



City of Melbourne, Florida City Council Agenda

City Hall Council Chamber
900 E. Strawbridge Avenue
Melbourne, FL 32901

January 27, 2026, 6:30 PM

This meeting shall adjourn by 11:00 p.m. Extension of the meeting beyond 11:00 p.m. shall only be authorized by a majority vote of City Council.

In accordance with Council policy, the roll call vote rotates each meeting. During this meeting, the vote will be Districts One through Six except that the Mayor will vote last as provided by City Code and the Vice Mayor will vote second to last.

A. OPENING

1. **Invocation** - Pastor Dupree Williams, Chief Cornerstone Missionary Baptist Church
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Proclamations and Presentations**
 - a. Presentation of Employee Service Awards
5. **Approval of Minutes** - January 13, 2026 Regular Meeting
6. **City Manager's Report**
7. **Public Comments**

B. UNFINISHED BUSINESS

8. Consideration of proposals for disposition of 0.08 acres of City property abutting 1015 W. H. Jackson Street. (Public Hearing) (Postponed - 10/28/2025 & 12/9/2025)
9. **Ordinance No. 2026-01, Administrative Final Plat Approval:** (Second Reading/Public Hearing) An ordinance amending the City Code of Melbourne, Chapter 2, Administration; Appendix B, Section 4, Planned Unit Development (PUD); and Appendix D, Chapter 8, Subdivision Code, to address recent State of Florida legislative changes (F.S.177.073) to provide administrative approval of final plats. (Applicant - City of Melbourne) (First Reading - 1/13/2026)

10. **Ordinance No. 2026-02, Public Participation:** (Second Reading/Public Hearing) An ordinance amending Chapter 2, Article II, Melbourne Code of Ordinances regarding public participation and standards of decorum at City Council meetings. (First Reading - 1/13/2026)

C. NEW BUSINESS

11. Work Order No. 11 to the Storm Drain Cleaning, Repairs and Maintenance contract for cleaning and video inspection of varying pipe sizes associated with the Roadway Resurfacing Program, Project No. 68024, Shenandoah General Construction, LLC, Pompano Beach, FL - \$440,000.
12. **CONSENT AGENDA:**
 - a. State Housing Initiatives Partnership (SHIP) Annual Review and Recommendation Report on Affordable Housing Incentives Strategies.
13. **ITEMS REMOVED FROM THE CONSENT AGENDA**
14. Sponsorship Agreement between the City of Melbourne and Community Housing Initiative, Inc., through State Housing Initiatives Partnership (SHIP) funds in the amount of \$260,000 for the Implementation of the Purchase Assistance Program. (Public Hearing)
15. **Ordinance No. 2026-03, Council Districts:** (First Reading) An ordinance amending the City Code, Chapter 22, Elections, by altering the maps of Melbourne City Council Districts Two, Five, and Six, to include annexation ordinances adopted during the 2025 calendar year.

D. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

E. ADJOURNMENT

Mayor Paul Alfrey and Council Members Mark LaRusso and David Neuman, as members of the Airport Authority Board, may discuss Airport Authority issues, which may subsequently be addressed by the Airport Authority.

Council Members Marcus Smith, Mark LaRusso, Mimi Hanley, Vice Mayor Julie Kennedy (alternate) and David Neuman (second alternate), as members of the Space Coast Transportation Planning Organization (SCTPO), may discuss SCTPO issues, which may subsequently be addressed by the SCTPO.

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearing, he will need a record of the proceedings, and that for such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office (321-608-7220) at least 48 hours prior to the meeting.

Memorandum

To: Jenni Lamb, City Manager
Thru: Dr. Kimberly Foxworth, Director of Human Resources
From: Sabrina Spotts, Administrative Assistant
Date: December 1, 2025
Re: December 2025 Employee Service Award Presentation

The following employees will reach milestone anniversaries during the month of December 2025. Employees receiving a service pin and gift card for twenty years or more of service are provided a separate invitation to attend a Service Award presentation on Tuesday, January 27th at 6:30 p.m. in the Council Chamber.

Twenty-Five Years

Wayne Noll - Lift Station Operations
William McDonald - Streets Management

Twenty Years

Brian Hart - Police Operations
Timothy Hoskins - Customer Service

Ten Years

Colton Williams - Police Support Services

Five Years

Michael Morton - Police Support Services
Augusto Gonzalez - Customer Service

Gift card expenses for Service Awards are charged to the department budget object number 515000 and the gift card processing fees and costs for service pins for 20 or more years of service will be charged to object number 552000.

Thank you.

cc: Cheryl Mall, Public Information Officer

Memorandum

To: Jenni Lamb, City Manager
Thru: Dr. Kimberly Foxworth, Director of Human Resources
From: Sabrina Spotts, Human Resources Coordinator
Date: December 31, 2025
Re: January 2026 Employee Service Award Presentation

The following employees will reach milestone anniversaries during the month of January 2026. Employees receiving a service pin and gift card for twenty years or more of service are provided a separate invitation to attend a Service Award presentation on Tuesday, January 27th at 6:30 p.m. in the Council Chamber.

Thirty-Five Years

Sandra Wofford - Information Technology
Melinda Bishop - Police Support Services

Twenty-Five Years

Tammy Still - Financial Services

Twenty Years

Christopher Livingston - Police Operations

Fifteen Years

Ryan Young - Fire Operations
Angel Acevedo - Customer Service

Ten Years

Patricia Brubaker - Melbourne Auditorium
Cynthia Meekins - Parks Maintenance
Anastasia Romaine - Police Support Services
Kyle Buchanan - Water Reclamation
David Perley - Airport Administration

Five Years

Ernest Libby - Harbor City Golf Course
Kevin Murphy - Police Operations
Briana Fahy - Police Operations
James Walker - Police Operations
Allen King - Water Reclamation
James Todd - Fleet Management

Gift card expenses for Service Awards are charged to the department budget object number 515000 and the gift card processing fees and costs for service pins for 20 or more years of service will be charged to object number 552000.

Thank you.

cc: Cheryl Mall, Public Information Officer

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A regular meeting of the City Council was held in the City Council Chamber, 900 East Strawbridge Avenue, and was called to order at 6:30 p.m. by Mayor Paul Alfrey.

A. OPENING

1. The invocation was given by Pastor Tony Hauk, Church on the Rock.
2. Pledge of Allegiance
3. Roll Call

Present:

Paul Alfrey	Mayor
Julie Kennedy	Vice Mayor
Marcus Smith	Council Member, District 1
Mark LaRusso	Council Member, District 2
David Neuman	Council Member, District 3
Rachael Bassett	Council Member, District 4
Mimi Hanley	Council Member, District 5
Jenni Lamb	City Manager
Joan Junkala-Brown	Deputy City Manager
Adam Conley	City Attorney
Kevin McKeown	City Clerk
Justice Stevens	Assistant City Clerk
Rebecca Thibert	Assistant to the City Manager

4. Proclamations and Presentations
5. Approval of Minutes – December 9, 2025 Regular Meeting.

Moved by Hanley/Bassett for approval. Motion carried unanimously.

6. City Manager's Report

City Manager Jenni Lamb reported that the following discussion items are planned for future meeting agendas: code of conduct for volunteer advisory board members (scheduled for January 27); development review process discussion (scheduled for one of the February regular meetings); a discussion on the city's code enforcement process (scheduled for the end of March or April).

Additionally, Mrs. Lamb notified Council of the Downtown Melbourne Small Business Workshop scheduled for Tuesday, February 10 at 8:30 a.m. and that a

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public meeting is being planned regarding Fire Station 72, tentatively scheduled for Monday, February 16 from 5:30 p.m. until 7:30 p.m.

Council Member Marcus Smith referenced his desire to have a workshop on “doing business with the city.” Mayor Alfrey replied that Council did not give consensus for that item; however, it could be rolled into the small business workshop that was referenced. Mrs. Lamb stated that before any new information is pushed out, the city is looking at changing where contracts will be advertised and that needs to be resolved first. Additionally, the city can enhance what’s already available on the website.

Vice Mayor Julie Kennedy stated that February 16 is President’s Day which may be an issue regarding the scheduling of the meeting regarding the fire station. Mrs. Lamb stated that staff will take that into consideration.

7. Public Comments

There were no public speaking forms submitted.

B. UNFINISHED BUSINESS

8. **Ordinance No. 2025-41 (AV2025-0002):** (Second Reading/Public Hearing) An ordinance vacating a bike path easement between 2465 Wild Wood Drive and 2455 Wild Wood Drive. (Postponed - 9/11/2025, 10/14/2025) (First Reading - 12/9/2025)

Attorney Conley read the ordinance by its title. There were no disclosures by Council and no comments during the public hearing.

Moved by Bassett/Kennedy for approval of Ordinance No. 2025-41. The roll call vote was:

Aye: Smith, LaRusso, Neuman, Bassett, Hanley, Kennedy and Alfrey

Motion carried unanimously.

9. **Ordinance No. 2025-53 and Ordinance No. 2025-54, Lansing RV Storage:** (Second Reading/Public Hearing) Ordinances providing for a Comprehensive Plan amendment and zoning designation, with site plan approval for an outdoor RV storage area on 6.25± acres, located on the north side of Lansing Street, east of North Wickham Road, and south of Lake Washington Road. (Owner - LAWS HALL PARTNERSHIP LLP) (Applicant/Representative - Justin Archey) (P&Z Board - 11/6/2025) (First Reading - 12/9/2025)
- a. **Ordinance No. 2025-53/MAP2024-0013:** (Second Reading/Public Hearing) An ordinance amending the future land use map classification from General Commercial to Heavy Commercial Future Land Use on 6.25± acres.

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- b. **Ordinance No. 2025-54/MAP2024-0012:** (Second Reading/Public Hearing) An ordinance amending the zoning map from C-2 (General Commercial District) to M-1 (Light Industrial District) zoning on 6.25± acres.
- c. **Site Plan Approval (PLAN2024-0019):** A request for site plan approval on 6.25± acres.

Attorney Conley read the ordinances by their titles. There were no disclosures by Council and no comments during the public hearing.

Moved by Kennedy/Bassett for approval of Ordinance No. 2025-53, based upon the findings and conditions contained in the Planning and Zoning Board memorandum. The roll call vote was:

Aye: Smith, LaRusso, Neuman, Bassett, Hanley, Kennedy and Alfrey

Motion carried unanimously.

Moved by Kennedy/Bassett for approval of Ordinance No. 2025-54, based upon the findings in the Planning and Zoning Board memorandum and the conditions contained in the staff memorandum. The roll call vote was:

Aye: Smith, LaRusso, Neuman, Bassett, Hanley, Kennedy and Alfrey

Motion carried unanimously.

Moved by Kennedy/Bassett for approval of PLAN2024-0019, based upon the findings in the Planning and Zoning Board memorandum and the conditions contained in the staff memorandum. Motion carried unanimously.

- 10. **Ordinance No. 2025-60 (AV2025-0004):** (Second Reading/Public Hearing) An ordinance vacating a three-foot-wide by 40-foot-long portion of the 10-foot-wide public utility and drainage easement that runs along the east lot line of Lot 68 of the Rio Villa Unit III plat (3093 Rio Bonita Street). (First Reading - 12/9/2025)

Attorney Conley read the ordinance by its title. City Engineer James Ennis noted that previously, Council requested information on the cost of this process, which is approximately \$780 plus the legal advertisement cost of the item.

Council Member Mark LaRusso stated that he would still like to see a pathway to how the city can ensure that residents are not burdened by the financial cost of this process. Mrs. Lamb replied that this could be an administrative review process, which would avoid the costs of coming before City Council. She stated that this would be a City Code change, so if Council expresses consensus to move forward, staff can start that process. (Note: Council did not express consensus to move forward in that direction.)

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There were no disclosures by Council and no comments during the public hearing.

Moved by LaRusso/Alfrey for approval of Ordinance No. 2025-60. The roll call vote was:

Aye: Smith, LaRusso, Neuman, Bassett, Hanley, Kennedy and Alfrey

Motion carried unanimously.

11. **Ordinance No. 2025-61, Ordinance No. 2025-62, and Ordinance No. 2025-63, The Preserve Multi-Family Residential:** (Second Reading/Public Hearing) Ordinances providing for an annexation, comprehensive plan amendment, zoning amendment, with site plan approval on an overall 17.65±-acre property, located on the west side of North Wickham Road, north of Post Road, at Preserve Drive/Pebble Creek Street. (Owner – Shannash Properties, Inc. Stephen Novacki) (Applicant- Kimley Horn; Tyler Enright, P.E.) (Representative - Land Development Strategies, LLC; Kelly Delmonico) (P&Z Board – 11/20/2025) (First Reading - 12/9/2025)
- a. **Ordinance No. 2025-61/ANNX2024-0009:** (Second Reading/Public Hearing) Annexation of 17.65± acres of undeveloped property into the City of Melbourne Corporate City limits.
 - b. **Ordinance No. 2025-62/MAP2024-0030:** (Second Reading/Public Hearing) An ordinance establishing Mixed Use Future Land Use on a 17.65±-acre undeveloped property.
 - c. **Ordinance No. 2025-63/MAP2024-0031:** (Second Reading/Public Hearing) An ordinance establishing R-2 (One-, Two-, and Multiple-Family Dwelling Medium Density District) zoning on a 17.65±-acre undeveloped property.
 - d. **Site Plan Approval (PLAN2024-0026):** A request for site plan approval on 17.65± acres.

Attorney Conley read the ordinances by their titles. Community Development Director Cindy Dittmer discussed the calculation of the petition and displayed a map of the properties that were in opposition to the requests.

There were no disclosures by Council. The Mayor opened the public hearing.

Cliff Repperger, representing the applicant, was available for questions.

Council Member Mimi Hanley expressed concern with the development of additional residential property rather than commercial services for the existing residents in the area.

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Moved by Kennedy/Neuman for approval of Ordinance No. 2025-61, based upon the findings contained in the Planning and Zoning Board memorandum. The roll call vote was:

Aye: Smith, LaRusso, Neuman, Bassett, Hanley, Kennedy and Alfrey

Motion carried unanimously.

Moved by Smith/Neuman for approval of Ordinance No. 2025-62, based upon the findings contained in the staff memorandum. The roll call vote was:

Aye: Smith, LaRusso, Neuman, Bassett, Kennedy and Alfrey

Nay: Hanley

Motion carried.

Moved by Kennedy/Neuman for approval of Ordinance No. 2025-63, based upon the findings contained in the Planning and Zoning Board memorandum. The roll call vote was:

Aye: Smith, LaRusso, Neuman, Bassett, Kennedy and Alfrey

Nay: Hanley

Motion carried.

Moved by Kennedy/Neuman for approval of PLAN2024-0026, based upon the findings and conditions contained in the Planning and Zoning Board memorandum. Motion carried. Council Member Hanley voted nay.

12. **Ordinance No. 2025-64, Reasonable Accommodation – Certified Recovery Residences:** (Second Reading/Public Hearing) An ordinance amending City Code Appendix D, Chapter 1, Article I, by creating Section 1.02, entitled “Reasonable Accommodation - Certified Recovery Residences,” as it relates to new Florida Statute requirements. (Applicant - City of Melbourne) (P&Z Board - 11/20/2025) (First Reading - 12/9/2025)

Attorney Conley read the ordinance by its title. The Mayor opened the public hearing. There were no comments from the audience.

Moved by Hanley/Neuman for approval of Ordinance No. 2025-64, based upon the findings contained in the Planning and Zoning Board memorandum. The roll call vote was:

Aye: Smith, LaRusso, Neuman, Bassett, Hanley, Kennedy and Alfrey

Motion carried unanimously.

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C. NEW BUSINESS

13. **Resolution No. 4394:** A resolution authorizing the approval of a Locally Funded Agreement between the Florida Department of Transportation and the City of Melbourne for the Ellis Road Widening Project and authorization for the City Manager to execute the agreement.

City Engineer James Ennis reported that the city has consistently supported the Ellis Road Widening Project as a priority project through the Space Coast Transportation Planning Organization (SCTPO) and considers the project to be a vital connection between the I-95 Interchange and the Melbourne-Orlando International Airport. On July 11, 2023, City Council committed \$1,100,000 in Transportation Impact Fees for County Roadways in support of this regionally significant roadway. The Ellis Road Widening Project crosses multi-jurisdictional boundaries, namely Brevard County, West Melbourne, and Melbourne.

On December 16, 2024, the project team, consisting primarily of the SCTPO, the Florida Department of Transportation (FDOT) and Brevard County, announced that it had secured additional funding for construction of the Ellis Road Widening Project through a State Infrastructure Bank Loan. On February 25, 2025, City Council approved an "Off-system Construction and Maintenance Agreement" allowing FDOT to act on behalf of local governments whereby the local government rights-of-way are impacted by the project. The final phase of design is expected to be advertised for construction in June 2026. At this time, FDOT is requesting that the city enter into a Locally Funded Agreement providing for the city's funding commitment in anticipation of the construction project.

Ms. Hanley asked what West Melbourne's contribution to this project was. Mr. Ennis replied that West Melbourne contributed \$500,000 and added that Brevard County contributed \$7.4 million and FDOT made up the balance (. Ms. Hanley expressed her belief that Melbourne is picking up the tab for West Melbourne.

Mr. LaRusso stated that this project is a collaboration of multiple agencies along with the benefit to the community of direct access to the Melbourne Orlando International Airport.

Discussion continued.

Moved by Neuman/Smith for approval of Resolution No. 4394. Motion carried unanimously.

14. **Resolution No. 4395:** A resolution authorizing a Contract for Sale and Purchase between the City of Melbourne and L3 Harris Technologies, Inc., for property located at 1025 W. Hibiscus Boulevard, Melbourne, FL for the Hibiscus Boulevard Booster Pump Station, Project No. 31319 - \$376,000 plus closing costs.

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Public Works and Utilities Director Jennifer Spagnoli reported that the existing Hibiscus Boulevard Booster Pump Station, located at 966 W. Hibiscus Boulevard, is approximately 40 years old and requires replacement. The Hibiscus Boulevard Booster Pump Station Replacement project, identified in the Water Production Facilities Master Plan, provides for a proposed replacement pump station consisting of a new two-million-gallon ground storage tank, a new pump station utilizing vertical turbine pumps for increased accessibility and reliability, a new electrical building, a new standby generator, new yard piping connections, a new driveway, and required stormwater management system. The increase in size of the proposed storage tank will allow for the station to sustain optimal system pressures within the water distribution system over a longer duration during peak demand hours.

In order to provide the necessary space to place the two-million-gallon ground storage tank and new pump station, 1.71 acres of property must be acquired to enlarge the site from its current size of 0.59 acres to the necessary size of 2.30 acres. Because Federal funding may be used for the design and construction of the Hibiscus Boulevard Booster Pump Station Replacement project, acquisition of the subject property requires compliance with the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970.

Mr. Smith asked what the timeline would be upon approval of the purchase. Ms. Spagnoli replied that there would be approximately 60 days for closing and that staff would like to get a task order done for design this year.

Moved by Smith/Neuman for approval of Resolution No. 4395. Motion carried unanimously.

15. CONSENT AGENDA:

- a. Purchase of two (2) vehicles for the Police Department and one (1) vehicle for the Fire Department, Stingray Chevrolet, LLC, Plant City, FL - \$136,481.45.
- b. Purchase of three (3) new vehicles for the Police Department, Seminole Toyota, Sanford, FL - \$105,623.
- c. Purchase of a replacement asphalt truck for the Streets & Stormwater Management Division, Cumberland International Trucks, Orlando, FL - \$232,489.08.
- d. Purchase of 19 vehicles for various divisions, Duval Ford, Jacksonville, FL - \$1,176,151.
- e. Purchase of a bucket truck for the Facilities Management Division, Altec Industries, Inc., Birmingham, AL - \$297,781.

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- f. Purchase of various equipment for Crane Creek and Harbor City Golf Courses, Wesco Turf, Jacksonville, FL - \$149,883.53.
- g. Purchase of fuel card services for the Police and Fire Departments, WEX Bank, dba WEX Inc., Portland, ME - estimated annual cost of \$560,000, total cost of contract \$1,120,000.
- h. Fourth Amendment for on-site automotive and truck parts supply store operation for the Fleet Management Division, Genuine Parts Company, dba NAPA Auto Parts, Atlanta, GA - estimated annual total of \$1,400,000 and estimated total contract term of \$8,400,000.
- i. Purchase of 115 MSA G1 Self-Contained Breathing Apparatuses and Accessories, Ten-8 Fire & Safety, LLC, Bradenton, FL - \$1,482,181.33.
- j. Purchase of SUNCOM Communication Services for internet and voice services using contract pricing, CenturyLink Communications, LLC, Tallahassee, FL - estimated annual cost of \$108,000.
- k. Renewal of Cisco SmartNet Maintenance Agreement, Presidio Networked Solutions Group, LLC, Orlando, FL - \$114,848.06.
- l. Youth sports league ball field and facilities use agreements between the City of Melbourne and five (5) organizations, Lipscomb Street Regional Park Association of Melbourne, Florida, Inc., Greater Melbourne Police Athletic League, Inc., Melbourne Mercenaries, Inc., Eau Gallie Little League, Inc., and Brevard Soccer Alliance, Inc., granting each entity a license to utilize ball fields located in City parks, and authorization for the City Manager, or designee, to execute such agreements.
- m. Laydown Area License Agreement between the City of Melbourne and BlueTerra LLC, Winter Garden, FL for temporary use of a portion of the City's property located at 2205 Front Street.
- n. Lease Agreement for mailing system equipment and software, Quadient, Lehi, UT - annual amount of \$55,773.24 and total contract amount of \$278,866.20.
- o. **Resolution No. 4396:** A resolution appropriating \$9,665 from the U.S. Department of Treasury's Federal Asset Sharing Fund for the purchase of a hydraulic breaching tool for the Police Department.
- p. **Resolution No. 4397:** A resolution to execute a Memorandum of Agreement between the City of Melbourne and Brevard County Emergency Management for use of the Everbridge statewide alerts and mass notification services.

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Moved by Hanley/Alfrey for approval of the consent agenda. Motion carried unanimously.

16. ITEMS REMOVED FROM THE CONSENT AGENDA
17. Contract Award for Group Medical and Ancillary Coverage to United Healthcare Insurance Company, Inc.

Human Resources Manager Ruth Lovejoy reported that as discussed during the December 9, 2025, regular council meeting, the ranking selection and recommendation to negotiate with United Healthcare (UHC) was primarily based on their multiple plan offerings as well as the premium credit and first year rate cap.

The agreement between the City of Melbourne and United Healthcare has a term of April 1, 2026, through March 31, 2027, unless extended or terminated, and may be extended for two consecutive one-year terms after March 31, 2027. The agreement includes health insurance and pharmacy under five plan options, vision coverage under two plans, basic and supplemental life and AD&D coverages, short- and long-term disability, accident, critical illness, and hospital indemnity coverages. The premiums for Vision, Basic Life and AD&D, Supplemental Life and AD&D, Short Term Disability, Long Term Disability, Accident, and Hospital Indemnity shall be guaranteed for three years ending March 31, 2029. The premiums for critical illness shall be guaranteed for two years ending March 31, 2028.

In addition, the agreement includes an annual administrative credit of \$125,000 to be applied at the city's discretion. The agreement also includes a 14.9% rate cap for April 1, 2027, health and pharmacy insurance renewal, after which renewal rates may be increased by UHC based upon a reasonable underwriting assessment. Other employee benefits in the agreement include a concierge service, wellness rewards up to \$600 annually for each enrolled employee and spouse combined, and a dedicated on-site UHC representative to assist members with claims, authorizations, and wellness initiatives.

Daneille Boyle, Brown & Brown, provided an overview of the recommended employee plans for 2026 and provided a brief description of the benefits/differences in each plan. She also provided a brief overview of the annual savings based on an employee's plan selection versus what is currently offered to the city.

Ms. Boyle stated that assuming approval at this meeting, she will be presenting at various educational sessions next week to provide a more detailed review of the plan options, examples of who may be a good fit for each of the plans, and will review the website, apps and various tools associated with the plan. She also stated that open enrollment would be set for February 16 through 27.

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Ms. Hanley asked what happens to an employee that does not sign up for benefits. Mrs. Lamb replied that they would not receive health insurance.

Mr. LaRusso described his experience with a third-party who would deny requests before they even reached Aetna for a review. He asked if UHC has a similar process. Ms. Boyle replied that it is common for carriers to have that additional review; however, UHC handles that in-house as opposed to outsourcing that responsibility to a third party.

Discussion continued.

Moved by Hanley/Alfrey for approval of the contract award for the Group Medical and Ancillary Coverage to United Healthcare Insurance Company and authorize the City Manager to execute the agreement between the City of Melbourne and United Healthcare Insurance Company. Motion carried unanimously.

18. **Ordinance No. 2026-01, Administrative Final Plat Approval:** (First Reading/Public Hearing) An ordinance amending City Code, Chapter 2, Administration; Appendix B, Section 4, Planned Unit Development (PUD); and Appendix D, Chapter 8, Subdivision Code, to address recent State of Florida legislative changes (F.S.177.073) to provide administrative approval of final plats. (Applicant - City of Melbourne)

Attorney Conley read the ordinance by its title. Planning Manager Cheryl Dean reported that Senate Bill (SB) 784, identified as the "Pro-Housing Development Law," was signed by Governor Ron DeSantis on June 20, 2025, and is provided in F.S. Section 177.071. Effective July 1, 2025, this legislation requires certain local governments to provide for the administrative approval of plats/re-plats ready for recording. The purpose of the legislation is to eliminate the public hearing process as a way to expedite the approval process for code-compliant plats. The mandatory changes required by the new legislation require a governing body to establish an administrative approval process, and require the City of Melbourne to designate an administrative official who is responsible for approving or denying a proposed plat or re-plat.

Staff has proposed changes to City Code eliminating the approval of all final plats by City Council, specifically noting City Council approval of preliminary plats only. Staff has also made changes to Appendix B, Article IX, Section 4, regarding the submittal, review, and approval process for a Planned Unit Development (PUD). Proposed changes include: clarifying that a Preliminary Development Plan (PDP) is considered to be a master site plan; updates to the city's PUD development process; clarifying the existing construction plan submittal requirements; and referring platted Preliminary Development Plans to the procedures identified in the Subdivision Code (Appendix D, Chapter 8).

Amendments to Appendix D, Chapter 8, Subdivision Code include the following: new section referring to 'substantial changes' has been added to the preliminary

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plat process, providing criteria to determine when a change to a preliminary plat is required to go back to City Council for consideration; revision to subdivision construction plan language clarifying the technical provisions associated with site construction; and revision to final plat approval references, eliminating approval reference by the “governing body”.

On December 18, 2025, the Planning and Zoning Board voted unanimously to recommend approval of the proposed amendments.

The Mayor opened the public hearing. There were no comments from the audience.

Attorney Conley added that one slight revision will be made to the ordinance prior to second reading referencing the City Manager being the administrative official to review and approve these final plats and providing expanding authority from Council for the City Manager to approve ancillary documents.

Moved by Smith/Neuman for approval of Ordinance No. 2026-01, based upon the findings contained in the Planning and Zoning Board memorandum. Motion carried unanimously.

19. **Ordinance No. 2026-02:** (First Reading) An ordinance amending Chapter 2, Article II, Melbourne Code of Ordinances regarding public participation and standards of decorum at City Council meetings.

Attorney Conley read the ordinance by its title and reported that at its November 13, 2025 regular council meeting, City Council gave the City Attorney direction to draft and propose an ordinance amending Chapter 2, Article II of the City Code relating to public participation procedures and standards of decorum at City Council meetings. This direction came as a result of legal guidance provided by the City Attorney in October 2025.

As set forth in more detail in the memorandum within the agenda package, the proposed ordinance revises Sec. 2-29 to clarify the time limits for general public comment at Council meetings, revises Sec. 2-32 to clarify to whom the public should direct their comments, and amends Sec. 2-36 to define certain terms and delete other terms.

Moved by LaRusso/Alfrey for approval of Ordinance No. 2026-02. Motion carried unanimously.

20. Discussion regarding parking management and enforcement in Downtown Melbourne.

Mrs. Dittmer reviewed the history of parking issues in Downtown Melbourne, noting that on-street and three-hour parking limits over the last 30+ years have not been enforced in recent years. This lack of enforcement resulted in low

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parking turnover by long-term parkers on New Haven Avenue, which in turn, provides only limited convenient, short-term parking in the core downtown area. She further reviewed the findings of the parking management plan workshops in 2022 and 2025, which resulted in the confirmation that there is an adequate supply of existing parking in the area but the low turnover of convenient on-street parking is causing issues.

Continuing, Mrs. Dittmer stated that Phase I of the Plan proposes implementing parking enforcement based on the existing three-hour time restriction in the core area of downtown. In addition, the first floor of the City Hall parking garage and its adjacent surface lot would have one-hour and three-hour restrictions, while all other parking lots and on-street areas would remain unrestricted. Vehicles in violation of posted time limits or parking regulations would be subject to citation.

Staff initially considered contracting a third-party vendor to manage parking enforcement services. However, after further review, it was determined that Section 316.640, Florida Statutes limits the issuance of parking citations within the right of way to individuals directly employed by the municipality. As a result, third-party parking enforcement was deemed infeasible for on-street parking enforcement. In light of this limitation, staff is now exploring the creation of in-house parking enforcement. Phase I of the Downtown Parking Management Plan will be carried out using city-employed parking enforcement specialists.

Although Phase I is not designed to generate revenue, staff has assessed the potential citation revenue resulting from parking enforcement activities. According to the Parking Management Plan, annual revenue from citations is estimated to be approximately \$167,000 based on five days of parking enforcement per week. However, staff estimates this number to be much lower (closer to \$100,000) based upon research on the number of tickets issued in other municipalities. Furthermore, staff anticipates that revenue will decline in subsequent years as downtown patrons become more familiar with parking enforcement and adjust their parking behavior. Based on this, any shortfall in revenue offsetting the costs for parking enforcement will need to be supplemented with CRA funding.

In closing, staff is requesting additional guidance from City Council on moving forward with Phase I utilizing internal parking enforcement. Following Council's direction, staff would return with appropriate amendments to the City Code, adoption of a parking management plan, public outreach, and necessary budget amendments for the purchase of equipment, staffing, and associated costs to carry out enforcement.

Mr. Neuman stated that during previous discussions, he recommended engaging public residents in the downtown area beyond the core downtown area. He asked if that engagement will still occur. Mrs. Dittmer replied that the real question is where those long-term employees will park and how that will affect the surrounding area. Mrs. Lamb added that when enforcement begins, the city would reach out to see how the process is going.

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Mr. Neuman asked if a fee structure is already in place once enforcement begins. Mrs. Dittmer stated that there would be an ordinance that would come before Council to adjust fees based on the consultant's recommendations, as well as a written plan that will explain where on-street enforcement will occur, what lots will have what limitations, etc.

Mr. Neuman also asked if a different process would be utilized for the city hall surface lot or first floor of the garage (as opposed to on-street public parking spaces). Attorney Conley explained the difference between a parking ticket (as a violation of City Code) versus a "bill" as part of a fee-based parking structure. If the city moves in the direction of alleging a code violation based on parking rules, in his opinion, the issuance of that citation must be given by a city employee.

Discussion continued.

Mr. LaRusso stated that he was contacted by John Englad with Ameristar (the entity that manages parking during special events) who is doing the same sort of enforcement for the City of Delray Beach. However, it appears that the City Attorney is not comfortable with that direction. He asked for clarification.

Attorney Conley stated that he respectfully disagrees with how the City of Delray Beach is interpreting the statute and implementing their parking management program. Mr. LaRusso asked if there are any other third-party contractors that perform services for the city. Ultimately, he believes that the city is just throwing this contractor out the door and not exploring that option. Mr. LaRusso stated that he is not clear on why the city can't move forward in that direction when other cities are doing it successfully now. He closed by stating that he sees this as an easy "plug and play" option.

Vice Mayor Kennedy asked for clarification about the financials with regard to keeping the enforcement to city employees or having a third-party handle enforcement. Mrs. Dittmer stated that the analysis has not gotten to that point yet. Mr. LaRusso discussed the uniforms, equipment and training that would be needed, and how that process would need to be repeated if one person leaves and another person comes onboard. However, in the situation where a third-party handles the process, this is no longer a concern.

Mr. LaRusso stated that for him to feel comfortable, he would like to hear the opinion of the City Attorney of the City of Delray Beach as well as an opinion from Tallahassee. Attorney Conley replied that he would need Council consensus to make that formal request to Tallahassee and the Attorney General's Office. He added that there is an existing opinion on the interpretation of this statute in which the Attorney General ultimately states that this type of parking enforcement is police power, and it is not recommended to delegate that power to a third-party.

Discussion continued.

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Mr. Neuman recommended providing staff with direction to move forward with their plan as well as approving Mr. LaRusso's request to seek an opinion from the Attorney General's Office. The Mayor asked for consensus for this direction. There were no objections from City Council with this direction.

21. Discussion regarding pickleball hours of operations at Jimmy Moore Park.
(Requested by Council Member Mimi Hanley)

Parks and Recreation Director Nikki Caldwell reported that at the December 9, 2025 regular meeting, Ms. Hanley requested to have a discussion item regarding additional hours of operations for the pickleball courts at Jimmy Moore Park on Saturday evenings.

Jimmy Moore Park, located at 2810 Sarno Road, currently has 12 pickleball courts and four tennis courts. Due to the increased popularity of pickleball, the four remaining tennis courts are being converted into an additional 12 pickleball courts, for a total of 24 pickleball courts. With the current budget, the pickleball courts are staffed from 7:00 a.m. to 12:00 p.m. daily with additional evening hours from 4:00 p.m. to 9:00 p.m. on Monday through Friday. The Parks and Recreation Department will require additional staff hours to operate the court lighting during any additional hours.

Ms. Hanley discussed the increasing number of people using pickleball courts and following discussion, asked if the city could add hours on Saturday and Sunday through April 2026. Ms. Caldwell stated that staff can add these hours and then monitor the use of the courts in this expanded timeframe.

22. Council appointments to the Space Coast Transportation Planning Organization.

City Clerk Kevin McKeown reported that the City of Melbourne participates in the Space Coast Transportation Planning Organization (TPO) through an interlocal agreement. The TPO is a regional, multi-jurisdictional agency tasked with the transportation planning and programming for the expenditure of state and federal transportation funds in Brevard County. Membership is based on population; therefore, the City of Melbourne has three seats who serve as regular members and one alternate member. Members serve four-year terms. A member's term automatically terminates when he/she no longer holds public office.

In accordance with the interlocal agreement between the TPO and the city, one Council member appointed to the TPO must also serve on the Melbourne Airport Authority. In December, TPO staff informed the city that past practice of allowing this requirement to be fulfilled by the alternate member is no longer permissible; the representative from the Melbourne Airport Authority must be a regular member of the TPO. Representatives of Melbourne City Council serving on the Melbourne Airport Authority Board include Mayor Paul Alfrey and Council Members David Neuman and Mark LaRusso.

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Vice Mayor Kennedy stated that with her work schedule, it is difficult to attend meetings. She stated that she would be happy to transition to an alternate member. Mr. LaRusso added that his work schedule is difficult as well; however, he would be willing to transition to the regular member position. Additionally, Mr. Neuman noted that there is a vacant second alternate member position and that he would be interested in filling that position.

Moved by Kennedy/Bassett to appoint Mark LaRusso as a regular member and to appoint Julie Kennedy and David Neuman as alternate members. Motion carried unanimously.

23. Appointment of one resident member to the Firefighters' Pension Plan Board of Trustees.

Moved by Kennedy/Bassett to appoint John Reisert as a resident member. Motion carried unanimously. (Term: January 13, 2026 through September 30, 2028; unexpired four-year term.)

D. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Mr. Neuman asked for an update on the Downtown Melbourne streetscape project. Mrs. Lamb replied that in February, the design of Holmes Park should be coming before City Council for approval, and the city will be going out for a request for qualifications in March/April for the streetscape consultant selection.

Mr. Smith asked for an update on the FDOT US1 streetscape project. Mrs. Lamb stated that she will contact FDOT for an update.

Ms. Hanley stated that she was invited to attend the TPO's Safety Visions meeting where information was provided regarding how the city can implement certain things to earn points that can be put towards various safety equipment. She also discussed a local city that purchased property around city hall for the purpose of art exhibits.

Additionally, she asked for Council approval to attend the TPO meeting in Tallahassee, which takes place soon after the FLC Legislative Action Days. There were no objections from City Council, although Ms. Hanley stated that based on her schedule, she may not be able to attend.

Mr. Smith stated that he met with the Brevard Homeless Coalition regarding asset mapping and discussed the dedicated outdoor homeless shelter. Mr. Neuman stated that in his last discussions, he was told that if the facility isn't in Downtown Melbourne, there is not interest. Mr. Smith stated that Mr. Neuman should re-start his conversations with Jeff Njus. Continuing, Mr. Smith discussed his upcoming birthday party and a visit from the mayor from Atlanta.

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Continuing, Mr. Smith stated that he was asked to be a part of the TPO Executive Board and displayed a map/photo that is published by the TPO to show the members and who they represent. He recommended that Council implement something similar for the city's volunteer advisory boards. Following discussion, Council did not provide consensus to move forward with that idea.

Mr. LaRusso discussed the annual quasi-judicial memo sent by the City Clerk; the upcoming St. Patrick's Day special events and the need to have proper insurance submitted; and his desire to have a conversation about e-bikes in the city. Council expressed consensus to have staff research the provisions of an ordinance relating to e-bikes.

Additionally, at the request of Council Member LaRusso, Council expressed consensus to direct staff to return with an ordinance amending the City Manager's purchasing threshold.

In closing, Mr. LaRusso discussed the pinning of "Riggs" – the Melbourne Fire Department's therapy dog – as well as the renaming of Airport Boulevard to Dr. Martin Luther King, Jr. Boulevard several years ago.

Mayor Alfrey commended city staff for executing bond paperwork for the city's water infrastructure.

E. ADJOURNMENT

The meeting adjourned at 9:11 p.m.

/s/ Kevin McKeown, City Clerk – January 21, 2026

Approved by Council:

Memorandum

To: Mayor and Council
From: Jenni Lamb, City Manager
Date: January 22, 2026
Subject: City Manager's Report – Meeting of January 27, 2026

Updates:

At the July 22, 2025 regular Council meeting, City Council provided staff direction to proceed with a feasibility study for the Melbourne Auditorium. On October 28, 2025, staff presented to City Council a brief overview of the Melbourne Auditorium followed by a summary of the previously commissioned 2007 Civic Center Study Phase I Market Study conducted by Strategic Planning Group and sought additional direction relating to the feasibility study. Staff presented several options, for which Council voted to authorize staff to commission a study on the feasibility and constructability of a convention center/exhibit hall, to include identifying available funding sources for the construction of such a facility ranging from impact fees to grant programs to public-private partnerships. On November 21, 2025, the Procurement Division issued RFP-P26003K-0-2026/KL, soliciting proposals for a feasibility study and constructability of a convention center/exhibit hall. The deadline to submit proposals was December 19, 2025. While the solicitation had 29 views, the City received one proposal from Pizzuti Solutions, LLC, Columbus, Ohio. The Procurement Division contacted the firms who viewed the solicitation to understand why the City only received one submittal. The City received responses ranging from the firm not being qualified to perform the service to firm's belief that the City should recommission the original study as much time has passed since the 2007 study was completed.

