well as coordinates the protection of Florida's submerged lands and coastal areas.
2. Department of Economic Opportunity, Community Planning Division. The Community Planning Division is responsible for administering the state's areas of critical concern, comprehensive planning, community and economic development, disaster preparedness, and Developments of Regional Impact (DRI).
3. Florida Fish and Wildlife Conservation Commission. The Florida Fish and Wildlife Conservation Commission includes five divisions devoted to various research, management, law enforcement, and conservation efforts across the state.
4. Department of Transportation. The Department of Transportation works with the local governments on anticipated projects having possible impacts on the natural resources of the Town.
5. Department of State. The Division of Archives, History and Record Management in the Department of State works closely with interested individuals and municipalities in order to protect archeological and historical sites.

REGIONAL

1. St. Johns River Water Management District. The Water Management District administers permitting programs for the local consumable use of water, storm water discharge, and dredge and fill activities.
2. East Central Florida Regional Planning Council. The East Central Florida Regional Planning Council (ECFRPC) serves Brevard, Volusia, Osceola, Lake, Seminole, and Orange counties. Among the ECFRPC's duties are: assist the local governments with planning expertise; act as the regional representatives for the Development of Regional Impact review process; serve a regional clearinghouse for State and Federal projects and programs; and convey information from the local governments to the State and Federal levels.

TABLE 10 (continued)

3. Florida Inland Navigation District (FIND). FIND is responsible for providing and maintaining spoil areas to the U.S. Army Corps of Engineers for the dredging and maintenance of the ICW.

LOCAL GOVERNMENTS

1. Adjacent Municipalities. The Town of Melbourne Beach coordinates its land use policies and environmental concerns with Brevard County, the City of Melbourne and the Town of Indialantic. Further coordination mechanisms have been provided in the Intergovernmental Coordination Element.
2. Town of Melbourne Beach Departments, Brevard County and the City of Melbourne also have programs and/or policies which are utilized in the maintenance or improvement of environmental quality.

Hurricane Evacuation/Disaster

The Town of Melbourne Beach is bordered on the east by the Atlantic Ocean and on the west by the Indian River lagoon. These bodies of water critically impact the hurricane/disaster evacuation plans of the Town. The entire Town, a barrier island, is within the Brevard County Mandatory Evacuation Zone. The Brevard County Hurricane Evacuation Plan and provides for an orderly system of timely evacuation of the Town's residents and visitors. Considering the Town's coastal location as described above, the entire population of the Town will require evacuation during a hurricane/disaster. During the 2020 hurricane season, Town resident population was estimated at 3,247 residents by the U.S. Bureau of the Census.

Based upon a behavioral survey the East Central Florida Regional Planning Council (ECFRPC) has estimated that approximately 64.7% of the population would evacuate immediately, while 27.5% would leave within an average of 2.2 hours. Additionally it has been estimated that it would require 6 to 7 hours before all persons desiring to evacuate begin to leave. The Brevard County Peace Time Emergency Plan indicates that evacuation of the South Beaches area will take approximately 16 hours.

The Brevard County Hurricane Evacuation Plan establishes Melbourne High School and Riviera Elementary School as evacuation shelters. The official evacuation route for the residents and visitors is north on State Road A-1-A, then west on US 192, then north on Babcock Street to Melbourne High School. The route to Riviera Elementary School is south on Babcock to Palm Bay Road, then west to Riviera Drive, then south to the school.

The transportation and hazard constraints in the evacuation route exist primarily due to the fact that the only practical route in and out of the Town is on A-1-A and US 192. A severe storm, hurricane, or abnormal tide conditions that could cause serious flooding which in turn could inundate these roads, making the evacuation of the Town's population difficult, if not impossible.

Since the Town's entire population is expected to increase only marginally through the planning period, the implementation of the future land use element is not expected to have any significant impact on the Town's current evacuation plan.

The Town of Melbourne Beach recognizes the potential danger of a hurricane/disaster to a community located on a barrier island. In view of this potential danger, the Town is fully prepared to proceed with evacuation if the situation warrants it. The Town's experience with Hurricanes in 2004 and 2006 proved that those wishing to leave can be evacuated within a reasonable time.

Reduction of Flood Risk

Redevelopment principles included in F.S. 163.3178 (2) (f) are related to: (1) the elimination, when opportunities arise, of inappropriate and unsafe development in coastal areas; and (2) participation in multi-level government disaster prevention and mitigation programs. In order to assist in addressing these issues, Melbourne Beach was awarded a Florida Department of Environmental Protection (FDEP) grant to assess sea level rise, storm surge and flooding impacts on the Town, engage the public and develop strategies and policies aimed to mitigate, adapt and plan for the impacts.

The Town contracted with the East Central Florida Regional Planning Council (ECFRPC) to develop the vulnerability assessment, engage the public and develop Coastal Management Element policies and recommendations.

Grant work products included the following seven Deliverables which are included herein by reference, and summarized as follows:

1. County and Regional Plans Summary (January 2019): A summary of regional and county plans, programs and policies related to addressing the issue of coastal flooding was prepared as the basis to insure Town continued awareness of, and participation in multi-jurisdictional cooperation efforts. The East Central Florida Regional Planning Council (ECFRPC), through several programs, is involved in coastal flooding resiliency planning for its multi-county region, including the 2060 Plan, Regional Resiliency Action Plan, Vulnerability Analyses for specific areas, and Public Outreach (e.g. Peril of Flood and Resiliency Newsletter and Peril of Flood Website).

2. Review of Flood-Resistant Codes and Recommendations (January 2019): A determination was made that the Town code is generally consistent with the flood-resistant construction requirements of the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60. It was concluded that, through its Comprehensive Plan, Land Development Code, and educational programs, the Town complies with the intent and letter of the requirements of the Florida Building Code and 44 CFR 60 regarding flood-resistant construction. It was recommended that the Town continue to coordinate with applicable State and Federal agencies, enforce various code provisions for flood-resistant construction, and update the Comprehensive Plan and Land Development Code to reflect changes and innovations in construction methods to minimize impacts of local flooding.

3. Review of the Town's National Flood Insurance Program (NFIP) Rating and Recommendations (January 2019): The Town of Melbourne Beach currently benefits from the (NFIP) Community Rating System (CRS); however, potential areas for class improvement were explored.

The Town currently holds a CRS class 8 score on a scale of 1 to 10. If the Town Floodplain Manager/ CRS coordinator works with the Insurance Service Office ISO/CRS, the community can either choose to strengthen the current class, improve the class, or decide to take no action at this time.

Data was obtained from the State of Florida and examined related to common activities that other small communities implement to receive additional credits in order to help the Town determine the best course of action.

It was recommended that the Town remain in the CRS program at a class 8 unless significant further action is taken. The Town has decided not to pursue a class improvement since an improvement would require additional costs, including personnel to oversee the program.

4. Vulnerability Assessment (February 2019): Maps, data and analysis were prepared identifying at-risk coastal areas that currently experience, or have historically experienced flooding and coastal inundation. Within these areas, public and private resources that are at risk of being inundated were identified. As part of the vulnerability assessment, maps, charts and/or tables illustrating the coastal high hazard area, storm surge areas, areas subject to sea level rise and flooding were prepared in order to identify vulnerabilities of roadways and Town land uses and facilities.

5. Public Meetings and Online Survey Results (April 2019): Public Engagement consisted of three distinct components; two separate public workshops and a MetroQuest Online Survey. Discussions at the initial public workshop, including results of a Menti-meter poll, were used in the development of the on-line survey. The results of the on-line survey were then considered when preparing initial draft Comprehensive Plan amendments that addressed citizen concerns regarding flooding, sea level rise, and safeguarding and improving the functions of the Indian River Lagoon.

An overview of the project, vulnerability analysis, survey findings and preliminary recommendations were discussed at the second public workshop. Results of discussions at the workshop, as well as input from Town staff, were used in drafting final proposed Comprehensive Plan recommendations.

Notices of the public meetings and on-line survey were available to residents, businesses, property owners and known interest groups through postings on the Town website, targeted mailings, and existing public announcement procedures.

6. Strategies and Tools Recommendations (May 2019): Potential development and redevelopment principles and strategies for consideration by the Town were discussed, including Peril of Flooding and Adaptation Action Area policies, and tools that reduce flood risk in the coastal areas identified in the Vulnerability Assessment. Recommendations were based upon interaction with the residents, survey results, opinions by experts and the Vulnerability Assessment. Feedback from the public engagement process was emphasized in order to develop strategies and policies for consideration by the Town, including Coastal Element objective and policy revisions to address the state mandated Peril of Flood legislation.

7. Proposed Comprehensive Plan Amendments (May 2019): Draft Comprehensive Plan amendments were prepared incorporating the results of Tasks 1 – 6 above. Proposed amendments were prepared for the following Comprehensive Plan elements: Future Land Use; Housing; Coastal Management; Intergovernmental Coordination; and Capital Improvements.

Coastal Planning Area and Peril of Flood

Melbourne Beach, while on the barrier island, will not have critical facilities impacted by sea level rise in the near future. However, it is important to recognize that this does not mean the Town is safe from storm surge related to hurricanes.

A vulnerability assessment was conducted by the East Central Florida Regional Planning Council which concluded that a Coastal Planning Area (CPA) should be established for the Town and Peril of Flood policies adopted to address areas most susceptible to sea level rise and storm surge. The CPA, illustrated on Map 6, is the area most susceptible to sea level rise and other flooding, and where the main focus on being sustainable regarding these events should occur.

Coastal high hazard area (CHHA), illustrated on Map 7, means the area defined to be inundated by a Category 1 hurricane. It is important to understand that the CHHA does not consider a hurricane surge beyond Category 1. As a result, the Town should be cognizant that surge beyond Category 1 can impact the Town's critical facilities.

The Town's Flood Insurance Rate Map (FIRM), illustrated on Map 8, is an official map on which the Federal Insurance Administration has delineated both special flood hazard areas (SFHA) and the risk premium zones applicable to the community.

Post-Disaster Redevelopment

In the event that property becomes available for redevelopment due to damage by storm, fire or other disaster, or due to attrition or age, the Town faces a range of options for redevelopment. Alternately, continuing beach erosion will force a choice among a range of options. These options fall into the following categories:

1. Abandon the shoreline. In light of the public and private investments on the barrier island. This is not considered a reasonable alternative.
2. Regulatory Solutions. The use of Town ordinances and rules to define an acceptable level of development. These would include the protection of beaches and dunes, minimum setbacks for storm protection, and restoration of degraded dunes.

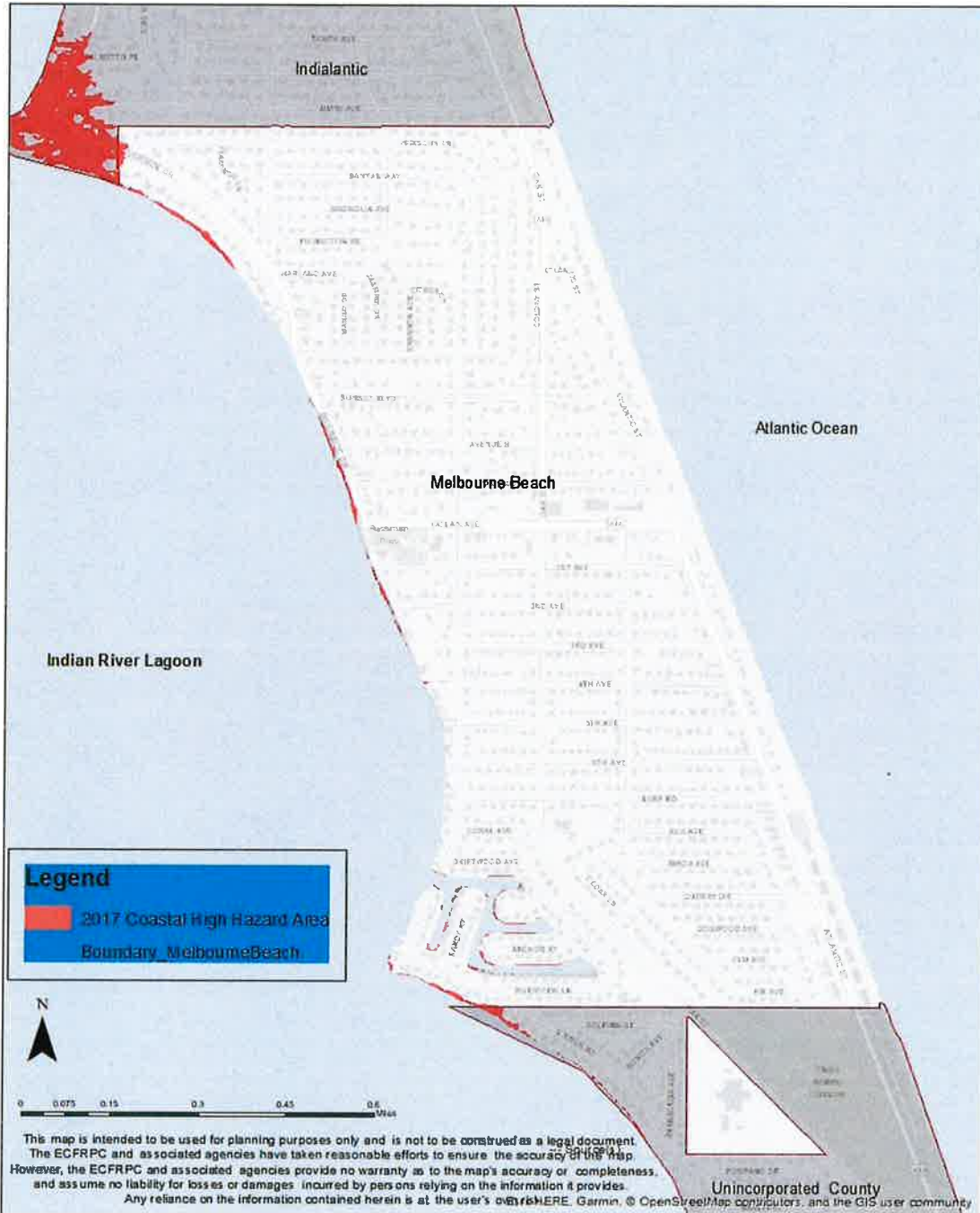
MAP 6

COASTAL PLANNING AREA



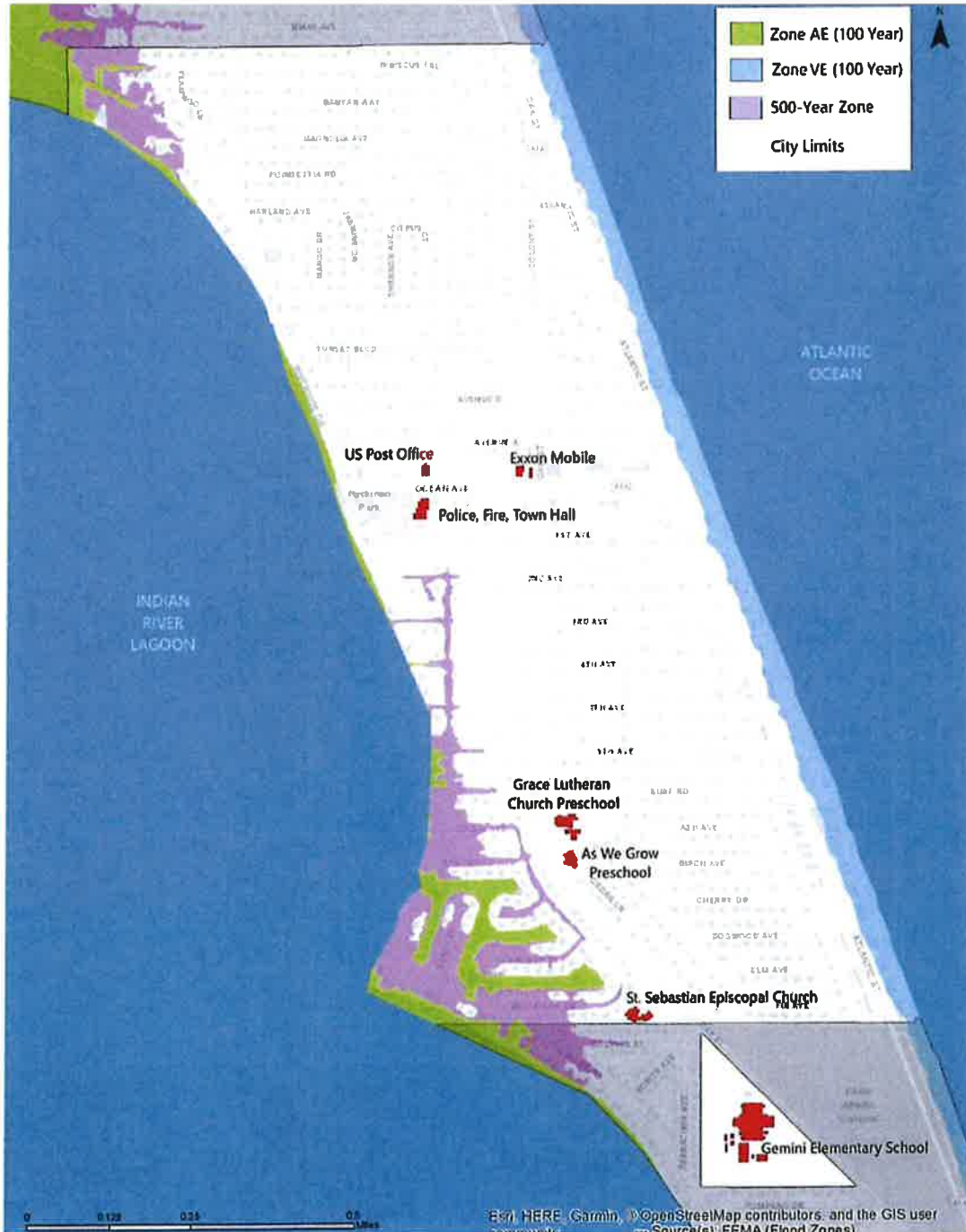
MAP 7

COASTAL HIGH HAZARD AREA



MAP 8

MELBOURNE BEACH FLOOD INSURANCE RATE MAP



CHAPTER 7
CONSERVATION ELEMENT

Introduction

The purpose of Conservation Element is to provide a guide for the conservation, use and protection of natural resources, including factors that affect energy conservation, located within the Town. A specific component of this guide is the provision of a 10 year water supply plan.

There are 6 vacant lots zoned single family and 1 zoned for multi-family uses. The total acreage of these vacant lots is approximately 2.32 acres.

Economically, the Town is a "bedroom community" to the larger urban areas of the South Brevard County mainland. The Town is now and plans to continue to be a residential community. There exists a strip of commercial land along Ocean Avenue, which primarily serves to accommodate the convenience needs of the Town's residents, not the economic vitality of the area.

Vegetative Cover

The Town of Melbourne Beach as previously noted is essentially developed. Development occurred during a period when the practice was to clear the subject land of vegetation and install the necessary infrastructure to support development. Further, it has been pointed out the Town has only 0.8 % (5.06 acres) of its land vacant, existing as scattered lots within previously developed subdivisions. Significant vegetative communities do not exist, except along the dune system and within the Indian River, which is outside the jurisdiction of Town. With respect to the affect of future development upon vegetative communities and other natural resources, there are three vacant lots on the Indian River, shoreline, and two vacant properties along the Atlantic Ocean.

