

CHAPTER FIVE

COASTAL MANAGEMENT ELEMENT

PURPOSE

The purpose of the Coastal Management Element is to protect human life and limit public expenditures in areas that are subject to destruction by natural disaster. It is also to plan for, and where appropriate, restrict development and redevelopment activities where such activities would damage or destroy coastal resources. The added redevelopment component will include strategies that reduce repeated flood risks, encourage best practices to reduce losses due to flooding and claims made under flood insurance policies issued in this State, be consistent with the flood-resistant construction requirements in the Florida Building Code and continue to participate in the National Flood Insurance Program Community Rating System administered by FEMA.

COASTAL AREA

The boundary of the Coastal Planning Area sometimes also referred to as the Coastal Area, for the Town is the area east of U.S. Highway 1 to the Indian River Lagoon. Map CST-1 Coastal Planning Area, identifies the Coastal Planning Area of the Town.

The Town is in southern Brevard County. Brevard County is an Atlantic Ocean coastal county located near the middle of the Florida peninsula. The County is composed of the mainland component and the Barrier Islands separated from the mainland by the Indian River Lagoon estuary system. The Town is on the mainland component along the western shore of the Indian River. The Town is separated from the Atlantic Ocean by a Barrier Island and the Indian River lagoon. The nearest ocean access for the Town is the Town of Indialantic approximately three miles north and across the Melbourne 192 Causeway; and through the Sebastian Inlet, approximately 10 miles to the south. The Cape Canaveral Inlet, also providing ocean access, is located approximately 30 miles to the north.

Land Use in the Coastal Area (CA)

There are approximately 3.5 miles of Town shoreline abutting the Indian River. As shown on the Coastal Planning Area Map, the Town's Coastal Planning Area contains the narrow strip of land that falls between U.S. Highway 1 and the shoreline at the south end of Town, south of the U.S. Highway 1 and Rocky Point Road juncture. The Coastal Planning Area also contains the lands located between U.S. Highway 1 and Rocky Point Road at the south end of the Town.

All except the two northernmost parcels and the very southernmost parcel in the narrow strip of land immediately along the shoreline have special zoning designation assigned

by the Town as Coastal Preservation with the use restricted to water dependent non-commercial piers, boat slips and docks. There is a commercial use on the northernmost parcels; the southernmost parcel is vacant but will allow the development of a single-family residential unit.

North of the U.S. Highway 1 and Rocky Point Road juncture there are 48 separate parcels within this narrow strip of shoreline land. The portion of the Coastal Planning Area that is south of the U.S. Highway 1 and the Rocky Point Road juncture contains 82 parcels, 45 of which include the narrow strip of land on the east side of Rocky Point Road immediately along the shoreline, providing direct water access for these 45 parcels. The use in this southern portion of the Coastal Planning Area is low density single family residential. Development and redevelopment site plans within the Coastal Area shall be reviewed for compliance with the goals, objectives and policies of the Town's Comprehensive Plan; as well as consistency with flood resistant construction methods in the Florida Building Code.

The Town has no identified blighted areas in need of redevelopment within the Coastal Area (CA) and has no Community Redevelopment Authority.

The Future Land Uses within the CA are identified on Map FLU-9 *Future Land Use*.

Natural Resources in the Coastal Area

Map FLU-7 *Habitat and Land Coverage* identifies and maps the native habitats within the Town. The Rocky Point subdivision contains some Pineland habitat, although this occurs on developed single family residential parcels. There are 93 separate parcels along the estuary shoreline; two of the shoreline parcels are developed, one has the potential for a single family residential development and the remaining 90 parcels are use restricted to water dependent non-commercial piers, boat slips and docks.

The southernmost vacant shoreline parcel contains a dense, canopy coverage; the remaining shoreline parcels contain mainly herbaceous coverage, maintained in a mowed state on most parcels, with scattered palm or canopy species present. Data is not available on historic shoreline improvements, but the immediate shoreline is not bulk-headed and appears to be a relatively unimproved, rocky shoreline. There are no saltmarshes along the shoreline. The submerged land adjacent to the Town contains seagrass beds.

Access Facilities

Although nearly the entirety of the Town's shoreline is restricted to water dependent non-commercial piers, boat slips and docks, these parcels are all under private ownership and provide water access only for each of the adjacent upland property owners. There is no publicly-owned waterfront or designated public water access in the Town. The Town is exploring the possibility of obtaining grants, gifts, contributions, and other financial resources for the purchase of land contiguous to the Indian River and is exploring

appropriate joint public and private ventures to provide access facilities to the Indian River.

