

ORDINANCE NO. 1194

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE COASTAL MANAGEMENT / CONSERVATION, INFRASTRUCTURE, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENTS AND FUTURE LAND USE ELEMENTS OF THE 1998 COMPREHENSIVE PLAN, AS AMENDED, JULY 18, 2018, BASED ON THE CITY'S UPDATED DATA AND ANALYSIS OF THE COMPREHENSIVE PLAN; REVISING AND UPDATING EXISTING GOALS, OBJECTIVES AND POLICIES CONCERNING PROPERTIES WITHIN THE CITY'S EROSION ADAPTATION ACTION AREAS (EAAA) IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES; AUTHORIZING TRANSMITTAL OF THESE AMENDMENTS TO THE EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL, STATE LAND PLANNING AGENCY, AND OTHER APPLICABLE AGENCIES FOR REVIEW AND COMMENT AS REQUIRED BY FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Satellite Beach recognizes the need to plan for orderly growth and development; and the State Legislature passed the Community Planning Act requiring all local governments to prepare and adopt a Comprehensive Plan; and

WHEREAS, Chapter 163, Florida Statutes, authorizes amendments to Adopted Comprehensive Plans under the Expedited Review Process; and

WHEREAS, the City Council desires to amend the Goals, Objectives and Policies of the Comprehensive Plan to address climate change and sea level rise; and

WHEREAS, the City of Satellite Beach, pursuant to Florida Statutes and City Charter and the City of Satellite Beach Land Development Regulations, has designated the Planning Advisory Board as the Local Planning Agency; and

WHEREAS, the City has reviewed the proposed amendments to the Comprehensive Plan, and said proposed amendments were reviewed by the City's Sustainability Board on June 24, 2020 and July 22, 2020, and the City's Local Planning Agency (LPA) at a duly advertised meeting on November 16, 2020 and December 14, 2020, which determined such amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the City Council has agreed with the recommendations of the Local Planning Agency that the proposed amendments comply with the requirements of Chapter 163, Florida Statutes, and that the proposed amendments are consistent with the Comprehensive Plan; and

WHEREAS, the City Council held its duly advertised public hearing for the transmittal of the proposed amendments on January 20, 2021; and

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The foregoing 'WHEREAS' clauses are true and correct and are incorporated herein by reference.

SECTION 2. The City of Satellite Beach, Florida hereby transmits amendments to its current Comprehensive Plan (Ordinance 1170), as amended on March 6, 2019, which amendments consist of the pages identified as Exhibit A Text Amendments to the Coastal Management/Conservation, Infrastructure, Intergovernmental Coordination, Capital Improvements and Future Land Use Elements for the purpose of climate change adaptation and resiliency planning.

SECTION 3. The City Clerk is hereby directed to transmit three (3) copies of the amendments of the current Comprehensive Plan to the State Land Planning Agency, along with copies to the East Central Florida Regional Planning Council; Florida Department of Environmental Protection; Florida Department of State, Division of Historic Resources; Florida Department of Transportation; St. Johns River Water Management District; the Brevard County Growth Management Department; and to any other unit of local government which has filed a written request for a copy.

SECTION 4. Repeal of Inconsistent Provisions. That all ordinances or parts of ordinances in conflict are hereby repealed.

SECTION 5. Severability Clause. It is the intention of the City Council that each provision hereof be considered severable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other portion of this Ordinance, the Satellite Beach Comprehensive Plan, or the Satellite Beach Land Development Regulations.

SECTION 6. Effective Date. The effective date of this plan amendment, if amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

SECTION 7. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the 20th day of January, 2021, and adopted on the second and final reading at the regular meeting of the City Council on 17th day of March, 2021.



STEVEN L. OSMER, MAYOR

ATTEST:



GWEN PEIRCE, CMC, CITY CLERK



Attachments:

**EXHIBIT "A" – Text Amendments to the Coastal Management / Conservation Element,
Goals, Objectives and Policies**

EXHIBIT A

Infrastructure Element:

1. Modify Infrastructure Element Goal 1: Modify Infrastructure Element Goal 1 to read as follows (underlined text is new and ~~strikethrough text~~ is removed):

"Systems of public facilities and services provided to the City of Satellite Beach, in accordance with Interlocal agreements with non-City entities and by the City, as appropriate, shall be provided in a manner which, considering the fiscal and physical challenges of sea-level rise and climate change, and the City's policies on sea-level rise and climate change, seeks sufficient to meet existing and future needs, assures healthful and safe living conditions, and is economically efficient as well as environmentally sound."