On January 7, 2026, the evaluation committee met to review and score the proposal from Pizzuti Solutions, LLC. The evaluation committee (comprised of Deputy City Manager, Parks & Recreation Director, and Economic Development Manager) collectively scored the proposer at 3.10 out of 4.00, noting confidence in the firm's ability to perform the services. The evaluation committee elected to have a second evaluation committee meeting on January 16, 2026 to seek clarification on items contained in the proposal, and collectively agreed to proceed with Pizzuti Solutions, LLC.

Pizzuti Solutions, LLC submitted the proposal for consulting services for financial feasibility and constructability of a convention center/exhibit hall at \$74,684 and completion within approximately 6 months. This proposal is under the City Manager's expenditure threshold of \$75,000 and can be approved administratively. However, given the Council's request for such a study, it is the City Manager's desire to ensure that

Council remains informed on the status and award of the RFP. The City Manager supports the evaluation committee's decision to award the contract to Pizzuti Solutions, LLC and will proceed with approving the proposal.

Retirements:

Mark Lang, Police Officer, on January 30, 2026, after 18 years of service.

CITY MANAGER'S ACTIVITY REPORT DECEMBER 2025

For Activity from December 1 to December 31, 2025

Public Assembly Permits Issued

- 12/5/25 Eau Gallie Square - Tree Lighting - ACE Hardware
- 12/6/25 Eau Gallie Square - Maggie Badolato - Erg-A-Thon Fundraiser
- 12/6/25 Riverview - TCS Foods - Farmer's Market
- 12/7/25 Riverview - Chris Bancroft - Food Not Bombs Homeless Feeding
- 12/13/25 Eau Gallie Square - Carrie Thomas - Farmer's Market
- 12/13/25 Riverview - TCS Foods - Farmer's Market
- 12/14/25 Riverview - Chris Bancroft - Food Not Bombs Homeless Feeding
- 12/20/25 Eau Gallie Square - Carrie Thomas - Farmer's Market
- 12/20/25 Riverview - TCS Foods - Farmer's Market
- 12/21/25 Riverview - Chris Bancroft - Food Not Bombs Homeless Feeding
- 12/27/25 Riverview - TCS Foods - Farmer's Market
- 12/28/25 Riverview - Chris Bancroft - Food Not Bombs Homeless Feeding

Purchases Approved by the City Manager

- Purchase of Professional Services from Presidio Network Solutions, Orlando, FL - \$22,200.
- Purchase replacement shade structures for bleachers at Tim Wakefield Sports Complex Field One, Industrial Shadeports, Fort Lauderdale, FL - \$34,761.
- Renewal of FileOnQ software for Police Department, FileOnQ, Inc., Tukwila, WA - \$28,890.
- Renewal of ImageTrend Elite™ Fire Rescue software from ImageTrend, Inc., Eagan, MN, for \$22,750.
- Purchase of a replacement control panel assembly for the large generator at the Actiflo Building for the Water Production Division, Ring Power Corporation, Palm Bay, FL - estimated cost of \$19,718.97.
- Purchase of replacement core sweeper for Crane Creek Golf Course, Davco Turf Equipment, Lake Worth, FL - total amount of \$43,298.30
- Purchase of two replacement vehicles for the Police Department, Alan Jay Fleet Sales, Sebring, FL - total amount of \$59,264.
- Purchase of a 12-inch Slanted Disc Check Valve for the Water Production Division, Fluid Control, Sanford, FL - estimated cost of \$35,448.
- Purchase of a new combination welder/generator/air compressor unit for Water Production, Genuine Parts Company dba NAPA Integrated Business Solutions, Melbourne, FL - total amount \$46,390.62.
- Renewal of Splunk Enterprise License from SHI International Corp, Somerset, NJ - \$41,273.92.
- Purchase of press rollers for the Water Production Division, Alfa Laval, Greenwood, IN - estimated cost of \$44,106.21.
- Purchase of SWAT Replacement Ballistic Vests from Federal Eastern International, Jacksonville, FL for a total of \$20,895.04.

- Purchase of a Wiedenman Super 490 Sweeper for Parks Department, Everglades Equipment, Ft Pierce, FL - total amount \$30,500.
- Increase to blanket Purchase Order No. 26000454 to GameTime for playground equipment parts for the Parks Division, Playcore Wisconsin, Inc. dba GameTime, Fort Payne, AL - \$15,000.
- Purchase of Business Reply Envelopes for Utility Billing, Pride Enterprises, Bushnell, FL — \$21,222.
- Purchase of Preprinted Utility Billing Windowed Mailing Envelopes from Pride Enterprises, Bushnell, FL — \$23,472.
- Purchase of ozone diffusers for the Water Production Division, Veolia Water Technologies, Leonia, NJ - with an estimated cost of \$29,060.80.
- Purchase of two replacement tractors for the Parks Department and the Crane Creek Golf Course, Crystal Tractor & Equipment, Crystal River, FL - total amount of \$52,969.00.
- Purchase of tree trimming service at Harbor City Golf Course, Superior Tree Service, Malabar, FL - \$21,925.00.

Engineering Activity

Consultant Task Orders

- ***Task Orders Approved by City Manager***
 - o Crane Creek Golf Course Improvements, Project No. 10621, installation of approximately 680 linear feet of 6-inch conduit per FPL specifications, 45-degree bends, stabilization of a 20'x20' area for a new concrete pad, installation of sod and survey as-builts, Concurrent Utility Services, LLC., \$38,950.00.
 - o Hydrogeologic and Engineering Services for Water Production Wellfield Improvements, Task Order No. CDM-06, wellfield hydrogeologic and engineering efforts associated with the wellfield, performing studies, performing the engineering services required to aid in the implementation of capital projects, CDM Smith, Inc., \$25,000.00.
 - o Grant Street Water Reclamation Facility Underground Injection Control System 2025 Annual Report, Amendment No. 3, CDM Smith, Inc., \$15,500.00.
 - o Line Street Cemetery Survey, Task Order No. DRMP-S-2025-001, boundary survey, location of graves sites, utility locates, DRMP, Inc., \$30,675.00.
 - o South Riverview Septic to Sewer Conversion, Project No. 32518, Previously a 2' force main was installed to service homes on Hoag Ave. This will be an extension to the South to allow for connection to the central sewer, The Timeline Group, \$36,237.50.
 - o Lift Station No. 35 Replacement Contract, Project No. 32020, Project has been completed and a closeout final reduction is necessary, SanPik, Inc. of Lake Mary, Florida, (\$15,480.00).
 - o Boundary Survey at the Hibiscus Booster Pump Station, Project No. 31319, Task Order No. DRMP-S-2025-007, boundary survey of the sketch and description provided, DRMP, Inc., \$11,570.00.
- ***Task Orders Approved by City Engineer***

- o Geotechnical Laboratory, Project No. 31319, Task Order No. ARD-2025-005, Phase 1 Environmental Site Assessment for Parcel Purchase at Hibiscus Booster Pump Station Replacement, Ardaman & Associates, Inc., \$2,500.00.
- o Traffic Signal Retiming Program for ATMS Applications Training, Project No. 64425, Task Order No. ITERIS, current signal staff to be trained in ATMS to provide coverage until a permanent ATMS Coordinator position can be filled.

Development Plan Approvals

- ***Substantially Approved Plans (Pending Pre-construction Meeting)***

- o Florida Recycle and Garden Center, ENGR2024-0024, improvements to Recycle Center and the addition of a 900 SF Garden Center.
- o Dutch Bros., UTIL2025-0005, drive thru coffee shop.
- o Dairy Queen, ENGR2025-0016, 2495 N. Wickham Rd.
- o Apollo Providence Place, ENGR2025-0018, 800 Apollo Blvd., the 21,738 square foot building has since been removed. The remaining existing onsite improvements will be removed as part of this project. The proposed improvements consist of a new 4-story, 120-unit affordable housing apartment building with onsite resident amenities for very low and extremely low-income households. Among other things construction includes new paved parking, onsite stormwater treatment and new utilities to support the development. Refuse needs will be serviced by an onsite dumpster proposed to be rolled out of an indoor enclosure during identified pick up times.
- o Greater Heights – Phase II, ENGR2024-0027, Construction of a 6 unit multifamily residential development with associated infrastructure including a parking lot, utilities, and drainage.
- o LAI-KWAN-JIMENEZ, ENGR2024-0010, New parking area and required landscaping.
- o VFW 4206 Parking Expansion, ENGR2025-0004, A parking lot expansion and stormwater upgrades for the existing building to provide additional parking. There are no proposed structural changes or utilities changes to the existing building. There is no existing permit for Stormwater treatment for the existing site. Tree preservation has been maximized to the fullest extent feasible.
- o Torrence Townhome Subdivision, ENGR2025-0023, 8 Lot subdivision with associated site improvements.
- o Walmart 1702 EV Charging Station Install, ENGR2025-0022, Installation of EV chargers in parking lot. Requires restriping of existing parking stalls for new EV charging stalls, transformer and switchgear.

- ***Approved Plans***

- o Capernaum Apartments II, ENGR2025-0015, Affordable Housing Construction of one 3 story building containing 26 units. Existing building to remain as office / manager residence.
- o Baywood Hotel at Rialto Place, ENGR2024-0035, The construction of a 82,906 SF, 6-story Extended Stay Hotel.

Development Final Inspections

- ***Final Inspections***

- o None.

- ***Certificate of Completions Issued***

- o Brevard Health Alliance – Silver Palm, ENGR2023-0021, Demolition of existing building and new site amenities to accommodate new medical building.
- o Dairy Road Discovery Expansion, UTIL2024-0020, Renovations to existing structure to accommodate a new daycare facility. Site lies within the City of West Melbourne. Site is historically served by City of Melbourne for all utilities. After correspondence between the City of Melbourne and City of West Melbourne, the site will remain on City of Melbourne utilities due to proximity.
- o Teale Affordable housing, UTIL2024-0009,
- o Crane Creek M-1 Canal Flow Restoration, ENGR2020-0001, Addition of fire sprinkler protection systems to the existing residential buildings.
- o Sheridan Surgical Center, ENGR2022-0022, This project consists of a stormwater, site and utility infrastructure for a +/- 10,000 sf surgical center.

Capital Improvement Project Final Inspections

- Ballard Park Restroom Replacement, Project No. 10723.

Miscellaneous

- ***Capital Improvement Projects***

- o ***Pre-Construction Meetings***

- None this period.

- ***Total Applications Reviewed***

- o Permits/Plans: 164.
- o Right-of-Way Permits Approved: 24.

Engineering Construction Plan Submittals

- 1607 Riverview Drive, ENGR2025-0031, Construction of retaining wall for single family residence (code compliance issue).
- Orlando Health Melbourne – Parking Expansion, ENGR2025-0032, Proposed parking lot expansion at the Orlando Health Melbourne Hospital campus.
- 2896 Harper Rd, ENGR2025-0033, Outdoor storage.
- Hibiscus Pine Hotel, ENGR2025-0034, Hibiscus - Pine Hotel, a Proposed Extended Lodging Hotel Development within this 1.96-acre parcel, 4-story building.
- EL Car Wash Melbourne, ENGR2025-0035, The project scope includes the development of a car wash and associated parking and infrastructure on one lot (2.54 acres). Of the 2.38-acre parcel 1.93-acres is the proposed project area.

Internet Statistics

- Users – 44,000
- Pageviews – 112,000

Parks and Recreation Rentals

Facility Name	Number of Rentals
Ballard Park Pavilions	3
Brothers Park	0
Crane Park Pavilion	1
Eau Gallie Square	5
Front Street Gazebo	0
Front Street Pavilions	0
Jimmy Moore Pavilion	0
Eddie Lee Taylor, Sr. Park Pavilion	2
Pineapple Park Gazebo	2
Riverview Park Pavilions	9
Sherwood Pavilion	0
Southwest Pavilion	1
Wells Park	1
Eau Gallie Civic Center	24
Crane Community Center	9
Front Street Civic Center	21
Joseph N. Davis Community Center	2
Eddie Lee Taylor, Sr. Community Center	10
Melbourne Auditorium	17
Wickham Park Community Center	17

Water & Sewer Connection Permits

Inside City	Water	Sewer
Residential	1	1
Commercial	1	1
Outside City	Water	Sewer
Residential	2	0
Commercial	0	0
Relinquish Capacity	2	
New Connections	4	

Police Services

Type of Service	Number
Calls for Service Answered	7433
Traffic Contacts	1596
Traffic Citations Issued	775
Parking Citations Issued	2
General Arrests	182
Narcotics Incident Offense Reports	13
Narcotics Arrests	29

City Employment

New Hires	Separations
Full-time - 6	Full-time - 9
Part-time - 3	Part-time - 3

Code Compliance Services

Fire Prevention Inspections	590
Building Inspections	1327
Building Permits	524
Code Enforcement Inspections	70
Non-permitted Signage	185

Fire Services

Residential	3
Commercial	2
Other	18
Mutual Aid	0
Rescue	1101
Miscellaneous	380
Total Fire Services	1504

Business Tax Receipts Issued

Business Name	Address	Application Date	Business Type	Business Location
Smith, Sadie	689 S Apollo Blvd Melbourne, FL 32901	9/18/2025	Professional	Commercial
Paradise Garage Door Services Inc	1500 W Eau Gallie Blvd Unit: C- 16 Melbourne, FL 32935	9/24/2025	Construction Service	Commercial
Marc Radio Orlando, Llc	380 N Wickham Rd Unit: I Melbourne, FL 32935	10/9/2025	Utility Companies	Commercial
Kravepot Of Melbourne Llc	1910 N Wickham Rd Melbourne, FL 32934	10/20/2025	Restaurants, Cafeterias	Commercial
Global Language Andmusic Llc	2196 Dryden Ct Melbourne, FL 32935	10/23/2025	Consultants	Home Base Business
Community Insurance Services Of Brevard Inc	3530 N Harbor City Blvd Melbourne, FL 32935	10/27/2025	Insurance Agency	Commercial
First Baptist Church Inc	1507 Aurora Rd Unit: 103 Melbourne, FL 32935	10/27/2025	Business Office	Commercial
Lindas House Restoring Llc	1270 N Wickham Rd Pmb #504 Unit: #16 Melbourne, FL 32935	10/30/2025	Construction Service	Private Mail Box / Storage Unit
Foils And Fadez Llc	405 E New Haven Ave Unit: Ste A Melbourne, FL 32901	10/30/2025	Barbershops	Commercial

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Sunrise Gomez Management	2848 Wright Av Melbourne, FL 32935	10/31/2025	Business Services	Home Base Business
Surfside Soda Bar Llc	999 Mobile Food-Citywide Melbourne, FL 32901	11/7/2025	Mobile Food Dispensing Vehicle	City Wide (Mobile Vending, Soliciting-Canvassing)
Briscoe, Antonia R	65 E Nasa Blvd Unit: 101 Melbourne, FL 32901	11/10/2025	Physical Therapist	Commercial
One Way Roofing Llc	739 North Dr Unit: C Melbourne, FL 32934	11/14/2025	Professional Firm, Office, Clinic	Commercial
Crp/Republic Melbourne Greens Owner Llc	3495 Sanctuary Way Unit: Ste 240 Melbourne, FL 32934	11/18/2025	Apartment	Commercial
Two T's Bbq Inc.	411 N Wickham Rd Melbourne, FL 32935	11/24/2025	Restaurants, Cafeterias	Commercial
Bojangles Opco Llc	5155 N Wickham Rd Melbourne, FL 32940	12/1/2025	Restaurants, Cafeterias	Commercial
Tops Down Tree Service, Co	2588 Larry Ct Melbourne, FL 32935	12/2/2025	Construction Service	Home Base Business
Burden, Martina L	3800 W Eau Gallie Blvd Unit: 103-105 Melbourne, FL 32934	12/2/2025	Professional	Commercial
Conifer Consulting Group Llc	2570 Pimlico Ln Melbourne, FL 32934	12/4/2025	Consultants	Home Base Business
Florida Home Cair Inc	1333 Gateway Dr Unit: Ste 1020 & 1021 Melbourne, FL 32901	12/4/2025	Equipment, Machinery, Etc., Rental, Leasing	Commercial
Lvm Partners Llc	1700 W New Haven Av Melbourne, FL 32904	12/4/2025	Merchants, Retail And Wholesale	Commercial
Eve La Cubanita Llc	999 Mobile Food	12/4/2025	Mobile Food Dispensing Vehicle	City Wide (Mobile Vending, Soliciting-Canvassing)
Mental Marauders Healing Llc	1747 Evans Rd Unit: Ste 120 Melbourne, FL 32901	12/5/2025	Health Practitioner	Commercial
Glass House Tattoos And Piercings Llc	1520 Highland Ave Unit: Ste 105 Melbourne, FL 32935	12/5/2025	Personal Services	Commercial
Paris Creperie Llc	999 Mobile Food-Citywide Melbourne FL 32901	12/9/2025	Mobile Food Dispensing Vehicle	City Wide (Mobile Vending, Soliciting-Canvassing)
Designing Big Dreams Inc.	2226 Sarno Rd Unit: 106 Melbourne, FL 32935	12/9/2025	Professional Firm, Office, Clinic	Commercial
Di Cerbo, Stephen W	2226 Sarno Rd Unit: 106 Melbourne, FL 32935	12/9/2025	Health Practitioner	Commercial
Fralow Foods Llc	999 Mobile Food Citywide	12/11/2025	Mobile Food Dispensing Vehicle	City Wide (Mobile Vending, Soliciting-Canvassing)
Hall, Megan E	739 North Dr Unit: C Melbourne, FL 32934	12/17/2025	Professional	Commercial

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Houser, Alexis R	240 N Wickham Rd Unit: #304 Melbourne, FL 32935	12/18/2025	Health Practitioner	Commercial
Mcmullan, James L Iii	240 N Wickham Rd Unit: #300 Melbourne, FL 32935	12/18/2025	Health Practitioner	Commercial
Prefontaine, Jenelle I	240 N Wickham Rd Unit: #300 Melbourne, FL 32935	12/18/2025	Health Practitioner	Commercial
Trout, Ronald V	240 N Wickham Rd Unit: #300 Melbourne, FL 32935	12/18/2025	Physician	Commercial
Parker, Colton J	240 N Wickham Rd Unit: #110 Melbourne, FL 32935	12/18/2025	Health Practitioner	Commercial
Beauty Salon Jessica Inc	3150 N Wickham Rd Unit: 2 Melbourne, FL 32935	12/19/2025	Beauty Salon	Commercial



**Melbourne City Council
January 27, 2026
City Manager's Item Report**

Department:	Engineering
Presenter:	James Ennis
Council District:	3
Reading Number:	N/A
Quasi-judicial Item (Disclosure Required):	No
Public Hearing:	Yes
Item Number:	B.8.

Subject:

Consideration of disposition of a City-owned parcel abutting 1015 W.H. Jackson Street, parcel ID 28-37-11-FJ-3-5.01.

Background/Consideration:

This item is for City Council's consideration and direction regarding the disposal of 0.08-acre City-owned parcel ID 28-37-11-FJ-3-5.01, which abuts 1015 W.H. Jackson Street.

As part of the City Manager's report to City Council on August 12, 2025, staff received consensus from City Council to proceed with disposal of the City-owned parcel located at 1015 W.H. Jackson. The Notice of Public Hearing regarding the disposition of the City-owned parcel was advertised on August 24, 2025, with a 30-day submittal deadline of September 22, 2025. Additionally, the Notice of Public Hearing established that the disposition of the property would be brought back before City Council for a public hearing at the Regular Council Meeting scheduled for October 28, 2025.

Staff received one (1) proposal with an offer of \$1,000 for the City-owned parcel. On October 28, 2025, Council voted to postpone the item to the December 9, 2025, Regular Council Meeting with directions for staff to negotiate with the property owner for a drainage easement to preserve the existing historical drainage along the southern boundary of the privately-owned parcel as well as provide for easements within the privately-owned parcel to accommodate the existing public sidewalk along W.H. Jackson Street.

On November 20, 2025, a counter proposal was provided to the offeror which provided for conveying the 10-ft portion of the City parcel not intended for public right-of-way in exchange for formally recording a 37-foot-wide drainage easement encompassing the historical drainage ditch which runs through the southern portion of the property. Pending a response from the potential buyer, City Council at the December 9, 2025 Regular Council Meeting voted to postpone to the January 27, 2026 Regular Council Meeting. In December, the offeror counter-proposed to the City to provide a revocable license agreement in lieu of a recorded easement in exchange for the 10-ft parcel. On January 21, 2026, staff notified the individual that a revocable license agreement would not be an acceptable method for formalizing a drainage easement over the historically established drainage ditch. While existing law allows the City to ensure maintenance of historic drainage for existing conditions and future development, staff prefers to have a formally recorded easement describing the existing drainage conditions.



Please note that these conditions exist with two (2) additional parcels adjacent to the current parcel being considered; furthermore, on January 7, 2026, the individual noted that they had signed a contract on one of those adjacent parcels (1017 W.H. Jackson Street).

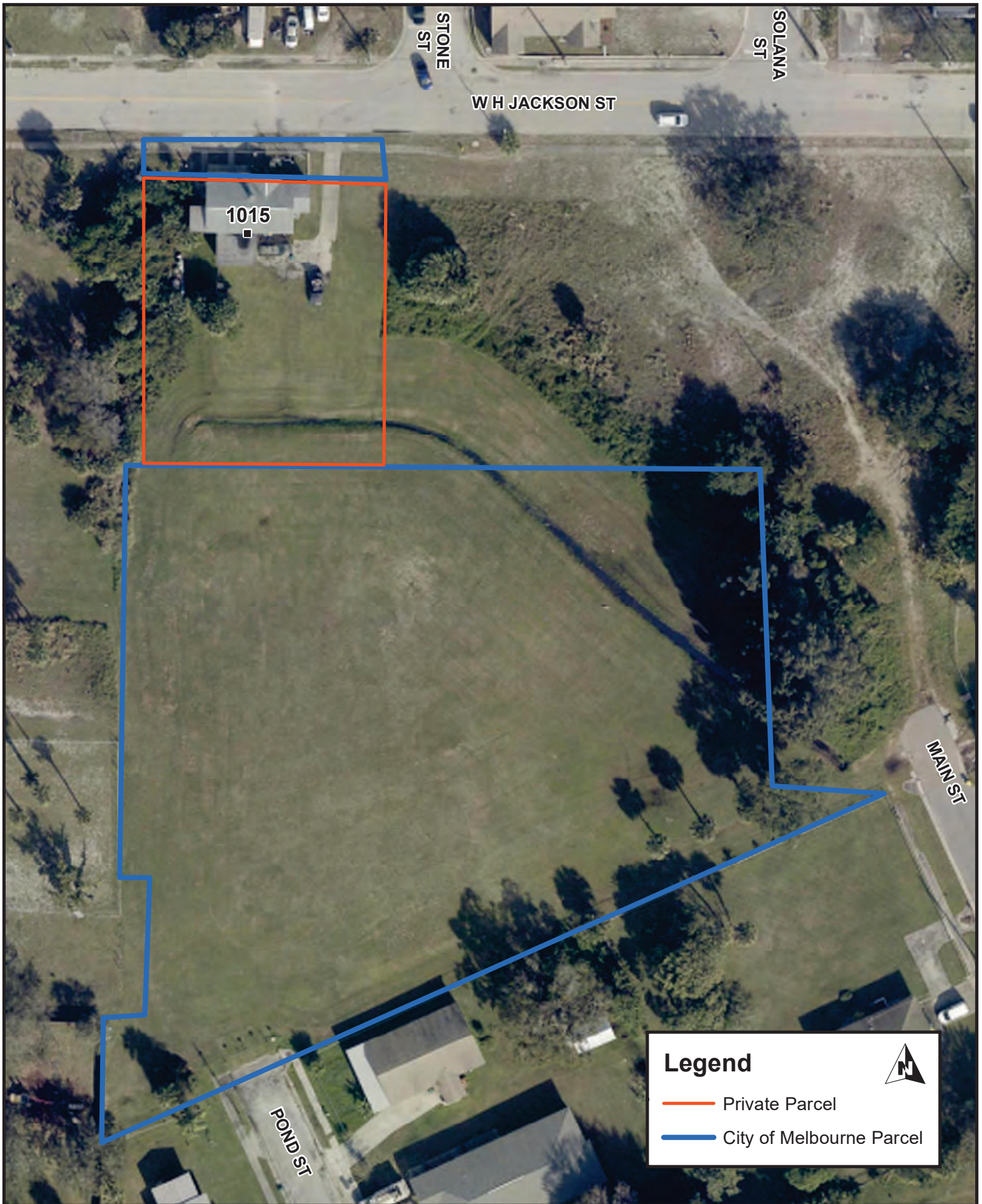
Staff recommends that Council reject the offeror's proposals and extend a final offer, for a period of time not-to-exceed 90 days, providing for transfer of the southern 10-feet of the City-owned parcel, parcel ID 28-37-11-FJ-3-5.01, along the W.H. Jackson frontage as indicated in the applicable attached sketch and legal, in exchange for receipt of a 37-foot wide drainage easement, as described in the applicable attached sketch and legal, over the existing historical drainage ditch on the southern portion of the individual's property. If resolution of the issue does not occur within the 90 days, the offer of the property for disposal should be rescinded.

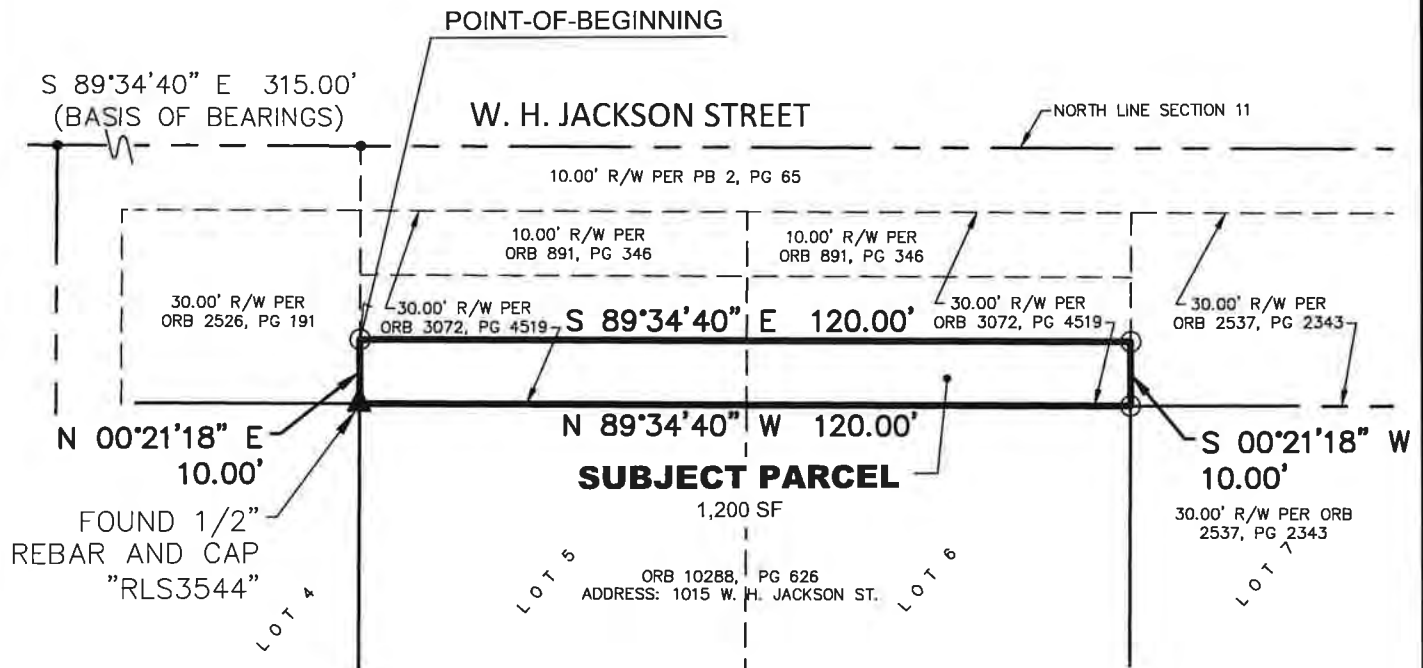
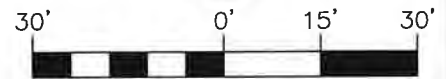
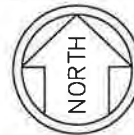
Fiscal/Budget Impact:

Disposition of the property may provide future tax revenue when combined with the privately-held parcel at 1015 W.H. Jackson Street.

Requested Action:

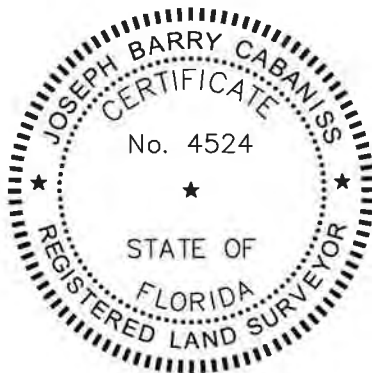
Reject offeror's proposal and provide a 90-day period for offeror to consider and accept City staff's offer.





NOTE:

SEE SHEET 2 OF 2 FOR DESCRIPTION, NOTES AND LEGEND.



CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT IT MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.05 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

[Signature]
JOSEPH BARRY CABANISS, P.L.S.
FLORIDA SURVEYOR'S CERTIFICATE NO.:
DRMP, INC. CERTIFICATE NO.:

4/19/26

DATE
4524
2648



BOUNDARY SURVEY PREPARED FOR:
CITY OF MELBOURNE, FL

BREVARD COUNTY

FLORIDA

**SHEET
1**

DRAWN BY: PAM
CHECKED BY: JBC

SCALE: 1" = 30'

PROJECT NO. 25-1111.002

REVISIONS

DATE

DESCRIPTION

DATE: 12/08/2025

DRAWING:
25-1111.002-sk01.DWG

SECTION 11
TOWNSHIP 28 SOUTH
RANGE 37 EAST

100 PARNELL STREET • SUITE A • MERRITT ISLAND, FLORIDA 32953
PHONE NO.: (321) 453-0010 • WEBSITE: WWW.DRMP.COM

DESCRIPTION OF RIGHT-OF-WAY PARCEL (BY SURVEYOR):

A PORTION OF LOTS 5 AND 6, BLOCK 3 "PLAT OF THE TOWN OF HOPKINS" AS RECORDED IN PLAT BOOK 2, PAGE 65 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING THE SOUTH 10.00 FEET OF THE NORTH 40.00 FEET OF SECTION 11, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.

LEGEND:

"O" SET REBAR WITH CAP "DRMP LB2648"

R/W RIGHT-OF-WAY

ORB OFFICIAL RECORD BOOK

NOTES:

1. SEE SHEET 1 OF 1 FOR SKETCH OF DESCRIPTION.
2. THIS SURVEY IS BASED ON THE "PLAT OF THE TOWN OF HOPKINS" AS RECORDED IN PLAT BOOK 2, PAGE 65, OF BREVARD COUNTY PUBLIC RECORDS AND REFERENCED TO A SURVEY BY DRMP, INC., PROJECT NO 25-1111.002, DATED DECEMBER 10, 2025. THE BASIS OF BEARINGS IS THE NORTH LINE OF SECTION 11, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BASED ON THE STATE PLANE COORDINATE SYSTEM FOR FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 2009 (NAD'83/'09).
3. TITLE INFORMATION NOT FURNISHED; PARCEL IS SUBJECT TO EASEMENTS, AND/OR RIGHTS-OF-WAY OF RECORD, IF ANY.
4. SUBJECT PARCEL LIES IN FLOOD ZONE X AS SHOWN ON FEMA F.I.R.M. MAP NO. 120D250603 H REVISED JANUARY 29, 2021.
5. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW AND COPIES ARE VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL OR VERIFIED ELECTRONIC SIGNATURE AND SEAL.
6. CERTIFIED FOR THE EXCLUSIVE USE OF:
CITY OF MELBOURNE



BOUNDARY SURVEY PREPARED FOR:
CITY OF MELBOURNE, FL

BREVARD COUNTY

FLORIDA

**SHEET
2**

DRAWN BY: PAM
CHECKED BY: JBC

SCALE: 1" = 30'

PROJECT NO. 25-1111.002

REVISIONS

DATE

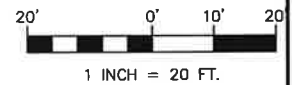
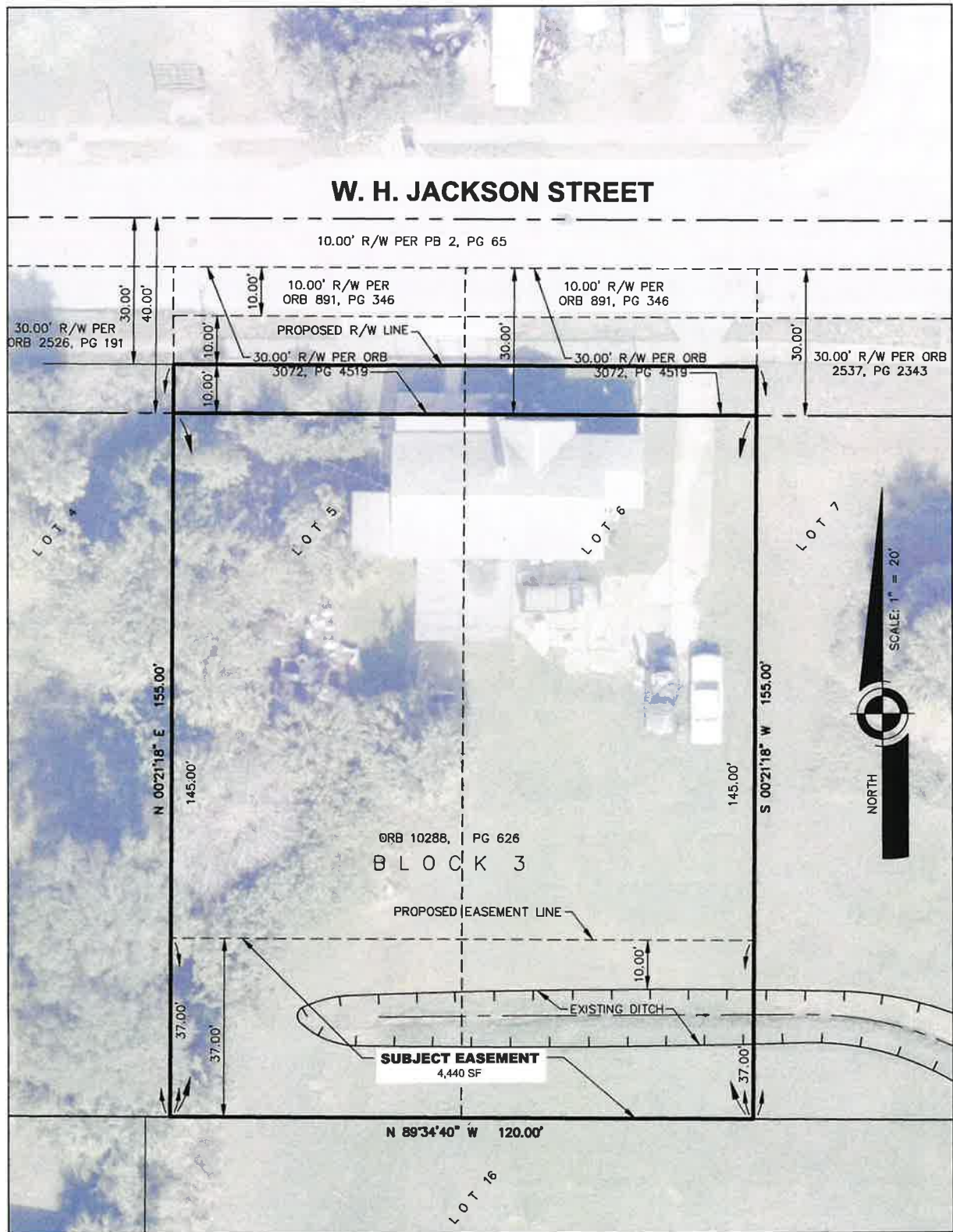
DESCRIPTION

SECTION 11
TOWNSHIP 28 SOUTH
RANGE 37 EAST

DATE: 12/08/2025

DRAWING:
25-1111.002-sk01.DWG

100 PARNELL STREET • SUITE A • MERRITT ISLAND, FLORIDA 32953
PHONE NO.: (321) 453-0010 • WEBSITE: WWW.DRMP.COM



DESCRIPTION:

THE SOUTH 37.00 FEET OF LOTS 5 AND 6, BLOCK 3, "PLAT OF THE TOWN OF HOPKINS", AS RECORDED IN PLAT BOOK 2, PAGE 65 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

LEGEND:

FND	FOUND	R/W	RIGHT-OF-WAY
COR	CORNER	CCR	CERTIFIED CORNER RECORD
RB/C	REBAR WITH SURVEYOR'S CAP	W/	WITH
CM	CONCRETE MONUMENT	¢	CENTERLINE
ORB	OFFICIAL RECORDS BOOK	—V—	GRAPHICS NOT TO SCALE
PB	PLAT BOOK	(NTS)	NOT TO SCALE
DB	DEED BOOK	(NIC)	NOT INCLUDED
PG	PAGE	SEC.	SECTION
PC	POINT-OF-CURVATURE	TWP.	TOWNSHIP
PRC	POINT-OF-REVERSE CURVATURE	RNG.	RANGE
PT	POINT-OF-TANGENCY	(TYP)	TYPICAL
N/F	NOW OR FORMERLY		

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. SEE SHEET 1 OF 1 FOR SKETCH OF DESCRIPTION.
3. THIS SKETCH AND DESCRIPTION IS REFERENCED TO A SURVEY BY DRMP, INC., PROJECT NO 25-1111.002, DATED DECEMBER 10, 2025. THE BASIS OF BEARINGS IS THE NORTH LINE OF SECTION 11, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BASED ON THE STATE PLANE COORDINATE SYSTEM FOR FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 2009 (NAD'83/'09).
4. TITLE INFORMATION NOT FURNISHED; PARCEL IS SUBJECT TO RESTRICTIONS, COVENANTS, EASEMENTS, AND/OR RIGHTS-OF-WAY OF RECORD, IF ANY.
5. THE OWNER AND PARCEL INFORMATION SHOWN HEREON IS BASED ON THE BREVARD COUNTY TAX APPRAISER SITE ON OCTOBER 1, 2025. THE SURVEYOR DOES NOT ACCEPT ANY RESPONSIBILITY ON THE ACCURACY AND/OR IF IT IS THE LATEST INFORMATION. THIS INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY.
6. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW; COPIES ARE VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL OR VERIFIED ELECTRONIC SIGNATURE AND SEAL.
7. THIS SKETCH AND DESCRIPTION CERTIFIED CORRECT TO:
CITY OF MELBOURNE, FLORIDA



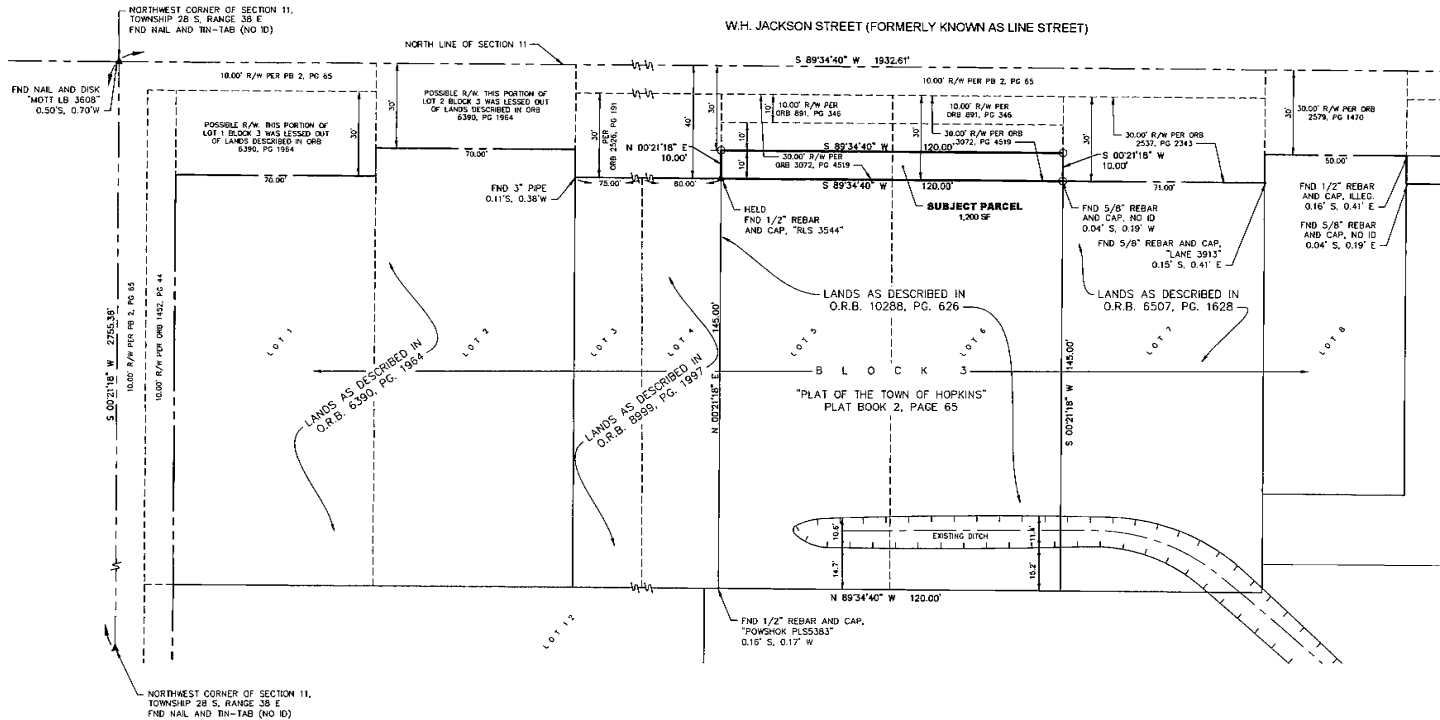
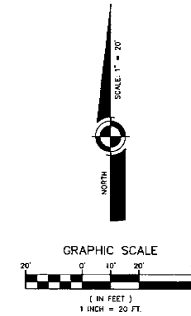
CERTIFICATE:

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT IT MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.05 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

[Signature] 1/19/26
 JOSEPH BARRY CABANISS, P.L.S. DATE
 FLORIDA SURVEYOR'S CERTIFICATE NO.: 4524
 DRMP, INC. CERTIFICATE NO.: 2648

SHEET: 2 OF 2 DATE: DEC 18, 2025 SCALE: NO SCALE PROJECT: 25-1111.002 DRAWN BY: J. BARRY CABANISS, P.L.S. CHECKED BY: STATE OF FLORIDA # 4524	DRMP, Inc. DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 100 Parnell Street Suite A, Merritt Island, FL 32953 Phone: 321.453.0010 WWW.DRMP.COM	DRAINAGE EASEMENT FOR: CITY OF MELBOURNE MELBOURNE, FL	1015 W.H. JACKSON ST. Item No. B. 8.
		DO NOT SCALE THIS DRAWING — DIMENSIONS TAKE PRECEDENCE	

PARTIAL RIGHT-OF-WAY SURVEY PREPARED FOR: CITY OF MELBOURNE SECTION 11, TOWNSHIP 28 SOUTH, RANGE 37 EAST BREVARD COUNTY, FLORIDA



DESCRIPTION:

A PORTION OF LOTS 5 AND 8 BLOCK 3 "PLAT OF THE TOWN OF HOPKINS" AS RECORDED IN PLAT BOOK 2, PAGE 65 BREVARD COUNTY PUBLIC RECORDS, BEING THE SOUTH 10.00 FEET OF THE NORTH 10.00 FEET OF SECTION 11, TOWNSHIP 28 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA.

