

ORDINANCE 2026-30

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 3: APPLICATION TYPES', TO CLARIFY REVIEW CRITERIA FOR CONDITIONAL USE APPLICATIONS; 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 recognizes that the purpose of the conditional use review process is to ensure that proposed uses remain compatible with surrounding development and do not adversely affect the character, function, or livability of nearby properties, and

WHEREAS, the City Council finds that the proposed amendment will provide clear and predictable development standards for conditional uses and promote the public health, safety, and welfare while remaining consistent with the City's Comprehensive Plan.

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 3: Application Types', Section 172.024 Conditional Uses, is hereby amended and shall henceforth read as follows:

"Section 172.024 CONDITIONAL USES.

* * *

(F) Review criteria. In its deliberations concerning the granting of a conditional use, the City Council shall carefully consider the following criteria:

* * *

(7) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation or type, of physical activity. The use as proposed for development will be compatible with the existing or permitted uses of adjacent properties. >>In evaluating compatibility, the City Council may consider, among other relevant land use compatibility factors, the location and distribution of existing conditional uses in the surrounding area and the cumulative effect such uses have on the character and function of the area.<<"

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.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

cc: Applicant: City of Palm Bay
Case: T26-00005

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

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