

ORDINANCE 2020-43

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 184, SUBDIVISIONS, BY REMOVING THE REQUIREMENT FOR RECORDATION OF THE SUBDIVISION PLAT PRIOR TO ISSUANCE OF BUILDING PERMITS FOR MODEL HOMES AND DEVELOPER OWNER/BUILDER HOMES; 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.

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 184, Subdivisions, Section 184.15, Issuance of Building Permit, is hereby amended and shall henceforth read as follows:

“Section 184.15 ISSUANCE OF BUILDING PERMIT.

* * *

(B) Model homes and developer owned/builder owned homes may be permitted prior to the subdivision improvements receiving a certificate of completion provided the following conditions are adhered to:

(1) ~~—The subdivision has been recorded per State Statutes;~~

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

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

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

(5) >>(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;

(6) >>(5)<< A maximum of twenty-five (25) structures will be permitted under this section per subdivision;

(7) >>(6)<< Builders must certify in writing that title will remain in the builder's name or the developer's name until such time as the subdivision certificate of completion is granted. In no case shall a Certificate of Occupancy be granted for a home until the certificate of completion has been issued;

(8) >>(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."

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 2020-23, held on July 2, 2020; and read in title only and duly enacted at Meeting 2020- , held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay
Case: T-13-2020

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.