NOTES:

1. BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 11, TWP. 28 SOUTH, RANG. 37 EAST, BASED ON THE STATE PLANE COORDINATE SYSTEM FOR FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 2009 (FAD 83/79).
2. DATE OF FIELD SURVEY: DECEMBER 3, 2023.
3. UNDERGROUND UTILITIES (SEPTIC TANKS, FOUNDATIONS, DRAINAGE, ETC.), IF ANY, WERE NOT LOCATED.
4. UNDERGROUND UTILITIES WERE NOT LOCATED. UNDEVELOPED AREAS NOT LOCATED.
5. TITLE WORK NOT PROVIDED. SUBJECT PARCEL MAY BE SUBJECT TO EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD.
6. SUBJECT PARCEL LIES IN ZONE "X" (AREAS OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DETERMINED FROM FLOOD INSURANCE RATE MAP 12009C0003H, DATED JANUARY 26, 2021 AS PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
7. THE SURVEYOR HAS NOT INSPECTED THE SUBJECT PARCEL FOR THE POSSIBILITY OF WETLANDS, HAZARDOUS WASTE, ENDANGERED SPECIES HABITAT, NOR ANY OTHER POSSIBLE ENVIRONMENTAL ISSUES.
8. THE COORDINATES SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM OF FLORIDA EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 2009 (FAD 83/79). ALL DISTANCES EXCEPTED HEREON ARE GROUND DISTANCES.
9. THE FOLLOWING METRIC/LINE CONTROL STATIONS WERE UTILIZED TO ESTABLISH THE STATE PLANE COORDINATES SHOWN HEREON:

STATION NAME: BREVARD GPS 5068 (P.D. 008782)
NORTHINGS: 1,360,100.30 EASTINGS: 785,123.90
LATITUDE: 28°02'50.6273"(N) LONGITUDE: -080°35'49.53594"(W)
COMBINED SCALE FACTOR: 0.99999387 CONVERGENCE: 001°12'2.0"

STATION NAME: BREVARD GPS 5064 PCHV (P.D. 008780)
NORTHINGS: 1,352,264.20 EASTINGS: 778,340.97
LATITUDE: 28°02'11.60643"(N) LONGITUDE: -080°37'16.24138"(W)
COMBINED SCALE FACTOR: 0.99999674 CONVERGENCE: 001°04'41.1"

STATION NAME: BREVARD GPS 1005 (P.D. 874797)
NORTHINGS: 1,370,686.74 EASTINGS: 794,451.53
LATITUDE: 28°01'15.64303"(N) LONGITUDE: -080°34'16.78468"(W)
COMBINED SCALE FACTOR: 0.99999690 CONVERGENCE: 001°07'0.5"

10. I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS PERFORMED UNDER MY DIRECTION AND SUPERVISION, AND THAT IT MEETS OR EXCEEDS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 54-F-03 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 474.027, FLORIDA STATUTES. SEE TITLE BLOCK FOR SIGNATURE AND SEAL.
11. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES LISTED BELOW AND COPIES ARE VALID ONLY WHEN BEARING THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL OR VERIFIED ELECTRONIC SIGNATURE AND SEAL.
12. CERTIFIED FOR THE EXCLUSIVE USE OF:
CITY OF MELBOURNE

LEGEND:

- "O" SET REBAR WITH CAP "DRMP LB254"
- R/W RIGHT-OF-WAY
- ORL OFFICIAL RECORD BOOK

Barry Cabanis
s

Digitally signed
by Barry Cabanis
Date: 2026.01.19
17:23:53 -0500

J. BARRY CABANIS, PLS
State of Florida # 4524
PROJECT NUMBER: 25-1111.002
SCALE: 1" = 20'
DATE: DECEMBER 10, 2025
SHEET: S1.1

PREPARED FOR:	CITY OF MELBOURNE, FLORIDA
PARTIAL RIGHT-OF-WAY SURVEY	W.H. JACKSON STREET
DO NOT SCALE THIS DRAWING - DIMENSIONS AND NOTES TAKE PRECEDENCE	BREVARD COUNTY, FLORIDA
DATE:	NOV 10, 2025
BY:	BAR
CHECK BY:	BAR
APPR BY:	BAR
DATE:	NOV 10, 2025





**Melbourne City Council
January 27, 2026
City Manager's Item Report**

Department:	Community Development
Presenter:	Cindy Dittmer
Council District:	N/A
Reading Number:	2
Quasi-judicial Item (Disclosure Required):	No
Public Hearing:	Yes
Item Number:	B.9.

Subject:

Ordinance No. 2026-01, Zoning Text Amendment (TEXT2025-0013) and Land Development Regulations Text Amendment (TEXT2025-0014) Subdivision Code – Administrative Approvals

Background/Consideration:

This is the second reading of an ordinance amending the City Code of Melbourne, Chapter 2, Administration; Appendix B, Article IX, Section 4, Planned Unit Development (PUD), and various sections of Appendix D, Chapter 8, Subdivision Code, to address recent State of Florida legislative changes (F.S.177.071) to provide administrative approval of final plats.

Senate Bill (SB) 784, identified as the “Pro-Housing Development Law,” was signed by Governor Ron DeSantis on June 20, 2025, and is provided in F.S. Section 177.071. Effective July 1, 2025, this legislation requires certain local governments to provide for the administrative approval of plats/re-plats ready for recording. The purpose of the legislation is to eliminate the public hearing process as a way to expedite the approval process for code-compliant plats. The mandatory changes required by the new legislation require a governing body to establish an administrative approval process, and require the City of Melbourne to designate an administrative official who is responsible for approving or denying a proposed plat or re-plat.

Staff has proposed changes to City Code eliminating the approval of all final plats by City Council, specifically noting City Council approval of preliminary plats only. Staff has also made changes to Appendix B, Article IX, Section 4, regarding the submittal, review, and approval process for a Planned Unit Development (PUD). Proposed changes include: clarifying that a Preliminary Development Plan (PDP) is considered to be a master site plan; updates to the City’s PUD development process; clarifying the existing construction plan submittal requirements; and referring platted Preliminary Development Plans to the procedures identified in the Subdivision Code (Appendix D, Chapter 8).

Amendments to Appendix D, Chapter 8, Subdivision Code include the following: a new section referring to 'substantial changes' has been added to the preliminary plat process, providing criteria to determine when a change to a preliminary plat is required to go back to City Council for consideration; revision to subdivision construction plan language clarifying the technical provisions associated with site construction; and revision to final plat approval references, eliminating approval reference by the “governing body”.



On December 18, 2025, the Planning and Zoning Board voted unanimously to recommend approval of the proposed amendments. During the First Reading of the Ordinance 2026-01 at the January 13, 2026 Regular Council Meeting, the City Attorney noted, and City Council agreed, to add additional language to Section 8.5(d)(8) to clarify that the administrative official will also have authority to sign all final plat required documents.

Fiscal/Budget Impact:

N/A

Requested Action:

Approval of Ordinance No. 2026-01, based upon the findings contained in the Planning and Zoning Board memorandum.

Memorandum

To: Jenni Lamb, City Manager
Thru: Cindy Dittmer, AICP, Community Development Director
From: Cheryl A. Dean, AICP, Planning Manager
Re: **Zoning Text Amendment Request (TEXT2025-0013) and Land Development Regulations Text Amendment Request (TEXT2025-0014) Subdivision Code – Administrative Approvals**
Date: December 31, 2025

Owner/Applicant/Representative

➤ Applicant – City of Melbourne

Proposed Actions

This is a request to make revisions and updates to City Code, to address recent State of Florida legislative changes (F.S.177.071) to provide administrative approval of final plats, including amendments to the following sections of City Code:

- Chapter 2, Administration;
- Appendix B, Article IX, Section 4, Planned Unit Development (PUD); and
- Various sections of Appendix D, Chapter 8, Subdivision Code.

Location

This action shall apply to all properties in the City of Melbourne.

History

Senate Bill 784, identified as the “Pro-Housing Development Law,” was signed by Governor Ron DeSantis on June 20, 2025, and is provided in F.S. Section 177.071. Effective July 1, 2025, this legislation requires certain local governments to provide for the administrative approval of plats/re-plats ready for recording. The purpose of the legislation is to eliminate the public hearing process as a way to expedite the approval process for code-compliant plats.

Issues and Considerations

Regarding F.S. 177.071, the new legislation does the following:

1. Requires a governing body, such as the City of Melbourne, to establish an administrative approval process for a final plat or re-plat.
2. Requires a governing body, such as the City of Melbourne, to designate an administrative authority to receive, review, and process the final plat submittals.

3. Requires the administrative authority to give notice in a timely manner to an applicant acknowledging a final plat submittal, with written instructions for resubmitting incomplete documents or information necessary to process the final plat.
4. The written notice from the administrative authority is required to include information regarding the steps of the final plat process, including the completeness check on the initial submittal, timeframes for staff review and resubmittals, and the steps to obtain administrative approval of the final plat for recording.
5. Requires the City of Melbourne to designate an administrative official who is responsible for approving, approving with conditions, or denying a proposed plan or re-plat, which must be made in writing within the timeframe established in the city's written response to the applicant (unless the applicant requests an extension of time).
6. Should the final plat be denied by the administrative official, a written notification is required from the city, identifying the reasons for declining to approve the final plat, including areas of non-compliance, with citations to each requirement of the plat or replat.
7. The administrative official must provide for evidence of the approval on the final plat to be recorded.

Amendments to the City Code (Chapter 2)

Changes to this section eliminate the approval of all final plats by City Council, specifically calling out preliminary plats only.

Amendments to the Zoning Code (Appendix B, Article IX, Section 4)

This section of City Code addresses the submittal, review, and approval process for a Planned Unit Development (PUD). Proposed changes include: clarifying that a Preliminary Development Plan is considered to be a master site plan; updates to the city's development process; clarifying the existing construction plan submittal requirements; and referring platted Preliminary Development Plan development to the procedures identified in the Subdivision Code (Appendix D, Chapter 8).

Amendments to the Subdivision Code (Appendix D, Chapter 8)

Staff has drafted changes to the City's Subdivision Code (Appendix D, Chapter 8) to implement the requirements of F.S. 177.071. Definitions have been added for "administrative authority" and "administrative official," and other definitions have been revised to provide clarification to the existing procedures for platting. The Subdivision Code will maintain the existing 3-step process for platting land, which is located in Section 8.5.

Most of the proposed changes are located within section 8.5, which identifies the process for platting land. The formatting of development review process for each of the three steps (preliminary plat, subdivision construction plan, and final plat) contained within Section 8.5 has been updated and made procedurally consistent between steps.

The preliminary plat and subdivision construction plan processes were further clarified to include review and approval steps that were not previously provided. A substantial change section has been added to the preliminary plat process, providing criteria that will be a necessary step to return the preliminary plat back to City Council (since City Council will no longer see a final plat). The subdivision construction plan requirement includes language that clarifies the technical provisions associated with site construction. All final plat approval references have been revised to eliminate approvals by the “governing body”. The subdivision variance process was also updated for consistency with current submittal and review standards. While it appears that many current sections of code are stricken, most of the language was simply relocated for better organization of each development process.

Planning and Zoning Board Action

On December 18, 2024, the Planning and Zoning Board voted unanimously to recommend approval of the proposed amendments.

Recommendation

Approval of the ordinance based upon the findings contained in the Planning & Zoning Board memorandum.

Memorandum

To: Mayor and Council

From: Yvonne Minus, Chair, Planning and Zoning Board

Re: **Finding of Consistency Request (FOC2025-0006), Zoning Text Amendment Request (TEXT2025-0013) and Land Development Regulations Text Amendment Request (TEXT2025-0014) Subdivision Code – Administrative Approvals**

Date: December 19, 2025

Applicant: City of Melbourne

The Planning and Zoning Board, at its regular scheduled meeting of December 18, 2025, reviewed the above Finding of Consistency and Text Amendment requests.

Following review and discussion, the Planning and Zoning Board voted unanimously to recommend approval of FOC2025-0006, TEXT2025-0013, and TEXT2025-0014 to make revisions and updates to City Code, to address recent State of Florida legislative changes (F.S.177.071) to provide administrative approval of final plats, including amendments to Chapter 2, Administration; Appendix B, Article IX, Section 4, Planned Unit Development (PUD); and various sections of Appendix D, Chapter 8, Subdivision Code.

The recommendation of the Planning and Zoning Board is based upon the following findings:

Findings for the Proposed Code Revisions

1. The proposed revisions will bring City Code into conformity with new statutory requirements. The City is required to adopt language from Senate Bill 784/F.S. 177.071 that requires the establishment of a program to expedite the approval process for code-compliant plats.
2. The proposed Code revisions will implement the new statutory requirements of F.S. 177.071. Specifically, the City must provide for the administrative approval of code-compliant plats/re-plats to expedite the approval process. Currently, City Code states that final plat applications require review and approval by City Council in a public hearing format. The proposed language states the community development department shall coordinate the review of the final plat and associated documents, and coordinate with various city agencies including the engineering department, public works and utilities department, fire department, building division, the city's legal counsel.
3. Per Senate Bill 784, the City must initiate a new program to provide for the administrative approval for the final plat portion of the subdivision review process.

The submission of a final plat is still required of subdivider applicants. City departments will not issue any permits for the construction of buildings on land where a plat is required to be approved, unless a final plat has been approved by the administrative authority of the city and recorded by the clerk of the circuit court of Brevard County.

4. The proposal will have no adverse effect on the City's ability to provide adequate public services and facilities. The proposed changes will assist in the implementation of statutory requirements for the subdivision process. The proposed changes also provide consistency for City Code definitions and modify multiple sections of City Code to provide for updated cross references related to the required modifications, including the planned unit development section of the Zoning Code.
5. The proposed revisions address recent legislative changes to Florida Statutes. The proposed City Code revisions are consistent with Senate Bill 784. The proposed modifications, which are consistent with recent statutory changes, permit administrative approval for final plat applications. A subdivider is required to submit a completed final plat application with all required exhibits to the city through the city's development submittal process, pursuant to the city's adopted policies and procedures.
6. The proposed revisions will also streamline the regular permitting process and update the definitions in the Subdivision Code. The subject modifications will further development and redevelopment efforts by making City Code more user-friendly to property owners, the development community, and City staff.
7. Chapter 177, Part I establishes minimum requirements and does not exclude additional provisions or regulations by local ordinance, laws, or regulations. The proposed revisions to City Code will ensure that the administration of F.S. 177.071 also complies with other relevant requirements of Florida law, and ensure the public health, safety, and welfare of the Melbourne community.
8. The proposed revisions are specifically consistent with Future Land Use Element Objective 1.22, which states the City shall maintain, amend and develop new land use and development regulations to implement the Comprehensive Plan. The proposed modifications will enhance the implementation of City Code requirements by expediting the approval process for code-compliant plats. The proposed modifications are consistent with Senate Bill 784 and provide for the administrative approval of plats and re-plats that are ready for recording.

Respectively Submitted,

 for
Yvonne Minus, Chair
Planning and Zoning Board

Business Impact Estimate

To: Jenni Lamb, P.E., City Manager
Thru: Cindy Dittmer, AICP, Community Development Director
From: Cheryl A. Dean AICP, Planner
Date: December 18, 2025
Re: Ordinance No. 2026-01 – Zoning Text Amendment (TEXT2025-0013) and
Land Development Regulations Text Amendment (TEXT2025-0014)
Administrative Approval of Final Plats (Subdivision Code)

Summary of the Proposed Ordinance

The purpose of the ordinance is to revise City Code for compliance with Florida Statutes regarding the submittal, review and administrative approval of final plats. As part of this change, additional areas of City Code reference the final plat process, and require similar revisions. The following summarizes these areas: regarding platting through the Planned Unit Development (PUD), proposed changes include: clarifying that a Preliminary Development Plan is considered to be a master site plan; codifying the city's existing development process, including the existing construction plan submittal requirements, and referring platted Preliminary Development Plan development to the procedures identified in the Subdivision Code (Appendix D, Chapter 8).

The proposed ordinance removes and/or revises language that is ambiguous or antiquated in practice. The ordinance also provides language that was considered to be procedural policy, utilizing prior practices that will now be codified.

The proposed revisions address recent legislative changes to Florida Statutes to be consistent with F.S. 177.071. These changes were mandatory for local governments to adopt and require all final plat approvals to be done administratively. Necessary changes were made within these sections to amend the approval process.

The Business Impact Estimate is provided in accordance with Section 166.041(4), Florida Statutes, and may be revised following its initial publication and prior to adoption of the proposed ordinance.

Estimate of Direct Economic Impact of the Proposed Ordinance on Private, For-Profit Businesses

There are no known compliance costs that businesses may reasonably incur if the ordinance is enacted.

There are no new charges or fees on businesses subject to the proposed ordinance, or for which businesses will be financially responsible.

Costs for the City's regulatory enforcement are likely lower than the current process but cannot be reasonably estimated at this time due to the variety of types and sizes of final plats.

Good Faith Estimate of Number of Businesses Likely to Be Impacted by the Proposed Ordinance

The proposed ordinance deals with platting of real property lands within the City of Melbourne. Any impact to businesses by the proposed ordinance is secondary, and does not implicate negative enforcement possibilities for businesses.

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO ADMINISTRATIVE APPROVAL OF FINAL PLATS; MAKING FINDINGS; AMENDING CHAPTER 2 OF THE CITY CODE, ENTITLED "ADMINISTRATION"; AMENDING SECTION 2-329, AUTHORITY AND DUTIES OF THE PLANNING AND ZONING BOARD; AMENDING APPENDIX B OF THE CITY CODE, ENTITLED "ZONING"; AMENDING ARTICLE IX, ZONING APPLICATIONS AND PROCEDURES; AMENDING APPENDIX D OF THE CITY CODE, ENTITLED "LAND DEVELOPMENT CODE"; AMENDING CHAPTER 8, SUBDIVISION CODE; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE. (FOC2025-0006/TEXT2025-0013)

WHEREAS, on June 20, 2025, Governor Ron DeSantis signed Senate Bill 784, requires certain local governments to provide for the administrative approval of plats and re-plats that are ready for recording; and

WHEREAS, the purpose of the legislation is to eliminate the public hearing process in order to expedite the approval process for code-complaint plats; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed amendments as outlined in this ordinance at its meeting on December 18, 2025, conducted a public hearing with regard to the proposed amendments, and found same to be consistent with the City of Melbourne Comprehensive Plan; and

WHEREAS, the City Council hereby adopts the findings of the Planning and Zoning Board as its own and finds the proposed amendments to be in the promotion of the public health, safety, welfare, morals, public order and aesthetics of the community and the region.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That the foregoing recitals are hereby incorporated herein as findings supporting adoption of this ordinance.

SECTION 2. That Section 2-329 of the City Code of Melbourne, Florida, is hereby amended

to read as follows:

CHAPTER 2. ADMINISTRATION

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Sec. 2-329. Authority and duties of the planning and zoning board.

The planning and zoning board has the following authority and duties:

* * * *

(3) To hear applications and submit recommendations to the city council on the following:

* * * *

d. Proposed ~~subdivision~~ preliminary plats and subdivision variances.

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SECTION 3. That Appendix B of the City Code of Melbourne, Florida, is hereby amended

to read as follows:

APPENDIX B. ZONING

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ARTICLE IX. ZONING APPLICATIONS AND PROCEDURES

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Section 4. Planned unit development (PUD).

(A) *Processing and submittal requirements.* This section contains the required submittals and review procedures for rezoning applications to PUD. Five steps are generally required to obtain final approval for a planned unit development:

- ~~Preliminary conference~~ Pre-application meeting;
- Preliminary development plan (master site plan);
- Preliminary plat, if applicable and shall be consistent with appendix D, chapter 8;
- Engineering ~~drawings~~ construction plans if unplatted; and
- Final development plan ~~including the final plat~~, if unplatted.

- (1) *Pre-application conference meeting.* Prior to submitting a formal application for PUD approval, the petitioner is required to attend a pre-application meeting with the following:

* * * *

- (2) *Preliminary development plan (PDP).*
- (a) *PDP submittal requirements.* Applications for rezoning to PUD must be accompanied by a preliminary development plan (PDP), also known as a master site plan. The applicant shall apply for a preliminary development plan through the city's development process. ~~Applicants may submit concurrent preliminary and final development plan applications if they wish to expedite the process.~~ The PDP application submittal shall be submitted at least 30 days prior to any scheduled meeting of the planning and zoning board, and shall include the following pursuant to the city's adopted policies and procedures for review:

~~1. Application form.~~ The applicant shall submit a signed application form and shall include a statement describing the type of development proposed.

1. Proof of ownership executed by fee simple property owner before a notary public authorizing the applicant to submit an application for construction plan review;

* * * *

3. Boundary survey, prepared and certified by a Florida-licensed and registered professional mapper and surveyor pursuant to F.S. ch. 472, including the following:

* * * *

5. Preliminary development plan. A digital version of the preliminary development plan prepared, signed and sealed by a State of Florida certified professional engineer, including the following:

* * * *

6. Architectural design and amenities for PUD, including compliance with the use and district standards contained in appendix B, article V, section 2(H).

7. Fees. The subdivider shall pay to the city all applicable fees for the cost of processing the application, as prescribed from time to time by resolution of the city council.

* * * *

- (3) *Preliminary plat.* The preliminary plat step may be omitted if the parcel does not need to be platted. However, the developer has one year (one year = 365 days from the date of approval of the preliminary development plan in which to file a preliminary plat application. The preliminary plat submittal and review shall comply with the subdivision code (appendix D, chapter 8). ~~An applicant for PUD rezoning may submit development plan and plats simultaneously.~~
- (4) *Engineering drawings construction plan submittal.* Engineering drawings construction plans of the following proposed utility system improvements must be ~~presented~~ submitted to the engineering department ~~30 days and approved~~ before the final development plan is presented to the planning and zoning board. Platted PUD development shall comply with appendix D, chapter 8. Engineering drawings must include:
- (a) Water plan (profile required at utility crossings).
 - (b) Sanitary sewer plan and profile, as needed.
 - (c) Storm-sewer Reuse/reclaimed water plan, as needed.
 - (d) ~~Bulkheads~~ Streets plan and profile.
 - (e) ~~Sidewalks and bicycle paths,~~ pedways, and bikeways plans.
 - (f) ~~Streets~~ Usable open space plans (as applicable), including all amenity features and landscaping.
 - (g) ~~Lot grading plan~~ Stormwater management study and stormwater management system plan, profile, and sections.
 - (h) Drainage Master drainage plan, pursuant to F.S. ch. 471, as required by section 50-51 of this Code. A master drainage plan with the following shall be developed and approved as part of the construction plan approval:
 - 1. A plan showing the proposed stormwater management system including swales, approximate finished floor elevation of existing structures, finished floor elevation of existing structures on adjacent property, physical locations and centerline elevations of the roadways within the boundaries of the site, transition grades to adjacent property, off-site tributary drainage entering the property, existing grade elevations determined by survey, location and tracing of all legal positive outfall(s) proposed for the site, and other pertinent information as may be required by the city engineer. This plan shall be provided as a standalone sheet(s).
 - 2. Design spot elevations shall be provided at the corners of the individual lots, at the mid-points of the lot boundaries, and at all grade break points proposed in swales adjacent to lots.

3. Detail(s) for the proposed typical lot grading.
 4. Side slopes within lots shall not exceed a maximum of four feet horizontal to one foot vertical.
 5. Stormwater runoff shall not encroach upon adjacent properties.
- (i) Mass grading plan. A mass grading plan applies to the movement of earth, by mechanical means to alter the gross topographic features to prepare a site for final grading and the construction of buildings and facilities associated with the final developed use of the property. The construction plans shall reflect the following:
1. A plan showing the existing and proposed grades for all earthwork required to develop the site showing:
 - a. All surface drainage features required to manage bulk stormwater for the site;
 - b. Limits of excavation/fill adjacent to environmentally sensitive areas, wetlands, or conservation areas to remain undisturbed;
 - c. All fire lanes and emergency access ways;
 - d. All roadways within the site;
 - e. All work requiring fill of existing ditches, swales or other natural stormwater conveyance; and
 - f. Other information deemed necessary by the city engineer or public works director to ensure appropriate drainage for the site and maintenance of historical drainage patterns.
- (j) Project cost estimate prepared and certified by a State of Florida professional engineer licensed and registered pursuant to F.S. ch. 471, including but not limited to:
1. Estimated cost of dedicated utilities.
 2. Estimated cost of roadways, as applicable.
 3. Estimated cost of sidewalks, as applicable.
 4. Any additional items deemed necessary, at the discretion of the community development director, city engineer and/or public works director.

(k) A copy of the approved county street name request.

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- (5) *Final development plan (FDP).* ~~The~~ As a master site plan, the developer shall have three years from the approval date of the preliminary plat or non-platted preliminary development plan whichever is later, in which to file a final development plan. Platted PUD development shall comply with appendix D, chapter 8.

- (a) *FDP submittal requirements.* ~~If no platting is required~~ For a non-platted PUD, a site plan must be presented in accordance with section 6 of this article. If the property needs to be platted, the applicant must submit a development plan that complies with subdivision ordinance of the City of Melbourne. Additional exhibits required for the final development plan may include the following:

* * * *

- ~~2. Deed restriction. Deed restriction proposals to preserve the character of the common open space. Said deed restrictions shall include a prohibition against partition by any residential property owner.~~
- ~~3. Association or nonprofit corporation. If the developer elects this method of administering common open space, the proposed bylaws of the association or the certificate of incorporation and the corporate bylaw of the nonprofit corporation shall be submitted for approval by the city attorney.~~
- ~~4. 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 said land and instruments indicating that all necessary off-site easements or dedications have been acquired. In lieu of originals, "certified true copies" will be accepted if the recording information from the public records of Brevard County, Florida, is included thereon.~~
- ~~5. Bill of sale. A bill of sale, conveying to the city water and sewer utility lines, mains, lift stations, and other personal property required to be installed by this chapter.~~
- ~~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.~~
- ~~7. Tax receipts. Paid receipts from the city and county indicating taxes have been paid in full up to and including the current period.~~

- (b) *FDP review procedures.*

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3. ~~*Recording of final development plan.* After approval of the city council of the final development plan application, the city engineers shall verify that all requirements of F.S. ch. 177, have been complied with before the final development plan is recorded in the public records of Brevard County, Florida. No final development plan of a planned unit development within the city shall be recorded unless it shall have the approval of the city council inscribed thereon.~~

~~The transfer of, sale of, agreement to see, or negotiation to sell land by reference to or exhibition of, or other use of a final development plan of a planned unit development, or portion thereof, that has not been given final approval by the city council and recorded in the official records of Brevard County, Florida, is prohibited. The description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from such prohibition.~~

Final order. After approval by city council of the final development plan for a non-platted PUD, the city clerk shall issue a final order, which includes the final action by city council including any conditions tied to such action.

* * * *

SECTION 4. That Appendix D of the City Code of Melbourne, Florida, is hereby amended

to read as follows:

APPENDIX D. LAND DEVELOPMENT CODE

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CHAPTER 8. SUBDIVISION CODE

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Sec. 8.3. Purpose.

The purpose of this chapter is to establish procedures and standards for the development and subdivision of real estate within the city, in an effort to, among other things, ensure proper legal description, identification, monumentation and recording of real estate boundaries; further orderly layout and appropriate use of land; provide safe, convenient, and economic circulation of vehicular traffic; provide suitable building sites which drain properly and are readily accessible to emergency vehicles; ~~assure~~ verify the installation of improvements; help conserve and protect the physical and economic resources of the city; provide for affordable housing; and promote the public health, safety and general welfare. All subdivision of properties within the city shall at a minimum meet the requirements of this code and F.S. ch. 177; provided, however, that no subdivider shall be required to plat in the manner provided hereunder or to meet the requirements of this code as a pre-condition to the alienation of real property (i.e., deeding or leasing real property; conveyancing of an easement). Property owners shall be on constructive notice by virtue of the adoption of this code that no development of land shall be permitted on properties subdivided after January 10, 1995, unless a plat shall have been approved by the city council and recorded in the public records of Brevard County, all in a manner required by this code.

Sec. 8.4. Definition of terms.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory. The word "person" includes any individual, group of persons, firm, corporation, association, organization, and any legal public entity.

Administrative authority is the city community development department, which has the oversight responsibility to receive, review, and process the plat or replat submittal.

Administrative official is the city manager or their designee, who is responsible for approving, approving with conditions or denying the proposed plat or replat.

Applicant means a homebuilder or developer who files an application with the local governing body ~~to identify the preferred application process that the local governing body must issue or~~ administrative authority, as applicable. See also *Developer*.

* * * *

Final plat means the final map or drawing on which the subdivider's plan of subdivision is presented to the city council for approval, and which, if approved, will be submitted to the Clerk of the Circuit Court of Brevard County for recording in the public records of Brevard County, Florida.

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Planned unit development means a planned development, whether platted or unplatted, is a concept which encourages mixed uses and unconventional development designs in those cases where the developer can demonstrate improved living environments, protection of natural resources or increased effectiveness of service delivery and the reduction of external trips. The purpose of a planned development is to encourage the development of large tracts of land as

planned residential neighborhoods and communities that provide a more varied and interesting urban pattern and a full range of residence types as well as commercial uses designed to serve the inhabitants of the planned development. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this section while departing from the strict application of conventional use and dimension requirements of other zoning districts and subdivision regulations. See also appendix B.

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Subdivider means any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity, commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another. See also *Developer*.

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Sec. 8.5. Procedure for securing approval of subdivisions.

(a) ~~*Submission of sketch plan and pre-application conference.*~~ Applicants are encouraged to have a pre-application meeting with the community development director and city engineer or their designees, so that the city can prepare for an accelerated review. *Pre-application conference.* A pre-application meeting with city staff is strongly recommended to discuss the three-step subdivision application/process, pursuant to this section, which does not include platting under the expedited permitting process (see section 8.7 for the two-step process).

(1) ~~*Procedure.*~~ Prior to submission of a preliminary plat application, the subdivider may submit in writing a pre-application notice in the form of a letter with a sketch drawing to the community development director and city engineer for the proposed development and may confer with the community development director and city engineer to become familiar with the regulations affecting the land to be subdivided. This procedure does not require a formal application or fee. The sketch plan so submitted shall be considered by the community development director and the city engineer, as a means of advising the subdivider of the general requirements for development and the preliminary plat and to permit the subdivider to explain the general plan of development and obtain suggestions pertaining to it beneficial to the subdivider and the city.

(b) ~~*Submission of preliminary plat process.*~~ Submission of a preliminary plat pursuant to the process and requirements below, shall be a prerequisite to the development of any subdivision, except for subdivisions utilizing the expedited process under section 8.7. The preliminary plat shall be submitted before the final plat. Affordable housing projects shall be given priority over other pending subdivision applications, and accelerated review in the preliminary plat review process. Simultaneous planning and engineering review of affordable housing projects shall be permitted.

(1) ~~*Procedure.*~~ The procedure for obtaining preliminary plat review and approval is as follows *Submittal.* The subdivider shall submit a completed preliminary plat application with all required exhibits as set forth below to the city through the city's

development submittal process, pursuant to the city's adopted policies and procedures. The application and exhibits (in pdf format) shall include:

- a. ~~The subdivider shall submit a completed preliminary plat application with all required exhibits as set forth in section 8.5(b)(2) to the city through the city's permitting process, pursuant to the city's adopted policies and procedures. The application and exhibits shall include:~~
 - 1. ~~Affidavit of ownership executed by fee simple property owner before a notary public authorizing the applicant to submit an application for construction plan review;~~
 - 2. ~~A digital version of the proposed subdivision prepared, signed and sealed by a State of Florida registered surveyor, in accordance with the design standards as set forth in section 8.6. All wording shall be in type that is at least one-tenth of an inch in height.~~
 - 3. ~~A digital version of the preliminary construction plans at the same scale as the preliminary plat, prepared in accordance with the specifications and required exhibits as set forth in section 8.5(b)(2).~~
 - 4. ~~A digital version of the boundary survey, including total acreage, signed and sealed by a State of Florida registered land surveyor.~~
 - 5. ~~A certified digital version of an environmental impact assessment report including a tree survey.~~
 - 6. ~~Fees. The subdivider shall pay to the city all applicable fees for the cost of processing the application, as prescribed from time to time by resolution of the city council.~~
- b. ~~Before acting on the preliminary plat, the community development director shall receive written reports from the public works and utilities director, the fire department, the city engineering department, the building division, the city's legal counsel, and such other public officials or agencies determined to be necessary by the community development director. Such comments/corrections shall be provided and be based on factors relating to the plat which bear upon the public interest, consistency of the plat with the comprehensive plan, and relationship of the plat to city land development regulations. Once the preliminary plat is code compliant and all comments are addressed, the community development director shall consolidate the comments and recommendations and shall make a formal recommendation of approval, approval with conditions, or denial to the planning and zoning board.~~
- c. ~~The planning and zoning board shall review the preliminary plat and required exhibits to determine its conformity with the comprehensive plan and these regulations. Upon completing its review, the planning and zoning board shall~~

~~recommend to the city council their approval, approval subject to conditions, or disapproval of the preliminary plat. In recommending approval subject to conditions or in recommending disapproval, the reasons for such action shall be stated in writing and reference shall be made to the specific sections of this code with which the preliminary plat does not comply. The subdivider shall be notified of the recommendation.~~

- ~~d. The city council shall consider the recommendation of the planning and zoning board and approve, approve subject to conditions, or disapprove the preliminary plat. All preliminary plat approvals are conditioned upon the subdivider's compliance with the requirements of section 8.5(d)3.a. of this code.~~
- a. Contact information for the applicant, including name, address, email and phone number;
 - b. Contact information for each owner, including name, address, email and phone number;
 - c. Tax account number(s), parcel ID, and address (if applicable) of the area to be subdivided;
 - d. Total acreage of the area to be subdivided;
 - e. Future land use map classification and zoning designation of the area to be subdivided;
 - f. Type of proposed development (commercial, residential, or mixed use);
 - g. Number of lots proposed for the subdivision;
 - h. Density (units per acre), including permitted and proposed;
 - i. Subdivision variances proposed with the subdivision (separate application also required);
 - j. Identify (yes or no) whether the proposed development is an affordable housing development (per appendix B, article V, section 4); and
 - k. Identify whether there are other applications to be separately submitted with this request (including but not limited to map amendment(s), formal site plan, planned unit development (PUD), etc.).

