

ORDINANCE 2025-16

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, BY MODIFYING PROVISIONS CONTAINED THEREIN; 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.

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

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 172, Development Review Procedures, Subchapter 'Part 2: General Procedures', is hereby amended and shall henceforth read as follows:

"PART 2: GENERAL PROCEDURES

SECTION 172.010 GENERAL PROVISIONS.

(A) *Level of review required.* Table 172-1 lists the development permits required by this chapter together with the review and approval authority.

Table 172-1. Development Order Review Authorities.

Application Type	See Section	Approval Type	CPP Meeting	Pre-Application Meeting	>>Concurency<<	Growth Management	Planning & Zoning Board	City Council
COMPREHENSIVE PLAN/LDC/ZONING MAP AMENDMENTS:								
Annexation	172.020	Q	Yes	Yes	>>Yes<<	Yes	Yes >>No<<	Yes
Comprehensive Plan Future Land Use Map Amendment	172.021	L	Yes	Yes	>>Yes	Yes	Yes	Yes

Application Type	See Section	Approval Type	CPP Meeting	Pre-Application Meeting	>>Concurency<<	Growth Management	Planning & Zoning Board	City Council
LDC text amendments	172.022	L	No	Yes	No	Yes	Yes	Yes
Zoning map amendment (City initiated - areawide)	172.022	Q	No	No	No	Yes	Yes	Yes
Zoning map amendment (site specific, PUD)	Part 4	Q	Yes	Yes	Yes<<	Yes	Yes	Yes
SITE PLANS:								
Site Plan	172.023	A	No	Yes	>>Yes	Yes	No	No
PUD Preliminary Development Plan (processed in conjunction with PUD rezoning)	172.030	Q	Yes	Yes	Yes	Yes	Yes	Yes
PUD Final Development Plan (processed in conjunction with the preliminary plat)	172.031	Q	Yes	Yes	No<<	Yes	Yes	Yes
SUBDIVISIONS:								
Preliminary Plat	172.052	Q	No	Yes	>>No	Yes	Yes	Yes
Construction Plans	172.054	A	No	No	No	Yes	No	No
Final Plat	172.053	Q	No	No	No	Yes	No	Yes
Vacation of Rights-of-way/Plats	Part 7	L	No	Yes	No	Yes	No	Yes
Site Work Permit	172.054	A	No	No	No<<	Yes	No	No
OTHER APPLICATIONS:								
Conditional Use	172.024	Q	Yes	Yes	>>No	Yes	Yes	Yes
Development Agreement	Part 9	Q	No	No	No	Yes	No	Yes
Variance	172.025	Q	No	Yes	No<<	Yes	Yes	Yes
Administrative Variance	172.026	A	No	Yes	>>No	Yes	No	No
Floodplain Variance	179.007	Q	No	Yes	No<<	Yes	No	Yes

Application Type	See Section	Approval Type	CPP Meeting	Pre-Application Meeting	>>Concurrency<<	Growth Management	Planning & Zoning Board	City Council
>>Street Naming or Street Name Changes	176.006	L	No	No	No	Yes	No	Yes
Lot Split/Reconfiguration	172.059	A	No	No	No	Yes	No	No<<

Legend: A = Administrative; L = Legislative; Q = Quasi-judicial

(B) *Pre-application meeting.* Whenever a pre-application meeting is required per Table 172-1, the applicant shall request such meeting with staff prior to filing an application. The pre-application meeting is an informal meeting to discuss the development review process requirements. During the pre-application meeting, the applicant is required >>requested<< to share preliminary >>concept<< plans and data to show existing conditions of the site and its vicinity and the proposed layout. Comments made by staff at a pre-application meeting are made solely for preliminary informational purposes and shall not be construed as an approval or denial or agreement to approve or deny any development order. Failure of staff to identify any required permits, procedures or standards at a pre-application conference shall not relieve the applicant of any such requirements nor constitute a waiver of the requirement by the decision-making body. The City Manager or designee may waive a pre-application meeting based on the specific circumstances to a case.

* * *

(D) *Staff review.*

(1) After an application is determined to be complete, city staff reviews the application for compliance with the Land Development Code, comprehensive plan >>Comprehensive Plan<<, Palm Bay Utilities Department (PBUD) Policies, Procedures & Standards Handbook, and any other regulatory requirements, if applicable.

* * *

SECTION 172.012 CITIZEN PARTICIPATION PLANS.

