



PLANNING AND ZONING BOARD MEETING

City of Indian Harbour Beach, Florida

Wednesday, May 6, 2026, at 7:00 PM

City Hall Council Chamber | 2055 South Patrick Drive

AGENDA

Planning & Zoning Board

Bruce Moia – Chair

Jose Fuenmayor – Board Member

Dan Green – Board Member

Veronica Selivanova – Board Member

Scott Syring – Board Member

Linda Jimeian – Alternate Member

Staff

David Wiles – Building Official

Maria Lalonde – Administrative Assistant

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENT MEDITATION**
- 3. ROLL CALL**
- 4. ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA**
- 5. APPROVAL OF MINUTES**
 - a. Planning & Zoning Meeting 03.04.2026
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
 - a. **Ordinance No. 2026-07: Storage of watercraft and watercraft trailers**
 - b. **Ordinance No. 2026-05: Administrative Platting Code Amendment**
 - c. **Ordinance No. 2026-06: P-2 zoning code amendment**

d.

**Ordinance No. 2026-08: Reasonable accommodation and recovery
residences code amendment**

8. BOARD MEMBER COMMENTS

9. ADJOURN

**PLEASE NOTE: TWO OR MORE CITY COUNCIL MEMBERS MAY BE
PRESENT IN THE AUDIENCE.**

ALL PERSONS WISHING TO BE HEARD SHOULD APPEAR IN PERSON AT THESE HEARINGS OR SEND WRITTEN COMMENTS TO THE CITY CLERK. ALL PERSONS AND PARTIES ARE HEREBY ADVISED THAT IF THEY SHOULD DECIDE TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THE PUBLIC MEETING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FSS 286.0105. IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), ANYONE WHO NEEDS SPECIAL ACCOMMODATION FOR THIS MEETING SHOULD CONTACT THE CITY CLERK AT 321-773-3181 AT LEAST 48 HOURS IN ADVANCE OF THIS MEETING.



PLANNING AND ZONING BOARD MEETING

City of Indian Harbour Beach, Florida

Wednesday, March 4, 2026, at 7:00 PM

City Hall Council Chamber | 2055 South Patrick Drive

MEETING MINUTES

Planning & Zoning Board

Bruce Moia – Chair

Jose Fuenmayor – Board Member

Dan Green – Board Member

Veronica Selivanova – Board Member

Scott Syring – Board Member

Linda Jimeian – Alternate Member

Staff

David Wiles – Building Official

Maria Lalonde – Administrative Assistant

1. CALL TO ORDER

Chairman Moia called the meeting to order at 7:00 pm

2. PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENT MEDITATION

3. ROLL CALL

Chairman Moia called Roll Call. All members were present. Also in attendance, Assistant to the City Manager, Orrie Covert.

4. ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA

None.

5. APPROVAL OF MINUTES

a. Planning & Zoning Meeting: January 7, 2026

Motion by Chairman Moia to approve the minutes, seconded by Board Member Syring, motion carried 5-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

a. Ordinance No. 2026-01 Storage of commercial trailers and watercraft

The board expressed concerns about the Ordinance, including its wording, enforcement, size restrictions, and business licensing issues. There was some opposition to allowing commercial trailers and watercraft at residences, and concerns that allowing them would get out of hand.

Motion by Board Member Selivanova recommending that the City Council not approve Ordinance No. 2026-01, seconded by Board Member Green, carried 5-0.

8. BOARD MEMBER COMMENTS

9. PUBLIC FORUM

The following people spoke:

- Deb Fuenmayor - 124 Island View Drive
- Todd Alspaugh - 1214 Yacht Club Blvd
- Craig Tomchick - 924 Golden Beach Blvd
- Fred Shope - 923 Golden Beach Blvd
- Neil Yorio - 211 Wimico Dr
- Carol Broussard - 509 Carriage Rd
- David Nutt Sr. - 645 Desoto Ln
- Lynda Richard - 11 Yacht Club Ln
- Chris Richard - 11 Yacht Club Ln
- Kevin Hayes - 2 Yacht Club Ln
- Randy Neuman - 235 Marion St
- Adam Azar - 215 Atlantic Blvd
- David Nutt Jr. - 105 Anona Pl

10. ADJOURN

Chairman Moia adjourned the meeting at 8:15 pm.

X_____

Chairperson/Board Member



PLANNING AND ZONING BOARD
City of Indian Harbour Beach, Florida
Wednesday, May 6, 2026

AGENDA ITEM

Ordinance No. 2026-07: Storage of watercraft and watercraft trailers

Cost: N/A

Attachments: Ord 2026-07 Watercraft and Trailers
Ordinance 2026-07 Business Impact Estimate 12May26

Staff Recommendation:

Consider recommending approval of Ordinance No. 2026-07 to allow residents to store watercraft and watercraft trailers in front of their homes under specific circumstances.

Background Information:

January 9, 2018

Ordinance No. 2017-10 was adopted by the City Council, changing the Code from allowing the parking of watercraft and trailers under 35 feet in length in front of homes to a prohibition of parking all watercraft and trailers unless they were parked to the rear of the front principal building line. Additionally, a maximum of 48-hour temporary parking was added to the Code.

March 4, 2025

At the FY26 Budget kickoff workshop, City Council members expressed frustration with the current level of code enforcement and directed staff to include an additional code enforcement officer in the FY26 Proposed Budget (ultimately, the new position was not

included in the FY26 Approved Budget due to lower-than-anticipated property tax receipts).

May 13, 2025

At a City Council workshop, staff presented specific code enforcement issues (i.e., vague or unenforceable), one of which was the parking of watercraft and trailers. Staff presented options (i.e., strictly enforce, legalize with size/location limitations, or legalize all parking)—the City Council reached a consensus to start strictly enforcing the current prohibition after a sufficient public education effort.

Early July

Article in July/August Harbour Highlights

October 14, 2025

Code Enforcement agenda item at the City Council meeting. Staff proposed revising the enforcement mechanism for watercraft and trailer parking violations to mirror the process for RV parking violations, with the City Council's consensus to allow staff to develop an ordinance making the changes.

Late October

Article in November/December Harbour Highlights

Mid-November

Staff mailed courtesy letters giving homeowners 90 days' notice before a formal notice of violation letter would be mailed.

City Attorney Bohne developed Draft Ordinance No. 2026-01

December 9, 2025

In response to residents' concerns, the City Council directed staff to pause stricter enforcement and scheduled a workshop to discuss revising the current code prohibition

against parking boats in front of single-family homes.

January 14, 2026

After hearing from residents at a workshop, the City Council reached a consensus to have staff draft an ordinance allowing residents with home-based businesses to store business-related trailers and/or watercraft in front of their homes and to advertise this meeting and two City Council meetings in the next applicable *Harbour Highlights*.

Late February

Article in March/April Harbour Highlights

March 4, 2026

The Planning and Zoning Board reviewed Ordinance No. 2026-01 and voted unanimously to recommend that the City Council not approve the ordinance.

March 10, 2026

The City Council voted not to approve Ordinance No. 2026-01 and advised staff to draft a new ordinance.

March 24, 2026

The City Council reviewed the draft Ordinance No. 2026-07 and offered suggested changes dealing with the maximum watercraft size, definition of improved surface, side setbacks, number of boat trailers, and language requiring watercraft and watercraft trailers to be owned by the property owner.

April 14, 2026

The City Council further reviewed the draft ordinance and discussed height and length restrictions and permitting. The City Council agreed to add a permit requirement.

Late April

Article in May/June Harbour Highlights

May 6, 2026

The Planning and Zoning Board's recommendation will be forwarded to the City Council for the first reading of Ordinance No. 2026-07 on May 12, 2026.

ORDINANCE NO. 2026 - 07

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 16 OF ARTICLE XIII, SUPPLEMENTARY DISTRICT REGULATIONS, OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY RELATING TO PARKING AND STORAGE OF WATERCRAFT AND WATERCRAFT TRAILERS OR COMBINATION THEREOF; AMENDING SECTION 16(c) REGARDING THE PARKING OF WATERCRAFT AND WATERCRAFT TRAILERS ON RESIDENTIAL PROPERTY; AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY; ADDING A NEW SECTION 19-18.1 PROVIDING FOR PARKING REGULATIONS FOR WATERCRAFT, WATERCRAFT TRAILERS OR COMBINATION THEREOF IN RESIDENTIAL ZONES; PROVIDING FOR CONFLICTS, SEVERABILITY, INCORPORATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council desires to promote harmony of residents within residential zoning districts; and,

WHEREAS, the City Council desires to afford watercraft owners a reasonable period of time for loading and unloading of personal items prior to and after using their trailer or watercraft; and,

WHEREAS, the City Council recognizes the current Code of Ordinances language regulating watercraft parking in residential zones has enforcement challenges; and,

WHEREAS, the City Council desires to preserve the residential character and aesthetics of residentially zoned areas of the City; and,

WHEREAS, limiting the parking of watercraft and watercraft trailers in residentially zoned areas of the City will promote the general health, safety and welfare and promote the residential character and aesthetics of residentially zoned areas of the City; and,

WHEREAS, the City Council desires to modify the parking regulations regarding watercraft and watercraft trailers in residential zones and enforcement mechanisms available to staff regarding violation of trailer and watercraft parking regulations; and,

WHEREAS, the City's Planning and Zoning Board on _____ 2026, held a duly noticed public hearing, reviewed Ordinance No. 2026-____, and forwarded its recommendation to the City Council; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Indian Harbour Beach, Brevard County, Florida that:

SECTION 1: Section 16 (c) of Article XIII of Appendix A of the Code of Ordinances of the City is hereby amended and shall read as follows:

“Sec. 16. Parking and storage of vehicles.

• • •

- (c) No watercraft and watercraft trailers, or combination thereof watercraft, shall may be parked or stored in any residential zoning classification except in accordance with Section 19-18.1 of Chapter 19 of the Code of Ordinances of the City. , except to the rear of the front principal building line. Any such vehicles, regardless of their location, shall have attached, at all times, a current vehicle registration license plate or vessel registration, if applicable. A trailer or watercraft may be temporarily parked or stored on the paved portion of the owner's driveway for up to forty-eight (48) consecutive hours."

SECTION 2: A new Section 19-18.1 is hereby added to Chapter 19 of the Code of Ordinances of the City to read as follows:

"Sec. 19-18.1. Parking of Watercraft and Watercraft Trailers.

Watercraft and Watercraft Trailers, as defined in Article XIII, Section 16 of Appendix A, may be parked in residentially zoned areas in accordance with the following:

(1) Watercraft and Watercraft Trailers exceeding 26 feet. No watercraft exceeding 26 feet overall in length shall be parked, stored or kept on premises in a residential zone except in the rear yard of such premises or in the side yard of such premises or if parked or kept within a garage or other opaque structure enclosed on at least three sides. In no case shall any part of a watercraft and watercraft trailer block or impair pedestrian travel on any sidewalk.