Failure to provide the above referenced information in the online application will result in an incomplete determination, which will delay the review process.

~~(2) Required exhibits for the preliminary plat.~~

- ~~a. A digital version of the preliminary plat shall be drawn at a scale of not less than 100 feet to one inch on paper 24 inches by 36 inches, by a State of Florida registered surveyor and/or by a State of Florida registered professional engineer, depicting the criteria below and meeting the standards listed in section 8.6.~~
- ~~1. Boundaries of tract shown with bearings, distance, closures and bulkhead lines;~~
 - ~~2. Location, width, and depth of canals and waterways;~~
 - ~~3. Names of adjoining subdivisions;~~
 - ~~4. Future land use map classification and zoning designation, both on the land to be developed and on adjoining lands;~~
 - ~~5. Proposed street rights-of-way, street names, other proposed rights-of-way or easements, and their locations, widths, and purposes;~~
 - ~~6. Proposed lot lines, lot and block numbers, and approximate dimensions;~~
 - ~~7. Proposed parks, school sites, tracts, parcels, or other public open spaces;~~
 - ~~8. Title, date of preparation, true north point, and graphic scale;~~
 - ~~9. Name of owner, surveyor, and engineer who prepared the plat and surveyed the property;~~
 - ~~10. A site development notes table, identifying the following:~~
 - ~~(a) Subdivision number;~~
 - ~~(b) Future land use map classification of the plat area;~~
 - ~~(c) Zoning designation of the plat area;~~
 - ~~(d) Total acreage of the plat;~~
 - ~~(e) Total number of lots proposed;~~
 - ~~(f) Maximum permitted density and/or intensity (FAR);~~
 - ~~(g) Proposed density and/or FAR;~~
 - ~~(h) Proposed number of development phases;~~

- ~~(i) — Minimum required lot size;~~
 - ~~(j) — Minimum provided lot size;~~
 - ~~(k) — Average lot size provided;~~
 - ~~(l) — Permitted building height (number of floors and overall height in feet);~~
 - ~~(m) — Setbacks, required and provided (front, side corner, side interior, rear, and waterfront, as applicable);~~
 - ~~(n) — Maximum impervious coverage per lot (in square feet and percentage).~~
- ~~11. — Current vicinity map showing relationship between area proposed for development and the surrounding area.~~

(2) Required exhibits for the preliminary plat.

- a. A digital version of the preliminary plat shall be drawn at a scale of not less than 100 feet to one inch on a layout that is 24 inches by 36 inches, prepared, signed and sealed by a State of Florida registered surveyor, in accordance with the design standards as set forth in section 8.6. and meeting all the platting requirements of the city and state, depicting the criteria below and meeting the standards listed in section 8.6. A margin of one inch shall be left on the top, bottom and right side of each sheet with a three-inch margin on the left side of each sheet for binding purposes. All wording shall be in type that is at least one-tenth of an inch in height. Details should be added where appropriate. Neatness and clarity on the plat are mandatory. The plat shall constitute only that portion which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this code.
 - 1. Name of the plat, shown in bold legible letters. The name of the subdivision shall be shown on each sheet included.
 - 2. Each plat shall show the applicable section, township, and range of the property to be platted, and, if a land grant, the plat will so state.
 - 3. The name of the city, county, and state in which the land being platted is situated shall appear under the name of the plat as applicable.
 - 4. Each plat shall show a metes and bounds legal description of the lands subdivided, including total acreage.
 - 5. Current vicinity map showing relationship between area proposed for development and the surrounding area.
 - 6. When more than one sheet must be used to accurately portray the lands subdivided, an index or key map must be included and each sheet must show

the particular number of that sheet and the total number of sheets included, as well as clearly labeled matchlines to show where other sheets match or adjoin.

7. The plat drawing shall show all of the following:

- (a) Location, width, and names of all existing streets, waterways (including depth), or other rights-of-way shall be shown, as applicable.
- (b) All contiguous properties shall be identified by future land use map classification, zoning, subdivision title, and plat book and page, or, if unplatted, the land shall be so designated. If the subdivision to be platted is a re-subdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a re-subdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.
- (c) Proposed street rights-of-way, street names, other proposed rights-of-way or easements, and their locations, widths, and purposes. Include location and widths of reservation, easements, tracts, and any areas to be dedicated for public use or sites for other than residential, commercial, or industrial use.
- (d) Boundaries of tract shown with bearings, distance, closures and bulkhead lines
- (e) Proposed lot lines, lot and block numbers, and approximate dimensions. All lots shall be numbered either by progressively higher numbers or, if in blocks, progressively higher numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions or phases bearing the same name may be numbered consecutively throughout the several additions or phases.
- (f) Proposed parks, school sites, tracts, parcels, or other public open spaces.
- (g) Title, date of preparation, true north point, and graphic scale.
- (h) Name of owner, surveyor, and engineer who prepared the plat and surveyed the property.
- (i) Provision of appropriate signatory boxes for all entities with room for both signature and seal.
- (j) All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. The point of beginning shall be indicated, together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision of governments surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner or other recorded and well-established corner.
- (k) Block corner radii dimensions shall be shown.

- (l) Sufficient survey data shall be shown to positively describe the bounds of every lot, block, tract, street, easement, and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and be in accordance with the definition of the U.S. survey foot or meter adopted by the National Institute of Standards and Technology.
 - (m) Curvilinear lots shall show the radii, arc distances, and central angles or radii, chord, and chord bearing, or both. Radial lines will be so designated. Direction of non-radial lines shall be indicated.
 - (n) When it is not possible to show curve detail information on the map, a tabular form may be used.
 - (o) Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of an arc.
 - (p) The centerlines of all streets shall be shown with distances, angles, bearings or azimuth, "P.C.s," "P.T.s," "P.R.C.s," "P.C.C.s," arc distance, central angles, tangents, radii, chord, and chord bearing or azimuth, or both.
 - (q) Park and recreation parcels as applicable shall be so designated.
8. A site development notes table shall be provided on the first sheet of the plat, identifying the following:
- (a) Subdivision number;
 - (b) Future land use map classification of the plat area;
 - (c) Zoning designation of the plat area;
 - (d) Total acreage of the plat;
 - (e) Total number of lots proposed;
 - (f) Maximum permitted density and/or intensity (FAR);
 - (g) Proposed density and/or FAR;
 - (h) Proposed number of development phases;
 - (i) Minimum required lot size;
 - (j) Minimum provided lot size;
 - (k) Average lot size provided;
 - (l) Permitted building height (number of floors and overall height in feet);

- (m) Setbacks, required and provided (front, side corner, side interior, rear, and waterfront, as applicable);
- (n) Maximum impervious coverage per lot (in square feet and percentage).
- 9. The following additional plat notes shall be provided on the plat:
 - (a) The plat shall include in a prominent place the following statement: NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.
 - (b) A note stating: All lots shall have a minimum of a 10-foot-wide easement along the front lot line parallel to the street for public utilities and all lots, except those utilizing zero lot line construction, shall have a minimum of a seven-and-one-half-foot wide easement centered on common side and rear lot lines. Utility easements to be used for storm sewer, sanitary sewer, or for water lines and water reuse lines six inches or greater in diameter, centered on common lot lines shall be a minimum of 20 feet wide.
 - (c) A note stating: Side lot easements along the boundaries of a single building site shall be terminated when two or more lots are used for a single building site, unless a drainage structure or utilities have been constructed within the easement. When more than one lot or parts of one or more lots are used as a single building site, the outside boundaries of the building site shall carry the side lot line easements provided and dedicated by this plat, provided that no utilities exist within said easement and proper verification has been made.
 - (d) A note stating the location and widths of reservation, easements, tracts, and any areas to be dedicated for public use or sites for other than residential, commercial, or industrial use, including their purpose and any limitations.
 - (e) A note stating: All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.
 - (f) A note stating: Fences are regulated in easements per section 9.47(d), appendix D, of this code.
 - (g) A note stating: Luminaries are regulated by appendix D, chapter 8, section 8.6(c).

- (h) A note stating: Subdivision signs are regulated by appendix D, chapters 8 and 11.
 - (i) Double frontage lots, where an abutting roadway is either not part of the same recorded plat, or the abutting roadway is an arterial or collector roadway, shall provide a plat note that restricts direct access to such roadways.
 - (j) For residential development abutting an arterial and/or collector roadway, a note stating: This plat is subject to the special residential buffer, per appendix D, chapter 8, section 8.6(h).
10. Tract Table. A tract table is required on the plat that identifies each tract (by number or letter), the purpose of each tract, maintenance responsibility of each tract, and total acreage of each tract.

- b. A digital version of the boundary and topographical survey and tree survey of the property updated as of the date of the preliminary plat submittal and based upon a title search made within 12 months prior to preliminary plat submittal, all prepared and certified by a Florida-licensed and registered professional mapper and surveyor pursuant to F.S. ch. 472, drawn at the same scale as the preliminary plat and showing:

* * * *

- ~~c. Preliminary construction plans showing and meeting the standards in section 8.6 and technical provisions adopted pursuant to sections 8.11 and 8.12:~~

- ~~1. Existing ground contours at one foot intervals and proposed elevation of area proposed for development;~~
- ~~2. Typical cross sections of proposed grading, streets, sidewalks bikeways, and pedways;~~
- ~~3. Preliminary layout of potable water distribution, sanitary and stormwater sewers, and water reuse lines, with grades and sizes indicated streets, sidewalks, and pedways; and~~
- ~~4. Preliminary lot grading plan prepared according to city standards and specifications.~~

- c. A digital version of a preliminary construction plan exhibit, prepared by a State of Florida registered professional engineer, drawn at the same scale as the preliminary plat, showing and meeting the following:

- 1. Location of stormwater ponds;
- 2. Location of proposed streets, with dimensions for pavement width and right-of-way width;

3. Proposed tie-in points for utility connections.

The above minimum standards shall comply with section 8.6 and technical provisions adoption pursuant to sections 8.11 and 8.12. Submittal of the full subdivision construction plans shall not occur until the preliminary plat is approved.

- d. Environmental impact assessment A certified digital version of an environmental impact assessment report including a tree survey, in accordance with appendix D, chapter 9, article IV, City of this Code.
 - e. Proof of ownership, (such as a deed).
 - f. Affidavit of ownership form, executed by fee simple property owner before a notary public authorizing the applicant to submit an application for preliminary plat.
 - g. Authorization to represent form, executed by fee simple property owner before a notary public authorizing the applicant to represent the owner throughout the process, including during public hearings.
- (3) Fees. Once the application and exhibits are submitted, and checked for completeness, an invoice will be sent to the applicant identifying all applicable fees for the cost of processing the application, as prescribed from time to time by resolution of the city council. Fees must be paid to the city prior to review by city staff.
- (4) Staff review of the Preliminary Plat. The community development department shall coordinate the review of the preliminary plat and associated documents, receiving comments from applicable city departments and such other public officials or agencies determined to be necessary by the community development director. Staff will coordinate with the applicant to address city comments. Such comments/corrections shall be provided and be based on factors relating to the plat which bear upon the public interest, consistency of the plat with the comprehensive plan, and relationship of the plat to city land development regulations. Once the plat and associated exhibits are code compliant and all comments are addressed, the community development director shall schedule the preliminary plat for public hearing.
- (5) Public hearing process. A preliminary plat requires consideration through the city's public hearing process.
- a. Planning and zoning board/local planning agency consideration. The planning and zoning board shall review the preliminary plat and required exhibits to determine its conformity with the comprehensive plan and these regulations. Upon completing its review, the planning and zoning board shall make findings and recommend to the city council their approval, approval subject to conditions, or disapproval of the preliminary plat. In recommending approval subject to conditions or in recommending disapproval, the reasons for such action shall be stated in writing and reference shall be made to the

specific sections of this code with which the preliminary plat does not comply. The subdivider shall be notified of the recommendation.

- b. City council consideration. The city council shall consider the recommendation of the planning and zoning board and city staff, then approve, approve subject to conditions, or disapprove the preliminary plat. All preliminary plat approvals are conditioned upon the subdivider's compliance with the requirements of this Code.
- c. Approval of the preliminary plat shall not be construed as authority for filing of the plat with the clerk of the circuit court of Brevard County, nor as authority for the sale of lots in reference thereto.

(6) Final approval and modifications to the approved preliminary plat.

- a. Changes to the approved preliminary plat. Upon approval of the preliminary plat, the development shall be built substantially in accordance with the plat, approved construction plans and applicable specifications. Should the owner/applicant or his successors desire to make any changes to said preliminary plat after preliminary plat approval, such changes shall first be submitted to the community development department to determine if the change can be approved administratively by staff or if it requires another hearing before the planning and zoning board and city council.

In determining whether a change qualifies for administrative or board approval, staff shall use the following criteria. Modifications that significantly impact the design of the subdivision or affect adjacent properties will need to be processed for reconsideration of the changes to the preliminary plat through planning and zoning board and city council. Any proposed modifications to a preliminary plat shall not violate any other provisions of this ordinance and the city's comprehensive plan.

Criteria for substantial changes shall include the following:

- 1. Subdivision variance requests (per section 8.8), except for such requests affected by field conditions such as those conditions that are survey-related.
- 2. Changes in use category or the addition of a new use category.
- 3. Changes in proposed final ownership of tracts.
- 4. Requests to change ownership/responsibility of infrastructure (such as public versus private infrastructure).
- 5. Increases in density (10% or greater of the number of dwelling units) or intensity (10% or greater usable floor area).

6. Increase or decrease in the number of vehicular access points.
7. Increase of 20% or greater in traffic generation.
8. Reduction in open space/recreation areas by more than 10%.
9. Changes in location or function of open space/recreation areas.
10. Any change requested that proposes to reduce the previously approved linear distance by more than 10% of a buffer, green area, or passive use area adjacent to established single-family residential lots or single-family residential zoning district.
11. Any modification to the preliminary plat that fails to comply with a condition specifically required by city council.

b. Preliminary plat approval expiration. All preliminary plat approvals, unless otherwise noted, shall expire automatically upon expiration of the capacity reservation period as defined in appendix D, chapter 3, unless building permits have been issued.

c. Approval extension. Preliminary plat approvals may be extended in accordance with appendix D, chapter 3, section 3.06 of this Code.

(c) Subdivision ~~C~~construction plan approval process.

(1) Submittal requirements. The following must be submitted to the city through the city's permitting process, pursuant to the city's adopted policies and procedures for engineering construction plan review.

* * * *

c. Construction plans meeting the technical provisions pursuant to sections 8.6, 8.11 and 8.12 for the subdivision-related site work, prepared and certified by a licensed and registered State of Florida engineer or architect. The construction plans must show the following:

1. Water plan (profile required at utility crossings).
2. Sanitary sewer plan and profile as needed.
3. ~~Stormwater management study and stormwater management system plan, profile, and sections~~ Reuse/reclaimed water plan, as needed.
4. ~~Sidewalks, pedways, and bikeways plans~~ Streets plan and profile.
5. ~~Usable open space plans (as applicable), including all amenity features and landscaping~~ Sidewalks, pedways, and bikeways plans.

6. ~~Streets plan and profile~~ Usable open space plans (as applicable), including all amenity features and landscaping.
7. ~~Reuse/reclaimed water plan~~ Stormwater management study and stormwater management system plan, profile, and sections.

* * * *

(2)f. Fees. The fees for subdivision construction plan review are set forth by resolution and approved by city council from time to time. Since construction plan review fees vary by size and type, an initial submittal fee will be required to commence city staff review. The balance of the fees for subdivision construction plans will be invoiced after the first review.

(2) Review of subdivision construction plan. The engineering department shall coordinate the review of the subdivision-related construction plans and associated documents, receiving comments from applicable city departments and such other public officials or agencies determined to be necessary by the city engineer or their designee. Staff will coordinate with the applicant to address city comments.

~~(3) Approval of the preliminary plat shall not be construed as authority for filing of the plat with the clerk of the circuit court of Brevard County, nor as authority for the sale of lots in reference thereto. Approval of the preliminary plat shall, however, authorize the subdivider to exercise either of the following options preparatory to submitting the final plat:~~

~~a. Option 1. Complete construction. Prepare construction plans and specifications for all required improvements which shall meet the approval of the city engineer and this code. After receiving an erosion and sedimentation control permit in accordance with section appendix D, chapter 9, article XVI, City Code, and receiving written approval of construction plans from the city engineer, a tree removal permit may be considered for issuance by the building department. Upon issuance thereof the subdivider is allowed to install all required improvements, including fill dirt, in accordance with the approved plans and specifications and shall complete the required improvements within one year from the date of construction plan approval. Time extensions to complete construction may be granted if approved by the city engineer. The owner/developer shall construct sidewalks in accordance with section 8.6(b)(7). The developer or owner of undeveloped lots shall provide sidewalks on such lots remaining vacant after three years (one year = 365 days) from the date of the issuance of a certificate of completion of the subdivision improvements. The owner/developer of the vacant lots shall construct the required sidewalk within six months after a period of three years from issuance of a certificate of completion of the required subdivision improvements. The subdivider shall post a bond for sidewalks in the amount of 110 percent of the cost of construction of said sidewalks, as estimated by the city engineer as a condition of final approval and acceptance of a~~

~~certificate of completion. The bond shall satisfy the requirements of section 8.5(d)4.b. The owner/developer may periodically reduce the bond amount to account for the units already constructed.~~

- ~~b. Option 2. Surety of completion of improvements. Prepare construction plans and specifications for all required improvements which shall meet the approval of the city engineer as described for option 1 and this code and provide a bond, or other surety, to guarantee construction and completion of all improvements as provided for in subsection 8.5(d)4.b. The bond/surety shall be in the amount of 110 percent of the construction costs, including fill dirt, as estimated by the city engineer.~~

~~No dedicated utility or road work shall be undertaken prior to a pre-construction conference, which shall be scheduled by the city engineer. Regardless of the option exercised, all work shall conform to all city regulations and shall be subject to the inspection and approval of the city engineer, who shall be regularly consulted by the subdivider and kept advised by the subdivider of each new phase of work being done. The city engineer, or his designee, shall make regular inspections to assure that the work meets all code requirements.~~

(3) Approval of construction plans. Once staff comments are addressed, the process to approve subdivision-related construction plans are as follows:

- a. Substantial approval. Staff will issue a substantial approval to the construction plans. All sub-applications, including but not limited to tree removal, erosion and sedimentation control, stormwater, etc., shall be reviewed for compliance.
- b. Pre-construction conference. A pre-construction conference is held with the owner, design professionals and contractors for the project. The purpose of the meeting is to detail the steps of construction. No dedicated utility or road work shall be undertaken prior to a pre-construction conference, which shall be scheduled by the city engineer or their designee.
- c. Plan approval. Upon completion of the previously identified steps, the city engineer will apply an approval stamp to the construction plans and applicable sub-applications, which includes an expiration date and any stipulations required with city approval.
- d. Receipt of outside agency permits. Construction shall not commence until all outside agency permits have been obtained and provided to the city. If modifications to the approved plans are necessary due to outside permit agency requirements, the applicant shall notify the city and resubmittal of the construction plans may be required, at the discretion of the city engineer.

(4) Construction of required improvements, inspections, certificate of completion.

- a. Installation of improvements. The subdivider is allowed to install all required improvements, including fill dirt, in accordance with the approved

construction plans and specifications and shall complete the required improvements within one year from the date of construction plan approval. Time extensions to complete construction may be granted if approved by the city engineer.

b. All work shall conform to all city regulations and shall be subject to the inspection and approval of the city engineer or their designee, who shall be regularly consulted by the subdivider and kept advised by the subdivider of each new phase of work being done. The city engineer, or their designee, shall make regular inspections to verify that the work meets all code requirements.

c. Sidewalks.

1. The owner/developer shall construct sidewalks in accordance with section 8.6(b)(7).

2. The developer or owner of undeveloped lots shall provide sidewalks on such lots remaining vacant after three years (one year = 365 days) from the date of the issuance of a certificate of completion of the subdivision improvements.

3. The owner/developer of the vacant lots shall construct the required sidewalk within six months after a period of three years from issuance of a certificate of completion of the required subdivision improvements.

4. The subdivider shall post a bond for sidewalks in the amount of 110 percent of the cost of construction of said sidewalks, as estimated by the city engineer as a condition of final approval and acceptance of a certificate of completion.

5. The bond shall satisfy the requirements of section 8.5(d)4.b.

6. The owner/developer may periodically reduce the bond amount to account for the units already constructed.

d. Guarantee of incomplete improvements. Where the required improvements have not been completed prior to the submission of the final plat and the applicant has not received a certificate of completion by the city engineer, the approval of the plat shall be subject to the subdivider, guaranteeing the installation of said improvements by filing a performance and payment bond executed by a surety company authorized to do business in the state by the Florida Insurance Commissioner; tri-party agreement; or a letter of credit issued by a Florida bank or savings and loan association, located in the state and licensed by the federal government or the State of Florida Comptroller to do business in Florida as a bank or savings and loan association in the

amount of 110 percent of the construction cost, including fill dirt, as determined by the city engineer.

The bond instrument may provide that portion of the security may be partially released, proportionate to the work completed, to the subdivider, from time to time, as work progresses; but the amount to be released shall be determined by the city engineer in accordance with the foregoing. All instruments shall be in form and substance satisfactory to and approved by the city attorney.

At no point shall any building certificate(s) of completion be issued until all work has been completed within the subdivision and a certificate of completion for the subdivision-related construction improvements have been constructed.

- e. Certificate of completion. A certificate of completion shall be provided once all improvements and required documentation have been completed in form and substance acceptable to the city engineer.

(d) *Submission of the fFinal plat process.* Submission of a final plat shall be required of every subdivider, and no street shall be accepted and maintained by the city, nor shall any permit be issued by any administrative agent or department of the city for the construction of any building upon land concerning which a plat is required to be approved, unless and until a final plat has been approved by the city council and duly recorded by the clerk of the circuit court of Brevard County.

~~(1) — Sale of land with reference to unrecorded plats: Until a final plat is submitted, reviewed by the planning and zoning board, approved by the city council, and recorded by the clerk of the circuit court in the public records of Brevard County, no sale of lots or tracts with reference to said plat shall be consummated, nor shall the city accept any streets or other improvements which are intended to be dedicated to the public.~~

~~(2) — Issuance of building permits on unrecorded plat. Except as provided for in section 8.7, two building permits for single-family model homes, one building permit for a multiple-family building, and permits for one commercial/industrial lot may be issued by the building official prior to final plat approval in a proposed subdivision if:~~

- a. ~~— A preliminary plat has been approved;~~
- b. ~~— Construction plans have been approved;~~
- c. ~~— The portion of the unrecorded plat on which the building is to be located must meet all requirements of City Code, including meeting the definition of a "lot" as set forth in section 8.4;~~

- ~~d. Improvements have been completed which provide fire service and fire access including a stabilized road and water service to the area where the models will be located; and~~
 - ~~e. Any other improvement that the city building official or city engineer deem necessary for safety. No certificate of occupancy (CO) or certificate of completion shall be issued, nor shall any additional permits for construction of residential, commercial or industrial units be issued, unless and until: i) a final plat is recorded by the Clerk of the Circuit Court of Brevard County for the section of the project in which the CO is requested; and ii) all subdivision improvements and related requirements have been completed and approved by the city engineer for the section of the project where the CO is requested.~~
- ~~(3) Final plat approval procedure. The procedure for obtaining final plat approval is as follows:~~
- ~~a. Submittal requirements. The following must be submitted to the city through the city's permitting process, pursuant to the city's adopted policies and procedures for final plat review:~~
 - ~~1. Affidavit of ownership executed by fee simple property owner before a notary public authorizing the applicant to submit an application for construction plan review;~~
 - ~~2. Boundary survey prepared and certified by a Florida-licensed and registered professional mapper and surveyor pursuant to F.S. ch. 472;~~
 - ~~3. A digital version of the final plat prepared, signed and sealed by a State of Florida registered surveyor drawn at the same scale as the preliminary plat; and~~
 - ~~4. Fees. The subdivider shall pay to the city all applicable fees for the cost of processing the application, as prescribed from time to time by resolution of the city council.~~
 - ~~Failure to commence construction of site improvements or to file an application for final plat approval within one year of the preliminary plat approval or any extension granted by the city council upon written request by the subdivider, shall result in the preliminary plat approval expiring and being automatically terminated.~~
 - ~~b. Before the planning and zoning board acts on the final plat, the city engineer will certify compliance with or deviations from, the approved preliminary plat and the requirements of these regulations and that all subdivision improvements shall be or are constructed as provided in option 1 or option 2 as set forth herein above.~~

- ~~c. The planning and zoning board shall review the final plat and required exhibits to determine conformity with the comprehensive plan and the preliminary plat. Upon completing its review, the planning and zoning board shall ensure the applicants have completed all application requirements and recommend to the city council approval, approval subject to conditions, or disapproval of the final plat. In recommending approval subject to conditions or in recommending disapproval, the reasons for such action will be stated in writing and reference shall be made to the specific sections of this code with which the final plat does not comply. The subdivider shall be notified of the recommendations.~~
- ~~d. The city council shall consider the final plat and recommendations of the planning and zoning board and approve, approve subject to conditions, or disapprove the final plat.~~
- ~~e. Action of the city council and the planning and zoning board shall be noted on the original Mylar, the digital version of the final plat, and on the five prints of the final plat. The original Mylar shall be properly signed and executed by the subdivider and his surveyor and joined in and consented to by all lienholders, all in the form as required for recording by the clerk of the circuit court of Brevard County. The original Mylar and required documents are to be recorded with the clerk of the circuit court of Brevard County. One reproducible copy and five prints of the plat and one copy of the recorded subdivision documents shall be retained by the city for administrative records. All fees and documents required by the clerk of the circuit court of Brevard County for the filing and recording of approved final plats and any subdivision documents shall be deposited by the subdivider with the clerk of the circuit court when final approval is received.~~

(1) Submittal. The subdivider shall submit a completed final plat application with all required exhibits as set forth below to the city through the city's development submittal process, pursuant to the city's adopted policies and procedures. The application and exhibits (in pdf format) shall include:

- a. Contact information for the applicant, including name, address, email and phone number;
- b. Contact information for each owner, including name, address, email and phone number;
- c. Tax account number(s), parcel ID, and address (if applicable) of the area to be subdivided;
- d. Total acreage of the area to be subdivided;
- e. Future land use map classification and zoning designation of the area to be subdivided;
- f. Preliminary plat number associated with the property;

- g. Type of proposed development (commercial, residential, or mixed use);
- h. Number of lots proposed for the subdivision;
- i. Density (units per acre), including permitted and proposed;
- j. Subdivision variances (approved with the preliminary plat) with the subdivision (separate application also required);
- k. Identify (yes or no) whether the proposed development is an affordable housing development (per appendix B, article V, section 4); and
- l. Identify whether there are other applications to be separately submitted with this request (including but not limited to map amendment(s), formal site plan, planned unit development (PUD), etc.).
- m. Identify the subdivision construction plan number (ENGR), and the date of construction plan approval.

Failure to provide the above referenced information in the online application will result in an incomplete determination, which will delay the review process.

~~(4)(2)~~ *Required exhibits. Exhibits a. through f., conforming* The following exhibits shall conform to the requirements hereinafter set forth, and shall be provided by the subdivider at the time of application for final plat approval.

- a. ~~The final plat shall be drawn on a Mylar at a scale of not less than 100 feet to the inch, meeting all the platting requirements of the city and state, and shall substantially conform to the preliminary plat as approved. The plat shall be drawn on Mylar as described above, 24 inches wide by 36 inches long at a scale of not less than 100 feet to one inch. A digital version of the final plat shall be drawn at a scale of not less than 100 feet to one inch on a layout that is 24 inches by 36 inches, prepared, signed and sealed by a State of Florida registered surveyor, in accordance with the design standards as set forth in section 8.6. and meeting all the platting requirements of the city and state, depicting the criteria below and meeting the standards listed in section 8.6. A margin of one inch shall be left on the top, bottom and right side of each sheet with a three-inch margin on the left side of each sheet for binding purposes. All wording shall be in type that is at least one-tenth of an inch in height. Details should be added where appropriate. Neatness and clarity on the plat are mandatory. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this code. All legal documents set forth in section 8.5(d)(4)g. below or other documents to be recorded prior to or simultaneous with the final plat shall be submitted to the city prior to or simultaneously with the final plat. The final plat shall be prepared by a State of Florida registered surveyor,~~

~~who shall be qualified by law to prepare plats for recording in the public records of the county, and shall show the following information:~~

1. Name of the plat, shown in bold legible letters. The name of the subdivision shall be shown on each sheet included.
- 4.2. Each plat shall show the applicable section, township, and range of the property to be platted, and, if a land grant, the plat will so state.
- 2.3. The name of the city, county, and state in which the land being platted is situated shall appear under the name of the plat as applicable.
- 3.4. Each plat shall show a metes and bounds legal description of the lands subdivided, and the description shall be exactly the same in the title certification required to be submitted by section 8.5(d)(4)c. of this code. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined.
5. Current vicinity map showing relationship between area proposed for development and the surrounding area.
6. When more than one sheet must be used to accurately portray the lands subdivided, an index or key map must be included and each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled matchlines to show where other sheets match or adjoin.
7. The plat drawing shall show all of the following:
 - (a) Location, width, and names of all existing streets, waterways (including depth), or other rights-of-way shall be shown, as applicable.
 - (b) All contiguous properties shall be identified by future land use map classification, zoning, subdivision title, and plat book and page, or, if unplatted, the land shall be so designated. If the subdivision to be platted is a re-subdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a re-subdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.
 - (c) Proposed street rights-of-way, street names, other proposed rights-of-way or easements, and their locations, widths, and purposes. Include location and widths of reservation,

easements, tracts, and any areas to be dedicated for public use or sites for other than residential, commercial, or industrial use.

- (d) Proposed lot lines, lot and block numbers, and approximate dimensions. All lots shall be numbered either by progressively higher numbers or, if in blocks, progressively higher numbered in each block, and the blocks progressively numbered or lettered, except that, blocks in numbered additions or phases bearing the same name may be numbered consecutively throughout the several additions or phases.
- (e) Proposed parks, school sites, tracts, parcels, or other public open spaces.
- (f) Title, date of preparation, true north point, and graphic scale.
- (g) Name of owner, surveyor, and engineer who prepared the plat and surveyed the property. The surveyor shall provide their seal, signature, date of survey and plat preparation.
- (h) The circuit court clerk's certificate and the land surveyor's certificate and seal.
- (i) All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. The point of beginning shall be indicated, together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision of governments surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner or other recorded and well-established corner.
- (j) Block corner radii dimensions shall be shown.
- (k) Sufficient survey data shall be shown to positively describe the bounds of every lot, block, tract, street, easement, and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and be in accordance with the definition of the U.S.

survey foot or meter adopted by the National Institute of Standards and Technology.

- (l) Curvilinear lots shall show the radii, arc distances, and central angles or radii, chord, and chord bearing, or both. Radial lines will be so designated. Direction of non-radial lines shall be indicated.
- (m) When it is not possible to show curve detail information on the map, a tabular form may be used.
- (n) Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of an arc.
- (o) The centerlines of all streets shall be shown with distances, angles, bearings or azimuth, "P.C.s," "P.T.s," "P.R.C.s," "P.C.C.s," arc distance, central angles, tangents, radii, chord, and chord bearing or azimuth, or both.
- (p) Park and recreation parcels as applicable shall be so designated.

5-8. A site development notes table shall be provided on the first sheet of the plat, identifying the following:

* * * *

- ~~6. Name of surveyor/engineer of record with seal, signature, and a date of survey and plat preparation.~~
- ~~7. Title, date, name of the subdivision, true north point, and graphic scale.~~
- ~~8. The circuit court clerk's certificate and the land surveyor's certificate and seal.~~
- ~~9. All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. The point of beginning shall be indicated, together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision of governments surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner or other recorded and well established corner.~~

- ~~10. Location, width, and names of all streets, waterways, or other rights-of-way shall be shown, as applicable.~~
- ~~11. All contiguous properties shall be identified by future land use map classification, zoning, subdivision title, and plat book and page, or, if unplatted, the land shall be so designated. If the subdivision to be platted is a re-subdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a re-subdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.~~
- ~~12. All lots shall be numbered either by progressively higher numbers or, if in blocks, progressively higher numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions or phases bearing the same name may be numbered consecutively throughout the several additions or phases.~~
- ~~13. Block corner radii dimensions shall be shown.~~
- ~~14. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, tract, street, easement, and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and be in accordance with the definition of the U.S. survey foot or meter adopted by the National Institute of Standards and Technology.~~
- ~~15. Curvilinear lots shall show the radii, arc distances, and central angles or radii, chord, and chord bearing, or both. Radial lines will be so designated. Direction of non-radial lines shall be indicated.~~
- ~~16. Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of an arc.~~
- ~~17. The centerlines of all streets shall be shown with distances, angles, bearings or azimuth, "P.C.s," "P.T.s," "P.R.C.s," "P.C.C.s," arc distance, central angles, tangents, radii, chord, and chord bearing or azimuth, or both.~~
- ~~18. Park and recreation parcels as applicable shall be so designated.~~

- ~~19. A certificate of consent and joinder to the plat, dedication of lands upon the plat, and recording of the plat executed by any mortgagee and lien holder, in form and substance reasonably acceptable to the city's legal counsel.~~
- ~~20. The purpose of all areas dedicated must be clearly indicated or stated on the plat.~~
- ~~21. When it is not possible to show curve detail information on the map, a tabular form may be used.~~
- ~~22. A note stating: Fences are regulated in easements per section 9.47(d), appendix D, of this code.~~
- ~~23. A note stating: All lots shall have a minimum of a ten-foot-wide easement along the front lot line parallel to the street for public utilities and all lots, except those utilizing zero lot line construction, shall have a minimum of a seven-and-one-half-foot wide easement centered on common side and rear lot lines. Utility easements to be used for storm sewer, sanitary sewer, or for water lines and water reuse lines six inches or greater in diameter, centered on common lot lines shall be a minimum of 20 feet wide.~~
- ~~24. A note stating: Luminaries are regulated by appendix D, chapter 8, section 8.6(c).~~
- ~~25. For residential development abutting an arterial and/or collector roadway, a note stating: This plat is subject to the special residential buffer, per appendix D, chapter 8, section 8.6(h).~~
- ~~26. A note stating: Side lot easements along the boundaries of a single building site shall be terminated when two or more lots are used for a single building site, unless a drainage structure or utilities have been constructed within the easement. When more than one lot or parts of one or more lots are used as a single building site, the outside boundaries of the building site shall carry the side lot line easements provided and dedicated by this plat, provided that no utilities exist within said easement and proper verification has been made.~~
- ~~27. A note stating: Subdivision signs are regulated by appendix D, chapters 8 and 11.~~
- ~~28. Double frontage lots, where an abutting roadway is either not part of the same recorded plat or the abutting roadway is an arterial or collector roadway shall provide a plat note that restricts direct access to such roadways.~~

- ~~29. The plat shall include in a prominent place the following statement:
NOTICE: There may be additional restrictions that are not recorded
on this plat that may be found in the public records of this county.~~
- ~~30. Location and widths of reservation, easements, tracts, and any areas
to be dedicated for public use or sites for other than residential,
commercial, or industrial use with notes stating their purpose and any
limitations.~~
- ~~31. A note stating: All platted public utility easements shall also be
easements for the construction, installation, maintenance, and
operation of cable television services; provided, however, no such
construction, installation, maintenance, and operation of cable
television services shall interfere with the facilities and services of an
electric, telephone, gas, or other public utility. In the event a cable
television company damages the facilities of a public utility, it shall be
solely responsible for the damages. This section shall not apply to
those private easements granted to or obtained by a particular electric,
telephone, gas, or other public utility. Such construction, installation,
maintenance, and operation shall comply with the National Electrical
Safety Code as adopted by the Florida Public Service Commission.~~
- ~~32. Information and certificates as required by F.S. §§ 177.071 and
177.081.~~
- ~~33. Text dimensions. All text and numerical data shown on the plat must
be a minimum of one-tenth inch in height. Details should be added
where appropriate. Neatness and clarity on the plat are mandatory.~~
- ~~b. Where the required improvements have not been completed prior to the
submission of the final plat, the approval of the plat shall be subject to the
subdivider, guaranteeing the installation of said improvements by filing a
performance and payment bond executed by a surety company authorized
to do business in the state by the Florida Insurance Commissioner; tri-party
agreement; or a letter of credit issued by a Florida bank or savings and loan
association, located in the state and licensed by the federal government or
the State of Florida Comptroller to do business in Florida as a bank or savings
and loan association in the amount of 110 percent of the construction cost,
including fill dirt, as determined by the city engineer. The bond instrument
may provide that portions of the security may be partially released,
proportionate to the work completed, to the subdivider, from time to time, as
work progresses; but the amount to be released shall be determined by the
city engineer in accordance with the foregoing. All instruments shall be in
form and substance satisfactory to and approved by the city attorney.
Stormwater features, except conveyance areas or infrastructure within
platted residential lots, shall be completed and not bonded prior to recording.~~