The dune system is vegetated by the following species:

- Sea Oats
- Railroad vine
- Sea rocket
- Sea grapes
- Cabbage Palm
- Saw Palmetto

The dune system is also vegetated by exotic species such as Australian pines, Brazilian pepper trees. It has been reported that Sea lavender and Beach creeper, both on the list of protected species exist within the dune system, however locations of these species is unknown.

Two important vegetative communities occur in the Indian River- sea grasses drift algae aggregations. Principal sea grass species include manatee grass, shoal grass, and turtle grass.

Sea grass coverage has been determined by the Brevard County Natural Resources Department to be less than 10% for this immediate area. However, the Town will work to cooperate with the County and other governmental agencies to reverse the declination.

Sea grass coverage has been determined by the Brevard County Natural Resources Department to be less than 10% for this immediate area. However, the Town will work to cooperate with the County and other governmental agencies to reverse the declination.

Drift algae aggregations have only recently be recognized as an important habitat in the lagoon. These drift algae aggregates have no fixed location and therefore are not mapped. Most of the lagoon bottom is exposed sand or shell. Off shore in the Atlantic, the bottom is either exposed shell and sand or outcroppings colonized by algae and animal life.

Wetlands do not exist within the Town except along the lagoon water's edge. Upland of the mean high water line vegetation is predominantly lawn grass and landscaping common to single family development. Wetlands below the mean high water line is outside the jurisdiction of the Town, and as such are not mapped in this element or any other element the comprehensive plan.

Areas subject to coastal flooding are shown on Maps 7 and 8.

Because of the developed nature of Melbourne Beach, very few terrestrial animals have natural habitats within the Town limits. It is to those few that we will address this section.

The beaches and fore dunes of the Town are important nesting areas for green turtles and loggerhead turtles. In addition, leatherback and hawksbill turtles may use the beaches of the Town for nesting sites. Other animals that would frequent the dune system would be sand crabs, sea-going birds such as sandpipers, terns and gulls, and an occasional raccoon or field mouse.

The lagoon waters edge is the habitat for several species of animals including nursery areas for shrimp, crabs, mullet, manatee, clams and snook. Herons, egrets, and white ibis frequent the lagoon waters edge. Scrub Jays, which have been placed on the list of protected species, have been observed in the Melbourne Beach area. It is pointed out that the Town of Melbourne Beach is a bird sanctuary.

The open waters of the Lagoon and the near shore waters of the Atlantic Ocean are inhabited by numerous fish. The list of these fish can be obtained from the Florida Game and Freshwater Fish Commission (FWC). Table 11 outlines species, which are considered "Endangered," "Threatened," and "Of Special Concern."

Impacts of Development on Historic Resources

The Town has one site of historical significance. The pier, located at the west end of Ocean Avenue has been designated as an historic structure. It has previously been restored through a grant from the Department of Natural Resources.

The land-use activities proposed in the Future Land Use Element will not adversely impact the continued use and enjoyment of the pier.

TABLE 11
ENDANGERED SPECIES, THREATENED SPECIES AND SPECIES OF SPECIAL CONCERN

Endangered Species

Atlantic Loggerhead Turtle	<i>Chelonia mydas mydas</i>
Atlantic Ridley Turtle	<i>Lepidochelys kempii</i>
Leatherback Turtle	<i>Dermochelys coriacea</i>
Atlantic Salt Marsh Snake	<i>Nerodia fasciata taeniata</i>
Woodstork	<i>Mycteria Americana</i>
Peregrin Falcon	<i>Falco peregrinas</i>
West Indian Manatee	<i>Trichechus manatus</i>

Threatened Species

Atlantic Green Turtle	<i>Carretta carretta carretta</i>
Eastern Brown Pelican	<i>Pelecanus occidentalis Carolinensis</i>
American Kestrel	<i>Falco sparverius paulus</i>
Roseate Tern	<i>Sterna dougallii</i>
Least Tern	<i>Sterna albifrons</i>

Species of Special Concern

Common Snook	<i>Centropomus undecimalis</i>
Rivulus	<i>Rivulus marmoratus</i>
American Alligator	<i>Alligator mississippiensis</i>
Little Blue Heron	<i>Florida caerules</i>
Snowy Egret	<i>Egretta thula</i>
Louisiana Egret	<i>Hydranassa tricolor</i>
Reddish Egret	<i>Egretta rufescens</i>
Roseate spoonbill	<i>Ajaia ajaia</i>
American Oystercatcher	<i>Haematopus palliates</i>
Bald Eagle	<i>Haliaeetus I</i>

Source: Brevard County Comprehensive Plan

Estuarine Pollution

Melbourne Beach borders on part of a large estuary, the Indian River Lagoon, which stretches from north of Titusville to Stuart, Florida. The Lagoon is connected to the Atlantic ocean through several inlets, the nearest being Sebastian Inlet, 20 miles to the South, and, to a limited extent, Port Canaveral, about 30 miles to the North.

There are several areas within the surrounding jurisdictions (i.e. County and surrounding municipalities) where fresh water enters the Lagoon. Because these areas are beyond the scope of this plan and beyond the Town's ability to control, this Plan will only concern itself with the storm water outfalls within its jurisdiction. Map 5 shows these outfalls. (This issue will be covered in greater detail in the Sanitary Sewer, Solid Waste, Potable Water, Drainage and Natural Groundwater Element).

The State of Florida has classified the Indian River in the vicinity of the Melbourne Beach Area as Class III waters. By this classification these waters should maintain a quality sufficient to allow water body contact sports and support the propagation of fish and wildlife. The principal water quality problem is high nutrients, associated with storm water runoff. Pollutants, which may be contributed by the Town, include fertilizers, oils, and other hydrocarbons. The principal pollution problem is sewer effluent and urban runoff. The water quality problems are exacerbated by the limited tidal flushing in this area. Although Melbourne Beach cannot solve the entire lagoon pollution problem, the Town can limit its contribution to the overall cumulative effect.

Known Point Source and Non-Profit Source Estuarine Pollution

Known point sources of pollution are the storm water outfalls located on Map 5. There are no other known point sources of pollution. Generally, given the nature of development within the Town the non-point source of pollution is run-off from lawns and yards.

Impact of Proposed Land Uses and Facilities on Estuaries

The proposed land uses for the lagoon waters edge are single family residential or recreational in nature and to a great extent currently exist. Obviously, additional construction, even on the limited scale outlined in the Future Land Use Element can have an adverse impact upon the estuarine system. Additionally, increases in traffic volumes passing through the Town on A-1-A can increase the pollutants, which may be deposited within the Indian River. Implementation of the Goals, Objectives and Policies of this element will significantly reduce the point source pollution levels.

Analysis of Remedial Action

Current regulations issued by the Saint John's River Water Management District require that new construction retain on-site as a minimum the first ½ of runoff with treatment (i.e. skimming and/or filtration) prior to discharging the overflow into the drainage system. The purpose of such regulation is to reduce pollutants entering wetlands, and/or other water bodies. The enforcement of these regulations however will have a limited effect within the Town of Melbourne Beach because, as outlined in the Future Land Use Element, new construction which may be expected in the Town will predominately be new single family dwellings on six individual lots in previously developed subdivisions. Only 0.31 acres of the remaining 5.06 vacant acres is available for multiple family development with some limited non-residential possible. The provisions of Chapter 40C-42 F.A.C. specifically exempts single family construction from the requirements of the rule. Thus, many of the regulations that are directed at reducing storm borne pollutants are not applicable to a bulk of the new construction, which occurs within the Town.

One way to address the problem of nutrient levels would be to address basic storm water management practices on the construction of single-family homes. The Town has recently amended its land development regulations, and which is reflected in the Goals, Objectives and Policies, to require additional stormwater management requirements and should continue to monitor and amend the requirements as necessary.

An additional measure would “capture” stormwater at the outfall locations and skim the stormwater prior to entering the Lagoon system. This could be done through a system of weirs and skimmers. This would be more costly and require funding from extra-jurisdictional sources. The potential funding of this option will be addressed in the Capital Improvements Element.

State, Regional and Local Regulatory Programs to Reduce Estuarine Pollution

State pollution regulation is largely vested in the Florida Department of Environmental Protection (FDEP). The FDEP regulates dredge and fill of waters and adjacent wetlands. FDEP also regulates discharge of pollutants in water bodies.

FDEP and the water management districts regulate the withdrawal, diversion, storage and consumption of water with the water management districts responsible for most of the permitting and operational aspects.

The Florida Department of Environmental Protection (FDEP) is also involved in controlling estuarine pollution. The FDEP is responsible for selling or leasing state owned submerged lands if the sale or lease is “not contrary to the public interest.” The proposed use of the conveyed or leased submerged land “must not interfere with the conservation of fish, marine or wildlife, or other natural resources.” Deeds or leases may contain restrictions on dredging or filling. The FDEP is also the chief land-purchasing agent for the state. Through the FDEP, the state may purchase environmentally sensitive land, which is vital to the estuary.

The county, through its police power, regulates numerous activities, which impact estuarine water quality. Applicable to Melbourne Beach would be sewer hook-ups, maintenance of sewer lines, and the issuance of septic tank permits. The County also has a Beach and Riverfront Acquisition Program, which enables the County to purchase lands that border on these water bodies.

Air Quality

According to the St. Johns River District Office of the Florida Department of Environmental Protection, the air quality in the Melbourne Beach area is considered to be acceptable based on available data and observations by that Agency. According to FDEP officials, there are no continuous air quality monitoring programs in the South Brevard Beaches area. The good air quality in this air is attributed to the fact that there are no major industrial land uses and the prevailing winds and air circulation patterns. Given the limited potential for additional development in the Town, no significant change in air quality is anticipated.

Flood Prone Areas

In that, the Town of Melbourne Beach is on a barrier island, located between the Atlantic Ocean and the Indian River with less than 5000 feet of land separating the two, flood prone areas are significant considerations in the development and or redevelopment of areas within the community. Map 7 shows that portion of the Town within the Coastal High Hazard Area and Map 8 is the Town’s FEMA Flood Insurance Rate Map (FIRM).

Infrastructure

S. R. A-1-A is located within the Coastal High Hazard Area, as shown on Map 7, as well as water and sewer lines necessary to serve existing land-uses. The cost associated with relocating approximately 1.6 miles of roadway, water and sewer in a community that is essentially built out would be catastrophic. As a result, State and Federal regulations regarding construction and reconstruction in such areas must be rigorously enforced.

Commercially Valuable Minerals

There are no known sources of commercially valuable minerals within the Town of Melbourne Beach.

Dunes

Sand dunes occur behind the beaches in all areas. Dune heights range from 5 to 12 feet. The average height is approximately 8 feet. Some building practices have since been regulated although there is a potential for strengthening those measures.

Impacts of Coastal and Shore Protection Structures on the Beach

Due to the fact that Melbourne Beach has experienced accretion rather than erosion, the impacts of the minimal number of shore protection structures within the Town cannot be determined. However, improperly designed and installed systems can produce negative results and the permitting of any such structures, if allowed at all, should be done only after intense scrutiny and review by qualified professionals.

Existing and Potential Beach Renourishment Projects

It is the desire of the Town to cooperate with County and State officials in the future if it is deemed beneficial to the Town to institute renourishment projects in the area.

Analysis of Beach and Dune Protection Measures

The State, County and Town contribute to the control process. Beach and dune protection in Melbourne Beach is currently handled by state rules and local ordinances. The State controls the Coastal Construction Control Line (CCCL) and the thirty-year erosion setback. FDEP regulates all development seaward of the CCCL to ensure that proposed development has minimal impact on the beach and dune system and will survive a major storm. As a part of the review process, thirty years of accumulated erosion must be considered. Florida law prohibits (with limited exceptions) construction of buildings that will be in the water in thirty years. State law also prohibits driving on the beach and picking sea oats.

The Town has several public beach access points as shown on Map 9. These access points are equipped with dune crossovers. The Town enforces existing ordinances, which prohibit walking along or across the dune except on the crossovers. Additionally, vegetation has been planted which is intended to reduce erosion and to discourage bypassing the crossovers.

Beaches

Melbourne Beach has 1.59 miles of sandy beaches. Brevard County has studied the shoreline movement and has found that, during the Study years (1972-1985), the shoreline gained between 16.77 and 21.07 feet.

Public Access

Public access to the Indian River Lagoon and the Atlantic Ocean beach is shown on Map 9. All future needs are discussed in the Recreation and Open Space Element.

MAP 9

BEACH AND RIVER ACCESS



CHAPTER 8
RECREATION AND OPEN SPACE ELEMENT

Introduction

Public access to the Indian River Lagoon and the Atlantic Ocean is a dominant recreation and open space resource in Melbourne Beach. Continuing to provide public access so that residents and visitors can enjoy recreation opportunities at these natural features is a priority of the Town.

Existing Facility Inventory

Table 12 provides an inventory of recreation areas available to Town residents, including the facilities provided.

Standards for Recreation Areas

Standards for recreation facilities and open space focus on quantity and accessibility. Quantity relates to the number and size of the various types of facilities necessary to serve a given population. Accessibility standards are designed to assure convenient access to recreation facilities and open space.

Recreation facility standards vary widely due to many factors such as need, population density, climate, geography, and political environment. The standards presented were determined after workshops and public hearings with citizens of the Town, the Planning and Zoning Board and the Town Commission in visioning sessions and in preparation of the previous Comprehensive Plan Evaluation and Appraisal Report. These standards are subject to change over time due to fluctuations in population densities, age levels, life styles, levels of leisure time and resident preferences. Therefore, it is recommended that these standards be reviewed periodically and adjusted to reflect changes in the various factors affecting the need for the amount of recreational open space.

Park Classification System

1. Neighborhood Parks:

A neighborhood park is a "walk-to" park generally serving the residents of one residential neighborhood. The service radius is approximately one half mile. No major streets should have to be crossed by the users. The minimum size is 1.5 acres per 1000 population according to county standards. The service areas for neighborhood parks often coincide, in part, with elementary schools; therefore, it is desirable for neighborhood parks to physically join elementary schools to meet the recreational needs of the particular neighborhood by designing facilities and programs according to age, income level, and limited to, play areas for preschool age children, apparatus for children 6-12 years of age, areas for free play, hard surface courts, and areas with benches for passive recreation.

TABLE 12 - RECREATION FACILITIES

Description	Location	Improvements	Size
1. Ryckman Park Activity Based	Ocean Ave	Tennis Courts Multi-Use Courts Playground Equip Community Center Building Picnic Tables Multi-use areas Gazebo	3.13 ac
2. Ocean Park Resource Based	Ocean Ave	Picnic Area Beach Access Parking Unloading Area Showers	1.75 ac
3. River Accesses Resource Based	Sunset Blvd B Avenue A Avenue Ocean Avenue 1 st Avenue 2 nd Avenue 3 rd Avenue 4 th Avenue 5 th Avenue 6 th Avenue	Unimproved Unimproved Unimproved Public Pier Parking Unimproved Bench Bench Paved Street Unimproved Park Boat ramp	50 x 50' 50 x 50' 50 x 50' 100 x 100' 50 x 50' 50 x 50' 50 x 500' 50 x 350' 50 x 150' 50 x 150'
4. Beach Accesses Resource Based	Atlantic Street East end of Harland Ave. Avenue B Avenue A 1 st Ave 2 nd Ave 3 rd Ave 4 th Ave 5 th Ave 6 th Ave Ocean Avenue Loggerhead Park Preserve East end of Cherry Drive	Dune Crossover All areas have crossovers and limited parking	Access Easement All areas have 50 x 150'
5. Adjacent to Town Activity/Resource Based	Spessard Holland Park	Beach access, parking, golf boardwalk Ball fields Tennis Multi-use area	1.65 ac not including golf course

2. Community Parks:

A community park is a "ride-to" park located near major streets and arterials. It is designed to serve the needs of four to six neighborhoods. This type of park serves an area within a radius of up to three miles or a maximum population of 10,000. A minimum of 20 acres is recommended, with acreage needs based on two acres per 1000 population. Approximately 25 percent of the park area should be reserved for landscaping and passive type recreation.

Essentially, community parks are family recreation areas with programs and facilities for all age groups. Activities are on a broader scale than at neighborhood parks. Typical facilities include, but are not limited to: baseball fields, tennis courts, swimming pools, play apparatus areas, open play areas and additional areas to meet specific needs.

3. District Parks:

District parks are designed to serve the diversified needs of a large number of people. Sizes according to state, regional county standards are a minimum of 100 acres and serving a population of 50,000 to 100,000 people.

4. Regional Park:

A regional park normally serves one or more metropolitan areas. The park should be located so that principal users are within ½ to 1 hour driving time. Usually a regional park is associated with a natural resource, such as a lake, forest or beach. Therefore, great emphasis should be placed upon natural sport activities.

5. Special Use Facility:

Special use facilities are important in fulfilling the demand for particular outdoor recreation activities. Generally designed for a single purpose use, the facilities need to be tailored to each community's situation and needs. Standards for these facilities are dependent upon the activity to be performed. Some special use facilities may be privately owned such as bowling alleys, golf courses, tennis clubs, etc. Special use facilities in the Melbourne Beach area include a fishing pier, golf course and bikeways.

General Guidelines for Effective Open Space Planning

The Town of Melbourne Beach will consider the following guidelines when determining the location, access, and function of recreation facilities and open space.

1. Compatibility- the proposed use of an open space area must be (a) suited to the physical characteristics of the area; (b) compatible with adjacent land uses and features; and (c) compatible among themselves so that one particular use does not destroy the value of the site for other intended uses.

2. Continuity- the value of an open space area may be significantly increased if it contributes to the continuity of the overall, multipurpose open space system.

3, Accessibility- depending upon the proposed function of an open space area, public access or the prevention of access is an important factor to consider. For example, access is necessary for active recreation sites while denial of access may be necessary to preserve natural processes such as a dune system

Facility Design Criteria

The Town of Melbourne Beach will consider the following design guidelines for public open spaces.

1. Parks should be compatible with surrounding areas and should be designed and maintained to enhance the natural beauty, generate local pride and to provide a progressive image for the Town. The design should reflect the desires of the public and not be a result of ease of construction.
2. A complete plan for facilities should be prepared that includes short and long-range plans.
3. Lighting at some facilities should be installed to help maximize proper use of the facility, reduce vandalism and improve security in the recreational facilities.
4. Selection of site amenities and facility equipment should be made based upon durability and quality to withstand intense use and possible vandalism rather than upon the least expensive equipment.
5. Selection of play equipment for children should be made with regard to the child's safety and the benefits the equipment will provide toward physical and mental development.
6. Activities should be appropriately associated and/or separated to insure minimal conflict with various groups using the recreational facility.
7. For the comfort of facility users, most neighborhood and community parks should include benches, water fountains, restrooms, shaded areas and tables, that are aesthetically pleasing and durable.
8. Off-street parking areas should be provided in major neighborhood parks and all community parks.
9. Landscaping should be included as an integral part of every park. The use of both native and exotic plants can produce a desirable environment for recreation.
10. Locate uses within parks according to demand for shape, soil capability, need for vegetation, nearness to water, utilities, transportation, wind, and sunlight.

