



MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Matthew Morton, City Manager

THRU: Althea Jefferson, AICP, Growth Management Director

DATE: October 1, 2026

RE: Ordinance 2026-31, amending the Code of Ordinances, Chapter 172, Development Review Procedures, Subchapter 'Part 6: Subdivision Application and Approval Process', by conforming with Chapter 177, Florida Statutes, concerning expedited approval of residential building permits prior to recordation of the final plat (Case T26-00006, City of Palm Bay), final reading.

SUMMARY:

The city is requesting a textual amendment to Section 172.058 of the land development code to expand the criteria for the early construction of homes within a new subdivision, as required by Florida Statutes, Chapter 177.

Typically, all subdivision improvements including roads, stormwater, and utilities must be finished, and the final subdivision plat must be recorded before building permits may be issued. Recent state statute requires that local government allow builders to begin up to half of the total approved houses before both final plat and the completion of improvements but does provide that necessary safeguards are in place ensure that all Florida Building Code, financial, and legal standards are met. These safeguards include the establishment of a performance bond for any unfinished improvements and liability waiver. The issuance of temporary addresses by the county and requirements for a stabilized road access and adequate water source ensure service from emergency services.

Most importantly, in compliance with Florida Building Code, the homes still may not receive their certificate of occupancy until subdivision improvements are completed and the final plat is recorded.

This is the second reading of the above request. The first reading was considered at the September 17, 2026 Council Meeting. There were no changes.

REQUESTING DEPARTMENTS:

Growth Management

STAFF RECOMMENDATION:

Approval

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. McNally to submit Case T26-00006 to the City Council for approval provided staff confirms financial infrastructure, fire safety, and no occupancy protections are enforceable.

Result: Carried 4 to 0

Aye: Warner, Catalano, McNally, Norris

Nay: None

Abstain: None

ATTACHMENTS:

1. T26-00006 Staff Report
2. T26-00006 Review Criteria
3. T26-00006 Application
4. T26-00006 Legal Acknowledgement
5. T26-00006 Legal Ad
6. T26-00006 Business Impact Estimate
7. T26-00006 Ordinance 2026-31



STAFF REPORT

LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042

landdevelopmentweb@palmabayfl.gov

Prepared by

Althea Jefferson, AICP, Growth Management Department Director

CASE T26-00006 Chapter 172 Text Amendment	PLANNING & ZONING BOARD HEARING DATE September 2, 2026
APPLICANT City of Palm Bay	PROPERTY LOCATION/ADDRESS Not Applicable

SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII (Land Development Code), Chapter 172 (Development Review Procedures), Section 172.058 (Issuance of Building Permit), to revise the conditions under which building permits may be issued within subdivisions prior to completion of subdivision improvements and recording of the final plat, while maintaining requirements that must be satisfied before a certificate of occupancy may be issued.

BACKGROUND:

Section 172.058 of the Land Development Code establishes when building permits may be issued within a residential subdivision. The current provision requires both a certificate of completion from the City Engineer confirming that subdivision improvements have been completed and that the final plat be recorded before issuance. Exception is made for model, developer-owned, and builder-owned homes prior to certificate of completion, subject to specified conditions. While the units may be constructed, they may not receive a certificate of occupancy until the certificate of completion is received and the final plat is recorded.

A recent amendment to State Statute 177.073 requires that local governments provide expedited approval of residential building permits for a minimum of fifty percent (50%) of the total number residential units, as approved with the preliminary plat prior to the recording of the final plat and certificate of completion for subdivision improvements. This requirement is not absolute, the city shall continue to ensure that all Florida Building Code, financial, and legal standards are met. This includes the establishment of a performance Bond for up to 130% of the necessary improvements. In compliance with Florida Building Code, the structures still may not receive their certificate of occupancy until subdivision improvements are completed and the final plat is recorded.

The proposed amendment to Section 172.058 is necessary to ensure conformance with State Statute.

ANALYSIS:

The proposed amendment provides a clearer distinction between the ability to construct single family homes before completion of subdivision improvements and the ability to occupy those homes. This distinction allows limited construction activity to proceed while maintaining the requirement that subdivision improvements be completed and the final plat recorded before a home receives either a temporary or final certificate of occupancy.