Although there are no designated scenic overlook facilities, the location of U.S. Highway 1 along the Indian River does provide nearly two miles of scenic overlook opportunities to the estuary for motorists and pedestrians.

Estuarine Pollution Conditions

The Town of Malabar municipal boundary extends into the Indian River Lagoon (IRL). The IRL is a lineal estuarine system that extends along more than a third of Florida's east coast between the Barrier Islands and the Atlantic Coastal Ridge; it extends over 155 miles from Ponce de Leon Inlet in Volusia County south to Jupiter Inlet in Palm Beach County. Numerous freshwater wetlands and sloughs undergo a transition into riverine systems that connect directly to the IRL. The lagoon interacts with the saline waters of the Atlantic Ocean through the inlets, providing tidal exchange with fresh water discharged into the lagoon from the inland rivers.

The IRL provides a higher species diversity than in any other estuary in North America. Due to the distinct characteristics of this system, portions of the IRL have been designated as aquatic preserves. The eastern edge of the Town abuts the *Indian River – Malabar to Vero Beach Aquatic Preserve*, which was established on October 21, 1969 by the Governor and Cabinet by resolution. In 1975, the Florida Legislature established the Florida Aquatic Preserve Act as codified in Chapter 258 Florida Statute (F.S.). Aquatic Preserves are administered under Chapters 18-20 and 18-21, Florida Administrative Code (F.A.C.). The surface water area of the Indian River – Malabar to Vero Beach Aquatic Preserve is approximately 43.4 square miles of 27,966 acres. The preserve is managed by the Florida Department of Environmental Protection Office of Coastal and Aquatic Managed Areas. This Aquatic Preserve overlaps temperate and the subtropical zones creating a highly diverse system; because of this diversity, it is included in the U.S. Environmental Protection Agency's (EPA) National Estuary Program. It is also designated as Outstanding Florida Water, which provides increased water protection measures.

Overall, the natural hydrologic regime of the IRL has been heavily influenced over the years by human activities. Residential and commercial construction in the late 1800s and early 1900s increased the need for inlets to increase commerce. In the 1930s and 1950s much of the lagoon salt marsh was impounded for mosquito control purposes and the Atlantic Intracoastal Waterway was expanded and deepened to be more navigable.

Through the cooperative efforts by a variety of federal, state, county and local governments, as well as non-governmental organizations, efforts have begun to address the long-term health and viability of the estuarine lagoon and associated wildlife. A variety of organizations have monitoring and research underway in the IRL and its watershed. The St Johns River Water Management District (SJRWMD) continues to implement and update the *Indian River Lagoon Comprehensive Conservation and Management Plan*

(CCMP). The Brevard County Stormwater Program (BCSP) provides assistance and recommendations for the selection and implementation of the most efficient and cost-effective stormwater treatment methods. The Brevard County Natural Resource Management Office and the University of Florida Brevard County Extension Service have initiated and are jointly sponsoring the development of the Brevard County Comprehensive Maritime Management Master Plan (CM3P). The Indian River Lagoon Surface Water Improvements and Management (SWIM) program, administered cooperatively through the SJRWMD and the South Florida Water Management District (SFWMD) has been designed to develop and execute a combination of research and practical implementation projects to protect or restore the environmental resources of the Lagoon. This program has three goals:

- Attain and maintain water and sediment of sufficient quality to support a healthy, seagrass-based estuarine ecosystem;
- Attain and maintain a functioning seagrass ecosystem which supports endangered and threatened species, fisheries and wildlife; and
- Achieve heightened public awareness and coordinated interagency management.

The Town's drainage system includes two outfalls into the Indian River. One is located approximately one-quarter (1/4) mile south of Malabar Road and the other is near the junction of U.S. Highway 1 and Rocky Point Road. No data is available regarding potential point source pollutants generated by these outfalls. For that development in the Town that pre-dates the required Best Management Practices for stormwater run-off, unpretreated run-off may still be a non-point source water quality issue for the lagoon. However, currently, over 77 percent (77%) of the area of the Town is undeveloped native habitats. By requiring that surface water management systems be designed and operated consistent with the state standards and the Town's adopted level of service, the Town can limit specific and cumulative impacts of new development and redevelopment upon water quality. On 90 of the 93 shoreline properties that abut the IRL, the Town maintains a Coastal Preservation designation which restricts the use of these parcels to water dependent non-commercial piers, boat slips and docks; limiting the run-off potential from shoreline development.