* * *

(B) *Applicability.*

(1) Every >>An<< application for development which requires a public hearing, unless specifically exempted by this subchapter, shall include a citizen participation plan and a citizen participation report that must be implemented prior to an application being deemed sufficient for staff review and scheduling of public hearings.

* * *

(C) *Meeting notice and plan contents.*

(1) At a minimum, the applicant shall host at least one citizen participation meeting >>pertaining to the project purpose which<< that shall be held within city limits and may be accompanied by a virtual meeting link.

(2) The citizen participation plan shall include the following information:

(a) A copy of the notice containing the date, time and location of the meeting that was mailed to all residents, property owners, interested parties, political jurisdictions and public agencies that may be affected by the application within five hundred (500) feet of the subject property >>boundary line<< and a copy of the mailing list. These requirements apply in addition to any notice provisions required elsewhere in the Land Development Code. Citizen participation plan meeting dates may not overlap with any City of Palm Bay Council meetings or Planning and Zoning Board meetings.

* * *

(4) Citizen participation plan meetings must be held within ninety (90) days of official submittal of a complete >>project<< application to the City of Palm Bay.

* * *

SECTION 2. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 172, Development Review Procedures, Subchapter ‘Part 3: Application Types’, is hereby amended and shall henceforth read as follows:

“PART 3: APPLICATION TYPES

* * *

SECTION 172.023 SITE PLANS.

A site plan shall be required for the construction or expansion of any building, structure, infrastructure, or complex of buildings or structures, unless exempted by this section. Prior to making application for a site plan, the applicant shall request a pre-application meeting with the city to determine whether the proposed project meets the criteria established for a site plan, minor site plan, site plan modification, or is exempt from the site plan process. A building permit shall not be issued unless the construction plans are accompanied by a city approved site plan. A site plan shall be submitted to the city for administrative review. The submittal requirements shall follow the Guidelines for Site and Building Permitting Procedures Manual.

(A) *Site plan.* A site plan shall be submitted for all the following development proposals:

* * *

(4) Proposals where existing onsite "natural areas" >>open space<< of any size will be impacted.

* * *

(D) *Applicability.*

(1) All site plans are subject to compliance with the >>Chapter 173,<< Zoning Code.

* * *

SECTION 172.024 CONDITIONAL USES.

* * *

(G) *Effect of conditional use approval.* The conditional use shall commence within two (2) years of the date that the conditional use is granted, as evidenced by the issuance of >>site plan approval,<< a certificate of occupancy, certificate of completion or business tax receipt, as applicable. One administrative extension of one year may be approved by the City Manager, or designee, following a written request by the applicant within sixty (60) days prior to the date of expiration.

* * *

SECTION 172.027 MASTER SITE PLAN FOR MIXED-USE DISTRICTS.

(A) *Purpose/applicability.* Master Site Plan approval is required in conjunction with rezonings of one hundred (100) acres of >>or<< more to >>of<< the CMU and UMU zoning districts. The review of the master plan is intended to ensure coordinated design of mixed-use or phased developments. The master plan is intended to be a conceptual plan but must demonstrate compliance with the requirements of the MU district stated in Chapter 173.

* * *

>>SECTION 172.028. STREET NAMING OR STREET NAME CHANGES.

(A) *Purpose/Applicability.* All street name and street name changes shall be approved by the City Council in cooperation with the E-911 Systems Administration/Address Assignment Office according to the interlocal agreement between the city, and the Board of County Commissioners. The original naming of streets can be proposed by the City or the developer of the new street. Street name changes may be initiated by the City Council, any city department or other governmental body, or any individual or group.

(B) *Submittal requirements.* The application for a street name or street name change shall be accompanied by the following:

(1) Street name reservation letter from the E-911 Systems Administration/Address Assignment Office;

(2) An application for a street name change requires the following additional information:

(a) The applicant shall submit a narrative identifying the purpose of or need for the name change.

(b) The applicant shall provide a full mailing package of all properties that abut the roadway under consideration with names, mailing addresses, legal descriptions, and a correlating map of the respective property owners.

(c) Written approval must be obtained from a majority of the property owners on the street proposed for the name change. Such majority shall be based on the number of individual properties addressed on the street. The applicant must submit the written approvals required to the Growth Management Department. A template will be provided.

(C) *Process.*

(1) *Application.* A request for a street name shall be submitted during the development review process. An application for a street name change shall be made on an application form prescribed by the City.

(2) *Staff Review.* The City Manager or designee shall review the application in light of compliance with review criteria contained below.

