CITY COUNCIL AGENDA ITEM #15

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1301 AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 30, ARTICLE V, BUILDING REGULATIONS, DIVISION 6, "DRIVEWAYS, PARKING PADS, PATIOS, DECKS, AND TENNIS COURTS," BY CREATING A NEW SECTION 30-539 TO REQUIRE PERMITS FOR ALL SURFACES AND ACTIVITIES DESCRIBED IN DIVISION 6; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

To: Mayor and City Council Members

From: Brittany Retherford, City Manager

Meeting Date: 11/18/2026

Department: Community Development

Recommended Action: Approve Ordinance No. 1301 creating Section 30-539 to expressly require issuance of a City permit before covered activities described in Division 6 begin.

Summary: Chapter 30, Article V, Division 6, Driveways, Parking Pads, Patios, Decks, and Tennis Courts, does not expressly establish a permit requirement for the surfaces and improvements it regulates. However, the Community Development Department currently administers permits for these improvements as an existing practice. The proposed ordinance creates Section 30-539 to establish an express permit requirement before covered work begins and provide a clear Code reference for applicants, staff, and enforcement. Proposed Section 30-539 states:

"A permit shall be required to be issued by the City prior to, and as a condition of, any activity undertaken to construct, modify, expand, replace, or install any surface or activity described in this Division."

Permit review allows staff to evaluate covered work, including driveway pavers, for compliance with applicable City standards. The Community Development Department will administer these permits through the City's existing permit process. The amendment does not change the dimensional or material standards in Sections 30-536 through 30-538.

This item will be considered by the Planning Advisory Board at their November 16, 2026 meeting and an update on their discussion and vote will be provided at the November 18th regular City Council meeting.

Budget Impacts: The Community Development Department currently administers permits for these improvements. The ordinance formalizes existing practice by establishing a permit requirement in Division 6. It does not establish a new permit program or fee. No fiscal estimate has been prepared.

Attachments:

- Ordinance No. 1301
- Planning Advisory Board Staff Report

ORDINANCE NO. 1301

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 30, ARTICLE V, BUILDING REGULATIONS, DIVISION 6, "DRIVEWAYS, PARKING PADS, PATIOS, DECKS, AND TENNIS COURTS," BY CREATING A NEW SECTION 30-539 TO REQUIRE PERMITS FOR ALL SURFACES AND ACTIVITIES DESCRIBED IN DIVISION 6; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

WHEREAS, Chapter 30, Article V, Division 6 of the City Code does not expressly establish a permit requirement for the surfaces and improvements regulated by that Division; and

WHEREAS, permit review provides an opportunity to evaluate proposed work for compliance with applicable City requirements before construction begins; and

WHEREAS, the City Council deems it appropriate to amend the Code to include the requirement for permitting; and

WHEREAS, the City Council, following all public hearings required by law preliminary to the adoption of this ordinance, including by the Planning Advisory Board, has determined that the proposed amendment contained herein is consistent with the Satellite Beach Comprehensive Plan and adopted Land Development Regulations, and is in the best interest of the health, safety and welfare of the City and its residents to adopt this ordinance.

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

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

SECTION 2. A new Section 30-539, Satellite Beach City Code, is created to read as follows (strikethrough indicates deleted text; underlining indicates added text):

Sec. 30-539. — ~~Reserved.~~ Permits.

A permit shall be required to be issued by the City prior to, and as a condition of, any activity undertaken to construct, modify, expand, replace, or install any surface or activity described in this Division.

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 _____, 2026, and adopted on the second and final reading at the regular meeting of the City Council on the ___ day of _____, 2026.

_____
Steven L. Osmer, Mayor

ATTEST:

_____
Gwen Peirce, MMC, City Clerk

City of Satellite Beach, Florida
Business Impact Estimate

This form should be included in the City Council agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Satellite Beach website by the time notice of the proposed ordinance is published, excluding the exceptions provided in section 166.041(4), Florida Statutes.

