

Recommendation: Discussion

8. Continue to Work on Ordinance Requirements for Assisted Living

Exhibit: Agenda Report No.8

Recommendation: Discussion

H. PUBLIC:

I. OLD BUSINESS/NEW BUSINESS:

J. ADJOURN

NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service in compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: October 12, 2011

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Approval of minutes

BACKGROUND/HISTORY:

The minutes must reflect the actions taken by the Board:

- Who made the Motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim and some editing is done to convey the thought. People do not speak the way they write.

ATTACHMENTS:

Draft minutes of P&Z Board Meeting of September 14, 2011 (will be emailed on 10/10/11)
Draft minutes of P&Z Board Meeting of September 28, 2011 (will be emailed on 10/10/11)

ACTION OPTIONS:

Secretary requests approval of the minutes.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: October 12, 2011

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Morris Smith, Town Engineer Discusses Requirements for Site Plan as related to Excavation and Ponds ¼ acre or less of water surface area

BACKGROUND/HISTORY:

This discussion is continued from last P & Z Meeting (9/28/2011), Morris Smith-Town Engineer will be present to discuss requirements that this Board suggested to obtain a permit for Site Plan, Excavation, and Ponds a ¼ acre or less of water surface area.

Morris will provide a check list suggesting "minor site plan review" that will have an "A" Pond & "B" Pond designating large and small ponds for review.

I have researched the pond ordinance prior to Ordinance 03-12, as requested by this Board, which is Ordinance 91-1. (Attached, for review).

This minor site plan review and check list will assist our Town staff in obtaining compliance with the S.N.A.P Program (Simplified Nimble Accelerated Permitting). This program, supported by the Economic Development Commission of Florida's Space Coast, is designed to simplify the permit process. Roger, the Building Official and I have been working to meet all the criteria for this program.

It is essential to expedite this minor site plan check list to submit as one of the requirements; along with other forms and information that is done on a point system, in order to receive this S.N.A.P Certificate.

ATTACHMENTS:

(Bring packets from past P & Z Meeting 8/24/2011)

- Ordinance 91-1; Section 1-5.27 Ponds (5 pages) Dated 1991
- S.N.A.P. Program Information (3 pages)

ACTION OPTIONS:

Discussion to clarify requirements for Site Plan, Excavation and Ponds ¼ acre or less

Ordinance #91-1

MALABAR ORDINANCE #91 - 1

An ordinance of the Town of Malabar amending Articles V, VII, and VIII of the Town of Malabar Land Development Code; incorporate revised site plan review requirements; to add requirements for pond construction permitting; providing for the repeal of conflicting provisions, codification, severability, and effective date.

SECTION 1-5.22: LAND EXCAVATION OR FILL

No site work which redirects and/or increases or reduces off-site natural drainage or runoff to or from a site shall be undertaken without prior approval by the Town Engineer in order to assure no adverse impacts will occur on adjacent lands and to assure appropriate restoration of the land. The Code provides regulations governing such activities. See Article VII, Site Plan Design and Article VIII, Surface Water Management.

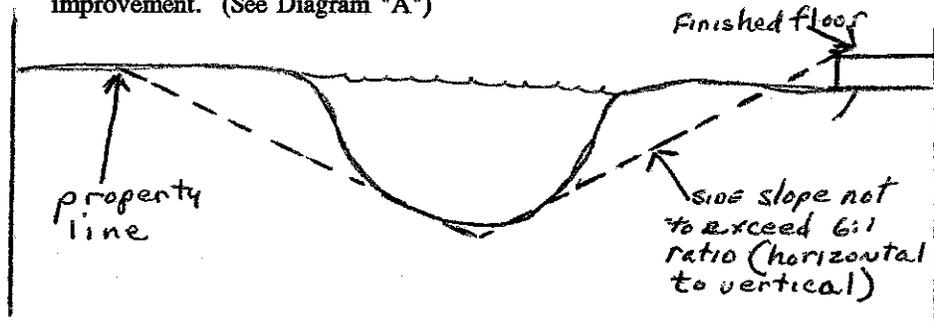
SECTION 1-5.27: PONDS

GENERAL PROVISIONS. It shall be a violation of this ordinance for any person to construct, or permit to be constructed, a pond within the Town of Malabar without first obtaining a pond permit from the Town of Malabar.

1. **POND PERMIT.** Any person wishing to construct, or permit to be constructed, a pond within the Town of Malabar, must, as a precondition, obtain a pond permit. In order to obtain a pond permit, an applicant must:
 - A. Pay the designated pond permit application fee prior to the Town accepting any application for a pond permit;
 - B. Provide the following documentation to the Town Clerk as part of the pond permit application;
 1. A site plan containing the existing and proposed elevations for the entire project site, the location of the proposed pond, a survey of the project site, said (survey to contain topographic data), tree locations and a plot plan.
 2. Applicant must provide a written estimate of the quantity of fill which is proposed to be excavated, and a plan for on-site disposal of said fill. No off site disposal shall be permitted.
 3. Any other documents that shall be required by the Town Engineer for purposes of demonstrating compliance with the performance standards of section 1-5.27.5.A-F and completing a conclusive review of the proposed project site.
 - C. The Town Clerk shall not accept an application for a pond permit unless the applicant has submitted an original and two copies of all required documents, and paid all required permit fees.
2. **REVIEW PROCESS.** The following process for review shall apply to all pond permit applications presented to the Town of Malabar for consideration.
 - A. The review process shall begin when the applicant has submitted to the Town Clerk all required documents as set forth in Paragraph 1 of this section and all applicable application fees have been paid.
 - B. Within five working days of the receipt of a completed application and application fee, the Town Clerk shall forward one copy each of the application and the required documentation to the Town Building Official and the Town Engineer. The Town Building Official shall review the application to insure the completeness and accuracy of the submitted information, and shall notify the Town Engineer of any inaccuracies or incompleteness.

- C. The Town Engineer shall review the application and, within two weeks of receipt of the application by the Town Engineer, the Town Engineer shall recommend that the application for a pond permit be;
 - 1. approved;
 - 2. approved, subject to certain conditions, or
 - 3. denied.
 - D.
 - 1. If the Town Engineer recommends approval of the pond application, the Building Official shall issue a pond permit within two days of receipt of the Town Engineer's recommendation.
 - 2. If the Town Engineer recommends approval of the pond application, conditioned upon certain requirements, the Building Official shall issue a pond permit to the applicant. The pond permit, however, shall contain a statement of the conditions which must be met by the applicant as set forth by the Town Engineer. Upon acceptance of a pond permit which has stated conditions, the applicant agrees to perform all conditions set forth in the pond permit.
 - 3. A pond permit shall not be issued if the Town Engineer recommends denial of the permit.
3. APPEAL PROCESS. If an applicant's permit is denied, or approved with conditions, the applicant shall have the right to appeal such a denial or conditions to the Town Council under the following procedure:
- A. An appeal of a decision not to issue a pond permit, or to issue a pond permit upon conditions, may be appealed to Town Council, by the applicant, within ten days of the applicant receiving notice of the denial of his permit or approval with conditions.
 - B. To appeal a decision to Town Council, the applicant must submit, in writing, a notice to the Town Council of the intention to appeal the decision of the Town Building Official and request the matter to be placed on the Council's agenda. The Notice of Appeal shall contain the basis upon which the appeal is being made.
 - C. Upon receipt of a timely notice of appeal, the Town Clerk shall set the matter on the Town Council's agenda, said appeal to be heard by Council, within thirty days of the date of notice of appeal. The Town Clerk shall submit all documentation relating to the application and permit to Council for review.
 - D. The Town Council shall review the issue and determine whether the decision of the Building Official shall be upheld, modified or reversed. All decisions of the Town Council are final.
 - E. Appeals of decisions of the Town Council may be taken to a court of competent jurisdiction.
4. DEFINITIONS:
- A. Conservation Elevation (also control elevation) - The lowest elevation at which water can be released through the control device and/or the designed normal water level of the pond.
 - B. Project Site - That area where the pond shall be located and all other affected areas of the property.

- C. Wet Season Water Table - Elevation of the ground water table during normal wet season conditions as determined by SCS (Soil Conservation Service) or competent engineering studies (referenced to National Geodetic Vertical Datum).
- D. Side Slopes - The ratio between the horizontal and vertical distance of the pond as measured from any point in the pond to the property line or finished floor of any improvement. (See Diagram "A")



- E. Littoral Zone - That portion of the pond which is less than three feet deep as measured from the conservation elevation.
- F. Pond - Shall mean any excavation for the purpose of retaining water wherein surface area in excess of 200 sq. ft. of fill shall be removed.

5. PERFORMANCE STANDARDS:

- A. Setbacks - Setbacks shall be measured from the conservation elevation and shall be set based on the following criteria:
 1. Side slopes shall not exceed 6:1 (horizontal to vertical) as measured from existing grade at property lines or finished floor elevation at buildings or structures.
 2. The setback from any right-of-way shall comply with the setback requirements of Table 1.3.3(E) of Article III of this code.
 3. The pond and any related site grading shall not adversely affect off-site drainage patterns.
- B. Conservation Elevation - The proposed design or conservation elevation shall be set at or near the wet season water table. Wells shall not be used to maintain a water level elevation above the seasonal water table. The pond and discharge structure shall not draw the water table below its wet seasonal elevation.
- C. Maximum Depth - No pond shall be greater than 12' in depth as measured from the conservation elevation to the deepest point.
- D. Littoral Zone - A minimum of 30% of the pond area shall be littoral zone and shall be planted with suitable wetland vegetation.
- E. Disposal of Excavated Material - All excavated material shall be disposed of on-site. Excavated material which is unsuitable for use on the site because of high organic content (muck) may be disposed of off-site, if approved by the Town Building Official, after review by the Town Engineer.

- F. Discharge Structures shall be designed to limit the maximum discharge rate to the pre-development discharge rate. The discharge velocity shall be controlled so as to not erode or cause scouring of existing or proposed facilities. Structures shall only discharge to a point of legal positive out-fall.

6. COMPLETION:

- A. Pond permit issued pursuant to this section shall be effective for a period of six months from the date of issue.
- B. An extension may only be granted upon good cause after review and approval by the Town Building Official.
- C. Refusal by the Town Building Official to issue a pond permit extension may be appealed to Town Council in the same manner set forth in paragraph 3 of the section.

7. FAILURE TO COMPLETE:

- A. A fine of up to \$250.00 per day may be assessed against any applicant who fails to complete a pond within the six month period of the permit.
- B. Further, the Town, at its discretion, may require the applicant to restore the land to the condition prior to obtaining a pond permit if the pond is not completed within the allotted time.
- C. It shall be the obligation of the applicant to notify the Town of completion. The pond shall be complete only after a final inspection by the Town Building Official.

ARTICLE VII: SITE PLAN REVIEW

SECTION 1-7.1: APPLICABILITY AND FILING PROCEDURE

Site plan approval, provided for herein shall be required for each of the following:

- 1. All permitted uses, except single family homes or single family home accessory structures. However, all uses and structures shall comply with surface water management criteria of Article VIII.
- 2. All conditional uses.
- 3. Any use or change in use resulting in one thousand (1,000) square feet of impervious surface area on the entire site.
- 4. The provisions of Article VIII: Surface Water Management shall apply to all site plans as if the same were incorporated in this Article.
- 5. Any development including single family residences which will involve any clearing, grading, or other form of disturbing the land by the movement of earth provided that any one of the following descriptions applies to said movement.
 - (a) Excavation, fill, or any combination thereof which will exceed five hundred (500) cubic yards.
 - (b) Fill which will exceed three (3) feet in vertical depth at its deepest point as measured from the natural ground surface.

- (c) Excavation which will exceed four (4) feet in vertical depth at its deepest point as measured from the natural ground surface.
- (d) Excavation, fill or any combination thereof which will exceed an area of one thousand (1,000) square feet.
- (e) Plant and/or tree cover is to be removed from an area exceeding one thousand (1,000) square feet on any parcel of land.
- (f) Whenever any amount of excavation or fill is proposed within one hundred feet of a stream, stream channel, or body of water, a soil erosion and sedimentation control plan shall be provided.

B. Review of Minor Site Plans

1. Applicability. For the purposes of this section, minor site plans shall include the following:
 - a. Residential projects comprised of a single building, having less than five (5) dwelling units, or:
 - b. Projects containing less than one thousand (1,000) square feet of new impervious surface area.
 - c. Single family homes and accessory buildings or ponds which require site plan approval pursuant to Section 1-7.1.5.
2. Submission Requirements for Minor Site Plans. Minor site plans shall only include that information required in Section 1-7.2 and 1-7.3, which is determined to be applicable to the proposed minor site plan by the building Official and Town Engineer.
3. Minor Site Plan Review Procedures. All minor site plan applications shall be reviewed by the Town Engineer and Building Official and approved by the Building Official, the Planning and Zoning Board and the Chairperson of the Town Council. However, single family homes, ^{or} accessory buildings or ponds may be approved by the Building Official. Appeals of such decisions shall be conducted pursuant to Section 1-7.4.

J. Soil Erosion, Sedimentation Control, and Estuary Water Resource Protection.

1. Applicability. In order to prevent both soil erosion and sedimentation, and to protect both ground and surface water resources, a soil erosion and sedimentation control plan shall be required as a part of an application for site plan review whenever a development will involve any clearing, grading, or other form of disturbing land by the movement of earth, provided that any one of the following descriptions applies to said movement.
 - (a) Excavation, fill, or any combination thereof will exceed five hundred (500) cubic yards.
 - (b) Fill will exceed three (3) feet in vertical depth at its deepest point as measured from the natural ground surface.
 - (c) Excavation will exceed four (4) feet in vertical depth at its deepest point as measured from the natural ground surface.
 - (d) Excavation, fill or any combination thereof will exceed an area of one thousand (1,000) square feet.

