

ORDINANCE 2021-03

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VIII OF THE MALBAR LAND DEVELOPMENT CODE; AMENDING SECTIONS 1-8.4 DEFINITIONS; AMENDING SECTION 1-8.8 ITEM 11b; AMENDING SECTION 1-8.14 ITEMS A, E & G; AMENDING SECTION 1-8.16 PARAGRAPH 3; PROVIDING UPDATED REQUIREMENTS FOR SURFACE WATER MANAGEMENT IN MALABAR; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, In order to improve the drainage structures maintenance process and increase conformity with the requirements of the NPDES permit, the Town Council desires to provide minimum requirements for end walls when culvert pipes are newly installed or replaced.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA:

SECTION 1. Article VIII SECTION 1-8.4 Definitions. of the Town Land Development Code is hereby amended to read as follows:

...

“Elevation: Height in feet expressed in relation to mean sea level and referenced to the ~~National Geodetic Vertical Datum (NGVD)~~ North American Vertical Datum (NAVD88)”

...

“~~National Geodetic Vertical Datum (NGVD)~~ North American Vertical Datum 88 (NAVD 88): As corrected in ~~1929~~ 1991 is a vertical control used as a reference for establishing varying elevations within a floodplain by the minimum-constraint adjustment of the Canadian-Mexican-United States leveling observations.”

SECTION 2. ARTICLE VIII SECTION 1-8.8 ITEM 11.b of the Town Land Development Code is hereby amended to read as follows:

...

“One or more elevation benchmarks must be established and indicated on the plat. Said elevations must be referenced to the ~~NGVD (1929)~~ NAVD 88 and shall be calculated to within 0.1 feet.”

SECTION 3. ARTICLE VIII SECTION 1-8.14 ITEM A of the Town Land Development Code is hereby amended to read as follows:

...

“Existing elevations referenced to ~~1929 NGVD~~ NAVD 1988 (citing benchmarks used) along the existing ditch; at inverts of nearest upstream and downstream culverts; managements system or by the receiving waters relative to flooding, erosion hazards, or water quality and quantity.”

SECTION 4. ARTICLE VIII SECTION 1-8.14 ITEM E of the Town Land Development Code is hereby amended to read as follows:

...

“Proposed driveway flares (either three-foot x eight-foot (3’x8’) or five-foot x ten-foot (5’x10’)):

SECTION 5. ARTICLE VIII SECTION 1/8.14 ITEM G of the Town Land Development Code is hereby amended to read as follows:

...

“Proposed type of endwall treatment. All endwalls for pipe culverts where the diameter is less than thirty (30) inched located in residential areas and located on lanes and/or minor and major collector roadways shall be mitered and comply with the ~~2008 FDOT Design Standards Index 273 and turnouts per 2008 FDOT Index 515~~ 2021 FDOT Design Standards Index 430 and turnouts per 2021 FDOT Index 515, or current adopted design standards.”

SECTION 6. ARTICLE VIII SECTION 1-8.16 PARAGRAPH THREE of the Town Land Development Code is hereby amended to read as follows:

...

“Where a concrete driveway meets an existing paved roadway, a twelve-inch wide by twelve-inch (12”x12”) deep footer shall be used at the roadway.”

SECTION 7. Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalid or unconstitutional portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the other portions of this ordinance, provided the remaining portions effectuate the purpose and intent of this ordinance.

SECTION 8. Conflicting Provisions. In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or town law, rule, code, or regulations, the more restrictive shall apply.

SECTION 9. Inclusion in Code. It is intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Malabar.

SECTION 7. Effective Date. This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council Member Vail . The motion was seconded by Council Member Acquaviva and, upon being put to a vote, the vote was as follows:

Council Member Marisa Acquaviva	Aye
Council Member Brian Vail	Aye
Council Member Steve Rivet	Aye
Council Member David Scardino	Aye
Council Member Danny White	Aye

This ordinance was then declared duly passed and adopted this 3rd day of May 2021.

TOWN OF MALABAR

original signed
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Debby K. Franklin, C.M.C., Town Clerk/Treasurer

(seal)

Approved for Legal Sufficiency:

Karl Bohne, Jr, Town Attorney

First Reading: 04/19/2021 Vote: 4 to 0.
Second Reading: 05/03/2021