ORDINANCE NO. 1301

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 30, ARTICLE V, BUILDING REGULATIONS, DIVISION 6, "DRIVEWAYS, PARKING PADS, PATIOS, DECKS, AND TENNIS COURTS," BY CREATING A NEW SECTION 30-539 TO REQUIRE PERMITS FOR ALL SURFACES AND ACTIVITIES DESCRIBED IN DIVISION 6; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with Section 166.041(4), Florida Statutes (2026). If one or more boxes are checked below, this means the City of Satellite Beach is of the view that a business impact estimate is not required by state law[1] 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 municipality;

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

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.

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

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):
Creates Section 30-539 to require a City permit before constructing, modifying, expanding, replacing, or installing any surface or activity described in Division 6, including driveways, parking pads, patios, decks, and tennis courts. The public purpose is review for compliance with applicable City requirements before work begins, protecting public health, safety, and welfare.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Satellite Beach, 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 Satellite Beach regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
Businesses undertaking covered work may incur application preparation, supporting documentation, permit fees under the applicable existing fee schedule, and review time. This ordinance sets no new fee or fee amount. Incremental costs relative to existing permit practice have not been quantified. City costs include intake, review, and administration; incremental costs and related permit revenues depend on project volume and have not been quantified.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
Potentially affected businesses include contractors performing covered work and businesses commissioning covered improvements within the City. The number is undetermined pending review of local business and permit records. This is not an estimate of zero affected businesses.

4. Additional information the governing body deems useful (if any):
Based on the ordinance text and the City's existing practice of requiring permits for these improvements. The amendment expressly codifies that requirement. No verified business count, project volume, fee analysis, or applicant cost study was available. Costs already incurred under existing practice should be distinguished from incremental costs attributable to this amendment. No exemption is claimed in this form.

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

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Prepared by

Debbie Flynn, Assistant Community Development Director

SUBJECT

City-Initiated Text Amendment – Division 6 Permit Requirements for Driveways, Parking Pads, Patios, Decks, and Tennis Courts

PLANNING ADVISORY BOARD HEARING DATE

November 16, 2026

PROPERTY OWNER & APPLICANT

City of Satellite Beach

ADDRESS/ PROPERTY LOCATION

Citywide text amendment; no specific property.

SUMMARY OF REQUEST

Chapter 30, Article V, Division 6, Driveways, Parking Pads, Patios, Decks, and Tennis Courts, does not expressly establish a permit requirement for the surfaces and improvements it regulates. The Community Development Department (CDD) currently administers permits for these improvements as an existing practice. The proposed ordinance creates Section 30-539 to establish an express permit requirement before covered work begins. Staff recommends that the Planning Advisory Board recommend approval of the amendment to City Council.

Amendment Type	Land Development Regulations text amendment
Code Section	Chapter 30, Article V, Division 6; Section 30-539
Current Zoning and Land Use	Citywide; no zoning or Future Land Use Map change proposed

COMPREHENSIVE PLAN COMPATIBILITY

The amendment formalizes the City's existing review of surface work for compliance with adopted development standards. It does not change the Future Land Use Map, zoning map, allowable density, or permitted uses. Applicable Comprehensive Plan policies concerning land use, transportation, and drainage should be reviewed, and specific consistency findings confirmed before City Council action.

BACKGROUND

CDD currently administers permits for driveways, parking pads, patios, decks, and tennis courts. Division 6 contains development standards for these improvements but does not expressly establish a permit requirement. Section 30-539 is currently reserved. The proposed ordinance adds an express requirement for permit issuance before covered work begins.

ANALYSIS

The amendment expressly requires issuance of a City permit before activities to construct, modify, expand, replace, or install any surface or activity described in Division 6. It provides a clear Code reference for applicants, staff, and enforcement while formalizing the City's existing permitting practice. Permit review allows staff to evaluate compliance with applicable material, setback, easement, access, and other City requirements. The proposed language includes replacement within an existing footprint, such as replacement of a driveway with interlocking pavers.