11. Land should not be wasted within a recreational site. There should be various purposes for all land or water within a site. These uses can be intensive (e.g. play areas) or passive (e.g. nature trails).

12. When a new park site is being examined, consideration should be given to its impact on the surrounding areas (transportation, adjacent property values, noise activity level and other factors that may impact the surrounding area.)

13. New recreation facilities should be made to meet the American National Standards Institute (ANSI) specifications for making buildings and facilities accessible to and useable by the physically handicapped.

Facilities Needs Analysis

The recreation and open space standards for the Town of Melbourne Beach shall be as shown on Table 13:

**TABLE 13
TOWN OF MELBOURNE BEACH RECREATION STANDARDS**

FACILITY	LEVEL OF SERVICE	SERVICE AREA
Neighborhood Park	1.5 ac per 1000	1 mile radius
Ball fields	1 per 2000 pop	
Multi-purpose field	1 per 2000	
Tennis Courts	1 per 2000	
Playgrounds	1 per 4000	
Community Center	1 per 5000	2 mile radius
Beach Access	1 per 500	.5 mile radius
River Access	1 per 500	.5 mile radius

Analysis of Needs

Based upon a review of the inventory of existing facilities in Table 12, the level of service standards outlined in Table 13 and a comparison of the supply versus demand outlined in Table 14 it is noted the Town has adequate open space and recreation areas to meet the needs of existing and future residents, through the Year 2030.

In terms of providing public access to the Indian River, existing conditions appear to be sufficient to meet the public need.

**TABLE 14
FACILITY DEMAND ANALYSIS**

FACILITY	CURRENT SUPPLY (2010)	2010 DEMAND	2030 DEMAND
	Acres or No. of Facilities	Acres or No. of Facilities	Acres or No. of Facilities
Neighborhood Parks	5.94	5.03	5.26
Rykman Park	3.36		
Ocean Park	1.75		
Spessard			
Holland	1.65/2.83*		
Loggerhead Park 5 th Avenue Park			
Ball fields	4/2=2*	2	2
Multi-purpose fields	2	2	2
Tennis Courts	2	2	2
Playgrounds	1	1	1
Community Center	1	1	1
Beach Access	11	8	8
River Access	10	8	8

*These facilities are shared between Brevard County and Melbourne Beach. Thus, Melbourne Beach includes ½ of the land and facilities in the inventory.

Given the proximity of most of the residents of the Town to the recreational facilities and the street and thoroughfare patterns, it is suggested that the Town encourage the use of alternatives to the automobile as a means of transportation to recreational facilities. This could be accomplished through the provision of bikeways/bike paths, pedestrian ways between residential areas and recreational facilities, and the provision of areas to secure bicycles at these recreation areas. Bikeways exist in some locations, as a traffic lane along portions of Ocean Avenue, Oak Street, A-1-A and Riverside Drive. The inclusion of bikeways is addressed more specifically in the Transportation Element.

The Town of Melbourne Beach is currently providing recreation/open space facilities in excess of the Level of Service Standard and pursuant to the population projection will continue provide such facilities in excess of the standard through the Year 2030.

CHAPTER 9
PUBLIC SCHOOL FACILITIES ELEMENT

Introduction

Growth management is an essential component of the School District's interaction with local governments. Legislation in 2002 resulted in the Interlocal Agreement for Public School Facility Planning between the School Board, Brevard County and 14 municipalities, including Melbourne Beach.

School Concurrency Program

In 2005, state legislation required school capacity to be available for residential development, resulting in an updated interlocal agreement titled: Interlocal Agreement for Public School Facility Planning and School Concurrency. The agreement was adopted in 2008, and updated in 2014, including participation by Melbourne Beach to provide a consistent school concurrency program and framework for Brevard County's school concurrency program.

The School Board created Policy 7130 and Administrative Procedures 7130.01 and 7130.02 to manage the School concurrency process outlined in the 2014 interlocal agreement.

School Enrollment Projections

School enrollment projections and projected capacity utilizations for Brevard public schools and Concurrency Service Areas are calculated annually for the concurrency program. The Facilities Planning Department uses geospatial analysis of the local government development data, birth rate data, mobility rates, and matriculation rates to calculate student membership projections for the ensuing five years. Further analysis takes into account any potential redistricting or grandfathered students from previous redistricting.

CHAPTER 10
INTERGOVERNMENTAL COORDINATION
ELEMENT

Introduction

The purpose of this element of the Comprehensive Plan is to identify to the needs for coordination with other local, county, and regional governments as well as state agencies. The Town of Melbourne Beach is a Commission/Manager form of government. The elected Town Commission consists of a Mayor and four Commissioners which establish policy and approves the annual budget. The Town Manager, appointed by the Town Commission, is responsible for the day to day operation and administration of the Town government and heads an organization of Town Officials and Departments.

The Town Manager is a full-time Town employee and the organization that the Town Manager directs is staffed by full and part time paid employees. The Town Attorney reports directly to the Town Commission. This position serves both the Town Commission and the Town Manager in a consulting capacity and is compensated for services based upon time and materials.

The Town Commission has established several boards and/or commissions, staffed by citizen volunteers, as follows:

- Planning and Zoning Board
- Code Enforcement Magistrate
- Environmental Advisory Board
- History Center Board
- Parks Board
- Board of Adjustment and Appeals

Each of these entities is established by ordinance and governed by their respective bylaws. Organizationally, all exhibit similar organization with each board electing its own officers.

Town representatives, (elected and/or appointed officials and citizen volunteers) serve on boards or commissions with greater jurisdiction than the Town limits, including the Technical Advisory Committee of the Spacecoast Transportation Planning Organization. The Town, through its Charter, provides for coordination with other governmental entities as follows:

“The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or agencies thereof, other counties or municipalities, or the United States or agencies thereof, to the fullest extent permitted by law, providing however, all participation involving financial obligations of the Town shall be approved by Ordinance.”

Intergovernmental Coordination Mechanisms

Municipalities are required to coordinate with adjacent municipalities, Brevard County entities, and Regional, State and Federal agencies. Effective and timely interaction is essential to the provisions of public services. Table 13 outlines the key organizations, relationships, and coordination mechanisms.

TABLE 15
TOWN OF MELBOURNE BEACH
INTERGOVERNMENTAL COORDINATION

AGENCY	ACTIVITIES	CONTACT OFFICE	COORDINATION MECHANISM
Local Governments:			
Melbourne	Water Supply	Town Manager	B
Indialantic	Voluntary cooperation on common concerns	Town Manager	A
County Departments:			
Health Dept	Regulation Enforcement	Town Manager	C
Transportation Planning Agency TPA	Planning and Implementation of Transportation Activities	Town Manager	A, D
Fire Department	Mutual Aid	Fire Chief	B
Planning and Development Dept	Coordination of Development Activities	Town Manager	A
Intergovernmental Coordination of Comp Plan Committee	Coordination	Town Manager	A,D
Utilities	Sewer System	Town Manager	B
Property Appraiser	Property Assessments	Town Manager, Building Official	C, A
Tax Collector	Taxes and Revenue Estimates	Town Manager	C, A
Supervisor of Elections	Assistance Town Elections	Town Manager	B
Clerk of Courts	Records	Town Manager	A, C
School Board	Education	Town Manager	A, D
Sheriff	Law Enforcement	Police Chief	A, C
League of Cities	General Government	Town Manager	A

AGENCY	ACTIVITIES	CONTACT OFFICE	COORDINATION MECHANISM
Regional Entities			
East Central Florida Regional Planning Council	Planning and Management	Town Manager	A, C
St. Johns Water Management District	Water Resource Planning, Permitting, Enforcement	Town Manager	A, C
State Departments			
Economic Opportunity	Planning Assistance	Town Manager	A, B, C
Environmental Protection (DEP)	Regulation, enforcement permitting	Town Manager	C
Health and Rehabilitative Services (HRS)	Regulation Enforcement	Town Manager Police Chief	C
Motor Vehicles	Regulation enforcement information	Police Chief Town Manager	C
Law Enforcement (F.D.L.E.)	Law enforcement	Police Chief	A, D
Transportation	Maintenance permitting	Town Manager	C
Federal Agencies			
Environmental Protection Agency	Regulation	Town Manager	C
Corps of Engineers	Regulation, Permitting, Enforcement	Town Manager	C
Air Force	Mutual Aid	Fire Chief	B

Coordination Mechanisms:

- A – Informal
- B – Binding Agreement
- C – Regulation/Statute/Ordinance
- D – Training

Intergovernmental Coordination Analysis

Generally, the existing mechanisms for intergovernmental coordination have been effective. The Town has been active in working with other governmental entities resulting in accomplishments such as implementation of open container laws and securing funding for beach and dune re-nourishment projects. Organizations such as the Brevard League of Cities have been effective in maintaining informal relationships among the various municipalities throughout the County, by allowing issues to be aired in an informal setting.

Growth within the Town of Melbourne Beach will be limited to construction on approximately 13.2 acres of remaining vacant land. Redevelopment is highly unlikely to result in an increase in population for a number of reasons. The Town requires a voter referendum to rezone property to increase densities. Currently developed multi-family properties are at or near the maximum density allowed. Increasing density in the coastal area will require a number of additional issues to be addressed including hurricane evacuation times, water supply adequacy, transportation concurrency, and maintaining service level standards for all services offered by the Town.

Informal coordination with Indialantic, as well as Brevard County is the most common form of intergovernmental coordination. This produces an effective relationship between the entities.

Formal agreements exist between the Town, the Town of Indialantic, Brevard County, and Patrick Air Force Base mutual aid for fire protection. Agreements among law enforcement agencies exist with respect to mutual aid and assistance within the County. Also the Town has a formal agreement with the City of Melbourne regarding the provision of water service to the Town.

The agreements regarding the mutual aid for both fire and law enforcement appear to be adequate and meet the needs of the organizations involved.

CHAPTER 11
CAPITAL IMPROVEMENTS ELEMENT

Introduction

The purpose of the Capital Improvements Element is to evaluate the need for facilities and other improvements identified in the various elements of the Comprehensive Plan; to estimate the costs of such improvements for which the local government has responsibility; to analyze the fiscal capability of the Town to finance and construct such improvements; and to schedule the funding and construction of these improvements to ensure that they are provided when required based upon needs identified in the other elements.

Needs Derived From Other Elements

The Town of Melbourne Beach is a small ocean-front community that is built out. The analyses performed in the other elements of the Comprehensive Plan indicate that the existing facilities are adequate to serve the existing, as well as, future developments in the Town. No facility improvements are needed to meet the existing or future demands for transportation, sanitary sewer, solid waste, potable water or recreation facilities.

Public Educational And Health Care Facilities

One public elementary school is located within the Town. The geographic service area of the school includes the Town limits and the unincorporated barrier island for approximately one mile south of the Town limits.

There are no public health care facilities located in the Town of Melbourne Beach.

Existing Revenue Sources & Funding Mechanisms

For the fiscal year 2020/21, the Town of Melbourne Beach projects a total of \$3,376,532 in revenues from the following sources:

Source	Amount (\$)	Percent
Taxes	2,739,012	81.1
Licensing and Permits	161,300	4.8
Intergovernmental Revenue	298,400	8.8
Services	114,183	3.4
Fines & Forfeitures	13,425	0.4
Miscellaneous	50,212	1.5
Total	3,376,532	100.0

As shown above, the Town's major sources of revenues are: property taxes and intergovernmental revenues including state revenue sharing, sales tax, communications services tax, etc.; and franchise fees.

Analysis

The Town annually adopts the Ten-Year Capital Investment Plan as part of budget process as a means of guiding the timing and location of construction or extension or any necessary public facilities.

The existing infrastructure continues to be adequate to serve the existing, as well as, any redevelopment that may occur. No extension or increase in capacity of any public facility is necessary at this time to correct any existing deficiency or to satisfy any future needs.

State Road A-1-A is the only public facility in Melbourne Beach that is provided and maintained by a State agency. The St. Johns River Water Management District has no facilities in Melbourne Beach that they provide and manage.

There are no other tax bases, or sources of revenue, such as impact fees or user fees in Melbourne Beach. With little growth projected in the Town and absence of user-oriented facilities, impact fees or user fees are not a feasible source of future revenues.

**Town of Melbourne Beach Florida
Evaluation and Appraisal Report (EAR)**

FINAL REPORT

August 2019

Prepared for the Town of Melbourne Beach

Prepared by Place Planning and Design

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I. INTRODUCTION

The Melbourne Beach Evaluation and Appraisal Report (EAR) comprehensive plan amendments are submitted in response to the provisions of Section 163.3191, Florida Statutes (F.S.), which requires that the planning program be an ongoing process.

In order to insure the ongoing process, F.S. Section 163.3191(1) requires each local government to prepare a formal evaluation of its comprehensive plan each seven years and notify the state land planning agency of the results. The purpose of the evaluation is to identify amendments to the comprehensive plan necessary to reflect changes in state requirements since the last update. In addition, local governments are encouraged to update comprehensive plans to reflect changed local conditions.

In response to F.S. Section 163.3101(1) requirements, the Melbourne Beach Evaluation and Appraisal Notification Letter (Notification) was submitted to the Florida Department of Economic Opportunity on January 26, 2018. (Ref: Exhibit 1).

The Town's Notification concluded that the following principal amendments are necessary to reflect state comprehensive planning requirements and changed local conditions:

A. State Comprehensive Planning Requirements.

1. Comprehensive Plan updates related to the reduction of flood risk and participation in the National Flood Insurance Program included in F.S.163.3178 (2) (f) (Coastal Management Element) and 163.3177(3) (b) (Capital Improvements Element).

2. Comprehensive Plan revisions related to the Five-Year Capital Improvement Schedule (Five-Year Schedule). Florida Statutes Chapter 163.3177 (3) (b) required the Five-Year Schedule component of the Capital Improvements Element to be updated annually by a comprehensive plan amendment. Recent statutory revisions now allow the Five-Year Schedule to be adopted annually by Town Ordinance. Further, a Five-Year Schedule adopted by ordinance no longer requires a companion comprehensive plan amendment.

B. Changes in Local Conditions:

1. Update of the Town's Ten-Year Water Supply Facilities Work Plan Sub-Element to maintain consistency with the 2018 Central Springs East Coast (CSEC) Water Supply Plan update;

2. Updates to reflect current conditions including editing statutory and administrative code references in the Comprehensive Plan and updating the planning period and population projections; and

3. Reformatting of the current Comprehensive Plan to consist of two separate documents; Support Documentation, to be adopted and revised by Town Resolution, and Goals Objectives and Policies, to be adopted and revised by Town Ordinance.

The Town received confirmation of the Notification from the Florida Department of Economic Opportunity (FDEO) in a letter dated January 31, 2018 (Ref: Exhibit 2).

II. FLORIDA STATUTES BASED AMENDMENTS

A. Reduction of Flood Risk Amendments

Redevelopment principles included in F.S. 163.3178 (2) (f) are related to the elimination, when opportunities arise, of inappropriate and unsafe development in coastal areas and participation in multi-level government disaster prevention and mitigation programs. Per the Town's FDEO Notification, the following items in F.S. 163.3178 (2) (f) are to be addressed:

1. Development and redevelopment principles and strategies that reduce flood risk in the coastal area resulting from high-tide events, storm surge, flash floods, stormwater runoff and the related impacts of sea-level rise.

2. Development and redevelopment principles and strategies that result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency (FEMA).

3. Requirements for consistency with the flood-resistant construction requirements of the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

4. Participation in the National Flood Insurance Program Community Rating System (CRS) administered by FEMA to achieve flood insurance premium discounts for Town residents.

B. Florida Resilient Coastlines Program Grant

The Town of Melbourne Beach was awarded a Florida Department of Environmental Protection (FDEP) grant to assess sea level rise, storm surge and flooding impacts on the Town, engage the public and develop strategies and policies aimed to mitigate, adapt and plan for the impacts. The Town contracted with the East Central Florida Regional Planning Council (ECFRPC) to develop the vulnerability assessment, engage the public and develop Coastal Management Element policies and recommendations.

Grant work products included the following seven Deliverables which are included herein by reference, and summarized as follows:

1. Vulnerability Assessment: Maps, data and analysis were prepared identifying at-risk coastal areas that currently experience, or have historically experienced flooding and coastal inundation. Within these areas, public and private resources that are at risk of being inundated were identified. As part of the vulnerability assessment, maps, charts and/or tables illustrating the coastal high hazard area, storm surge areas, areas subject to sea level rise and flooding were prepared in order to identify vulnerabilities of roadways and Town land uses and facilities.

2. Strategies and Tools Recommendations: Potential development and redevelopment principles and strategies for consideration by the Town during the Evaluation and Appraisal Comprehensive Plan update were discussed, including Peril of Flooding and Adaptation Action Area policies, and tools that reduce flood risk in the coastal areas identified in the Vulnerability Assessment. Recommendations were based upon interaction with the residents, survey results, opinions by experts and the Vulnerability Assessment. Feedback from the public engagement process was emphasized in order to develop strategies and policies for consideration by the Town, including Coastal Element goal, objective and policy revisions to address the state mandated Peril of Flood legislation.

3. County and Regional Plans Summary: A summary of regional and county plans, programs and policies related to addressing the issue of coastal flooding was prepared as the basis to insure Town continued awareness of, and participation in multi-jurisdictional cooperation efforts. The East Central Florida Regional Planning Council (ECFRPC), through several programs, is involved in coastal flooding resiliency planning for its multi-county region, including the 2060 Plan, Regional Resiliency Action Plan, Vulnerability Analyses for specific areas, and Public Outreach (e.g. Peril of Flood and Resiliency Newsletter and Peril of Flood Website).

4. Public Meetings and Online Survey Results: Public Engagement consisted of three distinct components; two separate public workshops and a MetroQuest Online Survey. Discussions at the initial public workshop, including results of a Menti-meter poll, were used in the development of the on-line survey. The results of the on-line survey were then considered when preparing initial draft Comprehensive Plan amendments that addressed citizen concerns regarding flooding, sea level rise, and safeguarding and improving the functions of the Indian River Lagoon.

An overview of the project, vulnerability analysis, survey findings and preliminary recommendations were discussed at the second public workshop. Results of discussions at the workshop, as well as input from Town staff, were used in drafting final proposed Comprehensive Plan recommendations.

Notices of the public meetings and on-line survey were available to residents, businesses, property owners and known interest groups through postings on the Town website, targeted mailings, and existing public announcement procedures.

5. Review of Flood-Resistant Codes and Recommendations: A determination was made that the Town code is generally consistent with the flood-resistant construction requirements of the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60. It was concluded that, through its Comprehensive Plan, Land Development Code, and educational programs, the Town complies with the intent and letter of the requirements of the Florida Building Code and 44 CFR 60 regarding flood-resistant construction. It was recommended that the Town continue to coordinate with applicable State and Federal agencies, enforce various code provisions for flood-resistant construction, and update the Comprehensive Plan and Land Development Code to reflect changes and innovations in construction methods to minimize impacts of local flooding.