The Atlantic Intracoastal Waterway (ICW), which runs within the IRL, also runs off the coast of the Town. The ICW is managed and maintained by the Florida Inland Navigation District (FIND), a Special State Taxing District. Maintenance dredging has created Spoil Islands that run along the edge of the ICW. There are several Spoil Islands in the IRL at the southern end of the Town. The Spoil Island Working Group (SIWG), which consists of 12 federal, state, and county government agencies and six non-governmental organizations, was created to implement the Indian River Lagoon Spoil Island Management Plan put forth by the Florida Inland Navigation District (FIND). The Spoil

Island Project is a coordinate effort towards managing the spoil islands for recreational and environmental interests.

Historic Resources

The Bureau of Archaeological Research with the Florida Office of Cultural and Historic Preservation maintains the Florida Master Site File (MSF); a database that contains information on archaeological and historic resources in Florida. The state Master Site File also contains those sites listed on the National Register. Map FLU 2 *Historic Sites*, identifies and locates the historic resources contained on the MSF. There are two sites within the Coastal Area of the Town; a prehistoric burial mound located in the Rocky Point subdivision and a prehistoric shell midden located at Malabar Road and U.S. Highway 1.

On December 24, 1883, Malabar received official designation from the U.S. Postal Service. President Chester A. Arthur appointed R.A. Ward the first Postmaster for the local population of 25. Two times a week, weather permitting, a mailboat, depicted in the Malabar Town seal, hoisted sail and traveled along the shallow Intracoastal Waterway from Jacksonville to deliver the mail. A palmetto shack served as the post office just north of Malabar Road. This was close to a pier located north of the Malabar Road – U.S. Highway 1 intersection today. Although never built, the State of Florida had proposed a mule canal to travel inland from this area. Later the steamboat arrived and dropped off mail further to the south at Orange Avenue on piers that extended over 300 feet to reach the deeper water these craft required. In 1893 the railroad replaced mailboats for delivery of mail and other commodities.

Although the first Post Office and historic mailboat stop is not identified in the MSF, the Town considers it as a site of local historic significance. The historic mailboat is an important piece of the Town’s history and makes the Town of Malabar unique.

Infrastructure in the Coastal Area

The public sewer and water systems do not extend into the Coastal Area (CA) of the Town. All development within the CA is served by a private self-service well and septic system. The public infrastructure found in the CA are the roads in the Rocky Point and Coquina Point subdivisions and two drainage system outfalls into Indian River.

COASTAL HIGH HAZARD AREA

Pursuant to Chapter 163.3178(2)(h) F.S. the “Coastal High Hazard Areas” (also referred to as “high-hazard coastal areas”) means the area below the elevation of the category 1 storm surge line as established by a Sea, Lakes, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Map CST-2 *Coastal High Hazard Areas*, identifies the Coastal High Hazard Area (CHHA) within the Town. Pursuant to Chapter 163.3178(2)(f)1 F.S. now includes sea-level rise as one of the causes of flood risk that must be addressed in the redevelopment principles that reduce the flood risk, storm surge, stormwater run-off and reduce repeat flood related claims. These regulations are

included in the Malabar Land Use regulations which shall be utilized to assist in protecting public and private property from the effects of hurricane winds and flooding.

Infrastructure in the Coastal High Hazard Area

The current SLOSH model indicates only a very small area in the Town of Malabar falls within the CHHA. This area is more than two miles inland from the Indian River. The CHHA is a riverine area at the confluence of two streams at the very northwest corner of the Town. Mapping indicates most of the CHHA is undeveloped; however, approximately 10 single family residential properties along Briar Creek Boulevard and Hollow Brook Lane do fall within the CHHA as identified on the CHHA Map. These homes are served by public sewer and water, the Town infrastructure for these services falls in the CHHA. The Town of Malabar shall ensure that construction of infrastructure related improvements coincide with the demands generated by development or redevelopment and are consistent with intensities and densities identified in the Future Land Use element.

NATURAL DISASTER PLANNING

Within the Town there is a potential for impacts from lightning, wildfires, floods and tropical storms, but the most significant natural disaster threat the Town needs to plan for is the event of a hurricane. Hurricanes have the potential to occur from June through November; heavy rainfall, high winds, storm surge and widespread flooding may accompany these storms. Records indicate that the Town has been brushed or hit by a hurricane 45 times from 1871 through 2017.