(3) *City Council.* The City Council shall approve all street names or street name changes during the subdivision process of recording plats or through a resolution. City of Palm Bay Title XVII, Land Development Code Chapter 172, Development Review Procedures [ADOPTED 09/19/2024] 172-21

(D) *Review Criteria.* All street names shall comply with the following guidelines unless specifically exempted by City Council:

(1) No name duplication or similar sounding names are permitted;

(2) Alphabetical letters (i.e. A, B, C, and so on), unconventional spellings, frivolous or complicated names are unacceptable;

(3) The appropriate quadrant designation “NE” (northeast), “SE” (southeast), “NW” (northwest), “SW” (southwest) shall be placed after the street name. Directional affixes in street name (for example, “East,” “West,” “North,” “South,” and the like) shall not be used;

(4) No street name shall contain more than twelve (12) letters, excluding affixes such as boulevards, street, avenue, and the like;

(5) The developer or owner of a street not accepted by the city shall, within thirty (30) days of city approval, replace or change any existing street name signs to reflect the new street name.<<”

SECTION 3. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 172, Development Review Procedures, Subchapter ‘Part 4: Zoning Map Amendment to PUD’, is hereby amended and shall henceforth read as follows:

“PART 4: ZONING MAP AMENDMENT TO PUD

PUDs require preliminary and final development plan applications for review by the Planning and Zoning Board and City Council. A planned unit development

zoning classification is established when the final application is approved by City Council by Ordinance. >>See Chapter 173, Part 6, for Zoning.<<

>>(<<See Part 5 of this chapter for rezoning to Regional Activity Center (RAC)-PUD>>)<<.

SECTION 172.030 PROCEDURE FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN (PDP) AND PUD ZONING.

The following procedures, applications, and exhibits shall be required when applying for approval of a preliminary development plan:

* * *

(B) *PDP application.* The application for the PUD designation shall include a PDP and development >>PUD<< agreement, and >>shall<< comply with the following standards >>set forth in Section 173.061<<:

* * *

(2) *Required PDP exhibits.* The following exhibits shall be attached to the application (see Part 5, below, for PUDs within the RAC future land use category):

(a) *Preliminary development plan.* The preliminary development plan shall serve as an instrument providing PUD-specific development standards, maximum densities, intensities, and permitted uses for all lands contained within the plan. The development plan shall contain, but not be limited to, the following information:

* * *

10. ~~Delineation of phased development, if applicable.~~

a. ~~The order of construction of the proposed stages delineated in the development plan.~~

b. ~~The proposed date for the beginning of construction of such stages.~~

c. ~~The proposed date for the completion of construction on such stages.~~

d. ~~The proposed schedule for the construction and improvement of common recreation and open space and any related amenities.~~

>>10<<14. Zoning >>Factors<< analysis >>per § 172.022(E)<<.

>>11<<12. *Natural resource assessment.* The preliminary development application shall include an assessment of the property identifying major environmental features of the site and endangered wildlife and vegetation.

>>12<<13. Tree survey showing the location of tree groupings and exceptional specimen trees.

>>13<<14. Conceptual stormwater master plan, drainage and outfall.

>>14<<15. Boundary and topographic survey, include the location, size and type of all trees in accordance with Chapter 175 of the Land Development Code.

>>15<<16. >>Trip Generation Letter.<<—*Traffic study.*—A traffic study meeting generally accepted engineering practices and in accordance with the City of Palm Bay Standardized Traffic Impact Study Guidance Manual examining the impact of the proposed development on the surrounding roadway network.

>>16<<17. Schematic drawing of the elevation and architectural construction of the proposed primary and secondary residential and nonresidential structures as part of a design workbook.

>>17<<18. Other studies and documents as required namely: Pre-application meeting, citizen participation plan, natural resource assessment, and zoning analysis.

19. ~~*Development agreement.*~~ A development agreement, in accordance with Part 9 of this chapter, shall be required for the establishment of a PUD and shall be concurrent with the PDP. All conditions provided for in the development agreement shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

>>(C)<<(E) *Submittal.*

(1) The PUD zoning application and preliminary development plan (PDP) application shall be submitted to the Land Development Division. Plans will not be distributed for city staff review until all items are submitted and sufficient for review. The PUD PDP application must be complete and accompanied by two

(2) copies of the preliminary development plan and all exhibits, as described in these regulations, a filing fee, and a list of all owners of adjacent property or property directly opposite of the proposed subdivision. Such property owner information shall be obtained from the most recent County Tax Appraiser's rolls.