2. Modify Infrastructure Element Objective 1.1: Modify Infrastructure Element Objective 1.1 to read as follows (underlined text is new and ~~strikethrough text~~ is removed):

"The City ~~has taken actions needed to correct existing~~ seeks to avoid deficiencies in public facilities, ~~and shall continue to~~ and assure that they have adequate capacity to serve existing, new development, and redevelopment while meeting Level of Service standards without exceeding facilities' design or operating capacities. The provision of infrastructure by the City shall be planned and constructed, and in a manner, which is cost-effective, technologically and environmentally sound, ~~and maximizes use of existing facilities, and balances design considerations for the current and future impacts of climate change and sea-level rise with the benefits and costs/ challenges of infrastructure designs that incorporate climate change and sea-level rise impacts during the service-life utility of infrastructure.~~"

3. Modify Infrastructure Element Policy 1.1.11: Modify Infrastructure Element Policy 1.1.11 to read (underlined text is new and ~~strike-through text~~ is removed):

"No public infrastructure or public buildings will be constructed seaward of the 1981 Coastal Construction Control Line (CCCL), with the exception of minor structures. Such structures are customarily provided to support recreation and open space activities, as well as pedestrian facilities (in accordance with dune protection design standards). Infrastructure and roadway improvements within already developed public rights-of-way will be maintained as determined feasible and reasonable by City policy in good-faith attempts required to meet minimum level of service standards."

4. Modify Infrastructure Element Objective 1.2: Modify Infrastructure Element Objective 1.2 to read (underlined text is new and ~~strike-through text~~ is removed):

"The City shall ~~continue its program of phased improvements to~~ manage its storm drainage system in way that seeks to provide balance in serving interests of that shall ~~provide for~~ the public health and safety, preventing property damage, protecting natural drainage features and functions of natural groundwater recharge, and acknowledging the challenges of sea-level rise and climate change in order to achieve adopted Level of Service standards."

5. Add a new Infrastructure Element Policy 1.1.13: Add a new Infrastructure Element Policy 1.1.13:

"The City shall accept no dedications of any infrastructure for public use and maintenance, including, but not limited to, roadways, sidewalks, medians, drainage facilities, recreational facilities or any other type of infrastructure unless such infrastructure is proven by the dedicating party to meet all current City ordinances and standards that would govern such infrastructure were it to be constructed on the date of its dedication. Bona fide emergency exceptions may apply to such dedications as determined by the City.

This policy is not intended to prevent the City from accepting dedications of conservation easements or other green space or natural areas that either have no human-made infrastructure or where an agreement is included by the dedicating entity that it will hold the City harmless from any responsibility to maintain any human-made infrastructure on the property."

6. Modify Infrastructure Element Policy 1.2.1: Modify Infrastructure Element Policy 1.2.1 to read (underlined text is new and strike-through text is removed):

"The City shall implement the comprehensive stormwater management plan. The City's priorities shall be established on a drainage basin basis. The stormwater management plan shall also prioritize stormwater management, design, and construction based upon the City's policies on sea-level rise and climate change, and shall be aimed at correcting the worst problems initially, followed by lesser problems as technical and financial means are available."

Coastal Management Element:

7. Modify Coastal Management-Conservation Element Goal 1: Modify Coastal Management/Conservation Element Goal 1 to read as follows (underlined text is new and strike-through text is removed):

"Enhancement of the City's natural character by protecting, conserving, and maintaining natural resources while safeguarding human life, property, and public expenditures, as physically, fiscally, and practically feasible in light of sea level rise and climate change from the effects of natural processes in the Coastal High Hazard Area (CHHA) and City-initiated Adaptation Action Areas (AAAs). The City of Satellite Beach designates the Coastal High Hazard Area as "the area defined by the SLOSH model to be inundated from a Category 1 Hurricane."

8. Modify Coastal Management Element Policy 1.4.2: Modify Coastal Management Element Policy 1.4.2 to read (underlined text is new and strikethrough text is removed):

"The City requires that any non-residential structure, including those abandoned, or sustaining damage in excess of 6750% of its assessed value, or improved at a cost exceeding 50% of the building's assessed value comply due to storm conditions or erosion, be demolished or reconstructed in accordance with all City ordinances applicable to new construction. Remaining structures shall be protected to the greatest extent possible from adverse impacts due to such demolition or reconstruction."

9. Add Coastal Management Element Policy 1.5.4: Add Coastal Management Element Policy 1.5.4 to read (underlined text is new):

"Given the projected infrastructure needs of the City in the future and the consistent attempts by the State of Florida to reduce local revenue sources and the potential for moral hazard, the City does not anticipate having meaningful funds available for purchase of at-risk properties to reduce the hazards to property or property owners. This does not affect the City's intentions for use of public money to acquire private properties for purposes other than primarily for hazard mitigation."

10. Eliminate Coastal Management-Conservation Element Policy 1.9.10: Eliminate Coastal Management-Conservation Element Policy 1.9.10:

~~"If full-scale beach renourishment is not feasible on all or part of the City's ocean shoreline, the City shall seek to have funds equal to what would have been spent made available for purchase of at-risk oceanfront properties."~~

11. Eliminate Coastal Management-Conservation Element Policy 1.15.1: Eliminate Coastal Management-Conservation Element Policy 1.15.1:

~~"The City shall review its zoning ordinances and zoning and land use maps at least once every three years to determine and implement possible ways to reduce the number of dwelling units that may be built within the City."~~ and renumber appropriate following policies.