During a hurricane evacuation, a significant number of vehicles will have to be moved across the local and regional road network. The quantity of evacuating vehicles will vary depending upon the magnitude of the hurricane, publicity and warnings provided about the storm and behavioral response characteristics of the vulnerable population. The Town and County must be prepared to evacuate highly vulnerable populations on critical routes, often concurrently with evacuees from outside the County. There are limited route choices to leave, Map CST-3 *Evacuation Routes* identifies the designated evacuation routes. There are no emergency shelters located within the Town.

U.S. Census Data estimates the 2017 total population for Malabar as 2,866 with an estimated 2017 County population of 575,211. The Town coordinates with the County in disseminating information concerning the need of residents to evacuate at various hurricane threat levels and strives to educate the general citizenry regarding emergency preparedness plans. The Town also coordinates with the County in continuing to maintain or improve hurricane evacuation times and in annually updating the County's Comprehensive Emergency Management Plan and updating hurricane evacuation shelter assignments as well as other policy formulation surrounding emergency preparedness. The Town includes criteria in their 5-year schedule of Capital Improvement Projects to ensure structural transportation improvements to maintain sufficient

evacuation routes and the inclusion and prioritization of projects that are hazard mitigation initiatives.

The Town has developed and has in place a current Emergency Management Plan and has in place a mutual aid agreement with the Brevard County and the State of Florida. The Town also participates in the County Unified Local Mitigation Strategy. The Town coordinates their Post Disaster Redevelopment with the County Emergency Management Office.

Living close to Cape Canaveral Air Station (CCAS) and the Kennedy Space Center (KSC) also imposes a limited degree of risk. Residents of Malabar and Brevard County should be aware that launch accidents may occur, and residents should be aware of the associated hazards. The Kennedy Space Center sometimes has launches that have major radiological sources on board; launches of this type are advertised many years in advance to receive public and private input. An integrated Brevard County Emergency Management and U.S. Air Force team follows specific guidelines to ensure the public's safety. Public safety is the number one priority of all agencies associated with the launching of these vehicles. Additionally, the southern part of Brevard County from Malabar Road south, is in the 50-mile ingestion pathway of the St Lucie Nuclear Power plant located on Hutchinson Island near Fort Pierce. Brevard County has a plan for sheltering and for hosting evacuees from the plant's 10-mile emergency planning area and for providing medical and emergency support as well as decontamination for those that might have a need for decontamination or medical care.

COASTAL ELEMENT GOALS, OBJECTIVES, AND POLICIES

Goal 5-1:

Coastal Management. Restrict development activities that would damage or destroy coastal resources and protect human life and limit public expenditures in areas subject to destruction by natural disasters.

5-1.1 Objective:

Protect Coastal Resources, Wetlands, Estuary, Living Marine Resources, and Wildlife Habitats. Protect, conserve, and enhance the natural resources of the Town's incorporated area, including wetlands, the estuarine shoreline, and other natural coastal resources in a manner consistent with the East Central Florida Regional Planning Council (ECFRPC) policies and by:

- a. Preventing potentially adverse impacts of development and redevelopment on wetlands;
- b. Managing the impacts of development on the Indian River Lagoon, including estuarine resources such as living marine organisms, seagrasses, coastal marsh, and mangroves together with adjacent environmentally sensitive transition areas;
- c. Regulating the impacts of development on wildlife habitats; and
- d. Managing vegetative landscaping, including prohibition of noxious exotic species consistent with the ECFRPC Strategic Regional Policy Plan.

5-1.1.1 Policy:

Development Restrictions in Wetlands. Future land uses that are incompatible with the protection or conservation of wetlands and wetland functions shall be directed away from wetlands. The Town shall strictly enforce the Town's adopted wetland development restrictions and interpretations and shall:

- a. As a condition of development approval, require project approval from all applicable external jurisdictional agencies regarding the protection of wetland habitats and functions;
- b. Require buffering between wetlands and land uses that negatively impact wetland ecosystems;

- c. Ensure that where wetland impacts can occur, mitigation shall be considered as one means to compensate for the loss of wetland functions; and
- d. Preserve the Town Councils right to require dedication of a conservation easement to preserve wetland functions and provide for exceptions where the subject land area no longer retains the characteristics, functions and value of a wetland.