6. Review of the Town's National Flood Insurance Program (NFIP) Rating and Recommendations: The Town of Melbourne Beach currently benefits from the (NFIP) Community Rating System (CRS); however, potential areas for class improvement were explored.

The Town currently holds a CRS class 8 score on a scale of 1 to 10. If the Town Floodplain Manager/ CRS coordinator works with the Insurance Service Office ISO/CRS, the community can either choose to strengthen the current class, improve the class, or decide to take no action at this time.

Data was obtained from the State of Florida and examined related to common activities that other small communities implement to receive additional credits in order to help the Town determine the best course of action.

It was recommended that the Town remain in the CRS program at a class 8 unless significant further action is taken. The Town has decided not to pursue a class improvement since an improvement would require additional costs, including personnel to oversee the program.

7. Proposed EAR Comprehensive Plan Amendments: Draft Comprehensive Plan amendments were prepared incorporating the results of Tasks 1 – 6 above. Proposed amendments were prepared for the following Comprehensive Plan elements: Future Land Use; Housing; Coastal Management; Intergovernmental Coordination; and Capital Improvements.

C. Current Related Comprehensive Plan Policies

Current Town goals, objectives and policies that address the requirements of F.S. 163.3178 (2) (f) are included in the following elements of the Comprehensive Plan. These elements are appropriate locations for F.S. 163.3178 (2) (f) – based amendments to the Melbourne Beach Comprehensive Plan.

1. Future Land Use Element

GOAL:

Promote safe, quality residential development and/or restoration.

OBJECTIVE 7.0:

Ensure all new construction and/or redevelopment is consistent with requirements for flood prone areas and that residential densities are consistent with Town, county, and regional Hurricane evacuation plans.

Policy 7.1:

Maintain up-to-date copies of State and Federal Regulations regarding development and/or redevelopment within flood prone areas and ensure that developments within areas identified on the Flood Hazard Boundary Map and/or the Flood Insurance Rate Map comply with appropriate requirements.

Policy 7.2:

Ensure that Ordinances of the Town are in conformance with County, State and Federal Rules and Regulations regarding development and redevelopment within “Coastal High Hazard Areas.”

Policy 7.3:

Review, analyze, and amend as determined necessary, Code of Ordinances requirements regarding repair or reconstruction of damaged properties including those provisions that apply to Coastal High Hazard Area.

Policy 7.4:

Periodically review and revise as necessary, permitted densities within the zoning ordinance to ensure that the population densities do not exceed those that will allow the Town to meet adopted hurricane evacuation timeframes.

GOAL:

Encourage the preservation of natural features in existing and future developments.

OBJECTIVE 14.0:

Continue to maintain and strengthen tree preservation and landscape ordinances, encouraging the use of indigenous vegetation.

Policy 14.2:

Continue to enforce regulations regarding building setbacks from the dune.

2. Housing Element

GOAL:

The provision of safe, sanitary living conditions, in viable neighborhoods for present and future residents of the town.

OBJECTIVE 1.0:

Insure that all residential structures are maintained in a safe sanitary condition.

Policy 1.1:

The Town shall continue with strict enforcement of the Florida Building Code and Florida Residential Building Code and adopt revisions to these codes as appropriate to ensure that new building material and techniques are permitted in Melbourne Beach.

3. Coastal Management Element

GOAL:

Preserve, protect and enhance the coastal resources as development or redevelopment occurs in Melbourne Beach.

OBJECTIVE 1:

Protect existing native vegetation as development or redevelopment occurs.

Policy 1.1:

Native vegetation communities such as those located in dunes along the ocean and along the lagoon to the west shall be preserved and incorporated in any development or redevelopment project through procedures adopted in the Code of Ordinances.

Policy 1.2:

The Town shall coordinate with the State and local agencies to provide for the reestablishment of shoreline vegetation where it has been removed.

OBJECTIVE 2:

The Town shall continue to coordinate with the applicable Federal, State, County and agencies in order to protect the beach and dune system as a viable feature providing storm protection for upland property and serving as an important recreation and aesthetic resource.

Policy 2.1:

Codes that control and regulate construction activities in the coastal zone areas shall be adopted and enforced consistently throughout the Town.

Policy 2.2:

Codes shall be updated when necessary to conform to new state regulations and advances in the understanding of the coastal process.

Policy 2.3:

The coastal building setback requirement shall be modified when necessary to allow the setback line to follow any repositioning of the Coastal Construction Control Line (CCCL).

Policy 2.4:

The development code shall specify the appropriate vegetation for planting in dunes, and that such vegetation shall be protected from pedestrian and vehicular traffic. Any construction or reconstruction of beach access shall provide for dune crossing over walks.

GOAL:

Protect human life and limit public expenditures in areas subject to destruction by natural disasters.

OBJECTIVE 5:

Limit public expenditures that subsidize development permitted in coastal high-hazard areas except for restoration and enhancement of natural resources.

Policy 5.1:

No construction or development activity shall be permitted, except through the Florida Department of Environmental Protection, seaward of the Coastal Construction Control Line (CCCL) unless it is intended for restoration and enhancement of natural resources.

Policy 5.2:

Existing permanent structures protruding into the coastal high-hazard areas shall be required to meet the most recent version of coastal building codes and regulations established by the Florida Department of Environmental Protection when redevelopment occurs on the property.

Policy 5.3:

The Coastal High Hazard Area is the area below the elevation of the category 1 storm surge line established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. This encompasses that portion of the Town as depicted on Map 2 (2020 Future Land Use) and Map 9 (Coastal High Hazard Area). Public infrastructure within this area may be built and reconstructed when necessary but not for the purpose of facilitating an increase in permitted density.

OBJECTIVE 6:

The Town shall maintain an out of County evacuation time of less than sixteen (16) hours for a Category 5 storm event.

Policy 6.1:

The Town shall cooperate with, and support, Brevard County in planning for hurricane evacuation.

OBJECTIVE 7:

The Town shall continue to coordinate with the Brevard County Emergency Management Office to provide immediate response to post-hurricane situations.

Policy 7.1:

The current Local Peacetime Emergency Plan shall be modified to comply with the policies under this objective, and shall contain step-by-step details for post-disaster recovery operations.

Policy 7.2:

After a hurricane but prior to re-entry of the population into the evacuated areas, the Town Commission shall meet to hear preliminary damage assessments, appoint a Recovery Task Force, and consider a temporary moratorium on building activities not necessary for the public health, safety and welfare.

Policy 7.3:

The Recovery Task Force shall review and decide upon emergency building permits, and repair and cleanup actions needed to protect public health and safety; coordinate with County, State and Federal officials to prepare disaster assistance applications; develop a redevelopment plan; and recommend amendments to the Comprehensive Plan, Local Peacetime Emergency Plan, and other appropriate policies and procedures.

Policy 7.4:

Repairs to potable water, waste water, and power facilities; removal of debris; stabilization or removal of structures about to collapse; and minimal repairs to make dwellings habitable shall receive first priority in permitting decisions. Long term redevelopment activities shall be postponed until the Recovery Task Force has completed its tasks.

Policy 7.5:

Structures destroyed, by any means, to an extent of more than 50% of the replacement cost at the time of destruction shall not be reconstructed except in compliance with the Code of Ordinances.

4. Intergovernmental Coordination Element

GOAL:

Maximize the effectiveness and efficiency of intergovernmental relationships between the Town of Melbourne Beach and other governmental entities.

OBJECTIVE 1.0:

Maintain membership in organizations such as the Space Coast League of Cities in order to foster informal intergovernmental relationships.

Policy 1.1:

Ensure that annual membership fees in such organizations are budgeted and Town Representatives attend the organizations meetings.

OBJECTIVE 2.0:

The Town shall review for compatibility, all comprehensive planning elements and subsequent updates of neighboring jurisdictions. Brevard County, the Brevard County School System, the Florida Department of Transportation, and other units of local government providing services to the Town in order to coordinate with the planning activities of each jurisdiction.

Policy 2.1:

Continue to work with the Brevard County Comprehensive Planning Steering Committee. The Town participates through representation on the Spacecoast Transportation Planning Organization and the Intergovernmental Coordination Committee.

5. Capital Improvements Element

GOAL:

Undertake actions necessary to adequately provide needed public facilities to all residents of the town in a manner that protects investments in existing facilities and maximizes the use of existing facilities.

OBJECTIVE 2:

Limit public expenditures that are for the purpose of increasing density in coastal high hazard areas (CHHA).

Policy 2.1:

The Town shall not fund infrastructure in the high hazard coastal area that subsidizes development.

D. Current Town Programs

The following is a review of Town Codes and requirements to determine consistency with the Flood-resistant construction requirements of the Florida Building Code and applicable flood plain management regulations set forth in 44 CFR Part 60. To complete this task, the following documents were reviewed:

- 44 CFR Part 60, Criteria for Land Management and Use, Subparts A, B, and C;
- Florida Building Code information regarding flood-resistant construction;
- Town of Melbourne Beach Land Development Code; and
- Town of Melbourne Beach web site for relevant information.

1. 44 CFR Part 60, Criteria for Land Management and Use

Subpart A of Section 44 includes six different categories of local circumstances and related federal flood-related compliance criteria applicable to communities across the country. Section (i.e. category) E of 44 CFR 60 is applicable to the Town, which states:

“When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE, and if appropriate, has designated AH zones, AO zones, A99 zones and A zones on the communities FIRM, and has identified coastal high hazard areas by designating Zones V1-30, VE, and/or V”.

Each category of conditions includes a specific set of criteria which must be implemented in order to comply with the CFR requirements.

In the Town of Melbourne Beach, the Flood Insurance Rate Maps (FIRM) are Maps 12009C0608G, 12009C0604G, and 12009C0616G. As depicted on these FIRM maps, the following Flood Zone designations are applicable to the Town of Melbourne Beach:

- Zone VE (EL 11.7 and 13.7). This zone is a “coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.”
- Zone AO depth 1’. This zone has “flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.”
- Zone AE (EL 3.7 and 4.7). This zone has “base flood elevations determined.”

- Zone X. This zone includes “areas determined to be outside the 0.2% annual chance floodplain.”

2. Florida Building Codes for Flood-Resistant Construction

The Florida Building Code (FBC) addresses flood provisions in a number of sections including Chapter 1 Administration, the “Building” section, the “Residential” section, the “Existing Building” section, and the “Mechanical, Plumbing and Fuel Gas” sections.

In Chapter 1 Administration, the FBC establishes the applicability of the code and describes how the code is to be applied and enforced. It also specifies requirements including that site plans must show flood hazard areas, floodways and design flood elevations. The “Building” section includes the following key provisions:

- In Section 1612.3, flood hazard areas are established by local floodplain management ordinances, which adopt flood hazard maps.
- Section 1612.5 requires submission of elevation certificates.
- Section 1804.4 addresses where grading and fill are allowed in flood hazard areas.
- Section 3109 includes requirements for buildings seaward of the Coastal Construction Control Line (CCCL).

The “Residential” section includes Section R322, Flood-Resistant Construction, and that dwellings seaward of the CCCL must be in accordance with Section 3109 of the FBC, Building.

The “Existing Building” section includes criteria to address the principal that work on existing buildings does not lessen the compliance or conformance of the structure with current codes. This section also addresses work on existing buildings within flood hazard areas and defines thresholds for work related to “substantial improvement” or the repair of “substantial damage”. If these thresholds are exceeded, then the structures must be brought into compliance with current codes.

The sections on Mechanical, Plumbing, and Fuel Gas, have similar provisions requiring equipment and systems to be located at or above the flood elevations and/or that they meet certain performance standards to address flood hazards.

3. Town of Melbourne Beach Land Development Code

The Town Land Development Code (LDC) includes several sections which address construction, development and redevelopment in flood prone areas including Section 1A-3 Definitions, Chapter 4A Buildings Flood Protection Coastal Construction; Chapter 5A Coastal Setback Regulations; and Chapter 7A Zoning.

Chapter 1A of the LDC includes Section 1A-3, Definitions, including the following relevant terms: Area of Special Flood Hazard; Base Flood; Building Official (as the position designated to interpret the flood control regulations); Flood or Flooding; Flood Hazard Boundary Map; Flood Insurance Rate Map; Flood Insurance Study; and Floodway.

Chapter 4A is entitled "Buildings; Flood Protection; Coastal Construction" and includes the majority of land development regulations specifically regulating flood-resistant construction. Several relevant sections are as follows:

- Article II – Adoption of Building Codes. This section adopts the Florida Building Code, the Florida Residential Building Code, and the Florida Existing Building Code current editions.
- Articles IV, V, VI, VII, and VIII adopt the FBC for Unsafe Building Abatement, Plumbing, Mechanical, and Fuel Gas Codes.
- Article X Coastal Construction Code is adopted to provide construction codes for work within the Coastal Building Zone and coastal barrier islands in the Town.
- Article XII Floodplain Management Code intends to establish minimum requirements to safeguard public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas.
- Chapter 5A is the Coastal Setback Regulations section which prohibits the construction of major structures and minor structures not pile supported within the coastal setback line.

- Chapter 7A Zoning includes the following provisions related to floodplain management: Section 7A-55 Building Construction requires the lowest floor level of all buildings to be at least 18" above the crown of the highest street perpendicular to the foundation to which the property abuts. Plans for construction must include elevations of the property, street, proposed building, FEMA flood zones and elevations.

Section 7A-70 Federal and State Elevation Certificates and Documentation requires that any new construction of substantial improvements located in Flood Zones include an elevation certificate to ensure compliance with FEMA Elevation Certificate requirements.

4. Melbourne Beach Vulnerability Assessment and Resiliency Plan

A vulnerability assessment was conducted by the East Central Regional Planning Council (ECFRPC) in February 2019 which served as the basis for many of the recommendations included in this report. The principal goal of the related Resiliency Plan (i.e. Peril of Flooding and Adaptation Action Area policies) is to identify coastal vulnerabilities specific to the Town and provide recommendations, including Comprehensive Plan amendments, to mitigate the effects of sea level rise.

Maps, data and analysis were prepared in order to identify at-risk coastal areas that currently experience, or have historically experienced flooding and coastal inundation. As part of the analysis, five natural hazards are addressed, including: 1) Storm Surge; 2) Sea Level Rise; 3) FEMA 100-and-500-Year Flood Zones; 4) Nuisance Flooding Area; and (5) Sea Level Rise plus Storm Surge (Ref: FDEP Grant Deliverable 1: Vulnerability Analysis). Within these areas, public and private resources that are at risk of being inundated are identified. The purpose of the data is to provide a preliminary look at sea level rise, erosion, and coastal flooding impacts. Data and maps in the report illustrate the scale of potential flooding, not exact locations.

Based upon the vulnerability assessment, the Town will adopt Peril of Flood policies and establish a Coastal Planning Area (CPA) to address those parts of the Town that are more susceptible to sea level rise and storm surge. By definition, the CPA is the area most susceptible to sea level rise and other flooding, and where the main focus on being sustainable regarding these events will occur.

Overall, Melbourne Beach has a relatively low exposure of critical facilities to natural hazards, as compared to more urbanized areas. The dunes along the ocean protect the Town from impacts from the ocean and, while rising waters from the Indian River Lagoon (IRL) will impact residents in the long term, critical facilities will not experience impacts until after the 2070 timeframe.

Sea level rise impacts to the Town will initially be from the IRL, since elevations are lowest on the west side of Town. Sea level rise projections from NOAA suggest that by 2070, sea levels will have risen more than 4 feet in coastal Florida, which is enough to permanently inundate part of Melbourne Beach. While the impacts will not affect Melbourne Beach until later in the century, putting mechanisms in place well ahead of time will make the transitions required in the future easier to implement.

Currently, Melbourne Beach is experiencing nuisance flooding through prolonged rain and annual high tides. As with sea level rise, Town impacts will initially be from the IRL, since elevations are lowest in that area of the Town. Related inundation is encroaching on critical infrastructure along the IRL and, if not addressed, can be detrimental to the Town. Further, a warmer climate may portend stronger and more frequent hurricanes. It is recommended that the Town assess outfall elevations to determine the impacts of elevating lagoon waters and potential stormwater system failures.

The Town is challenged with maintaining a balance between the current quality of life and the physical realities of increasing hazards from higher water. As a small municipality, Melbourne Beach needs to concentrate on managing the challenges to infrastructure that will continue to be impacted. The Town will need to consider the impacts of a reasonable lower level of service than has been provided in the past due to financial capacity of the Town to construct large and expensive infrastructure projects to protect from the perils of flood. It is important that the Town take a pro-active stance in addressing the mid and long-term future of the Town.

Two public meetings were held and an on-line survey was developed to provide public input. The Town's existing Comprehensive Plan Goals, Objectives and Policies (GOPs) were reviewed and recommendations made to enhance planning for current and future flood impacts, including sea level rise and hurricane surge. Policies adopted by the Town should include approaches that maintain the safety and well-being of the community and preserve municipal infrastructure while also minimizing long-term potential legal liabilities and unintended future risks to residents from the perils of flood. Basic planning principles discussed include:

- There will be an increase in flood potential in the Town from sea level rise and associated intensification of storms and rain events due to climate change.
- The protection of safety and property due to the risk of flooding impacts should be emphasized. Regulations must be based on technical data, such as the information provided in the vulnerability assessment.
- A statement should be included in ordinances that the Town's policy mandates that the local government has a need and responsibility to make challenging decisions that balance the important interests of property rights with the need for the community to responsibly manage its limited financial resources and protect the lives of residents and first responders.

- Highlight the fact that the Comprehensive Plan and ordinances are to give residents and businesses adequate current and advanced notice of future conditions of potential property impacts due to the perils of flood.
- Ensure that the processes in ordinances respect due process of property owners.
- Strive to have Comprehensive Plan language, polices and ordinances work in conjunction to accomplish the Town's aims.
- Include policies and ordinances that minimize the risk of "moral hazard", where risk taking behavior is potentially rewarded by allowing those who take the risk of living in hazardous areas having other tax payers incur the higher costs to maintain the infrastructure necessary to service or protect them.
- Identify existing and future data required to set policy and to implement desired policies, now and in the future.

Revisions to the Coastal and other Elements of the Comprehensive Plan are recommended (Ref: Exhibits 3 and 4), consistent with state mandated Peril of Flood legislation and the findings of the Vulnerability Assessment, for consideration by the Town.

By acting now, the Town can get ahead of many future flood impacts which will have an increasing influence over the daily lives of residents and business owners.

5. Other Related Documents and Information

The Town of Melbourne Beach undertakes additional efforts to ensure compliance with State and Federal requirements as well as help educate it citizens on flood hazards. The Town's web site includes a web page devoted to stormwater management (<https://www.melbournebeachfl.org/stormwater>). This web page includes links to downloadable informational/educational documents, provides links to other related web sites and a link to the Town's stormwater plan.

Informational and educational documents which can be downloaded from the web page include the following:

- Effective Use of Swales brochure.
- Landscaping and Gardening brochure.
- Urban Runoff Facts brochure.

Links to other related web sites which provide additional educational information for flooding and stormwater include:

- National Water Quality Monitoring Council water quality sampling database.
- University of Florida Institute of Food and Agricultural Sciences (UF/IFAS).
- Brevard County Natural Resources – Watershed Management Program.
- US Environmental Protection Agency – National Pollutant Discharge Elimination System (NPDES).

