



**Melbourne City Council**  
**May 26, 2026**  
**City Manager's Item Report**

Department:	Community Development
Presenter:	Cheryl Dean
Council District:	N/A
Reading Number:	1
Quasi-judicial Item (Disclosure Required):	No
Public Hearing:	Yes
Item Number:	C.14.

**Subject:**

Ordinance No. 2026-24, Zoning Text Amendment (TEXT2026-0005) and Land Development Regulations Text Amendment (TEXT2026-0006) Certificate of Engineering Construction Completion

**Background/Consideration:**

This is the first reading of an ordinance amending 13 sections of City Code to revise certain references to “certificate of completion” in City Code and differentiate between a “certificate of completion” from the City's Building Official vs the Engineering Department.

The proposed amendment addresses discrepancies unintentionally created by recent code changes following the adoption of Ordinance 2026-18 'Certificate of Occupancy Process'. Several sections of City Code generally reference a “certificate of completion” unrelated to building completion; rather relate to the completion of site improvements and engineering requirements. To delineate between the two certificates of completion references, staff is proposing to amend the non-building related “certificate of completion” references contained within 13 sections of City Code to “certificate of engineering construction completion”, preventing confusion while also ensuring that all Federal, State, and local requirements beyond the Florida Building Code are met.

A “Certificate of Engineering Construction Completion” is issued by the City’s Engineering Department, which certifies that all site design components are complete or have been bonded prior to the issuance of a Certificate of Occupancy by the City’s Building Official. The "Certificate of Engineering Construction Completion" shall also ensure that all City Council conditions are met prior to the Certificate of Occupancy issuance. The engineering site improvements include components such as water and sewer lines, parking lot/spaces, driveways, stormwater management systems, and landscaping.

On May 7, 2026, the Planning and Zoning Board voted unanimously to recommend approval of the proposed amendment.

**Fiscal/Budget Impact:**

N/A

**Requested Action:**

Approval of Ordinance No. 2026-24 based upon the findings contained in the Planning & Zoning Board memorandum.

## Memorandum

**To:** Jenni Lamb, City Manager  
**Thru:** Cindy Dittmer, AICP, Community Development Director  
**From:** Sandy Ramseth, AICP, Planner  
**Re:** **Zoning Text Amendment (TEXT2026-0005), and Land Development Regulations Text Amendment (TEXT2026-0006) Certificate of Engineering Construction Completion**  
**Date:** May 14, 2026

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### Owner/Applicant/Representative

Applicant – City of Melbourne

### Proposed Action

To **Amend** the following Sections of City Code:

- Chapter 50, Article III, Stormwater Management Plan, Sec. 50-53. – Permitting;
- Part III, Appendix B, Zoning, Article IX, Sec. 6 - Formal site plan review;
- Part III, Appendix D
  - Chapter 3, Concurrency, Article X
    - Sec. 3.102. - Procedure; and
    - Sec. 3.103. - Payment in lieu of construction of mobility improvements;
  - Chapter 8 Subdivision Code
    - Sec. 8.4. - Definition of terms;
    - Sec. 8.5. - Procedure for securing approval of subdivisions;
    - Sec. 8.6. - Required improvements; and
    - Sec. 8.7. - Residential subdivisions requesting expedited building permits;
  - Chapter 9 Design Standards and Building Regulations
    - Article VII, Sec. 9.107. - Design standards; and
    - Article XV, Sec. 9.275. - Invasive non-native species;
  - Chapter 10, Article I, Transportation Impact Fees
    - Sec. 10.01. - Short title and intent;
    - Sec. 10.03. - Time of payment; and
    - Sec. 10.09. - Impact fee agreements and security requirements.

### Location

This action shall apply to properties in the City of Melbourne.

## **Issues and Considerations**

As a follow-up to the April 28<sup>th</sup> adoption of an ordinance amending Appendix D, Chapter 13, Article II, creating Division 7, with two new sections: Section 13.69 entitled “Certificate of Occupancy,” and Section 13.70 entitled “Certificate of Engineering Construction Completion,” it is necessary to amend certain sections of City Code to add appropriate cross-references regarding “certificate of completion” language found throughout thirteen sections of City Code, differentiating the type of “certificate of completion”.