The amendment does not change the dimensional or material standards in Sections 30-536 through 30-538 or establish a new fee, inspection schedule, or penalty.

PROPOSED CODE LANGUAGE

Sec. 30-539. — Permits.

A permit shall be required to be issued by the City prior to, and as a condition of, any activity undertaken to construct, modify, expand, replace, or install any surface or activity described in this Division.

SCOPE AND IMPLEMENTATION

The proposed language covers construction, modification, expansion, replacement, and installation. It includes no minimum area threshold or express exemption for minor modifications or replacement within an existing footprint. It does not separately address routine maintenance, such as cleaning or sealing without altering a surface.

The Community Development Department will administer these permits through the City's existing permit process. The amendment establishes an express local land development permit requirement in Division 6 and formalizes existing permitting practice.

FISCAL AND ADMINISTRATIVE IMPACT

The Community Development Department currently administers permits for these surfaces. The amendment codifies that existing practice and does not establish a new permit program or fee. No fiscal estimate has been prepared.

STAFF ANALYSIS SUMMARY

Staff recommends that the Planning Advisory Board recommend approval to City Council of the proposed ordinance creating Section 30-539 to expressly require issuance of a City permit before covered activities described in Division 6 begin.

BOARD MOTION

I move that the Planning Advisory Board recommend approval to City Council of the proposed ordinance creating Section 30-539 to require issuance of a City permit before activities to construct, modify, expand, replace, or install any surface or activity described in Division 6.

ATTACHMENTS

1. Proposed Ordinance No. 1301
2. Current City Code, Chapter 30, Article V, Division 6 — Driveways, Parking Pads, Patios, Decks, and Tennis Courts
3. Legal Advertisement

DIVISION 6. DRIVEWAYS, PARKING PADS, PATIOS, DECKS, AND TENNIS COURTS

Sec. 30-536. Driveways, parking pads, street rights-of-way, patios and decks.

(a) At least one driveway that connects to the required garage or parking space shall be constructed of concrete, asphalt, interlocking paver blocks or similar materials with a minimum width of ten feet for a one-car garage and 16 feet in width for a two-car garage. All other driveways and parking pads located on private property shall be constructed of gravel pavers, mulch, asphalt, concrete or similar materials. Parking on grass in residential yards is prohibited. Concrete, asphalt and interlocking paver block driveways shall be setback two feet from the side and rear property lines and shall not encroach into any easement of record. Driveways located within the street right-of-way shall be constructed of pavers, asphalt or concrete and shall comply with section 30-537 of this Code.

(b) Uncovered patios and decks shall not be located within any front yard setback, shall be at least two feet from the side and rear property lines, and shall not encroach into any easement of record if constructed of concrete. Said structures shall also be set back at least ten feet from any canal shoreline or bulkhead. In addition, the following may be built along a canal to the rear canal shoreline or bulkhead if the following conditions are met:

(1) Plastic or pressure-treated wood deck along a canal may be built to the rear lot line if the following conditions are met:

a. Every portion of the deck is set back at least 20 feet from the side property line.

b. The deck flooring is constructed with nominal two-inch-thick boards, which shall be spaced approximately one-eighth-inch apart.

c. The deck does not exceed the height of the finished floor level of the principal structure or 30 inches above the finished grade or bulkhead cap, whichever is lower.

d. Where decking will be installed over lawns and yard areas which drain toward a body of water, soil-erosion protection is installed under the decking to prevent erosion and discharge of the underlying soils into the water body from overland flow of water or rainfall, one of the following methods of stabilization shall be constructed:

i. A cellular soil-confinement system with minimum height or thickness of cells to be 1.5 inches. In-place soils or other granular material shall be used to fill the cells and anchor the confinement system into the ground. All installations shall be in accordance with the manufacturer's instructions and guidelines.

ii. Permeable geotextile fabric covered with a six-inch to twelve-inch blanket of gravel or stone. The perimeter of the geotextile fabric shall be anchored into the underlying soils in accordance with the manufacturer's instructions and guidelines.

iii. Other systems and methods if it can be shown to the building official that their use will not allow soil erosion greater than the methods in (i) and (ii) above.

