

# **CHAPTER 4.5**

## **COMPREHENSIVE PLAN**

Article I. Comprehensive Plan, S.4.5-1.---S.4.5-4.  
Article II. Concurrency Management System, S.4.5-5.---S.4.5-10.

### **ARTICLE I. COMPREHENSIVE PLAN**

**SECTION 4.5-1. COMPREHENSIVE PLAN.** A new Chapter 4.5 of the Melbourne Village Town Code, hereafter to be known and cited as the "Town of Melbourne Village Comprehensive Plan", is created.

**SECTION 4.5-2. STATUTORY AUTHORIZATION.** This Chapter is enacted pursuant to and in accordance with provisions of Chapter 163.3161 et. seq., Florida Statutes, Local Government Comprehensive Planning and Land Development Regulation Act.

**SECTION 4.5-3. STATEMENT OF PURPOSE.** It is the purpose and intent of the Comprehensive Plan to guide future growth and development; encourage the most appropriate use of land, water and other resources; promote and protect the public health, safety, good order, appearance, convenience, aesthetics and general welfare; prevent the over-crowding of land; avoid undue concentration of population; provide adequate and energy efficient transportation, water, sewage, drainage, fire protection, law enforcement, schools, parks, recreation facilities, housing and other services, facilities and resources; and conserve and protect natural resources within the Town of Melbourne Village, while protecting private property rights.

#### **SECTION 4.5-4. COMPREHENSIVE PLAN.**

(a) The Town of Melbourne Village Comprehensive Plan consists of a one (1) volume book entitled "Town of Melbourne Village Comprehensive Plan", which consists of a section entitled Data Inventory and Analysis, containing ten (10) elements including; Future Land Use Element Date Inventory and Analysis; Traffic Circulation Data Inventory; Mass Transit Element; Housing Inventory and Analysis; Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element Data Inventory and Analysis; Coastal Management Element; Conservation Element Data and Analysis; Recreation and Open Space Inventory; Intergovernmental Coordination Inventory; and Intergovernmental Coordination Analysis Requirements. A Section entitled Goals, Objective and Policies containing nine (9) element: including: Land use; Traffic Circulation; Housing; Public Facilities Element;

# **MELBOURNE VILLAGE CODE**

Conservation Element; Recreation and Open Space Element; Intergovernmental Coordination Element; Capital Improvements Element; and General Monitoring and Review Criteria; as adopted by Ordinance No. 88-12. The foregoing is incorporated by this reference and is the official comprehensive plan for and of the Town.

(b) Incorporated herein by reference is the official comprehensive plan for and of the Town. Copies of which are on file and available in the office of the Town Clerk. (Ord. No. 88-12 S.1, 09/27/88)

## **ARTICLE II. CONCURRENCY MANAGEMENT SYSTEM**

**SECTION 4.5-5 PURPOSE AND INTENT.** The Concurrency Management System shall implement established minimum acceptable level of service standards for roads, potable water, sanitary sewer, solid waste, drainage and parks. The system is designed to utilize the most current and available data regarding the above public facilities or services to measure the impact of any development permit proposal upon the facilities for which levels of service have been adopted. No final development permit can be issued unless adequate facilities or services are available as determined by the concurrency evaluation. This Concurrency Management System applies to all new construction in all areas of the Town of Melbourne Village (R-1A, R-1, R-2, and Commercial), as well as to any remodeling that significantly changes (more than 50%) the foot print of the structure on the property.

**SECTION 4.5-6. EVALUATION CRITERIA.** The Town of Melbourne Village shall utilize the following criteria to determine whether levels of service are adequate to support the specific impacts of a proposed development.

(1) Roadways.

(a) Capacity for transportation facilities shall be evaluated using the "Florida Highway System Plan Level of Service Standards and Guidelines Manual", Florida Department of Transportation, January 1, 1989.

(b) Projected impacts on the transportation system shall be determined by utilizing the trip generation standards set forth in the "Trip Generation Manual", 4th Edition, Institute of Transportation Engineers and evaluating their impact at points of ingress and egress to roadways in the Town.

## **CHAPTER 4.5**

(c) The calculation of total traffic generated by a proposed non-residential project will assume 100% buildout and occupancy of the project. Credit against the trip generation rates may be taken utilizing the percentages below:

### **PERCENT OF CAPTURED TRIPS FROM PASSING TRAFFIC**

<u>USE</u>	<u>PERCENTAGE</u>
Shopping Center	
More than 400,000 sq. ft.	25%
100,000 - 400,000 sq. ft.	25%
less than 100,000 sq. ft.	25%
Supermarkets	25%
Hardware Stores	5%
Convenience Stores	40%
Fast Food Restaurants	35%
Restaurants	15%
Banks	46%
Day Care Centers	10%
Service Stations/Carwashes	58%
Offices	0%
Industrial Uses	0%

Any capture of trips from passing traffic for uses not specified above or in excess of those percentages must be justified by the applicant.