Currently, a Certificate of Completion is issued by the Building Official after the final inspection of repairs/renovations to an existing building, as opposed to a Certificate of Occupancy (CO) which follows the final inspection of new building construction. A Certificate of Completion (CoC) may follow a roof or window replacement, for a building that is already occupied, whereby a CO is not appropriate.

There are sections of City Code that reference a “certificate of completion” that are not related to building completion, but rather site improvements and engineering requirements. To avoid confusion between the two certificates, and to further enhance the coordination for the completion of a development project between the three main development departments: Fire/Code Compliance, Engineering, and Community Development, staff is proposing to amend the non-building related “certificate of completion” references to “Certificate of Engineering Construction Completion”. This language will clarify the previous ordinance, preventing future confusion and ensuring that all Federal, State, and local requirements beyond the Florida Building Code will be met.

## **Analysis of the Text Amendment**

The purpose of the text amendment to City Code: Chapter 50, Article III, Sec. 50-53; Appendix B, Article IX, Sec.6; and Appendix D, Chapter 3, Article X, Secs. 3.102, and 3.103; Chapter 8, Secs. 8.4, 8.5, 8.6 and 8.7; Chapter 9, Article VII, Sec. 9.107; Article XV, Sec. 9.275; and Chapter 10, Article I, Secs. 10.01, 10.03, and 10.09 is to amend several sections of City Code to differentiate between the two types of “certificate of completion”, building vs engineering/site improvements. This is a follow-up from the recent ordinance that created the new term “Certificate of Engineering Completion” and is necessary to clarify the two separate processes in these various sections of code.

## **Business Impact Statement**

This item should not have a deleterious impact on a business as it does not change or increase any City, State, or Federal codes or requirements that must be met. The amendment merely ensures that all development requirements are met prior to the issuance of a Certificate of Occupancy by the City’s Building Official.

The proposed modifications to City Code: Chapter 50, Article III, Sec. 50-53; Appendix B, Article IX, Sec.6; and Appendix D, Chapter 3, Article X, Secs. 3.102, and 3.103; Chapter 8, Secs. 8.4, 8.5, 8.6 and 8.7; Chapter 9, Article VII, Sec. 9.107; Article XV, Sec. 9.275; and Chapter 10, Article I, Secs. 10.01, 10.03, and 10.09. The 13 amended Sections of Code are consistent with the City’s Comprehensive Plan. Specifically, the

proposal is consistent with Future Land Use Element Objective 1.22 which states the City shall maintain, amend and develop new land use and development regulations to implement this comprehensive plan.

### **Planning and Zoning Board Action**

On May 7, 2026, the Planning and Zoning Board voted unanimously to recommend approval of the proposed amendments.

### **Recommendation**

Based upon the findings contained in the Planning and Zoning Board memorandum, the Community Development Department and the Planning and Zoning Board recommend:

Approval of the ordinance based upon the findings contained in the Planning and Zoning Board memorandum.

## Memorandum

**To:** Mayor and Council  
**From:** Dr. Ray Shackelford, Vice-Chair, Planning and Zoning Board  
**Re:** **Finding of Consistency (FOC2026-0005), Zoning Text Amendment (TEXT2026-0005), and Land Development Regulations Amendment (TEXT2026-0006) Certificate of Engineering Construction Completion**  
**Date:** May 8, 2026  
**Applicant:** City of Melbourne

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The Planning and Zoning Board, at its regular scheduled meeting on May 7, 2026, reviewed the above-referenced request for approval of a Finding of Consistency, Zoning Text Amendment and Land Development Regulations Text Amendment.

Following review and discussion, the Planning and Zoning Board voted unanimously to recommend approval of a Finding of Consistency, Zoning Text Amendment and Land Development Regulations Text Amendment to amend City Code: Chapter 50, Article III, Sec. 50-53; Appendix B, Article IX, Sec.6; and Appendix D, Chapter 3, Article X, Secs. 3.102, and 3.103; Chapter 8, Secs. 8.4, 8.5, 8.6 and 8.7; Chapter 9, Article VII, Sec. 9.107; Article XV, Sec. 9.275; and Chapter 10, Article I, Secs. 10.01, 10.03, and 10.09.

