



BUILDING DEPARTMENT

190 Malabar Road, S.E. • Suite 105 • Palm Bay, FL 32908 • Phone: (321) 953-8924 • Fax: (321) 953-8925

Permit #: _____

MODEL HOME AFFIDAVIT

I, _____, License # _____
(License Holder – PLEASE PRINT) (State or County)

hereby affirm that the following model home located at _____ is to be constructed with a two-car garage door in place and operational prior to selling or renting of the home per the City of Palm Bay Florida – Code of Ordinances, Title XVII: Land Development Code, Chapter 185, Section 185.129 Model Homes.

I have read the above and understand it and will comply with all rules and regulations and statutes.

Printed Name of Property Owner

Signature of Owner or Agent (including Contractor)

Date

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of _____ physical presence or online notarization, this (date) by (name of person acknowledging), who is personally known to me or who has produced (type of identification) as identification.

(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Title or rank)

(Serial number, if any)

STATE OF _____

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me, **by means of** **physical presence**
or **online notarization**, this _____ day of _____ , _____
(year), **by** _____

(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Title or rank)

(Serial number, if any)

§ 185.129 MODEL HOMES.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS. A way for prospective purchasers, visitors and prospective customers to get from parking facilities to the model home. Such access shall be forty-four (44) inches wide and must be either paved in accordance with this code of ordinances or be graded and covered with mulch.

BUILDER. Any person, firm, association, syndicate, partnership, corporation, realtor or corporation who constructs model homes and other residential dwellings for sale to the public.

BUSINESS OFFICE. Facility consisting of desks, files, phone banks, telephone switchboards, typewriters or other equipment usually associated with and utilized in a business office.

BUSINESS TRANSACTION. A business transaction is a transaction between the seller and a potential purchaser other than the signing of a contract of purchase, selection of a lot or house plan, selection of paint colors, selection of cabinets, bathroom fixtures and appliances, and other similar actions by a purchaser in deciding on the purchase of a home.

CONTRACTOR. Any person, firm, association, syndicate, partnership, realtor or corporation engaged in the business of accepting orders or contracts, either as a general other residential dwelling for sale to the public.

DEVELOPER. Any person, firm, association, syndicate, partnership, corporation, realtor, or any business entity owning, utilizing or developing land for the purpose of constructing model homes and other residential dwellings.

MODEL HOME. A finished, single-family residential unit, including units in a multi-family structure and mobile homes for which a certificate of occupancy has been obtained, located in a

residentially zoned district but utilized as an example of a product offered for sale to purchasers (by a realtor, builder, developer or contractor).

(B) Restrictions on use of model home.

- 1) The following shall apply to model homes located on properties zoned RR, RE, RS-1, RS-2, RS-3, SF-1, SF-2, SRE, RM-10, RM-15, RM-20, and RMH:
 - a) A model home shall be constructed as offered for sale. The use or conversion of a model home into a business office is prohibited except that a single desk is permitted, a telephone with a single line, and a telephone fax line is permitted to be maintained in a model home.
 - b) Builders, developers, contractors, subcontractors and real estate people are prohibited from utilizing any model home as a primary, secondary or branch office, storage location for materials or as a general meeting place for the purpose of discussing business between any of the above groups of persons or members of the same group.
 - c) Business transactions are expressly prohibited from occurring within a model home.
 - d) All parking facilities shall be on a private property. There shall be no paving, surfacing or laying of any material within any adjoining right-of-way for parking purposes.
 - e) A model home must otherwise comply with the applicable zoning and sign regulations of the city.
 - f) Model homes are not required to be constructed with garages, even in districts where such garages would normally be required, provided the following criteria are met:
 1. Prior to cessation of the use of the home as a model home, the builder must construct an operational two-car garage door along the front face of the home. This garage door is required to be in place and operational prior to either selling the home or renting the home.
 2. Prior to issuance of a Certificate of Occupancy, the builder must file an affidavit with the Building Division certifying that the requirements of this section will be complied with prior to selling or renting the home for non-model home use.
- 2) Model homes on properties zoned PUD shall comply with the provisions set forth in subsection (1) above except to the extent such provisions are modified by the City Council when the PUD zoning is approved or subsequently amended.

(C) Time for bringing noncomplying use into conformance. Any model home not in compliance with the provisions of this section shall be brought into compliance with these provisions within sixty (60) days of the effective date of this section. Thereafter, violations of the provisions of this section shall be presented to the Code Enforcement Board as provided by law.

('74 Code, § 25-225) (Ord. 89-08, passed 4-27-89; Am. Ord. 89-30, passed 10-5-89; Am. Ord. 2001-85, passed 11-1-01; Am. Ord. 2008-18, passed 4-3-08)