



BUILDING DEPARTMENT

190 Malabar RD SW Ste 105 • Palm Bay, FL 32907 • 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 dwellings 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 DISPLAY GROUP (i.e., prairie homes/model units). Two or more model homes (see definition of **MODEL HOME**) each erected or placed on a separate single lot that meets the minimum requirements for a parcel in the zoning district in which located, for purposes of promoting sales of units for construction or emplacement elsewhere. The lots used in a model display group must be abutting lots.

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/display homes.*

(1) Locations: The following shall apply to model homes and model display groups (prairie homes): may be permitted and applied for at locations zoned for RR, RE, RS-1, RS-2, RS-3, SF-1, SF-2, SRE, RM-10, RM-15, RM-20, RMH, PUD, RAC, and Mixed Use.

(a) Each home must be located on a single lot. Model units are permitted in any townhouse or multiple-family building.

(b) Model homes must be connected to water, sewer and electricity and must receive a certificate of occupancy as a model home only, prior to use as a model.

(c) Model homes may be approved only in areas where they will not adversely affect existing residents.

(d) Multiple Model Display Groups are permitted in each subdivision plat (see § [184.15](#)).

(e) Each 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.

(g) Parking: Except when located in a Model Display Group, 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.

For Model Display Groups:

1. Parking. Three off-street vehicular parking spaces, including the garage, shall be provided on the site or on an adjacent vacant property.

2. Off-site parking. Adjacent vacant single-family lot(s) may be used for model home parking. A plan to provide parking on an adjacent parcel shall require ownership by the same or an affidavit of authorization from the property owner as well as a surety deposit payable to the City to convert the property back to a residential or other permitted use when the structure is converted or sold

3. An accessible parking space is required and shall count as one of the three required spaces.

Accessibility requirements shall be met throughout the home, including access per the current Florida Building Code, Accessibility. This shall include handrail and grab bar requirements.

(2) Prohibited uses.

(a) No model home or model unit may be used for living purposes either temporarily or permanently while used as a model home or model unit.

(b) No real estate sales except those incidentals to the sale of model homes, model units or lots within the development may be conducted in a model home or model unit.

(3) Expiration.

(a) Sale. The model home permit shall automatically expire upon the sale or transfer of the model home, provided, however, that, if ownership of the model home is transferred to a qualified company, the model home permit may be transferred to the new owner. In the event the model home is sold, and the permit holder leases the model home from the purchaser, the permit holder may continue to operate the model home for the remainder of the permitted term, provided the permit holder is otherwise in compliance with this chapter.

(b) Automatic expiration. If the qualified company is not the original permit holder and the qualifying agent resigns or otherwise ceases to serve as the qualifying agent, the permit shall automatically expire and shall not be renewed.

(4) Model Homes as a Business office: Model home can be utilized as an example of a product offered for sale to purchasers (by a realtor, builder, developer or contractor. However, a model home unit shall not operate or function as a construction office. The model home shall be used primarily for demonstrating the type of units offered in the subdivision.

(5) Garage Office. For any garage being used as an office for a model home the applicant must submit the following with the Building Permit application:

(a) Plan of a garage-office facility, including false walls, and temporary electrical and plumbing. All accessibility requirements for a business use must be met.

(b) Plan should include a block note stating that a Change of Occupancy application will be submitted along with a Building Permit application that details the garage conversion when it is returned to the original use.

(c) Ten thousand dollars (\$10,000.00) refundable surety to ensure that the garage is converted back to the FEMA standards for single-family home usage.

(6) Model homes on properties zoned under any non- commercial/Industrial District 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 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; Am. Ord. 2022-124, passed 1-5-23)