The amendment retains the public health and safety safeguards applicable to early-start construction. These include a stabilized, all-weather roadway for fire apparatus; an approved water source for fire apparatus; a waiver of liability; a minimum 100-foot separation from existing structures outside the subdivision; and functional permanent power and sewer or an acceptable alternative approved by Building and Fire.

The amendment would also clarify that no more than fifty percent (50%) of the structures may be permitted under the early-construction provision per approved preliminary subdivision plat. This change ties the early-start allowance to the preliminary plat rather than the final plat, consistent with allowing limited construction to occur before final plat recording.

The proposed revision regarding addresses would require proposed homes permitted under this section to have addresses assigned by Brevard County. This provides an identifiable address for the for the individual parcels which allows for permit issuance and emergency services during early construction.

The amendment maintains a financial safeguard for the City by requiring the builder to bond the estimated cost of demolishing structures if subdivision improvements are not completed and the applicable building permit expires or is revoked. If demolition becomes necessary, the structures must be removed within one year of City notification, or the city may use the bond proceeds to complete the demolition.

Most significantly, the proposed amendment makes clear that early issuance of a building permit does not authorize occupancy before subdivision completion. Section 172.058(B)(9) would expressly prohibit a temporary or final certificate of occupancy until the certificate of completion has been issued and the final plat has been recorded.

Taken together, these changes ensure conformance with State Statute by establishing a controlled process under which certain homes may begin construction before a subdivision is fully completed and platted, while preserving the City's requirements for completed subdivision improvements and recorded lots before occupancy occurs.

PROPOSED CODE LANGUAGE:

The proposed language is provided at the end of this staff report; however, the changes revising Section 172.058 are summarized below:

- Section 172.058(A): Clarifies that the general building permit restriction applies to any structure within the subdivision and requires both a certificate of completion for subdivision improvements and recording of the final plat before the subdivision is open for general building.
- Section 172.058(B): Expands the early-construction exception to include model display groups and/or early-start homes and requires an approved plan in compliance with Section 174.021.
- Section 172.058(B)(5): Limits early permits to a maximum of fifty percent (50%) of structures per approved preliminary subdivision plat.
- Section 172.058(B)(6): Requires proposed homes to have addresses assigned by Brevard County.
- Section 172.058(B)(9): Prohibits both temporary and final certificates of occupancy until the subdivision has received a certificate of completion and the final plat has been recorded.

CONCLUSION

The proposed amendment meets the requirements of Florida Statute 177.073 by clarifying the process for limited early construction while requiring subdivision completion and final plat recording before occupancy. The amendment recognizes the practical need to allow certain model, developer-owned, builder-owned, model display, and early-start homes to proceed before all subdivision improvements are complete, while establishing safeguards to protect public health and safety.

The proposed conditions address safeguards to provide a framework for limited early construction without allowing occupancy before the subdivision has received a certificate of completion and the final plat has been recorded.

Based on the foregoing analysis, staff finds that the proposed text amendment provides a clear and appropriately regulated process for early construction within subdivisions and maintains appropriate protections by requiring completion of subdivision improvements and recording of the final plat before a temporary or final certificate of occupancy may be issued.

BOARD ACTION REQUESTED:

The Planning and Zoning Board is requested to evaluate the application and determine whether the proposed Land Development Code text amendment application meets the applicable criteria of Section 172.022(E) and make a recommendation to City Council to approve or deny the request.

PROPOSED LANGUAGE

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.