- (e) Plant and/or tree cover is to be removed from an area exceeding one thousand (1,000) square feet on any parcel of land.
 - (f) Whenever any amount of excavation or fill is proposed within one hundred feet of a stream, stream channel, or body of water, a soil erosion and sedimentation control plan shall be provided.
3. Erosion Water Quality Control Measures. All measures necessary to minimize water quality degradation soil erosion and to control sedimentation in the disturbed land area shall be implemented. The following protection shall be provided for all disturbed areas: minimize velocities of water runoff, maximize protection of disturbed areas from stormwater runoff, and retain sedimentation within the development site as early as possible following disturbances. A list of major problem areas for erosion and sedimentation water quality degradation control follows. For each one, the purpose(s) of requiring control is described. Soil erosion and sedimentation control measures for all such areas shall be provided with a view toward achieving the specific purpose listed below for which a control plan is required.
- (d) Land adjacent to streams, ponds, lakes, and wetlands: Prevent detachment and transportation of soil particles. The applicant shall not adversely impact aquatic vegetation within the sensitive transition zone located between the upland and the mean high water line (ordinary high water line for non-tidal waters). No such vegetation shall be disturbed without approval of the Town. Any such approval shall be based on a demonstrated necessity which promotes the overall public health, safety and welfare. Furthermore, any such disturbance of aquatic vegetation shall be compensated by revegetation based on a plan approved by the Town as stipulated herein. The applicant shall coordinate plans for development along the riverfront of tidal waters with the Florida Department of Environmental Regulation as well as the U.S. Army Corp of engineers where tidal waters might be impacted. Where deemed appropriate by the Town, the site plan shall include the planting of native indigenous aquatic plant vegetation to promote stability of the shoreline and to enhance water quality.
 - (h) Borrow and stockpile areas: Divert runoff from face of slopes which are exposed in the excavation process; convey runoff in stabilized channels to stable disposal points; leave borrow areas and stockpiles in stable condition. Creation of water bodies by excavation and/or impoundment shall comply with applicable provisions of Article VIII.
11. Surface water drainage facilities plan showing existing and proposed grading, drainage patterns, and earthwork computations, certified by an engineer or architect registered in the State of Florida.

SECTION 1-8.6 EXEMPTIONS

The following activities shall be exempt from the surface water management permitting requirements herein established:

1. Single family homes shall be exempt except when located in a flood hazard zone or when a site plan is required pursuant to Section 1-7.1.5.

SEVERABILITY. In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of the ordinance shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid and unconstitutional provision, thereby causing said remainder to remain in full force and effect.

VIOLATIONS. A violation of this ordinance shall be punishable by a fine not to exceed \$5,000.00. Any fine imposed pursuant to this ordinance may be collected by and action at law filed against the violator.

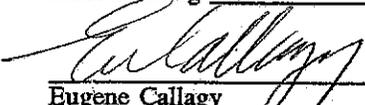
CODIFICATIONS. It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Land Development Code of the Town of Malabar, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and the word "Ordinance" may be changed to "Section", "Article", or other appropriate designations.

EFFECTIVE DATE. This ordinance shall take effect immediately upon final passage.

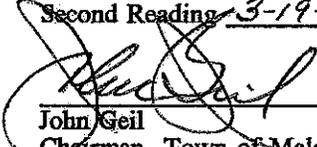
PASSED AND ADOPTED BY THE COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, this 19th day of MARCH, 19 91.

First Reading 3-5-91

Second Reading 3-19-91



Eugene Callagy
Mayor, Town of Malabar



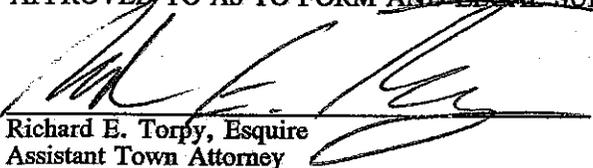
John Geil
Chairman, Town of Malabar

ATTEST:

By: 

Rosalie Lusk
Town Clerk

APPROVED TO AS TO FORM AND LEGAL SUFFICIENCY BY:



Richard E. Torpy, Esquire
Assistant Town Attorney

From: Space Coast Business Magazine 10/8/2011

Making Permitting a ‘S.N.A.P.’



Creating A More Business-Friendly Enviroment

By Michael H. Williams

We are navigating through a transitioning business landscape in Brevard County. With changes in sight, there are many people who are focused on the future, looking to fortify our resources and services in anticipation of greater opportunities to come. The Economic Development Commission of Florida’s Space Coast recognized needed changes nearly three years ago and established goals in terms of strategic growth, business accessibility and marketing that have produced tangible returns.

In order to
GROW we must
embrace
CHANGE –
personal change,
professional
change and
change on a

One such goal is to make Brevard County one of the friendliest communities for those looking to grow or relocate their company. This means simplifying and more efficiently managing the process companies must go through when growing or moving. If we want to compete, this is the first place to start making improvements. In just a short time period, immense progress has been made in opening the door for those looking to plant business roots on the Space Coast.

It's a S.N.A.P.

Over a two-year period, the EDC's Development Council has created and implemented a groundbreaking program called S.N.A.P (Simplified, Nimble, Accelerated Permitting), which recognizes municipalities that have adopted permitting best practices as determined by the Council and other participating municipalities. To date, four municipalities have been awarded the newly created designation – Brevard County, City of Cocoa, City of Palm Bay and City of Rockledge.

What started as a series of conversations with municipalities has since turned into a strategic effort to enhance and streamline the permitting process throughout the county. Efficient, streamlined permitting enhances our ability to attract new business and investment. It also provides a valuable tool to retain existing businesses and encourage expansion.

With input from some of the Space Coast's top developers, architects and builders, the Council developed a best practices model for both building and site permitting. The S.N.A.P. designation was developed to recognize excellence in simplifying the permitting process. Each municipality that participated in the program made process enhancements, but four made a significant effort to update policies and procedures. Some of the improvements included:

Brevard County

- Created Planning & Development Department, giving contractors the benefit of the entire development process under one department
- Enhanced online permitting features to be more user-friendly
- Created Building Construction Advisory Committee, which meets monthly to consider and make recommendations on development-related matters

City of Cocoa

- Allows minor site plan amendments and small scale site plans to be approved at the staff level
- Revised building and site plan processes to be more aligned with other Brevard municipalities
- Implemented online customer service feedback survey

City of Palm Bay

- Implemented options for payment of impact fees to assist business and development in managing project costs
- Instituted minor site plan review process, reducing the requirements for site plan submittal and review
- Utilizes full-time staff ombudsman to serve as a single point of contact for the applicant

City of Rockledge

- After an initial review, permits applicants to submit specific areas of change requested under city staff comments, rather than another full site plan
- Established Development Review Committee to evaluate each application
- Instituted free pre-construction meetings with clients to evaluate plans, answer questions and develop relationships between the contractor and city staff

It's Just the Beginning

While this is a huge step in the right direction, the Council's work is far from over. By the end of the year, we hope to designate 90 percent of participating local municipalities as S.N.A.P. recipients. The public sector also can't do it alone. The team will continue to work with the private sector to gather input and further improve processes.

In order to grow we must embrace change – personal change, professional change and change on a larger scale. At the end of the day, our goal is to make the Space Coast a business-friendly environment. It is the duty of every business leader to look across the community and report impediments that hinder us from taking advantage of future opportunities. Brevard County is growing even stronger thanks to the time and effort from groups like the Development Council and from municipalities that see the value in providing clients a positive and timely permitting experience.

Michael H. Williams is president of M.H. Williams Construction Group, Inc. and serves as Chairman of the Economic Development Commission of Florida's Space Coast's Development Council.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: October 12, 2011

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Continued Discussion of Recreational Vehicles & Trailers in Front yards of Residential Zoning

BACKGROUND/HISTORY:

This is continued discussion from last P & Z Meeting (9/28/2011); the Mayor proposes changes to allow such parking. Per the Malabar Code; the parking of recreational vehicles in the front yards is restricted.

The Board requested more time to look at all information and bring back to present meeting for further discussion

ATTACHMENTS:

(Bring Packet from P & Z Meetings 8/24/2011 - 9/28/2011)

ACTION OPTIONS:

Discussion and Work towards a recommendation to Council.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: October 12, 2011

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Continued Discussion of the Parking of Tractor Trailers in Residential Zonings

BACKGROUND/HISTORY:

This is continued discussion from last P & Z Meeting (9/28/2011); I have separated this Item from the discussion in reference to recreation vehicles & trailers in front yards of residential zoning.

This Agenda Item No. 4, pertains to the parking of Tractor Trailer in residential zoning only, this was an action item from the Mayor to ask Council to direct P&Z to consider truck and tractor trailer parking in residential zoning. The Council consensus was to send this to P&Z Board for review and recommendation. Mayor said staff should present all information that Council had to this Board for their consideration while reviewing this item.

ATTACHMENTS:

(Bring Packet from P & Z Meeting 9/28/2011- Item No.3)

ACTION OPTIONS:

Discussion and Work towards a recommendation to Council.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 5
Meeting Date: October 12, 2011

Prepared By: Denine M. Sherear, Planning and Zoning Secretary

SUBJECT: Setbacks in All Residential Zoning Classifications

BACKGROUND/HISTORY:

This is a continued discussion from the last P&Z Meeting (9/28/11). The Board requested more information from surrounding municipalities, i.e. Sebastian, Palm Bay, Melbourne, and Brevard County to compare the different setbacks in the different residential zonings.

There was a recommendation sent to Council from the 8/10/11 P&Z Meeting. It only made recommendation to the RR-65 Zoning. The Mayor asked Council for the Item to be sent back to P&Z for their consideration of setbacks in all residential zoning classifications. He had stated it was his oversight. The Council consensus was to bring this back to P&Z.

ATTACHMENTS:

(Please bring P&Z Packet from 9/28/2011)

- City of Palm Bay – 1 page
- Sebastian – 7 pages
- Melbourne – 16 pages
- Brevard County- 28 pages
-

ACTION OPTIONS:

Requests discussion and consideration of setbacks in all residential zoning classifications

CITY OF PALM BAY

ZONING DISTRICT	LOT AREA	WIDTH AND DEPTH	MAXIMUM BUILDING COVERAGE	HEIGHT	FRONT	SIDE INTERIOR	SIDE CORNER	REAR	REAR ALLEY	MINIMUM FLOOR AREA
GU - GENERAL USE HOLDING	5 acres	300' x 300'	10%	35'	75'	30'	50'	50'	N/A	1,200 sf
RR - RURAL RESIDENTIAL	1 acre	150' x 200'	35%	35'	50'	20'	30'	30'	N/A	1,200 sf
RE - ESTATE RESIDENTIAL	12,000 sf	100' x 120'	30%	25'	25'	12'	25'	25'	N/A	1,600 sf
SRE - SUBURBAN RESIDENTIAL ESTATE	8,000 sf	80' x 100'	40%	25'	25'	8'	25'	25'	N/A	1,800 sf
RS-1, SINGLE FAMILY RESIDENTIAL	8,000 sf	80' x 100'	30%	25'	25'	8'	25'	25'	N/A	1,600 sf
RS-2, SINGLE FAMILY RESIDENTIAL	7,500 sf	75' x 100'	30%	25'	25'	8'	25'	25'	N/A	1,200 sf
RS-3, SINGLE FAMILY RESIDENTIAL	7,500 sf	75' x 100'	30%	25'	25'	8'	25'	25'	N/A	800 sf
SF-1, SINGLE FAMILY RESIDENTIAL	8,000 sf	80' x 100'	30%	25'	25'	8'	25'	25'	N/A	1,400 sf
SF-2, SINGLE FAMILY RESIDENTIAL	7,500 sf	75' x 100'	30%	25'	25'	8'	25'	25'	N/A	1,200 sf
RM-10, SINGLE, TWO, MULTI-FAMILY RESIDENTIAL	SF - 6,000 sf TWO - 8,000 sf MULTI - 10,000 sf	SF - 60' x 100' TWO - 100' x 100' MULTI - 100' x 100'	35%	25'	25'	SF - 8' TWO - 10' MULTI - 10'	25'	25'	N/A	SF & TWO - 800 sf Eff - 350 sf 1br. - 550 sf 2br. - 700 sf
RM-15, SINGLE, TWO, MULTI-FAMILY RESIDENTIAL	SF - 6,000 sf TWO - 8,000 sf MULTI - 10,000 sf	SF - 60' x 100' TWO - 100' x 100' MULTI - 100' x 100'	40%	*25' *CUP > 25' ≤ 40'	25'	SF - 8' TWO - 10' MULTI - 10'	25'	25'	N/A	Same As RM-10
RM-20, MULTIPLE FAMILY RESIDENTIAL	10,000 sf	100' x 100'	40%	70'	25' <i>Plus One (1) Foot</i>	15' <i>For Each One (1) Foot of</i>	25' <i>Height Over 25' of</i>	25' <i>Height</i>	N/A	Same As RM-10
PCR, PLANNED COMMUNITY REDEVELOPMENT	MINIMUM 2.5 ACRES	NOT APPLICABLE	NOT APPLICABLE	40' / NEED INCENTIVES FOR 70'	APROVED UPON REVIEW	APROVED UPON REVIEW	APROVED UPON REVIEW	APROVED UPON REVIEW	APROVED UPON REVIEW	1,200 SF FOR RESIDENTIAL USE
RMH - RESIDENTIAL MOBILE HOME	Park 10 acres Lot - 4,000 sf	Individual Lot - 50' x 80'	Lot - 35%	25'	Lot - 10' Perimeter Park - 25'	Lot - 6' Perimeter of Park - 25'	Lot - 10'	Lot - 10' Park - 25'	N/A	600 sf

SEBASTIAN

Sec. 54-2-5.2. - Residential districts (subsections 54-2-5.2.1 through 54-2-5.2.7[5]).

The overall purpose and intent of the residential districts is to provide a management framework for implementing comprehensive plan residential development objectives and policies directed toward:

- Protecting the quality and character of existing neighborhoods, including compatibility of land use and structures;
- Preserving open space;
- Maintaining densities which are compatible with existing and anticipated future developments based on the future land use element of the comprehensive plan;
- Promoting compatibility with natural features of the land; and
- Minimizing burden on supportive public services and facilities within the area.

All residential development shall comply with the comprehensive plan, performance criteria in chapter III, as well as all other applicable land development regulations. Following is a description of the intended purpose of each zoning district herein established, including reference to the comprehensive plan future land use map designations which shall be implemented through the land development regulations.

Sec. 54-2-5.2.1. - Residential Estate District (RE-40).

(a) *Intent:* The RE-40 district is established to implement comprehensive plan policies for managing the lowest range of densities for land designated low density residential. Supportive public community facilities and accessory land uses also may be located within areas designated for use as residential estates.

(b) *Uses permitted:*

Single-family dwellings	Home occupations
Foster care/group homes with ;lte; 6 residents	Accessory residential uses

(c) *Conditional uses:*

Foster care/group homes with ;gt; 6 residents	Guest houses
Model homes	Child care services
Schools, public or private	Churches
Utilities, public and private	Parks and recreation, public
Protective and emergency services, public	Golf courses and support facilities
Equestrian uses	Accessory uses to conditional uses

(d) *Dimensional regulations:*

- (1) Maximum density: One dwelling unit per 40,000 square feet
- (2) Maximum height: 35 feet.
- (3) Lot coverage and open space:

Maximum building coverage: 25%	Maximum impervious surface: 55%
Minimum open space: 50%	

(4) Lot dimensions:

- Minimum lot size: 40,000 square feet
- Minimum lot width: 125 feet
- Minimum lot depth: 150 feet

(5) Minimum setbacks: All development must comply with setback requirements from wetlands and open waters established in section 54-3-11.1(c).