5-1.1.2 Policy:

Protect the Indian River Lagoon. For site plan approval, the Town shall require that surface water management systems be designed and operated consistent with the Town's adopted drainage level of service. The Town shall continue to make efforts to prevent negative impacts from development of the Indian River Lagoon and its tributaries designated as Class II Waters, by implementing, and revising when necessary, the adopted surface water protection regulations.

5-1.1.3 Policy:

Protect, Stabilize, and Enhance the Estuarine Shoreline. Compliance with the approved permits from state, federal or other local governments, when applicable, for protection of submerged and shoreline resources shall be incorporated into the Town planning process. Where deemed appropriate by the Town, the site plan shall include the planting of native shoreline vegetation to promote shoreline stability and protect water quality.

5-1.1.4 Policy:

Protect Living Marine Resources, Coastal Marsh, and Seagrass Beds. Consistent with ECFRPC policies, activities within an estuarine basin and/or coastal marsh area that will adversely impact seagrass beds and other valuable submerged aquatic vegetation shall be prohibited, unless an overriding public benefit can be shown and adequate mitigation and monitoring measures are included.

5-1.1.5 Policy:

Manage Impact of Coastal Development on Tidal Flushing and Circulation Patterns. Tidal flushing and circulation patterns generally shall not be altered by development activities. No development shall produce changes in the tidal flushing and circulation patterns unless the Town and other public agencies having jurisdiction have granted requisite permits. No such permit shall be granted by the Town unless all other agencies having

jurisdiction have granted clearance and the applicant has submitted hydrographic information sufficient to clearly demonstrate that no adverse environmental impacts shall be occasioned by the proposed changes in tidal flushing and circulation patterns. Finally, no alteration in tidal flow shall be permitted which causes stagnation or siltation.

5-1.1.6 Policy:

Promote propagation of Fish and Wildlife. The Town shall incorporate procedures for coordination with the Florida Fish and Wildlife Conservation Commission, the U.S. Fish and Wildlife Service and the Marine Resources Council of East Central Florida, as appropriate, in reviewing the implications of development proposals, including proposed subdivisions and site plan review petitions. Such coordination shall be designed to assist in identifying potential adverse impacts of the proposed development on wildlife including marine habitats and fisheries.

5-1.1.7 Policy:

Managing Spoil Islands. The Town shall coordinate with the Florida Inland Navigation District and the Spoil Island Working Group (SIWG) to promote management of the Spoil Islands for environmental benefit and for recreation compatible with environmental benefits.

5-1.2 Objective:

Prioritizing Shoreline Uses and Promoting Public Access to Shoreline. The Town shall prioritize shoreline uses, giving priority to water dependent uses.

5-1.2.1 Policy:

Implementing Policies for Shoreline Land Uses. In developing land use policies for shoreline uses, first priority shall be directed toward:

- a. Non-structural shoreline protection uses such as native shoreline revegetation programs;
- b. Approved water-dependent estuarine shoreline uses such as: fish and wildlife production, recreation, pervious accessways, small dock facilities and residential multi-slip dock facilities without commercial fuel tanks or other commercial services;
- c. Water related or enhanced uses such as utilities requiring access to water, water enhanced recreation, and other water related uses consistent with the land development code. Lowest priority shall be directed to non-water dependent uses.

Second priority shall be direction toward water-related uses such as:

- a. Parking facilities for shoreline access;

- b. Residential structures which comply with the building code for structures within the coastal building zone; and
- c. Recreational facilities which comply with applicable codes.

5-1.2.2 Policy:

Public Access: There is no publicly owned waterfront or designated public water access in the Town. The Tow shall explore the possibility of obtaining grants, gifts, contributions, and other financial resources for the purchase of land contiguous to the Indian River and explore appropriate joint public and private ventures to provide public access to the Indian River.

5-1.2.3 Policy:

Coastal Preserve: The Town shall maintain the Coastal Preservation designation along the shoreline parcels and ensure these parcels are restricted to water access uses.

5-1.2.4 Policy:

Blueway Programs: Coordinate with blueway programs in waterfront access programs to the fullest extent possible.

5-1.2.5 Policy:

Partnerships: The Town shall consider partnerships with homeowners' associations and non-profit organizations that have water access facilities to increase waterfront access by 2011.

5-1.3 Objective:

Limit Public Expenditures in the Coastal High-Hazard Area. The Town shall limit future public expenditures for new infrastructure which subsidize growth within the coastal high-hazard areas, except for restoration or enhancement of natural resources.