* * *

>>(D)<<(F) *Application review.*

* * *

(3) The City Council shall review the recommendations of the Planning and Zoning Board, at a regular public hearing of the City Council and shall approve, approve subject to conditions, or deny the PUD PDP application. The approval shall constitute a PUD zoning enacted by Ordinance and the preliminary development plan and development >>PUD<< agreement shall be binding upon the lands contained within the plan. Any proposed modifications to the preliminary development plan or development agreement shall be submitted to the Growth Management Director for determination of the review criteria stated departure from the approved plan. If determined to be a substantial deviation from the approved development plan, the applicant must receive a new preliminary development plan or development agreement approval from City Council for such deviation.

>>(E)<<(G) *Recordation of PUD, PDP, and development >>PUD<< agreement.* The Ordinance approving the PUD zoning request and the accompanying preliminary development plan and development >>PUD<< agreement approved by the City Council shall be certified and approved by the City Clerk as a permanent record and recorded in the Public Records of Brevard County, Florida.

>>(F)<<(H) *Review criteria.* The decision of the Planning and Zoning Board on the PUD PDP application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the Planning and Zoning Board shall consider the following facts:

* * *

SECTION 172.031 PROCEDURE FOR SECURING APPROVAL OF A FINAL DEVELOPMENT PLAN (FDP).

* * *

(A) *Required exhibits for final development plan.* In addition to the exhibits identified in § 172.030(B)>>D<<) in addition to the following documents shall be attached to the final development plan application.

* * *

>>(3)<< *Traffic Study.* A traffic study meeting generally accepted engineering practices and in accordance with the City of Palm Bay Standardized Traffic Impact Study Guidance Manual examining the impact of the proposed development on the surrounding roadway network.<<

>>(4)<<(3) *Development schedule.* The development schedule shall contain the following information:

* * *

>>(5)<<(4) *Deed restrictions.* Deed restriction proposals to preserve the character of the required common open space as set forth in § [173.070](#). The deed restrictions shall include a prohibition against partition by any residential property owner.

>>(6)<<(5) *Legal instruments.* Instruments dedicating all rights-of-way, easements and other public lands shown on the final development plan from all persons having any interest in the land.

>>(7)<<(6) *Title opinion.* A title opinion from an attorney showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any.

>>(8)<<(7) Performance bond, impact fee credit agreements, or proportionate fair share agreements, if applicable.

(8) ~~*Development agreement.* A development agreement will be required to address impacts to public facilities, such as roads, stormwater, utilities, parks, and public safety infrastructure, for which the applicant will be required to improve as a result. Development agreements may also be required to memorialize development standards that do not get specified on the final development plan.~~

>>(9) *Development Agreement.* A Development Agreement, in accordance with Part 9 of this chapter, shall be required for the establishment of a PUD and shall be concurrent with the PDP. All conditions provided for in the Development Agreement shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.<<

(D) *Criteria for review.* The burden of proof shall reside with the applicant/developer to demonstrate compliance.

* * *

(5) *Changes in final development plan.* If a final PUD plan is submitted which includes changes from the approved preliminary development plan, the planning and Growth Management Director shall review the plan to determine the effect of the PUD and consistency with applicable ordinances and make a recommendation to the Planning and Zoning Commission. The City Manager or designee may approve minor site plan modifications as provided for in § 172.030(~~I~~>>G<<). The ~~Planning and Growth Management Director~~ may request that the ~~Planning and Zoning Commission~~ >>Board<< determine whether any changes are of such significance that the preliminary development plan should be re-submitted to the ~~Planning and Zoning Commission~~ >>Board<< for review and approval by the City Council. In any case of doubt, the revised preliminary development plan shall be re-submitted for a recommendation by the Planning and Zoning Commission and approval of the City Council.

* * *

SECTION 172.032 PHYSICAL REVIEW.

The city shall have the right to evaluate the physical layout, architectural characteristics and amenities of the planned unit development and to suggest changes or modifications designed to create compatibility and conformity in the variety of uses within the development to insure, protect and promote the health, safety and general welfare of the property owners of the planned unit development and the residents of the city. Failure to comply with the requirements of the approved PUD, any conditions imposed in its approval, including time conditions, shall constitute a violation of this title. Upon finding by the City Council that the developer has failed to comply with the conditions of any phasing plans or prescribed time limits, the approval of the PUD shall be automatically terminated. Prior to continuing with the planned unit development, the developer shall reapply to the City Council for approval to continue. The City Council may authorize the petitioner to continue under the terms of the PUD and site plan approval or may require the developer to re-submit the application in conformance with any step outlined in the procedure for PUD approval. No subsequent plan or re-approval shall effect >>cause<< an increase in the overall project density, intensity or change in use as established in the site plan.”