- Front: 40 feet
- Side: 20 feet
- Rear: 25 feet

(6) Minimum living area: The minimum floor area required, exclusive of porches, terraces, attached garages, carport or unroofed areas, shall be 1,600 square feet.

(7) Required accessory structures: Every single-family dwelling unit shall be required to provide a garage or carport. If a carport or similar unenclosed vehicle storage structure is provided, then each unit within the principal structure shall contain a fully enclosed utility storage area of at least 60 square feet, which shall be designed as an integral part of the principal structure. If a fully enclosed garage is provided, then no utility structure shall be mandated. The garage or carport shall have a minimum interior clear dimension of ten feet by 20 feet.

Sec. 54-2-5.2.2. - Single-Family Residential District (RS-20).

- (a) *Intent:* The RS-20 district is established to implement comprehensive plan policies for low density residential development on lots of 20,000 square feet.
- (b) *Uses permitted:*
 Single-family dwellings
 Foster care/group homes with 6 ;ite; residents
 Accessory residential uses
 Home occupations
- (c) *Conditional uses:*

Foster care/group homes with ;gt; 6 residents	Guest houses
Model homes	Child care services
Schools, public or private	Churches
Utilities, public and private	Parks and recreation, public
Protective and emergency services, public	Golf courses and support facilities
Accessory uses to conditional uses	

- (d) *Dimensional regulations:*
 - (1) Maximum density: One dwelling unit per 20,000 square feet
 - (2) Maximum height: 35 feet.
 - (3) Lot coverage and open space:

Maximum building coverage: 30%	Maximum impervious surface 60%
Minimum open space: 50%	

- (4) Lot dimensions:
 Minimum lot size: 20,000 square feet
 Minimum lot width: 100 feet
 Minimum lot depth: 150 feet
- (5) Minimum setbacks: All development must comply with requirements for setbacks from wetlands and open waters established in section 54-3-11.1(c).
 Front: 30 feet
 Side: 15 feet
 Rear: 25 feet
- (6) Minimum living area: The minimum floor area required, exclusive of porches, terraces, attached garages, carport or unroofed areas, shall be 1,400 square feet.
- (7) Required accessory structures: Every single-family dwelling unit shall be required to provide a garage or carport. If a carport or similar unenclosed vehicle storage area is provided, then each unit within the principal structure shall contain a fully enclosed utility storage area of at least 60 square feet, which shall be designed as an integral part of the principal structure. If a fully enclosed garage is provided, then no utility structure shall be mandated. The garage or carport shall have a minimum interior clear dimension of ten feet by 20 feet.



Sec. 54-2-5.2.3. - Single-Family Residential District (RS-10).

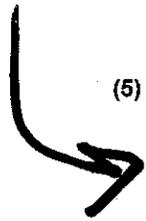
- (a) *Intent:* The RS-10 District is established to implement comprehensive plan policies for low-density residential development on lots of 10,000 square feet.
- (b) *Uses permitted:*
 Single-family dwellings
 Foster care/group homes with 6 ;ite; residents
 Accessory residential uses
 * Home occupations
- (c)** *Conditional uses:*

Foster care/group homes with ;gt; 6 residents	Model homes
Child care services	Schools, public or private
Churches	Utilities, public and private
Parks and recreation, public	Protective and emergency services, public
Accessory uses to conditional uses	

- (d) *Dimensional regulations:*
 - (1) Maximum density: One dwelling unit per 10,000 square feet
 - (2) Maximum height: 25 feet
 - (3) Lot coverage and open space:

Maximum building coverage: 30%	Maximum impervious surface: 55%
Minimum open space: 50%	

- (4) Lot dimensions:



- Minimum lot size: 9,500 square feet
 Minimum lot width: 80 feet
 Minimum lot depth: 100 feet
- (5) Minimum setbacks: All development must comply with requirements for setbacks from wetlands and open waters established in section 54-3-11.1(c).
 Front setbacks 25 feet
 Secondary front yard setbacks: 20 feet
 Side setbacks: 10 feet
 Rear setbacks: 20 feet
- (6) Minimum living area: The minimum floor area required, exclusive of porches, terraces, attached garages, carports or other unenclosed areas, shall be 1,200 square feet.
- (7) Required accessory structure: Every single-family dwelling unit shall be required to provide a garage or carport. If a carport or similar unenclosed vehicle storage structure is provided then each unit within the principal structure shall contain a fully enclosed utility storage area of at least 60 square feet which shall be designed as an integral part of the principal structure. If a fully enclosed garage is provided, then no utility structure shall be mandated. The garage or carport shall have a minimum interior clear dimension of ten feet by 20 feet.

(Ord. No. O-02-9, § 1, 7-24-2002)



Sec. 54-2-5.2.4. - Medium Density Multiple-Family Residential District (RM-8).

- (a) *Intent:* The RM-8 District is established to implement comprehensive plan policies for managing primarily duplex and multiple-family developments on land designated for medium density residential development.
- (b) *Uses permitted:*
 Single-family dwellings
 Duplex dwellings
 Multifamily dwellings
 Foster care/group homes with 6 or more residents
 Home occupations
 Townhouse development
 Accessory residential uses
- (c) *Conditional uses:*
 Foster care/group homes with more than 6 residents
 Child care services
 Cultural or civic facilities
 Schools, public or private
 Golf courses and support facilities
 Bed and breakfast
 Nursing homes
 Churches
 Utilities, public and private
 Parks and recreation, public
 Protective and emergency services, public
 Model homes
 Accessory uses to conditional uses
- (d) *Dimensional regulations (excluding townhouse development):*
 (1) Maximum density: Shall not exceed eight units per acre.
 (2) Maximum height: 35 feet (25 feet for properties east of Indian River Drive).

(3) Lot coverage and open space:

Maximum building coverage: 40%	Minimum open space: 40%
Maximum impervious surface: 60%	

(4) Lot dimensions:

- Minimum lot size: 10,000 square feet
- Minimum lot width: 80 feet
- Minimum lot depth: 100 feet

(5) Minimum setbacks: All development must comply with requirements for setbacks from wetlands and open waters established in section 54-3-11.1(c).

Yard	Setbacks	
	1 story	2 stories
Front	25	25
Rear	25	25
Side (interior)	10	15*
Between residential structures on same lot	20	20

*Plus one (1) foot for each additional two (2) feet in height above twenty-five (25) feet

(6) Minimum living area:

- Single-family dwellings: The minimum floor area required for a single-family dwelling, exclusive of porches, terraces, attached garages, carports or other unenclosed areas, shall be 900 square feet.
- Duplex dwellings: 750 square feet per unit.
- Multiple-family dwellings:

REQUIRED MINIMUM LIVING AREA IN MULTIPLE-FAMILY DWELLINGS

Type Dwelling/# Bedrooms	Required # of Square Feet
Efficiencies	600
One bedroom units	700
Two bedroom units	850
Three bedroom units	1,000
Each additional bedroom after three bedrooms	100 sq. ft. per Additional bedroom

(7) Required accessory structures: Every single-family and duplex dwelling unit shall be required to provide a garage or carport. If a carport or similar unenclosed vehicle storage structure is provided then each unit within the principal structure shall contain a fully enclosed utility storage area of at least 60 square feet, which shall be designed as an integral part of the principal structure. If a fully enclosed garage is provided, then no utility structure shall be mandated. The garage or carport shall have a minimum interior clear dimension of ten feet by 20 feet.

(e) Dimensional regulations (for townhouse development):

Maximum density: Shall not exceed eight units per acre on overall site. Individual lots (units) shall not exceed eight units per primary building or structure.*

*For sites of record containing a higher density, the designated comprehensive plan density shall apply.

(2) Maximum height: 35 feet (25 feet for properties east of Indian River Drive).

(3) Lot coverage and open space:

Maximum building coverage: 40%	Minimum open space: 40%
Maximum impervious surface: 60%	

(4) Lot dimensions:

- Minimum lot size (prior to platting): 1 acre
- Minimum interior lot size within a site: 1,875 square feet
- Minimum interior lot width: 25 feet
- Minimum interior lot depth: 75 feet

(5) Minimum setbacks: All development must comply with requirements for setbacks from wetlands and open waters established in section 54-3-11.1(c).

Yard	Setbacks
Front	25
Rear	20
Side	10
Side (interior) between buildings	15

- (6) Minimum living area: 900 square feet
- (7) Required garages: Every townhouse unit shall be required to provide a garage. The garage or carport shall have a minimum interior clear dimension of ten feet by 20 feet.
- (8) Special regulations:
- a. Access. All dwelling units shall have access to a public street either directly or indirectly via an approach, private road, or other area dedicated to public or private use or common easement guaranteeing access. The city shall be allowed access on privately owned roads, easements, and common open space to ensure police and fire protection of the area meet emergency needs, conduct city services and generally ensure the health and safety of the residents of the development.
 - b. Unified control. Title to all land within a proposed site shall be owned or controlled by the developer/owner submitting the applications for the development. For purposes of this section, the term "controlled by" shall mean that the developer shall have the written consent of all owners of the property within the proposed site not owned by the developer. The consent shall contain a notarized statement that the developer is authorized to represent the owners in the submission of an application under the provisions of this section and that the owners shall agree to be bound by the decision of the city council if the application is approved.
 - c. Development standards. The minimum construction requirements for streets or roads, sidewalks, utilities, and drainage shall be in compliance with city standards.
 - d. Common open space. All privately owned common open space shall conform to its intended use and remain as expressed in the final development plan through the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the final development plan. Such deed restrictions shall run with the land and for the benefit of present as well as future property owners and shall contain a prohibition against partition. All common open space, as well as public and recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or grater rate than the construction of residential structures. The developer shall establish an association or nonprofit corporation of all individuals or corporations owning properties within the development to ensure maintenance of all common open space. The association or nonprofit corporation shall conform to the following requirements:
 1. The developer shall establish the association or nonprofit corporation prior to sale of any lots. Control of all common open space and recreation facilities shall be passed to the association upon sale or transfer of 90 percent or more of the residential units.
 2. Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the development, and such association or corporation shall not discriminate in its members or shareholders.
 3. The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities, that are not dedicated to the public; shall provide for the maintenance, administration and operation of such land and any other land within the development not publicly or privately owned; and shall secure adequate liability insurance on the land. The title to all residential property owners shall include an undivided fee simple estate in all common open space or an unrestricted easement for the use and enjoyment of the common open space.

(Ord. No. O-01-24, § 1(Exh. A), 10-24-2001)

Sec. 54-3-11.1. - Preservation of wetlands and transitional wetlands.

In order to promote and preserve natural hydrological conditions and to preserve water recharge areas, water supply and water quality, and natural habitats, the following regulations shall be applied to wetland areas:

- (a) *Wetlands defined.* Wetlands shall be defined pursuant to state statute.
- (b) *Wetland delineation (establishing the wetland line).* A delineation of the upland wetland boundary shall be established based upon an on-site field survey by a professional biologist or registered engineer provided by the applicant and coordinated with the St. Johns River Water Management District, the Department of Environmental Protection, and/or the U.S. Corps of Engineers.
- (c) *Wetland development restrictions and interpretations.* No development activity shall be allowed in a wetlands, including upland buffer areas, until and unless the applicant has obtained all required permits or exemptions from the state and/or federal agencies having jurisdiction and has met all requirements of the land development code. Upland buffer areas shall be defined as the areas separating wetland and upland areas and in which development activities may be regulated to protect wetlands. The upland buffer shall be an area landward of the upland edge of a wetland (i.e., the upland/wetland jurisdictional line if applicable). The buffer area provides an undeveloped area that separates developed upland from a wetland area. The purpose of the buffer area is to ensure the continuing function of respective wetland communities, to prevent pollutants from surface water runoff from entering the wetlands, and to enhance water quality. The city shall retain the right to prohibit development within the buffer area. The boundary of an upland buffer area shall be consistent with best management principles and practices and shall be compliant with applicable St. Johns River Water Management District permitting standards for upland buffers adjacent to wetlands to sufficiently protect adjacent wetlands.
- (d) *Required dedication of conservation easements.* The city may require applicants for subdivision development approval to include the dedication of conservation easements or reservations where the city finds that the dedication is reasonable in order to protect the value and function of a wetland.
- (e) *Administration of wetland development restrictions.* The city shall coordinate with the jurisdictional agencies for purposes of rendering legal, equitable, and environmentally sensitive determinations of the development rights to be permitted on such wetlands and/or lands under the jurisdiction of the state or federal government. The developer of a parcel of environmentally sensitive land shall be responsible for obtaining permits or exemptions from the St. Johns River Water Management District (SJRWMD), Florida Department of Environmental Protection (DEP) and from the Army Corp of Engineers, as may be appropriate, prior to obtaining a development order, subdivision construction permit, or site plan review approval from the city. Regardless of permitting by federal or state permitting agencies, the city shall reserve the right to determine the appropriate land use and density/intensity.

Sec. 54-3-11.2. - Soil erosion and sedimentation control.

- (a) *Required soil erosion and sedimentation control plan.* In order to prevent both soil erosion and sedimentation, a soil erosion and sedimentation control plan shall be required as a part of an application for a subdivision construction permit, site plan review, plot plan review of a single-family residential lot and whenever a development will involve any clearing, removal of native or protected vegetation, grading, transporting, or other form of disturbing land by the movement of earth.
- (b) *Erosion control measures.* All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be implemented. The following protection shall be provided for all disturbed areas: minimize velocities of water runoff and wind erosion, maximize protection of disturbed areas from stormwater runoff, and prevent or retain sedimentation within the development site as early as possible following disturbances. A list of major problem areas for erosion and sedimentation control follows. For each one, the purpose(s) of requiring control is described. Soil erosion and sedimentation control measures for all such areas shall be provided with a view toward achieving the specific purpose listed below for which a control plan is required:
 - (1) Erodable slopes: Prevent detachment and transportation of soil particles from slope.
 - (2) Streams, streambeds, streambanks, bodies of water, lake shorelines: Prevent detachment and transportation of soil particles.
 - (3) Drainageways: Prevent detachment and transportation of soil particles (which would otherwise deposit in streams, bodies of water, or wetlands); promote deposit or sediment loads (traversing these areas) before these reach bodies of water.
 - (4) Land adjacent to streams, ponds, lakes, and wetlands: Prevent detachment and transportation of soil particles. The applicant shall not adversely impact aquatic vegetation within the sensitive transition zone located between the upland and the mean high water line (ordinary high water line for non-tidal waters). No such vegetation shall be disturbed without approval of the city. Any such approval shall be based on a demonstrated necessity that promotes the overall public health, safety and welfare. Furthermore, any

such disturbance of aquatic vegetation shall be compensated by re-vegetation based on a plan approved by the city as stipulated herein. The applicant shall coordinate plans for riverfront development with the Florida Department of Environmental Protection as well as the U.S. Army Corps of Engineers where tidal waters might be impacted. Where deemed appropriate, the site plan shall include the planting of native indigenous aquatic plant vegetation to promote stability of the shoreline.