5-1.3.1 Policy:

Public Investment in Coastal High-Hazard Area. The Town shall limit future public expenditures for new infrastructure which will subsidize growth within the Coastal High Hazard Area. Expenditures for restoration and maintenance are exempt from these limitations and expenditures for the enhancement of natural resources or for public land acquisition is encouraged.

5-1.3.2 Policy:

Coastal High Hazard Areas Infrastructure. The Town shall examine the inventory of existing infrastructure in the Coastal High Hazard Areas and

give consideration for the relocation, mitigation, or replacement, as deemed appropriate by the Town, of the existing inventory when state funding is anticipated to be needed.

5-1.4 Objective:

Avoid Permanent Population Concentrations in Coastal High Hazard Areas. Direct permanent population concentrations away from known or predicted coastal high hazard areas.

5-1.4.1 Policy:

Restrict Development in Coastal High Hazard Areas. The Town shall through land use designation and development review, regulate and limit the type of uses in the designated Coastal High Hazard Area. Protection of human life and protection of natural resource systems shall be maximized. The Town shall direct population concentrations away from known or predicted High Hazard Areas.

5-1.5 Objective:

Hurricane Evacuation. The Town shall coordinate with the County in attaining a hurricane evacuation time of less than twelve (12) hours for a Category III storm.

5-1.5.1 Policy:

Hurricane Evacuation Logistical Support. In order to prevent unnecessary evacuees crowding roads and shelters, the Town shall coordinate with the County in disseminating information concerning the need of residents to evacuate at various hurricane threat levels. The Town shall coordinate with the County and the Brevard County Emergency Management Director in assisting the implementation of the County's campaign to educate the general citizenry regarding emergency preparedness plans, including specific citizen directives.

5-1.5.2 Policy:

Continued Planning and Coordination with the County in Emergency Preparedness, Including Advance Plans for Safe Evacuation. In order to provide for safe and efficient evacuation of the residents of the Town of Malabar and other communities in the event of a hurricane, the Town shall continue to plan and coordinate with Brevard County in annual updates of the Brevard County Emergency Management Plan, including the evacuation plan. This update shall enable the County and incorporated municipalities to plan for future population densities to ensure compliance with the adopted LOS established in this Plan.

The Town shall also coordinate with the County in updating hurricane evacuation shelter assignments as well as other policy formulation surrounding land use and emergency preparedness.

5-1.5.3 Policy:

Emergency Shelter. The Town shall explore the feasibility of the utilization as qualified emergency shelter space, any newly constructed public buildings.

5-1.6 Objective:

Hazard Mitigation and Coastal High Hazard Areas. The Town shall carry out development activities in a manner which minimizes the danger to life and property occasioned by hurricane events.

5-1.6.1 Policy:

Coastal High Hazard Area Defined. Pursuant to Chapter 163.3178(2)(h) F.S. the “Coastal High Hazard Areas” (also referred to as “high hazard coastal areas”) means the area below the elevation of the category 1 storm surge.

5-1.6.2 Policy:

Coordinate Update of the Hazard Mitigation Plan. The Town shall coordinate with the County in updating the hazard mitigation annex of the Local Peacetime Emergency Plan pursuant to the five (5) year interval schedule adopted by the County. Updates of the Plan shall identify specific actions that may be implemented to reduce exposure to natural hazards. The current Plan contains no inter-agency hazard mitigation component.

5-1.6.3 Policy:

The Town shall maintain consistency with the program policies of the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Administration (FEMA) and shall monitor new cost-effective programs for minimizing flood damage. Such programs may include modifications in construction setback requirements or other site design techniques, as well as upgraded building and construction techniques. The Town’s adopted flood protection regulations shall be amended as necessitated by changes in FEMA regulations.

5-1.7 Objective:

Post Disaster Redevelopment. The Town shall plan for providing immediate response to post disaster situations.

5-1.7.1 Policy:

Post Disaster Recovery. The Town shall develop and adopt a Post Disaster Redevelopment Plan, no later than January 2010, designed to increase public safety and reduce damages and public expenditures. The Plan shall provide a basis to:

- a. Ensure a means to restore economic activity;
- b. Establish a framework for deciding whether to implement a temporary moratorium on building activity as may be required for public safety;
- c. Develop procedures for reviewing and deciding upon emergency building permits;
- d. Coordinate with State and Federal officials to prepare disaster assistance applications;
- e. Analyze and recommend to the Town Commission hazard mitigation options, including reconstruction or relocation of damaged public facilities;
- f. Recommend amendments to the Local Peacetime Emergency Plan and other appropriate policies and procedures; and
- g. Ensure timely re-entry by Town residents following an evacuation.