(2) Watercraft and Watercraft Trailers, or a combination thereof, not exceeding 26 feet in length. Watercraft not exceeding 26 feet overall in length may be parked, stored or kept in the front in a residential zone under the following conditions and restrictions:

a. The watercraft and watercraft trailer cannot fit in any side yard or rear yard. For purposes of this subsection, the phrase "cannot fit in any side yard" shall mean the watercraft or watercraft trailer cannot physically fit between the house and the side lot property line or side lot fence. A margin of 12" on each side of the watercraft or watercraft trailer is to be used when determining if sufficient room is available to park a watercraft and watercraft trailer on the side of a house. This measurement may include consideration of permanent improvements such as air conditioning equipment, electric meters, pool equipment and irrigation wells, located in the side yard.

b. The watercraft and watercraft trailer or combination thereof must be parked on a concrete or paved driveway or surface or on a pervious surface composed of solid pavers, gravel, and crushed coquina rock. Such impervious surface shall be maintained and free of grass, weeds, vegetation, debris or other trash and garbage and kept and maintained in a reasonably neat and clean appearance so as not to be or become an eyesore detracting from the aesthetic quality of the premises and neighborhood. In no event shall any such watercraft and watercraft trailer or combination thereof be allowed to encroach on a street or into any right of way or block or impair pedestrian travel on any sidewalk.

c. The watercraft and watercraft trailer or combination thereof shall not be parked on any premises so as to impair or obstruct the visibility or line of sight of the operator of any motor vehicle traveling upon any street or thoroughfare.

d. The height of the watercraft and watercraft trailer shall not exceed 14 feet measured vertically from the finished ground elevation to the top of the watercraft or to the top of any embellishment affixed to the watercraft including, but not limited to, antenna, decks or towers.

e. All open and interior areas of the watercraft must be kept covered with an opaque cover of canvas, nylon, plastic or similar sturdy material securely fastened to the watercraft in such a manner as to effectively prevent ready or easy access into the boat by children under ten years of age and so as to prevent visibility into the interior of the watercraft by persons traveling on public property. The term "open and interior areas of the boat" shall mean areas of the watercraft, other than decks and exterior walkways, designed to be occupied by passengers and operators of the watercraft.

f. The watercraft must bear a current and valid State registration number and decal.

g. The watercraft trailer must bear a current and valid State license plate.

h. The watercraft must be used primarily for recreational purposes.

i. Watercraft trailers must have wheels on all axles and such wheels shall be required to be inflated.

j. All watercraft must be affixed to a watercraft trailer.

k. The watercraft and watercraft trailer registration and license plate must identify the same address of the property at which such watercraft and watercraft trailer is parked, stores or kept.

l. The watercraft and watercraft trailer or combination thereof, and watercraft cover must be kept and maintained in a reasonably neat and clean appearance so as not to be or become an eyesore detracting from the aesthetic quality of the premises and neighborhood.

(3) *Permit required, City inspection rights and Authorizations:* Any person desiring to park, store or keep a watercraft and watercraft trailer in the front yard pursuant to subsection (2) must apply for a permit from the City on an application form provided by the City. Such application shall at a minimum contain the following requirements:

a. Name and address of applicant;

b. A provision requiring the submission of a copy of the current watercraft title and watercraft trailer registration;

c. length of the watercraft;

d. length of the watercraft trailer;

e. side yard measurements;

f. a sketch depicting where the watercraft and watercraft trailer will be parked, stored or kept in the front yard;

g. height of water craft as provided for in subsection (2) d, above;

h. A provision requiring the submission of a color photograph of the watercraft and watercraft trailer which is desired to be parked, stored or kept in the front yard.

The applicant, by submitting an application pursuant to this code, authorizes City personnel to enter upon the subject premises to verify the information contained in the application prior to the permit being issued. Upon approval the City shall issue a permit authorizing the parking, storing or keeping of the watercraft and watercraft trailer in the front yard of the premises. The City shall also issue a permit decal which must be placed upon the watercraft. The applicant

does authorize City personnel to enter upon the premises after the permit and decal has been issued for the limited purpose of verifying that the decal has been placed upon the watercraft. The permit and decal are non-transferable to any other watercraft or watercraft trailer.

SECTION 3: Section 19-21(a)(1) of Chapter 19 of the Code of Ordinances of the City is hereby amended to read as follows:

“Sec. 19-21. - Penalties.

- (a) Any person cited for a violation of sections 19-18, 19-19, or 19-20 of this article and Section 16 (c) of Article XIII of Appendix A of the Code of Ordinances of the City shall be deemed to be charged with a noncriminal violation and shall be assessed a civil penalty, if such penalty is paid within the time period in subsection 19-23(a), according to the following schedule:

- (1) Thirty-five dollars (\$35.00) for a violation of subsections 19-18(a)(1) through (9); or 19-18(b)(5), or (f). ”
- (2) Twenty dollars (\$20.00) for a violation of subsections 19-18(b)(1), (3), (4), and (6) through (8); 19-19.
- (3) Fifty dollars (\$50.00) for a violation of subsections 19-18(b)(2) and (b)(9) and Section 16 (c) of Article XIII of Appendix A of the Code of Ordinances of the City
- (4) One hundred dollars (\$100.00) for a violation of subsection 19-20.

Section 4: Conflicts. Any and all Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

Section 5: Severability. If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this and the provision of this Ordinance are declared severable.

Section 6. The City Clerk is hereby directed to incorporate the provisions of this ordinance into the City’s Code of Ordinances.

Section 7: Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA ON THIS ____ DAY OF _____, 2026

CITY OF INDIAN HARBOUR BEACH
BREVARD COUNTY, FLORIDA

Scott Nickle
Mayor

ATTEST:

Nikki Gold
City Clerk

First Reading: _____, 2026

Second Reading: _____, 2026

Indian Harbour Beach Business Impact Estimate

This estimate shall be posted on the City's website no later than the date the required notice is published in accordance with F.S. 166.041(3)(a).

Proposed ordinance's title/reference:

ORDINANCE NO. 2026-07

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 16 OF ARTICLE XIII, SUPPLEMENTARY DISTRICT REGULATIONS, OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY RELATING TO PARKING AND STORAGE OF WATERCRAFT AND WATERCRAFT TRAILERS OR COMBINATION THEREOF; AMENDING SECTION 16(c) REGARDING THE PARKING OF WATERCRAFT AND WATERCRAFT TRAILERS ON RESIDENTIAL PROPERTY; AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY; ADDING A NEW SECTION 19-18.1 PROVIDING FOR PARKING REGULATIONS FOR WATERCRAFT, WATERCRAFT TRAILERS OR COMBINATION THEREOF IN RESIDENTIAL ZONES; PROVIDING FOR CONFLICTS, SEVERABILITY, INCORPORATION AND AN EFFECTIVE DATE.

In accordance with F.S. 166.041(4)(c) and related to the above proposed ordinance and a requirement for a Business Impact Estimate (select one):

- ☒ No exceptions apply, see Business Impact Estimate below
- ☐ Exception(s) apply, however, the city has completed a Business Impact Estimate below to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance
- ☐ Exception(s) apply and a Business Impact Estimate is not required

Mark any exceptions (select all that apply, or none):

- ☐ Ordinance is required for compliance with federal or state law or regulation
- ☐ Ordinance relates to the issuance or refinancing of debt
- ☐ Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget
- ☐ Ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the city
- ☐ Ordinance is an emergency ordinance
- ☐ Ordinance relates to procurement
- ☐ Ordinance enacted to implement:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

Indian Harbour Beach Business Impact Estimate

- b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
- c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
- d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

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

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare of the city):

Response:

Ordinance No. 2026-07 will enable residents and residents with home-based businesses that use boats or trailers to store their boat and/or trailer in front of their home. The public purpose of this ordinance to be more friendly to residents.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the city, including the following, if any:

- a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted;
- b. Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and
- c. An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

Response:

The direct economic impact on businesses is 1) the elimination of storage fees if the business owner current pays for off-site storage.

3. Good faith estimate of the number of businesses in the city likely to be impacted by the proposed ordinance:

Response:

As of February 20, 2026, there were 137 home businesses within the City.

7. Additional information the city determines may be useful:

Response:

N/A



PLANNING AND ZONING BOARD
City of Indian Harbour Beach, Florida
Wednesday, May 6, 2026

AGENDA ITEM

Ordinance No. 2026-05: Administrative Platting Code Amendment

Cost: N/A

Attachments: Ordinance 2026-05 Subdivision Plat Approval
SB 784 - Platting
Business Impact Estimate - Ord. 2026-05 Subdivision plat approval

Staff Recommendation:

Consider recommending approval of Ordinance No. 2026-05 to comply with Florida law by providing for administrative approval of final plats.

Background Information:

Senate Bill 784 ("Pro-Housing Development Law") was signed by into law on June 20, 2025, and is provided for in F.S. Section 177.071.

Beginning July 1, 2025, this legislation mandates that local governments implement an administrative approval process for plats and re-plats that are ready for recording. The intent of this legislation is to streamline the approval process for code-compliant plats by removing the requirement for public hearings.

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

1. Requires a governing body to establish an administrative approval process for a final plat

or re-plat.

2. Requires a governing body 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 to designate an administrative official who is responsible for approving, approving with conditions, or denying a proposed plat 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.

Text Amendments

The proposed code amendment conforms to the requirements of F.S. 177.071. To summarize the proposed code amendments:

- Clarifies that preliminary plats remain subject to review by the planning and zoning board and city council
- Clarifies that final plats are administratively reviewed and determined
- Provides definitions for new terms used in the amendment
- Sets forth submittal, review, and approval processes for preliminary and final plats
- Revises some existing subdivision regulations related to utility and drainage easements and right-of-way width
- Clarifies the process for subdivision construction plan approval and timing with the preliminary and final plat

Staff plans to return with more detailed proposed text amendments regarding submittal requirements and technical regulations. This ordinance is intended to efficiently comply

with the intent of state law.

Findings of Consistency

The proposed code amendment is consistent and compatible with the adopted Comprehensive Plan and aligns with the goals, objectives, and policies of the City, as well as with Florida Statutes.

Comprehensive Plan Citation	Text	Consistency Rationale
Objective IG-1 and Policy IG-1.2	The City shall review policies of the State, regional entities and Brevard County to ensure conformance of the City's plan with those of these other governments.	The proposed amendment fulfills state law.
Policy H-13.2	The City shall continue to encourage the private housing development sector to establish positive measures to expand housing opportunities to all segments of the population of the metropolitan area in which Indian Harbour Beach is located.	This code amendment allows for a more streamlined approval process for final plats, which should expedite the process for future subdivisions.

Business Impact Statement

This item is exempt from requiring a business impact estimate, as the proposed ordinance changes are required to comply with state law. In the spirit of transparency, one is attached anyway.

