

ORDINANCE 2026-31

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 172 DEVELOPMENT REVIEW PROCEDURES, SUBCHAPTER 'PART 6: SUBDIVISION APPLICATION AND APPROVAL PROCESS', BY CONFORMING WITH AMENDMENTS TO CHAPTER 177, FLORIDA STATUTES, CONCERNING EXPEDITED APPROVAL OF RESIDENTIAL BUILDING PERMITS PRIOR TO RECORDATION OF THE FINAL PLAT; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council finds that the Land Development Code should provide clear and orderly procedures governing the issuance of building permits within subdivisions, including appropriate coordination between subdivision improvements, final plat recording, and the issuance of building permits, and

WHEREAS, the City Council recognizes that certain model homes, developer-owned homes, builder-owned homes, model display groups, and early-start homes may be appropriately permitted prior to completion of subdivision improvements and recording of the final plat when adequate safeguards are provided to address fire access, water supply, separation from existing structures, addressing, financial responsibility, and other applicable public health and safety requirements, and

WHEREAS, the City Council finds that requiring subdivision improvements to be completed and the final plat to be recorded prior to the issuance of a certificate of occupancy will ensure that homes are not occupied until the subdivision has satisfied the City's requirements for completed improvements and established legal lots, while allowing limited early construction to proceed under the conditions established by the Land Development Code.

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

SECTION 1. The Code of Ordinances of the City of Palm Bay, Brevard County, Florida, Title XVII, Land Development Code, Chapter 172, Development Review Procedures, Subchapter 'Part 6: Subdivision Application and Approval Process', Section 172.058, Issuance of Building Permit, is hereby amended and shall henceforth read as follows:

"Section 172.058. ISSUANCE OF BUILDING PERMIT.

(A) No building permits shall be issued for any building in >>structure within<< the subdivision, except as provided for below, until a certificate of completion has been issued by the City Engineer certifying that the subdivision improvements have been completed and the subdivision >>final plat<< has been recorded with the Clerk of the Circuit Court. The City Engineer shall notify the City Building Department of when a subdivision has received a certificate of completion and thus is open for building.

(B) Model homes, developer owned, and builder owned homes >>, and early start homes<< may be permitted prior to the subdivision improvements receiving a certificate of completion >>and recording of the final plat<< provided the model homes or, model display group>>, and/or early start homes have an approved plan<< are in compliance with § 174.021 of this code and the following conditions are adhered to:

* * *

(5) A maximum of fifty percent (50%) of structures will be permitted under this section per approved final >>preliminary<< subdivision plat;

(6) ~~The final subdivision plan shall be recorded with, and~~ >>Proposed homes shall have<< addresses assigned by Brevard County;

(7) The builder must bond the estimated cost of demolition of the structures should the subdivision improvements not be completed, and the building permit expires or is revoked. Said demolition must occur within one (1) year of notification from the city or the city shall demolish the structures utilizing the bond proceeds;

(8) Permanent power and sewer shall be one hundred percent (100%) functional, or an acceptable alternative approved by Building and Fire is provided; and

(9) In no case shall a >>temporary or final<< certificate of occupancy be granted for a home until the certificate of completion has been issued >>and final plat recorded.<<"

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence, or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative, or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative, or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2026-XX, held on _____, 2026; and read in title only and duly enacted at Meeting 2026-XX, held on _____, 2026.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

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cc: Applicant: City of Palm Bay
Case: T26-00006

Strikethrough words shall be deleted; highlighted words that will be included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.



MEMORANDUM

TO: Honorable Mayor and Members of the City Council rs

FROM: Matthew Morton, City Manager

THRU: Althea Jefferson, AICP, Growth Management Director

DATE: September 17, 2026

RE: Ordinance 2026-32, amending the Code of Ordinances, Chapter 51, Public Hearings, by revising the public notification process for variance requests (Case T26-00008, City of Palm Bay), first reading.

SUMMARY:

Staff reviewed the City's variance process to identify opportunities to make the review process more efficient and proportional to the level of relief being requested.

The proposed ordinance 2026-39 establishes a tiered approach to variance review in Chapter 172.

This ordinance, 2026-32, amends the City's courtesy notification requirements. Property owners within 500 feet would continue to receive mailed notice for zoning variances requiring a public hearing. Administrative variances that do not require a public hearing would not trigger the 500-foot courtesy mailout requirement. This is current practice but not clearly stated in Chapter 51. The proposed changes are intended to provide a more predictable review process.

REQUESTING DEPARTMENTS:

Growth Management

RECOMMENDATION:

Staff recommends approval of Ordinance 2026-32, amending Chapter 51 of the City of Palm Bay Code of Ordinances related to public hearing notification requirements.

Planning & Zoning Board Recommendation:

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion by Mr. Catalano, **Seconded** by Mr. Norris to submit Case T26-00008 to the City Council for approval.