

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY FLORIDA, AMENDING APPENDIX “A” OF THE TOWN CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE; AMENDING SECTION 7A-55, “BUILDING CONSTRUCTION”; ESTABLISHING MAXIMUM HEIGHT MEASUREMENTS FOR LOWEST FLOOR LEVEL AT EXISTING GRADE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission finds it is in the public interest to clarify, modify, and update Section 7A-55 of the Land Development Code; and

WHEREAS, the Planning and Zoning Board/Local Planning Agency held a public hearing on March 4, 2025, and made a recommendation to the Town Commission to adopt Ordinance 2025-01; and

WHEREAS, the Planning and Zoning Board/Local Planning Agency has determined that the proposed amendments to Section 7A-55 of the Land Development Code are consistent with the Town’s Comprehensive Plan and are in the best interest of the Town of Melbourne Beach; and

WHEREAS, the Town Commission desires to update and clarify the measurement of building height in Section 7A-55 of the Land Development Code.

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

Section 1. The findings set forth in the recitals above are adopted and fully incorporated herein as legislative findings of the Town Commission pertaining to this Ordinance.

Section 2. Chapter 7A, “Zoning,” of the Town of Melbourne Beach Land Development Code, shall be amended as follows (Note: additions indicated by underscore; deletions indicated by ~~strikethrough~~; and text that shall remain unaltered that is not reproduced here is indicated by ellipses (***)):

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

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§ 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 deviation, 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 ~~will~~ 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 ~~road~~ street or higher than federal or state requirements then the building height shall be measured from 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 façade, whichever is higher, excluding attachments and architectural features that are specifically allowed by the Land Development Code.

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Section 3. Codification. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the Town of Melbourne Beach, as additions or amendments thereto.

Section 4. Severability. Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

Section 5. Conflicting Ordinances. All ordinances or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 19 day of March, 2025, by the Town Commission of the Town of Melbourne Beach, Florida.

PASSED ON FIRST READING: 2/19/2025

PASSED ON SECOND READING: 3/19/2025

TOWN OF MELBOURNE BEACH, FLORIDA

By: 
ALISON DENNINGTON, Mayor

ATTEST:


Amber Brown, CMC
Town Clerk

(TOWN SEAL)