The Town of Melbourne Beach 2007 Stormwater Management Plan updated the Town’s 2002 Plan and included conditions of the existing system and recommendations for prioritizing and budgeting stormwater system improvements. The overall goal of the plan is to improve flood control and water quality treatment in the Town.

E. Regional and County Programs

Redevelopment principles included in F.S. 163.3178 *Coastal Management* Section (2) (f) are related to the elimination, when opportunities arise, of inappropriate and unsafe development in coastal areas and participation in multi-level government disaster prevention and mitigation programs.

1. East Central Florida Regional Planning Council

The East Central Florida Regional Planning Council (ECFRPC), through several programs, is involved in coastal flooding resiliency planning for the multi- county region, including Brevard, Lake, Marion, Orange, Osceola, Seminole, Sumter, and Volusia counties. The following is a summary of ECFRPC programs and services.

Resiliency is defined as the capacity of individuals, communities, institutions, businesses, and systems within a region to plan, sustain, adapt, recover, improve and grow collaboratively through specific actions and implementation strategies geared to address specific vulnerabilities (Source: East Central Florida Regional Resiliency Action Plan).

ECFRPC resiliency planning efforts include assisting State, County and municipal governments with strategies for adapting to both acute shocks and long-term stresses from natural hazards such as sea level rise, storm surge and flooding.

- **2060 Plan:** Florida Statutes 186.507 mandates each Regional Planning Council to adopt a Strategic Regional Policy Plan (SRPP) that includes emergency preparedness strategies. In response to the statutory directive, East Central Florida Regional Planning Council (ECFRPC) prepared the 2060 Plan.

The 2060 Plan promotes coordinated emergency responses for several types of risk, including flooding and storm surge, in Chapter 6 *Emergency Preparedness*. Strategies to address evacuation in vulnerable areas, provision of emergency shelters,

coordination of emergency planning agencies and post-disaster reconstruction are addressed. Maps of evacuation routes and shelter, and fire and law enforcement facility locations are included.

The overall 2060 Plan Emergency Preparedness Goal is to prepare communities to effectively respond to disasters by implementing an all-hazards approach to emergency preparedness planning and coordination at the regional level.

2060 Plan policies pertinent to sea level rise, storm surge and flooding include: Shelters and Evacuation Routes; Smart Growth; and Intergovernmental Coordination.

- **Regional Resiliency Action Plan**

ECFRPC has prepared the East Central Florida Regional Resiliency Action Plan (RRAP) which focuses upon Brevard and Volusia Counties. The goal of the RRAP is to increase the ability of local and regional stakeholders to implement resiliency and climate adaptation strategies across various disciplines. The RRAP identified the following four “focus” areas for which plan objectives are identified: Leadership and Strategy; Economic and Society; Infrastructure and Environment; and Health and Wellbeing.

- **Vulnerability Analyses**

ECFRPC has completed a Sea Level Rise Vulnerability Analysis for each of the following areas: Space Coast (i.e. includes Brevard County), River to Sea (includes Flagler and Volusia Counties evacuation routes and critical facilities), Satellite Beach, and Indian River Lagoon (includes outfalls within Volusia and Brevard Counties within the East Central Florida Region and Martin, St. Lucie and Indian River Counties within the Treasure Coast Region). Definitions of key terms used in a vulnerability analysis include: Storm surge; Flooding; Coastal erosion; and Sea level rise.

A Vulnerability Analysis consists of two basic components; hazard analysis, and critical facility vulnerability analysis. The hazard analysis portion utilizes hazard-specific data to determine the short and long-term vulnerabilities facing residents and critical infrastructure within an area or political jurisdiction. The following hazards are normally analyzed at the municipal level: storm surge, flooding, coastal erosion, and sea level rise.

The second component, a critical facility vulnerability analysis, normally determines impacts from the following from five perspectives: Financial exposure; Exposure to built parcels by build year; Land use exposure; Critical facility exposure; and Environmental and ecological exposure.

The ECFRPC recommends that local governments opting to prepare a Vulnerability Analysis for their jurisdiction utilize the Satellite Beach study as a model.

- **Public Outreach**

In addition to the assessment, planning and management activities summarized above, ECFRPC is actively engaged in the following public outreach efforts: Peril of Flood and Resiliency Newsletter.

Peril of Flood is a website maintained and continually updated by ECFRPC which features a compilation of projects, resources and important dates related to coastal resiliency.

In addition the Resiliency Newsletter, addressing such topics as hurricane evacuation, sustainable communities, and health and wellbeing, is published and updated every two months by the ECFRPC.

2. Brevard County 2015 Local Mitigation Strategy (LMS)

The action group Brevard Prepares established a number of goals and objectives to guide the development of the LMS. The goals and objectives are oriented to focusing the LMS mitigation planning effort to achieve an end result that matches the unique needs, capabilities and desires of the participating jurisdictions.

Brevard County Emergency Management, coupled with a number of community stakeholders, prepared the LMS which is updated every five years to include current data and implementation strategies. The collaborative effort includes all 16 municipal jurisdictions and the County, as well as the American Red Cross, Health First, the Home Builders and Contractors Association, Eastern Florida State College, Florida Power & Light, St. Johns River Water Management District, Florida Solar Energy Center, Harris Corporation, Circles of Care, Brevard Amateur Radio Services, Brevard Public Schools, and Wueshoff Health System.

The goal of the LMS is to provide Brevard County residents, businesses and industries, non-profit organizations, and local governments the education and support necessary to reduce the loss of life and human suffering; to minimize property damage; and to protect environmentally sensitive areas from all types of disasters through a comprehensive, risk-based, all-hazard emergency management program. The principal purposes of the LMS include the following: Provide a methodical, substantive approach to mitigation planning; Enhance public awareness; Create a decision tool for management; Promote compliance with state and federal program requirements; Enhance local policies for hazard mitigation capability; assure inter-jurisdictional coordination of mitigation-related programming; and Create jurisdiction-specific hazard mitigation plans for implementation.

The LMS provides a Hazard Identification and Vulnerability Assessment for each participating jurisdiction, including land uses and population growth trends, existing policies and plans incorporating mitigation goals and actions, identified critical

facilities present in the community, and properties that have been damaged multiple times by past disasters. The LMS profile for the Town of Melbourne Beach is as follows:

“The Town of Melbourne Beach is built-out. Recent development trends include redevelopment of parcels due to the lack of vacant land on which to develop. As these new structures are completed, it has decreased the Town's vulnerability as new construction meets updated codes.

Over the last five years, a local floodplain ordinance has been established, the Town has joined the Community Rating System program as of 2015, a permanent Floodplain Administrator has been hired, and repetitive loss properties have been reduced to two areas by implementing stormwater mitigation projects. Current Stormwater projects, in process, will mitigate flooding problem areas.

Website information has been updated to include Floodplain Ordinance topics. Future land use plans have been amended to not include any increase in density, or lot coverage. New construction project guidelines regarding swales, stormwater run-off, and storm drain protection have been updated by certified and trained permitting staff.

The Public Works employees are now required to complete NPDES training. Beach sea oats planting projects are ongoing through local community involvement. Emergency management plans are being updated to include Police, Fire, Public Works and Building Departments. The Police and Fire Departments are currently updating radio communications for future mutual aid conditions during statewide emergency declarations.

All of the projects listed and the development trends have made the town less vulnerable and more resilient to disasters”.

The LMS individualized mitigation plan for the Town of Melbourne Beach is as follows:

“The Town of Melbourne Beach is located in the southeastern coastal section of Brevard County and is susceptible to a wide variety of climatic, technological and societal hazards”

Top LMS listed hazards for Melbourne Beach include: High winds associated with thunderstorms, tropical storms and hurricanes; storm surge created by tropical systems and severe winter storms; flooding of normally dry areas resulting from storm surge or intense, short-term rain associated with a thunderstorm; coastal erosion due to natural processes and/or human activity; and sea level rise caused by climate change which alters weather patterns.

The LMS includes a matrix identifying all critical facilities in each of the municipalities in Brevard County. A summary matrix, including the critical facilities in the Town of Melbourne Beach and their vulnerabilities to specific hazards is presented in Table 1.

**Table 1
Melbourne Beach Vulnerability Matrix**

Facility Name	Address	Flood Zone	Wind Zone (MPH)	Storm Surge Zone	Fire Risk	Type
Community Chapel	501 Ocean Ave.	X-500	111-115	Category 3	Low	Other
Grace Lutheran Church	1805 Oak St.	X-500	111-115	Category 3	Low	Other
Police Department	505 Ocean Ave.	X-500	111-115	Category 3	Low	Other
Public Works Dept.	507 Ocean Ave.	X-500	111-115	Category 3	Low	Other
Town Hall	570 Ocean Ave.	X-500	111-115	Category 3	Low	Other
U.S. Post Office	504 Ocean Ave.	X-500	111-115	Category 3	Low	Other

Source: Brevard County Local Mitigation Strategy

3. Brevard County Emergency Management (BREM)

BREM is responsible for coordinating the review of all local jurisdictions mitigation programs and policies. To complete this task, BREM has conducted county and municipal departmental interviews to identify the mitigation programs and policies. The following Melbourne Beach operating departments are identified as performing functions related to hazard mitigation:

- **Public Works Department**

The Department provides four specific types of services: vehicle and equipment maintenance, building maintenance, road and sign maintenance, and parks and grounds maintenance. The Department repairs and performs preventative maintenance and modifications to all Town structures, cleans and repairs all storm drain inlets, cleans storm drain swales, maintains 16 miles of Town streets, replaces damaged signs, and installs new signs as required. The Public Works Department also maintains all of the Town parks and implements beautification and mitigation projects.

Recent stormwater mitigation projects have reduced the potential for future repetitive loss to only two areas. Current stormwater projects have alleviated flooding problem areas. Public Works employees are now required to complete NPDES training to help recognize areas that can be improved upon.

- **Building Department**

The Building Official is designated by the Town Manager and charged with the administration, interpretation and enforcement of the building code, flood control, coastal construction, coastal setback regulation, landscaping and trees, environmentally sensitive lands and concurrency, as set forth in the Land Development Code.

New construction project guidelines regarding swales, stormwater run-off, and storm drain protection have been updated and appropriate permitting staff trained and certified.

- **Zoning Department**

The Zoning Official is designated by the Town Manager and charged with the administration, interpretation, and enforcement of general code administration, comprehensive planning, subdivision regulation, zoning regulation, takings, vested rights, and due process, all as set forth in the Land Development Code. Future land use plans do not include any increase in density or lot coverage. A local floodplain ordinance has been established along with webpage updates to include floodplain topics. The Town of Melbourne Beach has also joined the Community Rating System as of 2015 and hired a permanent Floodplain Administrator. The Town's emergency management plans are being updated.

- **Volunteer Fire Department**

The Town has a Volunteer Fire Department which consists of 30 volunteers. The department operates out the City's one fire station. The Fire Department's ISO rating is 4.

The department has 2 engines, a 4WD mini-pumper equipped with a 10,000 pound winch, a 12-foot RHIB rescue boat, a 19' Carolina skiff rescue boat with full radio and light packages, and a 4X4 ATV. Above and beyond regular firefighting, the Fire Department aggressively trains to U.S. Coast Guard standards for Search and Rescue in marine environments (ocean and inter-coastal waterway).

The Fire Department answers, on average, 110 calls per year. It is on standby during emergency situations, is part of the Beach Strike Team for urban interface fires, and assists with hurricane evacuation and post-disaster operations.

Fire prevention efforts include education of local students via annual visits to area schools. The Fire Department mitigates disaster by performing fire and life safety inspections to businesses and homeowners and fire systems plan review, and providing homeowner insurance information. The Fire Department accomplishments include improvements to communication systems, acquiring equipment for emergency response, and conducting staff training and exercises.

- **Police Department**

The prime function of the Melbourne Beach Police Department is the preservation of peace and order, the prevention and detection of crime, the apprehension of offenders, the protection of persons and property under the laws of the State of Florida, the ordinances of the Town of Melbourne Beach, and the performance of a multitude of tasks relating to public welfare and safety. The department also plays a role in hurricane evacuation and post-disaster operations. This includes re-entry to the City after a disaster. The Department is also updating radio systems to improve mutual aid and other emergency communications.

F. National Flood Insurance Program (NFIP)

The National Flood Insurance Program (NFIP) provides federally underwritten private flood insurance to homeowners. Although the NFIP is nominally a voluntary program, in reality it is a de facto requirement for most homeowners. Typically, property-owners in a Federal Emergency Management Agency (FEMA) designated floodplain (an area with a 1% chance of flooding in any given year) are required to have flood insurance in order to secure a mortgage. Once a mortgage is paid off, homeowners typically retain insurance to preserve their investment.

The National Flood Insurance Program's (NFIP's) Community Rating System (CRS) incentivizes implementation of floodplain management practices that exceed the Federal minimum requirements of the NFIP. CRS is a voluntary program that provides for reductions in flood insurance premiums by 5 to a maximum of 45 percent for policy holders with insurable property in flood zones located within CRS communities. The CRS recognizes 19 creditable activities organized under four categories: Public Information, Mapping and Regulations, Flood Damage Reduction, and Warning and Response.

Communities can elect to undertake any or all of these activities. Based on the number of credit points received, a community earns a rank in one of ten CRS classes.

The CRS recognizes, encourages, and rewards community and State activities that go beyond the minimum required by the NFIP by offering flood insurance premium adjustments if they:

1. Reduce and avoid flood damage to insurable property.
2. Strengthen and support the insurance aspects of the NFIP.
3. Foster comprehensive floodplain management.

Melbourne Beach commissioned a CRS Study by the East Central Regional Planning Council in January 2019. The report focused on how the Town of Melbourne Beach currently benefits from the NFIP CRS as well as exploring the potential for class improvement. The Town currently holds a CRS Class 8 score on a scale of 1 to 10, with one being the highest achievable score. The report gathered data from the State of Florida and examined some of the common activities that other small communities implement to receive credit in order to assist the Town of Melbourne Beach determining the best course of action.

Following completion of the report, the Town decided to remain in the CRS program at a Class 8 designation and not pursue a class improvement due to additional funding and personnel requirements to administer the program.

G. Analysis of Notification Issues

The following paragraphs comprise an assessment of the four State Comprehensive Planning Law issues identified in the Town's Notification Letter.

1. Development and redevelopment principles and strategies that reduce flood risk in the coastal area.

The Town, through its Code of Ordinances, specifically Chapter 4A Article II *Adoption of Building Codes*, Article X *Coastal Construction*, Article XII *Floodplain Management* has implemented Florida Building Code standards, including minimum first-floor elevations and the use of flood resistant materials and construction practices to reduce flood risk in new developments and redevelopment in the Special Flood Hazard Area (Flood Zones AE and VE). Further, Code Chapter 7A *Zoning Section 7A-70 Federal and State Elevation Certificates and Documentation* requires new and substantial improvements construction to procure an elevation certificate from the Town.

In addition, through its web site and a web, page devoted to stormwater management, the Town has implemented a public education program identifying private property protection measures to minimize flood-related damage.

2. Development and redevelopment principles and strategies that result in the removal of coastal real property from flood zone designations.

The Special Flood Hazard Areas of Melbourne Beach includes primarily developed single-family residential lots that border the Indian River Lagoon and Atlantic Ocean. The Town has no programs or policies to remove these areas from the Special Flood Hazard Area. However, Article II defines and addresses substantial improvements. The regulations do not result in the removal of properties from a Special Flood Hazard Area; however, they are intended to prevent or minimize future risks of damage due to flooding, including the use of flood resistant elevations, construction materials and practices.

3. Requirements for consistency with the flood-resistant construction requirements of the Florida Building Code.

Town Code of Section 4A requires that major structures must conform to state minimum building code requirements and constructed and located in compliance with National Flood Insurance Program regulations. Any development activity within a flood hazard area, or partially within a this area is required to obtain a permit or approval from the Floodplain Administrator. The Town Code also requires that new construction and substantial improvements utilize construction methods and practices that minimize flood damage, and include materials and utility equipment resistant to flood damage.

4. Participation in the National Flood Insurance Program Community Rating System (CRS).

Melbourne Beach currently participates in the CRS. Through participation in the CRS program, the Town has achieved a CRS Rating of 8, which has resulted in a 10% reduction of NFIP rates. Consistent with this effort, the Town also participates in the following programs to heighten public awareness on the issue of disaster preparedness and risk reduction strategies: (1) Local Mitigation Strategy; (2) Brevard County Emergency Management Plan; and (3) East Central Florida Regional Planning Council planning activities.

H. Proposed Comprehensive Plan Amendments

Proposed Comprehensive Plan amendments, presented in Exhibit 3 *Reduction of Flood Risk Amendments*, are based upon the results of the vulnerability assessment and related interaction with residents, an analysis of current Town plans and programs, and the Town's participation in county, regional and federal flood protection programs.

III. FIVE-YEAR SCHEDULE OF IMPROVEMENTS AMENDMENTS

Rather than include the required Five-Year Schedule of Capital Improvements within the Capital Improvements Element of the Comprehensive Plan, the Town of Melbourne Beach has elected to utilize the alternative method of annual review and update provided in Florida Statutes Chapter 163.3177 (3) (b). The alternative method provides

that the Five-Year Schedule of Capital Improvements may be accomplished by Town Ordinance and not deemed an amendment to the Comprehensive Plan. However, the alternative method of Five-Year Schedule of Improvements adoption is referenced in Table x of the Capital Improvements element.

Based upon the alternate method, the Five-Year Schedule of Capital Improvements is referred to the Town's annual budget process and revisions to Policies 1.2 and 1.3 are made to implement the alternative procedure.

IV. UPDATES RELATED TO CHANGES IN LOCAL CONDITIONS

A. Ten-Year Water Supply Facilities Work Plan Update

1. Support Documentation

The Town's Evaluation and Appraisal Notification Letter identified the update of the Town's Ten-Year Water Supply Facilities Work Plan as an item to be completed as a component of the EAR-based Comprehensive Plan amendments.

Melbourne Beach residential and non-residential users purchase retail water directly from the City of Melbourne which is enabled through a 30-year Water Franchise Agreement enacted on June 10, 2018. The Agreement grants the City of Melbourne the non-exclusive right to operate a potable water distribution system within Melbourne Beach and to sell and distribute water through said system. Specifically, the Agreement grants the City of Melbourne the right to erect, maintain and operate a potable water distribution system in order to provide potable water service to customers within Melbourne Beach.

Per the Florida Department of Economic Opportunity Division of Community Development Bureau of Community Planning document entitled: "A Guide to the Preparation of the Water supply Facilities Work Plan", local governments with no water supply responsibility need only compile the following data and analysis:

1. Population and Water Demand Projections for at least a 10-year period, and a discussion of reuse and conservation methods to reduce demand during the projection period.

The City of Melbourne has a consumptive use permit (CUP) from the St. Johns River Water Management District for its potable water system. The permit (CUP No. 50301) will expire in 2019.

The City has proposed population and water use projections which are being reviewed by the St. Johns Water Management District as part of the CUP renewal process. Proposed projections for the Melbourne service area are presented in Table 2, assuming a consumption rate of 100 gallons per capita per day (gpcd). If approved, the projections will be used in the Town of Melbourne Water Facilities Work Plan Update.