- (5) Enclosed drainage structure: Prevent sedimentation in structure, erosion at outfall of system and deposit of sediment loads within system or beyond it.
 - (6) Large flat surface areas (unpaved): Prevent detachment of soil particles and their off-site transportation.
 - (7) Impervious surfaces: Prevent the detachment and transportation of soil (in response to an increase in the rate and/or volume of runoff of the site or its concentration caused by impervious surfaces).
 - (8) Borrow and stockpile areas: Divert runoff from face of slopes exposed in the excavation process; convey runoff in stabilized channels to stable disposal points; leave borrow areas and stockpiles in stable condition.
- (c) *Applicability.* Appropriate measures shall be taken during land clearing and building operations to assure that exposed, destabilized or otherwise altered soil is expeditiously covered with an acceptable erosion control material. The provision shall be applicable to the act of subdividing and installation of related improvements as well as during the development review process including the period during which improvements may occur as well as the length of time soil may be exposed to the environment. The tree and native vegetation protection ordinance shall be applicable to all clearing and grading activities and shall include specifications for management principles guiding the removal or placement of vegetation and landscaping design. Regulations shall also require developers to take precautionary measures, where necessary, to avert destruction or damage to native vegetation.

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hospital*												
Warehousing and wholesaling ⁶	N	N	N	N	N	N	N	P	P	N		
Wholesaling from sample stocks	N	N	N	P	P	N	P	P	P	N		

* See Article VI, Section 2, Use Standards, or Article VII, Section 2, Standards for Accessory Uses, for special conditions.
 P - Permitted Uses; C - Uses that require Conditional Use approval; N- Prohibited; P/A - Permitted as Accessory Use; P/C - Permitted or Conditional Use

¹ Outside storage areas shall be effectively walled on all sides where adjacent to rights-of-way or non-industrial uses, per Appendix D, Chapter 9, Article III, Section 9.45, to avoid any deleterious effect on adjacent property.

² Provided that the minimum floor area for hotel and motel units shall be three hundred (300) square feet.

³ Financial Institutions in R-P require Conditional Use approval.

⁴;hgAllowed only as accessory use if directly associated with a principal use that is allowed.

⁵;hgExcept vehicular sales and rental. See Article VI, Section (2)(F) for outdoor display standards.

⁶ In enclosed structures, including refrigerated storage and bulk storage, excluding hazardous substances, hazardous wastes and petroleum products.

Table 2A. Table of Dimensional Standards, Residential Districts

RESIDENTIAL	AEU	REU	R-A	R-1AAA	R-1AA	R-1A	R-1B	R-2	R-3	R-4	R-P	R-2T ¹
Density (units per gross acre)							4 ²	15 ³	25 ⁴	8	10	
Minimum lot area (sq. ft.)										10,000	7,000	10 acres
One family	2.5 acres	1 acre	1 acre	12,000	10,000	7,500	5,000	7,500	7,500			
Two-family								10,000	10,000			
Three-family								12,000	12,000			
Townhouses								1,800	1,800			
Multiple-family								8,500	12,000			
Minimum lot width (ft.) ⁵	150	125	150	100	85	75	50/65 ⁶			100	70	
One family								50	50			
Two-family								100	100			
Three-family								120	120			
Townhouses								18	18			
Multiple-family								85	120			
Minimum lot depth (ft.)	150	125	200	120	110	100	80			100	100	
One family								100	100			
Two and three-family								100	100			
Townhouses								80	80			
Multiple-family								100	100			
Maximum lot coverage (%)	None	None	40	40	40	40	50			40	40	
One family								50	50			
Two and three-family								40	40			
Townhouses								60	60			
Multiple-family								40	40			
Minimum												

living area (sq. ft.)												
Residential	750	1,200	1,500	1,700	1,350	1,000	1,000			900		
•One family								1,000	1,000		1,000	
•Two and three-family								900	900		900	
•Townhouses								1,000	1,000		1,000	
•Multiple-family												
•Efficiency								450	450		450	
•One-bedroom								550	550		550	
•Two-bedrooms								650	650		650	
•Three-bedrooms								800 ⁷	800 ⁸		800	
Non-residential											300	
Maximum height (ft.) ⁸	3 floors with a maximum height of 36 feet ⁹							See footnote ¹⁰		3 floors with a maximum height of 36 feet	See footnote ¹⁰	
Residential								3 floors with a maximum height of 36 feet			3 floors with a maximum height of 36 feet	
•One, two and three family								3 floors with a maximum height of 36 feet				
•Townhouses and multi-family								4 floors with a maximum height of 48 feet				
Non-residential								3 floors with a maximum height of 36 feet			3 floors with a maximum height of 36 feet	
Minimum setback requirements (ft.) ¹⁰												
Front	25	25	50	30	25	20	20	20	20	30	20	10
								30 (MF)	30 (MF)			
Side interior lot	10	10	30	15	10	7.5	5 ¹³	7.5	7.5	10	7.5	8
								15 (MF)	25 (MF)		15 (MF)	
Side corner lot	25	25	30	25	25	20	20	20	20	25	20	8
								25 (MF)	25 (MF)			
Rear-Permitted	20	20	40	25	25	25	25	25	25	25	20	8
Rear-Abutting alley			35	20	20	20	15	20	20	20	15	
Minimum	35	35	35	35	35	35	35	35	35	35	35	35



setback from water												
Maximum building length (ft.)								200	200			
Enclosed garage per single or two-family unit	Yes											

NOTE: See Appendix D, Land Development Code for additional setbacks and right-of-way dedications.

- 1 See standards in Section 2.
- 2 Ten (10) per cent usable open space required. Shall include but not be limited to improved play areas and wetlands or other natural features, which are accessible to the residents of the development. Retention areas, required buffers, rights-of-way, and other code required tracts shall not be included in the calculation of open space.
- 3 For multi-family only. Densities exceeding twenty-five (25) units per acre may be approved through Conditional Use and subject to Future Land Use category limitations.
- 4 For multi-family only. Densities exceeding twenty-five (25) units per acre may be approved through Conditional Use and subject to Future Land Use category limitations.
- 5 If calculated a mean width, the width at the street line shall not be less than eighty (80) per cent of the required lot width except for lots on the turning circles of cul-de-sac or on the outside radius of a curve; in such cases the lot width at the street line shall be no less than twenty-five (25) feet.
- 6 No more than half of the lots shall be allowed to have fifty (50) feet in width; the other half shall have a minimum lot width of sixty-five (65) feet. For affordable housing projects, all lots shall be allowed to have a minimum fifty (50) feet in width.
- 7 Plus one hundred (100) square feet for each additional bedroom.
- 8 See Article IV, Section 1, Exceptions and Variations to Height Regulations.
- 9 Structures accessory to agriculture (AEU) may be forty-five (45) feet in height.
- 10 Additional height may be allowed subject to Conditional Use approval and the standards set forth in Article IV, Section 1 (Height Regulations) and Appendix D, Chapter 9, Article 15, Section 9.273.
- 11 See Article IV, Section 1 (Height Regulations) for additional setback requirements. Townhome setbacks are determined between buildings; interior townhome units do not have side setback requirements.
- 12 If the building envelopes are depicted on the approved final plat recorded in the Public Records of Brevard County, the sum of the side interior yards on both sides of the residential unit shall equal at least ten (10) feet.

Table 2B. Table of Dimensional Standards, Non-Residential Districts

NON-RESIDENTIAL	R-P	C-1A	C-1	C-2	C-3	C-P	M-1	M-2	I-1*
Minimum lot area (sq. ft.)	7,000	6,000	5,000	5,000	4,000	22,500	10,000	10,000	20,000
Minimum lot width (ft.) ¹	70	60	50	50	30	150	100	100	100
Minimum lot depth (ft.)	100	100	100	100	100	150	100	100	150
Maximum lot coverage (%)	40	50	50	50	100 ²	40	50	50	
Minimum building area (sq. ft.)	See table 2A	300	300	300	300	300	300 ³	300 ²⁷	
Maximum height (ft.) ⁴	3 floors with a maximum height of 36 feet ⁵	4 floors with a maximum height of 48 feet ⁵			8 floors with a maximum height of 96 feet ⁵	4 floors with a maximum height of 48 feet ⁵			NA
Minimum setback requirements (ft.) ⁶			See footnote ⁷						25 ⁸
Front	20	25	20	20 ft.	None	50	20	20	
Side interior lot ⁹	7.5	None	None	None	None	25	None	None	
Side corner	20	20	20	20 ft.	None	40	20	20	

lot									
Rear	20	20	15	20 ft.	None	30	20	20	
Rear-abutting alley	15	15	10	10 ft.	None	10 ft.	15	15	
Additional buffer ¹⁰	N	N	Y	Y	Y	Y	Y	Y	Y

¹ If calculated a mean width, the width at the street line shall not be less than eighty (80) per cent of the required lot width except for lots on the turning circles of cul-de-sac or on the outside radius of a curve; in such cases the lot width at the street line shall be no less than twenty-five (25) feet.

² Except for required yards.

³ Except where no buildings are proposed.

⁴ See Article IV, Section 1, Exceptions and Variations to Height Regulations.

⁵ Additional height may be allowed subject to Conditional Use approval and the criteria standards set forth in IV, Section 1 (Exceptions and Variations to Height).

⁶ See Art. VI(l), Residential Uses in Non-Residential Districts, and Art. IV, Section 1, Exceptions and Variations to Height Regulations, for additional setbacks requirements.

⁷ Residential developments in a C-1 zone must meet the yard requirements specified for the R-2 zone.

⁸ Thirty-five (35) feet if abutting a residential use; fifty (50) feet if adjacent to a collector or arterial. Ten (10) additional feet setback for every ten (10) feet in height over ten (10) feet. Interior yards shall meet the requirements necessary for adequate police and fire protection.

⁹ If abutting a residential district that requires setbacks, use the setback required in that district along the abutting property line. For multi-story developments, see Article IV, Section 1, Exceptions and Variations to Height Regulations for additional setback requirements. Townhome setbacks are determined between buildings; interior townhome units do not have side setback requirements.

¹⁰ Notwithstanding the setbacks required as noted in the table above, new COM, HDR, IND, and INST developments requiring formal site plan approval, adjacent to established single-family lots, shall provide a buffer of no less than fifty (50) lineal feet, (unless subject to Appendix B, Article IV, Section 1(b)). A six-foot masonry wall and vegetative landscape buffer shall be provided. This does not apply to projects located within redevelopment districts.

(E) Standards for AEU—Agricultural Estate Use, Single-Family Residential District.

(1) Principal uses and structures.

- (a) Agricultural pursuits, including the raising and grazing of animals and fowl, and the packing, processing, and sales of commodities raised on the premises.
- (b) Churches. Churches shall be located no closer than twenty-five (25) feet to any property line which abuts on a public highway or alley, or fifty (50) feet to any property line abutting a lot under different ownership than that on which the structure is to be placed.
- (c) Community residential homes (one (1) to six (6) residents).
- (d) Convalescent homes, subject to the standards contained in Article VI, section 2.
- (e) Dwelling units.
 - 1. Single-family detached residential dwelling.
 - 2. Mobile home, when used as the principal residential dwelling. The property must have a minimum size of ten (10) acres, and the mobile home residential dwelling shall be located at least two hundred (200) feet from all property lines.
- (f) Farmer's stand.
- (g) Landscaping business subject to the following conditions:
 - The minimum site size shall be five (5) acres.
 - i. There shall be a minimum of a two-hundred-foot setback from all property lines for the storage of heavy equipment or for the location of any structure which is intended to be used in conjunction with the landscaping business.
 - ii. The retail or wholesale sale and storage of all products incidental to the landscaping business shall be permitted on the premises. Such items as sod, fertilizer, seed and plants are examples of such products permitted under this use.
- (h) Plant nurseries.

(2) Accessory uses and structures. (See Article VII).

- (a) Barns may be allowed as an accessory use and are not subject to the accessory building size limitations (see Article VII for use standards).
- (b) Dwelling unit, accessory (tenant dwellings), subject to the standards of Article VII, section 2.
- (c) Home occupations, subject to the standards set forth in Article VII, section 2.
- (d) The keeping of horses not to exceed four (4) per acre, and limited to the personal, noncommercial use of the occupant of the property.

- (e) The keeping of lambs as a project for FHA, FFA, 4-H, or other recognized school clubs, not exceeding four (4) lambs per acre, and limited to one hundred eighty (180) days per calendar year.
- (f) Parking, locating and storing recreational vehicles and recreational equipment (including horse trailers) on developed single-family properties, subject to the following standards:
 - 1. Use. The recreational vehicle or recreational equipment shall:
 - a. Be owned or used by the property owner, occupant, or guest residing with the owner or occupant;
 - b. Be for the personal off-site recreational use of the owner, occupant, or guest residing with the owner or occupant;
 - c. Not be used for residential or commercial purposes;
 - d. Not be connected to utilities to accommodate residential use; and
 - e. Not be parked on vacant property.
 - 2. Number and location. The maximum number and location of recreational vehicles and recreational equipment is as follows:
 - a. Unlimited number in a garage or other completely enclosed structure;
 - b. No more than one (1) per one-quarter ($\frac{1}{4}$) acre of lot size, or portion thereof, in a side yard (except side corner yard) or rear yard if completely screened on all four (4) sides by, and does not exceed the height of, an opaque visual barrier; and
 - c. No more than one (1) which is visible anywhere on the lot if located in either:
 - (i) An unenclosed carport.
 - (ii) A rear or side yard if not completely screened by, or exceeds the height of, an opaque visual barrier.
 - (iii) A driveway area if set back a minimum of five (5) feet from the front and (if applicable) side corner property line and parked perpendicular to the street upon which the driveway is accessed, except where parked at least one hundred (100) feet from any street frontage on lots at least one (1) acre in size.
- (g) Parking and storage of commercial motor vehicles or heavy equipment where accessory to a primary agricultural use.
- (h) Skateboard ramps subject to the conditions contained in Article VII, section 2.
- (i) Tennis courts as an accessory use to a single-family residence. A minimum of one-half ($\frac{1}{2}$) acre shall be required for an unlighted tennis court and one (1) acre for a lighted tennis court.
- (3) Conditional uses permissible by the city council.
 - (a) Bed and breakfast.
 - (b) Boarding of horses and horses for hire. A minimum lot area of five (5) acres shall be required for boarding of horses and horses for hire, and all structures for the permanent or temporary housing of horses shall meet the setback requirements for such structures. A conditional use permit shall not be required where the number of horses does not exceed four (4) per acre.
 - (c) Composting facility. A minimum of ten (10) acres and an eight-foot high visually opaque vegetative buffer is required. All processing activities and structures shall meet a minimum setback of three hundred (300) feet.
 - (d) Congregate living facility.
 - (e) Farmers' market. All sales booths, temporary structures and trucks being used to sell produce shall be a minimum of fifty (50) feet from all road rights-of-way and thirty (30) feet from all other property lines. All parking for salespeople and customers shall be on the property of the landowner and there shall be no parking on the right-of-way. A site plan shall be submitted in accordance with Article IX of the Zoning Code.
 - (f) Hog farms. A minimum of ten (10) contiguous acres is required before a hog farm may be considered for approval as a conditional use (see definition of "hog farm").
 - (g) Private and public clubs.
 - (h) Private heliports
 - 1. No more than one (1) helicopter shall be permitted and that helicopter shall not be designed to carry more than four (4) persons.
 - 2. Takeoff and landing areas must be five hundred (500) feet from all property lines and shall be encircled by a fence or vegetative buffer not less than five (5) feet in height.
 - 3. Fueling facilities are prohibited and a conceptual site plan shall be submitted to include the approach zone and its relationship to existing homes and a noise exposure map prepared by a certified engineer.
 - 4. Each heliport shall be limited to two (2) round trips per day during daylight hours only.
 - (i) Public or private school, including kindergartens, primary and secondary schools and colleges.
 - (j) Public utility service facilities meeting the conditions listed in Article VI, section 2.