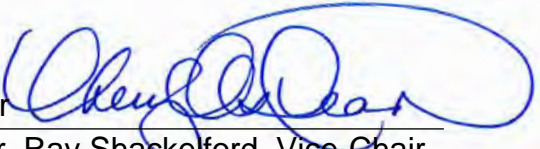
These actions were based on the findings identified below:

### Findings for the Proposed Code Revisions

1. The proposed modifications to City Code are consistent with the goals and objectives of the Comprehensive Plan and will assist in the execution of policies within the Comprehensive Plan. The proposed revisions will implement policy language that address Certificate of Engineering Construction Completion references. The proposed Code change will enhance coordination between the City departments that review development projects.
2. The proposed revisions are specifically consistent with Future Land Use Element Objective 1.22, which states the City shall maintain, amend and develop new land use and development regulations to implement the Comprehensive Plan. The proposed modifications will aid in the implementation of land development regulations by creating new language pertaining to Certificate of Engineering Construction Completion elements.

3. Per Future Land Use Element Policy 1.2.1, the zoning map and land development regulations may impose more restrictive densities and intensities of development based on height requirements, land coverage standards, setbacks, minimum lot size requirements, traffic and circulation standards, landscaping and breezeway requirements, and other such dimensional and development criteria. The proposed modifications address the building and building regulations section of City Code. The revisions will ensure all Federal, State, and local requirements beyond the Florida Building Code, have been met for development projects in the City.
4. The proposal will have no adverse effect on the City's ability to provide adequate public services and facilities. The proposed changes assist in the implementation of City Code requirements regarding building regulations and standards throughout the City. The proposed revisions will also enhance coordination among multiple City departments.
5. The proposed changes will not significantly change the general character of the City, cause depreciation of property values, or reduce the safety, light, and general convenience of neighboring developments as the revisions reinforce the administration of City Code requirements. Specifically, the proposed modifications will enhance and clarify the building regulations for development projects within the City.
6. The subject modifications will further development and redevelopment efforts by making City Code more user-friendly to property owners, the development community, and City staff. The proposed revisions will also enhance the readability of the Buildings and Building Regulations section of City Code.
7. The proposed modifications promote the health, safety, education, cultural and economic welfare of the public by updating the Buildings and Building Regulations section of City Code.

Respectively Submitted,

for   
Dr. Ray Shackelford, Vice Chair,  
Planning and Zoning Board

## **Business Impact Estimate**

**To:** Jenni Lamb, P.E., City Manager  
**Thru:** Cindy Dittmer, AICP, Community Development Director  
**From:** Sandy Ramseth, AICP, Planner  
**Date:** May 13, 2026  
**Re:** Ordinance - Zoning Text Amendment (TEXT2026-0005), and Land Development Regulations Text Amendment (TEXT2026-0006) Certificate of Engineering Construction Completion

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### **Summary of the Proposed Ordinance**

The purpose of this text amendment to City Code: Chapter 50, Article III, Sec. 50-53; Appendix B, Article IX, Sec.6; and Appendix D, Chapter 3, Article X, Secs. 3.102, and 3.103; Chapter 8, Secs. 8.4, 8.5, 8.6 and 8.7; Chapter 9, Article VII, Sec. 9.107; Article XV, Sec. 9.275; and Chapter 10, Article I, Secs. 10.01, 10.03, and 10.09., is to rename and differentiate between the two types of “certificate of completion”, building vs engineering/site improvements.

Currently, a Certificate of Completion is issued by the Building Official after the final inspection of repairs/renovations to an existing building, as opposed to a Certificate of Occupancy (CO) which follows the final inspection of new building construction. However, there are several sections of City Code that reference a “certificate of completion” that are not related to building completion, but rather site improvements and engineering requirements.