(2) Pavers along a canal may be built within one foot of the bulkhead if the following conditions are met:

a. Every portion of the paver deck is set back at least 20 feet from the side property line; and

b. Along the bulkhead cap there shall be a minimum one foot width of permeable geotextile fabric covered with a six-inch to twelve-inch blanket of gravel or stone. The perimeter of the geotextile fabric shall be anchored into the underlying soils in accordance with the manufacturer's instructions and guidelines; or

c. The paver deck shall be sloped away from the bulkhead so that the surface water run-off from the paver deck will not be directed into the adjacent canal.

(Ord. No. 946, § 8, 8-16-06; Ord. No. 972, § 24, 8-15-07; Ord. No. 1148, § 4, 11-15-17; Ord. No. 1254, § 2, 8-21-24)

Sec. 30-537. Driveways within street rights-of-way.

(a) In addition to section 30-536 of this Code, all lots within the city shall conform to the following driveway requirements, as applicable:

(1) Except for single-family and duplex lots, one driveway per lot shall be permitted for properties with up to 150 feet of street frontage, and an additional driveway shall be permitted for each additional 150 feet or fraction thereof of street frontage. Driveways shall be located at least 50 feet apart measured from the closest driveway edge at the right-of-way line, and at least 30 feet from the nearest street intersection measured from its nearest right-of-way line. No driveway or curb cut shall be permitted on the radii of any intersection.

(2) For all single-family and duplex lots, no driveway shall be located within two feet of the projected property line or within 25 feet of any intersection, measured from the closest edge of the driveway to the right-of-way line of the side street. The total aggregate width of all driveways on said lots shall not exceed 36 feet.

(3) Except for single-family and duplex lots, driveways shall be at least 15 feet wide for one-way traffic and a minimum 24 feet wide for two-way traffic, measured at the right-of-way line, and provided no driveway shall exceed 30 feet in width.

(4) All driveways shall be constructed of concrete, paving, interlocking paver blocks or similar materials with a minimum of ten feet in width from the street to the garage or required parking stall. In no case shall driveways be constructed of mulch, gravel or similar materials. If the city or utility company is required to remove part or all of a driveway located within the right-of-way or easement, the city or utility company will replace the driveway at a cost not to exceed the cost of poured concrete.

(Ord. No. 946, § 9, 8-16-06; Ord. No. 972, § 25, 8-15-07; Ord. No. 1254, § 3, 8-21-24)

Sec. 30-538. Tennis courts.

The purpose of these provisions is to provide an opportunity for development of tennis and similar recreational courts as accessory uses in residential districts, to protect the integrity of neighboring residential areas, and to mitigate any deleterious impacts on proximate properties. Tennis courts and similar recreational courts may be developed as accessory uses in residential districts when such courts are located on the same lot as the main residential use subject to the provisions of this chapter except no restrictions shall apply to the R1-A zoning district.

(a) *Tennis court fencing requirements.*

(1) Fences up to ten feet in height, as measured from the finished grade outside the court, shall be permitted, when located behind the required setback areas.

(2) For court fencing located at least 25 feet from all property lines, a fence eight of 12 feet shall be allowed.

(3) All portions of fencing exceeding six feet in height shall be of an open mesh such as chain link.

(4) Windscreens and similar devices shall be prohibited above the six-foot height.

(b) *Landscaping and screening.* All courts visible from the public streets shall be screened by landscaping. Landscaping shall be submitted to the building official for approval and must indicate plants of sufficient height and density to screen the court.

(c) *Artificial illumination.* Artificial illumination of tennis courts shall be subject to a conditional use permit.

(d) *Non-conforming tennis courts.* All tennis courts that are non-conforming on the adoption of this ordinance shall be allowed to repair or replace all fencing, nets, courts and other related items provided said tennis courts are not relocated or expanded.

Sec. 30-539. Reserved.