5-1.7.2 Policy:

Post-Hurricane Assessments. Following a hurricane event and prior to re-entry of evacuees into the evacuated area, the Town Council shall meet to hear preliminary damage assessments and to appoint a Recovery Task Force comprised of the Building Official and others as determined by the Town Council. The Recovery Task Force shall consider the following issues:

- a. Establishing a temporary moratorium on building activity;
- b. Reviewing and deciding upon emergency building permits. The redevelopment and rebuilding of facilities that encourage growth in vulnerable areas shall be limited to those activities required to extend necessary public services to existing development;

- c. Coordinating with the State and Federal officials to prepare disaster assistance applications;
- d. Analyzing and recommending to the Town Council hazard mitigation options, including reconstruction or relocation of damaged public facilities;
- e. Analyzing and recommending any needed Comprehensive Plan amendments which reflect the recommendations contained in any inter-agency hazard mitigation reports or other reports prepared pursuant to §406, Disaster Relief Act of 1974 (PL 93-288) and;
- f. Recommending amendments to the Local Peacetime Emergency Plan and other appropriate policies and procedures.

5-1.7.3 Policy:

Repair and Cleanup: In planning post-disaster redevelopment activities, factors to be considered in order to protect the public health and safety shall include:

- a. Repairs to potable water, wastewater and power facilities;
- b. Removal of debris;
- c. Stabilization or removal of structures in a perilous condition; and
- d. Minimal repairs to make structures habitable.

These considerations shall receive first priority in determining the appropriateness of emergency building permits. Long term redevelopment activities shall be postponed until the Recovery Task Force has coordinated immediate repair and clean-up operations.

5-1.7.4 Policy:

Hazard Mitigation. The Town shall coordinate with emergency management officials when making land use decisions, capital improvements and creating other planning initiatives. The Town shall, as deemed appropriate, incorporate the recommendations of the hazard mitigation annex of the local peacetime emergency plan and applicable existing interagency hazard mitigation reports into the planning programs.

5-1.7.5 Policy:

Redevelopment Plans. If structures receiving storm damage in excess of fifty (50%) percent of their appraised value shall be rebuilt, such structures shall meet all current laws and ordinances, including those enacted since construction of the subject structure. The Town shall authorize

redevelopment up to the actual built density in existence on the property prior to the natural disaster.

5-1.7.6 Policy:

Establish Building Facilities Review Committee. The Planning and Zoning Board shall be the Town's designated Public Facilities Review Committee charged by the Town Council with the responsibility for reviewing available alternatives for managing damaged public facilities following a hurricane event. The Committee shall evaluate future options for such facilities, including but not limited to, abandonment, repair in place, relocation, and reconstruction with structural modifications. The Committee shall consider these options based on the following considerations:

- a. Cost to construction
- b. Cost to maintain;
- c. Recurring damages;
- d. Impacts on land use;
- e. Impacts on the environment;
- f. Public sector; and
- g. Other relevant factors.

5-1.7.7 Policy:

Contingency Fund for Disaster Assistance. The town shall maintain a contingency fund in order to cover the Town required match for disaster assistance grants.

5-1.8 Objective:

Historic Resources. The Town shall assure that there shall be no loss of historic resources on Town owned property and land development proposals shall assure that historic resources on private property shall be protected, preserved, or reused in a manner sensitive to the historic properties of the site and/or structure.

5-1.8.1 Policy:

Promote Identification of the Town's Historic, Archaeological, and Cultural Resources. The Town shall coordinate with the Florida Office of Cultural and Historic Preservation and the South Brevard Historical Society in continuing to identify, protect, analyze, and explain the Town's historical, archaeological, and cultural resources.

5-1.8.2 Policy:

Performance Standards for Protecting Sites of Historic or Archaeological Significance. The Town shall require Land development proposals include

precautions necessary to prevent the following adverse impacts to historic or archaeological sites of significance:

- a. Destruction of alternation of all or part of such a site;
- b. Isolation from, or alteration of the surrounding environment;
- c. Introduction of visual, audible, or atmospheric elements that are out of character with a property or alter its setting;
- d. Transfer or sale of the site of significance without adequate conditions or restrictions regarding preservation, maintenance, use, or re-use;
- e. Vegetation removal shall not be permitted on a historic or archaeological site unless the vegetation to be removed is a part of a duly authorized scientific excavation, or is a part of an approved development plan; and
- f. Other forms of neglect resulting in resource deterioration.