SECTION 4. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 172, Development Review Procedures, Subchapter 'Part 5: Zoning Map Amendment to RAC PUD', is hereby amended and shall henceforth read as follows:

"PART 5: ZONING MAP AMENDMENT TO RAC PUD

SECTION 172.040 PROCESS.

Applications to rezone a property to regional activity center (RAC) PUD shall follow the same process as rezoning to PUD (see Part 4 of this chapter) except for the following. >>See Chapter 173, Part 7, for Zoning.<<

* * *

SECTION 5. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 172, Development Review Procedures, Subchapter 'Part 6: Subdivision Application and Approval Process', is hereby amended and shall henceforth read as follows:

"PART 6: SUBDIVISION APPLICATION AND APPROVAL PROCESS

* * *

SECTION 172.052 PRELIMINARY PLAT.

(A) *Application procedure.* After a preapplication conference has been held, an applicant can submit an application for preliminary plat approval. Such an application must be made on forms prescribed by the city. The application must be complete and accompanied by and electronic copy of the preliminary plat, >>include<< a filing fee, and a list of all property owners within five hundred (500) feet of the subject property based on the most recent information as provided by the Brevard County Property Appraiser.

(B) *Submittal requirements.* The preliminary plat shall be at a minimum scale of one (1) inch to two hundred (200) feet, with a preferred scale of one (1) inch to one hundred (100) feet and shall be designed in conformity with the design standards established in Chapter 177 of the Palm Bay Code of Ordinances. The preliminary plat shall contain the following information:

>>(1) A title opinion of an attorney at law licensed in Florida or a property information report showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication. The title opinion or property information report must also show all mortgages and liens not satisfied or released of record nor otherwise terminated by law.<<

>>(2)<<(4) The title and certifications, the present tract designation according to official records in the office of the appropriate recorder, the title under which the proposed subdivision is to be recorded, which shall not duplicate or closely approximate the name of any other subdivision in the incorporated area of the city. Also the names and addresses of the owners, and a notation stating the approximate acreage and the scale and north arrow;

>>(3)<<(2) All streets, including their names and right-of-way widths;

>>(4)<<(3) Other rights-of-way and easements, including their locations, widths and purposes;

>>(5)<<(4) The location of utilities, if not shown on other exhibits;

>>(6)<<(5) The lot lines, lot numbers and block numbers;

>>(7)<<(6) The sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses;

>>(8)<<(7) The site, if any, for multi-family dwellings, non-residential uses, or other nonpublic uses, exclusive of single-family dwellings.

>>(9)<<(8) Site data, including but not limited to, the number of lots, typical lot sizes and the approximate number of acres in parks, open space and landscape tracts;

>>(10)<<(9) A boundary survey done less than twelve (12) months from date of application shall be required when submitting the preliminary plat;

>>(11)<<(10) The protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development, to include responsible parties for maintenance of landscaping, drainage and stormwater facilities, and rights-of-way;

>>(12)<<(11) Existing conditions such as boundary lines, adjacent easements showing their locations, widths and purposes, streets on or adjacent to the subdivision showing their right-of-way widths and locations, adjacent utilities

including the location, the directions and distance to and size of the nearest utilities shall be shown;

>>(13)<<(12) The approximate direction and gradient of the ground slope on adjacent land shall be shown including any embankments or retaining walls. Adjacent platted land shall be referred to by book and page number and subdivision title;

>>(14)<<(13) A vicinity sketch at a scale no smaller than one (1) inch equals two thousand (2,000) feet, showing the location of the boundary lines and distance of the land proposed for subdivision in reference to other areas of the city. The section, township, and range of the site and the legal description of the site shall also be included;

>>(15)<<(14) *Additional guarantees.* Guarantees in the amount equal to one hundred twenty-five percent (125%) of the sum of engineering and construction costs based on the applicant's engineer's estimate or contract bid prices. The guarantee shall be in one of the following forms:

* * *

(F) *Effective period of preliminary plat approval.* The approval of a preliminary plat shall be effective for a period of thirty-six (36) months at the end of which time final plat approval on >>of<< the subdivision must be obtained from the City Council. Any preliminary plat not receiving final plat approval within the period of time set forth herein shall be null and void, and the applicant shall be required to resubmit a new preliminary plat >>for<< approval subject to all new zoning and subdivision regulations. At a minimum, the first final plat phase of a multiple phase final engineering plan and preliminary plat shall be recorded within thirty-six (36) months of the approval date of the final engineering and preliminary plat. Each subsequent phase that is not recorded within the initial thirty-six (36) months shall be recorded in intervals not greater than twelve (12) months from the previous phase's recording date. Failure to record any subsequent phase within said twelve (12)-month timeframe shall null and void the final engineering and preliminary plat, construction permit, and final plat of the remaining unrecorded phase(s) of the final engineering plan and preliminary plat.

