



TOWN OF MELBOURNE BEACH

PLANNING & ZONING BOARD MEETING

TUESDAY, SEPTEMBER 1, 2026

AGENDA PACKET

Town of Melbourne Beach

PLANNING & ZONING BOARD MEETING TUESDAY, SEPTEMBER 1, 2026 @ 6:30 PM COMMUNITY CENTER – 509 OCEAN AVENUE

PUBLIC NOTICE AGENDA

Board Members:

Chairperson Dan Harper
Vice Chair Gabor Kishegyi
Member Todd Albert
Member Jason Judge
Member Michael Kalajian

Alternate Board Members:

Staff Members:

Town Manager A. Marie Smith
Town Clerk Cyd Jones
Building Official Jeff Parsons

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
4. **NEW BUSINESS**
 - A. Discussion on changing the impervious/pervious ratio for site plans - Pages 3-6
 - B. Review newly codified height ordinance (§ 7A-55) - Pages 7-8
 - C. Discussion on need for soil resource report with site plans - Page 9
 - D. Stormwater retention review - Pages 10-12
5. **PUBLIC HEARINGS**
6. **OLD BUSINESS**
7. **PUBLIC COMMENT**
Please limit comments to items that are not on the agenda
8. **REPORTS: TOWN MANAGER AND TOWN ATTORNEY**
9. **ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS**
10. **ADJOURNMENT**

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this meeting, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so. In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.

Planning and Zoning Meeting

Section: New Business
Meeting Date: September 1, 2026
From: Town Clerk Cyd Jones
RE: Discussion on changing the impervious/pervious ratio for site plans

Background Information:

At the August P&Z meeting, Member Todd Albert proposed a discussion on changing the impervious/pervious ratio.

Attachments:

- Pervious Study – Pages 4-6

EXHIBIT 1**Verified Development Standards Based On Actual Code Sections**

Code Sec Ref	District	City/County	Height	Minimum Pervious	Principal Structure Max Lot Coverage	Floor/ Area Ratio	Front	Setbacks		Side	Max Per Code Impervious	Max Implied Impervious
Article III	R-1	N. Palm Beach	30'	30%	no reg	no reg	25	20		10	no reg	70%
61.06	R-1A	Vero Beach	35'	25%	no reg	30-38%	25	25		15	no reg	75%
Article II&III	RU-1	Miami-Dade County	35'	25%	35-45%	no reg	15	15		7.5	no reg	75%
Article V	VR-PS	Key Biscayne	35'	30%	35-38%	30-36%	20-25	25		7.5	no reg	70%
Article IV	R-1to 3	Pinellas County	35'	no reg	no reg	no reg	20	6 to 10		6 to 10	75%	
Appendix C	UR	Walton County	32-50'	no reg	no reg	50%	20	15		7.5	60%	
7A-30	3-RS	Melbourne Beach	28'	30%	30%	no reg	25	25		15	no reg	70%

EXHIBIT 2

Development Code Additional Cities

Code Section	District	City/County	Height	Minimum Pervious	Principal Structure Max Lot Coverage	Floor/Area Ratio	Front	Set-Backs Rear	Side	Max Per Code Impervious
Sec 2-15	R-2	Ormond Beach	30 ft	no reg	35%	no reg	30	25	8	75%
Sec 62.20	R-1	Rockledge	30 ft	no reg	35%	no reg	35	30	15	no reg
Sec 2.0	R-1AA	City of Melbourne	36 ft	no reg	40%	no reg	25	25	10	no reg
Article 9	R-1a	Daytona Beach	35 ft	no reg	35%	no reg	30	25	10	no reg
Article II	R-2&3	Volusia County	35 ft	no reg	35%	no reg	30	20	8 to 10	no reg
Article IV	R-1&2	Satellite Beach	35 ft	no reg	50%	no reg	25	15-20	10	60%
Sec 125-192	R-1 to R-3	Ft Pierce	28 ft	no reg	25-35%	no reg	25	15-20	7	no reg
Sec 28-330	IRCN-R	Titusville	35 ft	no reg	35%	no reg	25	25	10	no reg
Article V	R-1&2	New Smyrna Beach	35 ft	no reg	40%	no reg	30-35	8 to 10	7.5 to 10	60%
Chpt 3	SFR-2&3	Palm Coast	35 ft	no reg	no-reg	no reg	20-25	6.5-10	7.5	70-75%
Article V	RS1-3	Port St Lucie	35 ft	no reg	no reg	no reg	25	25	7 1/2	no reg
Div 18&19	R-1&R1A	Jupiter	35 ft	no reg	35-40%	no reg	25	15-Oct	7.5 to 15	no reg
7A-30	1,2,3-RS	MELBOURNE BEACH	28 ft	30%	30%	no reg	25	25	15	no reg