- ~~c. Every plat of a subdivision submitted to the approving agency of the city must be accompanied by a title opinion by an attorney-at-law licensed to practice in the state or a certification by an abstractor or a title insurance company, authorized to do business as such by the Florida Insurance Commissioner, confirming that record title to the land as described and shown on the plat is in the name of the person, corporation, or legal entity executing the dedication, if any, as it is shown on the plat and, if the plat does not contain a dedication, that the subdivider has record title to the land. The title opinion or certification shall also show all mortgages or other liens not satisfied nor otherwise terminated by law on the land to be platted and all other encumbrances or easements. The title opinion shall be certified to and in favor of the City of Melbourne and the Brevard County Clerk of the Circuit Court. Said opinion shall be in form and substance acceptable to the city attorney. No title opinion shall be more than 90 days old as of the date of recording of the final plat. As of the date of recording of the final plat, the subdivider shall certify under oath to and for reliance by the city and the clerk of the circuit court that there have been no changes in the state of title as depicted on the title opinion.~~
- ~~d. Any proposed subdivision within a flood hazard area must comply with sections 13.191 through 13.198, appendix D, of this code. If proposed structure elevations are contingent upon a letter of map change as defined in section 13.152, appendix D of the code of ordinances, no certificates of occupancy (CO) shall be issued for a structure on any platted lot formerly located in Federal Emergency Management Agency (FEMA) designated flood zone A, AE, AO, AH, V, or VE until a map amendment or letter of map revision (LOMR) has been obtained for said lot or structure indicating that such structure has been removed from a special flood hazard area as acknowledged by FEMA as a result of construction improvements. All lots where no change in the status of the special flood hazard area has occurred shall remain eligible for building permits provided that the lowest floor elevation is elevated 1.33 feet above the base flood elevation. All construction must comply with article IX, chapter 13, appendix D, City Code, and no building permit or permit for subdivision improvements will be issued until the construction has been approved by the city's floodplain administrator pursuant to article IX, chapter 13, appendix D, City Code.~~
- ~~e. A stormwater maintenance agreement substantially, in a form approved, from time to time, by resolution of the city council specifying the location, function, ownership, maintenance responsibility and access responsibilities for the stormwater management system consistent with chapter 50, City Code, shall be executed by the owner of the properties to be platted and joined in and consented to by any mortgagee or lienholder of the aforesaid. The agreement shall be in form and substance acceptable to the city attorney and city manager.~~
- ~~f. The subdivider shall submit for review and approval to the community development director and the city engineer the documents set forth in this~~

~~sub-paragraph. Upon request of the community development director or the city engineer, the documents shall be reviewed by the city's legal counsel. Upon review and approval of the documents, the documents shall be recorded in the Public Records of Brevard County, Florida, simultaneous with the recordation of the final plat:~~

- ~~1. Articles of incorporation for a homeowner's, property owner's, or condominium association, if the property to be platted includes more than one parcel of property to be platted. The community development director may waive this requirement at the time of final plat approval, if there are no private improvements serving more than one lot. The articles of incorporation shall satisfy all requirements of either F.S. chs. 607 or 617, relating to corporations. The articles of incorporation shall include a provision stating that the city is not required to take title to or to operate any of the improvements in the subdivision upon dissolution of the association. The provision shall also provide that said provision cannot be amended or terminated without consent of the city. Upon approval of the articles of incorporation, they shall be filed with the State of Florida, Secretary of State at the expense of the subdivider. Prior to recording of the final plat, copies of the corporate charter and articles of incorporation marked "Filed" in the Secretary of State's office shall be submitted to the community development director. It is recommended, although not required by the city, that the original corporate charter and articles of incorporation marked "Filed" in the Secretary of State's office be recorded in the public records of Brevard County, Florida, simultaneous with the recordation of the final plat;~~
- ~~2. Declaration of covenants, conditions, and restrictions for the subdivision, if the property to be platted includes more than one parcel of property to be platted. This document shall include provisions providing: that the covenants shall be covenants running with the land; that the common areas are subject to the jurisdiction of the association incorporated above in sub-paragraph f.1; that the association shall be responsible for maintenance of the common areas; that the association shall have the power to assess the various lots in the subdivision for funds to maintain the common areas, and that upon failure to pay said assessments, the association may place a lien against said lots; restrictions on use of portions of the property to be subdivided; and for a method by which the covenants and restrictions may be enforced. The covenants and restrictions shall continue in force for so long as the subdivision may exist. The common areas shall include entry areas for landscaping and display of subdivision related signage, stormwater retention/detention facilities, drainage easements, recreational areas, and other subdivision related facilities, and may include conservation areas;~~

- ~~3. Deed conveying parcels of the common areas to the association incorporated above in subparagraph f.1. The deed shall be a statutory warranty deed;~~
- ~~4. Easements to the city for water, sewer, drainage, conservation, or other purposes, whether on or off site. No easement shall be conveyed unless requested by the city. All easements shall warrant title, that the grantor holds title to the property and has the power to convey title, and that the grantor will defend the city against all claims against the title;~~
- ~~5. Stormwater maintenance agreement substantially conforming to the form approved by the city;~~
- ~~6. Water or sewer agreements required as a condition of construction plan approval;~~
- ~~7. Letter from the St. Johns River Water Management District acknowledging receipt of the documents listed in this subparagraph;~~
- ~~8. Receipt for payment of applicable recreation impact fees; and~~
- ~~9. Form of infrastructure/construction (maintenance) warranty bond. Upon approval of the form of infrastructure/construction (maintenance) warranty bond (see definition in section 8.4), said bond shall be issued prior to recordation of the final plat.~~

~~The instruments set forth in subparagraphs f.1.-5. shall be joined in and consented to by mortgagees and lienholders of record at the time of recording of the final plat. All documents must be in form and substance acceptable to the city manager and city attorney. All costs for recording, documentary stamp taxes, and other applicable taxes and fees shall be paid by the subdivider.~~

9. The following additional plat notes shall be provided on the plat:

- (a) The plat shall include in a prominent place the following statement: NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.
- (b) A note stating: All lots shall have a minimum of a 10-foot-wide easement along the front lot line parallel to the street for public utilities and all lots, except those utilizing zero lot line construction, shall have a minimum of a seven-and-one-half-foot wide easement centered on common side and rear lot lines. Utility easements to be used for storm sewer, sanitary sewer, or for water lines and water reuse lines six inches or

greater in diameter, centered on common lot lines shall be a minimum of 20 feet wide.

- (c) A note stating: Side lot easements along the boundaries of a single building site shall be terminated when two or more lots are used for a single building site, unless a drainage structure or utilities have been constructed within the easement. When more than one lot or parts of one or more lots are used as a single building site, the outside boundaries of the building site shall carry the side lot line easements provided and dedicated by this plat, provided that no utilities exist within said easement and proper verification has been made.
 - (d) A note stating the location and widths of reservation, easements, tracts, and any areas to be dedicated for public use or sites for other than residential, commercial, or industrial use, including their purpose and any limitations.
 - (e) A note stating: All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.
 - (f) A note stating: Fences are regulated in easements per section 9.47(d), appendix D, of this code.
 - (g) A note stating: Luminaries are regulated by appendix D, chapter 8, section 8.6(c).
 - (h) A note stating: Subdivision signs are regulated by appendix D, chapters 8 and 11.
 - (i) Double frontage lots, where an abutting roadway is either not part of the same recorded plat, or the abutting roadway is an arterial or collector roadway, shall provide a plat note that restricts direct access to such roadways.
 - (j) For residential development abutting an arterial and/or collector roadway, a note stating: This plat is subject to the special residential buffer, per appendix D, chapter 8, section 8.6(h).
10. Tract Table. A tract table is required on the plat that identifies each tract (by number or letter), the purpose of each tract, maintenance responsibility of each tract, and total acreage of each tract.

- b. Survey required. A digital version of the boundary and topographical survey and tree survey of the property, updated as of the date of final plat submittal, that is prepared and certified by a Florida-licensed and registered professional mapper and surveyor pursuant to F.S. ch. 472, drawn at the same scale as the final plat and showing:
1. The location of existing property lines, streets, buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, water reuse lines, city limit lines, and any public utility easements;
 2. Wooded areas, marshes, wetlands, scrub vegetation and any other physical conditions affecting the site;
 3. Contours and spot elevations based on National Geodetic Survey datum with a contour interval of one foot. Contours and spot elevations shall extend a minimum distance of 100 feet beyond property lines or a greater distance if topographic conditions warrant; and
 4. Total acreage of the property to be subdivided.
- c. Legal documents and survey requirements. The subdivider shall submit for review and approval to the community development director and the city engineer the documents set forth in this sub-paragraph. Upon request of the community development director or the city engineer, the documents shall be reviewed by the city's legal counsel. Upon review and approval of the documents, the documents shall be recorded in the Public Records of Brevard County, Florida, simultaneous with the recordation of the final plat. The instruments set forth below shall be joined in and consented to by mortgagees and lienholders of record at the time of recording of the final plat. All documents must be in form and substance acceptable to the city manager and city attorney. All costs for recording, documentary stamp taxes, and other applicable taxes and fees shall be paid by the subdivider.
1. Title opinion required. Every plat of a subdivision submitted to the approving agency of the city must be accompanied by a title opinion by an attorney-at-law licensed to practice in the state or a certification by an abstractor or a title insurance company, authorized to do business as such by the Florida Insurance Commissioner, confirming that record title to the land as described and shown on the plat is in the name of the person, corporation, or legal entity executing the dedication, if any, as it is shown on the plat and, if the plat does not contain a dedication, that the subdivider has record title to the land. The title opinion or certification shall also show all mortgages or other liens not satisfied nor otherwise terminated by law on the land to be platted and all other encumbrances or easements. The title opinion shall be certified to and in favor of the City of Melbourne and the Brevard County Clerk of the Circuit Court. Said opinion shall be in form

and substance acceptable to the city attorney. No title opinion shall be more than 90 days old as of the date of recording of the final plat. As of the date of recording of the final plat, the subdivider shall certify under oath to and for reliance by the city and the clerk of the circuit court that there have been no changes in the state of title as depicted on the title opinion.

2. Articles of incorporation for a homeowner's, property owner's, or condominium association, if the property to be platted includes more than one parcel of property to be platted. The community development director may waive this requirement at the time of final plat approval, if there are no private improvements serving more than one lot. The articles of incorporation shall satisfy all requirements of either F.S. chs. 607 or 617, relating to corporations. The articles of incorporation shall include a provision stating that the city is not required to take title to or to operate any of the improvements in the subdivision upon dissolution of the association. The provision shall also provide that said provision cannot be amended or terminated without consent of the city. Upon approval of the articles of incorporation, they shall be filed with the State of Florida, Secretary of State at the expense of the subdivider. Prior to recording of the final plat, copies of the corporate charter and articles of incorporation marked "Filed" in the Secretary of State's office shall be submitted to the community development director. It is recommended, although not required by the city, that the original corporate charter and articles of incorporation marked "Filed" in the Secretary of State's office be recorded in the public records of Brevard County, Florida, simultaneous with the recordation of the final plat.
3. Declaration of covenants, conditions, and restrictions for the subdivision, if the property to be platted includes more than one parcel of property to be platted. This document shall include provisions providing: that the covenants shall be covenants running with the land; that the common areas are subject to the jurisdiction of the association incorporated above in sub-paragraph f.1; that the association shall be responsible for maintenance of the common areas; that the association shall have the power to assess the various lots in the subdivision for funds to maintain the common areas, and that upon failure to pay said assessments, the association may place a lien against said lots; restrictions on use of portions of the property to be subdivided; and for a method by which the covenants and restrictions may be enforced. The covenants and restrictions shall continue in force for so long as the subdivision may exist. The common areas shall include entry areas for landscaping and display of subdivision related signage, stormwater retention/detention facilities, drainage easements, recreational areas, and other subdivision related facilities, and may include conservation areas.

4. Deed conveying parcels of the common areas to the association incorporated above in subparagraph f.1. The deed shall be a statutory warranty deed.
5. Easements to the city for water, sewer, drainage, conservation, or other purposes, whether on- or off-site. No easement shall be conveyed unless requested by the city. All easements shall warrant title, that the grantor holds title to the property and has the power to convey title, and that the grantor will defend the city against all claims against the title.
6. Consent and joinder required. A certificate of consent and joinder to the plat, dedication of lands upon the plat, and recording of the plat executed by any mortgagee and lien holder, in form and substance reasonably acceptable to the city's legal counsel.
7. Stormwater maintenance agreement substantially conforming to the form approved by the city. The stormwater maintenance agreement shall be substantially in a form approved, from time to time, by resolution of the city council specifying the location, function, ownership, maintenance responsibility and access responsibilities for the stormwater management system consistent with chapter 50, City Code, shall be executed by the owner of the properties to be platted and joined in and consented to by any mortgagee or lienholder of the aforesaid. The agreement shall be in form and substance acceptable to the city attorney and city manager.
8. Water or sewer agreements required as a condition of construction plan approval.
9. Information and certificates as required by F.S. §§ 177.071 and 177.081.
10. Form of infrastructure/construction (maintenance) warranty bond. Upon approval of the form of infrastructure/construction (maintenance) warranty bond (see definition in section 8.4), said bond shall be issued prior to recordation of the final plat.
11. Receipt for payment of applicable recreation impact fees.
12. Letter from the St. Johns River Water Management District acknowledging receipt of the required documents.
13. Any proposed subdivision within a flood hazard area must comply with sections 13.191 through 13.198, appendix D, of this Code. If proposed structure elevations are contingent upon a letter of map change as defined in section 13.152, appendix D of this Code, no certificates of occupancy (CO) shall be issued for a structure on any platted lot

formerly located in Federal Emergency Management Agency (FEMA) designated flood zone A, AE, AO, AH, V, or VE until a map amendment or letter of map revision (LOMR) has been obtained for said lot or structure indicating that such structure has been removed from a special flood hazard area as acknowledged by FEMA as a result of construction improvements. All lots where no change in the status of the special flood hazard area has occurred shall remain eligible for building permits provided that the lowest floor elevation is elevated 1.33 feet above the base flood elevation. All construction must comply with article IX, chapter 13, appendix D of this Code, and no building permit or permit for subdivision improvements will be issued until the construction has been approved by the city's floodplain administrator pursuant to article IX, chapter 13, appendix D of this Code.

- g.d. Installation of permanent reference monument and permanent reference points. Upon approval of the final plat by the city council, but prior to the recording of the final plat the subdivider shall cause a registered surveyor to install permanent reference monument (P.R.M.) points. Permanent reference monument points shall be placed in accordance with the following requirements:

* * * *

- e. Proof of ownership, (such as a deed).
- f. Affidavit of ownership form, executed by fee simple property owner before a notary public authorizing the applicant to submit an application for preliminary plat.
- g. Authorization to represent form, executed by fee simple property owner before a notary public authorizing the applicant represent the owner throughout the process, including during public hearings.
- h. Guarantee of incomplete improvements. Where the required improvements have not been completed prior to the submission of the final plat, the approval of the plat shall be subject to the subdivider, guaranteeing the installation of said improvements by filing a performance and payment bond executed by a surety company authorized to do business in the state by the Florida Insurance Commissioner; tri-party agreement; or a letter of credit issued by a Florida bank or savings and loan association, located in the state and licensed by the federal government or the State of Florida Comptroller to do business in Florida as a bank or savings and loan association in the amount of 110 percent of the construction cost, including fill dirt, as determined by the city engineer. The bond instrument may provide that portions of the security may be partially released, proportionate to the work completed, to the subdivider, from time to time, as work progresses; but the amount to be released shall be determined by the city engineer in accordance with the foregoing. All instruments shall be in form and substance satisfactory to and approved by the city attorney.

Stormwater features, except conveyance areas or infrastructure within platted residential lots, shall be completed and not bonded prior to recording.

- (3) Fees. Once the application and exhibits are submitted and checked for completeness, an invoice will be sent to the applicant, identifying all applicable fees for the cost of processing the application, as prescribed from time to time by resolution of the city council. Fees must be paid to the city prior to review by city staff.
- (4) Completeness check. Within seven business days after receipt of a plat or replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the submittal and identify any missing documents or information necessary to process the submittal for compliance with F.S. § 177.091. The written notice shall provide information regarding the plat or replat approval process, requirements regarding the completeness of the process and the timeframes for reviewing, approving and otherwise processing the submittal.

An incomplete submittal will not be reviewed by the city.

Within seven business days of each resubmittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the submittal and identify any missing documents or information necessary to process the submittal for compliance with F.S. § 177.091, until the application is deemed complete.

- (5) Staff review of the final plat. The community development department shall coordinate the review of the final plat and associated documents, receiving comments from applicable city departments and such other public officials or agencies determined to be necessary by the community development director. Staff will coordinate with the applicant to address city comments. Once city comments are addressed, the applicant shall provide the city with a final mylar of the plat, with original signatures.
- (6) Coordination of final plat with subdivision construction plans. A final plat shall not be considered for administrative approval until the subdivision construction plans are approved. The final plat shall be consistent with and reflect all of the easements and tracts necessary to support the constructed drainage design indicated in the master drainage plan, public and private utilities, and roadways. The final plat shall and subdivision improvements shall be designed and constructed as required by section 8.6 and section 8.11.
- (7) Administrative approval of the final plat. Unless the applicant requests an extension of time, the administrative official shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant.

If the administrative official does not approve the plat or replat, it must notify the applicant in writing of the reasons, identifying all areas of noncompliance and include specific citations to each requirement that it fails to meet. The authority/staff cannot request or require the applicant to file a written extension of time.

(8) Process to record the final plat. Approval of the submittal by the administrative official shall be noted on the original Mylar, the digital version of the final plat, and the associated required documents. The original Mylar shall be properly signed and executed by the subdivider and his surveyor and joined in and consented to by all lienholders, all in the form as required for recording by the clerk of the circuit court of Brevard County. The original Mylar and required documents are to be recorded with the clerk of the circuit court of Brevard County. One reproducible copy and digital version of the plat and one copy of the recorded subdivision documents shall be retained by the city for administrative records. All fees and documents required by the clerk of the circuit court of Brevard County for the filing and recording of approved final plats and any subdivision documents shall be deposited by the subdivider with the clerk of the circuit court when final approval is received.

(e) Issuance of building permits. Except as provided for in section 8.7, there are two methods to obtain building permits for a subdivision; permits issued prior to plat recordation, and permits issued after the final plat is recorded.

(1) Building permits prior to plat recordation. Prior to the recordation of the plat, no more than two permits may be issued for single-family model homes, or one building permit for a multiple-family building, or permits for one commercial/industrial lot may be issued by the building official if the following occur:

- a. A preliminary plat has been approved;
- b. Construction plans have been approved;
- c. The portion of the unrecorded plat on which the building is to be located must meet all requirements of this Code, including meeting the definition of a "lot" as set forth in section 8.4;
- d. Construction of minimum required improvements. The following improvements shall be completed:
 1. Fire and emergency services access to the site;
 2. Water mains shall be installed up to the meter connection points, including all fire hydrants to support fire service;
 3. All sewer force main and gravity main shall be installed within the future right-of-way;
 4. Mass grading for the relevant phase of the residential subdivision and all areas required to support emergency services access and all stormwater management necessary for that phase;
 5. Excavation of stormwater facilities in support of the areas where mass grading has occurred; and

6. Other improvements deemed necessary by the city engineer and/or the building official in support of public health, safety, and welfare.

- (2) Building permits after plat recordation. After recordation of the plat, there are no limitations on the number of building permits to be issued. However, at no point shall any building certificate(s) of occupancy be issued until all work has been completed within the subdivision and a certificate of completion for the subdivision-related construction improvements has been issued.

* * * *

Sec. 8.7. Residential subdivisions requesting expedited building permits.

* * * *

- (d) *Review and approval of construction plan requirements.* Review and approval for expedited permitting of residential subdivisions shall include the minimum required improvements.

* * * *

- (3) *Construction of minimum required improvements.* Prior to the effectiveness of preliminary plat approval, the following improvements shall be completed:

* * * *

To be deemed complete, and for a preliminary plat approval to be deemed effective, all inspections of site work shall be completed and a an "eligibility to proceed" certificate of completion shall be issued by the city engineer.

- (e) *Preliminary plat requirements, review and approval for expedited permitting of residential subdivisions; effective date.*

* * * *

- (4) *Public hearing process: City council consideration of the preliminary plat; effective date.* The city council shall review the preliminary ~~plant~~ plat and shall consider the recommendation of the planning and zoning board and conditionally approve, conditionally approve subject to conditions, or disapprove of the preliminary plat. Preliminary plat approval is not effective until the construction plans are approved and the minimum required improvements are complete in compliance with the requirements of section 8.7(c) of this eCode.

- (f) *Building permits applications and permit issuance.* Applications can precede preliminary plat approval and subsequently, the city shall issue the number or percentage of building permits requested by an applicant in accordance with the Florida Building Code and this section, provided the residential buildings or structures are unoccupied and all of the following conditions are met:

* * * *

- (6) The applicant shall execute a hold harmless and indemnification in favor of the city prior to issuance of building permits, consistent with FS § 177.073(10), as amended.
- (g) *Final plat requirements, review and approval; recording.*
- (1) The subdivider shall follow the final plat application process with all required exhibits as set forth in section 8.5(d)(3), and will be subject to final consideration by the administrative official, as set forth in section 8.5(d)(5).
- ~~(2) Review. The community development director, or his/her designee, shall receive written reports comments from the public works and utilities department, fire department, city engineering department, building division, the city's legal counsel, and such other public officials or agencies determined to be necessary by the community development director. Such comments/corrections shall be provided and be based on factors relating to the plat which bear upon the public interest, consistency of the plat with the comprehensive plan, and relationship of the plat to city land development regulations. Once the plat is code compliant and all comments are addressed, the community development director shall consolidate the comments and recommendations and shall make a formal recommendation of approval, approval with conditions, or denial to the planning and zoning board.~~
- ~~(3) City council consideration; effective date. The city council shall consider the recommendation of the planning and zoning board and conditionally approve, conditionally approve subject to conditions, or disapprove the preliminary plat. Final plat approval is not effective until the construction plans are approved and the required improvements are complete in compliance with the requirements of section 8.7(c) of this code.~~
- (4)(2) In order to record, the applicant shall hold a valid performance bond for up to 130 percent of the necessary improvements, as defined in F.S. § 177.031(9), that have not been completed upon submission of the application under this section, including any phase-by-phase basis for PUD subdivisions.
- (5)(3) An applicant may contract to sell, but may not transfer ownership of, a residential structure or building located in the residential subdivision or planned community until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.
- (6)(4) An applicant may not obtain a temporary or final certificate of occupancy for each residential structure or building for which a building permit is issued until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

- (5) At no point shall any building certificate(s) of occupancy be issued until all work has been completed within the subdivision and a certificate of completion for the subdivision-related construction improvements have been issued.

* * * *

Sec. 8.8. Variances.

* * * *

~~(b) Application for any such variance shall be submitted in writing by the subdivider to the community development director and city engineer and reviewed by the planning and zoning board at the time the preliminary plat is considered. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner. All such applications shall be considered and studied by the planning and zoning board who shall make written recommendations to the city council concerning such application, which recommendations shall become a part of the final record of the city in connection with said application. In considering such application, the planning and zoning board shall use the criteria set forth in subsection (a) of this section.~~

(b) Subdivision Variance Process. There are three types of subdivision variances:

- Subdivision variances requiring approval with the preliminary plat;
- Subdivision variances as a substantial change to an approved preliminary plat, except for such requests caused by field conditions or are survey-related; and
- Subdivision variance requests to not plat through the subdivision process.

(1) Application for subdivision variance shall be submitted by the applicant. The subdivider shall submit a completed subdivision variance application with all required exhibits identified below to the city through the city's development submittal process, pursuant to the city's adopted policies and procedures. The application and exhibits (in pdf format) shall include:

a. Application. Through the city's digital online submittal portal, the applicant must apply for and select "subdivision variance". All information shall be completed by the applicant, including:

1. Contact information for the applicant, including name, address, email and phone number;
2. Contact information for each owner, including name, address, email and phone number;

3. Tax account number(s), parcel ID, and address (if applicable) of the area to be subdivided;
4. Name of project;
5. Area of development;
6. Type of proposed development (commercial, residential, or mixed use);
7. Plat number;
8. Number of lots existing and proposed for the subdivision;
9. Density (units per acre), including permitted and proposed;
10. Existing Uses and proposed uses on the property;
11. Square footage of any existing and proposed uses for the property;
12. Proposed floor area ratio;
13. Code sections needing subdivision variance.
14. Identify whether there are other applications to be separately submitted with this request (including but not limited to map amendment(s), formal site plan, planned unit development (PUD), etc.).

Failure to provide the above referenced information in the online application will result in an incomplete determination, which will delay the review process.

b. The following exhibits shall be uploaded with the application:

1. Proof of ownership, (such as a deed).
2. Affidavit of ownership form, executed by fee simple property owner before a notary public authorizing the applicant to submit an application for preliminary plat.
3. Authorization to represent form, executed by fee simple property owner before a notary public authorizing the applicant to represent the owner throughout the process, including during public hearings.
4. A digital version of the subdivision variance plans, to scale.
5. Evidence to support the subdivision variance request.

6. A digital version of the boundary survey, including total acreage, signed and sealed by a State of Florida registered land surveyor.
- c. The fees for a subdivision variance are set forth by resolution and approved by city council from time to time.
- (2) Completeness check. Once the application and exhibits are submitted, and checked for completeness, an invoice will be sent to the applicant identifying all applicable fees for the cost of processing the application, as prescribed from time to time by resolution of the city council. Fees must be paid to the city prior to review by city staff.
- (3) Staff review of the subdivision variance request. The community development department shall coordinate the review of the subdivision variance request and associated documents, receiving comments from applicable city departments and such other public officials or agencies determined to be necessary by the community development director. Staff will coordinate with the applicant to address city comments. Once all comments are addressed, the community development director shall schedule the subdivision variance for public hearing.
- (4) Public hearing process. Subdivision variances shall follow the public hearing process established in section 8.5(b)(4).
- a. Any subdivision variance requested as part of the full platting process must be reviewed in conjunction with either:
1. Initial consideration of the preliminary plat; and
2. Any substantial change to an approved preliminary plat.
- b. Any subdivision variance request seeking to avoid platting shall follow the public hearing process as an independent request.
- c. Subdivision variances that are caused by field conditions or are survey-related, may be administratively approved with the final plat.
- (5) Approval of the subdivision variance shall not be construed as authority for filing of the plat with the clerk of the circuit court of Brevard County, nor as authority for the sale of lots in reference thereto.

* * * *

SECTION 5. Severability and Interpretation.

- (a) That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase,

clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, illegal or otherwise void by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, or other declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (* * *) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 6. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 7 That this ordinance was passed on first reading at a regular meeting of the City Council on the 13th day of January, 2026, and adopted on the second and final reading at a regular meeting of the City Council on the day of , 2026.

BY: _____
Paul Alfrey, Mayor

ATTEST: _____
Kevin McKeown, City Clerk

[CITY SEAL]

Ordinance No. 2026-01



**Melbourne City Council
January 27, 2026
City Manager's Item Report**

Department:	City Attorney's Office
Presenter:	Adam Conley
Council District:	N/A
Reading Number:	2
Quasi-judicial Item (Disclosure Required):	No
Public Hearing:	Yes
Item Number:	B.10.

Subject:

An ordinance amending Chapter 2, Article II, Melbourne Code of Ordinances regarding public participation and standards of decorum at City Council meetings.

Background/Consideration:

At its November 13, 2025 Regular Council Meeting, City Council gave the City Attorney direction to draft and propose an ordinance amending Chapter 2, Article II, City Code relating to public participation procedures and standards of decorum at City Council meetings. This direction came as a result of legal guidance provided by the City Attorney in October 2025.

As set forth in more detail in the attached memorandum, the proposed ordinance revises Sec. 2-29 to clarify the time limits for public comment at Council meetings, revises Sec. 2-32 to clarify to whom the public should direct their comments, and amends Sec. 2-36 to define certain terms and delete other terms.

Fiscal/Budget Impact:

N/A

Requested Action:

Approval of Ordinance No. 2026-02.

MEMORANDUM

TO: Mayor and City Council
FROM: Adam Conley, City Attorney
SUBJECT: Proposed Modifications to Melbourne City Code Regarding Public Participation and Standards of Decorum for City Council Meetings
DATE: January 13, 2026

On October 17, 2025 I provided City Council with guidance and suggested recommendations on the City's codified public participation and standards of decorum rules and procedures, based in large part upon an Eleventh Circuit Court of Appeals ruling from last October in Moms for Liberty of Brevard County v. Brevard Public Schools. At the November 13, 2025 meeting, City Council directed the City Attorney's Office to draft proposed amendments to City Code based upon this guidance.

The proposed ordinance amends City Code in the following ways:

- **Sec. 2-29 – Order of Business:** Within the stated order of business for City Council meetings is a line item for Public Comments with the following parenthetical statement: "(The time limit provision in section 2-32 does not apply to this item.)" Prior to 2013, Sec. 2-32 of City Code did not have specific language regarding timeframes for general public comment within the Council meeting agenda, and spoke of time limits for specific agenda items, public hearings, and quasi-judicial items. I interpret this parenthetical to mean that the 5-minute time limit for public hearings was not intended to apply to general public comments.

In mid-2013, in anticipation of the adoption of legislation now codified as §286.0114, Florida Statutes regarding public participation at public meetings, the City Attorney's Office recommended revisions to Ch. 2, Art. II, City Code to address the statutory requirements of this statute. City Council adopted Ordinance No. 2013-49 on August 27, 2013, amending Sec. 2-32 to create a time limit for public comments. It is my opinion that the parenthetical statement with the Public Comment line item was intended to be deleted as a part of Ordinance No. 2013-49, but was inadvertently omitted. Reading Sec. 2-29 and Sec. 2-32 together gives an inaccurate impression that the 3-minute time limit for public comments does not apply to the Public Comment portion of the City Council meeting agenda. As I do not believe this is the intent, I am proposing to delete the parenthetical statement from Sec. 2-29 to make clear that the 3-minute time limit in Sec. 2-32 does in fact apply.

- **Sec. 2-32 – Time limit:**
 - o **Request to Speak Form:** In 2024, Sec. 2-32(a) was modified to state that individuals seeking to make comment to Council must fill out a request to speak form prior to making comments. In discussion with the Clerk's Office, this pre-requisite does not always occur. City staff is requesting that Sec. 2-32(a) be revised again to state that speakers should fill out a form, either before or after making comments.

- o **Directing Comments to Council:** Sec. 2-32(a) includes language directing speakers to “address their remarks to the city council as a body rather than individual members.” Per my October guidance, a court is likely to consider this requirement to be constitutional only if it is consistently applied to all speakers – whether the speaker is making positive or negative comments, or asking a question directed to an individual council member. Alternatively, Council may consider the proposed revision to Sec. 2-32(a) to permit remarks to Council as a body or directed to individual Council members. The proposed ordinance includes language with this alternative to permit remarks to either Council as a body or to individual Council members.
- **Sec. 2-36 – Standards of decorum.** Sec. 2-36(b), City Code has since at least 2000 included prohibitions on personal, impertinent, or slanderous remarks. This subsection was also amended in 2024 to also restrict “becoming disrespectful” or making disrespectful comments. The proposed ordinance does the following:
 - o Deletes “disrespectful” from Sec. 2-36(b): The Moms for Liberty ruling illustrates that a ban on “offensive speech” or “abusive speech” was not appropriate under the First Amendment, and I have concerns that a restriction on “disrespectful speech” may be viewed similarly as an improper content or viewpoint-based restriction on speech. I recommend this term be deleted from Sec. 2-36(b).
 - o Modifies “will be ordered” to “can be ordered” in Sec. 2-36(b): I am proposing this modification to provide the Mayor, Vice Mayor, or other presiding officer of the Council meeting with a small manner of discretion when enforcing the rules of decorum. That said, I strongly recommend that the decorum standards be applied and enforced in a consistent manner to avoid any appearance of preference or dis-preference for a particular viewpoint being expressed by public speakers.
 - o Defines “boisterous”: The Eleventh Circuit found that the lack of definitions in the Brevard Public Schools public participation rules made enforcement of such rules problematic. However, the court also acknowledged that maintaining decorum to restrict yelling, shouting, screaming, or using profanity is an appropriate content-neutral restriction on public comments. I am proposing a definition of “boisterous” to reflect this intended meaning.
 - o Defines “impertinent remark”: This proposed definition gives context to the meaning of “impertinent” to be remarks or comments irrelevant to a particular item being considered by Council, or as to the general public comment period of Council meeting, remarks or comments irrelevant to the business of the City in general.
 - o Defines “personal remark”: The Moms for Liberty ruling illustrates that a “personal remark” is not merely a comment about a particular person (whether a Council member or other person), but rather involves the speaker addressing and direction comments to someone other than City Council as a body or an individual Council member. As noted above, the

recent federal case found the lack of definitions problematic in the enforcement of public participation rules. Accordingly, I am proposing a definition of “personal remark” consistent with the Eleventh Circuit’s ruling.

RECOMMENDATION: Approval of the proposed ordinance.

Business Impact Estimate

To: Mayor and City Council
From: Adam M. Conley, City Attorney
Date: January 13, 2026
Re: Proposed Ordinance re: Public Comment Procedures and Standards of Decorum

Summary of the Proposed Ordinance

At its November 13, 2025 regular meeting City Council gave the City Attorney direction to revise City Code pursuant to guidance provided on public participation and standards of decorum at City Council meetings. The proposed ordinance is submitted to City Council pursuant to this direction in furtherance of servicing the public health, safety, morals and welfare. This Business Impact Estimate is provided in accordance with Section 166.041(4), Florida Statutes, and may be revised following its initial publication and prior to adoption of the proposed ordinance.

Estimate of Direct Economic Impact of the Proposed Ordinance on Private, For-Profit Businesses

There are no costs of compliance that businesses may reasonably incur if the ordinance is enacted. There are no new charges or fees on businesses pursuant to the proposed ordinance. There are no new regulatory costs that will be imposed on businesses pursuant to the proposed ordinance. There are no direct economic impacts on private for-profit businesses pursuant to the proposed ordinance.

Good Faith Estimate of Number of Businesses Likely to Be Impacted by the Proposed Ordinance

None

ORDINANCE NO. 2026-02

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO PUBLIC PARTICIPATION AND STANDARDS OF DECORUM DURING CITY COUNCIL MEETINGS; MAKING FINDINGS; AMENDING CHAPTER 2 OF THE CITY CODE, ENTITLED "ADMINISTRATION"; AMENDING SECTION 2-29, ORDER OF BUSINESS; AMENDING SECTION 2-32, ADDRESSING THE CITY COUNCIL – TIME LIMIT; AMENDING SECTION 2-36 STANDARDS OF DECORUM; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, meetings of the City Council of the City of Melbourne are open to the public in accordance with the State of Florida's Sunshine Law, established in Chapter 286, Florida Statutes; and

WHEREAS, in providing the opportunity for the public to participate in City Council meetings, the City Council may adopt reasonable rules and policies that ensure the orderly conduct of public meetings pursuant to Section 286.0114, Florida Statutes; and

WHEREAS, in October 2025 the City Attorney provided guidance to City Council regarding rules and policies for public participation of City Council meetings as related to the federal case *Moms for Liberty of Brevard County v. Brevard Public Schools*, 118 F.4th 1324 (11th Cir. 2024); and

WHEREAS, at its November 13, 2025 regular meeting, City Council gave the City Attorney direction to draft proposed revisions to City Code to clarify and revise City Code standards for public participation and public decorum pursuant to the City Attorney's guidance; and

WHEREAS, the City of Melbourne has authority in accordance with the Florida Constitution, and Chapters 166 and 286 of the Florida Statutes, to enact these regulations in the interest of the public health, safety and welfare of its citizens.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That Chapter 2 of the City Code of Melbourne, Florida, is hereby amended

to read as follows:

CHAPTER 2. ADMINISTRATION

* * * *

ARTICLE II. CITY COUNCIL

Sec. 2-29. Order of business.

Unless an exemption is provided by state law, meetings of the city council shall be open to the public. During regular meetings, the business of the city council shall be taken up for consideration in generally the following order:

* * * *

(7) Public comments. ~~(The time limit provision in section 2-32 does not apply to this item.)~~

* * * *

Sec. 2-32. Addressing the city council – Time limit.

(a) Each person who ~~wishes to address~~ addresses the city council during a city council meeting ~~must~~ should complete a form located at the entrance to the council chamber prior to or after speaking. After the presiding officer has recognized a speaker, the speaker must use the microphone at the public lectern and state their name and address for the record or indicate their address in terms of a specific city or unincorporated county; address their remarks to the city council as a body ~~rather than~~ or to individual members; and direct all questions through the presiding officer.

* * * *

Sec. 2-36. Standards of decorum.

* * * *

(b) *By other persons.* Any person who makes personal, impertinent, or slanderous remarks or becomes boisterous ~~or disrespectful~~ while addressing the city council ~~will~~ can be ordered to leave the council chamber by the presiding officer unless permission to continue is granted by a majority vote of the city council.

For purposes of this subsection, the following definitions apply:

Boisterous means yelling, shouting, screaming or similar conduct, or using profanity.

Impertinent remark means a remark that is not relevant to the matter being heard and considered by city council; or with regard to general public comments, is not relevant to the business of the city.

Personal remark means a speaker addressing and directing their comments to someone other than city council as a body or an individual city councilmember.

* * * *

SECTION 2. Severability and Interpretation.

(a) That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, illegal or otherwise void by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, or other declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (* * * *) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 3. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 4. That this ordinance was passed on first reading at a regular meeting of the City Council on the 13th day of January, 2026, and adopted on the second and final reading at a regular meeting of the City Council on the day of , 2026.

BY: _____
Paul Alfrey, Mayor

ATTEST: _____
Kevin McKeown, City Clerk

[CITY SEAL]

Ordinance No. 2026-02



Melbourne City Council
January 27, 2026
City Manager's Item Report

Department:	Engineering
Presenter:	James Ennis
Council District:	N/A
Reading Number:	N/A
Quasi-judicial Item (Disclosure Required):	No
Public Hearing:	No
Item Number:	C.11.

Subject:

Work Order No. 11 to the Annual Resurfacing Program for pipe inspections of various pipe sizes with Shenandoah General Construction, LLC for roadways scheduled to be resurfaced.

Background/Consideration:

As part of the annual resurfacing program, the City evaluates the existing work order for provisions for the initial cleaning and video inspections of drainage pipes for roadways scheduled to be resurfaced. Inspection and repair of the pipes prior to roadway resurfacing ensures that the drainage system does not fail after or during roadway resurfacing.

Due to aging stormwater pipes within the city, drainage pipes that are adjacent to or under roadways to be resurfaced are cleaned and inspected to ensure that during the re-paving process these pipes do not fail. Once the inspections are complete, another work order will be brought before Council for the lining/repairs to any failing drainage pipes prior to road resurfacing.