* * *

(I) *Effect of approval of preliminary plat.* Approval of the preliminary plat shall not constitute approval to file the final plat with the >>Brevard<< County Clerk of Courts. Additionally, approval of the preliminary plat shall not be construed as authorizing the transfer of ownership of lots in reference thereto but shall only be

deemed an expression of approval of the layout submitted on the preliminary plat as a guide for the preparation of the final plat and the administrative review and approval of construction plans. Preliminary plats shall not be recorded with the >>Brevard<< County Clerk of Courts.

* * *

SECTION 172.053 FINAL PLAT.

(A) *Application procedure.* Following the approval of the preliminary plat, the applicant may submit an application for final plat approval. Such an application must be made on forms provided by the city. The application must be complete and accompanied by an electronic >>include a<< copy of the preliminary and final plat, construction plans, construction schedule, a filing fee, and a list of all property owners within five hundred (500) feet of the subject property, based on the most recent information as provided by the Brevard County Property Appraiser.

* * *

(C) *Submittal requirements.* The final plat and construction plans for the subdivision shall be designed and in conformity with the design standards established in Chapter 177 of the Palm Bay Code of Ordinances and must show the following information:

* * *

(7) ~~Numbers or letters~~ >>Lot numbers and block numbers<< to identify each lot or site. To ensure legibility, all lettering upon the plat shall be at minimum 0.10-inch text height (0.10 × scale of the plat) excluding the following plat features:

* * *

(8) ~~The~~ >>A tract table indicating the<< purpose for which sites, other than residential lots, are dedicated or reserved >>, along with their size and maintenance entity<<;

* * *

(11) A title opinion >>of an attorney at law licensed in Florida<< or >>a<< property information report showing that >>record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication<< ~~the applicant is the landowner. Documentation showing signing authority of the managing member(s) and documentation that paid taxes are current;~~ >>The title opinion or property information report must also show

all mortgages and liens not satisfied or released of record nor otherwise terminated by law.<<

>>(12)<<Documentation showing signing authority of the managing member(s);<<

>>(13)<<Documentation that paid taxes are current;<<

>>(14)<<(12)A certification of a surveyor as to the accuracy of the F.S. Ch. 177, Part I, required boundary survey and plat;

>>(15)<<(13)All right-of-way tracts are dedicated to the Homeowners' Association and all maintenance responsibilities shall not be the City of Palm Bay's;

>>(16)<<(14)Declaration of covenants dedicating streets, rights-of-way and any sites for public uses in accordance with the acceptance and maintenance of such established in this chapter;

>>(17)<<(15)Copies of all other applicable permits granted by external agencies, which shall remain valid during the period of construction and until the certificate of completion is issued by the city;

>>(18)<<(16)Acceptance and dedication of public improvements for new right-of-way items are to be requested by the applicant or applicant in accordance with the process established in this chapter;

>>(19)<<(17)If the subdivider places restrictions on any of the land contained in the subdivision greater than those required by the zoning ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the City Council may require that deed restrictions be recorded with the Clerk of the Circuit Court and a copy filed with the city, including any subsequent amendments to the restrictions; and

>>(20)<<(18)*Application review.* The review of the final plat application will be substantially the same as the processing of the preliminary plat application described previously in § 172.052. The application shall include digital copies of all closure reports including boundary, lots, tracts, etc. along with three print sets.

* * *

(F) *Final approval.* The City Council shall approve, approve with conditions, or deny the final plat based on the staff report and the testimony and exhibits submitted at the public meeting. The final plat shall not be signed nor

recorded until all conditions are completed to the satisfaction of and inspection by the city. Upon adoption of a resolution approving the plat, the Mayor shall execute the plat and the plat shall be presented to the ~~Clerk of the Circuit Court~~ >>Brevard County Clerk of Court<< by the City Clerk for recording. No final plat shall be approved by the City Council and no plat shall be recorded until the required improvements have been installed or performance guarantee posted pursuant to the requirements of this title. No such required improvements including streets, drainage and other required facilities shall be accepted and maintained by the city, unless and until the same, including the final plat, have been duly inspected and recommended for approval by the City's Public Works Director or their designee. In addition, the City Attorney shall review all performance guarantees and the legal content of all final plats.