EXHIBIT 3. Key Definitions for Lot Restrictions

1. **Permeable Area**—all surfaces that allow water to infiltrate into the ground, such as grass, landscaping, or permeable pavers.
2. **Impervious Area**—total area of surfaces that prevent water from infiltrating into the ground, such as buildings, driveways, sidewalks, patios, pools, and other hardscapes.
3. **Principal Structure**—the primary building or structure on a lot or building site designed or used to accommodate the primary use for which the property is intended. Excludes pool, deck, driveway, sidewalks, etc.
4. **Gross Floor Area**—the sum of all floor areas of a dwelling unit and excluding porches, patios, terraces, garages, carports, covered parking, other non-roofed.
5. **Floor Area Ratio (FAR)**—the gross floor area of the buildings on any lot divided by the area of the lot.

Planning and Zoning Meeting

Section: New Business
Meeting Date: September 1, 2026
From: Town Clerk Cyd Jones
RE: Review newly codified height ordinance (§ 7A-55)

Background Information:

At the August P&Z meeting, Chairperson Dan Harper proposed a review of the newly codified height ordinance.

Attachments:

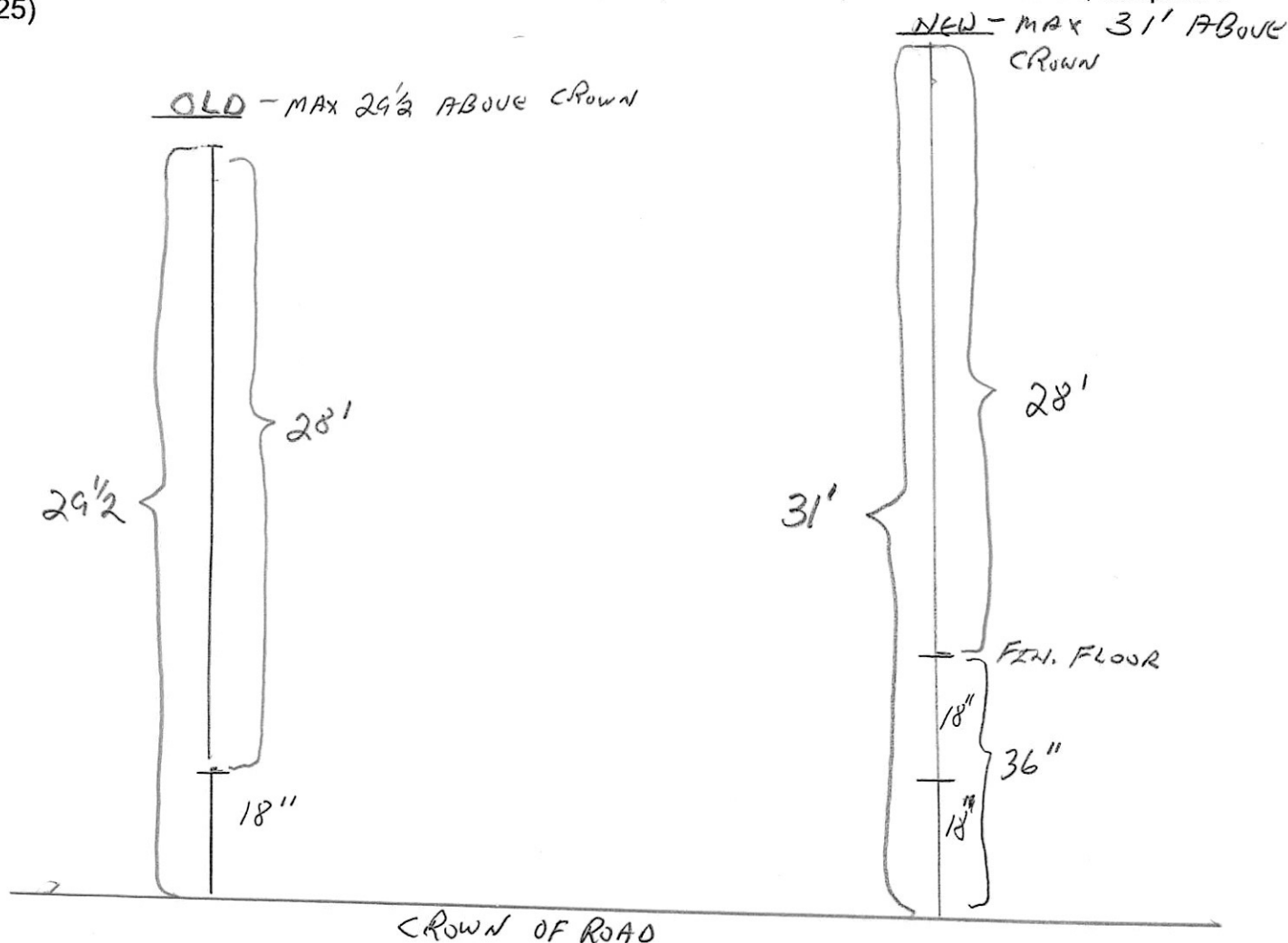
- Building Height Ordinance – Page 8

§ 7A-55. BUILDING CONSTRUCTION.

(a) All buildings shall be constructed with the lowest floor level at least 18 inches above the crown of the highest street perpendicular to the foundation to which the property abuts. When an applicant for a building permit submits plans for review by the Town of the proposed construction, the building plans of the principal structure shall be fully dimensioned sealed to-scale drawings, clearly showing street elevation, existing property elevation, proposed finished floor elevation, FEMA flood zones and elevation, and maximum height.