Melbourne Beach population and water use projections are not prepared by Melbourne as part of its CUP and Water Supply Facilities Work Plans. However, Town-prepared projections are used in Table 3 to project Melbourne Beach water demand.

Table 2
City of Melbourne Potable Water Service Area
Population and Potable Water Consumption Projections

Year	Population Projection	Potable Water Consumption (mgd)
2020	192,966	19.2
2025	202,847	20.3
2030	211,121	21.1

Source: Town of Melbourne, St. Johns Water Management District; April 2019

Table 3
Town of Melbourne Beach
Population and Potable Water Consumption Projections

Year	Population Projection	Potable Water Consumption (mgd)
2015	3,398	0.3398
2020	3,426	0.3426
2025	3,454	0.3454
2030	3,482	0.3482

Source: Melbourne Beach Comprehensive Plan; Place Planning and Design; April 2019.

Section 10 of the Water Franchise Agreement states that Melbourne Beach will ,at its discretion, cooperate with and support Melbourne with implementation of water conservation plans and consider municipal ordinances relating to adopting codes for using cross-connection prevention devices, ultra-low flow water fixtures, and moisture sensing devises for irrigation systems and or xeriscape landscaping alternatives. Further, the City of Melbourne may, in its sole discretion, discontinue water services to any customer pursuant to Melbourne’s systematic rules and regulations in an effort to enforce compliance with water conservation plans.

2. If the supplier is another local government, demonstration that it has the capacity through its Water Supply Facilities Work Plan or plans to provide adequate capacity. The Town of Melbourne CUP is due to expire in 2019. The Town is currently

negotiating with the St. Johns Water Management District to renew the CUP. Upon renewal, the Town can update its Water Supply Facilities Work Plan.

2. Ten-Year Water Supply Facilities Work Plan Amendments

(NOTE: To be included if necessary following completion of the Town of Melbourne Five Year Water Supply Facilities Work Plan Update)

B. Future Land Use Map Series Amendments

It is necessary to update the Future Land Use Map Series to indicate the projection date of 2030, as well as any new or edited maps resulting from the EAR process. EAR process Maps are included in Exhibit 5.

EXHIBIT 1
MELBOURNE BEACH EVALUATION AND APPRAISAL NOTIFICATION



Town of Melbourne Beach

January 26, 2018

RECEIVED
JAN 31 2018
Office of Community Development
Deputy Economic Development

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison Street MSC - 160
Tallahassee, Florida 32399-4120

Re: Submittal of Evaluation and Appraisal Notification for the Town of Melbourne Beach (Brevard County).

Dear Mr. Eubanks:

Pursuant to the requirements of F.S. 163.3191(1), please accept this letter as the Evaluation and Appraisal Notification (Notification) for the Town of Melbourne Beach. In completing the Notification, the Town has researched changes in state comprehensive planning requirements since the date of its last (2009) Evaluation and Appraisal Report (EAR).

Based upon the Town's research into the matter, the principal amendments necessary to reflect updated state comprehensive planning requirements are those included in F.S. 163.3178 (2)(f) (Coastal Management Element) and F.S. 163.3177(3)(b) (Capital Improvements Element).

The following are to be reviewed and appropriately incorporated within the Coastal Management Element of the Town's Comprehensive Plan:

1. Development and redevelopment principles and strategies that reduce flood risk in the coastal area resulting from high-tide events, storm surge, flash floods, Stormwater runoff and the related impacts of sea-level rise.
2. Development and redevelopment principles and strategies that result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Requirements for consistency with the flood-resistant construction requirements of the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
January 26, 2018
Page 2 of 2

4. Participation in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for Town residents.

The Town will also review the Capital Improvements Element 5-year capital improvements schedule requirement to determine if future modifications are to be accomplished by ordinance as opposed to a Comprehensive Plan amendment. Based upon this determination, appropriate amendments to the Capital Improvements Element will be made.

In addition to a review of updated state requirements, the Town has determined that the Comprehensive Plan requires the following additional amendments to appropriately reflect current conditions:

1. Ten-Year Water Supply Facilities Work Plan Sub-Element update (Sub-Element Update). The Town anticipates updating the Sub-Element Update to maintain consistency with the 2018 Central Springs East Coast (CSEC) Water Supply Plan update by the St. Johns River Water Management District. An adoption date of the CSEC Water Supply Plan update is anticipated in December 2018.

ju

2. Updates to reflect current conditions: Updates include editing statutory and administrative code references in the Comprehensive Plan, and updating the planning period and population projections.


3. Updates to reflect additional local issues. Additional updates, unknown at this time, to address issues that arise during the course of the EAR update process may be included.

The Town will review the above items and transmit appropriate Comprehensive Plan amendments to the State Land Planning Agency. A transmittal date sufficient to allow for the incorporation of the 2018 Central Springs East Coast (CSEC) Water Supply Plan update is proposed.

Any questions regarding this submittal may be addressed to:

Robert J. Daniels	Tel: (321) 724-5860
Town Manager	FAX: (321) 984-8994
Town of Melbourne Beach	E-Mail: townmanager@melbournebeachfl.org
507 Ocean Avenue	
Melbourne Beach, FL 32951-8994	

Respectfully submitted,



Robert J. Daniels
Town Manager

507 Ocean Avenue, Melbourne Beach, Florida 32951

(321) 724-5860 phone

(321) 984-8994 fax

Brevard County's Oldest Beach Community * Established 1883

EXHIBIT 2
FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY
CONFIRMATION LETTER

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

January 31, 2018

Mr. Robert J. Daniels
Town Manager
Town of Melbourne Beach
507 Ocean Avenue
Melbourne, Beach 32951-8994

RE: Melbourne Beach Evaluation and Appraisal Notification Letter

Dear Mr. Daniels,

This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter which was due on October 1, 2017, and received by the Department on January 31, 2018.

Please note that your proposed comprehensive plan amendments based on your Evaluation and Appraisal should be transmitted to the Department by January 31, 2019 within one year of your notification, pursuant to Section 163.3191(2), Florida Statutes. The amendments are subject to the State Coordinated Review Process as outlined in Section 163.3184(4), Florida Statutes.

Mr. Adam Antony Biblo of the Department's staff is available to assist and provide technical guidance to your questions concerning the contents of the Evaluation and Appraisal based comprehensive plan amendments and may be reached at (850) 717-8503.

If you have any questions concerning the processing of the Evaluation and Appraisal based amendments, please contact Mr. Ray Eubanks, Plan Processing Administrator, at (850) 717-8483.

Sincerely,

D. Ray Eubanks
Plan Processing Administrator

DRE/me

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
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EXHIBIT 3
REDUCTION OF FLOOD RISK AMENDMENTS
Comprehensive Plan Policy Revisions and Additions

Town goals, objectives and policies that address the requirements of F.S. 163.3178 (2) (f) are included in the following elements of the Comprehensive Plan. These objectives are appropriate locations for F.S. 163.3178 (2) (f) – based amendments to the Melbourne Beach Comprehensive Plan. Proposed additions are indicated in underline format.

Future Land Use Element

GOAL

Promote safe, quality residential development and/or restoration.

OBJECTIVE 7.0:

Ensure all new construction and/or redevelopment is consistent with requirements for flood prone areas, is resilient and considers peril of flood issues, and that residential densities are consistent with Town, county, and regional Hurricane evacuation plans.

Policy 7.1:

Maintain up-to-date copies of State and Federal Regulations regarding development and/or redevelopment within flood prone areas and ensure that developments within areas identified on the Flood Hazard Boundary Map and/or the Flood Insurance Rate Map comply with appropriate requirements.

Policy 7.2:

Ensure that Ordinances of the Town are in conformance with County, State and Federal Rules and Regulations regarding development and redevelopment within “Coastal High Hazard Areas.”

Policy 7.3:

Review, analyze, and amend as determined necessary, Code of Ordinances requirements regarding repair or reconstruction of damaged properties including those provisions that apply to Coastal High Hazard Area.

Policy 7.4:

Periodically review and revise as necessary, permitted densities within the zoning ordinance to ensure that the population densities do not exceed those that will allow the Town to meet adopted hurricane evacuation timeframes.

GOAL

Encourage the preservation of natural features in existing and future developments, and incorporate resiliency practices that protect from the peril of floods.

OBJECTIVE 14.0:

Continue to maintain and strengthen tree preservation and landscape ordinances, encouraging the use of indigenous vegetation.

Policy 14.2:

Continue to enforce regulations regarding building setbacks from the dune.

Policy 14.4 (new policy)

Stringently enforce protection of vegetation along the lagoon to enhance shoreline protection, erosion control and water quality.

Policy 14.5 (new policy)

Promote the revegetation of mangroves, grasses and other appropriate plantings as listed in the Coastal element of this plan.

Housing Element

GOAL

The provision of safe, sanitary living conditions, in viable neighborhoods for present and future residents of the town.

OBJECTIVE 1.0:

Insure that all residential structures are maintained in a safe sanitary condition.

Policy 1.1:

The Town shall continue with strict enforcement of the Florida Building Code and Florida Residential Building Code and adopt revisions to these codes as appropriate to ensure that new building material and techniques are permitted in Melbourne Beach.

Policy 1.2 (new policy)

The Town shall require additional base elevation as needed in areas that will be impacted due to the effects of high tides, sea level rise and storm surge for new construction or reconstruction of substantially damaged structures.

Coastal Management Element

GOAL

Preserve, protect and enhance the coastal resources as development or redevelopment occurs in Melbourne Beach.

OBJECTIVE 1:

Protect existing native vegetation as development or redevelopment occurs.

Policy 1.1:

Native vegetation communities such as those located in dunes along the ocean and along the lagoon to the west shall be preserved and incorporated in any development or redevelopment project through procedures adopted in the Code of Ordinances.

Policy 1.2:

The Town shall coordinate with the State, Brevard County and local agencies to provide for the reestablishment of shoreline vegetation where it has been removed to enhance resiliency and protect residents and property from the perils of flood.

OBJECTIVE 2:

To promote resiliency, the Town shall continue to coordinate with the applicable Federal, State, County and agencies in order to protect the beach and dune system from the perils of flood as a viable feature providing storm protection for upland property and serving as an important recreation and aesthetic resource.

Policy 2.1:

Codes that control and regulate construction activities in the coastal zone areas 100-year flood zones that promote resiliency and protect the town from the perils of flood shall be shall be adopted and enforced consistently throughout the Town that promote resiliency and protect from the perils of flood.

Policy 2.2:

Codes shall be updated when necessary to conform to new state regulations and advances in the understanding of the coastal process.

Policy 2.3:

The coastal building setback requirement shall be modified when necessary to allow the setback line to follow any repositioning of the Coastal Construction Control Line (CCCL) or future implementation of an Adaptation Action Area.

Policy 2.5:

The development code shall specify the appropriate vegetation for planting in dunes, and that such vegetation shall be protected from pedestrian and vehicular traffic. Any construction or reconstruction of beach access shall provide for dune crossing over walks.

GOAL

Protect human life and limit public expenditures in areas subject to destruction by natural disasters.

OBJECTIVE 5

Limit public expenditures that subsidize development permitted in coastal high-hazard areas or Coastal Planning Areas except for restoration and enhancement of natural resources.

Policy 5.1:

No construction or development activity shall be permitted, except through the Florida Department of Environmental Protection, seaward of the Coastal Construction Control Line (CCCL) unless it is intended for restoration and enhancement of natural resources or is the minimum development technique to allow reasonable use of the land while preserving natural coastal features.

Policy 5.2:

Existing permanent structures protruding into the coastal high-hazard areas shall be required to meet the most recent version of coastal building codes and regulations established by the Florida Department of Environmental Protection when redevelopment occurs on the property.

Policy 5.3:

The Coastal High Hazard Area is the area below the elevation of the category 1 storm surge line established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. This encompasses that portion of the Town as depicted on Map 2 (2020 2030 Future Land Use) and Map 9 (Coastal High Hazard Area). Public infrastructure within this area, as well as within the Coastal Planning Area, may be built and reconstructed when necessary but not for the purpose of facilitating an increase in permitted density.

Policy 5.4: (new policy)

Include the Coastal Planning Area (CPA) as a layer within the future land use element. Periodically review and revise as necessary based on available information.

OBJECTIVE 6

The Town shall maintain an out of County evacuation time of less than sixteen (16) hours for a Category 5 storm event.

Policy 6.1:

The Town shall cooperate with, and support, Brevard County in planning for hurricane evacuation.

OBJECTIVE 7:

The Town shall continue to coordinate with the Brevard County Emergency Management Office to provide immediate response to post-hurricane situations.

Policy 7.1:

The current Local Peacetime Emergency Plan shall be modified to comply with the policies under this objective, and shall contain step-by-step details for post-disaster recovery operations.

Policy 7.2:

After a hurricane but prior to re-entry of the population into the evacuated areas, the ~~Town Commission~~ staff responsible for emergency response shall assess the damage, report to the Town Commission if possible, meet to hear preliminary damage assessments, appoint a Recovery Task Force, and consider may recommend a temporary moratorium on building activities not necessary for the public health, safety and welfare.

Policy 7.3:

The Recovery Task Force shall review and decide upon emergency building permits, and repair and cleanup actions needed to protect public health and safety; coordinate with County, State and Federal officials to prepare disaster assistance applications; develop a redevelopment plan; and recommend amendments to the Comprehensive Plan, Local Peacetime Emergency Plan, and other appropriate policies and procedures.

Policy 7.4:

Repairs to potable water, waste water, and power facilities; removal of debris; stabilization or removal of structures about to collapse; and minimal repairs to make dwellings habitable shall receive first priority in permitting decisions. Such repairs within the Coastal Planning Area shall receive the first and highest priority. Long term redevelopment activities shall be postponed until the Recovery Task Force has completed its tasks.

Policy 7.5:

Structures destroyed by any means ~~to an extent of more than 50% of the replacement cost at the time of destruction~~ shall ~~not~~ be reconstructed except in compliance with the Code of Ordinances.

GOAL (new Goal Objectives and Policies)

Protect, conserve, maintain and enhance the Town's coastal resources from the natural processes attributable to sea level rise, storm surge, erosion and flooding.

OBJECTIVE 9

The Town shall continue to limit human-induced dune and beach damage and expand maintenance and restoration efforts, while balancing these with the need to provide beach access to the public for recreational purposes.

Policy 9.1

At a minimum, the Town shall utilize the following means of obtaining this objective:

- A. Enforcement of existing regulations and penalties for violations;
- B. Continuation and updating of existing communication efforts;
- C. Cooperative ventures for dune protection and maintenance with ocean-front property owners, citizens, and local volunteer organizations;
- D. Municipal capital outlays for enforcement and resource management;
- E. Continuing Town research and implementation of the latest dune management techniques.

Policy 9.2

The Town shall maintain and replace as necessary dune cross-overs at all public access points to beaches in accordance with the latest dune protection design standards, including barriers to prohibit user access to adjoining vegetative areas; transportation or parking facilities with appropriate shielded lighting for beach access; and appropriate warning signage to users regarding improper access and penalties for such action.

Policy 9.3

The Town shall maintain or as resources allow expand its capability to achieve Policy 9.2.

Policy 9.4

The Town shall minimize the disturbance of natural shorelines by improving shoreline stabilization, protection and habitat. Living shoreline elements, including, but not limited to plantings that stabilize the shoreline and inhibit erosion, shall be prioritized over new or replacement armoring (e.g. man-made walls or bolder rocks, etc.)in the CPA. If evidence demonstrates that a living shoreline, by itself, is not sufficient to protect property and life, additional structural elements may be utilized; however, structural elements must be accompanied by living shoreline elements, where effective and feasible.

Policy 9.5

The Town shall research and implement where feasible the latest techniques to strengthen the integrity of the Town's sand dune system, such as the planting of vegetative native to said systems.

Policy 9.6

The Town shall consider incorporating a living shoreline element within the Master Drainage Plan to counter the loss of shoreline and sand dunes due to the effects of sea level rise.

Policy 9.7

The Town shall conduct post-storm coastal monitoring to assess beach erosion impacts and monitor subsequent beach recovery progress and additional recovery needs.

Policy 9.8

The Town shall, where appropriate and to the extent physically and financially feasible while considering impacts from sea level rise and flooding, maintain and preserve all public access and water-related recreational facilities and shall inventory existing public access to the lagoon and water-related recreational facilities to identify deficiencies and opportunities.

Policy 9.9

The Town shall work internally and with stakeholders to seek public and private funding for adaptation projects to address the impacts of flooding within the CPA.

Policy 9.10

The Town shall seek opportunities to collaborate with academic and scientific organizations to serve as a monitoring location for sea level rise.

Policy 9.11

As part of subsequent Evaluation and Appraisal Reports (EARs), the Town shall compare the extent of sea level rise relative to past predictions herein and modify policies accordingly.

OBJECTIVE 10

To protect, conserve, maintain and enhance the Town's resources proximate to the Indian River Lagoon from the natural processes attributable to sea level rise, flooding and sea level rise.

Policy 10.1

The Town shall continue to cooperate with the Indian River Lagoon National Estuary Program, Florida Department of Environmental protection, St. Johns River Water Management District, Brevard County, and other communities to achieve the goals, objectives, and policies of the Indian River Lagoon Comprehensive Conservation and Management Plan; to protect, conserve, enhance wetlands; marine resources; estuarine, surface and ground water quality; watersheds; wildlife habitat; natural areas and open space for outdoor recreation and enjoyment to the extent that fiscal resources permit.

Policy 10.2

The Town shall continue enforcing the fertilizer-free zone regulations in Section 27-54 of the land development code for properties along the Indian River Lagoon.

Policy 10.3

The Town will encourage the planting of landscaping known for cleansing and absorption properties in the Town-maintained List of Water Cleansing Plants within 10 feet of the Indian River Lagoon.

Policy 10.4

The Town shall participate in programs, including Keep Brevard Beautiful, that educate property owners on the benefits and creation of lagoon-friendly yards and recognize property owners utilizing such principles.

Policy 10.5

The Town shall encourage and be involved in Brevard County programs creating oyster beds in the Indian River Lagoon as both a way of improving water quality and expanding the local and regional economy through aquaculture opportunities.

Policy 10.6

The Town shall examine the possibility of creating minimum height standards for all new, reconstructed, and substantially improved seawalls along the Indian River Lagoon to counter the impacts of rising river levels.

Policy 10.7

The Town shall continue to enforce, and strengthen when determined necessary, its Wetland Protection regulations under Article 1, Chapter 11A of Appendix 1, Land Development Code.

Policy 10.8

The Town shall continue to enforce the erosion and sediment control provisions under its National Pollutant Discharge Elimination System Permit.

Policy 10.9

The Town shall continue to direct property owners to the proper state and/or federal regulatory agencies when considering the removal of grass beds and other submerged habitat.

Policy 10.10

The Town shall continue to administer or cooperate with the programs of other organizations in providing information on protecting the West Indian manatee within the Indian River Lagoon.

Policy 10.11

The Town shall continue to work with appropriate regulatory bodies regarding construction activities involving the waters of the State of Florida or the United States.

Policy 10.12

The Town shall continue to coordinate with appropriate local, state, and federal agencies regarding the monitoring of local waters, including the Indian River Lagoon.