5-2.8.3 Policy:

Alternatives to Preserving Historic or Archaeological Sites. As an alternative to preserving historic or archaeological sites, the owner of impacted lands may allow excavation of the site by the Bureau of Archaeological Research or another State approved entity prior to development. Should a site be scientifically excavated in this manner, development may proceed following completion of the scientific excavation by the approved entity.

5-1.9 Objective:

Public Services in Coastal Area. The level of service standards, service areas, and proposed phasing stipulated in other elements of the Comprehensive Plan for facilities in the coastal area and additional standards under this objective shall be applied whenever development orders or permits are requested.

5-1.9.1 Policy:

Coordinate Timing and Staging of Public Facilities with Private Development. The Town shall assure that future development is directed only to those areas where public facilities which meet the Town's adopted level of service standards are available concurrent with the impacts of the development. In order to assure appropriate timing and staging no occupancy permit shall be granted until infrastructure and services required by respective developments are in place and available for use by the development.

5-1.10 Objective:

Intergovernmental Coordination within the Coastal Area. Establish an intergovernmental coordination mechanism in order to manage coastal resources within the jurisdiction of more than one local government or public agency and assist in implementing appropriate portions of existing multi-jurisdictional resource planning and management plans addressing the coastal area, including the Indian River Lagoon and other natural systems within the Town.

5-1.10.1 Policy:

Intergovernmental Coordination within the Coastal Area. The Town shall coordinate with Brevard County, the City of Palm Bay and appropriate regional, State, and federal agencies in managing coastal resources. Management activities shall include, but not be limited to, the following:

- a. The Town shall coordinate with Brevard County and the University of Florida Brevard County Extension Service on the development of the Brevard County Comprehensive Maritime Management Master Plan (CM3P).
- b. Coordinate with the City of Palm Bay in order to assure that all future development shall be timed and staged to assure that requisite infrastructure and services are available to respective developments concurrent with the impacts of the development.
- c. All applications for development activity impacting waters of the State as well as tidally influenced coastal marsh, or other lands under the jurisdiction of the State shall be coordinated with agencies having appropriate jurisdiction.
- d. The Town shall coordinate with the SJRWMD as well as other appropriate State agencies in matters surrounding stormwater management, drainage, water quality and quantity, and consumptive use permitting.
- e. Coordination with the East Central Florida Regional Planning Council (ECFRPC) in preparing the Strategic Regional Policy Plan and amendments thereto in order to assure consistency with the ECFRPC Plan. In addition, the Town shall coordinate other planning issues of regional significance with the ECFRPC.

5-1.11 Objective:

Continuing Evaluation of Coastal Management Element Effectiveness. The Town shall use the following policies as criteria in evaluating the effectiveness of the Coastal Management Element.

5-1.11.1 Policy:

Review the Impact of Changing Conditions on Coastal Management Policy. The Town shall maintain its communications with the St Johns River Water Management District, the County and the Marine Resources Council of East Central Florida and other applicable agencies regulating and monitoring the natural resource systems to remain current regarding any significant changes in the characteristics of natural coastal resources. Policy implications of such changes shall be examined, and corrective measure shall be pursued. Coastal management policies shall be refined as needed in order to remain responsive to evolving problems and issues.

5-1.11.2 Policy:

Schedule, Budget, and Implement Programmed Activities. The timely scheduling, programming, budgeting, and implementation of programmed coastal management activities identified in this Element shall be evidence of the Town's effectiveness in carrying out a systematic program for implementing coastal management goals, objectives, and policies.

5-1.11.3 Policy:

Coordinate with Public and Private Sectors. While continually implementing and evaluating the Coastal Management Element, the Town shall maintain a process of intergovernmental coordination as well as coordination with private sector groups interested in coastal management policy and programs. The effectiveness of this approach shall be evaluated by the success of coordination mechanisms in resolving coastal management problems and issues.

5-1.11.4 Policy:

Achieve Effective Resolution of Coastal Management Goals, Objectives, and Policies. The effectiveness of the Coastal Management Element shall be measure by the Town's success in achieving coastal management goals objectives, and policies. The Coastal Management Element incorporates a systematic planning process for identifying coastal management problems and issues and implementing corrective actions.