ORDINANCE NO. 2026 - 05

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, RELATING TO LAND DEVELOPMENT; AMENDING SUBSECTION (3) OF ARTICLE XVII OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY RELATING AUTHORITY AND DUTIES OF THE PLANNING AND ZONING BOARD; AMENDING CHAPTER 100, DEFINITIONS, OF APPENDIX B OF THE CODE OF ORDINANCES ADDING A DEFINITION OF “ADMINISTRATIVE AUTHORITY” AND ADMINISTRATIVE OFFICIAL; AMENDING THE DEFINITION OF “DEVELOPMENT PLAN”, “FINAL PLAT”, “PLAT”, “PRELIMINARY PLAT” AND “SUBDIVISION”; AMENDING SECTION 103-2, SUBDIVISION PLAT APPROVAL AS A PREREQUISITE FOR ISSUANCE OF BUILDING PERMIT; AMENDING SECTION 103-3, PRELIMINARY PLAT APPROVAL; AMENDING SECTION 103-4 RENAMING SAID SECTION “SUBDIVISION CONSTRUCTION PLAN APPROVAL”; PROVIDING FOR REQUIREMENTS FOR SUBMITTAL OF SUBDIVISION CONSTRUCTION PLANS; PROVIDING FOR A SUBMITTAL AND REVIEW PROCESS OF SUBDIVISION CONSTRUCTION PLANS; AMENDING SECTION 103-5 FINAL PLAT APPROVAL; AMENDING SECTION 103-06, RECORDING OF FINAL PLAT, DELETION OF SECTION 103-7 IN ITS ENTIRETY, CHANGE IN APPROVED PLAT; PROVIDING FOR CONFLICTS, SEVERABILITY, INCORPORATION, AND AN EFFECTIVE DATE.

WHEREAS, on June 20, 2025, Governor Ron DeSantis signed Senate Bill 784, requiring 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 May 6, 2026, conducted a public hearing with regard to the proposed amendments, and found same to be consistent with the City of Indian Harbour Beach 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.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Indian Harbour Beach, Brevard County, Florida that:

SECTION 1: Subsection (3) of Article XVII of Appendix A of the Code of Ordinances of the City is hereby amended and shall read as follows:

ARTICLE XVII. PLANNING AND ZONING BOARD

The Planning and Zoning Board of Indian Harbour Beach shall consist of five (5) voting members who shall be appointed by the city council and one (1) nonvoting member who shall be appointed by the School Board of

Brevard County. Each voting member shall serve a three-year term, except that of the five (5) members initially appointed, two (2) members shall serve terms of two (2) years. Each member of the board shall possess the qualifications set forth in article XVI, section 1 of the Charter, during his or her term on the board. The sixth nonvoting member shall serve a term of one (1) year. The School Board of Brevard County shall either reappoint the existing member or appoint a new member upon the expiration of the term of the current nonvoting member appointed by the school board. The sixth nonvoting member of the planning and zoning board shall only attend meetings at which the planning and zoning board considers comprehensive plan amendments and/or rezonings that would, if approved, increase residential density on the property that is the subject of the application. Members of the planning and zoning board shall be subject to removal and a vacancy on the board of a voting member shall be filled as provided in the said section of the Charter. A vacancy on the planning and zoning board of the nonvoting member appointed by the School Board of Brevard County shall be filled at the discretion of the school board:

* * *

- (3) *Authority and duties of the planning and zoning board.* The voting members of the planning and zoning board shall have the following authorities and duties:
- A. To act in an advisory capacity to the city council on questions relating to planning and zoning, to conduct investigations on matters concerning planning proposals or zoning changes, and to report its findings and recommendations on such proposals to the city council.
 - B. To recommend to the city council such amendments to this ordinance as the board may deem proper, expedient or necessary to clarify or to carry into effect the purposes hereof.
 - C. To hear applicants and submit recommendations to the city council or the zoning board of appeals with respect to the following:
 - (1) Proposed change of the permitted use of any specifically designated property.
 - (2) Applications for conditional land use.
 - (3) Proposed amendments to the zoning ordinance.
 - (4) Proposed preliminary subdivision plats.
 - (5) Proposed site plans and other planning matters, not including subdivision construction plans.
 - (6) Applications for special exceptions.

* * * * *

SECTION 2: Chapter 100 of Appendix B of the Code of Ordinances of the City is hereby amended and shall read as follows:

CHAPTER 100. DEFINITIONS

For the purposes of this Land Development Code, the following terms, phrases, words and their derivation shall have the meanings given herein when not inconsistent with the text. Words used in the present tense include the future tense. Words used in the singular number include the plural and words used in the plural include the singular. The word "shall" is mandatory and the word "may" is permissive. The word "person" includes a firm, partnership, trust, estate, company, association and organization, whether for profit or nonprofit, individual, co-partnership, joint venture or corporation.

For the purpose of this code, certain words or phrases shall be defined as follows: Webster's New Collegiate Dictionary (G&C Merriam Co., most recent edition) shall be used for the definition of any words not defined in this Glossary.

Administrative authority. The building department, which has the oversight responsibility to receive, review, and process a plat or replat submittal.

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

Alley. A minor roadway which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

* * * * *

Development plan. Any subdivision plat, subdivision construction plan, or site plan which is the subject of this code.

* * * * *

Filling. The deposit or burial of materials, such as land clearing debris, soil, rock or other solid minerals, onto any land. Does not include landfilling with garbage or other similar waste matter; landfilling.

Final plat. The final map or drawing on which the subdivider's plan of subdivision is presented to the city 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.

Finger. A manmade portion of land nearly surrounded by water, consisting of a roadway ending in a cul-de-sac and lots on both sides of the road; the lots about the roadway and the water.

* * * * *

Plat. A map or delineated representation of the subdivision of land showing the designation of such land as lot(s), block(s), parcel(s), or other portions thereof, and other information as required by Chapter 177, part I of the Florida Statutes, as amended from time to time. "Plat" may include the terms "replat," "amended plat," or "revised plat." See also "preliminary plat" and "final plat".

Platted land. Any land which can be referenced to a plat.

Potable water. Water which is satisfactory for drinking and culinary purposes and which meets the quality standards of the Florida Department of Environmental Regulation, Chapter 17-22, Florida Administrative Code.

Preliminary plat. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the building department and the planning and zoning board for recommendations, and to the city council for approval.

Project. The particular structures and improvements proposed by the applicant on a land area which are part of a common plan of development and shall include the subdivision of land.

* * * * *

Subdivision. The division of a parcel of land, into ~~two (2)~~ three (3) or more lots or parcels of land for the purpose of transfer of ownership or building development, or if a new street is involved, any division of any parcel of land. "Subdivision" includes resubdivision and when appropriate to the context, shall relate to the process of subdividing, or to the land subdivided.

* * * * *

SECTION 3: Section 103-02 of Appendix B of the Code of Ordinances of the City is hereby amended and shall read as follows:

Sec. 103-2. Subdivision plat approval as a prerequisite for issuance of building permit.

No permit for construction of a residential or commercial building shall be issued for any building site in a subdivision unless and until a preliminary plat, subdivision construction plans, and a final plat have been submitted to and approved by the city in accordance with the provisions of this chapter. Construction shall not commence

until all outside agency permits have been obtained and provided to the city. If modifications to approved construction plans are necessary due to outside permit agency requirements, the subdivider shall notify the city and resubmittal of the construction plans may be required, at the discretion of the building official. Any site which has been previously developed or approved for development pursuant to a city approved site plan may be converted to a platted subdivision upon submittal and approval of a subdivision plat meeting all the requirements of chapter 103 of the land development regulations of the city and the requirements of Chapter 177 of the Florida Statutes now in existence or as amended.

SECTION 4: Section 103-03 of Appendix B of the Code of Ordinances of the City is hereby amended and shall read as follows:

Sec. 103-3. Preliminary plat approval.

A preliminary plat shall be submitted and approved in accordance with the following requirements:

- (1) Pre-application conference. The applicant shall, prior to submitting his preliminary plat, meet with the building official to discuss his basic plat requirements and to consider preliminary features of the site and the proposed development.
- (2) Requirements for submission of preliminary plat. Following the pre-application conference, the applicant shall submit ~~seven (7) copies of a preliminary plat~~ a digital copy of the preliminary plat to the building official together with such fee as the city may from time to time establish. The application shall be accompanied by proof of ownership and owner authorization, along with authorization to represent, if necessary. ~~T~~he preliminary plat shall be prepared by a surveyor, civil engineer or architect registered in the State of Florida and shall comply with the following:

* * * * *

- (g) Easements along rear and side lot lines shall be provided for water, sewer and drainage, where necessary; and if provided, shall be no less than ~~ten (10)~~ five (5) feet in width.

* * * * *

- (q) Street right-of-way widths shall be as shown in the comprehensive plan of the city, and where not shown therein, shall be not less than as shown on the following table:

Street Type	Right-of-Way in Feet
Arterial	100 feet
Collector	66 feet
~~Minor for Townhouses and Apartments~~	~~60 feet~~
<u>Local Road</u> ~~Minor for Single-Family Residences~~	50 feet
Marginal Access	40 feet

* * * * *

- (3) Administrative review. The building official shall provide for administrative review of each preliminary plat by such administrative personnel as he may deem appropriate or as may be required by the administrative regulations of the city or Florida Statutes. At a minimum, each preliminary plat application shall be reviewed and commented upon by the building official, the police department, city engineer and the fire department prior to review by the planning and zoning board. The building official will coordinate with the subdivider 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 have been addressed, the preliminary plat shall be scheduled for public hearing. The results of the

administrative review shall be submitted in writing to both the planning and zoning board and the city council as part of the review procedures set forth herein below. Provided; however, any such submittal which does not contain the information required by subsection 103-3(2) shall ~~be rejected by the building official and will not be forwarded for further review until such information has been submitted. In such a case the application and fee shall be returned, less administrative costs, and a new preliminary plat application and fee shall be submitted in accordance with this chapter.~~

- (4) ~~Review by the planning and zoning board/local planning agency. Upon completion of the administrative review set forth in the preceding paragraph, t~~The preliminary ~~site plan plat~~ shall be submitted for review ~~and recommendation~~ by the planning and zoning board. In its review, the planning and zoning board shall consider conformity with the comprehensive plan and the land development regulations. ~~the following factors:~~

- ~~(a) A verification that proposed lot sizes and block dimensions are adequate to meet the requirements of this chapter and of the city's zoning ordinance.~~
- ~~(b) The convenience of access, circulation, control and safety of street traffic.~~
- ~~(c) Whether all lots shown on the preliminary plat have adequate access to a public street.~~
- ~~(d) The adequacy of public utilities and access roads or streets to provide service to the proposed subdivision.~~
- ~~(e) Density of development within the framework of density permitted by the city's comprehensive plan and the city's zoning ordinance.~~
- ~~(f) Recreation and open spaces with attention to the location and size of such areas in regard to their adequacy and their relationships to community-wide open spaces and recreation facilities.~~

Upon completing its review, Tthe planning and zoning board shall make findings and recommendations to the city council ~~for their approval, approval with conditions,~~ or disapproval of the preliminary plat, and shall make specific findings in the recommendation with respect to the factors described above. 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 or comprehensive plan with which the preliminary plat does not comply. The subdivider shall be notified of the recommendation. Where justified by specific findings, the planning and zoning board may recommend that one (1) or more modifications of the preliminary plat be made as a condition of approval by the city council. The planning and zoning board shall submit recommendations to the city council within forty-five (45) days after receipt of the preliminary plat and no later than one (1) week from the date of any public meeting held with respect to the preliminary plat.