Staff is proposing to amend these non-building related “certificate of completion” references to “Certificate of Engineering Construction Completion”. This amended language will clarify the two separate processes in these various sections of code, and prevent future confusion. It will also ensure that all Federal, State, and local requirements beyond the Florida Building Code will be met.

The Business Impact Estimate is provided in accordance with Section 166.041(4), Florida Statutes, and may be revised following its initial publication and prior to adoption of the proposed ordinance.

### **Estimate of Direct Economic Impact of the Proposed Ordinance on Private, For-Profit Businesses**

There are no known compliance costs that businesses may reasonably incur if the ordinance is enacted.

There are no new charges or fees on businesses subject to the proposed ordinance, or for which businesses will be financially responsible.

Costs for the City's regulatory enforcement should have no change to the current process.

### **Good Faith Estimate of Number of Businesses Likely to Be Impacted by the Proposed Ordinance**

The proposed ordinance deals with the necessary requirements for a Certificate of Completion and a Certificate of Engineering Construction Completion within the City of Melbourne. Any impact to businesses by the proposed ordinance is secondary, and does not implicate negative enforcement possibilities for businesses.

ORDINANCE NO. 2026-24

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO CERTIFICATES OF COMPLETION; MAKING FINDINGS; AMENDING CHAPTER 50 OF THE CITY CODE, ENTITLED "STORMWATER MANAGEMENT"; AMENDING SECTION 50-53, PERMITTING; AMENDING APPENDIX B OF THE CITY CODE, ENTITLED "ZONING"; AMENDING ARTICLE IX, ZONING APPLICATIONS AND PROCEDURES; AMENDING APPENDIX D, ENTITLED "LAND DEVELOPMENT CODE"; AMENDING CHAPTER 3, CONCURRENCY; AMENDING CHAPTER 8, SUBDIVISION CODE; AMENDING CHAPTER 9, DESIGN STANDARDS AND BUILDING REGULATIONS; AMENDING CHAPTER 10, IMPACT FEES; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE. (FOC2026-0005 / TEXT2026-0005 / TEXT2026-0006)

WHEREAS, a "Certificate of Completion" is issued by the city's Building Official after the final inspection of repairs/renovations to an existing building, and

WHEREAS, a "Certificate of Occupancy" is issued following the final inspection of new building construction; and

WHEREAS, certain sections of City Code that reference a "Certificate of Completion" are referring to site improvements and engineering requirements, not building completion; and

WHEREAS, to avoid confusion between the two referenced certificates, and to further enhance the coordination for the completion of a development project between the Fire, Engineering and Community Development Departments, staff proposes to amend the name of the non-building related "Certificate of Completion" to "Certificate of Engineering Construction Completion"; and

WHEREAS, the proposed ordinance resolves that potential confusion and ensures that all federal, state and local requirements beyond the Florida Building Code are met; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed this ordinance at its meeting on May 7, 2026, conducted a public hearing with regard to

this ordinance, and found same to be consistent with the City of Melbourne Comprehensive Plan; and

WHEREAS, the City Council hereby adopts the findings of the Planning and Zoning Board as its own and finds this ordinance to be in the promotion of the public health, safety, welfare, morals, public order and aesthetics of the community and the region.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That Sec. 50-53 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 50-53. Permitting.

A permit is required for those projects/developments, land clearing and all other activities which must be considered under the provisions of this article, unless exempted by the city engineer in accordance with section 50-48. The requirements of this stormwater management article will be implemented, and must be satisfied completely, prior to final plat approval or issuance of construction site plan certificate of engineering construction completion.

SECTION 2. That Appendix B of the City Code of Melbourne, Florida, is hereby amended to read as follows:

**APPENDIX B. ZONING**

\* \* \* \*

**ARTICLE IX. ZONING APPLICATIONS AND PROCEDURES**

\* \* \* \*

Sec. 6. Formal site plan review.

\* \* \* \*

(D) Formal site plan review procedures.