(d) Current operating level of services shall be based upon the most recent traffic counts available, plus projected traffic counts from previously committed developments.

(2) **POTABLE WATER.** The Town of Melbourne Village capacity shall be determined by capacity reservation for the project by the City of Melbourne Water Department.

(3) **SANITARY SEWERS AND SEPTIC TANKS.** The Brevard County Health and Consumers Services issuance of a septic tank permit and approval of potable water or sewer capacity reservation from Sanitary Sewer Operator.

(4) **SOLID WASTE.** Certificate from agency supplying permit stating capacity exists prior to development approval.

# **MELBOURNE VILLAGE CODE**

## **(5) PARKS.**

(a) Adequacy of public parks shall be based on the Town of Melbourne Village level of service standards of 29 acres per 1000 population by planning area.

(b) The impact of a proposed development will be determined by utilizing the official household-size multiplier from the University of Florida, Bureau of Economic and Business Research for the Town of Melbourne Village, times the number of units projected for a project.

(6) **DRAINAGE.** The Town of Melbourne Village is currently handling stormwater runoff and does not plan to increase this capacity. The current drainage system and commercial zone retention requirements of the Town of Melbourne Village are sufficient to handle stormwater runoff and drainage for the projected needs at buildout. To meet concurrency in drainage and stormwater management, a local project shall maintain stormwater runoff at the present current level or lower and shall equal or exceed the current level of water runoff quality to avoid pollution of the Town of Melbourne Village and the Indian River Lagoon.

The following guidelines shall be used to demonstrate compliance with the concurrency drainage section. Minimum guidelines:

(a) Stormwater retention of the first one (1) inch of rainfall in a thirty-six (36) hour period: This retention includes both pervious and impervious areas of the property or project.

(b) Stormwater detention of the next one and one-half (1-1/2) inches of rainfall in the same thirty-six (36) hour period: This detention will allow slow release of stormwater through percolation or ground filtration in accordance with the current Department of Environmental Regulation Stormwater Management Practice Manual.

(c) Attention must be given to direct or divert stormwater runoff including septic drainage and to use other sound water management techniques to avoid pollution of the Town of Melbourne Village and the Indian River Lagoon by all other contaminants.

(d) Reference, attention and accordance shall be given to the Florida Development Manual: A Guide to Sound Land and Water Management (DER, State of Florida), to Appendix B3, "Model Stormwater Management Ordinance for the Indian River Lagoon Basin" by the Marine Resources Council for the St. Johns River Water Management District and Brevard County Drainage System requirements.

## **CHAPTER 4.5**

Certification by the Town of Melbourne Village Planning and Zoning Board/Local Planning Agency is required that a proposed project meets the above Stormwater and Drainage Concurrency Management requirements prior to permit approval.

**SECTION 4.5-7. CONCURRENCY EVALUATION FINDINGS.** The Town of Melbourne Village Planning and Zoning Board/Local Planning Agency shall issue a concurrency evaluation during the building permit process and this evaluation shall certify either a non-deficiency finding or a deficiency finding.

(1) **NON-DEFICIENCY FINDING.** A finding of non-deficiency by the concurrency evaluation shall remain valid for sixty (60) days pending a building permit. Once a building permit has been issued, the findings shall remain valid until construction has been completed and a certificate of occupancy issued; or for the life of the permit until it is revoked or suspended for failure to proceed in a timely manner as prescribed.

(2) **DEFICIENCY FINDING.** A finding of deficiency by the concurrency evaluation shall negate approval of the building permit application or force deferral of this approval until a finding of non-deficiency is obtained.

**SECTION 4.5-8. CUMULATIVE RECORDS OF LEVEL OF SERVICE.** The Concurrency Management System shall maintain a cumulative record of the level of service allocations permitted by the approval of building permits relative to the operating levels of service for the referenced public facilities.

**SECTION 4.5-9. ADMINISTRATION.** The Town of Melbourne Village Planning and Zoning Board/Local Planning Agency shall administer the provisions of this code and may develop and propose to the Town Commission for adoption such administrative rules, forms, applications and fees as may be required to implement the Concurrency Management System. Should any applicant desire to appeal a finding, the appeal shall be addressed to the Town of Melbourne Village Commission.

**SECTION 4.5-10. EFFECTIVE DATE.** This Article shall become effective May 1, 1989. All applications submitted prior to the effective date of this Article are exempt from the requirement of a non-deficiency certificate. (Ord. No. 89-3)