- (5) ~~Review by the city council and approval. Upon completion of the review by the planning and zoning board as set forth in the preceding subsection, t~~The preliminary plat shall be reviewed by the city council ~~and the recommendation of the planning and zoning board and city staff shall be considered. The city council shall specifically include in the records of its deliberations the results of the review by the city administrative staff and the review by the planning and zoning board.~~ The city council shall also consider those specific factors set forth in the preceding subsection of this section. Following such consideration the city council shall vote to approve or disapprove the preliminary plat, and may, as part of any approval, impose such reasonable conditions upon the applicant as may be necessary to ~~insure~~ensure compatibility of the proposed subdivision with surrounding areas.
- (6) 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. A preliminary plat shall not form the basis for the issuance of a building permit by the city or for the commencement of any construction by the applicant unless and until the construction plans have also been approved.
- (7) 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 subdivider or their successors desire to make any changes to said preliminary plat after approval, such changes shall first be submitted to the building official 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 provision of this ordinance and the city's comprehensive plan. Criteria for substantial changes shall include the following:

- (a) Changes in use category or the addition of a new use category.
 - (b) Changes in proposed final ownership of tracts.
 - (c) Requests to change ownership/responsibilities of infrastructure (such as public versus private infrastructure).
 - (d) Increase in density (10% or greater of the number of dwelling units) or intensity (10% or greater usable floor area).
 - (e) Increase or decrease in the number of vehicular access points.
 - (f) Increase of 20% or greater traffic generation.
 - (g) Reduction in open space/recreation areas by more than 10%.
 - (h) Changes in location or function of open space/recreation areas.
 - (i) 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 for single family residential zoning district.
 - (j) Any modification to the preliminary plat that fails to comply with the conditions specifically required by City Council.
- (8) Preliminary plat approval expiration and extension. Preliminary plat approvals shall expire 18 months after approval. Approval may be extended one time for up to an additional 6 months with approval from the building official.

SECTION 5: Section 103-04 of Appendix B of the Code of Ordinances of the City is hereby amended and shall read as follows:

Sec. 103-4. Use of preliminary plat following approval. Subdivision construction plan approval.

When approved by the city council a preliminary plat may be used by the applicant to obtain priority for, or approval of, sewer connections from Brevard County, and to obtain approval of the subdivision depicted on the preliminary plat from any other applicable government agency. A preliminary plat shall not form the basis for the issuance of a building permit by the city or for the commencement of any construction by the applicant unless and until the plat has received approval from the city as a final plat as provided in the next following section of this chapter.

(1) Subdivision construction plans prepared and certified by a licensed and registered State of Florida engineer or architect and substantially in conformance with the preliminary plat shall be submitted to the building official and must include the following, in addition to any other necessary information requested by the city:

- (a) Name, location, owner and designer of the proposed subdivision.
- (b) A vicinity map showing contiguous areas and streets including means of ingress and egress thereto.

- (d) A surface and storm drainage plan meeting the requirements of all applicable state agencies and showing the following:
 - (i) One (1) foot contours based upon coast and geodetic data,
 - (ii) Proposed finished elevation of each street,
 - (iii) All existing and proposed drainage facilities with size and grades,
 - (iv) Proposed disposal of surface water run-off,
 - (v) Stormwater retention/drainage facilities and such calculations for drainage and stormwater run-off as may be required by the city engineer.
 - (vi) Provide on the stormwater plans the name or the waterbody receiving the stormwater from the site on the city's stormwater system.
- (e) Engineering details of an adequate potable water supply system designed by a registered professional engineer and approved by the city engineer. Such system shall be so sized as to provide adequate fire protection in compliance with the recommendations of the National Fire Protection Association.
- (f) Engineering details of an adequate sanitary sewer collection system designed by a registered professional engineer and approved by the city engineer. Such system shall include interceptor sewers, lift stations and such appurtenances as required to deliver sewage to the public sanitary sewer system within the city.
- (g) Streets complying with all provisions of this chapter applicable to subdivision streets and meeting all applicable technical specifications and construction methods for streets.
- (h) Street names for each street selected in accordance with the provisions of this chapter.
- (2) Fees. The fees for subdivision construction plan review are set forth by resolution and approved by city council from time to time.
- (3) Review of subdivision construction plan. The building official shall coordinate the review of the subdivision-related construction plans and associated documents, receiving comments from applicable city staff and such other public officials or agencies determined to be necessary by the building official or their designee. Staff will coordinate with the applicant to address city comments.
- (4) 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 preconstruction 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 preconstruction conference which shall be scheduled by the building official or their designee.
 - (c) Plan approval. Upon completion of the previously identified steps, the building official 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 building official.
- (5) 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 building official.
- b) All work shall conform to all city regulations and shall be subject to the inspection and approval of the building official 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 building official or their designee shall make regular inspections to verify that the work meets all code requirements.
- c) Sidewalks. The developer or owner of undeveloped lots shall provide sidewalks on such lots remaining vacant after three years 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 125% of the cost of construction of said sidewalks, as estimated by the building official, as a condition of final approval and acceptance of a certificate of completion. The owner/developer may periodically reduce the bond amount to account for the units already constructed.

(6) Guarantee of incomplete improvements. When 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 building official, the approval of the plat shall be subject to the subdivider guaranteeing the installation of said improvements in the form of a performance and payment bond or other adequate security approved by the city attorney. This bond shall be deposited with the city clerk in the amount of one hundred twenty-five (125) percent of the estimated cost of completion of such improvements, including fill dirt, as determined by the building official. 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.

(7) 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 building official.

SECTION 6: Section 103-05 of Appendix B of the Code of Ordinances of the City is hereby amended and shall read as follows:

Sec. 103-5. Final plat approval.

- (1) Requirements for submission of final plat. An applicant who has received approval of a preliminary plat may submit a final plat once construction plans have been approved for approval by the city once he has obtained approval of the plat from all other applicable government agencies and has received from Brevard County approval for appropriate sewage disposal connections (either sewer system connection or septic tank permits). The final site plan plat application shall include the following detailed information:
 - (a) Name, location, owner and designer of the proposed subdivision.
 - (b) A vicinity map showing contiguous areas and streets including means of ingress and egress thereto.
 - (c) A digital version of the final plat and two copies printed at 24 inches by 36 inches, prepared, signed, and sealed by a State of Florida registered surveyor. A recordable-The final plat shall meeting all applicable requirements of state law Florida Statutes and the requirements of the clerk of the circuit court of Brevard County, for formal recording. 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.
 - (d) A surface and storm drainage plan meeting the requirements of all applicable state agencies and showing the following:
 - (i) One (1) foot contours based upon coast and geodetic data,

- (ii) ~~Proposed finished elevation of each street,~~
 - (iii) ~~All existing and proposed drainage facilities with size and grades,~~
 - (iv) ~~Proposed disposal of surface water run-off,~~
 - (v) ~~Stormwater retention/drainage facilities and such calculations for drainage and stormwater run-off as may be required by the city engineer.~~
 - (vi) ~~Provide on the stormwater plans the name or the waterbody receiving the stormwater from the site on the city's stormwater system.~~
 - (e) ~~Engineering details of an adequate potable water supply system designed by a registered professional engineer and approved by the city engineer. Such system shall be so sized as to provide adequate fire protection in compliance with the recommendations of the National Fire Protection Association.~~
 - (f) ~~Engineering details of an adequate sanitary sewer collection system designed by a registered professional engineer and approved by the city engineer. Such system shall include interceptor sewers, lift stations and such appurtenances as required to deliver sewage to the public sanitary sewer system within the city.~~
 - (g) ~~Streets complying with all provisions of this chapter applicable to subdivision streets and meeting all applicable technical specifications and construction methods for streets.~~
 - (h) Street names for each street selected in accordance with the provisions of this chapter.
 - (i) A certificate by the ~~city engineer~~ building official certifying that the developer has complied with one (1) of the following alternatives:
 - (i) All subdivision improvements have been installed in accordance with the requirements of this chapter ~~and the approved construction plan~~, or
 - (ii) A bond for subdivision improvements indicated on the approved construction plan approved by the city attorney or other adequate security approved by the city attorney has been deposited with the city clerk in the amount of one hundred twenty-five (125) percent of the estimated cost of completion of such improvements by the city engineer.
 - (j) The final form of all protective covenants, if any, to be imposed on the subdivision by the developer, with a letter of approval thereof by the city attorney.
 - (k) Any other documents, forms or agreements required by the city or Florida Statutes, including proof of ownership and owner authorization, along with authorization to represent, if necessary.
- (2) Administrative review and approval. The application for final plat approval shall be submitted to the administrative authority to review and process the application. ~~reviewed by the building official and all other appropriate members of the city administrative staff. The administrative official shall determine if the final plat is substantially consistent with the preliminary plat and complies with the requirements of Florida Statutes 177.091. Based on this analysis, the administrative official shall approve, approve with conditions, or deny the final plat-. If the administrative official does not approve the final plat, they shall notify the subdivider in writing of the reasons for declining to approve the submittal, identifying all areas of noncompliance and include specific citations to each requirement the plat submittal fails to meet.~~ may be approved in writing by the building official following such administrative review if the building official determines that there are no significant differences between the preliminary plat and the final plat. For purposes of this paragraph, a change in the number of lots of ten (10) percent or more, any change in traffic flow or lot configuration within the development and any change in the location of ingress and egress to the subdivision shall be deemed to be a significant difference.
- (3) Review by the planning and zoning board and the city council ~~Substantial change.~~ If there are significant ~~substantial~~ differences between the approved preliminary plat and construction plans and the final plat as defined in Section 103-3 (7) ~~as defined in the preceding paragraph~~, the subdivider final plat ~~shall be reviewed~~

~~by the planning and zoning board and the city council prior to approval must either amend the final plat or go back through the preliminary plat and/or construction plan review and approval process by submitting new applications and paying new fees. Such review of a final plat by the planning and zoning board and the city council shall be the same as provided in this section for review and approval of a preliminary plat. The developer shall pay an additional fee equal to that for preliminary plat review in order to defray the city's costs of such final plat review by the city's public bodies.~~

SECTION 7: Section 103-06 of Appendix B of the Code of Ordinances of the City is hereby amended and shall read as follows:

Sec. 103-6. Recording of final plat.