\* \* \* \*

(5) Review criteria. In addition to the above general considerations, the planning and zoning board and the city council in the exercise of their authority, shall also consider the following specific standards and factors:

\* \* \* \*

- (m) Luminaries, including street lights, shall be installed along unplatted streets and shall conform to the latest National Electric Code, Florida Department of Transportation and City of Melbourne design standards in effect at the time of construction plan approval for residential development or commercial development, depending on the type of development. All street light utility systems shall be provided with minimum separation and shall be designed to reduce glare on non-public property. Street light locations shall be approved by the city engineer. Luminaries shall be provided throughout the development upon the issuance of a certificate of engineering construction completion. Luminaries shall be placed no closer than 300 feet to one another except in culs-de-sac or as determined by the city engineer during construction plan review. For the purposes of uniformity in street lighting standards, street lights may be installed in strategic areas in the development prior to a certificate of engineering construction completion.

\* \* \* \*

SECTION 3. That Appendix D of the City Code of Melbourne, Florida, is hereby amended

to read as follows:

**APPENDIX D. LAND DEVELOPMENT CODE**

\* \* \* \*

**CHAPTER 3. CONCURRENCY**

\* \* \* \*

**ARTICLE X. MOBILITY DISTRICTS**

\* \* \* \*

Sec. 3.102. Procedure.

\* \* \* \*

(c) Procedure. A developer or property owner may choose to provide one or more mobility improvement off-site with the city's approval. The mobility improvement chosen will be subject to the final approval of the city during the plan approval process. Mobility improvements, both as to the type of improvement provided and as to the amount or degree of improvement provided, must have a rational nexus to the particular development or redevelopment site, transportation conditions, special characteristics, and needs of the specific area where the development or redevelopment is located.

\* \* \* \*

- (4) Provision of mobility improvements. Mobility improvements must be provided according to the following schedule:
- (A) Residential projects. All required mobility improvements will be completed at the expense of and by the developer or property owner of the development in conjunction with subdivision infrastructure and the issuance of a certificate of engineering construction completion for the project. For projects with multiple phases the phasing of which is approved by the city, the required mobility improvement may be phased, and the mobility improvement primarily serving a particular phase must be completed by not later than the time of build out of the subdivision infrastructure and the issuance of a certificate of engineering construction completion for the particular phase. Notwithstanding the foregoing, if the mobility improvements are required by an ordinance or city council approval of the overall project or included in a developer's agreement or a statutory development agreement, the timeline for construction and completion of the mobility improvement will be as provided in the ordinance, city council approval, or agreement; provided that the mobility improvement and timeline for construction and completion must be clearly defined in the ordinance, city council approval, or agreement and have prior approval by city staff.
- (B) Nonresidential projects. For projects submitted as a site plan and subject to the requirements of article IX, appendix B, City Code, all required mobility improvements must be completed at the expense of and by the developer or property owner of the development prior to the issuance of a certificate of occupancy. For projects submitted as a subdivision plat and subject to the requirements of chapter 8, appendix D, City Code, all required mobility improvements will be completed at the expense of and by the developer or property owner of the development in conjunction with subdivision infrastructure and the issuance of a certificate of engineering construction completion for the project. For projects with multiple phases, the phasing of which is approved by the city, the required mobility improvements may be phased, and the mobility improvements primarily serving a particular phase must be completed by not later than the time of build out of the subdivision infrastructure and the issuance of a certificate of engineering construction completion for the particular phase. Notwithstanding the foregoing, if the mobility improvements are required by an ordinance or city council approval of the overall project or included in a developer's agreement or a statutory development agreement, the timeline for construction and completion of the mobility improvement will be as provided in the ordinance, city council approval, or agreement; provided that the mobility improvement and timeline for construction and completion must be clearly defined in the ordinance, city council approval, or agreement and have prior approval by city staff.

\* \* \* \*

Sec. 3.103. Payment in lieu of construction of mobility improvements.

(a) Payment. A payment in lieu of constructing the required mobility improvements may be provided by the developer or property owner. This payment must be at least equal to the amount of transportation impact fees required pursuant to section 10.04, appendix D, of the city Code. Fifty percent of the payment in lieu amount will be placed in a reserve fund for the construction of mobility projects listed in the capital improvements element of the comprehensive plan or for the development of complete streets projects identified in the transportation element of the comprehensive plan. The remaining 50 percent of the payment amount will be deposited into the transportation impact fee trust fund and used in accordance with section 10.07, appendix D, of the city Code. The fee required by this article shall be paid prior to issuance of a certificate of engineering construction completion or a certificate of occupancy and shall be the fee established at the time of payment.

