TOWN OF MELBOURNE BEACH

PLANNING & ZONING BOARD MEETING

TUESDAY, NOVEMBER 3, 2026

AGENDA PACKET

Town of Melbourne Beach

PLANNING & ZONING BOARD MEETING
TUESDAY, NOVEMBER 3, 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 Pedro Vieira

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES**

4. **NEW BUSINESS**
   A. Status of Comprehensive Plan update, and explanation of process and related timeline

5. **PUBLIC HEARINGS**

6. **OLD BUSINESS**
   A. Review of Stormwater Retention Ordinance

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.

Review of Stormwater Retention Ordinance



PRELIMINARY Stormwater Review

10-26-26

Dan Harper, Melbourne Beach P&Z

Issue:

Melbourne Beach passed a change to its Stormwater ordinance Section 3A-80 in the 2019-2020 time period. The change went from exempting single family construction to requiring the retention of 8 inches of rainfall in a 24 hour time period (See attached Exhibit A). This resulted in requiring all newly constructed single-family homes to install very large swales and retention basins, rendering much of the side yards and backyards of these homes unusable. The P&Z board is reviewing this policy to see if a less intrusive approach could accomplish the desired goals.

An investigation into the rational and a search for the underlying professional reports in support of such a dramatic change are on-going.

Documents reviewed:

- *Florida Department of Environmental Protection (DEP), Environmental Resource Permit Applicants Handbook Volume I and Volume II.*
- *Technical Publication SJ 78-3, Rainfall Analysis for Northeast Florida, St. Johns River Water Management District (SJRWMD).*
- *Low-Impact Development & Green Infrastructure: Pollution Reduction Guidance for Water Quality in Southeast Florida.*
- *Chapter 62-330, Fl Administrative Code (FAC).*
- *Chapter 62-624, Fl Administrative Code (FAC), MS4 permits*
- *Federal Environmental Protection Agency, subpart B-Permit Application and Special NPEDS Program Requirements*

Regulatory Requirements:

St. Johns River Water Management District (SJRWMD) and the Florida Department of Environmental Protection (DEP) are the stormwater regulators for Brevard County.

Florida statute 62-330.051 (13) and SJRWMD Applicants Handbook Vol. I, Sec. 3.2.2 (a), **EXEMPTS** from their regulations the construction of an individual single-family residence that is not part of a larger common plan of development for sale.

SJRWMD considers single family in-fill exempt since these projects cause no more than incidental amounts of additional stormwater runoff.

Florida State; Municipal Separate Storm Sewer Systems (MS4's). Applicable to Town owned and operated stormwater systems only.

The single-family residential in-fill houses being built in Melbourne Beach are all exempt from any regulatory requirements for stormwater. *Any requirements are solely those imposed by Melbourn Beach.*

The Florida Department of Environmental Protection (DEP) Defines the Primary Stormwater Objectives as the Following:

1. **Flood/drainage control**
   This is primarily about water quantity and peak flow discharge into collection systems. The concern isn't necessarily how polluted the water is. It's will the house, street or neighboring property flood.
   A design storm such as 10-year, 25-year or 100-year storm is commonly used for this purpose.

2. **Water-quality treatment (completely different than number 1 above)**

   This is about how much pollution (nitrogen and potassium) is in the runoff, and how much needs to be removed before the water reaches the Indian River Lagoon.

A treatment system might be designed to capture and treat the runoff from frequent smaller storms, because those storms collectively account for a large portion of the annual pollution load.

3. **Protect Adjoining Properties**

Require development to manage drainage so it does not create harmful or materially increased runoff impacts on neighboring land.

These different objectives can produce very different required volumes and swale dimensions.

What was the Town's objective;

I spoke with the Town's previous manager (Elizabeth) and current Building Department Official (Tom) several years ago when the ordinance was changed. They both indicated the objective of the ordinance was to prevent stormwater from draining on the adjoining property when a new house is built. Runoff control No, 3 above.

The Towns website indicates a stormwater management goal of wanting to reduce pollutants into the Indian River. Water quality No. 2 above.

The Town recently completed new stormwater construction on several streets that omitted any retention or detention swales in the easement. None of the above.