As soon as practicable after administrative approval of a final plat by the city, the developer shall record the said plat with the clerk of the court of Brevard County, together with applicable joinders of mortgage holders and protective covenants, if any. Upon such recording the developer shall provide the city, at the developer's cost, with copies of such recorded instruments.

SECTION 8: Section 103-07 of Appendix B of the Code of Ordinances of the City is hereby ~~deleted in its entirety~~:

~~Sec. 103-7. Changes in approved plats.~~

~~After the final plat has been approved as provided in this chapter, the subdivision shall be built in accordance with the approved final plat. If, after such approval, the developer desires to make changes in the final plat, such changes shall first be submitted to the building official. If the building official determines that the proposed change constitutes a significant difference (as defined in subsection 103-5(2) from the requirements of the approved final plat, the developer or his successor shall be required to return to the planning and zoning board and the city council for review of the proposed change and shall be required to pay the applicable fee for such review.~~

Section 9: Conflicts. Any and all Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

Section 10: Severability. If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this and the provision of this Ordinance are declared severable.

Section 11. The City Clerk is hereby directed to incorporate the provisions of this ordinance into the City's Code of Ordinances.

Section 12: Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA ON THIS ____ DAY OF _____, 2026

CITY OF INDIAN HARBOUR BEACH
BREVARD COUNTY, FLORIDA

Scott Nickle
Mayor

ATTEST:

Nikki Gold
City Clerk

First Reading: May 12, 2026

Second Reading: May 26, 2026

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1
2 An act relating to platting; amending s. 177.071,
3 F.S.; requiring that certain plat or replat submittals
4 be administratively approved with no further action by
5 certain entities under certain circumstances;
6 requiring the governing body of such county or
7 municipality to designate an administrative authority
8 to receive, review, and process plat or replat
9 submittals; providing requirements for such
10 designation; defining the term "administrative
11 authority"; requiring the administrative authority to
12 submit a certain notice to an applicant; providing
13 requirements for such notice; requiring the
14 administrative authority to approve, approve with
15 conditions, or deny a plat or replat submittal in
16 accordance with the timeframe in the initial written
17 notice to the applicant; requiring the administrative
18 authority to notify the applicant in writing if it
19 declines to approve a plat or replat submittal;
20 requiring that the written notification contain the
21 reasons for denial and other information; prohibiting
22 the administrative authority or other official,
23 employee, agent, or designee from requesting or
24 requiring that the applicant request an extension of
25 time; amending s. 177.111, F.S.; conforming provisions
26 to changes made by the act; providing an effective
27 date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 177.071, Florida Statutes, is amended to read:

177.071 Administrative approval of plats ~~plat~~ by designated county or municipal official ~~governing bodies~~.—

(1)(a) A plat or replat submitted under this part must be administratively approved and no further action or approval by the governing body of a county or municipality is required if the plat or replat complies with the requirements of s. 177.091. The governing body of the county or municipality shall designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.

(b) As used in this section, the term "administrative authority" means a department, division, or other agency of the county or municipality. For purposes of issuing a final administrative approval of a plat or replat submittal, the term also includes an administrative officer or employee designated by the governing body of a county or municipality, including but not limited to, a county administrator or manager, a city manager, a deputy county administrator or manager, a deputy city manager, an assistant county administrator or manager, an assistant city manager, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the county's or municipality's land development, housing, utilities, or public works programs.

(2) Within 7 business days after receipt of a plat or

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replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

(3) Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (2). If the administrative authority does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The administrative authority, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time.

(4)~~(1)~~ Before a plat or replat is offered for recording, it must be administratively approved as required by this section ~~by the appropriate governing body~~, and evidence of such approval must be placed on the plat or replat. If not approved, the governing body must return the plat or replat to the professional surveyor and mapper or the legal entity offering the plat or replat for recordation. For the purposes of this

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part:

(a) When the plat or replat to be submitted for approval is located wholly within the boundaries of a municipality, the ~~governing body of the~~ municipality has exclusive jurisdiction to approve the plat or replat.

(b) When a plat or replat lies wholly within the unincorporated areas of a county, the ~~governing body of the~~ county has exclusive jurisdiction to approve the plat or replat.

(c) When a plat or replat lies within the boundaries of more than one county, municipality, or both ~~governing body~~, two plats or replats must be prepared and each county or municipality ~~governing body~~ has exclusive jurisdiction to approve the plat or replat within its boundaries, unless each county or municipality with jurisdiction over the plat or replat agrees ~~the governing bodies having said jurisdiction agree~~ that one plat is mutually acceptable.

~~(5)(2)~~ Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.

Section 2. Section 177.111, Florida Statutes, is amended to read:

177.111 Instructions for filing plats ~~plat~~.—After the approval by the appropriate administrative authority ~~governing body~~ required by s. 177.071, the plat or replat must ~~shall~~ be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat or replat. The

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circuit court clerk or other recording officer shall maintain in
his or her office a book of the proper size for such papers so
that they will ~~shall~~ not be folded, to be kept in the vault. A
print or photographic copy must be filed in a similar book and
kept in his or her office for the use of the public. The clerk
shall make available to the public a full size copy of the
record plat or replat at a reasonable fee.

Section 3. This act shall take effect July 1, 2025.

Indian Harbour Beach Business Impact Estimate

This estimate shall be posted on the City's website no later than the date the required notice is published in accordance with F.S. 166.041(3)(a).

Proposed ordinance's title/reference:

ORDINANCE NO. 2026-05

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, RELATING TO LAND DEVELOPMENT; AMENDING SUBSECTION (3) OF ARTICLE XVII OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY RELATING AUTHORITY AND DUTIES OF THE PLANNING AND ZONING BOARD; AMENDING CHAPTER 100, DEFINITIONS, OF APPENDIX B OF THE CODE OF ORDINANCES ADDING A DEFINITION OF "ADMINISTRATIVE AUTHORITY" AND ADMINISTRATIVE OFFICIAL; AMENDING THE DEFINITION OF "DEVELOPMENT PLAN", "FINAL PLAT", "PLAT", "PRELIMINARY PLAT" AND "SUBDIVISION"; AMENDING SECTION 103-2, SUBDIVISION PLAT APPROVAL AS A PREREQUISITE FOR ISSUANCE OF BUILDING PERMIT; AMENDING SECTION 103-3, PRELIMINARY PLAT APPROVAL; AMENDING SECTION 103-4 RENAMING SAID SECTION "SUBDIVISION CONSTRUCTION PLAN APPROVAL"; PROVIDING FOR REQUIREMENTS FOR SUBMITTAL OF SUBDIVISION CONSTRUCTION PLANS; PROVIDING FOR A SUBMITTAL AND REVIEW PROCESS OF SUBDIVISION CONSTRUCTION PLANS; AMENDING SECTION 103-5 FINAL PLAT APPROVAL; AMENDING SECTION 103-06, RECORDING OF FINAL PLAT, DELETION OF SECTION 103-7 IN ITS ENTIRETY, CHANGE IN APPROVED PLAT; PROVIDING FOR CONFLICTS, SEVERABILITY, INCORPORATION, AND AN EFFECTIVE DATE.

In accordance with F.S. 166.041(4)(c) and related to the above proposed ordinance and a requirement for a Business Impact Estimate (select one):

- ☐ No exceptions apply, see Business Impact Estimate below
- ☐ Exception(s) apply, however, the city has completed a Business Impact Estimate below to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance
- ☐ Exception(s) apply and a Business Impact Estimate is not required

Mark any exceptions (select all that apply, or none):

- ☒ Ordinance is required for compliance with federal or state law or regulation
- ☐ Ordinance relates to the issuance or refinancing of debt
- ☐ Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget

Indian Harbour Beach Business Impact Estimate

- ☐ Ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the city
- ☐ Ordinance is an emergency ordinance
- ☐ Ordinance relates to procurement
- ☐ Ordinance enacted to implement:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

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

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare of the city):

Response: **The proposed amendment implements the requirements of SEnate Bill 874 requiring certain local governments to provide for the administrative approval of plats and re-plats that are ready for recording.**

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the city, including the following, if any:

- a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted;
- b. Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and
- c. An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

Response: **No direct economic impacts to private, for-profit businesses are anticipated.**

3. Good faith estimate of the number of businesses in the city likely to be impacted by the proposed ordinance:

Response: **None.**

Indian Harbour Beach Business Impact Estimate

7. Additional information the city determines may be useful:

Response: **This proposed ordinance does not impose costs on for-profit businesses in the city.**



PLANNING AND ZONING BOARD
City of Indian Harbour Beach, Florida
Wednesday, May 6, 2026

AGENDA ITEM

Ordinance No. 2026-06: P-2 zoning code amendment

Cost: N/A

Attachments: Ordinance 2026-06 P2 setbacks
Business Impact Estimate - Ord. 2026-06 P-2 Zoning

Staff Recommendation:

Consider recommending approval of Ordinance No. 2026-06 to reduce the minimum building setback from a right-of-way in the P-2 zoning district.

Background Information:

The P-2 zoning district is intended to apply to areas serving the community's needs for public and semipublic facilities of a governmental, educational, or cultural nature. All properties zoned P-2 are either owned by a government agency, such as Indian Harbour Beach or the School Board of Brevard County, or a utility provider, such as Florida Power & Light.

The City of Indian Harbour Beach owns the P-2 zoned property located at 1116 Pine Tree Drive, at the Y-intersection of Pine Tree Drive and Banana River Drive. The fire station and tennis courts are currently located on this property. The City desires to make improvements to this property to expand the fire station. However, current building setbacks along the road right-of-way are prohibitive and can be reduced without

impacting public health, safety or welfare. Optimal placement of government facilities often requires flexibility in site design to maximize the functional utility of public lands.

The proposed amendment to the P-2 zoning code would reduce the minimum setback to the right-of-way line to zero feet. The already established setbacks to side and rear property lines, and to adjacent residential uses, would not change. Refer to the table on the next page for proposed changes to setback requirements.

P-2 Zoning Setback	Current Minimum Setback Requirement	Proposed Minimum Setback Requirement
Perimeter (not adjacent to right-of-way)	25'	25'
Perimeter (adjacent to right-of-way)	25'	0' (if unobstructed sight distance at intersections and driveways is maintained)
Abutting single-family zoning	35'	35'
Arterial or Collector Roadway	50'	0' (if unobstructed sight distance at intersections and driveways is maintained)

Notwithstanding the proposed zero-foot setback allowance, all structures and landscaping would still need to maintain unobstructed sight distance at intersections and driveways. Visibility would be ensured during the required site plan review and approval process.

Building standards differ next to a right-of-way since the structure isn't bordering another private property.

Findings of Consistency

The proposed code amendment is consistent and compatible with the adopted Comprehensive Plan and aligns with the goals, objectives, and policies of the City.

Allowing public facilities like fire stations to maximize their lot usage, the city can fulfill its infrastructure goals while adhering to safety and character standards.