(b) For residential and commercial subdivisions, payment is due prior to the issuance of a certificate of engineering construction completion or a certificate of occupancy for each individual lot. The amount paid for each lot shall be dependent upon the development that occurs on said lot. The amount paid for a residential subdivision project should equal the payment in lieu of providing mobility improvements amount determined at preliminary plat, construction plan or final plat approval for the overall project.

\* \* \* \*

## CHAPTER 8. SUBDIVISION CODE

\* \* \* \*

### Sec. 8.4. Definition of terms.

\* \* \* \*

Infrastructure/construction (maintenance) warranty bonds means the placement of a bond executed by approved corporate surety company or a cash payment in the amount of ten percent of the total construction cost of the subdivision improvements, as determined by the city engineer, lasting two years from the date of issuance of a certificate of engineering construction completion to insure maintenance and repair of all improvements installed by the subdivider. Maintenance bond monies shall not be used for routine subdivision ground maintenance, tract management, landscape repair and replacement or other maintenance generally required to be performed by the developer or homeowners' association. The bond shall include provisions for both payment and performance of maintenance and repair of the improvements, including labor, materials, and supplies, and insure the city against losses, damages, expenses, costs, and attorney's fees that the city may sustain because of a default by the principal under bond. The bond may be in the form of cash, a money order, a certified or cashier's check, or a letter of credit issued by a bank or savings and loan association located in and licensed by the federal government or State of Florida Comptroller to do business in Florida; or bond issued by a surety authorized to do business in the state as a surety by the State of Florida Insurance Commissioner. All instruments shall be in form and substance acceptable to the city's legal counsel.

\* \* \* \*

Sec. 8.6. Required improvements.

(a) Minimum standards of design; plans and drawings. The design of the preliminary plat and final construction drawings, shall comply with the requirements herein. Approval of the final plat shall be subject to the subdivider's having installed the improvements hereinafter designated or having guaranteed, with bond or other surety as aforesaid, the installation of the improvements. The city engineer shall be responsible for approving all plans and specifications, for the required improvements, assuring adequate inspection of construction for compliance with the approved plans and specifications and for issuing a certificate of engineering construction completion upon the acceptable completion of the work and installation of the improvements, subject to the required maintenance period. All plans shall be prepared by a registered professional engineer sealed by said engineer, and certified to and in favor of the City of Melbourne. All improvements shall be constructed by the applicants and inspected by the city engineering division. All construction and inspection shall comply with the requirements of the city and state and federal agencies including, but not limited to, the Florida Department of Environmental Protection, the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Transportation, and the Florida Department of Health and Rehabilitative Services. Upon completion of the streets, stormwater systems, water, sewer, and reclaimed water systems, electric, gas, telephone utilities, and traffic control devices, acceptable to the city engineer, the city engineer may issue a certificate of substantial completion. This certificate does not certify completion of all improvements in the subdivision and is considered as a conditional certificate of engineering construction completion. After completion of construction of all improvements and preliminary acceptance by the city engineer, the subdivider shall provide reproducible as-built drawings to the city for the purpose of maintaining a permanent record. Said drawings shall be prepared by State of Florida land surveyor and certified by a State of Florida professional engineer, under seal, certified to and in favor of the city. The certificate of engineering construction completion shall not be issued until the drawings are delivered to and approved by the city engineer. The certificate of engineering construction completion shall also signify acceptance of the city of all dedicated improvements.

(b) Street improvements. The following requirements shall apply to all streets within the subdivision.

\* \* \* \*

(7) Sidewalks. As a condition of the issuance of a building permit for any construction project, the city shall require the developer to construct a sidewalk along the developer's street frontage at the time of development, unless the developer is eligible to make a cash payment to the city in lieu of constructing the sidewalk along the street frontage pursuant to appendix D, chapter 9, article VII.