Inspections are required along the following streets: Atlantis Road, Cresthaven Parkway, Cronin Avenue, Crown Boulevard, Eber Boulevard, Ferndale Avenue, Garfield Street, Iowa Drive, Knight Avenue, L3 Harris Boulevard, Leonard Weaver Boulevard, Madison Avenue, N Hudson Circle, Palmer Drive, Poinciana Drive, Quebec Avenue, Royal Palm Drive, S Hudson Circle, Silver Palm Avenue, St Marks Avenue, Stan Drive, Veracruz Boulevard, Warwick Road, White Oak Circle, Whitmire Drive, and Wolf Creek Drive.

The scope of services includes the cleaning and video inspection of $\pm 23,000$ LF (linear feet) of varying pipe sizes.

The contractor will have 180 calendar days to complete this project.

Fiscal/Budget Impact:

Funding is available within the Fiscal Year 2024 Resurfacing Program budget, Project No. 68024.

Requested Action:

Approval of Work Order No. 11 to the Storm Drain Cleaning, Repairs and Maintenance contract with Shenandoah General Construction, LLC, Pompano Beach, FL, in the amount not to exceed \$440,000.

Memorandum

To: Jenni Lamb, City Manager
Marla Keehn, Management and Budget Officer

Thru: James Ennis, City Engineer

From: J. Danielle Straub, Assistant City Engineer

Date: January 9, 2026

Re: Work Order No. 11 to Shenandoah General Construction, LLC for Roadway Resurfacing Program, Project No. 68024

As part of the annual resurfacing program, the City evaluates the existing water, sewer, reclaimed and drainage facilities to ensure that no repairs are needed prior to the resurfacing of the roadway. This is a request for Council approval of Work Order 11 with Shenandoah General Construction, LLC to clean and video inspections of drainage pipes for roadways scheduled to be resurfaced.

Due to aging stormwater pipes within the City, drainage pipes that are adjacent to or under roadways to be resurfaced are cleaned and inspected to ensure that during the re-paving process these pipes do not fail. Once the inspections are complete, another work order will be brought before Council for the lining/repairs to the drainage pipes.

Inspections are needed along the following streets: Atlantis Road, Cresthaven Parkway, Cronin Avenue, Crown Boulevard, Eber Boulevard, Ferndale Avenue, Garfield Street, Iowa Drive, Knight Avenue, L3 Harris Boulevard, Leonard Weaver Boulevard, Madison Avenue, N Hudson Circle, Palmer Drive, Poinciana Drive, Quebec Avenue, Royal Palm Drive, S Hudson Circle, Silver Palm Avenue, St Marks Avenue, Stan Drive, Veracruz Boulevard, Warwick Road, White Oak Circle, Whitmire Drive, and Wolf Creek Drive.

Scope of Work

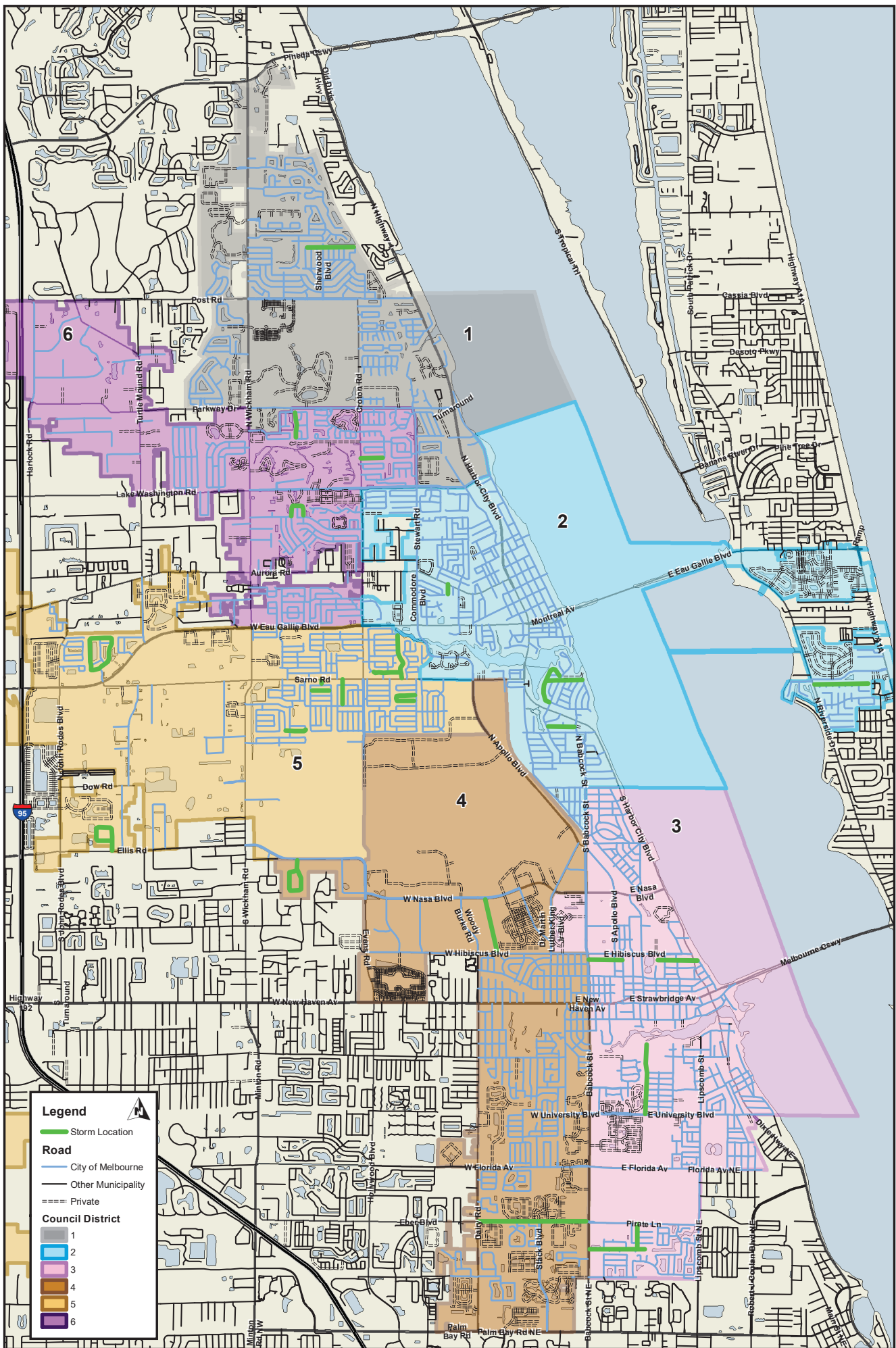
The scope of services includes the cleaning and video inspection of ±23,000 LF of varying pipe sizes.

Compensation and Schedule

Funding is available within the FY24 Resurfacing Program budget, 68024.

Recommendation

Recommend approval of Work Order No. 11 with Shenandoah General Construction, LLC in the amount not to exceed \$440,000.



Engineering Department
900 E. Strawbridge Avenue
Melbourne, FL 32901

WORK ORDER NO. 11

Project: Annual Resurfacing

Project No: 68024

To: Shenandoah General Construction, LLC

WORK ORDER DESCRIPTION

Pipe inspections of various pipe sizes near the following streets:

Atlantis Rd	Cresthaven Pkwy	Cronin Av	Crown Blvd
Eber Blvd	Ferndale Av	Garfield St	Iowa Dr
Knight Av	L3 Harris Blvd	Leonard Weaver Blvd	Madison Av
N Hudson Cir	Palmer Dr	Poinciana Dr	Quebec Av
Royal Palm Dr	S Hudson Cir	Silver Palm Av	St Marks Av
Stan Dr	Veracruz Blvd	Warwick Rd	White Oak Cir
Whitmire Dr	Wolf Creek Dr		

For the services under this authorization, the total compensation amount to be paid to the vendor under this work order shall not exceed \$440,000.

All services required by this Work Order will be completed on or before one hundred eighty (180) days after the Notice of Commencement is issued.

THIS WORK ORDER IS ACCEPTABLE TO CONTRACTOR:

Signed Perry K. Hoff Title PM Date 1/13/26
Contractor

RECOMMENDED AND APPROVED, CITY OF MELBOURNE:

Signed _____ Title City Engineer Date _____

Signed _____ Title City Manager Date _____



**Melbourne City Council
January 27, 2026
City Manager's Item Report**

Department:	City Manager's Office
Presenter:	N/A
Council District:	N/A
Reading Number:	N/A
Quasi-judicial Item (Disclosure Required):	No
Public Hearing:	No
Item Number:	C.12.

Subject:

Consent Agenda

Background/Consideration:

- a. State Housing Initiatives Partnership (SHIP) Annual Review and Recommendation Report on Affordable Housing Incentives Strategies.

Memorandum

To: Jenni Lamb, City Manager

Thru: Cindy Dittmer, AICP, Community Development Director
Abby Johnson, Housing & Improvement Manager

From: Kelly Calvacca, Program Administrator

Re: **State Housing Initiatives Partnership (SHIP) Annual Review and Recommendation Report on Affordable Housing Incentives Strategies**

Date: **January 14, 2026**

This is a request for acknowledgement of the 2025 Annual Review and Recommendation Report, as required by the State Housing Initiatives Partnership (SHIP) Program and Florida Statutes 420.907. The Affordable Housing Advisory Committee (AHAC) performed the annual review and evaluation of existing City policies, procedures, ordinances, land development regulations and the comprehensive plan, as they relate to affordable housing. *The 2025 SHIP Annual Review and Recommendation Report proposed three changes to the existing incentives currently in place within the land development regulations for affordable housing projects.*

To comply with the SHIP regulations, the results of the evaluation described above and the AHAC's housing incentive strategy recommendations must be approved at a public hearing by an affirmative vote of a majority of its members. A public hearing advertised in the newspaper on Friday, December 19, 2025, as required by law, was held before the AHAC on Tuesday, January 20, 2026. The report will be considered for acknowledgment by City Council on January 27, 2026. After the City Council acknowledges the Annual Review and Recommendation Report, it will be submitted to the Florida Housing Finance Corporation.

On January 20, 2026, the AHAC reviewed policies and procedures, ordinances, land development regulations, and the Comprehensive Plan for the City of Melbourne. The committee's review focused on specific actions or initiatives meant to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.

Based on the review conducted by the AHAC, listed below are the recommendations regarding incentives for affordable housing development.

Review and Recommendations

(1) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in F.S. §163.3177(6)(f)3.

The City's online portal for permit and plan approval, EnerGov, provides electronic access to submit applications for review. Within the web-based portal for application submittals, users select whether they are submitting an application for an affordable housing project. Affordable housing application submittals are then identified by City staff reviewers for expedited processing. City staff reviewing plans and permits are responsible for expediting their review of these affordable housing developments. Application submittals for affordable housing development (whether for a building permit, site plan, subdivision plat, construction plans, or re-zoning) are all expedited reviews consistent with Appendix B, Article V, Sec. 4 of City Code, which was amended on December 9, 2025, to include a policy stating that all development permits for affordable housing development shall be expedited through the review and approval process.

The Affordable Housing Advisory Committee recommends this expedited permit and plan review process continue, as approved on December 9, 2025.

(2) All allowable fee waivers provided for the development or construction of affordable housing. No changes

The Affordable Housing Advisory Committee recommends continuation of these impact fee deferrals/waivers.

(3) The allowance of flexibility in densities for affordable housing.

Density allowance is designated by the Future Land Use category established in the City's Comprehensive Plan. No changes

The Affordable Housing Advisory Committee recommends continuance to allow increases in density for affordable housing developments.

(4) The reservation of infrastructure capacity for housing for very low-income persons, low-income persons, and moderate-income persons. No changes

The Affordable Housing Advisory Committee recommends no changes.

(5) Affordable accessory residential units. No changes

The Affordable Housing Advisory Committee recommends continuing these allowances for accessory dwelling units.

(6) The reduction of parking and setback requirements for affordable housing. Setbacks are reduced for all affordable housing developments.

The Affordable Housing Advisory Committee recommends continuing these setback and parking allowances for affordable housing developments, as approved on December 9, 2025.

(7) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing. No changes

The Affordable Housing Advisory Committee recommends no changes.

(8) The modification of street requirements for affordable housing.
A local street right-of-way width requirement is 50 feet. Within that right-of-way width, the paved area must be at least 28 feet wide.

This right-of-way area also typically includes sidewalks, drainage, and water & sewer lines. Modification of these requirements affect all the other development elements utilizing the right-of-way area. No changes

The Affordable Housing Advisory Committee recommends no changes.

(9) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing. No changes

City staff presents to the Affordable Housing Advisory Committee proposed changes that may affect the cost of housing and will continue this practice.

The Affordable Housing Advisory Committee recommends no changes.

(10) The preparation of a printed inventory of locally owned public lands suitable for affordable housing updated annually and available on the city's website. No changes

City Staff provides this information to the Committee upon each review and as requested by the Committee, and presents to City Council every 3 years.

The Affordable Housing Advisory Committee recommends no changes.

(11) The support of development near transportation hubs and major employment centers and mixed-use developments.

The Affordable Housing Advisory Committee recommends mixed-use developments continue to be encouraged within these designated areas of the City, as approved on December 9, 2025.

Additional recommendation.

Retain existing review procedures and incorporate revisions to reflect Live Local updates.

Recommendation

Acknowledgement of receipt of the 2025 SHIP Annual Review and Recommendation Report.



**AFFORDABLE HOUSING ADVISORY COMMITTEE
2025 ANNUAL INCENTIVE REVIEW AND RECOMMENDATIONS REPORT
OF AFFORDABLE HOUSING INCENTIVES**

State Housing Initiatives Partnership (SHIP) statute and regulations require an annual evaluation by the Affordable Housing Advisory Committee (AHAC) of existing City policies, procedures, land development regulations, ordinances and comprehensive plan as they relate to affordable housing. All housing incentive strategy recommendations must be approved at a public hearing by a majority vote. A public hearing was advertised in the newspaper on Friday, December 19, 2025 as required by law, was held before the AHAC on Tuesday, January 20, 2026. It was submitted for acknowledgment to the City Council on January 27, 2026, and to the Florida Housing Finance Corporation by January 28, 2026, as required by statute F.S. 420.907.

The Report was made available for public inspection at the Community Development office on the 3rd floor at 900 E. Strawbridge Avenue., Melbourne, FL 32901 M-F from 8:30am - 5:00pm from December 19, 2025, through January 20, 2026.

The Report will be submitted to City Council on January 27, 2026

The AHAC presents their findings in this report.

The AHAC is comprised of nine (9) members, two (2) committee meetings were held in 2025 in order to complete the mandated Annual Review and Recommendation Report of Affordable Housing Incentives. The Affordable Housing Advisory Committee Members and the sectors they represent are as follows:

Marcus Smith
Ex-Officio City Council Member Alternate

Kristen Snyder-Chair
Not For Profit Provider

Michael Miller
Residential home builder

Felicia Prince-Vice Chair
Essential Service Personnel

John A. Miceli
Real Estate Professional

Michael F. Belcher
Resident of Melbourne

Colin Houston
Not For Profit Provider

John "Trey" Huy
Employers in Melbourne

Alesha Stallings
Real Estate Professional

The Committee is supported by staff from the Community Development Department.

In compliance with Florida Statute 420.9076 (4), and based on the review conducted by the AHAC listed below are the recommendations regarding incentives for affordable housing development.

Review and Recommendations

(1) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in F.S. [§163.3177](#)(6)(f)3.

The City's online portal for permit and plan approval, EnerGov, provides electronic access to submitting applications for review. Within the web-based portal for application submittals, users select whether they are submitting an application for an affordable housing project. Affordable housing application submittals are then identified by City staff reviewers for expedited processing. City staff reviewing plans and permits are responsible for expediting their review of these affordable housing developments. Application submittals for affordable housing development (whether for a building permit, site plan, subdivision plat, construction plans, or re-zoning) are all expedited reviews consistent with Appendix B, Article V, Sec. 4 of City Code, which was amended on December 9, 2025, to include a policy stating that all development permits for affordable housing development shall be expedited through the review and approval process.

The Affordable Housing Advisory Committee recommends the expedited permit and plan review process continue, as approved on December 9, 2025.

(2) All allowable fee waivers provided for the development or construction of affordable housing.

City Code allows affordable housing projects to defer payment of transportation, water, sewer, mobility, recreation, and public facilities impact fees. The deferral (%) amount increases based on whether the housing units are provided for moderate (25%), low (50%), and very low-income (100%) households. The duration of the deferral will be as determined by the affordability period table in City Code. The non-deferred amount must be paid prior to a certificate of occupancy being issued. At the completion of the affordability period for low and very low-income households, the applicable deferred fees may be administratively waived by the city if the development has remained in compliance with all standards within City Code; excluding water and sewer impact fees.

The Affordable Housing Advisory Committee recommends continuation of these impact fee deferrals/waivers.

(3) The allowance of flexibility in densities for affordable housing.

Density allowance is designated by the Future Land Use category established in the City's Comprehensive Plan. Additionally, City Code allocates a density allowance based on whether or not the property is located within an activity center. The city has

designated activity centers to reflect the need to intensify and consolidate complementary land uses in strategic locations to prevent urban sprawl and encourage alternative transportation options. Affordable housing developments within the R-1B, R-2, and R-3 zoning districts could be permitted with a 30% density bonus. Live Local Act affordable housing developments in the R-P, C-1A, C-1, C-2, C-3, C-P, C-E, M-1, and M-2 zoning districts are allowed a residential density of 100 dwelling units per acre which is the highest density allowance anywhere in the city.

The Affordable Housing Advisory Committee recommends continuance to allow increases in density for affordable housing developments.

(4) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.

The City's concurrency evaluation system measures the potential impact of any proposed project or expansion to an existing project for which a development order is required, upon the established minimum acceptable level of service for a roadway, solid waste, potable water, drainage, wastewater treatment, schools, or park/recreation public facility or service. No final development order shall be approved unless adequate public facilities and services are available as determined by the concurrency evaluation.

The Affordable Housing Advisory Committee recommends no changes.

(5) Affordable accessory residential units.

An accessory residential dwelling unit is allowed in residential zoning districts with a minimum one-third acre lot area. In the Central Business Overlay Zone and the Eau Gallie Art Overlay, one accessory dwelling unit is allowed with no minimum lot area requirement. Within nonresidential developments, one accessory residential dwelling unit is allowed. And in any of the city's activity centers, an accessory dwelling unit shall not be deemed to exceed the allowable residential density.

The Affordable Housing Advisory Committee recommends continuing these allowances for accessory dwelling units.

(6) The reduction of parking and setback requirements for affordable housing.

Setbacks are reduced for all affordable housing developments.

Single-family residential affordable housing developments are required to provide a minimum two parking spaces with options to provide at least one garage space and one parking space in the driveway or one carport covered parking space and one parking space in the driveway.

Required parking spaces are reduced in affordable housing multi-family residential developments to include: one parking space for each efficiency and one bedroom dwelling unit, 1.5 parking spaces for each two-bedroom dwelling unit for a low or very low -income household, 1.7 parking spaces for each moderate-income two-bedroom dwelling unit, and 1.7 parking spaces for each three bedroom or more dwelling units.

No additional parking space is required for an accessory dwelling unit.

The Affordable Housing Advisory Committee recommends continuing these setback and parking allowances for affordable housing developments, as approved December 9, 2025.

(7) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

Lot dimensions specifically for affordable housing developments are established in City Code to also include affordable housing developments.

Townhome developments have interior zero lot line configurations.

C-3 (Central Business District) is a zero-lot line zoning district.

The Affordable Housing Advisory Committee recommends no changes.

(8) The modification of street requirements for affordable housing.

A local street right-of-way width requirement is 50 feet. Within that right-of-way width, the paved area must be at least 28 feet wide. This right-of-way area also typically includes sidewalks, drainage, and water & sewer lines. Modification of these requirements affect all the other development elements utilizing the right-of-way area.

The Affordable Housing Advisory Committee recommends no changes.

(9) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

City staff presents to the AHAC proposed changes that may affect the cost of housing. City staff will continue this practice.

The Affordable Housing Advisory Committee recommends no changes.

(10) The preparation of a printed inventory of locally owned public lands suitable for affordable housing updated annually and available on the City's website.

City Staff provides this information to the Committee upon each review and as requested by the Committee.

The Affordable Housing Advisory Committee recommends no changes.

(11) The support of development near transportation hubs and major employment centers and mixed-use developments.

Mixed-use developments are allowed within the R-P, C-1A, C-1, C-3, and C-P zoning districts and Live Local Act developments.

Future land uses allowing residential density and nonresidential floor area include: (Mixed Use) future land use allows higher density ranging from 30 dwelling units per acre to 100 in the activity centers of the city and an allowance of 15 dwelling units per

acre outside the activity centers; (General Commercial) future land use density allowance is 15 dwelling units per acre in all areas; and (Office/Professional) future land use allows density of 15 dwelling units per acre in all activity centers and 10 dwelling units per acre outside an activity center. Live Local Act affordable housing developments are allowed a residential density of 100 dwelling units per acre. Mixed use Live Local Act affordable housing developments must include at least 65 percent of the total square footage for all building area must be used for residential purposes. For mixed use Live Local Act affordable housing development projects, the maximum permitted floor area ratio (FAR) shall not exceed 150 percent of the maximum FAR permitted within the City, currently a FAR of 6.0.

Mixed Use future land use is prevalent in the Downtown and Eau Gallie redevelopment areas, along Lipscomb St., and the Mayfair property east of Babcock St. north of Pirate Ln. Other areas of the City with (Mixed Use) future land use include west of MLK Blvd north of Hibiscus Blvd. and south of Nasa Blvd., west of Babcock St. in the Nieman Rd. area, as well as other pockets throughout the City.

General Commercial future land use is prevalent along the major roadways throughout the City.

Office/Professional future land use is mostly along Sarno Rd. with pockets of areas along Babcock St. south of New Haven Ave., MLK Blvd. between Hibiscus Blvd. and New Haven Ave., and along the east side of Dairy Rd. south of New Haven Ave. and north of Edgewood Dr.

The Affordable Housing Advisory Committee recommends mixed-use developments continue to be encouraged within these designated areas of the City, as approved December 9, 2025.

Additional Recommendations

Retain existing review procedures and incorporate revisions to reflect Live Local Act updates.



**Melbourne City Council
January 27, 2026
City Manager's Item Report**

Department:	City Manager's Office
Presenter:	N/A
Council District:	N/A
Reading Number:	N/A
Quasi-judicial Item (Disclosure Required):	No
Public Hearing:	No
Item Number:	C.13.

Subject:

Items Removed from the Consent Agenda

Background/Consideration:



Melbourne City Council
January 27, 2026
City Manager's Item Report

Department:	Community Development
Presenter:	Cindy Dittmer
Council District:	N/A
Reading Number:	N/A
Quasi-judicial Item (Disclosure Required):	No
Public Hearing:	Yes
Item Number:	C.14.

Subject:

Sponsorship Agreement between the City of Melbourne and Community Housing Initiative, Inc., through State Housing Initiatives Partnership (SHIP) funds in the amount of \$260,000 for the Implementation of the Purchase Assistance Program.

Background/Consideration:

This is a request for approval of an agreement between the City of Melbourne and Community Housing Initiative (CHI) to implement the City's Purchase Assistance Program identified in the 2022-2025 Local Housing Assistance Plan (LHAP). During the April 12, 2022 Council meeting, the 2022-2025 LHAP was adopted by Resolution No. 4087.

This agreement will allow the City of Melbourne to implement one of the strategies approved by City Council in the 2022-2025 LHAP. The LHAP details the City's intention regarding the use of SHIP funds and describes the various housing assistance strategies developed by the City to foster the availability of affordable housing for low- to moderate-income persons.

On October 2, 2025, the notice of funding availability for the SHIP fiscal years 2023-2024 and 2024-2025 in the amount of \$260,000 was advertised in the Florida Today newspaper. Interested non-profits were invited to apply for SHIP funds to administer the City's purchase assistance strategy. This strategy is supported by funds issued for the State fiscal years 2023-2024 and 2024-2025. CHI was the only non-profit to apply to administer the City's Purchase Assistance Program (PAP).

CHI is a 501(c)(3) non-profit organization dedicated to assisting with affordable housing for low- and moderate-income individuals. Serving Brevard County residents since 1992, CHI has administered homebuyer assistance programs for Cocoa and Titusville, and has partnered on affordable housing projects in Palm Bay and Brevard County. CHI also owns and operates Willow Brook Apartments, a 54-unit affordable rental community developed in 1995.

Since 1999, the organization has leveraged SHIP and HOME funding to expand affordable housing in the City of Melbourne and administered the Purchase Assistance Program.

Fiscal/Budget Impact:

Initial funding for this program was budgeted at \$139,707 in account 57800554-534370 (Purchase Assistance Program). An administrative budget adjustment in the amount of \$120,293 from account 57800554-534251 (Rental Development) is necessary to fund the program.



Requested Action:

Approval of the Sponsorship Agreement between the City of Melbourne and Community Housing Initiative, Inc., through State Housing Initiatives Partnership (SHIP) funds in the amount of \$260,000 for the Implementation of the Purchase Assistance Program.

Memorandum



TO: Jenni Lamb, City Manager

THRU: Cindy Dittmer, AICP, Community Development Director
Abby Johnson, Housing and Improvement Manager

FROM: Kelly Calvacca, Program Administrator

RE: State Housing Incentives Partnership (SHIP) Program Award to Community Housing Initiative, Inc., for the Implementation of Purchase Assistance Program.

DATE: January 14, 2026

This is a request for approval of an agreement between the City of Melbourne and Community Housing Initiative (CHI) to implement the City's Purchase Assistance Program identified in the 2022-2025 Local Housing Assistance Plan (LHAP). During the April 12, 2022 Council meeting, the 2022-2025 LHAP was adopted by Resolution No. 4087.

The agreement will allow the City of Melbourne to implement one of the strategies approved by City Council in the 2022-2025 LHAP. The LHAP details the City's intention regarding the use of SHIP funds and describes the various housing assistance strategies developed by the City to foster the availability of affordable housing to low- to moderate-income persons. This request addresses the need to preserve affordable housing and improve any substandard conditions.

On October 2, 2025, the notice of the availability of funding for the SHIP fiscal years 2023-2024 and 2024-2025 in the amount of \$260,000 was advertised in the Florida Today newspaper. Interested non-profits were invited to apply for SHIP funds to administer the City's Purchase Assistance Program. This strategy is supported with funds issued for the state fiscal years 2023-2024 and 2024-2025.

CHI was the only non-profit to apply to administer the City's Purchase Assistance Program (PAP). The proposal was responsive and met all the required criteria for consideration.

CHI is a 501(c)(3) non-profit organization whose purpose is in part *"to provide for assistance in the acquisition of decent housing" and "to lessen the burden of government in regard to the provision of affordable housing for underprivileged persons and persons of low- to moderate-income."* CHI has been serving Brevard residents since 1992 and has administered the City's Purchase Assistance Programs beginning in 1996. Currently, CHI administers homebuyer assistance programs for the cities of Cocoa and Titusville. Additionally, CHI continues to partner on special affordable housing projects with the named jurisdictions, as well as the City of Palm Bay and Brevard County. CHI also owns

and operates Willow Brook Apartments, a 54-unit affordable rental community developed by CHI in 1995.

Since 1992, CHI has helped over 200 low- to moderate-income families achieve homeownership in Melbourne. Through programs like the Purchase Assistance Program, as well as SHIP-funded initiatives such as Hurricane Housing Recovery (HHR) and Homebuyer Education/Housing Counseling, CHI has made significant strides in supporting affordable housing. Since 1999, the organization has received approximately \$3.1 million in SHIP funding, and since 2016, has been awarded over \$706,000 in HOME Investment Partnership Program funds.

Most recently, CHI assisted six families in purchasing their first homes in the City of Melbourne. Additionally, since 2008, CHI has built eight single-family homes on vacant lots in Melbourne's South Target Area. The organization has also partnered with other non-profits to develop rental housing projects.

Recommendation

Approval of Funding Agreement between the City of Melbourne and Community Housing Initiative (CHI) to implement the City's Purchase Assistance Program.

STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)

SPONSORSHIP AGREEMENT

THIS SPONSORSHIP AGREEMENT (this "Agreement"), is entered into this by _____ and between the **CITY OF MELBOURNE**, a Florida municipal corporation whose principal place of business is 900 East Strawbridge Avenue, Melbourne, Florida 32901-4739 (hereinafter referred to as the "CITY"); and **Community Housing Initiative, Inc.**, a not for profit 501(c)(3) corporation whose principal place of business is 3033 College Wood Dr., Melbourne, FL 32934-8324 and mailing address is P.O. Box 410522, Melbourne, FL 32941-0522 (hereinafter referred to as the "SPONSOR" or "CHI").

W I T N E S S E T H

WHEREAS, the State of Florida established a program to make affordable residential units available to eligible persons pursuant to the State Housing Initiatives Partnership Act;

WHEREAS, the CITY is an eligible municipality qualified to participate in the State Housing Initiatives Partnership ("SHIP") Program pursuant to §§420.907-420.9079, Florida Statutes;

WHEREAS, City Council adopted the policy creating the Purchase Assistance Program (referenced herein as the "Subject Program"), which Subject Program provides purchase assistance to very low and low-income homebuyers purchasing new homes within the CITY limits in which the mortgage is held by a first mortgage lender;

WHEREAS, the CITY developed and implemented the current local housing assistance plan created to make affordable residential units available to eligible persons pursuant to the SHIP Act, which plan was titled "2023-2025" SHIP Local Housing Assistance Plan" (the "LHAP");

WHEREAS, one of the strategies set forth in the LHAP implements the Subject Program;

WHEREAS, the CITY appropriated a portion of its SHIP funds for the implementation of the Subject Program through an eligible sponsor as defined by §420.9071(11), Florida Statutes and in accordance with SHIP laws, rules, regulations, policies and procedures;

WHEREAS, the CITY advertised through a Public Notice the availability of the SHIP funds on October 2, 2025 and issued a request for proposals from eligible sponsors to deliver the Subject Program as a SHIP housing program;

WHEREAS, the SPONSOR states that it possesses the experience, skills and ability to conduct and perform the Subject Program and agrees to use such experience, skill and ability in its execution and completion of this Agreement for the benefit of the CITY;

WHEREAS, the SPONSOR qualifies as a community housing development organization ("CHDO"), as defined in 24 CFR, Part 92, and is therefore granted priority to be selected as an eligible sponsor under the Sponsor Selection Criteria outlined in the LHAP;

WHEREAS, the CITY has selected the SPONSOR as an eligible sponsor to administer the Grant Funds pursuant to the Subject Program;

WHEREAS, the CITY and the SPONSOR desire to sign an agreement which sets forth the terms and conditions of for the use and acceptance of the SHIP funds for the Subject Program;

NOW THEREFORE, in consideration of the mutual covenants, terms, and conditions hereinafter set forth, the City and the SPONSOR agree as follows:

1. RECITALS; EXHIBITS AND ATTACHMENTS; DEFINITIONS

1.1. Recitals. Each and all of the foregoing recitals are hereby declared to be true and correct and are incorporated herein.

1.2. Exhibits and Attachments. The following documents are attached and referred to in this Agreement and are by this reference incorporated herein:

Exhibit	Description
A	Purchase Assistance Program Policies
B	Statement of Work - Program Narrative
C	Statement of Work - Budget
D	Statement of Work - Schedule of Expenditure of Grant Funds
E	Homeownership Purchase Assistance Strategy
F	PAP Sponsor Procedure Checklist
G	State Funds Awarded for purposes of Audit Reporting

Attachment	Description
1	Form – Annual Audit Certification
2	Form – Request for Reimbursement Form
3	Form – Monthly Report - PAP Applicant Summary
4	Form – Monthly Report - PAP Financial Tracking
5	Form – Monthly Report - PAP Summary
6	Form – PAP Data Information Sheet

1.3. Definitions. In this Agreement, unless the context otherwise requires, the terms set forth below are defined as follows:

(a) **"Eligible Applicant"** means an eligible applicant awarded funding from the Grant Funds through the SPONSOR pursuant to the Subject Program.

(b) **“Encumbered Funds”** means the total amount of SHIP funds committed through June 30 for each fiscal year.

(c) **“Expended Funds”** means the total amount of SHIP funds expended through June 30 for each fiscal year.

(d) **“FHFC”** means the Florida Housing Finance Corporation, a public corporation and a public body corporate and politic created by §420.504, Fla. Stat.

(e) **“Grant Funds”** means and refers to a maximum of \$260,000 allocated to SPONSOR from the City’s SHIP funding year 2023-2025, subject to the terms and conditions of the Subject Program and this Agreement.

(f) **“Low-income person” or low-income household** means one or more natural persons or a family that has a total annual anticipated gross household income that does not exceed eighty percent (80%) of the median annual income for the Palm Bay – Melbourne-Titusville Metropolitan Statistical Area (MSA).

(g) **“Moderate-income person or moderate-income household”** means one or more natural persons or a family that has a total annual anticipated gross household income that does not exceed one hundred and twenty percent (120%) of the median annual income for the Palm Bay – Melbourne-Titusville Metropolitan Statistical Area (MSA).

(h) **“SHIP Program”** means and refers to the State Housing Initiatives Partnership Program that FHFC administers pursuant to §§420.907-420.9079, Fla. Stat. and Fla. Admin. Code R. 67-37, as now in effect and as may be amended from time to time.

(i) **“Subject Program”** means and refers to the Purchase Assistance Program (sometimes referred to as PAP) adopted by City Council and implemented by the corresponding strategy in the current LHAP and authorized by and subject to the SHIP Program. Subject Program provides purchase, closing costs, and rehabilitation assistance to very-low-income and low-income homebuyers purchasing new homes within the CITY limits. The Subject Program is fully described in attached Exhibit A (Purchase Assistance Program Policies), Exhibit B (Program Narrative), Exhibit E (Homeownership Purchase Assistance Strategy), Exhibit F (PAP Sponsor Procedure Checklist), and containing programmatic reporting and compliance forms that include Attachment 1 (Annual Audit Certification Form), Attachment 2 (Request for Reimbursement Form), Attachment 3 (Monthly Report – PAP Applicant Summary form), Attachment 4 (Monthly Report – PAP Financial Tacking Form), Attachment 5 (Monthly Report – PAP Summary Form), and Attachment 6 (PAP Data Information Sheet).

(j) **“Very low-income person” or “very low-income household”** means one or more natural persons or a family, that has a total annual anticipated gross household income that does not exceed fifty percent (50%) of the median annual income for the Palm Bay-Melbourne-Titusville MSA, adjusted for household size

2. SOURCE AND USE OF GRANT FUNDS

2.1. The CITY shall reimburse the SPONSOR for eligible expenses under the Subject Program in a total amount not to exceed the Grant Funds subject to the terms and conditions of this Agreement.

2.2. The sole source of funding from the CITY for the grant awarded to the SPONSOR under this Agreement is the SHIP Program entitlement received by the CITY pursuant to the SHIP Program and allocated by the CITY for the Subject Program pursuant to the LHAP. SPONSOR agrees that in the event that the SHIP Program entitlement is reduced or altogether withheld from the CITY, then the CITY shall not be liable for payment of contracted services from any CITY fund other than the Subject

Program entitlement, in which case the SPONSOR agrees that the maximum sum payable under this Agreement may be reduced by the CITY. In the event it is determined that the CITY or the SPONSOR have not fulfilled its respective obligations under the SHIP Program entitlement requirements or the Subject Program entitlement requirements then the CITY may demand reimbursement of expenses paid under this Agreement. The SPONSOR shall provide said reimbursement within ten (10) days of said notice from the CITY.

2.3. The SPONSOR further acknowledges that this Agreement is necessary to comply with the requirements of the SHIP Program, which is the source of the Grant Funds provided under this Agreement, and agrees that it will comply with and will require all subcontractors, sub grantees, and assigns to comply with all terms and conditions of said SHIP Program and this Agreement, as amended. It shall be SPONSOR's responsibility to ensure that it has the latest version of all applicable laws and regulations in its possession to ensure compliance with the provisions. The SPONSOR agrees to utilize funds available under this Agreement exclusively pursuant to the Subject Program to eligible persons and households associated with the each completed and occupied unit.

2.4. The SPONSOR agrees that all Grant Funds shall be used by the SPONSOR for the purposes of providing project assistance in accordance with this Agreement, particularly in accordance with the Subject Program subject to the SHIP Program. The SPONSOR agrees to comply with the requirements as outlined in §§420.907- 420.9079, Fla. Stat. and Fla. Admin. Code R. 67-37, as may be amended from time to time. The SPONSOR also agrees to comply with all other applicable state and local laws, regulations, and policies governing the Grant Funds.

2.5. Both parties agree that the total grant to be paid hereunder for actual expenses incurred and reimbursed shall be no more than the Grant Fund as defined herein. The Grant Funds shall be expended in accordance with the terms and conditions of this Agreement. Any remaining funds shall revert to the CITY or other CITY approved agency upon expiration or termination of this Agreement.

2.6. It is expressly agreed and understood that the total amount to be paid by the City under this Agreement shall not exceed two hundred and sixty thousand dollars (\$260,000) for the Subject Program. Eligible expenses shall be made against the budget specified in Exhibit C and in accordance with the Subject Program performance requirements specified in this Agreement

2.7. Prohibited Activities. The SPONSOR is prohibited from using Grant Funds provided herein or personnel employed in the administration of the Subject Program for political activities; sectarian or religious activities, lobbying, political patronage, or nepotism activities.

2.8. This paragraph 2 shall survive any termination or expiration of this Agreement.

3. SCOPE OF SERVICE

3.1. The SPONSOR represents that it is fully qualified and possesses the requisite skills, knowledge, qualifications and experience to provide the services identified herein and offers to perform those services as described in CITY's Request for Proposal to deliver SHIP Housing Program issued October 2, 2025 and SPONSOR's Proposal dated November 3, 2025. The CITY has a need for such services and does hereby accept the offer of the SPONSOR upon the terms and conditions outlined in this Agreement.

3.2. The SPONSOR shall, in a satisfactory and proper manner as determined by the CITY, perform the necessary tasks to administer and implement the Subject Program as the eligible sponsor of the Subject Program subject to the SHIP Program.

3.3. The SPONSOR shall comply with all requirements of the Subject Program and all Grant Funds provided by this Agreement shall be used for the limited purposes of the Subject Program.

3.4. The SPONSOR agrees to provide a Housing Counseling/Home Buyer Education Program for housing counseling and Home Buyer education activities associated with the Subject Program.

4. TIME OF PERFORMANCE

The term of this Agreement shall begin on the Effective Date of this Agreement, which Effective Date shall be the date of the last of the parties to sign. All services required hereunder shall be completed in accordance with the schedule set forth in the attached Exhibit D (Schedule of Expenditures of Grant Funds). Grant Funds unused by June 30, 2027 shall be forfeited and returned to the CITY, whether or not such Grant Funds have been encumbered by an active project. The Sponsor understands and agrees that Grant Funds encumbered but not disbursed prior to June 30, 2027 shall be considered unused.