Comprehensive Plan Citation	Text	Consistency Rationale
Policy LU-6.1	The City shall continue to work toward appropriate development on infill parcels.	Reducing the right-of-way setback allows for more usable space to be created on P-2 zoned properties, therefore allowing more meaningful infill development and reducing urban sprawl.
Objective CI-1 and underlying policies	The City shall continue to utilize the Capital Improvements Element as a tool to ensure that capital facilities are made available in a timely manner to satisfy existing deficiencies, accommodate infrastructure needs for planned future growth, and replace obsolete or worn-out facilities.	The code amendment facilitates the timely expansion of public safety infrastructure and directly supports the "public health, safety and welfare" by modernizing essential services.

Business Impact Statement

See attached Business Impact Estimate. No direct economic impacts to private, for-profit business are anticipated.

ORDINANCE NO. 2026 - 06

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE XII, SCHEDULE OF DISTRICT REGULATIONS, OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY; AMENDING SECTION 9B (8), DISTRICT AND INTENT: P-2 INSTITUTIONAL RELATING TO MINIMUM DIMENSIONAL REQUIREMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, INCORPORATION, AND AN EFFECTIVE DATE

WHEREAS, the City of Indian Harbour Beach established the P-2 Institutional District to provide for public and semipublic facilities that serve the governmental, educational, and cultural needs of the community; and

WHEREAS, the P-2 district explicitly permits essential public safety structures, including fire stations and other public safety buildings; and

WHEREAS, the City has identified a critical need to expand and modernize its existing fire station facilities to ensure continued high-quality public safety services for its residents; and

WHEREAS, the current setback requirements from the right-of-way can create unnecessary constraints on the functional expansion and development of public and semi-public properties; and

WHEREAS, the City Council finds that a zero (0) foot setback from property lines abutting a right-of-way is appropriate for the P-2 district to allow for the efficient use of public land; and

WHEREAS, property lines adjacent to single-family residential uses will continue to maintain a minimum of a 35-foot setback; 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 May 6, 2026, conducted a public hearing with regard to the proposed amendments, and found the same to be consistent with the City of Indian Harbour Beach 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.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Indian Harbour Beach, Brevard County, Florida that:

SECTION 1: Section 9B (8) of Article XIII of Appendix A of the Code of Ordinances of the City is hereby amended and shall read as follows:

“Sec. 9B. District and intent: P-2 Institutional.

All principal uses and structures permitted in the P-1 zoning district are permitted in the P-2 zoning district. In addition, the provisions of this district are intended to apply to an area which can serve the needs of the community for public and semipublic facilities of a governmental, educational, or cultural nature. Since the site

and building requirements for such uses vary with the size and type of use, a review and approval of a site plan shall be a prerequisite for approval of any change of zoning to the P-2 classification.

* * * * *

(8) *Minimum dimensional requirements:*

- (A) *Minimum lot area:* Fifteen thousand (15,000) square feet.
- (B) *Minimum lot width:* One hundred (100) feet.
- (C) *Minimum lot depth:* One hundred fifty (150) feet.
- (D) *Perimeter yard requirements:* There shall be a minimum setback of at least twenty-five (25) feet for all uses in this district, except for property lines abutting a right-of-way, where the minimum setback shall be zero (0) feet. ~~and w~~ When a use abuts property zoned for single-family residential use, there shall be a minimum setback of thirty-five (35) feet. Notwithstanding the zero (0) foot setback allowance, all structures and landscaping shall maintain unobstructed sight distance at intersections and driveways.
- ~~(E) *Arterial and collector street yard requirements:* There shall be a minimum fifty-foot setback when a building fronts on a major or minor arterial or collector street.~~
- (F) *Interior setbacks:* There shall meet the requirements necessary for adequate police and fire protection.
- (G) *Parking requirements:* The building official and the planning and zoning board will ascertain that off-street parking standards are met on the submitted site plan according to article XV of this ordinance.
- (H) *Height requirements:* Thirty-five (35) feet maximum.
- (I) *Buffer requirements:* When a P-2 zone abuts a residential zone, a buffer shall be shown on the site plan along with specifications of such buffer."

(Note to codifier re-letter section 9B consistent with this Ordinance)

Section 2: Conflicts. Any and all Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

Section 3: Severability. If any provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and the provisions of this Ordinance are declared severable.

Section 4. The City Clerk is hereby directed to incorporate the provisions of this ordinance into the City's Code of Ordinances.

Section 5: Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA ON THIS ____ DAY OF _____, 2026

CITY OF INDIAN HARBOUR BEACH
BREVARD COUNTY, FLORIDA

Scott Nickle

Mayor

ATTEST:

Nikki Gold
City Clerk

First Reading: May 12, 2026

Second Reading: May 26, 2026

Indian Harbour Beach Business Impact Estimate

This estimate shall be posted on the City's website no later than the date the required notice is published in accordance with F.S. 166.041(3)(a).

Proposed ordinance's title/reference:

ORDINANCE NO. 2026-06

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE XII, SCHEDULE OF DISTRICT REGULATIONS, OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY; AMENDING SECTION 9B (8), DISTRICT AND INTENT: P-2 INSTITUTIONAL RELATING TO MINIMUM DIMENSIONAL REQUIREMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, INCORPORATION, AND AN EFFECTIVE DATE.

In accordance with F.S. 166.041(4)(c) and related to the above proposed ordinance and a requirement for a Business Impact Estimate (select one):

- ☒ No exceptions apply, see Business Impact Estimate below
- ☐ Exception(s) apply, however, the city has completed a Business Impact Estimate below to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance
- ☐ Exception(s) apply and a Business Impact Estimate is not required

Mark any exceptions (select all that apply, or none):

- ☐ Ordinance is required for compliance with federal or state law or regulation
- ☐ Ordinance relates to the issuance or refinancing of debt
- ☐ Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget
- ☐ Ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the city
- ☐ Ordinance is an emergency ordinance
- ☐ Ordinance relates to procurement
- ☐ Ordinance enacted to implement:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or

Indian Harbour Beach Business Impact Estimate

d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code* In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare of the city):

Response: **The proposed amendment to the P-2 zoning code would reduce the minimum setback to the right-of-way line to zero feet. The already established setbacks to side and rear property lines, and to adjacent residential uses, would not change. This will allow for optimal placement of government facilities to maximize the functional utility of public lands and provide for public health, safety, and welfare.**

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the city, including the following, if any:

- a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted;
- b. Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and
- c. An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

Response: **No direct economic impacts to private, for-profit businesses are anticipated. This ordinance only applies to P-2 zoned properties, which are only intended for public or semi-public uses, rather than private business enterprise. No compliance costs, no new charges or fees, and no regulatory costs are anticipated.**

3. Good faith estimate of the number of businesses in the city likely to be impacted by the proposed ordinance:

Response: **None.**

7. Additional information the city determines may be useful:

Response: **This proposed ordinance does not impose costs on for-profit businesses in the city.**



PLANNING AND ZONING BOARD
City of Indian Harbour Beach, Florida
Wednesday, May 6, 2026

AGENDA ITEM

Ordinance No. 2026-08: Reasonable accommodation and recovery residences code amendment

Cost: N/A

Attachments: Ord 2026-08 Reasonable accommodations and certified recovery residences
SB 954
Business Impact Estimate - Ord. 2026-08 reasonable accommodations

Staff Recommendation:

Consider recommending approval of Ordinance No. 2026-08 to comply with applicable law and adopt language that allows a process for reasonable accommodation, including for certified recovery residences.

Background Information:

A “reasonable accommodation” allows individuals with disabilities, as defined by the ADA and Fair Housing Amendments Act, to request changes to land use or zoning rules.

This ordinance adds two new Articles within the Zoning Code:

- Article XXVIII - The proposed “Reasonable Accommodation” language outlines the process for individuals with disabilities to apply for reasonable accommodation, ensuring they have equal access to housing by modifying specific city requirements

when appropriate.

- Article XXIV - The proposed “Reasonable Accommodation; Certified Recovery Residences” language is a requirement resulting from a 2025 state law, Senate Bill (SB) 954: Certified Recovery Residences.

Some of the key components of SB 954 that went into effect July 2025:

- A local government must include a process for requesting reasonable accommodation from any local land use regulation;
- A local government must be consistent with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.;
- A local government must establish a written application process for requesting accommodation;
- A local government is required to date-stamp each application request upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt and allow the applicant 30 days to respond;
- A local government must issue a final written determination on the application within 60 days after receipt. If a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved, unless the parties agree in writing, to a reasonable extension of time;
- A local government will require that the application include basic name and contact information; and
- A local government may not require public hearings beyond the minimum required by law to grant the requested accommodation.

Analysis

SB 954 (2025) requires local governments to create an ordinance that formalizes and regulates reasonable accommodation requests for certified recovery residences regarding land use regulations.

Florida Statutes defines the following:

- “Recovery residence” – a “residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment.”
- “Certified recovery residence” – a “recovery residence that holds a valid certificate of

compliance and is actively managed by a certified recovery residence administrator.”

The City does not currently identify regulations and standards for a recovery residence. They are certified by the Florida Association of Recovery Residences (FARR), which ensures they meet standards for safety, ethical practices, and recovery-oriented services.

The proposed reasonable accommodation process will be in place to address certified recovery residences that may request relief from land use regulations such as zoning, setbacks, parking, etc.

In summary, the Ordinance will:

- Define how an applicant makes a reasonable accommodation request;
- Provides that the City Manager shall be the review authority;
- Provides review procedures for the request;
- Provides finding upon which a reasonable accommodation determination is made;
- Provides that a reasonable accommodation is specific to the application for a certified recovery residence at the identified property and does not run with the land;
- Provides that a granted reasonable accommodation may be revoked for cause; and
- Provides that within 60 days of the termination of the use of the property as a certified recovery residence, the reasonable accommodation shall be removed.

Findings of Consistency

The proposed code amendment is consistent and compatible with the adopted Comprehensive Plan and aligns with the goals, objectives, and policies of the City, as well as with Florida Statutes.

Comprehensive Plan Citation	Text	Consistency Rationale
Objective IG-1 and Policy IG-1.2	The City shall review policies of the State, regional entities and Brevard County to ensure conformance of the City's plan with those of these other governments.	The proposed amendment fulfills state law.
Objective H-2	The City shall work with the public and private sectors to assure adequate and affordable housing for the existing population, anticipated population growth,	The code amendment facilitates the timely expansion of public safety infrastructure and directly supports the “public health, safety and

	and households with special needs. The measurement of this objective is the adequacy of housing to meet the aforementioned needs and the degree to which the following Policies are implemented.	welfare" by modernizing essential services.
Objective H-11	The City shall continue to encourage a supply of housing in the City to meet the needs of existing and future residents, especially those of lower incomes and/or with special housing needs. The measurement of this objective is the extent to which housing needs are met for the general populace, lower income families and those with special needs, plus the degree to which the following Policies are implemented.	The code amendment encourages a housing supply that specifically meets the requirements of residents with special housing needs. By codifying a formal procedure for "reasonable accommodations" for certified recovery residences, the City proactively removes potential regulatory barriers for a population recognized under law as having specialized housing requirements.
Objective H-13 and Policies	The City shall continue to encourage equal housing opportunities for all persons regardless of age, sex, race, religion or ethnic background. The measurement of this objective will be the degree to which the following Policies are implemented. Policy H-13.1 In cooperation with areawide agencies, the City shall continue to enforce the local fair housing ordinance. Policy H-13.2 The City shall continue to encourage the private housing development sector to establish positive measures to expand housing opportunities to all segments of the population of the metropolitan area in which Indian Harbour Beach is located.	This code amendment promotes and maintains equal housing opportunities for all people. Establishing a clear administrative pathway for reasonable accommodation requests is a primary mechanism for ensuring that the City's land development regulations uphold federal and local fair housing practices. By formalizing this process, the City fulfills its stated policy to enforce fair housing standards and ensures that protected classes have equitable access to the residential environment.