Policy 10.13

The Town shall participate in future updates to the Indian River Lagoon Comprehensive Conservation and Management Plan, most recently updated in 2008, and will continue to support and implement the action plan items applicable to the Town.

GOAL

Protect, conserve, maintain, and enhance the Town's infrastructure, built, and human environment from the natural processes attributable to sea level rise, storm surge and flooding, with primary focus on areas proximate to the Atlantic Ocean and Indian River Lagoon.

OBJECTIVE 11

Development, redevelopment, rebuilds, retrofits and additions in the Town shall be planned and managed through strategies and design principles that are consistent with sound planning practices that protect life and property from the effects of flooding, storm surge and related impacts of sea level rise and that protect the long-term financial viability of the Town.

Policy 11.1

The Town shall consider prohibiting the increase in development density within the CPA if applications for such increase would be contrary to Objective 11 above.

Policy 11.2

All new development and redevelopment shall be consistent with, or more stringent than, the flood resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. Part 60.

Policy 11.3

At the time of the next Master Drainage Plan update, consider incorporating green infrastructure elements, including such techniques as rain barrels, rain gardens, native landscaping, cisterns, and permeable pavement, particularly on Town-owned properties.

Policy 11.4

The Town shall only allow development and redevelopment where consistent with sound planning and engineering practices that shall protect life, the subject property, and adjoining properties from the effects of coastal erosion, flooding, sea level rise, or damage to environmental systems.

Policy 11.5

The Town shall continue to regulate repairs and improvements to all buildings in terms of substantial improvements or damage by requiring compliance with flood plain management provisions of the Town code. In addition, development standards shall be updated to reflect revised flood elevations, as updated information becomes available from FEMA.

Policy 11.6

The Town shall research and amend as necessary, its Land Development Regulations during each successive Evaluation and Appraisal Report review to address the following:

- A. The feasibility of increasing the freeboard requirement for all new or substantially redeveloped properties within a special flood hazard area (SFHA) with defined or revised base flood elevation provided in the applicable FIRM.
- B. The feasibility of requiring all new or substantially redeveloped properties within the SFHA without an elevation provided on the applicable FIRM to elevate the lowest floor to the greater of the standards of Land Development Code §4A-189(2)-(3), or a minimum elevation.
- C. The feasibility of requiring all new or substantially redeveloped properties outside of the SFHA to be built with the lowest floor being at a minimum elevation.

Policy 11.7

The Town shall continue to encourage and work with residents and business owners through educational and other programs in utilizing green infrastructure techniques, per Policy 11.3, in combating the impacts of sea level rise.

Policy 11.8

The Town shall seek opportunities to purchase properties within the Coastal Planning Area and subject to repetitive storm damage through the assistance of the Federal Emergency Management Administration (FEMA), non-profit conservation land trusts, and other sources.

Policy 11.9

The Town shall regularly review the land development regulations that require low-impact development, and will make feasible code revisions, as needed.

Policy 11.10

The Town may utilize, but shall not be limited to, the following tools, site development techniques and strategies for use within the 100-year floodplain to mitigate flooding and effects of sea level rise and storm surge in order to protect property, to the greatest physical and financial extent possible:

- A. Green street techniques, which emulate natural systems, to divert, capture or absorb water in a way to reduce flood impacts on private property, including, but not limited to street trees, landscaped areas and vegetative curb extensions, bioswales, vernacular streetscapes, and roadway re-design.
- B. A Hybrid stormwater master plan to integrate a combination of green and gray (concrete and man-made) infrastructure, including but not limited to bioretention, increasing pipe capacity, stormwater parks, rain gardens/bioswales, pumps, and water flow diversion strategies.
- C. Underground utilities in vulnerable and feasible areas;
- D. Parking standards and parking lot site plan design with greater water capture techniques;
- E. Increase of set-back lines for properties in the CPA;
- F. Natural dune restoration;
- G. Permeable pavement;
- H. Dry and Wet flood proofing of structures; and
- I. Green/Open space

Policy 11.11

The Town shall hold properties in the Coastal Planning Area to their current developed density in order to protect life and property from natural hazards and the effects of sea level rise.

Policy 11.12

The Town shall continue to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for its residents.

Policy 11.13

The Town shall research the potential for purchasing flood panels which could be installed in the event of storm/flooding events to protect municipally-owned building during such events and expedite their return to service.

Policy 11.14

The Town shall study options for the hardening of the lift station located within Ryckman Park and coordinate with Melbourne Utilities to accomplish necessary improvements.

Policy 11.15

The Town shall research using solar energy to run or augment the running capacity of the Town's power generator.

Policy 11.16

The Town may consider limiting the construction of new public infrastructure or public buildings within the Coastal Planning Area if contrary to Objective 11 above. New construction shall conform to the beach access and lighting standards of Section 40-25 of the Town of Melbourne Beach Code of Ordinances.

Policy 11.17

The Town shall construct and maintain its stormwater management system to ensure that water velocities are below the level which could cause scour or erosion.

Policy 11.18

The stormwater master plan shall incorporate an increase in green engineering/infrastructure solutions to reduce run off into the lagoon either directly or indirectly and provide additional opportunities for water capture and filtration. These solutions shall include, but not be limited to, bioswales, water detention/retention ponds, seasonal stormwater parks, trees and other native vegetation, rain gardens and other water flow diversion and capture solutions.

Policy 11.19

The Town shall consider the acquisition of properties in the 100-year flood plain that can be used for public open space and function as part of a hybrid stormwater master plan that utilizes green engineering techniques such as stormwater parks, bioswales, rain gardens and others that will result in the capture of water and provide natural filtration

prior to entering the lagoon and will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency (FEMA). These projects shall be designed in a manner that will allow for continued functionality when considering future effects from sea level rise.

Policy 11.20

The Town shall place the greatest priority and work with service providers on infrastructure construction and reconstruction in the Coastal Planning Area.

Policy 11.21

The Town shall research the latest methodologies for hardening roads and other infrastructure to resist the impacts of sea level rise and flooding within the Coastal Planning Area. Where such methodologies are reasonably feasible, the Land Development Code shall be amended by the next Evaluation and Appraisal Report (EAR) to mandate the use of these methodologies for this area.

Policy 11.22

The Town shall research the feasibility of planting additional canopy trees along State Road A1A/Atlantic Street, Oak Street, Riverside Drive, and Pine Street to assist in stormwater absorption, as well as provide traffic calming.

Policy 11.23

The Town shall continue to research the opportunities, and update the Stormwater Management Plan accordingly, for using green infrastructure as a way of augmenting the Town's traditional stormwater infrastructure to reduce runoff into the Indian River Lagoon and increase the quality of water entering the surficial aquifer while providing for recreation and nature enjoyment opportunities.

Policy 11.24

The Town will integrate sea level rise planning with its plans, procedures and policies based upon the consideration of a range or rise, vulnerability, allowable risk, and project service life from the date of development construction.

Planning periods should include the following: Short-term – impacts to 2040 (20-year planning horizon); medium-term - impacts to 2060 (40-year planning horizon), and long-term impacts to 2000 (80-year planning horizon).

OBJECTIVE 12: The use of public funds for infrastructure improvements which subsidize increased development in the Coastal Planning Area (CPA) may be restricted to those projects which restore or enhance natural resources, are part of the Town's post-disaster redevelopment plan, and/or serve to reduce existing development risks and property hazards such as sea level rise, flooding and storm surge.

Policy 12.1

The Town may limit use of public funds and discourage use of funds by other levels of government that subsidize new private development or redevelopment within the CPA, while prioritizing infrastructure improvement projects which mitigate the impacts of sea level rise and flooding.

Policy 12.2

Public expenditures for capital improvements that promote public access, hazard mitigation and use of coastal areas shall be reviewed through the annual budget process to minimize loss potential and account for future impacts from sea level rise and flooding

Policy 12.3

Any construction activities that are seaward of the coastal construction control lines established pursuant to s. 161.953 shall be consistent with Chapter 161.

Intergovernmental Coordination Element

GOAL

Maximize the effectiveness and efficiency of intergovernmental relationships between the Town of Melbourne Beach and other governmental entities, especially those involved in peril of flood issues.

OBJECTIVE 1.0:

Maintain membership in organizations such as the Space Coast League of Cities and other agencies involved in preparing for peril of flood issues, in order to foster informal intergovernmental relationships.

Policy 1.1:

Ensure that annual membership fees in such organizations are budgeted and Town Representatives attend the organizations meetings.

OBJECTIVE 2.0:

The Town shall review for compatibility, all comprehensive planning elements and subsequent updates of neighboring jurisdictions. Brevard County, the Brevard County School System, the Florida Department of Transportation, and other units of local government providing services to the Town in order to coordinate with the planning and peril of flood-related activities of each jurisdiction.

Policy 2.1:

Continue to work with the Brevard County Comprehensive Planning Steering Committee. The Town participates through representation on the Spacecoast Transportation Planning Organization and the Intergovernmental Coordination Committee.

Capital Improvements Element

GOAL

Undertake actions necessary to adequately provide needed public facilities to all residents of the town in a manner that protects investments in existing facilities and maximizes the use of existing facilities, while considering the risk of flood or sea level rise damage.

OBJECTIVE 2:

Limit public expenditures that are for the purpose of increasing density in coastal high hazard areas (CHHA) and the Coastal Planning Area (CPA).

Policy 2.1:

The Town shall not fund infrastructure in the high hazard coastal area and Coastal Planning Area that subsidizes development.

EXHIBIT 4
FIVE-YEAR SCHEDULE OF IMPROVEMENTS AMENDMENTS
Capital Improvements Element Policy Revisions and Additions

The Town of Melbourne Beach has elected to utilize the alternative method of annual review and update of the Five-Year Schedule of Improvements provided in Florida Statutes Chapter 163.3177 (3) (b); adoption by Town Ordinance. Proposed additions are indicated in underline format. Proposed deletions are indicated in ~~strikethrough~~ format.

GOAL

Undertake actions necessary to adequately provide needed public facilities to all residents of the town in a manner that protects investments in existing facilities and maximizes the use of existing facilities.

OBJECTIVE 1:

Provide capital improvements to replace or rebuild worn out, obsolete or eroded facilities when necessary, and include these capital improvements in the 5-Year Schedule of Improvements ~~of this element~~, as soon as the need becomes evident.

Policy 1.2:

~~Proposed capital~~ Capital improvement projects including those proposed by State, Regional, and local entities that provide services to the Town, shall be ~~evaluated and ranked in order of priority according to the following guidelines:~~ included within the Five-Year Schedule of Improvements.

- ~~a) Whether the project is needed to:~~
 - ~~(1) Protect public health and safety;~~
 - ~~(2) Fulfill the Town's legal commitment to provide facilities and services; or~~
 - ~~(3) Preserve or achieve full use of existing facilities.~~

- ~~b) Whether the project:~~
 - ~~(1) Increases efficiency of use of existing facilities;~~
 - ~~(2) Prevents or reduces future improvement cost; or~~
 - ~~(3) Provides service to developed areas lacking some service.~~

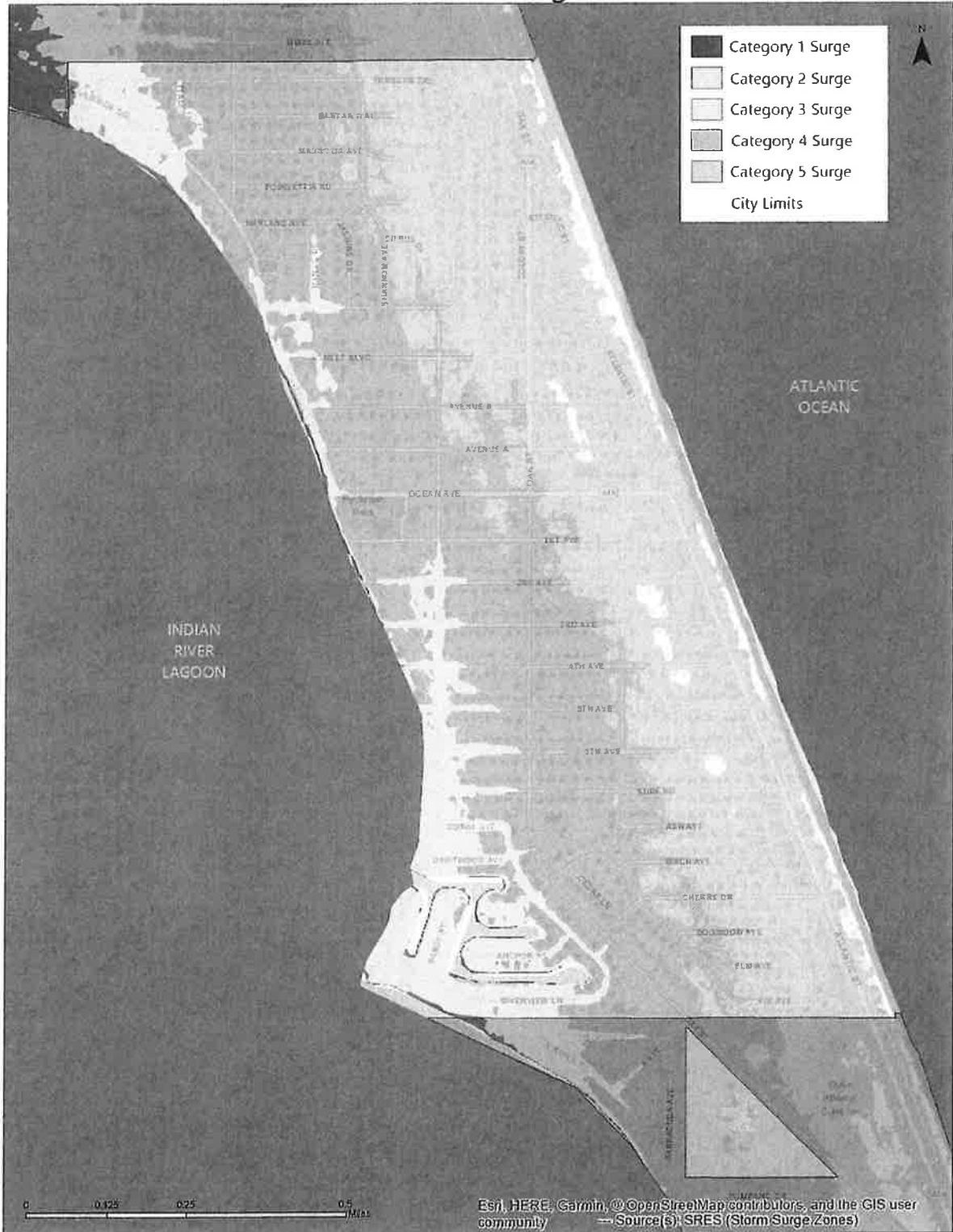
Policy 1.3:

The Five-Year Schedule of Capital Improvements shall be ~~revised~~ adopted annually in conjunction with the annual ~~revision of the Town~~ operational budget. ~~The Capital Budget shall be adopted annually as~~ Although part of the operational budget of the Town, the Five-Year Schedule of Capital Improvements shall be adopted by Town Ordinance, and included by reference herein.

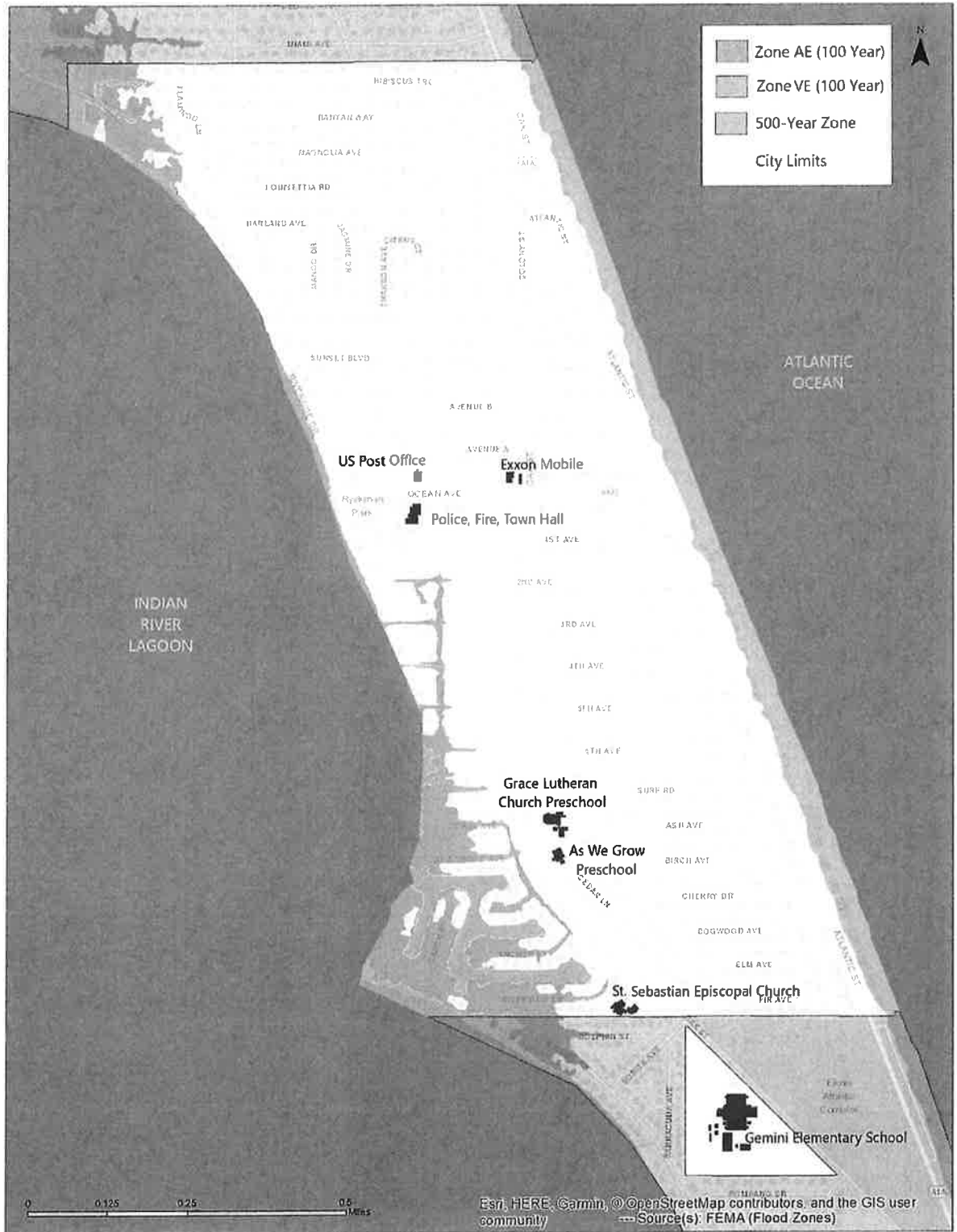
**EXHIBIT 5
FUTURE LAND USE MAP SERIES AMENDMENTS**

(Refer to following Pages)

