



CITY COUNCIL AGENDA ITEM **#11**

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1275, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CREATING CITY CODE SECTION 30-304 TO REQUIRE SITE CONSTRUCTION PLANS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE (FIRST READING)

To: City Council

From: Sandra Leone, Development and Zoning Manager

CC: Brittany Retherford, City Manager

Meeting Date: 9/17/2025

Department: Community Development Department

Recommended Action: Approve Ordinance No. 1275 on first reading.

Summary: Ordinance No. 1275 proposes the creation of new City Code Section 30-304 to require site construction plans. The change adds a new provision to ensure that construction projects are reviewed with complete site plan documentation, improving accuracy, compliance, and consistency in the development review process. The criteria for site construction plans are similar to those under City Code Section 30-313, subdivision construction plans, with the removal of the design standards for streets, as that only applies to subdivisions.

This amendment is necessary in preparation for the forthcoming Development Fee Resolution, which will be presented at the next City Council meeting, and which includes a fee for site construction plan review. The City's development fees and types of fees have not been updated since 2008, despite significant increases in the costs of processing applications, conducting reviews, and performing inspections by both City staff and third-party agencies.

Budget Impacts: None at this time. Budgetary impacts are dependent upon applications for development and redevelopment services.

Attachments:

- Ordinance No. 1275

ORDINANCE NO. 1275

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA CREATING CITY CODE SEC. 30-304 TO REQUIRE SITE CONSTRUCTION PLANS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE (FIRST READING)

WHEREAS, City Code does not currently provide the ability to require site construction plan review for development projects in the City; and

WHEREAS, the creation of new City Code Section 30-304 will establish criteria for review, approval, and inspection of site construction plans, improving a project's compliance and consistency with development criteria;

WHEREAS, the creation of new City Code Section 30-304 will establish criteria for review, approval, and inspection of site construction plans, improving a project's compliance and consistency with development criteria;

WHEREAS, this new Section also allows the City to recover professional costs the City incurs as part of reviewing site construction which may include engineering, inspection, or related professional fees;

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

SECTION 1. The foregoing recitations are true and correct, and by this reference incorporated herein.

SECTION 2. Section 30-304, Satellite Beach City Code is created to read as follows:

Sec. 30-304. Site construction plans.

Before submission of any applications for building permits, a site construction plan must be approved by the building official and the city engineer. Applicant shall apply for construction plan approval of required improvements (i.e., surface water runoff drainage, potable water, sanitary sewer, and reuse water). No such improvements shall be initiated until the construction plan has been approved by the building official and the city engineer. If applicant proceeds with permitting and construction pursuant to plans approved under this section before final plat approval, such activities shall be at the applicant's risk, and under no circumstances shall it create a basis for the applicant to make a claim for equitable estoppel against the city.

(a) *Filing fee.* When filing the application for construction plan approval with the Community Development Department, applicant shall submit the applicable non-refundable fee, payable to City of Satellite Beach.

(b) Application period.

- (1) Application for construction plan approval shall occur within 12 months of Site Plan approval. Application for construction plan approval of subsequent phases, if any, shall occur within 12 months of issuance of a certification of completion of the previous phase. Applicant may not apply for construction plan approval for any portion of the approved Site Plan that is not to be constructed within the following 18 months.
- (2) Unless applicant has applied in writing to the Community Development Department for an extension from the city council at least 90 days before expiration of the application period, failure to apply for construction plan approval within the application period shall require re-application for Site Plan approval. If the Building Official finds that applicant has demonstrated good cause for the extension, it may extend the application period for up to 12 months.

(c) Staff review and approval. The building official shall distribute copies of the application and supporting data to the city engineer for review. For approval, the building official and city engineer must find that the proposed construction plan complies with the approved Site Plan and the design standards for surface water runoff drainage in subsection (f) of this section. The building official and city engineer may approve, conditionally approve, or deny the application. Upon approval, applicant may proceed with construction of the required improvements.

(d) Appeal. Applicant may appeal the decision of the building official and the city engineer to the city council. Such appeal shall be filed with the building and zoning department within ten working days of the decision, and the appeal shall be placed on the agenda of the next available city council meeting.

(e) Design standards for surface water runoff drainage.–

(1) Surface water runoff drainage. The following design standards shall be met:

- a. Curbing. All public streets shall have two-foot wide F.D.O.T. Modified Curb or Type AF @ Curb and Gutter per Index 304. Open ditches are not permitted.
- b. Minimum slope. The minimum slope shall be 0.28 feet per 100 feet.
- c. Maximum gutter run. The longest distance from a high point to an inlet shall be 400 feet. The maximum distance between inlets shall be 800 feet.
- d. Inlets. Inlets and drainage structures shall be per F.D.O.T. Standard Specifications for Road and Bridge Construction (Latest Edition).
- e. Pipe. All piping to be constructed shall be Reinforced Concrete Pipe unless an alternate is approved by the city engineer. The minimum

pipe size shall be 18 inches. Laying conditions and cover shall be in accordance with the manufacturer's requirements and F.D.O.T.

f. Underdrains. Underdrains shall be a minimum six-inch ADS with filter fabric and shall be in a 24" × 24" trench of F.D.O.T. sand or ¾-inch washed #57 stone. The underdrain shall control the water table a minimum of 12 inches below the subgrade.

g. Drainage east of SR A1A. All runoff east of SR A1A shall drain to SR A1A. No runoff shall discharge to the beach.

SECTION 3. SEVERABILITY CLAUSE. In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be affected, and it will be presumed that the City Council for the City of Satellite Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid and unconstitutional provision thereby causing said remainder to remain in full force and effect.

SECTION 4. REPEAL OF INCONSISTENT PROVISIONS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION 6. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the _____ day of September 2025 and adopted on the second and final reading at the regular meeting of the City Council on the day of _____, 2025.

STEVEN L. OSMER, MAYOR

ATTEST:

GWEN PEIRCE, MMC, CITY CLERK