Business Impact Statement

This item is exempt from requiring a business impact estimate, as the proposed ordinance changes are required to comply with state law. For transparency purposes said form is

attached anyway.

ORDINANCE NO. 2026 - 08

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, ESTABLISHING ARTICLE XXVIII, SUPPLEMENTARY DISTRICT REGULATIONS, OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY RELATING TO REASONABLE ACCOMMODATIONS TO THE CITY'S ZONING CODE; PROVIDING FOR INTENT, AN APPLICATION PROCESS, REVIEW AND AN REVIEW PROCESS; PROVIDING FOR FINDING MADE BY THE CITY MANAGER IN REGARDS TO AN APPLICATION FOR A REASONABLE ACCOMMODATION; PROVIDING FOR THE DURATION OF A REASONABLE ACCOMMODATION AND OTHER GENERAL PROVISIONS; ESTABLISHING ARTICLE XXIX, SUPPLEMENTARY DISTRICT REGULATIONS, OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY RELATING TO REASONABLE ACCOMMODATIONS FOR CERTIFIED RECOVERY RESIDENCES UNDER THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR INTENT, AN APPLICATION PROCESS, REVIEW AND AN REVIEW PROCESS; PROVIDING FOR FINDING MADE BY THE CITY MANAGER IN REGARDS TO AN APPLICATION FOR A REASONABLE ACCOMMODATION; PROVIDING FOR THE DURATION OF A REASONABLE ACCOMMODATION AND OTHER GENERAL PROVISIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, INCORPORATION AND AN EFFECTIVE DATE.

WHEREAS, a "reasonable accommodation" is the method by which an individual with a disability and/or handicap, as those terms are defined with the federal Americans with Disabilities Act of 1990 as amended and/or the federal Fair Housing Amendments Act of 1988, can request a modification or alteration in the application of a specific land use or zoning provision; and

WHEREAS, the proposed accommodation sought by an individual with a disability and/or handicap must be reasonable and necessary to afford such person has equal access to housing; and

WHEREAS, the City of Indian Harbour Beach does not currently have reasonable accommodation procedures that have been codified within the City Code of Ordinances; and

WHEREAS, the proposed "Reasonable Accommodation—Certified Recovery Residences" is a requirement resulting from the recently passed law, Senate Bill (SB) 954: Certified Recovery Residences, which had an effective date of July 2025; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed this ordinance at its meeting on May 6, 2026, 2026, conducted a public hearing with regard to this ordinance, and found same to be consistent with the City of Indian Harbour Beach Comprehensive Plan; and

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

WHEREAS, the City Council finds it to be in the best interests of its citizens to adopt reasonable accommodation procedures that will permit individuals with disabilities to request reasonable accommodations and, where appropriate, based on the facts and law, to receive reasonable accommodations, as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Indian Harbour Beach, Brevard County, Florida that:

SECTION 1: Article XXVIII of Appendix A of the Code of Ordinances of the City is hereby established and shall read as follows:

Appendix A – Zoning

Article XXVIII. Reasonable accommodation.

- (a) Intent. This section implements the policy of the city for the processing of requests for reasonable accommodation to its ordinances, rules, policies, and procedures for persons with disabilities and/or handicaps as provided by the federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) ("FHAA") and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) ("ADA"). For purposes of this section, a "disabled" person is an individual that qualifies as disabled and/or handicapped under the FHAA and/or ADA. Any person who is disabled qualifying for a reasonable accommodation may request a reasonable accommodation with respect to the city's land use or zoning laws as provided by the FHAA and the ADA and to establish relevant criteria to be used when considering such requests. The purpose of a reasonable accommodation is to modify a specific city requirement to ensure an individual with a disability and/or handicap has equal access to housing. This procedure refers to a limited set of applications; this procedure is not for qualified individuals to make aesthetic changes to property or to unnecessarily avoid regulations.
- (b) Application. A request by an applicant for reasonable accommodation under this section shall be made in writing by completion of a reasonable accommodation request form, which form is maintained by (and shall be submitted to) the office of the city manager. The reasonable accommodation form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request including the following:
 - (1) Name, address and telephone number of applicant.
 - (2) Address of subject property.
 - (3) Consent of the owner of the subject property.
 - (4) Current use of the property.
 - (5) Basis for the claim that the applicant is considered disabled qualifying for reasonable accommodation pursuant to the FHAA and/or the ADA.
 - (6) The code provision, regulation or policy from which reasonable accommodation is being requested.
 - (7) Identification of the specific accommodation requested and why the accommodation is necessary to make the subject property accessible to the individual.
- (c) Review authority. The request for reasonable accommodation shall be reviewed by the city manager.
- (d) Review procedures.
 - (1) The request for a reasonable accommodation shall be reviewed by the city manager within 45 days of receipt of the completed reasonable accommodation request form.

- (2) Upon receipt of a completed request for reasonable accommodation, the city manager may evaluate the application and request staff to prepare a staff report to address the factors listed in sub-section (e) and recommendation of such conditions as may be determined to be necessary to grant a reasonable accommodation given the context of the application.
- (3) If reasonably necessary to reach a determination on the application for reasonable accommodation, the city manager may request additional information from the applicant, specifying in sufficient detail what information is required. The applicant shall have 15 days after the date of the request for additional information to provide the requested information to the city manager. In the event a request for additional information is made, the city manager shall have an additional 45-day period after the receipt of the additional information to review the application. If the applicant fails to provide the requested additional information within said 15-day period, a written notice will be issued advising that the applicant failed to timely submit the additional information, and therefore the request for reasonable accommodation shall be deemed abandoned and/or withdrawn and no further action by the city with regard to said reasonable accommodation request shall be required.
- (4) In making a determination on the application for reasonable accommodation, the city manager shall consider the application, the staff report, if applicable, and any other relevant evidence concerning the request for a reasonable accommodation.
- (5) A written determination conforming to the decision of the city manager shall be rendered within 15 days of the completed review. Any modification to City Code shall be set forth in the written determination with specificity. The written determination may, in accordance with federal law: (i) grant the accommodation request; (ii) grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request; or (iii) deny the request. Any such denial shall be in writing and shall state the grounds for the determination.
- (6) The written determination shall be sent to the applicant to the address set forth on the application.
- (e) *Findings.* The written decision of the city manager on an application for a reasonable accommodation shall be consistent with the FHAA and/or ADA and based on the following factors:
 - (1) Whether the housing, which is the subject of the request, will be used by the individual with a disability qualified for protection under the FHAA and/or ADA. For purposes of this section individuals with disabilities and/or handicapped individual must show: (i) a physical or mental impairment which substantially limits one or more major life activities; (ii) a record of having such impairment; or (iii) that they are regarded as having such impairment.
 - (2) Whether the requested accommodation is reasonable and necessary to provide equal opportunity to the individual with a disability to use and enjoy a dwelling.
 - (3) Whether the requested accommodation would impose an undue financial or administrative burden on the city, in which instance it would not be deemed to be reasonable.
 - (4) Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the city, in which instance it would not be deemed to be reasonable.

- (5) Potential impact on surrounding uses.
- (6) Physical attributes of the property and structures.
- (7) Alternative accommodations which may provide an equivalent level of benefit.

(f) Duration of reasonable accommodation.

- (1) A reasonable accommodation is specific to the individual with a disability living at the identified property and does not run with the land unless the written determination also finds that the modification is physically integrated into the structure and cannot be easily removed or altered to comply with the city's zoning regulations.
- (2) Unless otherwise provided in the written determination, within 60 days of the termination of the tenancy of the individual with the disability, the reasonable accommodation shall be removed.

(g) Applicable general provisions.

- (1) An individual with a disability may apply for a reasonable accommodation on his own behalf or may be represented at all stages of the reasonable accommodation process by an attorney, legally appointed guardian, or other person designated by the individual with a disability as a power of attorney.
- (2) The city shall provide such assistance and accommodation as is required pursuant to FHAA and ADA in connection with a disabled person's request for reasonable accommodation to ensure the process is accessible.
- (3) In the event that a reasonable accommodation is granted, the applicant shall comply with any and all applicable building and/or engineering permitting processes required by City Code.
- (4) A reasonable accommodation does not alter an individual's obligation to comply with other applicable federal, state, county or city requirements, rules, regulations, or laws.

SECTION 2: Article XXIX of Appendix A of the Code of Ordinances of the City is hereby established and shall read as follows:

Article XXIX. Reasonable accommodation; certified recovery residences.

- (a) Intent. This section implements the policy of the city for the processing of requests for reasonable accommodations from any land use regulation that serves to prohibit the establishment of a certified recovery residence as that term is defined in F.S. § 392.311, consistent with the federal Fair Housing Amendments Act of 1988 (42 U.S.C. 3601, et seq.) ("FHAA") and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) ("ADA").
- (b) Application. A request by an applicant for reasonable accommodation under this section shall be made in writing by completion of a reasonable accommodation request form, which form shall be submitted to the office of the city manager. The reasonable accommodation

form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request including, at minimum, the following:

- (1) Name, address and contact information of the applicant or the applicant's authorized representative.
 - (2) Address and parcel identification number of the subject property.
 - (3) Consent of the owner of the subject property.
 - (4) Current use of the property.
 - (5) A description of the accommodation requested and the specific code provision, regulation or policy from which reasonable accommodation is being requested.
 - (6) Explain how the land use regulation from which the accommodation is sought prohibits the establishment of the certified recovery residence.
- (c) *Review authority.* The request for reasonable accommodation shall be reviewed by the city manager.
- (d) *Review procedures.*
- (1) The application shall be date-stamped upon receipt by the city. If additional information is required, the city manager shall notify the applicant within the first 30 days after receipt of the application specifying in sufficient detail what information is required and the applicant shall have 30 days to respond.
 - (2) If reasonably necessary to reach a determination on the application for reasonable accommodation, the city manager may, within the first 30 days after receipt of the application, request additional information from the applicant, specifying in sufficient detail what information is required. The applicant shall have 30 days after the date of the request for additional information to provide the requested information to the city manager. If the applicant fails to provide the requested additional information within said 30-day period, a written notice will be issued advising that the applicant failed to timely submit the additional information, and therefore the request for reasonable accommodation shall be deemed abandoned and/or withdrawn and no further action by the city with regard to said reasonable accommodation request shall be required.
 - (3) Upon receipt of a completed written application for reasonable accommodation, the city manager may evaluate the application and request staff to prepare a staff report to address the factors listed in sub-section (e) and recommendation of such conditions as may be determined to be necessary to grant a reasonable accommodation given the context of the application.
 - (4) In making a determination on the application for reasonable accommodation, the city manager shall consider the application, the staff report, if applicable, and any other relevant evidence concerning the request for a reasonable accommodation.