- (k) Roadside stand.
 - (l) Security trailer on properties larger than five (5) acres.
 - (m) Veterinary clinics, kennels. Veterinary clinics and kennels shall be located at least three hundred (300) feet from the nearest residentially zoned lot, and vice-versa. The minimum lot area is two and one-half (2.5) acres.
- (4) Prohibited uses and structures. All uses not specifically or provisionally permitted herein.
- (F) Standards for R-2T — Planned Residential Development for Mobile Home Parks.**
- (1) Principal uses and structures.
 - (a) Community residential homes (one (1) to six (6) residents).
 - (b) Dwelling units - single-family detached residential.
 - (c) Parks and public recreational facilities.
 - (2) Accessory uses and structures. (See supplemental district regulations in Article VII.)
 - (a) Barns may be allowed as an accessory use and are not subject to the accessory building size limitations.
 - (b) Home occupations, subject to the standards set forth in Article VII, section 2.
 - (c) The keeping of horses not to exceed four (4) per acre, and limited to the personal, noncommercial use of the occupant of the property.
 - (d) The keeping of lambs as a project for FHA, FFA, 4-H or other recognized school clubs, not to exceed four (4) lambs per acre, subject to any requirements and conditions for the keeping of horses and limited to one hundred eighty (180) days per calendar year.
 - (e) Parking, locating and storing recreational vehicles, recreational equipment (including horse trailers) on developed single-family properties, subject to the following standards:
 - 1. *Use.* The recreational vehicle or recreational equipment shall:
 - a. Be owned or used by the property owner, occupant or guest;
 - b. Be for the personal off-site recreational use of the owner, occupant, or guest;
 - c. Not be used for residential or commercial purposes;
 - d. Not be connected to utilities to accommodate residential use; and
 - e. Not be parked on vacant property.
 - 2. *Number and location.* The maximum number and location of recreational vehicles and recreational equipment is as follows:
 - a. Unlimited number in a garage or other completely enclosed structure;
 - b. No more than one (1) per one-quarter (¼) acre of lot size, or portion thereof, in a side yard (except side corner yard) or rear yard if completely screened on all four (4) sides by, and does not exceed the height of, an opaque visual barrier; and
 - c. No more than one (1) which is visible anywhere on the lot if located in either:
 - (i) An unenclosed carport.
 - (ii) A rear or side yard if not completely screened by, or exceeds the height of, an opaque visual barrier.
 - (iii) A driveway area if set back a minimum of five (5) feet from the front and (if applicable) side corner property line and parked perpendicular to the street upon which the driveway is accessed, except where parked at least one hundred (100) feet from any street frontage on lots at least one (1) acre in size.
 - (d) Parking and storage of commercial motor vehicles or heavy equipment where accessory to a primary agricultural use.
 - (e) Skateboard ramps subject to the conditions contained in Article VII, section 2.
 - (f) Tennis courts are allowed as an accessory use to a single-family residence. A minimum of one-half (½) acre shall be required for an unlighted tennis court and one (1) acre for a lighted tennis court.
 - (3) Conditional uses permissible by the city council.
 - (a) Bed and breakfast.
 - (b) Churches.
 - (c) Dwelling, accessory.
 - (d) Public utility service facilities meeting the conditions set forth in Article VI, section 2.
 - (e) Raising and grazing of animals, subject to a minimum lot size of two and one-half (2.5) acres.
 - (4) Prohibited uses and structures. All uses not specifically or provisionally permitted herein.
- (G) Standards for PUD — Planned Unit Development District.**
- (1) *Ownership.* The site proposed shall be, and remain at all times, in single ownership. Should any portion of a site approved and certified by the city for a mobile home park be sold so as to create more than one (1) ownership of said site, and thereby affect the improvements and protective devices that this Code provides, then the previous certification shall be revoked and said property

shall then comply with the provisions that apply to the R-1A zone classification.

(2) *Site and building regulations.*

Mobile Home Park	
Development Site Minimum Size	10 acres
Perimeter Setback	25 ft.
Mobile Home Sites	
Minimum Lot Size	4,000 sq. ft. (single-wide); 5,000 sq. ft. (double-wide)
Minimum Lot Width	40 ft. (single-wide); 50 ft. (double-wide)
Front Yard Setback	10 ft.
Side Yard Setback	8 ft.
Rear Yard Setback	8 ft.
Recreation Area (minimum)	10% of gross site area*

*Not including required buffers and roads.

(3) *Mobile home park standards.*

(a) *Perimeter setback:* All perimeter yards shall be landscaped and maintained and shall otherwise be unoccupied except for utility facilities, signs, entrance ornamentation and/or landscaping devices. Landscaping shall constitute an effective opaque screen for the protection of the inhabitants of the mobile home park, and may include but shall not be limited to, decorative fencing and/or decorative trees and shrubs.

(b) *Street right-of-way widths and improvements:*

1. Right-of-way widths of streets within a mobile-home park shall conform to all applicable minimum standards of the City of Melbourne, and requirements for such streets.
2. Dedication of streets inside mobile-home parks is not required, however, street construction shall meet all minimum standards of the City of Melbourne subject to the following conditions:
 - a. Variation from street drainage design requirements of the subdivision regulations, to provide for center street drainage may be made only when provision has been made for adequate reinforced pavement edges to prevent pavement breaking due to absence of standard curb and gutter.
 - b. Streets in mobile home parks shall be constructed to meet the following standards:
 - (i) Minimum right-of-way width: Forty (40) feet.
 - (ii) Minimum paving width: Twenty-four (24) feet constructed to conform with adequate construction standard approved by the city engineer.
 - (iii) Sidewalks shall be required and shall conform to the specifications contained in the subdivision regulations.

(4) *Mobile home stand.* The area of the mobile home stand shall be improved to provide an adequate foundation for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding rotation and overturning.

- (a) The mobile home stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- (b) The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or runways, screw auger, arrowhead anchors, or other devices securing the stability of the mobile home.
- (c) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

(5) *Mobile home unit standards.* Each mobile home used for human habitation shall have minimum facilities consisting of:

- (a) Inside running water and an installed kitchen sink.
- (b) Inside bathing facilities which shall consist of an installed tub or shower.
- (c) An installed flush toilet.
- (d) Installed electric lighting facilities.
- (e) Screening, which shall be provided to effectively cover all outside openings such as windows and doors, with a fine mesh such as is ordinarily used in dwellings to prevent the entrance of flies, mosquitoes, and similar pests.
- (f) An enclosed body or shell, which shall be in good repair, to effectively protect the occupants from the elements.
- (g) All mobile homes shall have suitable skirting between the base of the trailer and the ground. This skirting shall be made of block, wood, lattice or other approved material. Openings in

the skirting shall not be more than two (2) inches square.

- (h) Transient or travel trailers shall not be permitted unless as provided in Appendix D, section 9.74(p).
- (6) *Utilities and services.*
- (a) Each mobile home shall be independently served by separate electric power, gas, and other utility services, wherever such utilities and services are provided, and no mobile home shall be in any way dependent upon such service or utility from lines located within another mobile home or mobile home site, except as may be installed in public easements.
- (b) All mobile home parks must be connected to public water and sewer lines.
- (c) All electrical, telephone, cable television, and other utility lines in a mobile home park shall be placed underground.
- (d) Proper and adequate access for firefighting purposes, access to service areas for garbage and waste collection, and other necessary services shall be provided.
- (7) *Site plan required.* Concurrent with the request for rezoning to R-2T, a scaled and dimensioned site plan of the development shall be prepared by a registered engineer, land surveyor, landscape architect, or architect, and typical tentative floor plans of permanent facilities shall be submitted. For site plan requirements see Article IX, section 6.
- (8) *Assurance of improvements.* A statement defining the manner in which the City of Melbourne is to be assured that all improvements and protective devices are to be installed and maintained shall accompany the request for a planned mobile home development. The city council may require the posting of a performance bond, letter of credit, tri-party agreement, or other security instrument acceptable to the city attorney, not to exceed one hundred ten (110) per cent of the cost of providing:
- (a) The public services customarily supplied by the City of Melbourne to fill respective needs for storm water, sanitary sewage, disposal, potable water supply and other utilities.
- (b) The public improvements necessary to ensure proper ingress and egress for the site. Subsequent to the compliance of the aforementioned conditions, the planning and zoning board shall certify that such planned development is in accordance with the requirements and intent of the Zoning Code, and the customary procedure for obtaining a building permit shall take effect.
- (9) *Expansion of existing mobile home parks.* Whenever the owner of a mobile home park proposes expansion, plans for such expansion shall be submitted and approved in the same manner as plans for new mobile home parks. Mobile home park expansion plans shall comply with new park requirements unless such compliance is found too impracticable by the planning and zoning board, in which case minor variations of new park standards may be approved by the board of adjustment. Improvement of substandard conditions in existing parks may be required as a precedent to expansion of such parks.
- (H) **PUD — Planned Unit Development District.**
This section establishes the standards for planned unit developments. The review procedures are stated in Article IX, section 6, formal site plan review.
- (1) *Definitions.* For the purpose of this section, certain words and terms used in this subsection (D) shall be defined as follows:
- (a) *Planned unit development or PUD.* Area of land developed as a single entity, or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is totally planned to provide for a variety of residential and compatible complimentary uses and common open space.
- (b) *Common open space.* Parcel or parcels of land, or a combination of land and water within the site designated as a planned unit development, and designed and intended for the use or enjoyment of residents of the planned unit development. All common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the planned unit development.
- (c) *Common recreation and usable open space.* The total amount of improved usable area, including outdoor space, permanently set aside and designated on the site plan as recreational or open space of the PUD. Such usable space may be in the form of active or passive recreation areas including but not limited to playgrounds, golf course, beach frontage, nature trails and lakes. Common usable open space shall be improved to the extent necessary to complement the uses and may contain compatible and complementary structures for the benefit and enjoyment of residents of the PUD. Easements, drainage ditches, dry or wet retention areas, swales, parking areas, road rights-of-way or minimum yards and spacing between dwelling units may not be included in determining usable open space. Water areas may be used to partially fulfill open space requirements. If golf courses and/or water areas are used to partially fulfill open space requirements, calculations for said water areas shall not exceed one-half (½) of the required open space. All water areas included as part of the open space requirement shall be permanent water bodies and shall be improved with docks or piers, and planted with grass and maintained around all sides so

- as to prevent mosquitoes, insects, rodents, and reptiles.
- (d) *Developer*. Any person, firm, association, syndicate, partnership or corporation, who is involved in the construction and creation of a planned unit development.
 - (e) *Development agreement*. An agreement entered into by a developer and the city council to guarantee that the regulations existing at the time of execution of the development agreement, or the regulations established as part of the PUD review process, shall govern the development of the land for the duration of the agreement.
 - (f) *Development plan*. Site layout of a planned unit development drawn in conformity with the requirements of this Code. Said development plan shall specify and clearly illustrate the location, relationship, design, nature and character of all primary and secondary uses, public and private easements, structures, parking areas, public and private roads, and common open space.
 - 1. *Preliminary development plan*. The conceptual site layout required in conjunction with an application for rezoning to PUD.
 - 2. *Final development plan*. Site layout approved by the City Council of Melbourne and recorded with the Clerk of the Circuit Court of Brevard County according to the provisions of this Code.
 - (g) *Development schedule*. Comprehensive statement showing the type and extent of development to be completed within the various practicable phases and the order in which development is to be undertaken. A development schedule shall contain an exact description of the specific buildings, facilities, common open space, and other improvements to be developed at the end of each time period.
 - (h) *Phase/stage*. A specified portion of the planned unit development that may be developed as an independent entity. A phase must be conceptually delineated in the preliminary development plan, defined in the final development plan, and specified within the development agreement.
 - (i) *Site*. The actual physical area to be developed as a planned unit development, including the natural and created characteristics of said area.
- (2) *Unified ownership or control*. The title of all land within a proposed site for a planned unit development shall be owned or controlled by the developer submitting the applications provided for under this section. The term "controlled by" shall be interpreted to mean that said developer shall have the written consent of all owners of property within the proposed site not wholly owned by the developer. Said consent shall contain a statement that said developer is authorized to represent said owners in the submission of an application under the provisions of this section, and that said owners shall agree to be bound by the decision of the city council in the event said application is approved.
- (3) *Permitted uses*. Uses permitted in the planned unit development may include and shall be limited to the following:
- (a) *Residential/primary uses*.
 - 1. Single-family detached units.
 - 2. Townhouses.
 - 3. Attached dwelling units.
 - 4. Multi-family residential dwelling units in single or and multi-story structures.
 - (b) *Non-residential/secondary uses*.
 - 1. Churches.
 - 2. Public or semi-public uses.
 - 3. Cultural, recreational facilities.
 - 4. Personal service centers.
 - 5. Offices, commercial, and professional centers.
 - 6. Hotels and motels.
- (4) *Common open space*.
- (a) All common open space shall be preserved for its intended purpose as expressed in the final development plan. The developer shall choose one (1) of the following three (3) methods of administering common open space:
 - 1. Public dedication of the common open space to the city. This method is subject to formal acceptance by the city in its sole discretion.
 - 2. Establishment of a corporation/association of all individuals or corporations owning property within the planned unit development or phase/stage thereof for ownership and to ensure the maintenance of all common open space.
 - 3. Retention of ownership, control and maintenance of all common open space by the developer.
 - (b) All privately owned common open space shall continue to conform to its intended use and remain as expressed in the final development plan through the inclusion in all deeds, or through the use of recorded covenants and restrictions running with the land or serving as equitable servitudes upon the land, of appropriate restrictions to ensure that the common

open space is permanently preserved according to the final development plan. Said deed restrictions shall run with the land, or serve as equitable servitudes upon the land, and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