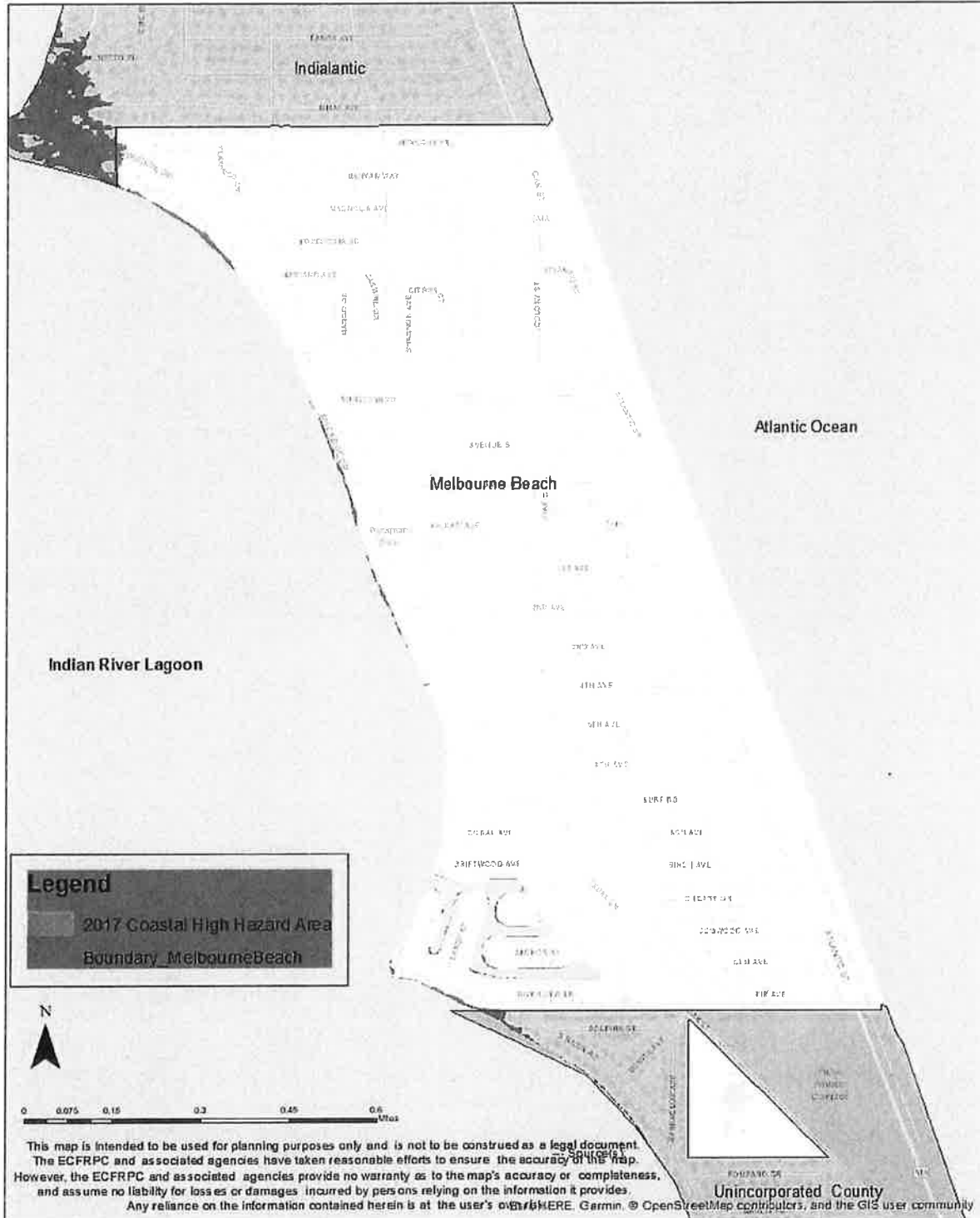
Hurricane Storm Surge Zones



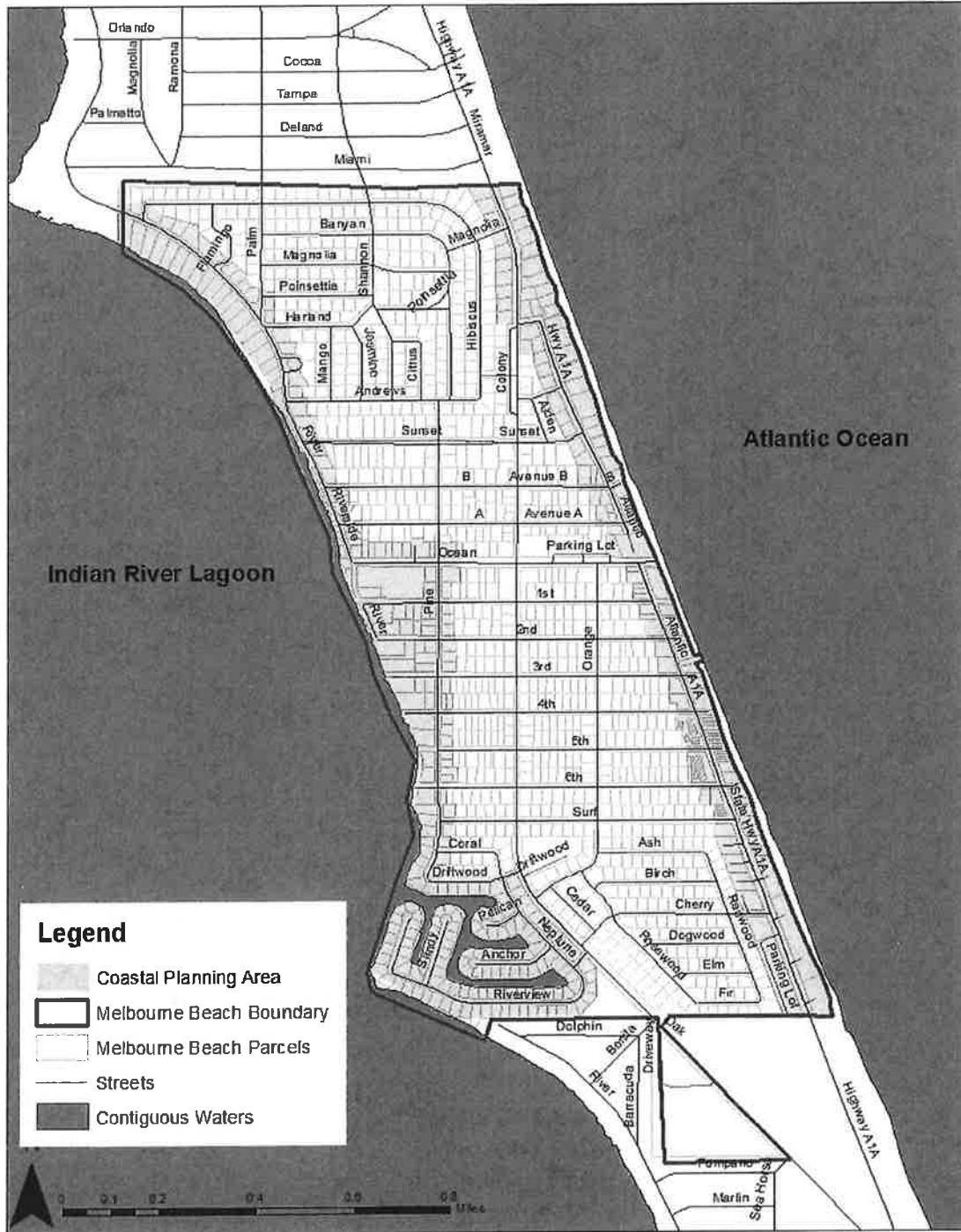
FEMA Flood Zones & Critical Facilities



2017 Melbourne Beach Coastal High Hazard Area



Melbourne Beach, FL Coastal Planning Area (CPA)



Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

August 3, 2022

The Honorable Wyatt Hoover
Mayor, Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, Florida 32951

Dear Mayor Hoover:

The Department of Economic Opportunity (“Department”) has completed its review of the comprehensive plan amendment for the Town of Melbourne Beach adopted by Ordinance No. 2021-04 on April 20, 2022 (Amendment No. 21-01ER), which was received and determined complete on June 20, 2022. We have reviewed the amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), and have determined that the adopted amendment meets the requirements of Chapter 163, Part II, F.S., for compliance, as defined in Section 163.3184(1)(b), F.S. The Department is therefore issuing a Notice of Intent to find the comprehensive plan amendment “In Compliance.” A copy of the Notice of Intent is enclosed and will be posted on the Department’s Internet website. You may access the Notice of Intent at: <http://floridajobs.force.com/orc>.

The Department’s Notice of Intent to find a plan amendment “In Compliance” is deemed to be a final order if no timely petition challenging the amendment has been filed. If this plan amendment is challenged by an affected person, the amendment will not become effective until the Department or the Administration Commission enters a final order determining the amendment to be “In Compliance.”

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | www.Twitter.com/FLDEO | www.Facebook.com/FLDEO

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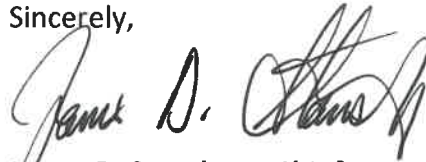
The Honorable Wyatt Hoover

August 3, 2022

Page 2 of 2

If you have any questions concerning this review, please contact Paul Lim, Planning Analyst, by telephone at (850) 717-8511 or by email at Paul.Lim@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/pl

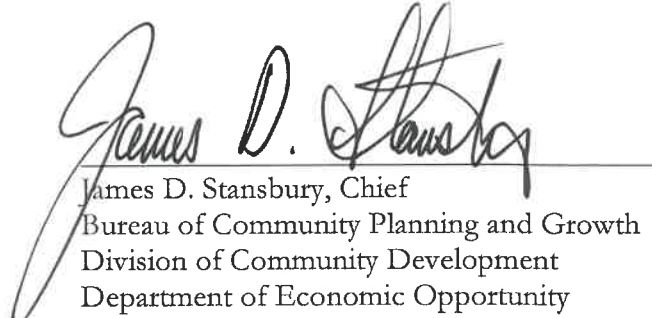
Enclosure: Notice of Intent

cc: Elizabeth Mascaro, Town Manager, Town of Melbourne Beach
Corey O’Gorman, AICP, Town Planner, Town of Melbourne Beach
Tara McCue, AICP, Executive Director, East Central Florida Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
THE STATE LAND PLANNING AGENCY
NOTICE OF INTENT TO FIND THE
TOWN OF MELBOURNE BEACH
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 21-01ER-NOI-0509-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the Town of Melbourne Beach, adopted by Ordinance No. 2021-04 on April 20, 2022, IN COMPLIANCE, pursuant to Section 163.3184(4), F.S.

If a timely petition challenging the Amendment is not filed within thirty (30) days after the local government adopted the Amendment, the Amendment become effective upon the posting of this Notice of Intent on the Department's Internet Website. If a timely petition is filed, the Amendment does not become effective until the Department or the Administration Commission enters a final order determining that the Amendment is in compliance.



James D. Stansbury, Chief
Bureau of Community Planning and Growth
Division of Community Development
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399

August 8, 2024

Mr. Robert Bitgood
Building Official
Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, Florida 32951

RE: Melbourne Beach Evaluation and Appraisal Notification Letter Due Date

Dear Mr. Bitgood:

As you know each local government in the State of Florida is required to regularly review its comprehensive plan pursuant to Section 163.3191, Florida Statutes (F.S.).

The purpose of this letter is to remind you that your Evaluation and Appraisal Notification Letter is due on **October 1, 2024**; as well as remind you of the 2023 requirements for submitting your EAR Notification Letter. Section 163.3191, F.S., states that at least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect a minimum planning period of at least 10 years as provided in s. 163.3177(5) or to reflect changes in state requirements, or changes in local conditions since the last update of the comprehensive plan and notify the state land planning agency as to its determination. If the local government determines that no updates are necessary **the notification must include a separate affidavit, signed by the chair of the governing body of the county or the mayor of the municipality, attesting that all elements of its comprehensive plan comply with this subsection. The affidavit must also include a certification that the adopted comprehensive plan contains the minimum planning period of 10 years, as provided in s. 163.3177(5), and must cite the source and date of the population projections used in establishing the 10-year planning period. Updates to the required elements and optional elements of the comprehensive plan must be processed in the same plan amendment cycle.**

Section 163.3191(4) F.S., provides that a local government will be prohibited from initiating or adopting any publicly initiated amendment to its comprehensive plan if it fails to timely submit its notification letter or transmit the necessary amendment to update its plan, within one year of notification. This prohibition on plan amendments does not apply to privately initiated plan amendments.

It is important to complete the Evaluation and Appraisal notification process and you are encouraged to comprehensively evaluate and, as necessary, update your comprehensive plan to reflect changes in local conditions. Department staff is available to assist and provide technical guidance to your questions concerning this new process.

If you have any questions concerning the processing of the Evaluation and Appraisal Notification Letter or the submittal of proposed Evaluation and Appraisal based amendments, please contact me at (850) 717-8491 or by email at donna.harris@commerce.fl.gov. You can also contact Jana Williams, Regional Planning Administrator at (850)717-8483, or by email at jana.wiliams@commerce.fl.gov.

Sincerely,



Donna Harris, Senior Plan Processor
Bureau of Community Planning and Growth

DH/

Attachment-Section 163.3191, F.S.

Select Year: 2023

The 2023 Florida Statutes

Title XI
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

Chapter 163
INTERGOVERNMENTAL
PROGRAMS

[View Entire
Chapter](#)

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect a minimum planning period of at least 10 years as provided in s. [163.3177\(5\)](#) or to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination. The notification must include a separate affidavit, signed by the chair of the governing body of the county or the mayor of the municipality, attesting that all elements of its comprehensive plan comply with this subsection. The affidavit must also include a certification that the adopted comprehensive plan contains the minimum planning period of 10 years, as provided in s. [163.3177\(5\)](#), and must cite the source and date of the population projections used in establishing the 10-year planning period.

(2) If the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government must prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. [163.3184](#).

(3) Local governments shall comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions. Plan amendments transmitted pursuant to this section must be reviewed pursuant to s. [163.3184\(4\)](#). Updates to the required elements and optional elements of the comprehensive plan must be processed in the same plan amendment cycle.

(4) If a local government fails to submit the letter and affidavit prescribed by subsection (1) or to transmit the update to its plan pursuant to subsection (3) within 1 year after the date the letter was transmitted to the state land planning agency, it may not initiate or adopt any publicly initiated plan amendments to its comprehensive plan until such time as it complies with this section, unless otherwise required by general law. This prohibition on plan amendments does not apply to privately initiated plan amendments. The failure of the local government to timely update its plan may not be the basis for the denial of privately initiated comprehensive plan amendments.

(5) If it is determined that a local government has failed to update its comprehensive plan pursuant to this section, the state land planning agency must provide the required population projections that must be used by the local government to update the comprehensive plan. The local government shall initiate an update to its comprehensive plan within 3 months following the receipt of the population projections and must transmit the update within 12 months. If the state land planning agency finds the update is not in compliance, it must establish the timeline to address the deficiencies, not to exceed an additional 12-month period. If the update is challenged by a third party, the local government may seek approval from the state land planning agency to process publicly initiated plan amendments that are necessary to accommodate population growth during the pendency of the litigation. During the update process, the local government may provide alternative population projections based on professionally accepted methodologies, but only if those population projections exceed the population projections provided by the state land planning agency and only if the update is completed within the timeframe set forth in this subsection.

(6) The state land planning agency may not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with the requirements of this section.

October 3, 2024

RESPONSE VIA E-MAIL ONLY

Ms. Elazabeth Mascaro
Town Manager
Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951

Subject: Evaluation and Appraisal Notification Acknowledgement Letter

Dear Ms. Mascaro:

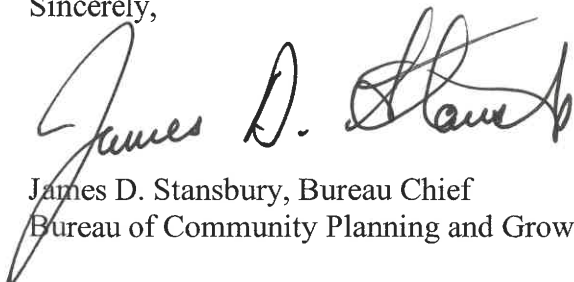
This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter, which was due on October 1, 2024 and received by FloridaCommerce on October 3, 2024.

Please note that your proposed comprehensive plan amendments based on your Evaluation and Appraisal should be transmitted to FloridaCommerce by October 3, 2025, within one year of your notification, pursuant to Section 163.3191(2), Florida Statutes (F.S.). The amendments are subject to the State Coordinated Review Process as outlined in Section 163.3184(4), F.S. Please also be aware that Section 163.3191, F.S., was amended to read in part “updates to the required elements and optional elements of the comprehensive plan must be processed in the same plan amendment cycle.”

Jana Williams of FloridaCommerce’s staff is available to assist and provide technical guidance to your questions concerning the contents of the Evaluation and Appraisal based comprehensive plan amendments and may be reached at (805)717-8483.

If you have any questions concerning the processing of the Evaluation and Appraisal based amendment, please contact Donna Harris, Plan Processor, at (850)717-8491 or by email at Donna.Harris@Commerce.fl.gov.

Sincerely,



James D. Stansbury, Bureau Chief
Bureau of Community Planning and Growth

JDS/dh



Donna Harris, Plan Processor
Bureau of Community Planning and Growth
State Land Planning Agency
Caldwell Building
107 East Madison Street MSC-160
Tallahassee, Florida 32399-4120

October 1, 2024

Re: Submittal of Evaluation and Appraisal Notification for the Town of Melbourne Beach (Brevard County).

Dear Ms. Harris

Pursuant to the requirements of F.S. 163.3191(1), please accept this letter as the Evaluation and Appraisal Notification (Notification) for the Town of Melbourne Beach, Brevard County. In completing the Notification, the Town has researched changes in state comprehensive planning requirements since the date of the adoption of the Comprehensive Plan.

Based upon the Town's research into the matter, the principal amendments necessary to reflect updated state comprehensive planning requirements includes the following additional analyses to appropriately reflect current conditions:

1. Update population projections.
2. Update the water supply plan to reflect the City of Melbourne update that was pending when the Town's plan was adopted.
3. Editing statutory and administrative code references in the Comprehensive Plan, as needed; and
4. Additional issues that arise during the preparation of the EAR amendments.

The Town will review the above items and transmit appropriate Comprehensive Plan amendments to the State Land Planning Agency.

Any questions regarding this submittal may be addressed to:

Elizabeth Mascaro
Town Manager
Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951

Tel: (321) 724-5860
E-Mail: townmanager@melbournebeachfl.org

Respectfully submitted,

A handwritten signature in blue ink that reads "Elizabeth Mascaro".

Elizabeth Mascaro
Town of Melbourne Beach

RECEIVED

OCT 03 2024



Routing Sheet
EAR Routing



ORIGINATING OFFICE/DIVISION: PLAN PROCESSING TEAM

Originator Name: Donna Harris Phone 8491 Date: October 3, 2024

Action Requested: Melbourne Beach EAR Notification Acknowledgment Letter

DUE DATE: October 3, 2024

To Be Reviewed By: (Check all that apply. Route in order listed.)

Bureau Chief:  Date:  Edits: _____