(b) All buildings shall be elevated as required by federal, state and local minimum elevations. The greatest of the minimum elevations stipulated by any of the governmental agencies with jurisdiction shall be required. Any elevation of a building above the required elevation shall be included in the measurement of building height. In the absence of higher federal or state elevations, the Town of Melbourne Beach requires minimum building elevations to be measured from a point 18 inches above the crown of the street on which the property abuts. In the event the existing grade of a property is higher than 18 inches above the crown of the street or higher than federal or state requirements then the building height shall be measured from the existing grade. In the event the existing grade or existing finished floor exceeds 36 inches above the crown of the street, alley, local road, or other primary travel way on which the property abuts, the measurement of building height shall be measured from 36 inches above the crown of the street, alley, local road, or other primary travel way on which the property abuts to the highest point of the roof or building facade, whichever is higher, excluding attachments and architectural features that are specifically allowed by the Land Development Code.

('75 Code, Appendix A, Art. VII, § 7) (Ord. passed 9-26-72; Am. Ord. 2004-01, adopted 9-15-04; Am. Ord. 2006-08, adopted 8-30-06; Am. Ord. 2017-05, adopted 12-20-17; Am. Ord. 2025-01, adopted 3-19-25)



Planning and Zoning Meeting

Section: New Business

Meeting Date: September 1, 2026

From: Town Clerk Cyd Jones

RE: Discussion on need for soil resource report with site plans

Background Information:

At the August P&Z meeting, Member Todd Albert proposed a discussion of whether the soil resource report should be included in site plan reviews.