Survey of Beachside City Stormwater Requirements for Single Family In-fill Construction

I reviewed the applicable ordinances for nine beachside communities from Stuart to Titusville (Exhibit B). All nine of these Cities had as the stated stormwater goal, to prevent any adverse post development stormwater encroachment on adjacent properties. No. 3 above.

Only two of the nine cities required retention of stormwater on site. Vero Beach required 1 inch of rainfall from impervious surfaces in excess of 3,000 SF, and Titusville required 1 inch of retention from all impervious surfaces. The other 7 in general stated that the post development stormwater needs to be designed so as to not adversely impact the adjoining property.

Consultation with the Town's Stormwater Experts (BSE)

Given the technical nature of this ordinance, it would be most relevant to obtain feedback from the Town's stormwater experts, BSE Consultants, Inc. They could help us understand the major

design variables and provide sensitivity analysis using various stormwater goals and objectives. Some examples:

- Retention of only the additional stormwater resulting from post-development vs. pre-development. Used by SJRWMD.
- Retention of mean average high annual rainfall rather than a 10 year 24 hour storm. This would be 5 in. vs 8 in.
- Include the 15 Ft easement in the pervious lot measurement. Currently excluded.
- Gallons of retention at 1 in. vs 8 in.
- Best Management Practices (BMP) for preventing run-off to adjoining properties.
- Accounting for only non-pervious generated stormwater directly connected to street collection. Used by SJRWMD.
- Consider materiality impact of in-fill construction.

EXHIBIT A

Stormwater Retention Before and After Section 3A-80 Ordinance Change (Ordinance No. 2019-06)

	Commercial/Multi-Family	Single Family
Before		
• Applicable	Yes	Exempted
• Rain retention	½ inch	None
• Added or total retained	Added[1]	None
After		
• Applicable	Yes	Yes/Exemption Removed
• Rain retention	8 in	8 in
• Added or total retained	Total[2]	Total

[1] Only the additional stormwater run-off created by the new house in excess of the pre-development existing house is treated by the stormwater management system on the property

[2] The total stormwater is treated by the stormwater management system, not just the incremental increase due to new house.

EXHIBIT B

Survey of Beachside Cities Stormwater Requirements for Single Family In-Fill Construction

Stuart

Land Development Code

Sec. 6.03.00 Stormwater Management

"The owner/developer is responsible for showing that the development will not cause or increase off-site flooding to properties adjacent to or along the discharge path from the infill parcel."

NO minimum water retention

Ft Pierce

Subpart B—Land Development Ordinances

Section 103.203 Regulation of Stormwater run-off, required slop

"All construction shall be so designed and constructed so that the diversion of post development stormwater runoff and other surface waters shall not result in flooding or damage to adjacent properties."

NO minimum water retention

Vero Beach

Land Development Regulations

Sec 73.25-Singl family and duplex stormwater management plan design criteria

"Any development that proposes to place impervious area over more than 3,000 square feet shall be required to retain the first 1.0 inch of rainfall for the impervious surface area exceeding 3,000 feet."

Required to retain 1.0 inch for the impervious area in excess of 3,000 SF

Sebastian

Land Development Code of Ordinances

Section 54-3-12.6 (Type D) Single Family drainage, stormwater management

"Stormwater runoff shall not encroach on adjacent properties."

NO minimum water retention

Indialantic

Section 14-113 and Section 14-114

In-Fill residential construction exempted in existing tracts, lots, and parcels.

NO minimum water retention

Indian Harbor Beach

E-mail from IHB building official.

"You cannot build a lot up in such a way as to inundate your neighbor with stormwater runoff".

NO minimum water retention

Satellite Beach

Sec. 30-556 Drainage

"All single family and two-family new construction shall direct all surface water to the street unless said development is within an approved master surface runoff management system".

NO minimum water retention

Cocoa Beach

Sec. 50-48 Exemptions

Single family or duplex residential construction on lots that are located within developed areas where the stormwater runoff pattern is historically established.

NO minimum water retention

Titusville

Section 9. The stormwater management technical manual section 7.4

Sec 7.4.3 Existing sites of ½ acre or less retention of 1 inch over entire site.

Sec. 7.4.4 For redevelopment projects retention of 1 inch from all impervious surfaces.

Required "dry retention" of 1 inch