\* \* \* \*

d. The owner/subdivider shall be responsible for constructing sidewalks in common areas, including tracts, and such sidewalks shall be installed prior to the final inspection of the subdivision improvements for the issuance of a certificate of engineering construction completion. Each sidewalk shall

extend to a curb cut at all street intersections which provides access connections to the sidewalk from the street. All access connections shall provide ADA handicapped accessible ramps consistent with requirements to implement the Americans with Disabilities Act, 42 USC 12101 et seq. All sidewalks shall be constructed in accordance with the provisions set forth in chapter 9, article VII, section 9.107.

\* \* \* \*

Sec. 8.5. Procedure for securing approval of subdivisions.

\* \* \* \*

- (c) Subdivision construction plan process.
- (4) Construction of required improvements, inspections, certificate of engineering construction completion.

\* \* \* \*

c. Sidewalks.

\* \* \* \*

- 2. The developer or owner of undeveloped lots shall provide sidewalks on such lots remaining vacant after three years (one year = 365 days) from the date of the issuance of a certificate of engineering construction completion of the subdivision improvements.
- 3. The owner/developer of the vacant lots shall construct the required sidewalk within six months after a period of three years from issuance of a certificate of engineering construction completion of the required subdivision improvements.
- 4. The subdivider shall post a bond for sidewalks in the amount of 110 percent of the cost of construction of said sidewalks, as estimated by the city engineer as a condition of final approval and acceptance of a certificate of engineering construction completion.

\* \* \* \*

- d. Guarantee of incomplete improvements. Where the required improvements have not been completed prior to the submission of the final plat and the applicant has not received a certificate of engineering construction completion by the city engineer, the approval of the plat shall be subject to the subdivider, guaranteeing the installation of said improvements by filing a performance and payment bond executed by a surety company authorized to do business in the state by the Florida Insurance Commissioner; tri-party

agreement; or a letter of credit issued by a Florida bank or savings and loan association, located in the state and licensed by the federal government or the State of Florida Comptroller to do business in Florida as a bank or savings and loan association in the amount of 110 percent of the construction cost, including fill dirt, as determined by the city engineer.

The bond instrument may provide that portion of the security may be partially released, proportionate to the work completed, to the subdivider, from time to time, as work progresses; but the amount to be released shall be determined by the city engineer in accordance with the foregoing. All instruments shall be in form and substance satisfactory to and approved by the city attorney.

At no point shall any building certificate(s) of completion be issued until all work has been completed within the subdivision and a certificate of engineering construction completion for the subdivision-related construction improvements have been constructed.

- e. Certificate of engineering construction completion. A certificate of engineering construction completion shall be provided once all improvements and required documentation have been completed in form and substance acceptable to the city engineer.

\* \* \* \*

- (e) Issuance of building permits. Except as provided for in section 8.7, there are two methods to obtain building permits for a subdivision; permits issued prior to plat recordation, and permits issued after the final plat is recorded.

\* \* \* \*

- (2) Building permits after plat recordation. After recordation of the plat, there are no limitations on the number of building permits to be issued. However, at no point shall any building certificate(s) of occupancy be issued until all work has been completed within the subdivision and a certificate of engineering construction completion for the subdivision-related construction improvements has been issued.

\* \* \* \*

Sec. 8.7. Residential subdivisions requesting expedited building permits.

\* \* \* \*

- (g) Final plat requirements, review and approval; recording.

\* \* \* \*

- (5) At no point shall any building certificate(s) of occupancy be issued until all work has been completed within the subdivision and a certificate of engineering construction completion for the subdivision-related construction improvements have been issued.

\* \* \* \*

## CHAPTER 9. DESIGN STANDARDS AND BUILDING REGULATIONS

\* \* \* \*

### Sec. 9.107. Design standards.

All development, including subdivisions, shall provide sidewalks, adjacent to the roadway on which the development fronts. Sidewalks shall also be provided on both sides of all arterial, collector, local, and marginal access streets, and along streets abutting subdivisions unless otherwise provided in this code or in the Melbourne Comprehensive Plan.