Planning and Zoning Meeting

Section: New Business
Meeting Date: September 1, 2026
From: Town Clerk Cyd Jones
RE: Stormwater Retention Review

Background Information:

Chairperson Dan Harper requested a review of stormwater retention.

Attachments:

- Stormwater Retention Review – Pages 11-12

Stormwater Retention Review

3A-80 Drainage Concurrency

"Retention of first 8 inches of runoff from a 10 year 24 hour storm" Where did this metric come from?

- According to NOAA—NO
- According to SJRWMD—NO
- According to SFWMD—NO
- According to the Florida Department of Environmental Protection--NO

So where did it come from?

Wouldn't it make sense to have a stormwater ordinance that is mutually compatible with those developed by the Florida Department of Environmental Protection, the St. Johns River Management District, Brevard County, and other local government entities?

An unscientific quick review of other local area towns would indicate much lower retention requirements in the .5 to 1.5 inches.

Recommendations:

1. Have the Town Clerk, see if she can find the source/rational for the 8 inch 24 storm requirement.
2. Compile a list of what other city ordinances require.
3. Summarize recommendations of St Johns Water Dist., Fl Dept of Environmental Protection, Brevard County etc.

§ 3A-80. DRAINAGE CONCURRENCY.

- (a) The Town shall require all applicants to obtain a permit or an exemption letter from the St. Johns River Water Management District prior to the issuance of a final development permit approval. The Town shall maintain a copy of this certificate on file.
 - (b) Stormwater management facilities shall meet the adopted minimum level of service standard of retention of the first 8 inches of runoff from a 10- year/24-hour storm event.
 - (c) Single family residential lots within a subdivision which was platted prior to January 1, 1990 are exempt from this requirement.
 - (d) Notwithstanding the exemption provided for in division 3A-80(c), any new construction on any residential lot, any modification or renovation to any existing residential structure on any residential lot of greater than 50% of its appraised value and any regrading of any residential lot shall require compliance with division 3A-80 (a) and (b).
- (Am. Ord. 2017-05, adopted 12-20-17; Am. Ord. 2019-06, adopted 1-15-20)

§§ 3A-81. – 3A-89. RESERVED.

ARTICLE VIII. STATUTORY DEVELOPER'S AGREEMENTS

§ 3A-90. GENERAL INTENT.

The Town Commission in its sole and exclusive discretion, may enter into Developer's Agreements with the legal and equitable owners of parcels of land within the Town limits, pursuant to §§ 163.3220 et seq., Fla. Stat., or otherwise. The entry into a Developer's Agreement by the Town shall in no way whatsoever limit or modify any legislative power by the Town to adopt ordinances, resolutions, regulations or to make executive, administrative, or legislative decisions of any kind which it had the power to make prior to the entry of such Developer's Agreement, except to the degree that the Developer's Agreement, by its express terms and not by implication, gives vested rights to the said parcel of land owner, said owner's successor and assigns as to certain development permissions, required improvements and similar matters. No Developer's Agreement shall, by its express terms or by implication, limit the right of the Town Commission to adopt ordinances, regulations or to adopt policies that are of general application or specific as to the parcel of land subject to the Developer's Agreement in the Town, except as is expressly provided by Chapter 163, Fla. Stat., or said Developer's Agreement.

(Am. Ord. 2017-05, adopted 12-20-17)

§§ 3A-91. – 3A-99. RESERVED.

CHAPTER 4A: BUILDINGS; FLOOD PROTECTION; COASTAL CONSTRUCTION

Section

Article I. General Provisions

- 4A-1 Compliance
- 4A-2 Structural plans, inspections and reports for buildings over two stories
- 4A-3 – 4A-19 Reserved

Article II. Adoption of Building Codes

- 4A-20 Florida Building Code and the Florida Residential Building Code adopted
- 4A-21 Florida Existing Building Code adopted
- 4A-22 – 4A-34 Reserved