Intergovernmental Coordination Element:

12. Modify Intergovernmental Coordination Policy 1.2.7: Modify Intergovernmental Coordination Policy 1.2.7 to read as follows (underlined text is new and ~~strikethrough text~~ is removed):

"After a major storm event, the City shall coordinate with service providers to assess ~~replace and mitigate~~ damaged infrastructure, as appropriate within the Coastal High Hazard Area and other vulnerable areas within the City per comprehensive plan policies."

Capital Improvements Element:

13. Modify Capital Improvements Element Goal 1: Modify Capital Improvements Element Goal 1 to read (underlined text is new and ~~strikethrough text~~ is removed):

"Provision of public facilities which are the responsibility of the City, so as to enable the City to: (1) accommodate the needs of present and future populations in a timely and cost-effective manner; (2) maximize the use of existing facilities; and (3) maintain or enhance the City's services, physical environment, and fiscal integrity, all while considering the current and future changes due to climate change and sea level rise."

14. Add a New Capital Improvements Element Objective 1.1: Add a New Capital Improvements Element Objective 1.1 and renumber existing Objectives (and subsequent Policies) accordingly. The new 1.1 should read:

“The City will establish a ‘Community Fiscal & Resilience Balancing Test’ method by which to incorporate consideration of sea-level rise into all capital improvements and infrastructure decisions.”

15. Modify Capital Improvements Element Policy 1.1.3: Modify Capital Improvements Element Policy 1.1.3 to read (underlined text is new and strikethrough text is removed):

“The City shall, as appropriate, request the Space Coast TPO to give the highest priority for traffic facility improvements in accordance with the severity of service level deficiency, and the highest volume-to-capacity ratio, and consideration of the TPO's and the City's policies on sea-level rise and climate change and road maintenance and improvements.”

16. Modify Capital Improvements Element Policy 1.1.4: Modify Capital Improvements Element Policy 1.1.4 to read (underlined text is new and strikethrough text is removed):

“After When annually prioritizing the need for drainage improvements, the City must use the ‘Community Fiscal & Resilience Balancing Test’ established pursuant to Objective 1.1 shall fund, to the extent that funding is available, those conditions with the greatest Level of Service deficiencies, the greatest hazardous street flooding, and the highest negative impacts on the Indian River Lagoon.”

17. Modify Capital Improvements Element Policy 1.1.6: Modify Capital Improvements Element Policy 1.1.6 to read (underlined text is new and strikethrough text is removed):

“The City will provide funding for capital improvements in a manner which eliminates public hazards, reduces capacity deficits, addresses locational needs based on growth patterns, accommodates new development and redevelopment facility demands, is financially feasible given funding sources available to the City, considers the City budget, is aligned with City plans and policies regarding sea level rise, climate change, and limitations on subsidizing development in hazardous areas, recognizes the future increased impacts of larger and stronger storms, and is consistent with the plans of state agencies and the St. Johns River Water Management District.”

18. Modify Capital Improvements Element Policy 1.1.9: Modify Capital Improvements Element Policy 1.1.9 to read (underlined text is new and strikethrough text is removed):

“The City of Satellite Beach will adopt and/or revise its 5-Year Capital Improvements Schedule consistent with State law and Rule 9J-5 requirements.”

19. Modify Capital Improvements Element Objective 1.3 : Modify Capital Improvements Element Objective 1.3 to read (underlined text is new and strikethrough text is removed):

“The City shall prohibit public expenditures that subsidize land development and redevelopment in areas subject to hazards such as storm surge, rain-induced flooding, and sea-level rise, including east of the Coastal Construction Control Line (CCCL) and limit public expenditures that increase densities or intensities in the Coastal High Hazard Area either the IFAAA or EAAA, other than improvements required to implement the objectives and policies identified in the Coastal Management Element.”

20. Modify Capital Improvements Element Objective 1.4: Modify Capital Improvements Element Objective 1.4 to read (underlined text is new and ~~strikethrough text~~ is removed):

"The City shall manage its debt so as to retire any debt service in a timely manner. This is expected to preserve the City's ability to meet future capital improvements needs associated with an aging infrastructure, climate change and sea-level rise impacts, and continued development and redevelopment in the City. The development of the Capital Improvement Schedule will be coordinated with future land use."

Future Land Use Element:

21. Modify Future Land Use Element Policy 1.2.1: Modify Future Land Use Element Policy 1.2.1. to read (underlined text is new and ~~strikethrough text~~ is removed):

"The City's efforts shall continue to minimize or eliminate conditions which would adversely affect land use categories, adjacent land uses, signage, identified hazards, and areas subject to periodic flooding, and This shall also consider the City's policies related to resilience, sustainability, climate change, and sea-level rise be done as required by revisions of the City's Land Development Regulations."