- (c) All common open space, as well as public and recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.
- (d) If the developer elects to administer common open space through a corporation/association, said organization shall conform to the following requirements:
 - 1. The developer must establish the corporation/association prior to the sale of any lots, parcels, or tracts within the PUD.
 - 2. Membership in the corporation/association shall be mandatory for all residential property owners within the phase of the planned unit development for which said association shall have jurisdiction and said association or corporation shall not discriminate in its members or shareholders on the basis of race, creed, color, or sex.
 - 3. The corporation/association shall manage all common open space and recreational and cultural facilities that are available without payment of club membership assessments to lot owners within the PUD or conveyed public ownership and operations, shall provide for the maintenance, administration and operation of said land and any other land within the planned unit development not publicly or privately owned by individual PUD lot owners, and shall secure adequate liability insurance on the land.
- (5) *Development standards.* The PUD concept allows for deviation from the traditional development standards that apply to conventional zoning districts. However, the purpose of providing flexibility in the application of development standards is to encourage mixed-use quality developments, superior urban form and innovative development techniques. Therefore, the proposed development standards need to be justified and consistent with the criteria noted below.
 - (a) *Criteria for approving development standards.* To ensure the PUD objectives are met, the flexibility of the standards shall be based on the analysis of the following:
 - 1. Comparison with the existing and surrounding zoning standards.
 - 2. Adequacy of existing and proposed public facilities and services.
 - 3. Site characteristics.
 - 4. Compatibility with surrounding uses/use of mitigation strategies.
 - 5. Provision of multiple uses on single site.
 - 6. Substantive features or amenities that result in a direct community/municipal benefit:
 - Public space with seating area (plaza or green two hundred fifty (250) square feet minimum).
 - Tot lot with playground equipment (three hundred (300) square feet minimum).
 - Fountains, sculptures or architectural features in conjunction with a public space, vista or parking area.
 - Use of pedestrian arcades.
 - Additional public amenities to be approved by city council.
 - 7. Affordable housing.
 - 8. Shared parking (typical operating hours for uses sharing parking cannot overlap [i.e. church and office uses]).
 - 9. Increased landscaping (must exceed minimum required plant material volume by twenty (20) per cent and provide variety of species).
 - 10. Residential above commercial or office.
 - 11. Shared storm water.
 - 12. Multi-modal or inter-modal facilities.
 - 13. Outstanding architectural design.
 - 14. Unique/imaginative features not normally found in similar developments.
 - 15. Land dedication for public use.
 - 16. Restoration of an existing historic structure details/features such as restoring original storefronts, porches, balconies, window or door openings and other major architectural details.
 - (b) *Base standards.* As noted above, the PUD process allows the developer to propose his/her own development standards (lot size, density, etc.), except for the following:

Development Site	
PUD Development Size	10 acres minimum
Perimeter Setback	25 feet minimum
Residential Density (see section (c) below)	10 units per acre maximum
Hotel Density	40 rooms per gross acre

Recreation/Open Space	15% of gross acreage
Maximum Acreage of Non-Residential Use:	
Less than 200 dwelling units	Not allowed
200 to 499 dwelling units	5% of gross site area
500 dwelling units or more	7% of gross site area
Individual Lots	
Front Building Setback	20 feet from ROW minimum
Building length	Not more than 200 feet maximum
Breezeway requirement for waterfront sites	At least 25% of building frontage
Building separation	
Up to 20 feet in height	10 feet
Up to 30 feet in height	20 feet
Up to 40 feet in height	25 feet
Over 40 feet in height	25 feet + 5 feet for every 10 feet in height over 40 feet
Minimum Floor Area Per Unit	
Single-family	1,000 square feet
Multi-family:	
Efficiency	450 square feet
1 bedroom	550 square feet
2 bedrooms	650 square feet
3 bedrooms	800 square feet
Hotel Use	300 square feet per unit

- (c) *Maximum density.* The average density permitted in each PUD shall be established by the city council upon recommendation of the planning and zoning board. The criteria for establishing an average density include existing zoning, adequacy of existing and proposed public facilities and services, site characteristics, and the recommended density of any land use plan involving the area in question. In no case shall maximum density permitted exceed ten (10) dwelling units per gross acre.
- (d) *Perimeter setback.* This standard may be modified (increased or decreased) based on the following criteria:
 - Lot sizes within the development and adjacent areas (existing or permitted).
 - Structure type and massing.
 - Structure height.
 - Provision of opaque buffering or screening to protect the privacy and amenities of the adjacent existing uses.

No buildings, parking lots or other structures may be located within the perimeter setback area. However, swimming pools and pool decks may be permitted subject to the normal residential setback requirements. The buffer area may be included in the calculation for the required open space, if the area is intended for common use and not fenced for the private use of the adjacent residential unit.
- (e) *Minimum lot size, lot width, lot depth, and setbacks.* There shall be no pre-determined minimum lot size, lot width, lot depth, or building setbacks required within a PUD district. The criteria for establishing these standards include existing zoning, character of existing and future developments adjacent to the PUD, site characteristics, and the intended character of the development. The general location of proposed structures and proposed setbacks shall be shown on the development plan and the standards shall be stated on the developers' agreement. Properties bordering the ocean must meet the department of environmental protection setback requirements.
- (f) *Minimum lot frontage.* Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via an approach private road, pedestrian way, court or other area dedicated to public or private use or common easement guaranteeing access. Permitted uses are not required to front on a public dedicated road. The city and other governmental agencies shall be allowed access on privately owned roads, easements and common open space to ensure the police and fire protection of the area to meet emergency needs, to conduct city services, to provide emergency medical services, and to generally ensure the health and safety of the residents of the PUD.
- (g) *Off-street parking.* All uses shall meet the parking and loading requirements of Appendix D, Land Development Code, Article V, unless modified through the PUD review process.
- (h) *Underground utilities.* Within the PUD, all utilities including but not limited to telephone, television cable and electrical systems shall be installed underground. Primary facilities providing service to the site of the PUD may be exempted from this requirement. Large

transformers shall be placed on the ground and contained within landscaped pad mounts, enclosures or vaults. Any required substations shall be screened by walls designed to be compatible with the design of the PUD.

(i) *Infrastructure.* The minimum construction requirements for streets or roads, sidewalks, sewer facilities, utilities and drainage shall be in compliance with the requirements of the City of Melbourne Subdivision Regulations, except as noted below:

1. Proposed vehicular alleys shall meet the following minimum standards:
 - a. One way alley—Sixteen (16) feet right-of-way width with twelve (12) feet pavement;
 - b. Two-way alley—Twenty-four (24) feet right-of-way width with twenty (20) feet pavement;
 - c. Parallel parking shall not be allowed within alleys.
 - d. Garages shall be oriented to alleys where provided.
 - e. Driveways to alleys shall be either three (3) to five (5) feet long or greater than sixteen (16) feet to avoid creating an unusable area in front of the garage.

(Ord. No. 2005-120, § 2, 11-8-05; Ord. No. 2006-79, §§ 3—6, 8-8-06; Ord. No. 2009-26, § 1 (Exh. A), 7-14-09; Ord. No. 2009-31, §§ 4—7, 8-25-09; Ord. No. 2010-13, §§ 4, 5, 9-7-10; Ord. No. 2010-14, § 4, 4-13-10; Ord. No. 2010-37, § 5, 6-22-10; Ord. No. 2010-49, § 1, 10-12-10; Ord. No. 2011-17, § 1, 5-24-11)

ZONING DESIGNATIONS FOR MELBOURNE

Sec. 2. - Zoning districts and intent.

For the purpose of classifying, regulating and restricting the location of trades and industries, and the location of buildings designed for industry, business, residence and other uses, the City of Melbourne is hereby divided into the following zoning districts, which implement the City of Melbourne Comprehensive Plan. The designation of use districts and uses by letter symbols as set forth herein, when used throughout this Code and upon the zoning map shall have the same effect as if the full description of said district were stated.

(A)

AEU — Agricultural Estate Use District. The AEU agricultural estate district encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character. The AEU zoning district is intended to be similar to the Brevard County AU zoning district in rural areas.

(B)

REU — Rural Estate Use District. The REU rural estate district encompasses lands devoted to single-family residential development of spacious character. The REU zoning district is intended to be similar to the Brevard County RR-1 zoning district in rural areas that are transitioning from rural to suburban use.

(C)

R-1AAA, R-1AA, R-1A — Single-Family Low Density Residential Districts. The provisions of these districts are intended to apply to an area of single-family residential development. Lot sizes and other restrictions are intended to protect and promote high quality residential development.

(D)

R-1B — Single-Family Low Density Residential District. The provisions of this district are intended to apply to an area of single-family residential development with incentives on lot size for affordable housing projects. (See Appendix B, Article V, Section 2, Table 2A, Footnote 6 and Appendix B, Article VI, Section 1(A)). Lot sizes and other restrictions are intended to permit a flexibility of design and a variety of housing styles, promote affordable single-family housing, and encourage the preservation of natural features such as scrub habitat, unique hardwood canopies and wetlands.

(E)

R-2 — One-, Two- and Multiple-Family Dwelling Medium Density District. The provisions of this district are intended to apply to an area of low or medium density residential development with a variety of housing types. Lot sizes and other restrictions are intended to promote and protect low or medium density residential development, maintaining an adequate amount of open space for such development. Some non-residential uses compatible with the character of the district are also permitted as conditional uses.

(F)

R-3 — Multiple-Family Dwelling High Density District. The provisions of this district are intended to apply to an area of low, medium, or high density residential development. Lot, height, and other building restrictions are intended to accommodate a variety of residential development, maintaining an adequate amount of open space for residential uses. Some nonresidential uses compatible with the character of the district or as accessory uses to serve high density residential are also allowed.

(G)

R-4 — Two-Family Dwelling District. The provisions of this district are intended to apply to an area to be developed solely for duplexes at a low or medium density. It is

intended that this district accommodate a compatible development of residential use at a higher density than single-family use, but at no lower standard of quality. Internal design, attractiveness, order and efficiency are encouraged by providing for adequate usable open space for dwellings and related facilities and through consideration of good functional relationship both between dwellings and surrounding uses.

(H)

R-A — Residential Holding District. The provisions of this district are intended to apply to a sparsely developed area capable of supporting single-family residences at very low densities. This classification is also intended to place land in a holding pattern until such time that a specific development request is presented which is consistent with the comprehensive plan.

(I)

R-2T — Planned Residential Development for Mobile Home Parks. Mobile home parks developed in such a manner as to make efficient, economical and aesthetically pleasing use of the land, so restricted that same will be continually maintained by the owner, and when such is provided for in a carefully drawn plan, the city council may permit upon recommendation of the planning and zoning board such development providing the conditions contained in Article V, section 2(G) of this Code are met.

(J)

PUD — Planned Unit Development District. The planned development is a concept which encourages mixed uses and unconventional development designs in those cases where the developer can demonstrate improved living environments, protection of natural resources or increased effectiveness of service delivery and the reduction of external trips. The purpose of a planned development is to encourage the development of large tracts of land as planned residential neighborhoods and communities that provide a more varied and interesting urban pattern and a full range of residence types as well as commercial uses designed to serve the inhabitants of the planned development. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this section while departing from the strict application of conventional use and dimension requirements of other zoning districts and subdivision regulations.

The standards for planned unit developments contained in Article V are intended to achieve the following objectives:

(1)

Accumulation of large areas of usable open spaces for recreation and preservation of natural amenities.

(2)

Flexibility in design to take the greatest advantage of natural land, trees, historical and other features.

(3)

Creation of a variety of housing types and compatible neighborhood arrangements that give the home buyer greater choice in selecting types of environment and living units.

(4)

Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the City of Melbourne.

(5)

Efficient use of land that may result in smaller street and utility networks and reduce development costs.

(6)

Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development.

(7)

Simplification of approval procedures of proposed developments through simultaneous review by the city of proposed land use, site consideration, lot and setback consideration, public needs and requirements, and health and safety factors.

(8)

Economical and efficient use of land, utilities and streets with resulting lower housing costs.

(K)

R-P — Residential—Professional District. The provisions of this district are intended to apply to a transition area between commercial and residential uses. Principal uses and restrictions of the district are intended to promote and protect low or medium density residential development in combination with low intensity commercial development to provide a buffer area between residential and nonresidential areas as well as to facilitate cohesive grouping of more intensely developed commercial activities with high traffic generating capabilities.

(L)

C-1A — Professional, Offices and Services District. The provisions of this district are intended to apply to an area adjacent to major streets and convenient and complementary to major commercial, industrial and/or transportation facilities. The types of uses permitted and other restrictions are intended to provide an amenable environment for the development of professional offices and services separate from the intensive development of commercial and industrial facilities.

(M)

C-1 — Neighborhood Commercial District. The provisions of this district are intended to apply to an area adjacent to arterial and major collector streets and convenient to major residential areas. The types of uses permitted are intended to serve consumer needs. Lot sizes and other restrictions are intended to reduce conflicts with adjacent residential uses and to minimize the interruption of traffic along thoroughfares.

(N)

C-2 — General Commercial District. The provisions of this district are intended to apply to an area intended to be developed and preserved as a major commercial center serving the commercial needs of the community and region as well as the motoring public. The types of uses and other restriction are intended to promote adequate protection from conflicts with adjacent residential and other noncommercial uses, and to minimize the interruption of traffic along adjacent thoroughfares.

(O)

C-3 — Central Business District. This district is intended to apply to the central commercial, professional, financial, governmental and civic core of the city. Lot and building regulations are intended to permit intensive development of the area and to discourage uses not requiring a central location and which would create friction with performance of central functions.

(P)

C-P — Commercial Parkway District. The provisions of this district are intended to apply to areas located adjacent to a main highway. The types of uses permitted and restrictions are intended to serve the needs of the motorist and provide an amenable impression of the city. Large lot sizes and other restrictions are intended to minimize

frequent ingress and egress to the highway from abutting uses, thereby allowing the thoroughfare to serve its primary function of carrying an uninterrupted flow of traffic.