5. PROJECT APPROVAL PROCES

5.1. Encumbrance of Grant Funds. SPONSOR agrees to utilize funds available under this Agreement for the Subject Program exclusively for down payment and closing cost assistance (and repairs in the case of existing housing) to eligible persons and households, and for project delivery costs and construction soft costs associated with each completed eligible unit.

5.2. Disbursement of Grant Funds. Upon completion of the particular project seeking assistance under the Subject Program, the SPONSOR shall submit a Request for Reimbursement (Attachment 2) and proof of satisfactory performance of the Subject Program requirements. All reimbursements made by the CITY shall be limited to eligible expenses, shall be made payable to the SPONSOR and shall be made against the balance of the Grant Funds available and in accordance with the Subject Program requirements. Grant Funds shall be paid by check or by ACH payment to the SPONSOR within twenty (20) working days of receipt of a complete request for reimbursement provided the SPONSOR has completed its obligations under the Subject Program and this Agreement, including the performance standards for the applicable activities as set forth in the Program Narrative included within Exhibit B. The City shall review each request prior to payment to verify that the costs claimed are allowable under the provisions of this Agreement. In the event the City reimburses the SPONSOR for any ineligible owner or property served under this Agreement, then the SPONSOR shall make full repayment to the City. Failure to submit required Monthly Program Reports (Attachments 3, 4 & 5) may result in payment delays or forfeiture of the Grant Funds.

6. PROGRAM EVALUATION AND MONITORING

6.1. Inspection. The CITY has the right to monitor and evaluate all aspects of activities carried out by SPONSOR under this Agreement. Such evaluations will be affected by the submission of reports and information by SPONSOR and monitoring visits of SPONSOR and the work site by the CITY. Contractual requirements related to inspections, reports and records include, but are not limited to program records and project work sites. The SPONSOR's records with respect to any matters covered by this

Agreement shall be made available to the City, the FHFC, the Auditor General and/or any of their duly authorized representatives at any time during normal business hours, as often as the City, the FHFC, the Auditor General and/or any of their duly authorized representatives deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data.

6.2. Recordkeeping. The SPONSOR shall maintain all records required by the CITY that are pertinent to the activities/responsibilities to be funded under the Subject Program. The SPONSOR shall maintain accurate individual project files with detailed records of each project, including:

- Acquisition or construction costs and operating costs attributed to a project, identifying direct assistance funding through the Subject Program and other revenue sources;
- The original executed note(s) and original mortgage(s) on the property;
- Documentation substantiating compliance with the Equal Opportunity, Fair Housing and Affirmative Marketing, and other contractual requirements;
- The SPONSOR shall maintain a summary of this information and shall submit this information to the CITY upon request.

6.3. Florida Single Audit Act.

6.3.1. Pursuant to Florida Statute 215.97, the Florida Single Audit Act, in the event that the SPONSOR expends a total amount of State financial assistance equal to or in excess of seven hundred and fifty thousand dollars (\$750,000) in any fiscal year, the SPONSOR must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services, and Chapter 10.650, Rules of the Auditor General. Exhibit G to this Agreement indicates state financial assistance awarded through the FHFC by this Agreement. In determining the State financial assistance expended in its fiscal year, the SPONSOR shall consider all sources of State financial assistance, including State financial assistance received from the FHFC ~ SHIP program. State financial assistance does not include federal direct or pass-through awards and resources received by the SPONSOR for federal program matching requirements.

6.3.2. In connection with these audit requirements, the SPONSOR shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapter 10.650, Rules of the Auditor General. The financial reporting package must be delivered to the City within forty-five (45) days after delivery of the financial reporting package to the SPONSOR, but in no event later than nine (9) months after the SPONSOR's fiscal year end.

6.3.3. If the SPONSOR expends less than seven hundred and fifty thousand dollars (\$750,000) in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the SPONSOR expends less than seven hundred and fifty thousand dollars (\$750,000) in State financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provision of Section 215.97, Florida Statutes, then the cost of the audit must be paid from non-State funds.

6.4. Reports and Audits.

6.4.1. Annual Audit Certification. In addition to any requirements of the Florida Single Audit Act, within forty-five (45) days after the end of the SPONSOR's fiscal

year for each year covered by this Agreement, the SPONSOR shall complete and submit to the CITY an Audit Certification Form (Attachment 1).

6.4.2. Monthly Program Reporting. The SPONSOR shall submit Monthly Program Reports to the City in the form and content required by the City, including but not limited to Applicant Summary Report, Financial Tracking Report and Monthly Summary Report (Attachments 3, 4 and 5). SPONSOR shall provide written status reports to the CITY within the ten (10) days following the end of every month. Each monthly report shall be signed and certified as true, correct and complete, as of the date thereof, by the Executive Director of the SPONSOR and shall constitute a representation and warranty by the SPONSOR to the CITY as to the contents thereof. All expenditure of funds shall be made on a unit of service basis or as set forth in the attachments and exhibits. All records, including supporting documentation of all program costs, shall be sufficient to determine compliance with the requirements and the applicable federal laws and regulations. The failure to submit monthly reports is grounds either for the CITY to withhold further payments to the SPONSOR or terminate this Agreement. The SPONSOR shall provide the CITY with all additional Project information as may be requested by the CITY from time to time, in form and content acceptable to the CITY for the purpose of determining compliance with the SHIP program requirements.

6.4.3. Payments. The City shall make payments to the SPONSOR as outlined in Exhibit C, Statement of Work – Budget. Satisfactory requests shall be paid by check or ACH to SPONSOR within ten (10) working days of receipt of a Request for Reimbursement Form (Attachment 2). Each Request for Reimbursement must include the following: (i) a completed Data Information Form (Attachment 6) for the assisted applicant, (ii) the Closing Disclosure (iii) a copy of the check/wire/payment confirmation payable to the closing agent representing the City's second mortgage (iv) a copy of the check payable to the contractor(s) making repairs (v) SPONSOR's invoice for the applicable project delivery fee, rehabilitation and down payment/closing cost.

6.4.4. Closeouts. SPONSOR's obligation to the City shall not end until all closeout requirements are completed. Activities during this closeout period shall include, but are not limited to, making final payments and determining the custodianship of records.

6.4.5. Monitoring. The SPONSOR shall do all things necessary to assist the CITY in carrying out its Project oversight and monitoring responsibilities to ensure compliance with the SHIP regulations as outlined in Section 420.907 of the Florida Statutes and F.A.C. 67-37. Further, the SPONSOR shall constantly monitor its performance under this Agreement to ensure that the project schedule and timelines are being met, repairs are completed within the specified time period, and other performance objectives are achieved.

7. RETENTION

The SPONSOR shall retain all records pertinent to expenditures incurred under this Agreement for a period of five (5) years after the termination of all activities funded under this Agreement. Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and that have started before the expiration of the five (5)-year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the regular five (5)-year period, whichever occurs later.

8. CONFLICT OF INTEREST

The Sponsor shall assure no member, officer, or employee of the City, or its designees or agents, no member of the governing body of the City, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the Subject Program during their tenure, shall have any interest direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the Subject Program assisted under this Agreement. Any possible conflict of interest on the part of the Sponsor shall be disclosed in writing to the City.

9. PUBLIC RECORDS

9.1. The SPONSOR understands and agrees that CITY is a public entity subject to the Florida Public Records Law set forth in Chapter 119 of Florida Statutes and, as such, SPONSOR agrees to retain public records, and upon request by CITY provide to CITY those public records requested, which retention and access shall be pursuant to Chapter 119, Fla. Stat.

9.2. A request to inspect or copy public records relating to this Agreement must be made directly to the CITY and SPONSOR shall not release a public record in response to a request arising from anyone other than the CITY.

9.3. To the extent SPONSOR is "acting on behalf of the CITY," the SPONSOR shall be subject to the following provisions:

- (i) As required by §119.0701, Fla. Stat., SPONSOR shall (1) Keep and maintain public records required by the CITY to perform such services; (2) Upon request from the CITY, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided by law; (3) Ensure that public records are exempt or confidential and exempt from public records disclosure requirements that are not disclosed except as authorized by law for the duration of the Agreement and following completion of the Agreement if the SPONSOR does not transfer the records to the CITY; and (4) Upon completion of the Agreement, transfer, at no cost, to the CITY all public records in possession of the SPONSOR or keep and maintain public records required by the CITY to perform the services undertaken on behalf of the CITY. If the SPONSOR transfers all public records to the CITY upon completion of the Agreement, the SPONSOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the SPONSOR keeps and maintains public records upon completion of the Agreement, the SPONSOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the CITY, upon request from the CITY's custodian of public records, in a format that is compatible with the information technology systems of the CITY.
- (ii) The SPONSOR who fails to produce the public records as required by §119.0701, Fla. Stat. may be subject to penalties pursuant to §119.10, Fla. Stat. and civil action pursuant to §119.0701(4) and such failure to produce shall be considered a material breach of this Agreement by SPONSOR. In the event of such breach, in addition to all other remedies available, SPONSOR shall pay to CITY all incidental and consequential damages arising from such breach, including attorneys' fees and costs incurred by the CITY in defending a public records action as well as those assessed against the CITY in such public records action.

- (iii) The term "public record" as used in this section includes all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics or means of transmission, made or received pursuant to law or ordinance and in connection with the transaction of official business by or on behalf of the CITY. Guidance as to whether something is a "public record," whether the public record is confidential or exempt, and the applicability or implementation of the provisions of Florida public records law, may be sought from the CITY's City Attorney's Office or the City Clerk's Office; provided that the SPONSOR hereby agrees that neither the City Attorney's Office nor the City Clerk's Office is providing legal or other advice to be relied upon by SPONSOR.

If the SPONSOR has questions regarding the application of Chapter 119, Florida Statutes, to the sponsor's duty to provide public records relating to this agreement, contact the custodian of public records as follows: **City Clerk, 900 East Strawbridge Avenue, Melbourne, Florida 32901, Telephone: 321-608-7220, Email: City.Clerk@MLBFL.org**

10. INSURANCE

10.1. Upon the Effective Date and through the term of this Agreement, SPONSOR shall provide the following insurance:

Commercial General Liability Insurance. SPONSOR shall maintain in force for the duration of the contracted period Commercial General Liability Insurance with a limit of not less than \$1,000,000 per occurrence/aggregate and a deductible amount of not more than \$10,000 per claim. The Commercial General Liability Insurance Policy shall be endorsed to list the CITY of Melbourne as an Additional Insured, be written on an occurrence basis, not claims made, and be issued by an insurance company licensed to do business in the State of Florida with an A.M. Best's rating of B+ or higher. Other specific policy endorsements may be required by the Agreement, depending upon the type and scope of work to be performed.

Workers Compensation and Employer's Liability Insurance. SPONSOR shall maintain in force for the duration of the contracted period Florida Workers Compensation Insurance at statutory limits and Employers Liability Insurance with limits of at least \$500,000 each accident, \$500,000 each disease/employee and \$500,000 per disease/policy limit.

10.2. Proof of Insurance. SPONSOR shall submit proof of the required insurance to CITY in the form of Certificates of Insurance. Such certificates shall clearly show the insurance coverage required by the Agreement. In the case of Commercial General Liability Insurance, a copy of the Additional Insured Endorsement page issued by the underwriting insurance company showing that the CITY of Melbourne has been listed as an Additional Insured on the policy shall accompany the Certificate of Insurance.

10.3. If subcontractors are authorized by the CITY, all coverage for SPONSOR's subcontractors shall be subject to all of the requirements stated herein.

10.4. The SPONSOR shall be responsible for initiating, maintaining and supervising all safety precautions in connection with the performance of obligations under

this Agreement. The SPONSOR shall take all reasonable precautions for the safety of, and shall provide all reasonable protection to prevent damage, injury or loss to homeowners or workers in their employ and to the property, materials and equipment related to each project under this Agreement.

11. INDEMNIFICATION

SPONSOR shall, to the fullest extent permitted by law, protect, defend, indemnify, and hold CITY and its employees, officers, agents, representatives, and subcontractors harmless from and against any and all claims, liabilities, demands, penalties, forfeitures, suits, judgments, and the associated costs and expenses (including attorney's fees), which may hereafter incur, become responsible for, or pay out as a result of: death or personal injury (including bodily injury) to any person, destruction or damage to any property, contamination of or adverse effects on the environment, and any clean-up costs in connection therewith, or any violation of law, governmental regulation or orders, to the extent caused by or arising out of (i) SPONSOR's breach of any term or provision of this Agreement; (ii) any negligent or willful acts, errors, or omissions by SPONSOR, its employees, officers, agents, representatives, or subcontractors in the performance of this Agreement; (iii) the development, construction, operation, or maintenance of the housing; all except for liability arising out of, and to the extent of, the sole gross negligence or willful misconduct of CITY, its officers, agents, or employees or other wrongful acts for which the CITY is found liable by a court of competent jurisdiction. In agreeing to this paragraph the CITY does not intend to alter, extend or waive any defense of sovereign immunity to which it may be entitled under the Florida Constitution, §768.28, Fla. Stat. or otherwise provided. In particular, the SPONSOR will hold the CITY harmless and will indemnify the CITY for funds which the CITY is obligated to refund to the State arising out of the conduct of activities under this Agreement.

12. SUSPENSION OR TERMINATION

12.1. Termination for Convenience. Either party may terminate this Agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least thirty (30) days before the effective date of such termination. In the event of any termination for convenience, all finished or unfinished documents, data, reports or other materials prepared by the SPONSOR under this Agreement shall, at the option of the City, become the property of the City.

12.2. Default by SPONSOR. The City may suspend or terminate this Agreement, in whole or in part, effective immediately and without prior notice if the SPONSOR materially fails to comply with any term of this Agreement, or with any of the laws, rules, regulations or provisions referred to herein, in addition to other remedies as provided by law. If through any cause the SPONSOR shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or violates any of the covenants, agreements, or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement or suspend payment in whole or part by giving written notice to the SPONSOR of such termination or suspension of payment and specify the effective date thereof, at least five (5) working days before the effective date of termination or suspension and may proceed in law or equity to enforce its legal rights under this Agreement. If payments are withheld, the CITY shall specify in writing the actions that must be taken by the SPONSOR as a condition precedent to resumption of payments and shall specify a reasonable date for compliance. Sufficient cause for suspension of payments shall include, but not be

limited to, improper use of funds, failure to comply with paragraph 3, Scope of Service of this Agreement or failure to submit periodic reports as determined by the City.

13. COMPLIANCE WITH LAWS

13.1. SPONSOR shall comply with all federal, state, and local laws and regulations governing the SPONSOR's obligations as the eligible sponsor in the course of this Agreement. Lack of knowledge by SPONSOR shall in no way be cause for relief from responsibility.

13.2. SPONSOR represents and warrants that it is in compliance with Equal Employment Opportunity regulations, unless exempted or inapplicable.

13.3. CITY actively supports the Immigration and Nationality Act (INA), which includes provisions addressing employment eligibility, employment verification, and nondiscrimination. Under the INA, employers may hire only persons who may legally work in the United States. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9). SPONSOR shall establish appropriate procedures and controls so no services to subrecipients or applicants provided under this Agreement will be performed or manufactured by any worker who is not legally eligible to perform such services or employment.

13.4. SPONSOR represents and warrants that is not listed on the State of Florida's convicted vendor listing established under the provisions of §287.133, Fla. Stat., whereby the State of Florida maintains a convicted vendor listing which excludes those listed suppliers from bid submittal for a period of thirty-six (36) months.

13.5. SPONSOR shall maintain, for the duration of this Agreement, all valid licenses and certificates required for the SPONSOR's obligations as the eligible sponsor in the course of this Agreement and to the provision of services to the subrecipients.

13.6. SPONSOR shall comply with all applicable laws, rules, regulations, and orders existing during the term of this Agreement, including obtaining and maintaining all necessary permits and licenses. SPONSOR acknowledges and warrants that it is or will make itself through its responsible managers, knowledgeable of all pertinent laws, rules, ordinances, regulations, or other requirements having the force of law affecting the SPONSOR's obligations as the eligible sponsor in the course of this Agreement and to the provision of services to the subrecipients, including but not limited to laws affecting health and safety, hazardous materials, pest control activities, environmental impacts, and CITY building codes and regulations. SPONSOR further agrees to establish policy for its employees, subrecipients and volunteers to maintain compatible relations with CITY employees and the public.

13.7. Disabilities Access Laws. Without limiting SPONSOR's responsibility under this Agreement for compliance with all laws, with regard to all operations and activities that are the responsibility of SPONSOR under this Agreement, SPONSOR shall be solely responsible for complying with the requirements of the Americans With Disabilities Act of 1990 (ADA) [Public Law 101-336, commencing at Section 12101 of Title 42, United States Code (and including Titles I, II, and III of that law)], the Rehabilitation Act of 1973, and all related regulations, guidelines, and amendments to both laws. With regard to facilities for which SPONSOR is responsible for operation, maintenance, construction, restoration, or renovation under this Agreement, SPONSOR also shall be responsible for compliance with any other applicable laws.

13.8. Nondiscrimination. SPONSOR and its employees shall not unlawfully discriminate, harass, or allow harassment against any employee, applicant for

employment, Subrecipient, or any member of the public because of sex, race, color, religion, marital status, need for family and medical care leave, ancestry, national origin, protected medical condition, age (40 and above), disability (mental and physical), pregnancy, or need for reasonable accommodation. Further, as part of compliance with the foregoing, SPONSOR and SPONSOR's employees shall not discriminate by refusing to furnish any person any accommodation, facility, service, or privilege offered to or enjoyed by the general public. Nor shall SPONSOR or SPONSOR's employees publicize the accommodation, facilities, services, or privileges in any manner that would directly or inferentially reflect upon or question the acceptability of the patronage of any such person. The SPONSOR agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

13.9. Debarment. The SPONSOR certifies that no officer or agent of the SPONSOR has been debarred from bidding, proposing, or contracting for federal, state, or local government programs or activities. The SPONSOR assures that all of its subcontractors who will participate in activities which are the subject to this agreement are eligible and have not been debarred.

14. MISCELLANEOUS PROVISIONS

14.1. Entire Agreement; Amendment. This Agreement contains and embraces the entire agreement between the parties hereto and neither it, nor any part of it, may be changed, altered, modified, limited, or extended orally or by any agreement between the parties unless such agreement be expressed in writing, signed, and acknowledged by the CITY and the SPONSOR. Notwithstanding the foregoing, written amendments involving budget adjustments between line items, project schedules, and progress or on-going compliance reporting may be modified in the sole discretion of the CITY, subject to the approval by the City's Housing and Urban Improvement Manager without the necessity of City Council approval.

14.2. Notice. All notices required to be given under this Agreement shall be sufficient when shall be made in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested and shall be addressed as follows:

If to the CITY

Abby Johnson, Housing and Improvement Manager
City of Melbourne
900 E. Strawbridge Ave., Melbourne, FL 32901
Telephone: (321) 608-7530; FAX: (321) 674-5738
Email: abby.johnson@mlbfl.org

If to SPONSOR

Nicole Tenpenny, Executive Director
Community Housing Initiative, Inc.
PO Box 410522, Melbourne, FL 32941-0522
Telephone: (321) 253-0053; FAX: (321) 253-1575
Email: nicole@chibrevard.org

14.3. Severability. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby, if such remainder would then continue to conform to the terms and requirements of applicable law.

14.4. Independent Contractor. Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. In providing services as the eligible sponsor of the Subject Program pursuant to this Agreement, SPONSOR is an independent contractor and its personnel and other representatives shall not act as nor be agents or employees of the CITY. As an independent contractor, SPONSOR will be solely responsible for determining the means and methods for providing services. SPONSOR shall have complete charge and responsibility for personnel employed by SPONSOR. The City shall be exempt from payment of all Unemployment Compensation, FICA, retirement benefits, life and/or medical insurance and Workers' Compensation Insurance, as the SPONSOR is an independent contractor.

14.5. Disputes. In case of dispute arising under this Agreement between the parties, the decision of the CITY of Melbourne shall be final and binding of both parties.

14.6. Assignment; Sub-sponsors; Sub-contractors. SPONSOR may neither assign nor factor any rights in nor delegate any obligations under this Agreement or any portion thereof without the written consent of the CITY. CITY may cancel this Agreement for cause should SPONSOR attempt to make an unauthorized assignment of any right or obligation arising hereunder. This Agreement may be amended only in writing signed by SPONSOR and CITY and subject to with the same degree of formality evidenced in this Agreement. Nothing contained in this Agreement will be construed as establishing any contractual relationship between CITY and any sub-SPONSOR of SPONSOR. SPONSOR will be fully responsible to CITY for the acts and omissions of the SPONSOR's sub-SPONSOR(s) and their employees. When subcontracting is allowed, any changes in sub-SPONSOR shall require prior written approval by the CITY.

14.7. No Third-party Beneficiaries. This Agreement is for the sole benefit of the CITY and the SPONSOR and nothing herein, express or implied, is intended to or shall confer upon any other person or entity any legal or equitable right, benefit or remedy of any nature whatsoever under or by reason of this Agreement.

14.8. Applicable Law. This Agreement is to be construed and interpreted according to the laws of the State of Florida and all legal proceedings regarding this Agreement shall be filed in Brevard County, Florida.

14.9. Survival. All recordkeeping, retention and public records requirements of this Agreement shall survive any termination or expiration of this Agreement.

14.10. Counterparts of the Agreement. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and all of such counterparts shall constitute one and the same instrument.

14.11. Grantor Recognition. The SPONSOR shall insure recognition of the role of the SHIP Program and the City of Melbourne in carrying out each project through this Agreement. All publicity materials or notices pursuant to this Agreement shall be prominently labeled as to funding source.

[The Remainder of This Page Intentionally Left Blank; Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

Signed, sealed and delivered
in the presence of:

Lisa Walters
Signature of Witness #1
Lisa Walters

Print Name
PO BOX 410522, Melbourne, FL 32941
Print Address

Lisa Murphy
Signature of Witness #2
Lisa Murphy

Print Name:
3033 Collegewood Dr, Melbourne FL 32934
Print Address

COMMUNITY HOUSING INITIATIVE,
INC., a Florida non-profit corporation

By: *Nicole Tenpenny*
Nicole Tenpenny
Executive Director

(Corporate Seal)

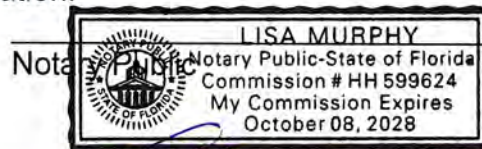
STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by (☒) physical presence or
(☐) remote audio-visual means, this January 8, 2026 by

Nicole Tenpenny, as Executive Director of
COMMUNITY HOUSING INITIATIVE, INC., a Florida non-profit corporation, on behalf
of the corporation. S/He is personally known to me or has produced
_____ as identification.

My commission expires:

October 08, 2028



Signed, sealed and delivered
in the presence of:

Signature of Witness #1

Print Name

Signature of Witness #2

Print Name:

CITY OF MELBOURNE,
a Florida municipal corporation

By: _____
Jenni Lamb
City Manager

(City Seal)

ATTEST:

Kevin McKeown, City Clerk

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by () physical presence or () remote audio-visual means, this _____ by Jenni Lamb, City Manager of the CITY OF MELBOURNE, a Florida municipal corporation, on behalf of the corporation. She is personally known to me.

Notary Public

My commission expires:

EXHIBIT A

Purchase Assistance Program Policies

I. Purpose

The purpose of this document is to establish the policies of the City of Melbourne's Purchase Assistance Program (PAP) so as to promote fairness and equitable treatment of applicants and recipients of program assistance. Policies are written in accordance with the enabling legislation and implementing regulations of the State Housing Initiatives Partnership Program (SHIP), administered by the Florida Housing Finance Corporation (FHFC), HOME Investment Partnerships (HOME) Program and Community Development Block Grant (CDBG) administered by U. S. Department of Housing and Urban Development (HUD).

II. Program Goals

In accordance with the needs identified, the priorities established, and the objectives and strategies outlined in the City of Melbourne's CDBG/HOME Consolidated Plan (and as published in the Brevard County HOME Consortium's Consolidated Plan), its SHIP Local Housing Assistance Plan and the Housing Element of the City of Melbourne's Comprehensive Plan, the goals of the Purchase Assistance Program are:

- The provision of affordable housing for low to moderate income households.

III. Statutes and Regulations

- State Housing Initiatives Partnership Act, §§ 420.907 – 420.9079, Fla. Stat.
- State Housing Initiatives Partnership Program, Rule Chapter 67-37, Fla. Admin. Code.
- Cranston-Gonzales National Affordable Housing Act, Public Law 101-625, Titles I and II, 104 Stat. 4079 (1990)
- HOME Investment Partnership Program, 24 C.F.R. §§ 92.1 – 92.618
- Community Development Block Grant Program, 24 C.F.R. §§ 570.1 – 570.913

IV. Eligible Uses of Funding

The Purchase Assistance Program is for first-time homebuyers only. The funding is provided to assist with down payment, closing costs, and/or allowance for repair/rehabilitation of the home being purchased.

V. Definitions

- *Affordable* means that monthly mortgage payments including taxes and insurance do not exceed 30% of that amount which represents the percentage of the median annual gross income for the household's income group (e.g., very low- or low-income group). It is not the intent to limit an individual household's ability to devote more than 30% of its income for housing, and housing for which a household devotes more than 30% of its income shall be deemed affordable if the first institutional mortgage lender

is satisfied that the household can afford mortgage payments in excess of the 30% benchmark.

- *Applicant* means a person(s) who submits a signed and completed Purchase Assistance Program application for assistance.
- *CDBG* means the Community Development Block Grant.
- *Division* means the Housing and Urban Improvement Division of the City of Melbourne.
- *FHFC* means the Florida Housing Finance Corporation.
- *General Property Improvements* means those improvements which are not corrections of health and safety violations, but which place the unit in a readily maintainable condition and conform it to other standard units in the local housing market.
- *HOME* means HOME Investment Partnerships Program administered by the U. S. Department of Housing and Urban Development (HUD).
- *HUD* means U. S. Department of Housing and Urban Development.
- *Low income (LI)* means that the household income is 51% to 80% of the median income adjusted for family size for the Palm Bay-Melbourne-Titusville MSA.
- *Moderate income (MI) using SHIP funding* means that the household income is over 80% up to 120% of the median income adjusted for family size of the Palm Bay-Melbourne-Titusville MSA.
- *Moderate income using HOME funding* means that the household income does not exceed 80% of the median income for family size of the palm Bay-Melbourne-Titusville MSA.
- *Net Proceeds* means the sales price of an assisted property minus pay-off of all mortgage loans secured by the property minus reasonable closing costs.
- *Palm Bay-Melbourne-Titusville MSA* means the Metropolitan Statistical Area used for demographic data purposes.
- *Principal Residence* means the household must utilize the property as their primary residence, as established by eligibility for the Florida Department of Revenue Property Tax Homestead Exemption.
- *Rehabilitation* means repairs or improvements that are needed for safe or sanitary habitation, correction of substantial code-violations, or the creation of additional living space.
- *SHIP* means Florida's State Housing Initiatives Partnership Program.
- *Very low income (VLI)* means that the household income is below or equal to 50% of the median income adjusted for family size for the Palm Bay-Melbourne-Titusville MSA.

VI. Policies

1. Eligible Applicant

- a. SHIP funded units: The Applicant's household income may not exceed moderate income as defined in Section V above and as published annually and distributed by the FHFC.
- b. CDBG and HOME funded units: The Applicant's household income may not exceed moderate income as defined in Section V above and as published annually and distributed by HUD.

- c. The Applicant must have received City approved homebuyer education and one-on-one housing counseling.
- d. The Applicant must be a first-time home buyer, defined as a person who has not owned a home within the last three (3) years other than a mobile or manufactured home (HUD certified). Exceptions may be made by the Division for Applicants who are defined by HUD as a single parent or a displaced homemaker, or who are living in a substandard dwelling that costs more to rehabilitate than build a new dwelling to bring the structure in compliance with local building and housing codes. (For the purpose of this program, a "home" is considered a conventional home, condominium, townhouse, or modular home.)

2. Eligible Property

- a. The unit must be located in the city limits of Melbourne
- b. The purchase price of the unit may not exceed 90% of the median area purchase price for existing homes or new construction in the Palm Bay-Melbourne-Titusville MSA as established by the United States Department of Treasury.
- c. No unit may have a swimming pool or similar amenity.

3. Selection Criteria

All assistance is subject to the availability of funds. All applications are accepted and processed on a first qualified, first served basis, and Applicants deemed eligible will be considered equally with priority given to very-low, then low, then moderate income groups. *Exception will only be made if necessary to meet a statutory requirement prior to the City's expenditure deadline.*

4. Level of Assistance

The actual assistance will be the minimum amount needed to get the Applicant into an affordable unit.

- a. The maximum assistance for households with very-low income is \$37,500.
- b. The maximum assistance for households with low income is \$35,000.
- c. The maximum assistance for households with moderate income is \$27,500.
- d. When used to purchase an existing home requiring rehabilitation, an additional amount up to \$10,000 is available for any combination of down payment, closing costs and rehabilitation.
- e. In order to prevent over subsidization of the homeowner or the excessive closing costs charged by the lender, the City reserves the right to refuse assistance. In such cases, the homebuyer will be asked to renegotiate the loan or to seek another lender.
- f. No homebuyer may receive assistance from this program if also receiving down payment and/or closing costs from another program. However, the Division may allow Applicants to utilize other assistance programs through Florida Housing Finance Corporation's Assistance program such as Florida Assist (FL Assist) or the Florida Homeownership Loan Program (FL HLP) in conjunction with the Division's program. The Division's program assistance must only be used to subsidize the

remainder of the assistance needed to help the Applicant achieve the established affordability standard. There is a \$107,000 lifetime maximum assistance award for any Applicant/recipient of assistance from any one or a combination of City of Melbourne housing assistance programs, excluding tenant-based assistance. No applicant may receive Purchase Assistance Program assistance more than once. Exceptions may be made by the Division for applicants who are defined by HUD as a single parent or a displaced homemaker, or for an Applicant living in a substandard dwelling that costs more to rehabilitate than build a new dwelling to bring the structure in compliance with local building and housing codes.

5. Homeowner Contribution

The Applicant must make a minimum cash contribution towards the purchase of the home.

- a. Households that are very-low income must contribute a minimum \$1,000.
- b. Households that are low income must contribute a minimum of \$1,500.
- c. Households that are moderate income must contribute a minimum of \$2,000.
- d. Households with more than \$10,000 in liquid assets must apply those additional assets beyond the \$10,000 towards the purchase of their home.

6. Lien Periods and Other Loan Terms

The Purchase Assistance will be in the form of a deferred payment loan, secured by a zero percent (0%) interest mortgage in favor of the City of Melbourne and forgiven in accordance with the following schedule:

Amount of Assistance	Lien Period	Percentage forgiven annually
Under \$15,000	5 years	20%
\$15,001-\$47,500	10 years	10%

Table 1 Schedule of Lien Period

The administration of the award will require an administration fee. A portion of that fee will constitute a grant to the homebuyer and will not constitute a lien against the property.

In addition to the lien period, the following terms will apply to each loan.

- a. Death of the mortgagor: The passing of title due to the death of the mortgagor to other than a spouse or co-mortgagor holding an interest in the property as a co-tenant is deemed a default.
- b. Leasing: Leasing the premises for any period of time is deemed a default.
- c. Continued Occupancy: The mortgagor must reside in the assisted property as his/her principal residence for the life of the loan. If for any reason, other than a hospital or nursing home stay, the mortgagor vacates the premises for more than a period of 120 days in any one calendar year, such vacation shall constitute default.
- d. Interest: There is zero interest on the loan except in the case of default,

at which time the remaining balance shall accrue interest at five percent (5%) per annum.

- e. Maintenance: The mortgagor must keep the property maintained and in good repair according to the International Property Maintenance Code and all applicable codes of the City of Melbourne.
- f. Foreclosure The City will recover direct assistance from the mortgagor if, prior to the end of the lien period, any of the following events occurs:
 - The property ceases to be the principal residence of the owner
 - Title is transferred
 - Upon refinancing, when subordination of the City's mortgage is not approved

In addition to repaying the unamortized principal balance of the assistance provided by the City, an owner disposing of an assisted unit prior to expiration of the lien period will be required to pay the City a share of the net proceeds (if any) from the sale, proportional to the original amount of assistance received based on the following formula:

Percentage of Net Proceeds Due City = City Subsidy ÷ Sale Price at time of assistance x 100%

City Subsidy =	\$10,000
Sale Price of Home at time of assistance =	\$100,000
Percentage of Net Proceeds Due City =	\$10,000/100,000 x 100% = 10%

Table 2 Example of net proceeds

Amount of Net Proceeds Due City when assisted property is sold

New Sale Price of assisted property =	\$115,000
Net proceeds from sale =	\$15,000
Prorated Share of Net Proceeds Due City =	\$15,000 x 10% = \$1,500

Table 3 example prorated share of net proceeds

7. Subordination of Liens

Subordination of City housing assistance liens will be considered in accordance with the City's Subordination Policy for Owner-Occupied Housing.

8. Affirmative Marketing

It shall be the policy of the City of Melbourne to affirmatively market the Purchase Assistance Program in such a way as to promote fair housing with the applicable marketing requirements of the CDBG, HOME, and SHIP program regulations.

9. Environmental Review

An environmental review must be completed by City staff before any CDBG and or HOME funds are committed to a project.

10. Complaints and Appeals

Eligibility for and participation in this program is determined by the Housing

and Urban Improvement Division Manager in accordance with this policy. Complaints/Appeals submitted by an Applicant in written form and received by the City shall first be referred for disposition by the Housing and Urban Improvement Division Manager who shall respond in writing within 30 days of receipt.

The decision of the City's Housing and Urban Improvement Manager may be appealed in writing to the City's Community Development Director, whose decision shall be final.

11. Right to Refuse

The City reserves the right to refuse assistance to any Applicant on the following terms:

- a. Homeowner failing to disclose information which negates their eligibility;
- b. Unreasonableness;
- c. Uncooperativeness;
- d. Delays in completing the application and/or not following through the application process in a timely manner;
- e. Any other reason as may be determined on a case-by-case basis;
- f. If the homeowner has declined a previous award;
- g. Interference with work being performed by the contractor;
- h. The inability to understand financial and legal documents due to mental or physical infirmity, illness, incapacity or incompetence, unless the Applicant has executed a written power of attorney and the designated attorney-in-fact signs on behalf of the Applicant, or a guardian has been appointed over the person and property of the Applicant and the guardian signs on behalf of the Applicant.

EXHIBIT B
STATEMENT OF WORK – PROGRAM NARRATIVE

PURCHASE ASSISTANCE PROGRAM

The Purchase Assistance Program shall at all times be administered in accordance with the City of Melbourne Purchase Assistance Policies (Exhibit A) and the Purchase Assistance Strategy as outlined in the City's 2023-2025 SHIP Housing Assistance Plan.

A. DESCRIPTION OF WORK TO BE PERFORMED

SPONSOR will carry out the Purchase Assistance Program as a turnkey operation. SPONSOR will market the program with increased emphasis on improving and preserving the City's existing housing stock. SPONSOR shall: (i) perform intake and applicant eligibility determinations, (ii) provide support and information to the real estate agent, builder (if new construction), and lender selected by the applicant, (iii) ensure that program regulations are followed in the selection of a house (including housing site and house plans if new construction) and the award of assistance, (iv) prepare the closing documents using the City's applicable form(s) of Note(s) and Mortgage(s) provided to SPONSOR concurrently herewith and which may be revised or amended from time to time, (v) attend all closings, and (vi) inspect all housing units to determine housing unit program eligibility. In the case of existing housing units, SPONSOR will (a) create a work write-up (project specifications for needed repairs) which the homebuyer can use as the basis for soliciting bids from contractors, (b) prepare the agreement for the completion of repair work and (c) perform interim- and post-repair work inspections. SPONSOR will authorize and make all payments, with the City providing reimbursement to SPONSOR based upon SPONSOR's successful performance, as defined by its Agreement with the City. SPONSOR will provide support and guidance to the applicant throughout the process.

B. LEVELS OF ACCOMPLISHMENT

Purchase Assistance Program disbursements shall be in accordance with program-wide requirements for a minimum of thirty percent (30%) of expenditures to benefit very low-income households. SPONSOR shall target very low-income households through its marketing campaign in an effort to meet or exceed the program requirements by the third quarter of each fiscal year covered by this Agreement. The balance of the funds shall benefit low-income households in accordance with City Purchase Assistance Program policies. Payment will be made upon proof of successful program performance standards for the activities outlined below:

Activity #1 Successful identification of eligible very-low income and low income persons or households

Performance standards by which success will be measured include, but are not limited to:

(a) Implementation of SPONSOR's marketing campaign to target eligible very low income persons or households as evidenced by SPONSOR's success in exceeding minimum program requirements, and/or early achievement of meeting minimum program requirements; and

- (b) Verification of homebuyer's eligibility for assistance, as evidenced by the application, income and asset verifications, and executed income certification, as well as the Information Sheet (Attachment 6) to be submitted with each Request for Reimbursement (Attachment 2) hereunder.
- (c) Maintenance of a waiting list comprised of eligible applicants who have not yet been assisted by the City's Purchase Assistance Program.

Activity #2 Successful identification of eligible housing units requiring code-related repair work, and/or energy efficiency improvements, and/or hurricane mitigation improvements

Performance standards by which success will be measured include, but are not limited to:

- (a) SPONSOR's successful identification of eligible units requiring code-related repair work, and/or energy efficiency improvements, and/or hurricane mitigation improvements which may or may not be listed on the MLS; and
- (b) SPONSOR's development and implementation of strategies to increase the ratio of funds expended toward code-related repair work, and/or energy efficiency improvements, and/or hurricane mitigation improvements
- (c) Written inspection report(s) for each eligible unit to be purchased under the City's Purchase Assistance Program (based on Melbourne's Housing Code) describing code violations, a work write-up providing detailed specifications to be used in addressing the code violations and general property, energy efficiency or hurricane mitigation improvements, an in-house cost estimate, copies of all bid documents and bids (a minimum of three bids on each work write-up is preferred). SPONSOR will make diligent efforts to ensure that no less than fifteen percent (15%) of the total assistance awarded will be used to correct housing code violations, improve energy efficiency and implement hurricane mitigation improvements as outlined in the work write up.

Activity #3 Successful closing by an eligible person or household.

Performance standards by which success will be measured include, but are not limited to:

- (a) Proof of housing unit's availability for purchase, as evidenced by a copy of the Contract for Sale and Purchase.
- (b) Proof, as evidenced by the HUD-1 Settlement Statement, of closing.
- (c) Proof of execution of appropriate Mortgage Security Agreement and Mortgage Note, as evidenced by an original of the Mortgage Note and a copy of the Mortgage Security Agreement.
- (d) Proof of payment by SPONSOR to the closing agent, as evidenced by a copy of the check payable to the closing agent representing the amount of the City's second mortgage.