(G) *Signing of the plat.* The final plat shall be signed and recorded following the issuance of a certificate of completion for construction of all public improvements or upon posting of a performance bond.

* * *

(3) *Completion of improvements prior to issuance of building permit.* When the improvements are to be completed prior to the recording of the plat, it shall be expressly understood that no building permits shall be issued >>, except as provided for in accordance § 172.058,<< for any structure on a lot wherein the final plat has not been approved and recorded in a manner prescribed in this ordinance. The approval to construct required improvements shall not be construed as authority for the sale of lots in reference thereto.

* * *

(H) *Recording of the subdivision final plat.* Upon the signing of the reproducible mylar of the plat by the appropriate city officials, the subdivider shall file the mylar of the final plat with the ~~County Clerk of Records~~ >>Brevard County Clerk of Court<< within thirty (30) days of the date of the last signature. After filing the plat with the ~~County Clerk of Records~~ >>Brevard County Clerk of Court<<, the subdivider shall provide the City Clerk's office with the book and page of the recorded plat and three (3) full-size prints of the final plat.

* * *

SECTION 172.054 CONSTRUCTION OF PUBLIC IMPROVEMENTS.

* * *

(G) *Inspection of public improvements.* The City Public Works Department shall provide for the inspection of required public improvements during construction and ensure their satisfactory completion. The applicant shall pay the city an inspection fee as established by resolution pursuant to § 172.011. No certificate of completion, building permits, or certificate of occupancies shall be issued >>, except as provided for in accordance with § 172.058,<< until the inspection of public improvements is complete in accordance with the construction plans and to the satisfaction of the city. If the Public Works Department inspector finds that any of the required improvements have not been constructed in accordance with the construction plans, the applicant shall be responsible for completing the improvements. Whenever the cost of the improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

* * *

SECTION 172.055 PERFORMANCE AND MAINTENANCE BONDS.

Approval of the preliminary plat and construction plans shall authorize the subdivider to either complete construction of required improvements or bond the required improvements in accordance with the procedures established herein prior to submitting the final plat for approval by City Council.

* * *

(B) *Maintenance bonds.* After completion of improvements and exception >>acceptance<< of dedication, a two (2) year maintenance bond or other security will be required in the amount of twenty-five percent (25%) of all dedicated public improvements. The applicant shall be required to maintain all improvements in the subdivision until acceptance of such improvements by the city in accordance with the procedures established in § 172.057 of the Palm Bay Code of Ordinances. The Public Works Department shall be responsible for the processing and release of maintenance bonds under this section.

* * *

SECTION 172.058 ISSUANCE OF BUILDING PERMIT.

* * *

(B) Model homes, developer owned, and builder owned homes may be permitted prior to the subdivision improvements receiving a certificate of completion provided the model homes or model display group are in compliance with § 174.021 of this code and the following conditions are adhered to:

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

* * *

SECTION 172.059 SIMPLE LOT SPLIT/LOT RECONFIGURATION.

(A) *Simple lot split.* The subdividing of a tract, lot or parcel into only two lots (one new lot and the remainder) is allowed if each lot abuts a publicly maintained street which has been duly dedicated and accepted by the city and/or a privately maintained right-of-way, no new streets are created, and there is no change in the length or alignment of an existing street.

* * *

(4) ~~No property shall be subdivided pursuant to this section more than once per year~~ >>Any tract of land that is divided as a lot split can only be further divided as a subdivision<<; and

* * *

(C) *Lot split procedures.*

(1) *Application.* Application for a lot split shall be in a form prescribed by the city. The application shall contain the following:

- (a) A legal description and survey of the lot to be divided;
- (b) A legal description >>and survey<< of the two parcels to be created;

* * *

(2) *Submittal.*

(a) A cover letter describing the project, identifying the project contact person(s) and any other information relevant for city staff review. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owner's authority to apply shall be included in a certified legal form the lot split application).

- (b) Completed application form.
- (c) All applicable fees per as outlined in the >>current<< fee schedule.
- (d) Owner authorization (if applicable).