§ 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:

(1) A stabilized, all weather roadway is provided for fire apparatus to access all structures proposed for permitting;

(2) A water source for fire apparatus use shall be provided and approved by the City of Palm Bay Fire Marshal;

(3) A waiver of liability shall be provided to the City;

(4) All homes proposed for permitting under this section shall maintain a minimum of one hundred (100) feet distance from existing structures not within the subdivision;

(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.<<

T26-00006

REVIEW CRITERIA

(a) Applicant's need and justification for the change and whether it aligns with the community's current or future needs

Response:

The proposed amendment is needed to clarify and update the City's regulations governing the issuance of building permits within subdivisions prior to completion of subdivision improvements and recording of the final plat. The amendment provides a controlled process for limited early construction while maintaining appropriate safeguards for public health and safety and requiring completion of subdivision improvements and recording of the final plat before occupancy. The amendment also aligns the City's Land Development Code with the requirements of Florida Statute 177.073 and provides a clearer process for development within new subdivisions.

(b) The effect of the change, if any, on a particular property and surrounding properties

Response:

As a citywide Land Development Code text amendment, the proposed change does not apply to a particular property or alter the zoning or development entitlements of any individual property. The amendment establishes standards that may apply to future subdivision development throughout the City. The safeguards for early construction, including fire access, water supply, separation from existing structures, utility requirements, and limitations on the number of structures permitted prior to subdivision completion, are intended to minimize potential impacts on surrounding properties.

(c) The amount of existing undeveloped land in the general area of the city having the same classification as that requested

Response:

This criterion is not applicable to the proposed amendment because the request is a citywide text amendment and does not propose a change to the zoning classification of any property.

(d) Whether the proposed amendment furthers the purpose of the city's Comprehensive Plan, or other strategic plans applicable to the proposed development and the provisions in the Land Development Code

Response:

The proposed amendment furthers the purpose of the Land Development Code by establishing clear and orderly procedures for subdivision development and the issuance of building permits. The amendment also supports efficient development review while maintaining appropriate public health and safety requirements. In addition, the amendment is intended to bring the City's regulations into compliance with Florida Statute 177.073 regarding the issuance of building permits prior to final plat recording.

(e) Whether the requested district is substantially different from that of the surrounding area

Response:

This criterion is not applicable because the proposed amendment does not request a change to a zoning district or land use classification. The amendment applies to the City's development regulations generally and does not change the zoning of any property.

(f) Whether the request provides for a transition between areas of different character, density or intensity

Response:

This criterion is not applicable to the proposed amendment because the request does not involve a change in zoning, density, intensity, or the development classification of a particular property. The amendment establishes uniform development procedures applicable to subdivisions throughout the City.

Project Details: T26-00006

Project Type: Code Textual Amendment

Project Location: ,
Milestone: Under Review
Created: 8/10/2026
Description: Limited early construction of homes within subdivision
Assigned Planner: Althea Jefferson

Contacts

Contact	Information
Submitter	Althea Jefferson, AICP, Director of Growth Management 120 Malabar Rd SE Palm Bay, FL 32907 (321) 733-3042 althea.jefferson@palmbayfl.gov
Supplemental Contact	
Public Hearing Team	Public Hearing Team 120 malabar rd Palm Bay, FL 32907 landdevelopmentpublichearingteam@palmbayfl.gov
Assigned Planner	Althea Jefferson 120 Malabar Road SE Palm Bay, FL 32907 (321) 451-5671 althea.jefferson@palmbayfl.gov

Fields

Field Label	Value
Ordinance Number	
Ordinance Section(s) to be Changed	172.058
Proposed Language	see attached document

Project Details: T26-00006

Justification for Proposed Change	A recent amendment to State Statute 177.073 requires that local governments provide expedited approval of residential building permits for a minimum fifty percent (50%) of the total number residential units, as approved with the preliminary plat prior to the recording of the final plat and certificate of completion for subdivision improvements. This requirement is not absolute, the city shall continue to ensure that all Florida Building Code, financial, and legal standards are met. This includes the establishment of a performance Bond for up to 130% of the necessary improvements. In compliance with Florida Building Code, the structures still may not receive their certificate of occupancy until subdivision improvements are completed and the final plat is recorded.
Pre-Application Meeting Date	
Pre-Application Meeting No.	

Acknowledgement Log

 T26-00006 | *Code Textual Amendment*

Header: Legal Acknowledgement

Text: I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Accepted By: Christina Hall

On: 8/10/2026 9:55:12 AM

 T26-00006

USA TODAY CO.



PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Carol Gerundo
attn: Accounts Payable
City Of Palm Bay
120 Malabar Rd Se
Palm Bay FL 32907-3009

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

BRE Brevard Florida Today 08/20/2026, 08/21/2026
BRE floridatoday.com 08/20/2026, 08/21/2026

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 08/21/2026

Legal Clerk

Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost: \$399.28
Tax Amount: \$0.00
Payment Cost: \$399.28
Order No: 12565911 # of Copies: 1
Customer No: 1127256
PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NANCY HEYRMAN
Notary Public
State of Wisconsin

Ad#12566020 08/20/2026

**CITY OF PALM BAY, FLORIDA
NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on September 2, 2026, and by the City Council on September 17, 2026, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. **V26-00005 - Ramon and Maria Bustamante

A Variance to allow a proposed pool and pool deck to encroach 5 feet into the 10-foot rear accessory structure setback as established by Section 174.002, Table 174-1, of the Palm Bay Code of Ordinances.

Lot 8, Block 916, Port Malabar Unit 18, Section 21, Township 29, Range 37, Brevard County, Florida, containing approximately .25 acres. Located at the northeast corner of Wilder Road SE and Wyoming Drive SE

2. **CU26-00002 - Ascot Palm Bay Holdings, LLC (Derek Ramsburg, P.E., Kimley-Horn and Associates, Inc., Rep.)

A Conditional Use to allow for proposed retail automotive gasoline/fuel sales in a Community Commercial District (CC).

Tax Parcel 751, Section 20, Township 28, Range 36, Brevard County, Florida, containing approximately 11.73 acres. Located in the vicinity west of the northeast corner of St. Johns Heritage Parkway NW and Emerson Drive NW

3. T26-00005 - City of Palm Bay (Growth Management Department)

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 172: Development Review Procedures, Section 172.024(F)(7), to clarify review criteria for Conditional Use applications

4. T26-00006 - City of Palm Bay (Growth Management Department)

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 172: Development Review Procedures, Section 172.058, to modify issuance of building permits in conformance with Florida Statute 177.073 concerning expedited approval of residential building permits prior to recordation of final plat

5. T26-00008 - City of Palm Bay (Growth Management Department)

A Textual Amendment to the Code of Ordinances, Title V, Legislative, Chapter 51: Public Hearings, Section 51.07: Public Hearing Notices; Title XVII, Land Development Code, Chapter 172: Development Review Procedures, Section 172.010 General Provisions, Section 172.025 Variances, and Section 172.026 Administrative Variances; to modify notice, review and approval procedures and thresholds for specified Variances

*Indicates quasi-judicial request(s).

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.

Chandra Powell

Senior Planning Specialist



City of Palm Bay, Florida Business Impact Estimate

ORDINANCE NO. 2026-31

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALM BAY, TITLE XVII (LAND DEVELOPMENT CODE), CHAPTER 172 DEVELOPMENT REVIEW PROCEDURES, TO CONFORM WITH AMENDMENTS TO CHAPTER 177, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE (CASE NO. T26-00006).

This Business Impact Estimate is provided in accordance with Section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of Palm Bay is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
 - b. Comprehensive Plan Amendments and land development regulation amendments initiated by an application by a private party other than the City;
 - c. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - d. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - e. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

¹ See Section 166.041(4)(c), *Florida Statutes*.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Palm Bay hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of public purpose, such as serving the public health, safety, morals and welfare): **The purpose of the proposed ordinance is to bring the Land Development Code into compliance with Ch. 177, F.S., as recently amended, by (1) sequencing subdivision improvements and building permits, (2) allowing limited early-start/model/developer/builder homes under safeguards, and (3) ensuring final plat recording and subdivision completion before occupancy.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Palm Bay, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

(c) An estimate of the City of Palm Bay regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The City anticipates the proposed ordinance will have no direct economic impact on private or for-profit businesses in the City of Palm Bay.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **None (0)**

4. Additional information the governing body deems useful (if any):

N/A

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: _____

City of Palm Bay, Florida
Ordinance 2026-31
Page 4 of 4

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.