(Q)

M-1 — Light Industrial District. The provisions of this district are intended to apply to an area located in close proximity to rail, air or major roadway facilities and which can serve intensive commercial uses and light manufacturing, warehousing, distribution, wholesaling and other industrial functions of the city and the region. Restrictions herein are intended to minimize adverse influences of the industrial activities on nearby non-industrial areas and to eliminate unnecessary industrial traffic through non-industrial areas.

(R)

M-2 — General Industrial District. The provisions of this district are intended to apply to an area located in close proximity to rail, air and major roadway facilities and which can serve general manufacturing, storage, distribution and other general industrial functions of the city, state and region. Restrictions herein are intended to minimize adverse influence of the industrial activities on nearby non-industrial areas and to eliminate unnecessary industrial traffic through non-industrial areas.

(S)

I-1 — Institutional District. The provisions applicable to this district are intended to apply to an area which can serve the needs of the community for public and semi-public facilities of an educational, recreational, health 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 the plans is specified and the zoning itself is predicated upon the approval of the site plan.



BREVARD COUNTY

Sec. 62-1331. - General use, GU.

The GU general use zoning classification encompasses rural single-family residential development, or unimproved lands for which there is no definite current proposal for development, or land in areas lacking specific development trends.

(1)

Permitted uses.

a.

Permitted uses are as follows:

Single-family detached residential dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

Agricultural pursuits.

Change of nonconforming agricultural use.

Land alteration (over five acres and up to 30 acres).

Private heliports (section 62-1943.5).

Recreational facilities.

Substantial expansion of a preexisting use.

Towers and antennas.

(4)

Minimum lot size. An area of not less than five acres is required, having a minimum width of 300 feet and a minimum depth of 300 feet.

(5)

Setbacks.

a.

Structures shall be set back not less than 25 feet from the front lot line, not less than 15 feet from the side lot lines, and not less than 20 feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If the corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.



b.

Accessory buildings shall be located to the rear of the front building line of the principal building or structure and shall be set back not less than 15 feet from the side lot lines and not less than 15 feet from the rear lot line.

(6)

Minimum floor area. Minimum floor area is 750 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(A); Ord. No. 85-47, §§ 2, 3, 10-19-95; Ord. No. 86-15, §§ 2, 3, 3-22-96; Ord. No. 98-03, § 3, 1-29-98; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 98-62, § 2, 12-3-98; Ord. No. 99-07, § 2, 1-28-99; Ord. No. 2002-49, § 2, 9-17-02; Ord. No. 2003-05, § 3, 1-14-03; Ord. No. 04-29, § 3, 8-5-04; Ord. No. 2004-52, § 1, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 2007-59, § 5, 12-6-07)



Sec. 62-1332. - Productive agricultural, PA.

The purpose of the PA productive agricultural zoning classification is to recognize those areas in the county that are agriculturally productive. Their function is of great physical and economic value to the county, and therefore such areas should be afforded a high level of protection. This classification will have its principal application in the citrus grove and cattle ranch areas of the county; however, any area in the county meeting the requirements of this section can be considered for this zone. Emphasis will be placed on areas that are agriculturally intensive, and development in these areas will be kept to a minimum.

(1)

Permitted uses.

a.

Permitted uses are as follows:

Mobile home residential dwelling.

One single-family dwelling unit.

Tenant dwellings: Where there are 40 or more acres under the same ownership, one tenant dwelling unit is permitted for each five acres, not to exceed ten tenant dwelling units in total. Tenant dwelling units shall be set back 200 feet from all property under different ownership.

All agricultural pursuits. The sale of products produced on the property and any other agricultural produce may be sold from roadside stands as provided in chapter 86, article IV.

Raising and grazing of farm animals, fowl raising and beekeeping.

Nurseries and horticultural pursuits.

Parks and public recreational facilities.

Pet kennels.

b.

Permitted uses with conditions. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Resort dwellings.

Temporary living quarters during construction of a residence.

Tenant dwellings: Mobile home.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential and agricultural uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

- Captive wildlife (section 62-1958).
- Change of nonconforming agricultural use.
- Citrus packing houses and processing plants.
- Development rights receipt and transfer.
- Dude ranches.
- Farmers' market.
- Farmers supply stores.
- Guesthouses or servants' quarters without kitchen facilities.
- Land alteration (over five acres and up to 30 acres).
- Private heliports (section 62-1943.5).
- Roadside stands.
- Substantial expansion of a preexisting use.
- Temporary medical hardship mobile homes.
- Towers and antennas.
- Veterinary hospital, clinic and related offices.
- Zoological parks.

(4)

Minimum lot size. An area of not less than five acres is required, having a minimum width of 300 feet and a minimum depth of 300 feet.

(5)

Setbacks:

a.

Structures shall be set back not less than 100 feet from the front lot line, not less than 50 feet from the side lot lines, and not less than 50 feet from the rear lot line.

b.

A structure for housing farm animals, fowl or bees shall be located 50 feet from property under different ownership and a minimum separation distance of 300 feet from any existing (non-agricultural) single-family residential zoning classification.

(6)

Minimum floor area. Minimum floor area is 600 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet for residential structures and 45 feet for accessory structures.

(Code 1979, § 14-20.02(B); Ord. No. 95-47, §§ 4, 5, 10, 19, 95; Ord. No. 95-51, § 1, 10, 11, 95; Ord. No. 96-16, §§ 4, 5, 3-28-96; Ord. No. 96-46, § 9, 10-22-96; Ord. No. 97-29, § 2, 8-14-97; Ord. No. 98-03, § 4, 1-29-98; Ord. No. 98-03, § 2, 2-10-98; Ord. No. 98-52, § 3, 12-3-98; Ord. No. 2002-48, § 3, 9-17-02; Ord. No. 2003-03, § 4, 1-14-03; Ord. No. 04-29, § 4, 8-5-04; Ord. No. 2004-32, § 2, 12-14-04; Ord. No. 2005-25, § 3, 5-19-05; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 2007-59, § 7, 12-6-07)

Sec. 62-1333. - Agricultural, AGR.



The AGR agricultural zoning classification encompasses lands devoted primarily to productive agricultural pursuits and rural single-family residential development. This zoning classification also implements the county's future land use policies which require low-intensity uses and low-density development in the rural area to prevent urban sprawl.

(1)

Permitted uses.

a.

Permitted uses are as follows:

Single-family detached residential dwelling.

Mobile home residential dwelling.

Tenant dwellings: Where there are 20 acres or more of land under the same ownership, one tenant dwelling unit is permitted for each five acres, not to exceed a total of ten tenant dwellings.

Agricultural pursuits, including the packing and processing of commodities raised on the premises. The sale of products produced on the property and any other agricultural produce may be sold from roadside stands as provided in chapter 86, article IV.

Raising and grazing of animals.

Bed and breakfast inns.

Dude ranches, with a minimum site size of 40 acres.

Landscaping businesses.

Parks and public recreational facilities.

Pet kennels.

Plant nurseries and sale of plants raised on the premises.

Private golf courses.

Foster homes.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Fish camps.

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

Tenant dwellings: Mobile home.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential and agricultural uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

Airplane runways.

Boarding of horses and horses for hire.

- Captive wildlife (section 62-1958).
- Change of nonconforming agricultural use.
- Composting facility.
- Development rights receipt and transfer.
- Farmers' markets.
- Guesthouses or servants' quarters, without kitchen facilities.
- Hog farms.
- Land alterations (over five acres and up to 30 acres).
- Parking of recreational vehicles accessory to fish camps.
- Private heliports (section 62-1943.5).
- Roadside stands.
- Security mobile homes.
- Single-family residential second kitchen facility.
- Skateboard ramps.
- Substantial expansion of a preexisting use.
- Temporary medical hardship mobile homes.
- Towers and antennas (see division 5, subdivision III, of this article).
- Veterinary hospital, office or clinic.
- Zoological parks.

(4)

Minimum lot size. An area of not less than five acres is required, having a minimum width of 200 feet and a minimum depth of 300 feet.

(5)

Setbacks.

a.

Primary structures shall be set back not less than 25 feet from the front lot line, not less than 15 feet from the side lot lines and not less than 20 feet from the rear lot line. On corner lots, both street frontages shall be subject to the front yard setback.

b.

Accessory structures shall be set back not less than 15 feet from the side and rear lot lines and shall be located behind the front building line of the principal structure.

c.

Setbacks for barns and stalls are as follows:

1.

Front: 125 feet from the front lot line.

2.

Side: 50 feet from the side lot line.

3.

Rear: 50 feet from the rear lot line.

(6)

Minimum floor area. Minimum floor area is 750 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is as follows:

a.

Tenant dwellings: One unit is permitted for each five acres of land under the same ownership. Tenant dwellings must be 100 feet from property of different ownership (section 62-1842.5).

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential and agricultural uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

Airplane runways (section 62-1905).

Bed and breakfast inns (section 62-1912).

Boarding of horses and horses for hire (section 62-1913).

Captive wildlife (section 62-1958).

Change of nonconforming agricultural use.

Composting facility.

Farmers' market (section 62-1929).

Guesthouses or servants' quarters, without kitchen facilities (section 62-1932).

Hog farms (section 62-1934).

Land alteration (over five acres and up to 30 acres) (section 62-1936).

Private heliports (section 62-1943.5).

Roadside stand (section 62-1945.5).

Security mobile homes.

Single-family residential second kitchen facility.

Skateboard ramps (section 62-1948).

Substantial expansion of a preexisting use (section 62-1949.7).

Towers and antennas (see division 5, subdivision III of this article) (section 62-1953).

Veterinary hospital, office or clinic, pet kennels (section 62-1956).

Zoological parks (section 62-1960).

(4)

Minimum lot size. An area of not less than two and one-half acres is required, having a minimum width of 150 feet and a minimum depth of 150 feet.

(5)

Setbacks.

a.

Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet from the rear lot line. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.

b.

Accessory buildings shall be located to the rear of the front building line of the principal building and shall be set back not less than 15 feet from the side lot lines and not less than 15 feet from the rear lot lines.

c.

Setbacks for barns and stalls are as follows:

1.

Front: 125 feet from the front lot line.

2.

Side: 50 feet from the side lot line.

3.

Rear: 50 feet from the rear lot line.

(6)

Minimum floor area. Minimum floor area is 750 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is as follows:

a.

Residential structures: 35 feet.

b.

Structures accessory to an agricultural use: 45 feet.

(Code 1973, § 14-20.03(D); Ord. No. 95-47, §§ 8, 9, 10-19-95; Ord. No. 95-48, § 18, 10-19-95; Ord. No. 95-51, § 3, 10-19-95; Ord. No. 96-15, §§ 8, 9, 3-28-96; Ord. No. 96-46, § 10, 10-22-96; Ord. No. 97-29, § 2, 8-12-97; Ord. No. 97-48, § 1, 12-2-97; Ord. No. 98-03, § 6, 1-29-98; Ord. No. 98-05, § 2, 2-10-98; Ord. No. 98-17, § 3, 2-26-98; Ord. No. 98-62, § 5, 12-3-98; Ord. No. 2002-49, § 3, 8-17-02; Ord. No. 2003-03, § 5, 1-14-03; Ord. No. 03-40, § 1, 8-12-03; Ord. No. 04-29, § 6, 8-1-04; Ord. No. 2004-52, § 4, 12-14-04; Ord. No. 2005-25, § 5, 5-19-05; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 2007-59, § 9, 12-8-07; Ord. No. 2009-06, § 2(Exh. A), 2-5-09; Ord. No. 2010-22, § 10, 11-23-10)



Sec. 62-1334.5. - Agricultural rural residential, ARR.

The ARR agricultural rural residential zoning classification encompasses lands which may be devoted to a mixture of agricultural pursuits and large lot residential development with a rural character. This zoning classification may be utilized within areas that meet six or more of the following criteria:

1.

"Paper" subdivisions which have not been approved by the board of county commissioners as a subdivision;

2.

Lot sizes are one acre or greater in size;

3.

Contain existing permanent structures, as defined by section 62-510, which have been constructed without obtaining permits from the county;

4.

The county has adopted an ordinance specifically establishing standards for development within the area;

5.

Characterized by a mixture of manufactured housing and site built homes;

6.

Infrastructure may be inadequate, or in need of significant improvement; or

7.

A community development block grant target area.

(1)

Permitted uses:

a.

Permitted uses are as follows:

Single-family detached residential dwelling.

Manufactured homes.

Modular homes.

Tenant dwellings: One unit is permitted for each five acres of land under the same ownership. Tenant dwellings must be 100 feet from property of different ownership.

Foster homes.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential and agricultural uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5). Additional accessory uses are as follows:

a.

All agricultural pursuits, including packing and processing, and sales of commodities raised on the premises as provided in chapter 86, article IV.

b.

Fowl raising and beekeeping.

c.

Plant nurseries.

d.

Raising and grazing of animals.

(3)

Conditional uses. Conditional uses are as follows:

Boarding of horses and horses for hire, with a minimum of 2½ acres.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to 30 acres).

Roadside stands.

Security mobile homes.

Single-family residential second kitchen facility.

Substantial expansion of a preexisting use.

Temporary medical hardship mobile homes.

Towers and antennas, noncommercial.

(4)

Minimum lot size. An area of not less than one acre is required, having a width of not less than 125 feet and a depth of not less than 200 feet.

(5)

Setbacks.

a.

 Setbacks for structures, except barns, paddocks and stalls as described below, are as follows:

1.

Front: 15 feet from the front lot line.

2.

Side: Ten feet from the side lot lines.

3.

Rear: Ten feet from the rear lot line.

On a corner lot, the side street setback shall be not less than ten feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 15 feet.

b.

Setbacks for barns, paddocks and stalls are as follows:

1.

Front: 50 feet from the front lot line.

2.

Side: 25 feet from the side lot lines.

3.

Rear: 25 feet from the rear lot line.

(6)

Minimum floor area. Minimum floor area is 700 square feet of living area.

(7)

Maximum floor area of additions to principle structures: No limit to the maximum floor area of attached additions to mobile homes.

(8)

Maximum floor area of accessory structures. No limit to the maximum floor area of accessory structures.