\* \* \* \*

- (k) Subdivision sidewalks. The owner of a property proposed for subdivision shall be responsible for constructing sidewalks in common areas, including tracts, and such sidewalks shall be installed prior to the final inspection of the subdivision improvements for the issuance of a certificate of engineering construction completion. The owner/developer of other types of development shall complete all required sidewalks prior to final inspection of site improvements for the issuance of a certificate of engineering construction completion.

\* \* \* \*

### Sec. 9.275. Invasive non-native species.

Upon submittal of a request to develop or redevelop commercial, multifamily residential (greater than three units), industrial, or institutional zoned properties, all invasive vegetative species (trees, shrubs, vines and ground cover) shall be removed. No permit shall be required to remove such species listed in section 9.272(b)(1). After the issuance of a certificate of occupancy or certificate of engineering construction completion on other than single, two- or three-family lots or parcels, re-growth of invasive vegetation shall be controlled by prohibiting the re-growth of such species in perpetuity.

\* \* \* \*

## CHAPTER 10. IMPACT FEES

### ARTICLE I. TRANSPORTATION IMPACT FEES

#### Sec. 10.01. Short title and intent.

\* \* \* \*

(f) Within a mobility district, a developer, or property owner, has the option to provide a payment in lieu of providing required mobility improvements. If this option is chosen, 50 percent of the required amount will be deposited into the transportation impact fee trust fund and 50 percent will be deposited into the trust fund for the mobility district in which the development project is located. Within a mobility district, if the developer, or property owner, of a development chooses to provide the mobility improvements required pursuant to section 3.102, appendix D of this code, transportation impact fees will not be collected by the city.

A developer or property owner has the option to provide a combination of mobility improvements and payment in lieu of construction. This option allows a property owner/developer to construct a specific number of mobility improvements while providing a payment in lieu of construction for the remaining improvements required by section 3.102(c)(1). This option must be approved in advance by the community development director in consultation with the city engineer.

If a developer chooses to exclusively provide mobility improvements, and the construction value of the provided mobility improvements does not exceed the total amount of impact fees that would be required pursuant to section 10.04, appendix D of this code, the developer or property owner will pay an amount equal to the difference between the total cost of the mobility improvements and the amount of required impact fees. Property owners or developers will not receive a credit if the cost of providing mobility improvements exceeds the total amount of impact fees that would be required pursuant to section 10.04. For nonresidential projects, the difference will be due upon the issuance of a building permit. For residential developments, the payment must be made in conjunction with subdivision infrastructure or upon the issuance of a certificate of engineering construction completion for the project.

\* \* \* \*

Sec. 10.03. Time of payment.

(a) The fee required by this article shall be paid prior to the issuance of a certificate of engineering construction completion or a certificate of occupancy and shall be the fee established at the time of payment.

\* \* \* \*

Sec. 10.09. Impact fee agreements and security requirements.

(a) Impact fee agreement.

\* \* \* \*

(2) Any agreement proposed by an applicant pursuant to this subsection shall be presented to and approved by the city council prior to the issuance of a certificate of engineering construction completion or a certificate of occupancy. Any such agreement may provide for execution by mortgagees, lienholders, or contract

purchasers in addition to the applicant and landowner, and will permit any party to record said agreement in the public records of Brevard County. The city council shall approve such an agreement only if it finds that the agreement will apportion the burden of expenditure for new facilities in a just and equitable manner, consistent with the principles set forth in the judicial decisions set forth in section 10.07(b)(2).

\* \* \* \*

SECTION 4. Severability and Interpretation.

(a) That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, illegal or otherwise void by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, or other declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (\* \* \* \*) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 5. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 6. That this ordinance was passed on first reading at a regular meeting of the City Council on the            day of            , 2026, and adopted on the second and final reading at a regular meeting of the City Council on the            day of            , 2026.

BY: \_\_\_\_\_  
Paul Alfrey, Mayor

ATTEST: \_\_\_\_\_  
Kevin McKeown, City Clerk

[CITY SEAL]

Ordinance No. 2026-24