- (5) A written determination conforming to the decision of the city manager shall be rendered within 60 days after receipt of a complete application. The written determination must: (i) approve the request in whole or in part, with or without conditions; or (ii) deny the request, and shall state with specificity the objective, evidence-based reasons for denial and identify any deficiencies or actions necessary for reconsideration. If a determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.
- (6) The written determination shall be sent to the applicant to the address set forth on the application.
- (e) Findings. The written decision of the city manager on an application for a reasonable accommodation shall be consistent with F.S. § 397.487 and the FHAA and/or ADA and based on the following factors:

 - (1) Whether the housing, which is the subject of the request, qualifies as a certified recovery residence as defined in F.S. § 397.311.
 - (2) Whether the requested accommodation is reasonable and necessary to enable the establishment of a certified recovery residence.
 - (3) Whether the requested accommodation would impose an undue financial or administrative burden on the city.
 - (4) Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the city, in which instance it would not be deemed to be reasonable.
 - (5) Potential impact on surrounding uses.
 - (6) Physical attributes of the property and structures.
 - (7) Alternative accommodations which may provide an equivalent level of benefit.
- (f) Duration of reasonable accommodation.

 - (1) A reasonable accommodation is specific to the application for a certified recovery residence at the identified property and does not run with the land unless the written determination also finds that the modification is physically integrated into the structure and cannot be easily removed or altered to comply with the city's zoning regulations.
 - (2) A reasonable accommodation granted hereunder may be revoked for cause, including but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to maintain certification or licensure required by law, if not reinstated within 180 days.
 - (3) Unless otherwise provided in the written determination, within 60 days of the

termination of the use of the property as a certified recovery residence, the reasonable accommodation shall be removed.

(g) Applicable general provisions.

- (1) An applicant may apply for a reasonable accommodation on his own behalf or may be represented at all stages of the reasonable accommodation process by an attorney, legally appointed guardian, or other person designated by the individual with a disability as a power of attorney.
- (2) The city shall provide such assistance and accommodation as is required pursuant to FHAA and ADA in connection with a request for reasonable accommodation to ensure the process is accessible.
- (3) In the event that a reasonable accommodation is granted, the applicant shall comply with any and all applicable building and/or engineering permitting processes required by this Code.
- (4) A reasonable accommodation does not alter an owner's obligation to comply with other applicable federal, state, county or city requirements, rules, regulations, or laws.

Section 4: Conflicts. Any and all Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

Section 5: Severability. If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this and the provision of this Ordinance are declared severable.

Section 6. The City Clerk is hereby directed to incorporate the provisions of this ordinance into the City's Code of Ordinances.

Section 7: Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA ON THIS ____ DAY OF _____, 2026

CITY OF INDIAN HARBOUR BEACH
BREVARD COUNTY, FLORIDA

Scott Nickle
Mayor

Ordinance No. 2026 – 08 Reasonable accommodations certified recovery residences

ATTEST:

Nikki Gold
City Clerk

First Reading: _____, 2026

Second Reading: _____, 2026

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1
2 An act relating to certified recovery residences;
3 amending s. 397.487, F.S.; requiring, by a specified
4 date, the governing body of each county or
5 municipality to adopt an ordinance to establish
6 procedures for the review and approval of certified
7 recovery residences; requiring that such ordinance
8 include a process for requesting reasonable
9 accommodations from any local land use regulation that
10 serves to prohibit the establishment of a certified
11 recovery residence; specifying criteria for the
12 ordinance; providing that the ordinance may establish
13 additional requirements for the review and approval of
14 reasonable accommodation requests; requiring that such
15 additional requirements be consistent with federal law
16 and not conflict with the act; prohibiting the
17 ordinance from requiring public hearings beyond the
18 minimum required by law; providing that the ordinance
19 may include provisions for revocation of a granted
20 accommodation for cause, if the accommodation is not
21 reinstated within a specified timeframe; providing
22 construction; amending s. 397.4871, F.S.; providing
23 that the personnel-to-resident ratio for a certified
24 recovery residence must be met only when the residents
25 are at the residence; providing that a certified
26 recovery residence administrator for Level IV
27 certified recovery residences which maintains a
28 specified personnel-to-patient ratio has a limitation
29 on the number of residents it may manage; providing an

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effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (15) and (16) are added to section 397.487, Florida Statutes, to read:

397.487 Voluntary certification of recovery residences.—

(15) (a) By January 1, 2026, the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence.

(b) At a minimum, the ordinance must:

1. Be consistent with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

2. Establish a written application process for requesting a reasonable accommodation for the establishment of a certified recovery residence, which application must be submitted to the appropriate local government office.

3. Require the local government to date-stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application and allow the applicant at least 30 days to respond.

4. Require the local government to issue a final written determination on the application within 60 days after receipt of

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a completed application. The determination must:

a. Approve the request in whole or in part, with or without conditions; or

b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

5. Provide that if a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

6. Require that the application include, at a minimum:

a. The name and contact information of the applicant or the applicant's authorized representative;

b. The property address and parcel identification number;
and

c. A description of the accommodation requested and the specific regulation or policy from which relief is sought.

(c) The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests for establishing a certified recovery residence, provided such requirements are consistent with federal law and do not conflict with this subsection.

(d) The ordinance may not require public hearings beyond the minimum required by law to grant the requested accommodation.

(e) The ordinance may include provisions for the revocation of a granted accommodation of a certified recovery residence for cause, including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to

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maintain certification or licensure required under this section,
if not reinstated within 180 days.

(f) The ordinance and establishment of a reasonable
accommodation process does not relieve the local government from
its obligations under the Fair Housing Amendments Act of 1988,
42 U.S.C. ss. 3601 et seq., and Title II of the Americans with
Disabilities Act, 42 U.S.C. ss. 12131 et seq. The regulation for
which the applicant is seeking a reasonable accommodation must
not facially discriminate against or otherwise disparately
impact the applicant.

(16) The application of this section does not supersede any
current or future declaration or declaration of condominium
adopted pursuant to chapter 718; any cooperative document
adopted pursuant to chapter 719; or any declaration or
declaration of covenant adopted pursuant to chapter 720.

Section 2. Paragraph (c) of subsection (8) of section
397.4871, Florida Statutes, is amended to read:

397.4871 Recovery residence administrator certification.—

(8)

(c) Notwithstanding paragraph (b), a Level IV certified
recovery residence operating as community housing as defined in
s. 397.311(9), which residence is actively managed by a
certified recovery residence administrator approved for 100
residents under this section and is wholly owned or controlled
by a licensed service provider, may:

1. Actively manage up to 150 residents so long as the
licensed service provider maintains a service provider
personnel-to-patient ratio of 1 to 8 and maintains onsite
supervision at the residence during times when residents are at

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the residence ~~24 hours a day, 7 days a week,~~ with a personnel-
to-resident ratio of 1 to 10.

2. Actively manage up to 300 residents, so long as the
licensed service provider maintains a service provider
personnel-to-patient ratio of 1 to 8 and maintains onsite
supervision at the residence during times when residents are at
the residence with a personnel-to-resident ratio of 1 to 6.

A certified recovery residence administrator who has been
removed by a certified recovery residence due to termination,
resignation, or any other reason may not continue to actively
manage more than 50 residents for another service provider or
certified recovery residence without being approved by the
credentialing entity.

Section 3. This act shall take effect July 1, 2025.

Indian Harbour Beach Business Impact Estimate

This estimate shall be posted on the City's website no later than the date the required notice is published in accordance with F.S. 166.041(3)(a).

Proposed ordinance's title/reference:

ORDINANCE NO. 2026 – 08

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, ESTABLISHING ARTICLE XXVIII, SUPPLEMENTARY DISTRICT REGULATIONS, OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY RELATING TO REASONABLE ACCOMMODATIONS TO THE CITY'S ZONING CODE; PROVIDING FOR INTENT, AN APPLICATION PROCESS, REVIEW AND AN REVIEW PROCESS; PROVIDING FOR FINDING MADE BY THE CITY MANAGER IN REGARDS TO AN APPLICATION FOR A REASONABLE ACCOMMODATION; PROVIDING FOR THE DURATION OF A REASONABLE ACCOMMODATION AND OTHER GENERAL PROVISIONS; ESTABLISHING ARTICLE XXIX, SUPPLEMENTARY DISTRICT REGULATIONS, OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY RELATING TO REASONABLE ACCOMMODATIONS AND FOR CERTIFIED RECOVERY RESIDENCES UNDER THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR INTENT, AN APPLICATION PROCESS, REVIEW AND AN REVIEW PROCESS; PROVIDING FOR FINDING MADE BY THE CITY MANAGER IN REGARDS TO AN APPLICATION FOR A REASONABLE ACCOMMODATION; PROVIDING FOR THE DURATION OF A REASONABLE ACCOMMODATION AND OTHER GENERAL PROVISIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, INCORPORATION AND AN EFFECTIVE DATE.

In accordance with F.S. 166.041(4)(c) and related to the above proposed ordinance and a requirement for a Business Impact Estimate (select one):

- ☐ No exceptions apply, see Business Impact Estimate below
- ☐ Exception(s) apply, however, the city has completed a Business Impact Estimate below to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance
- ☐ Exception(s) apply and a Business Impact Estimate is not required

Mark any exceptions (select all that apply, or none):

- ☒ Ordinance is required for compliance with federal or state law or regulation
- ☐ Ordinance relates to the issuance or refinancing of debt
- ☐ Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget
- ☐ Ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the city

Indian Harbour Beach Business Impact Estimate

- ☐ Ordinance is an emergency ordinance
- ☐ Ordinance relates to procurement
- ☐ Ordinance enacted to implement:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

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

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare of the city):

Response: **The proposed amendment implements the requirements of Senate Bill 954, requiring certain local governments to provide for adopt language that allows a process for reasonable accommodation, including for certified recovery residences.**

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the city, including the following, if any:

- a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted;
- b. Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and
- c. An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

Response: **No direct economic impacts to private, for-profit businesses are anticipated.**

3. Good faith estimate of the number of businesses in the city likely to be impacted by the proposed ordinance:

Response: **None.**

Indian Harbour Beach Business Impact Estimate

7. Additional information the city determines may be useful:

Response: This proposed ordinance does not impose costs on for-profit businesses in the city.