(e) Copies of a lot split survey (current property survey, the proposed lot reconfiguration and legal description, signed and sealed, not more than one year old, by a land surveyor registered and licensed in the state, ~~each sheet of the lot split package shall be the same size shall be no larger than twenty-four (24) inches by thirty-six (36) inches).~~

(3) *Review procedures.* City staff shall review all applications for a lot split to ensure conformance with the ~~comprehensive plan~~ >>Comprehensive Plan<< and the City Code of Ordinances. The lot split may not result in the creation of a nonconforming lot. All lots created by a lot split shall have area, frontage, width, and depth required by the zoning district in which said lots are located and shall be reviewed to assure that the lots continue to conform to the requirements of this chapter.

(4) *Approval.* Upon determination that the request for a lot split is consistent with the ~~comprehensive plan~~ >>Comprehensive Plan<< and the ~~code of ordinances~~ >>City Code of Ordinances<<, the City Manager or designee shall approve the application.

(5) *Recording.* Upon approval of the lot split, the applicant shall record the legal description of the lots created, any unity of title, and any dedication of easement with the ~~Clerk of the Circuit Court~~ >>Brevard County Clerk of Court<<.”

SECTION 6. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 172, Development Review Procedures, Subchapter ‘Part 7: Vacating Plats and Rights-of-Way’, is hereby amended and shall henceforth read as follows:

“PART 7: VACATING PLATS AND RIGHTS-OF-WAY

* * *

SECTION 172.071 VACATING RIGHT-OF-WAY.

(A) *Power of Council.* The City Council may, upon its own motion, upon the request of any agency of the city, the state or the federal government, or upon the written petition of any person or persons owning property abutting any street located within the city limits, cause any right-of-way to be vacated. All >>City<< Council actions that would create new or change existing right-of-way lines, under this chapter, require public hearings.

* * *

SECTION 7. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 172, Development Review Procedures, Subchapter 'Part 8: Concurrency Management System', is hereby amended and shall henceforth read as follows:

"PART 8: CONCURRENCY MANAGEMENT SYSTEM

* * *

SECTION 172.080 PURPOSE AND INTENT.

The concurrency evaluation system shall measure the potential impact of any development permit proposal upon the established minimum acceptable level of service for >>police, fire,<< transportation, solid waste, potable water, drainage, sanitary sewer, public schools, or park facility or service. The most current available information and data regarding the operating levels of service of such public facilities or services shall be utilized for concurrency evaluations. Any party pursuing approval of a >>annexation, comprehensive plan future land use map amendment, zoning map amendment, PUD,<< site plan, subdivision plat, or building permit shall submit a valid concurrency evaluation, approved by the City Manager or designee, along with the application for development permit approval. No final development permit shall be approved unless adequate facilities are available as determined by the concurrency evaluation. ~~A preliminary concurrency evaluation shall be performed on zoning actions.~~

SECTION 172.081 EVALUATION CRITERIA.

The city shall utilize the following criteria to determine whether levels of service are adequate to support the specific impacts of a proposed development:

(A) *Roadways.*

(1) Capacity for transportation facilities shall be evaluated using the 2002 >>(most updated)<< Quality/Level of Service Handbook, Florida Department of Transportation.

(2) Projected impacts on the transportation system shall be determined by utilizing the trip generation standards set forth in the Trip Generation Manual, 7th Edition >>(most updated)<<, Institute of Transportation Engineers, and evaluating their impact at points of ingress and egress to roadways in the city.

* * *

>>(F) Police.

(1) Adequacy of number of officers shall be based on the state and national average of 2.3 police officers per one thousand (1,000) population by planning area.

(2) The impact of a proposed development will be determined by utilizing the official household-size multiplier, from the University of Florida, Bureau of Economic and Business Research for Palm Bay, times the number of units projected for a project.

(G) Fire.

(1) Adequacy of number of officers shall be based on the state and national average of 1.8 firefighters/EMS per one thousand (1,000) population by planning area.

(2) The impact of a proposed development will be determined by utilizing the official household-size multiplier, from the University of Florida, Bureau of Economic and Business Research for Palm Bay, times the number of units projected for a project.<<

SECTION 172.082 CONCURRENCY EVALUATION FINDINGS.

The applicant shall request a concurrency evaluation during the >>annexation, comprehensive plan future land use map amendment, zoning map amendment,<< PUD final development plan, site plan, final plat, or building permit process. This evaluation shall certify either a non-deficiency finding or a deficiency finding:

* * *"

SECTION 8. 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 9. 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 10. 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 11. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2025-XX, held on _____, 2025; and read in title only and duly enacted at Meeting 2025-XX, held on _____, 2025.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Strikethrough words shall be deleted; highlighted words that will 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.