- (e) Proof of unit valuation, as evidenced by an appraisal report from a licensed appraiser.

Activity #4 Successful repair of an eligible housing unit.

Performance standards by which success will be measured include, but are not limited to:

- (a) written documentation of code-related repair work, and/or energy efficiency improvements, and/or hurricane mitigation improvements representing at least fifteen percent (15%) of the total assistance provided to the homebuyer, performed on an eligible housing unit, said work having been completed within twelve (12) months prior to closing, and/or
- (b) Proof of completion of the repairs identified in a work write-up as set forth in Activity #2 above, as evidenced by the following:
 - 1) certificate of occupancy/completion, or hard cards showing City building official approval of work requiring City permit(s);
 - 2) inspection by a building industry professional, as to the completion and quality of work performed by the contractor (or subcontractors);
 - 3) release of payment signed by a building industry professional and the homeowner;
 - 4) a copy of the release of liens;
 - 5) a copy of the check paid to the contractor (or copies of checks paid to subcontractors) by the closing agent or paid by SPONSOR.

Activity #5 Construction of new eligible housing unit.

Performance standards by which success will be measured include, but are not limited to:

- (a) Proof of a contractual arrangement between the homebuyer and a builder or contractor licensed to pull required permits in the City of Melbourne as evidenced by a copy of the agreement between the homebuyer and the builder/contractor.
- (b) Proof of completion of the construction as evidenced by a certificate of occupancy from the City of Melbourne.

HOUSING COUNSELING/HOMEBUYER EDUCATION PROGRAM

The Housing Counseling/Homebuyer Education Program shall at all times be administered in accordance with Housing Counseling/Homebuyer Education Program as briefed in the City's 2023-2025 SHIP Housing Assistance Plan.

A. DESCRIPTION OF WORK TO BE PERFORMED

SPONSOR will implement the Housing Counseling/Homebuyer Education Program as a turnkey operation. SPONSOR will market the program, schedule and make all arrangements (sites, speakers, materials, etc.) for homebuyer education classes, and provide housing counseling on an individual basis to each homebuyer.

B. LEVELS OF ACCOMPLISHMENT

Payment will be made upon proof of satisfactory program performance of the following Levels of Accomplishment:

Activity #1 Housing Counseling to individual homebuyers.

Performance standards by which success will be measured include, but are not limited to:

- (a) Keeping of accurate time sheet records of housing counseling staff, demonstrating actual time spent on housing counseling activities;
- (b) Housing counseling must be carried out by a certified housing counselor (as defined by the National Federation of Housing Counselors, or its equivalent);
- (c) File evidence of housing counseling notes.

Activity #2 Homebuyer Education Classes

Performance standards by which success will be measured include, but are not limited to, the following:

- (a) A number of classes must be held that will ensure a sufficient stream of eligible homebuyers so as to meet the expenditure deadlines of the Agreement between the City of Melbourne and Community Housing Initiative, Inc.;
- (b) Classes must follow, at a minimum, the Fannie Mae recommended homebuyer education course outline.
- (c) Classes must include a Fair Housing Law education component.
- (d) File evidence of classes, including, but not limited to copies of agendas, sign-in sheets, and class evaluations by participants.

EXHIBIT C
STATEMENT OF WORK – BUDGET

PURCHASE ASSISTANCE PROGRAM

The total budget for the Purchase Assistance Program shall not be less than \$260,000. The total City of Melbourne allocation to SPONSOR for the Purchase Assistance Program shall not exceed \$260,000.

Sources for these funds are as follows:

City of Melbourne SHIP Purchase Assistance Strategy Allocation:

SHIP FY 2023-2024	\$120,293.72
SHIP FY 2024-2025	<u>\$139,706.28</u>
Total Source of funds	\$260,000

Uses of these funds are as follows:

Funds shall be disbursed in the following manner for the following uses:

1. Funds shall be used to pay down payment, closing costs (with the exception of the project delivery fee), and repair expenses (as applicable) for eligible persons or households purchasing eligible housing units in accordance with the City of Melbourne's Purchase Assistance Program Policies (Exhibit A). Funds shall be paid to SPONSOR within ten (10) working days of receipt of invoice upon proof of satisfactory program performance as defined in this Agreement. Performance Standards for the applicable Activities as set forth on Exhibit B must be met before reimbursement by the City.
2. A project delivery fee not to exceed two thousand four hundred dollars (\$3,000) per completed existing housing unit or a project delivery fee not to exceed two thousand four hundred dollars (\$3,000) per completed new construction unit shall be paid to SPONSOR by the City upon receipt of an invoice from SPONSOR and proof of satisfactory program performance as defined in this Agreement. Performance Standards for the applicable Activities as set forth on Exhibit B must be met before reimbursement by the City.

EXHIBIT D

STATEMENT OF WORK - SCHEDULE OF EXPENDITURE OF GRANT FUNDS

PURCHASE ASSISTANCE PROGRAM

Funds shall be paid to the SPONSOR on a reimbursement basis only according to the performance standards identified in Exhibit B, Statement of Work and particularly the Program Narrative. Failure to meet the following deadlines may result in total or partial de-obligation of funds:

SHIP Funding Year 2023-2024	Expenditure Deadline:	June 30,2026	\$120,293.72
SHIP Funding Year 2024-2025	Expenditure Deadline:	June 30,2027	\$139,706.28

***Encumbrance** means that the SPONSOR has provided the homebuyer with a funding commitment letter.

****Expenditure** means that all funds are spent, all units are purchased, all unit repairs are complete or, if new construction, a Certificate of Occupancy has been issued, and all units are occupied.

Household Income Levels	Maximum Subsidy Per Household	Project Delivery Fee	Maximum Direct Subsidy To Homebuyer	# Estimated To Close
Very Low 0 – 50% AMI	\$47,500	\$3,000	\$44,500	2
Low 51% - 80% AMI	\$45,000	\$3,000	\$42,000	2
Moderate 81-120% AMI	\$37,500	\$3,000	\$34,500	2

TOTAL TO BE ASSISTED 6

FY 2023-2024

Household Income Levels	Maximum Subsidy Per Household	Project Delivery Fee	Maximum Direct Subsidy To Homebuyer	# Estimated To Close	Total	Award - \$120,293.72 Balance	Mid-Year Performance Measure	Time Frame for Funds to be Expended
Very Low 0 – 50% AMI	\$47,500	\$3,000	\$44,500					
Low 51% - 80% AMI	\$45,000	\$3,000	\$42,000					
Moderate 81-120% AMI	\$37,500	\$3,000	\$34,500					

FY 2024-2025

Household Income Levels	Maximum Subsidy Per Household	Project Delivery Fee	Maximum Direct Subsidy To Homebuyer	# Estimated To Close	Total	Award - \$139,706.28 Balance	Mid-Year Performance Measure	Time Frame for Funds to be Expended
Very Low 0 – 50% AMI	\$47,500	\$3,000	\$44,500					
Low 51% - 80% AMI	\$45,000	\$3,000	\$42,000					
Moderate 81-120% AMI	\$37,500	\$3,000	\$34,500					

EXHIBIT E

Homeownership Purchase Assistance Strategy City of Melbourne State Housing Initiatives Partnership Program Excerpt from Local Housing Assistance Plan 2023-2025

Summary: The Purchase Assistance Strategy provides down payment, closing costs, and housing rehabilitation funds to homebuyers purchasing homes within the City limits of Melbourne.

- b. Fiscal Years Covered: 2022-2023, 2023-2024, 2024-2025
- c. Income Categories to be served: Very low, low and moderate
- d. Maximum award: \$47,500
 - Very low-income \$37,500 \$47,500 (Max) with rehabilitation included
 - Low-income \$35,000 \$45,000 (Max) with rehabilitation included
 - Moderate-income \$27,500 \$37,500 (Max) with rehabilitation included

When used to purchase an existing home requiring rehabilitation, an additional amount up to \$10,000 is available for any combination of down payment, closing costs and rehabilitation.

- e. Terms:
 - 1. Repayment loan/deferred loan/grant: Awarded as deferred payment loan secured by a note and mortgage.
 - 2. Interest Rate: 0%
 - 3. Years in loan term:
 - Under \$15,000 5 Years
 - \$15,001-\$40,000 10 Years
 - 4. Forgiveness:
 - 5 Years 20% Per Year
 - 10 Years 10% Per Year
 - 5. Repayment: The mortgage constitutes a lien against the property for a fixed period. Upon expiration of such time period, if the homeowner has complied with the loan program the loan is forgiven and the mortgage is deemed satisfied. An owner disposing of an assisted unit prior to expiration of the lien period will also be required to pay the City a share of the net proceeds (if any) from the sale, proportional to the original amount of the SHIP assistance received based on the following formula:

Percentage of Net Proceeds Due to City

City Subsidy/Sale Price at the time of assistance x 100%

EXAMPLE: City Subsidy: \$12,500

Sale Price of home at the time of assistance: \$125,000

Percentage of net proceeds due: $\$12,500 / \$125,000 \times 100\% = 10\%$

Amount of net proceeds due to City when assisted property is sold

e.g. If net proceeds from the sale is \$25,000

Pro-rate share of net proceeds due to City $\$25,000 \times 10\% = \$2,500$

6. Default: The loan will be in default if at any time prior to the end of the lien period if any of the following occurs during the loan term:
- The property ceases to be the principal residence of the homeowner
 - Loss of Homestead Exemption
 - Upon sale or transfer of title
 - Property is vacated and no longer the primary residence of the borrower
 - Property is converted in to rental unit
 - In the event of the borrower's death, the estate of the borrower must provide written notice to the City Manager at least 60 days after the death of the borrower. If such notice is provided, unless prohibited by the funding source, acceptable alternative arrangements may be available, (see attached Exhibit F pg. 3 section VI. Alternative Arrangements).

In the event of non-payment or other default defined above, the City will follow its Housing Assistance Loan Repayment policies attached as Exhibit F.

- f. Recipient Selection Criteria: Eligible applicants will be approved for assistance on a first qualified, first served basis subject to funding availability and to maintain compliance with income-category reservations set forth in §420.9075(5)(g)2. Housing counseling and completion of a City approved homebuyer education class is a requirement for all applicants of the program assistance.
- g. Sponsor Selection Criteria: One (1) eligible sub-recipient will be selected to implement the Purchase Assistance Program using criteria such as, but not limited to, the following:
1. Eligible sponsors must be a not-for profit organization whose primary purpose is the provision of affordable housing.
 2. Eligible sponsors must have demonstrated capacity and experience to administer the program.
 3. Eligible sponsors must be able to operate the program from an office site located so as to be convenient to Melbourne residents.
 4. Eligible sponsors that hire personnel from the Welfare Transition Program or that have personnel currently on staff that were hired from the Welfare Transition Program will be given priority over those sponsors who do not employ personnel from those programs.
 5. The duties of the eligible sponsor may include but are not limited to identification and acquisition of properties, homebuyer application in-take, income certification, work-write up, and rehabilitation of the acquired property and project oversight.
- h. Additional Information: The SHIP funds will be leveraged with institutional first mortgage lender financing and the homebuyer's private sources of funding. To complement the Purchase Assistance Strategy, The City or an eligible sponsor will offer a HUD approved Housing Counseling/Homebuyer Education Program. Mandatory one-on-one counseling will include subjects such as credit report view, determination of housing and debt ratios and what price house an applicant can afford, as well as post-purchase counseling. A City approved homebuyer's education course is mandatory for receipt of assistance under the Purchase Assistance Strategy.

EXHIBIT F
PAP SPONSOR PROCEDURE CHECKLIST

**Purchase Assistance Program
Sponsor Procedure Checklist**

Client Name: _____ **Closing Date:** _____

Address: _____

After Closing (CHI mails the City of Melbourne)

- ☐ Request for Reimbursement Form
- ☐ Community Housing Initiative, Inc. Invoice for the Project Delivery Fee
- ☐ Data Information Sheet (original)
- ☐ Sales Contract (copy)
- ☐ Appraisal, (copy of first three pages)
- ☐ Copy of Wire/Debit Confirmation to Title Company
- ☐ Copy of Closing Disclosure (original signed by homebuyer)
- ☐ Mortgage Note to Second Lien (original signed by homebuyer)
- ☐ Mortgage Security Agreement to Second Lien with Legal Description (Copy) (Recorded)

Documents In Client File at CHI (available for review)

- ☐ Copy of Uniform Residential Appraisal Report
- ☐ Copy of Income Certification and Supporting Third Party Verifications
- ☐ Copy of Community Housing Initiative, Inc. Award Letter
- ☐ Documentation of Attendance at Home Buyer Education class

EXHIBIT G

STATE FUNDS AWARDED FOR PURPOSES OF AUDIT REPORTING

STATE FUNDS AWARDED

CFSA Number: 52.901

State Project Title: STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM

Agency: Florida Housing Finance Corporation

Program: Florida Housing Finance Corporation

Budget Entity: Affordable Housing Financing

Authorization: Sections 420.907 through 420.9079, Florida Statutes

Objectives: To provide funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

Types of Assistance: Grants, Loans, Loan Guarantees, Property

Applicant Type: Local Government

Restrictions: Eligible municipalities are those that achieve Community Development Block Grant Program entitlement status. Funds distributed may not be pledged to pay debt services on any bonds. At least sixty-five percent (65%) of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for home ownership for eligible persons. At least seventy-five percent (75%) of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing. The sales price or value of new or existing eligible housing may not exceed ninety percent (90%) of the median area purchase price in the area where the eligible housing is located, as established by the United States Department of Treasury. All units constructed, rehabilitated, or otherwise assisted with the funds provided must be occupied by very-low-income persons (thirty percent), low-income persons (thirty percent) or moderate-income persons.

Information Contact:

State Housing Initiatives Partnership Program Administrator
227 North Bronough Street,
Suite 5000
Tallahassee, FL 32301
Telephone: (850) 488-4197 or SUNCOM 278-4197

Website Address: www.floridahousing.org

ATTACHMENT 1

AUDIT CERTIFICATION FORM

TO: City of Melbourne

RE: Annual Financial Audit

20223-2024, and 2024-2025 SHIP Award To: Community Housing Initiative, Inc.

Award Amount: \$ 260,000

Contract Period: January 2026-June 2027

The audit threshold as set out by state law [Florida Statute 215.97(6)] and federal regulation (2 CFR Part 200 Subpart F- Audits) for non-state entities is seven hundred and fifty thousand dollars (\$750,000). All SPONSORS are required to provide the City of Melbourne Housing and Community Development Department with an annual financial audit if the SPONSOR has expended seven hundred and fifty thousand dollars (\$750,000) or more in state or federal funds. The audit is due to the City from the SPONSOR within the earlier of forty-five (45) days from the date the SPONSOR receives the report from its auditor, or nine (9) months after the end of the SPONSOR'S fiscal year.

Community Housing Initiative, Inc.'s Fiscal Year runs from July 1 to June 30

Community Housing Initiative, Inc.'s federal or state – required Financial Audit Report (if required) must be submitted to the City no later than forty-five (45) days from the date the SPONSOR receives the report from its auditor, or nine (9) months after the end of the SPONSOR'S fiscal year, (September 30, 2026) all applicable years.

I HEREBY CERTIFY THAT:

- ☐ 1. Community Housing Initiative, Inc. **is not required** to submit an annual financial audit because the audit threshold of seven hundred and fifty thousand dollars (\$750,000) was not met.
- ☐ 2. Community Housing Initiative, Inc. **is required** to submit an annual financial audit.

SIGNED BY:

(Signature)

(Date)

Nicole Tenpenny, Executive Director
(Typed Name and Title)

**CERTIFICATION MUST BE MADE BY THE EXECUTIVE DIRECTOR, PRESIDENT/CEO
OR CHIEF FINANCIAL OFFICER**

ATTACHMENT 2
Request for Reimbursement Form

City of Melbourne
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM
COMMUNITY HOUSING INITIATIVE, INC.

(To Be Completed By Community Housing Initiative, Inc. Executive Director)	
Contact Person's Name:	<u>Nicole Tenpenny, Executive Director</u>
Mailing Address:	<u>P.O. Box 410522, Melbourne , FL 32941-0522</u>
Phone Number:	<u>(321) 253-0053</u>
Email:	<u>nicole@chibrevard.org</u>
Request Date:	
Request Number:	
Homebuyer Name(s):	
Homebuyer Address:	
Funds are hereby requested for:	
Program Description	
Purchase Assistance Program	
<u>(PAP) 2023-2024 SHIP Funds</u>	<i>FY 2023-2024 \$</i> _____
<u>(PAP) 2024-2025 SHIP Funds</u>	<i>FY 2024-2025 \$</i> _____
Authorizing Signature:	
	Nicole Tenpenny, Executive Director
	Community Housing Initiative, Inc.

(CITY STAFF USE ONLY)		
Reviewed By:		Date
MUNIS Org - Object:		
Purchase Order Number:		
Approved For Payment By:		Date

ATTACHMENT 3
MONTHLY REPORT – PAP APPLICANT SUMMARY
SUBMITTED BY SPONSOR

ATTACHMENT 4
MONTHLY REPORT – PAP FINANCIAL TRACKING
SUBMITTED BY SPONSOR

ATTACHMENT 5
MONTHLY REPORT – PAP SUMMARY
SUBMITTED BY SPONSOR

ATTACHMENT 6
PAP DATA INFORMATION SHEET
CITY OF MELBOURNE / COMMUNITY HOUSING INITIATIVE, INC.

PURCHASE ASSISTANCE PROGRAM
DATA INFORMATION SHEET

Homebuyer Name(s): _____ Closing Date: _____
 Unit Address: _____ Unit Completion Date: _____

INCOME

Housing Authority Client; Public Housing /Section 8: (Yes or No)	Income Category (Mark One)	Household Size	Year Constructed	Actual Income	Program Maximum Income
	VLI LI				

ASSISTANCE

TYPE OF ASSISTANCE		AMOUNT
Direct Homebuyer Subsidy	Down Payment / Closing Costs	
	Repair Costs	
<i>SUBTOTAL</i>		
Indirect Subsidy	Project Delivery	
TOTAL		

CHARACTERISTICS of HEAD of HOUSEHOLD

AGE	RACE	ETHNICITY (Mark <u>one</u> only)	SPECIAL NEEDS <i>NOT</i> limited to Head of Household (Mark all that apply)
	White/Non-Hispanic	Hispanic or Latino	Farm Worker
	Black/Non-Hispanic	Not Hispanic or Latino	Developmentally Disabled
	American Indian/Alaska Native		Homeless
	Native Hawaiian/Pacific Islander		Elderly
	Asian		Other (Specify)
	Other		

UNIT PURCHASE INFORMATION

Sales Price	Appraised Value	1 ST Mortgage Amount	1st Mortgage Terms	Client Contribution	Actual PITI	Standard PITI

Closing Agent: _____

Contractors: _____

1st Mortgage Lender: _____

Realtor: _____

Buyer's Financial Contribution

Earnest Money Deposit:

Appraisal:

HBE:

TOTAL: \$ _____



**Melbourne City Council
January 27, 2026
City Manager's Item Report**

Department:	City Clerk's Office
Presenter:	Justice Stevens
Council District:	2, 5 and 6
Reading Number:	1
Quasi-judicial Item (Disclosure Required):	No
Public Hearing:	No
Item Number:	C.15.

Subject:

Altering the maps of City Council Districts Two, Five, and Six, to include annexation ordinances adopted in 2025.

Background/Consideration:

City Council districts are apportioned based on the latest official Census. The Census data is included in Chapter 22, Elections, of the Melbourne City Code as part of each Council District. Annexations affect the boundaries of Melbourne City Council districts.

Section 22-35(c) of the Melbourne City Code requires the City Council to periodically adopt an ordinance amending the boundaries of districts after property has been annexed. One ordinance is adopted each year to include annexations adopted during the previous 12-month period.

From the period of January 2025 through December 2025, four (4) annexation ordinances were adopted that affect the maps of Melbourne City Council Districts Two, Five, and Six. The attached ordinance recognizes those annexation ordinances and amends the maps of Council Districts Two, Five, and Six.

Fiscal/Budget Impact:

N/A

Requested Action:

Approval of Ordinance No. 2026-03.

Business Impact Estimate

To: Mayor and City Council
From: Kevin McKeown, City Clerk
Date: January 27, 2026
Re: Proposed Ordinance Related to City Council District Maps

Summary of the Proposed Ordinance

The proposed ordinance incorporates annexation ordinances that were adopted in calendar year 2025 that affect the boundaries of Districts 2, 5 and 6.

Estimate of Direct Economic Impact of the Proposed Ordinance on Private, For-Profit Businesses

There are no costs of compliance that businesses may reasonably incur if the ordinance is enacted. There are no new charges or fees on businesses pursuant to the proposed ordinance. There are no new regulatory costs that will be imposed on businesses pursuant to the proposed ordinance. There are no direct economic impacts on private for-profit businesses pursuant to the proposed ordinance.

Good Faith Estimate of Number of Businesses Likely to Be Impacted by the Proposed Ordinance

None.

ORDINANCE NO. 2026-03

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO APPORTIONMENT OF CITY COUNCIL DISTRICTS; MAKING FINDINGS; AMENDING CHAPTER 22 OF THE CITY CODE, ENTITLED "ELECTIONS;" ADOPTING NEW MAPS AMENDING THE BOUNDARIES OF CITY COUNCIL DISTRICTS TWO, FIVE AND SIX; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, Section 22-35(c), City Code, provides that periodically, after newly annexed territories have been assigned to appropriate City Council districts, the City Council shall adopt an ordinance amending boundaries of the City Council districts for the sole purpose of adding said newly annexed territories to the district descriptions; and

WHEREAS, during the period January 2025 through December 2025, the City Council adopted four ordinances providing for the annexation of four parcels of land; and

WHEREAS, the real property annexed into the City by Ordinance Nos. 2025-13, 2025-24, 2025-31, and 2025-42 are located in City Council Districts Two, Five and Six, consistent with the regulations for location of districts in Sections 22-35 and 22-36, City Code; and

WHEREAS, the City Council adopts this ordinance in accordance with Section 22-35(c), City of Melbourne Code of Ordinances, the City's Charter and home rule powers set forth in Article VIII, Section 2, Florida Constitution of 1968 and Section 166.021, Florida Statutes.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That Section 22-34 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

Sec. 22-34. Council districts.

For the election of members, other than the mayor, to the city council, the city is divided into six consecutively numbered city council districts of territory. The city is apportioned into city council districts as follows:

(2) Council District 2 is composed of:

* * * *

f. That part of Tract 663.01 made up of:

* * * *

2. That part of blocks 1002, 1004, 1005, 1006, 1009, 1016, 1018, 1022, 1026, 1029, 1031, 1033, 1038, 1045, 2005, 2007, 2012, 2014, 2023, 2027, 2031, 3006 and 3019 located within the city.

* * * *

(5) Council District 5 is composed of:

* * * *

h. That part of Tract 646.02 made up of:

* * * *

2. That part of blocks 1002, 1007, 2005, 2006, 2015, 2016, 2017, 2020, 2022, 2028, 2030, 2031, 2032, 2033, 2034 and 2037 located within the city.

* * * *

(6) Council District 6 is composed of:

* * * *

e. That part of Tract 641.30 made up of:

1. Blocks 3023, 3025, 3029, ~~and 3045,~~ and 3050 located within the city.

* * * *

SECTION 2. Adoption of Maps. That attached hereto and incorporated herein by this reference are revised maps of City Council Districts Two, Five and Six to reflect the annexations accomplished by Ordinance No. 2025-13 recorded in Official Records Book 10295, Page 2633, Public Records of Brevard County, Florida, Ordinance No. 2025-24 recorded in Official Records Book 10358, Page 564, Public Records of Brevard County, Florida, Ordinance No. 2025-31

recorded in Official Records Book 10390, Page 2943, Public Records of Brevard County, Florida, and Ordinance No. 2025-42 recorded in Official Records Book 10440, Page 1062, Public Records of Brevard County, Florida.

The attached maps supersede the maps of City Council Districts Two, Five and Six previously adopted.

SECTION 3. Severability/Interpretation Clause.

(a) That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, illegal, or otherwise void by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, or other declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (****) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 5. That this ordinance was passed on the first reading at a regular meeting of the City Council on the day of , 2026 and adopted on the second and final reading at a regular meeting of the City Council on the day of , 2026.

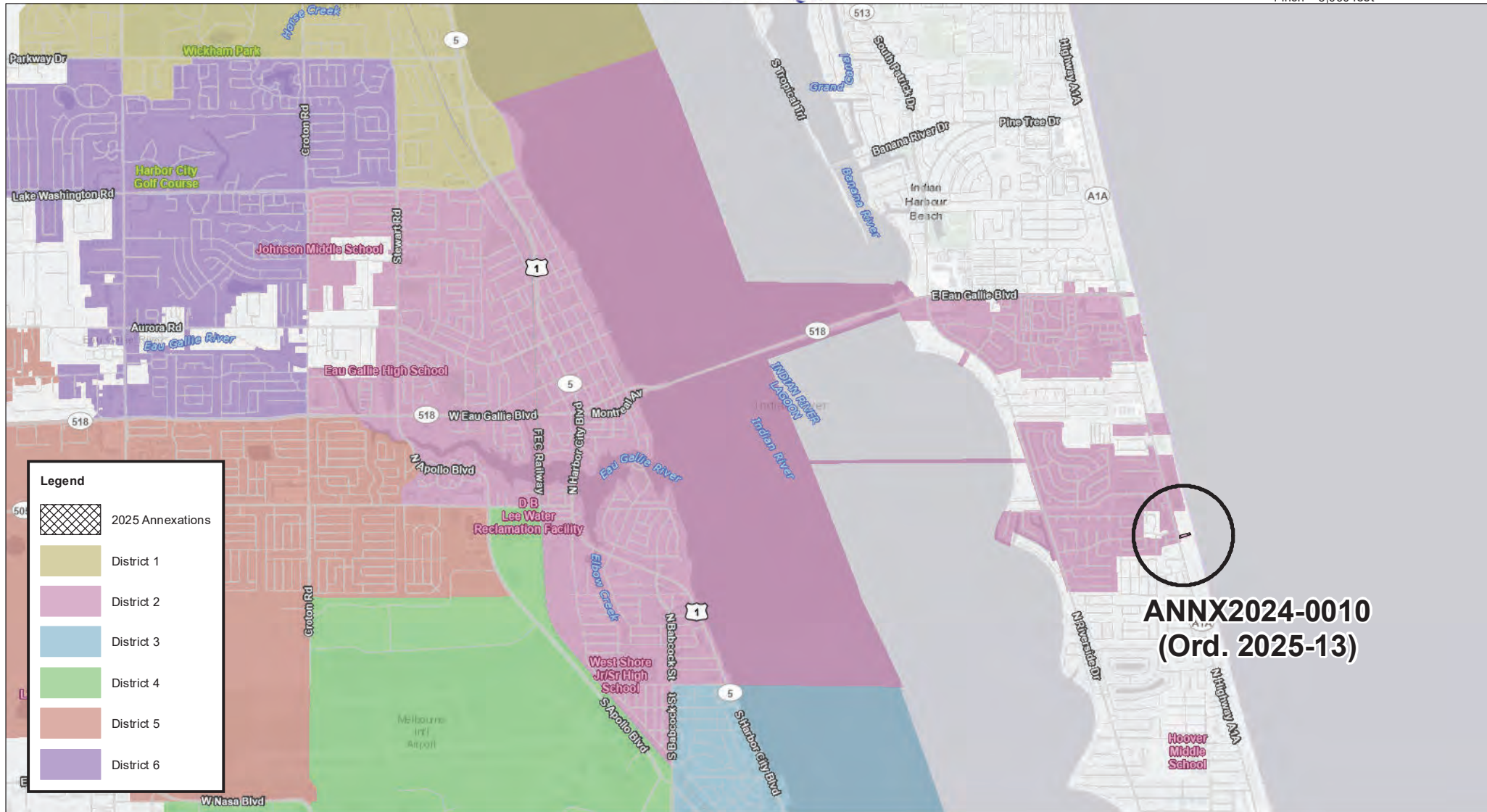
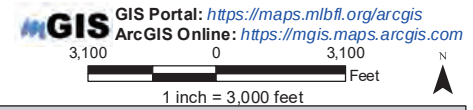
BY: _____
Paul Alfrey, Mayor

ATTEST: _____
Kevin McKeown, City Clerk

[CITY SEAL]

Attachments: Maps of Council Districts Two, Five and Six
Ordinance No. 2026-03

Map for Ordinance Incorporating 2025 Annexations (District 2)



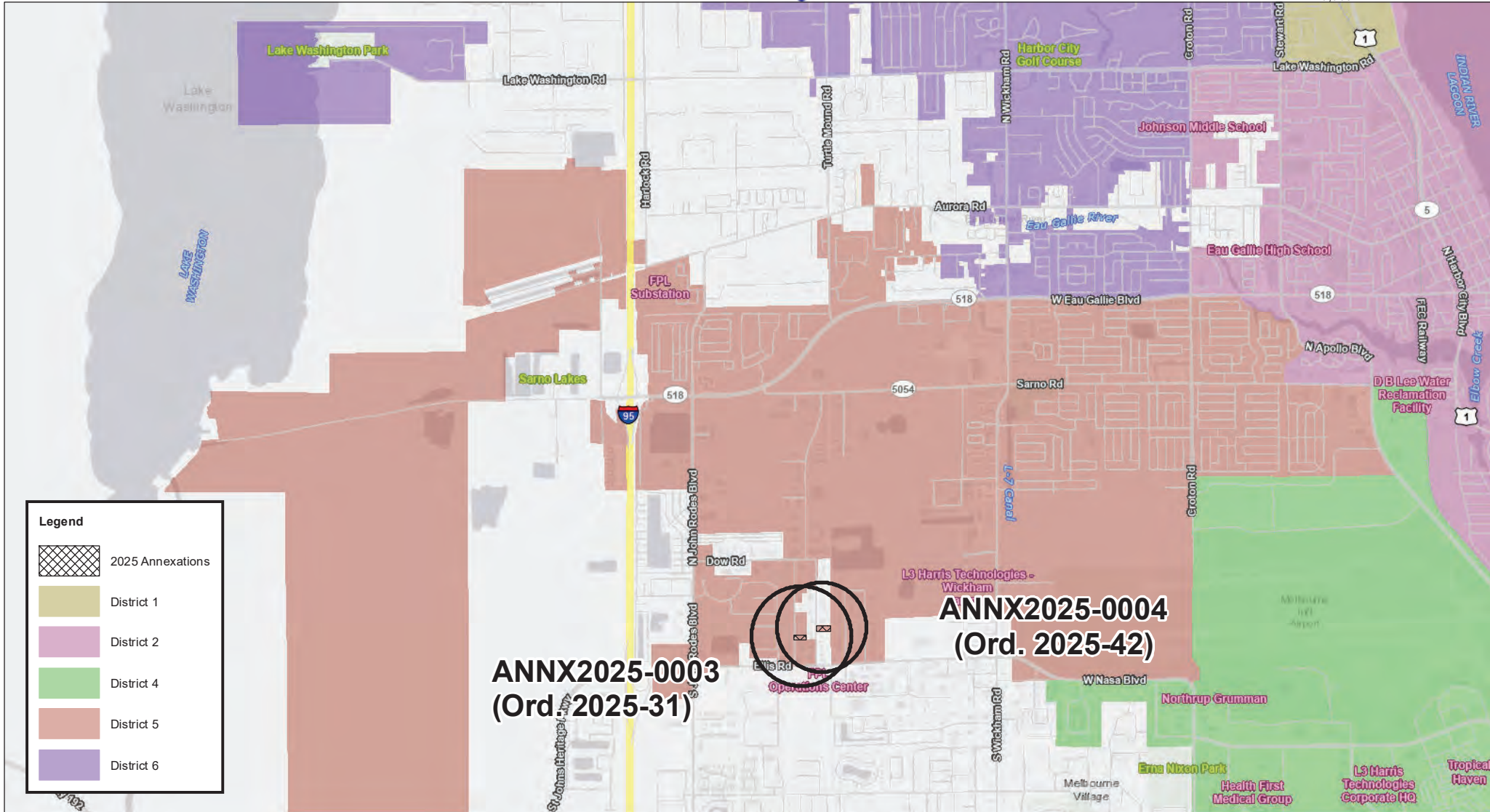
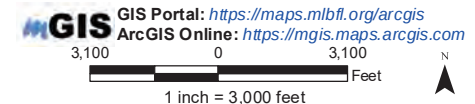
**ANNX2024-0010
(Ord. 2025-13)**

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Title: Map for Ordinance Incorporating 2025 Annexations (District 2)
 Author: John Struckman
 Department/Division: IT Department, GIS Division
 Last Updated: 1/8/2026 11:02:12 AM
 Document Name: Ticket#32639_CouncilDistrict_2_11x17
 Document Location: \\ad.mlbfl.org\shares\Maps\GIS Team\jstruckman\ServReq-Incidents\CityClerks\JMcKown\Ticket#32639_CouncilDistrict_2_11x17.mxd

City of Melbourne
 Information Technology Department
 GIS Division
 900 E Strawbridge Av Room 324
 Melbourne, FL 32801
 P: (321) 608.7700
 Fax: (321) 608.7719
 Email: GIS@mlbfl.org

Map for Ordinance Incorporating 2024 Annexations (District 5)



Legend

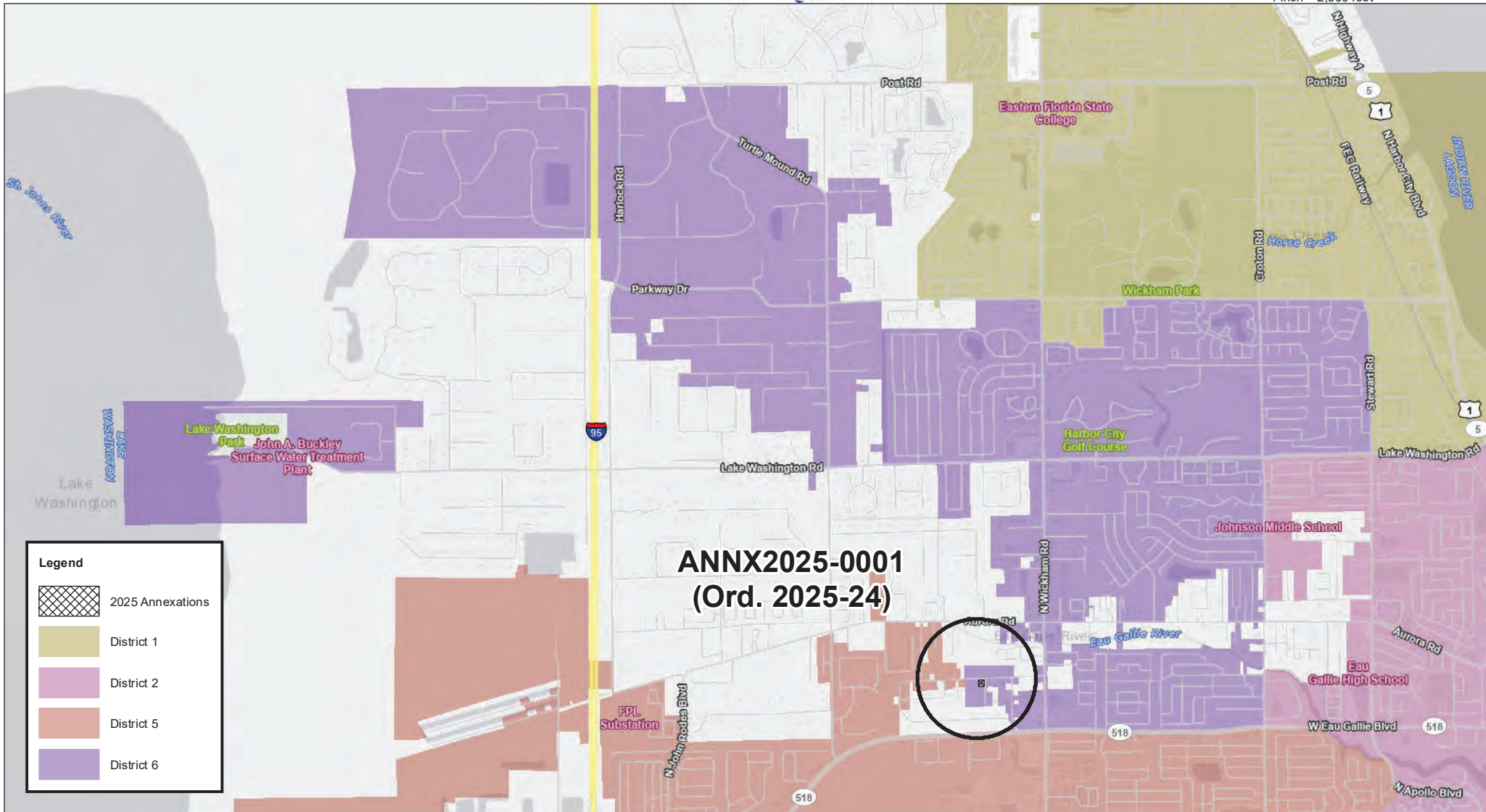
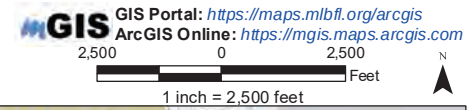
- 2025 Annexations
- District 1
- District 2
- District 4
- District 5
- District 6

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Title: Map for Ordinance Incorporating 2024 Annexations (District 5)
 Author: John Struckman
 Department/Division: IT Department, GIS Division
 Last Updated: 1/8/2026 11:02:16 AM
 Document Name: Ticket#32639_CouncilDistrict_5_11x17
 Document Location: \\ad.mlbfl.org\shares\Maps\GIS Team\jstruckman\ServReq-Incidents\CityClerks\KMckown\Ticket#32639_CouncilDistrict_5_11x17.mxd

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Map for Ordinance Incorporating 2025 Annexations (District 6)



- Legend**
- 2025 Annexations
 - District 1
 - District 2
 - District 5
 - District 6

**ANNX2025-0001
(Ord. 2025-24)**

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Title: Map for Ordinance Incorporating 2025 Annexations (District 6)
 Author: John Struckman
 Department/Division: IT Department, GIS Division
 Last Updated: 1/8/2026 11:06:01 AM
 Document Name: Ticket#32639_CouncilDistrict_6_11x17
 Document Location: \\ad.mlbfl.org\shares\Maps\GIS Team\Struckman\ServReq-Incidents\CityClerks\KMcKown\Ticket#32639_CouncilDistrict_6_11x17.mxd

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