(Ord. No. 96-15, § 1, 3-28-96; Ord. No. 98-46, § 11, 10-22-98; Ord. No. 97-29, § 2, 5-12-97; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 98-62, § 6, 12-3-98; Ord. No. 99-07, § 10, 1-28-99; Ord. No. 99-19, § 1, 3-23-99; Ord. No. 01-30, § 7, 5-24-01; Ord. No. 01-70, § 1, 11-1-01; Ord. No. 01-70, § 1, 11-1-01; Ord. No. 2002-29, § 1, 7-9-02; Ord. No. 2002-49, § 6, 9-17-02; Ord. No. 2003-03, § 7, 1-14-03; Ord. No. 04-29, § 7, 8-5-04; Ord. No. 2004-52, § 5, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 2007-19, § 1, 12-5-07; Ord. No. 2010-22, § 5, 11-23-10)

 Sec. 62-1335. - Rural estate use, REU.

The REU rural estate use zoning classification is devoted to lands which are predominantly low-density residential areas that provide a transition from rural agricultural uses and suburban residential areas.

(1)

Permitted uses.

a.

Permitted uses are as follows:

One single-family detached residential dwelling.

Foster homes.

Parks and public recreational facilities.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Farm animals and fowl.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to 30 acres).

Private heliports (section 62-1943.5).

Recreational facilities.

Residential/recreational marina.

Single-family residential second kitchen facility.

Skateboard ramp.

Substantial expansion of a preexisting use.

Towers and antennas, noncommercial.

(4)

Minimum lot size. An area of not less than two and one-half acres is required, having a minimum width of 200 feet and a minimum depth of 200 feet.

(5)

Setbacks.

a.

Principal structures shall be set back not less than 30 feet from the front lot line, not less than 15 feet from the side lot lines, and not less than 20 feet from the rear lot line. If a corner lot is contiguous to a key lot, then the side street setback shall not be less than 25 feet.

b.

Accessory structures shall be located to the rear of the front building line of the principal building or structure and set back not less than 15 feet from side and rear lot lines.

c.

Setbacks for barns and stalls are as follows:

1.

Front: 125 feet from the front lot line.

2.

Side: 50 feet from the side lot line.

3.

Rear: 50 feet from the rear lot line.

4.

Stalls or barns for housing horses shall not be permitted within 100 feet of any existing residence under different ownership.

(6)

Minimum floor area. Minimum floor area is 1,200 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet.

(Code 1979, § 14-20.03(E); Ord. No. 95-47, §§ 10, 11, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 10, 11, 3-28-96; Ord. No. 98-03, § 7, 1-29-98; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 98-62, § 8, 12-3-98; Ord. No. 2002-49, § 7, 9-17-02; Ord. No. 2003-03, § 8, 1-14-03; Ord. No. 99-94, § 8, 2-5-04; Ord. No. 2004-52, § 6, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 2007-59, § 11, 12-6-07)



Sec. 62-1336. - Rural residential, RR-1.

The RR-1 rural residential zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings, and at the same time permits uses which are conducted in such a way as to minimize possible incompatibility with residential development.

(1)

Permitted uses.

a.

Permitted uses are as follows:

One single-family dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Farm animals and fowl.
Guesthouses or servants' quarters, without kitchen facilities.
Land alteration (over five acres and up to ten acres).
Recreational facilities.
Residential/recreational marina.
Resort dwellings.
Single-family residential second kitchen facility.
Skateboard ramps.
Substantial expansion of a preexisting use.
Towers and antennas, noncommercial (see division 5, subdivision III, of this article).

(4)

Minimum lot size. An area of not less than one acre is required, having a width of not less than 125 feet and a depth of not less than 125 feet.

(5)

Setbacks.

a.

Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.

b.

Accessory buildings shall be located to the rear of the front building line of the principal building, and shall be set back not less than 15 feet from the side and rear lot lines.

c.

Setbacks for barns and stalls are as follows:

1.

Front: 125 feet from the front lot line.

2.

Side: 50 feet from the side lot line.

3.

Rear: 50 feet from the rear lot line.

4.

Stalls or barns for housing horses shall not be permitted within 100 feet of any existing residence under different ownership.

(6)

Minimum floor area. Minimum floor area is 1,200 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet.

(Code 1979, § 14-20.05(F); Ord. No. 95-47, §§ 12, 13, 10-19-95; Ord. No. 95-49, § 13, 10-19-95; Ord. No. 95-19, §§ 12, 13, 3-23-96; Ord. No. 96-08, § 2, 2-10-98; Ord. No. 2002-49, § 6, 9-17-02; Ord. No. 02-64, § 1, 12-17-02; Ord. No. 2003-03, § 9, 1-14-03; Ord. No. 04-29, § 6, 8-5-04; Ord. No. 2004-57, § 7, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-06, § 1, 1-24-06; Ord. No. 2007-59, § 13, 12-6-07; Ord. No. 2010-22, § 11, 11-23-10)

Sec. 62-1337. - Suburban estate residential use, SEU.

The SEU suburban estate residential use zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1)

Permitted uses.

a.

Permitted uses are as follows:

One single-family detached residential dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Power substations, telephone exchanges and transmission facilities.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

Bed and breakfast inn.

Change to nonconforming agricultural use.

Guesthouses or servants' quarters, without kitchen facilities.

Horses, mules, goats and barns.

Land alteration (over five acres and up to ten acres).

Recreational facilities.

Recreational/residential marina.

Resort dwellings.

Single-family residential second kitchen facility.

Skateboard ramps.

Substantial expansion of a preexisting use.

Towers and antennas, noncommercial (see division 5, subdivision III, of this article).

(4)

Minimum lot size. An area of not less than one acre (43,560 square feet) is required, having a width of not less than 125 feet and having a depth of not less than 200 feet.

(5)

Setbacks. (Also see special waterfront setbacks.)

a.

Structures shall be set back not less than 25 feet from the front lot line, not less than 15 feet from the side lot lines, and not less than 20 feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.

b.

Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than 15 feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet.

(6)

Minimum floor area. Minimum floor area is 2,000 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet.

(Code 1979 § 14-20.06(G); Ord. No. 95-47, §§ 14, 15, 10-19-97; Ord. No. 95-49, § 18, 10-19-97; Ord. No. 96-18, §§ 14, 15, 3-25-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-03, § 3, 1-11-00; Ord. No. 2002-49, § 3, 9-17-02; Ord. No. 2003-03, § 10, 1-14-03; Ord. No. 04-20, § 10, 8-5-04; Ord. No. 2004-52, § 6, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-08, § 1, 1-24-06; Ord. No. 2007-59, § 13, 10-6-07; Ord. No. 2010-22, § 12, 11-23-10)



Sec. 62-1338. - Suburban residential, SR.

The SR suburban residential zoning classification encompasses lands devoted to single-family residential development of relatively spacious land character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1)

Permitted uses.

a.

Permitted uses are as follows:

One single-family residential detached dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Power substations, telephone exchanges and transmission facilities.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

- Bed and breakfast inn.
- Change of nonconforming agricultural use.
- Guesthouses or servants' quarters, without kitchen facilities.
- Land alteration (over five acres and up to ten acres).
- Recreational facilities.
- Recreational/residential marina.
- Resort dwellings.
- Single-family residential second kitchen facility.
- Skateboard ramps.
- Substantial expansion of a preexisting use.
- Towers and antennas, noncommercial (see division 5, subdivision III, of this article).

(4)

Minimum lot size. An area of not less than one-half acre is required, having a width of not less than 100 feet and having a depth of not less than 150 feet.

(5)

Setbacks.

a.

Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.

b.

Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than ten feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet.

(6)

Minimum floor area. Minimum floor area is 1,300 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet.

(Code 1978, § 14-20.06(f); Ord. No. 95-47, §§ 16, 17, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 16, 17, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-03, § 4, 1-11-00; Ord. No. 2002-49, § 10, 9-17-02; Ord. No. 2003-03, § 11, 1-14-03; Ord. No. 04-29, § 11, 8-5-04; Ord. No. 2004-62, § 9, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-06, § 1, 1-24-06; Ord. No. 2007-59, § 14, 7-8-07; Ord. No. 2010-22, § 13, 11-23-10)

Sec. 62-1339. - Estate use residential, EU, EU-1 and EU-2.

The EU, EU-1 and EU-2 estate use residential zoning classifications encompass lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1)

Permitted uses.

a.

Permitted uses are as follows:

- One single-family residential detached dwelling.
- Parks and public recreational facilities.
- Private golf courses.
- Foster homes.
- Sewer lift stations.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

- Group homes, level I, subject to the requirements set forth in section 62-1835.9.
- Preexisting use.
- Power substations, telephone exchanges and transmission facilities.
- Private parks and playgrounds.
- Resort dwellings.
- Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

- Bed and breakfast inn.
- Change of nonconforming agricultural use.
- Guesthouses or servants' quarters, without kitchen facilities.
- Land alteration (over five acres and up to ten acres).
- Recreational facilities.
- Recreational/residential marina.
- Resort dwellings.
- Single-family residential second kitchen facility.
- Skateboard ramps.
- Substantial expansion to a preexisting use.
- Towers and antennas, noncommercial (see division 5, subdivision III, of this article).

(4)

Minimum lot criteria. Minimum lot criteria are as follows:

Classification	Size (square feet)	Width (feet)	Depth (feet)
EU	15,000	100	100
EU-1	12,000	100	100
EU-2	9,000	90	100

(5)

Setbacks.

a.

Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet

from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.

b.

Accessory buildings shall be located to the rear of the front building line of the principal building and no closer than ten feet to the rear and side lot lines, but in no case within the setbacks from a side street and with a minimum spacing of five feet.

(6)

Minimum floor area. Minimum floor area is as follows:

a.

EU: 2,000 square feet of living area.

b.

EU-1: 1,800 square feet of living area.

c.

EU-2: 1,500 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(f), Ord. No. 85-47, §§ 18, 19, 10-19-95, Ord. No. 95-49, § 18, 10-19-95, Ord. No. 96-16, §§ 18, 19, 3-28-96, Ord. No. 88-03, § 2, 2-10-98, Ord. No. 2000-03, § 5, 1-11-00, Ord. No. 2002-49, § 11, 9-17-02, Ord. No. 2003-03, § 12, 1-14-03, Ord. No. 04-20, § 12, 8-5-04, Ord. No. 2004-52, § 10, 12-14-04, Ord. No. 05-27, § 2, 5-19-05, Ord. No. 06-06, § 1, 1-24-06, Ord. No. 2007-53, § 15, 12-6-07, Ord. No. 2010-22, § 14, 11-23-10)

Sec. 62-1340. - Single-family residential, RU-1-13 and RU-1-11.

The RU-1-13 and RU-1-11 single-family residential zoning classifications encompass lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1)

Permitted uses.

a.

Permitted uses are as follows:

One single-family residential detached dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to ten acres).

Recreational facilities.

Recreational/residential marina.

Resort dwellings.

Single-family residential second kitchen facility.

Skateboard ramps.

Substantial expansion to a preexisting use.

Towers and antennas, noncommercial (see division 5, subdivision III, of this article).

Zero lot line subdivision.

(4)

Minimum lot size. An area of not less than 7,500 square feet is required, having a width of not less than 75 feet and having a depth of not less than 75 feet.

(5)

Setbacks

a.

Structures shall be set back not less than 20 feet from the front lot line, not less than seven and one-half feet from each side lot line, and not less than 20 feet from the rear lot line, except for screen porches, which shall be set back not less than ten feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 20 feet.

b.

Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than seven and one-half feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet.

c.

The front setback may be reduced to 15 feet where an alley is provided and all lots in the development utilize the alley for vehicular access.

(6)

Minimum floor area. Minimum floor area is as follows:

a.

RU-1-13: 1,300 square feet of living area.

b.

RU-1-11: 1,100 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet.

(Code 1979, § 1-20.08(J); Ord. No. 95-47, §§ 20, 21, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 20--22, 3-28-96; Ord. No. 96-08, § 2, 2-10-96; Ord. No. 2000-01, § 1, 1-12-00; Ord. No. 2000-03, § 6, 1-11-00; Ord. No. 2002-49, § 12, 9-17-02; Ord. No. 2003-03, § 13, 1-14-03; Ord. No. 04-29, § 13, 8-5-04; Ord. No. 2004-52, § 11, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-06, § 1, 1-24-06; Ord. No. 2007-59, § 16, 12-6-07; Ord. No. 2010-22, § 15, 11-23-10)



Sec. 62-1341. - Single-family residential, RU-1-9.

The RU-1-9 single-family residential zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1)

Permitted uses.

a.

Permitted uses are as follows:

- One single-family residential detached dwelling.
- Parks and public recreational facilities.
- Private golf courses.
- Foster homes.
- Sewer lift stations.

b.

Permitted-uses with conditions are as follows (see division 5, subdivision II, of this article):

- Group homes, level I, subject to the requirements set forth in section 62-1835.9.
- Power substations, telephone exchanges and transmission facilities.
- Preexisting use.
- Private parks and playgrounds.
- Resort dwellings.
- Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

- Bed and breakfast inn.
- Change of nonconforming agricultural use.
- Guesthouses or servants' quarters, without kitchen facilities.
- Land alteration (over five acres and up to ten acres).
- Recreational facilities.
- Recreational/residential marina.
- Resort dwellings.
- Single-family residential second kitchen facility.
- Skateboard ramps.
- Substantial expansion to a preexisting use.
- Towers and antennas, noncommercial (see division 5, subdivision III, of this article).

Zero lot line subdivision.

(4)

Minimum lot size. An area of not less than 6,600 square feet is required, having a width of not less than 66 feet and having a depth of not less than 100 feet.

(5)



Setbacks.

a.

Structures shall be set back not less than 20 feet from the front lot line, not less than seven and one-half feet from each side lot line, and not less than 20 feet from the rear lot line, except for screen porches, which shall be set back not less than ten feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 20 feet.

b.

Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than seven and one-half feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet from all other structures.

c.

The front setback may be reduced to 15 feet where an alley is provided and all lots in the development utilize the alley for vehicular access.

(6)

Minimum floor area. Minimum floor area is 900 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(K); Ord. No. 95-47, §§ 22, 23, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 23-25, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-01, § 2, 1-11-00; Ord. No. 2000-03, § 7, 1-11-00; Ord. No. 2002-49, § 13, 9-17-02; Ord. No. 2003-03, § 14, 1-14-03; Ord. No. 04-29, § 14, 6-5-04; Ord. No. 2004-52, § 12, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 05-05, § 1, 1-24-06; Ord. No. 2007-59, § 17, 12-6-07; Ord. No. 2010-22, § 16, 11-23-10)



Sec. 62-1342. - Single-family residential, RU-1-7.

The RU-1-7 single-family zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1)

Permitted uses.

a.

Permitted uses are as follows:

One single-family residential detached dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Guesthouses or servants' quarters, without kitchen facilities.

Land alteration (over five acres and up to ten acres).

Recreational facilities.

Recreational/residential marina.

Resort dwellings.

Single-family residential second kitchen facility.

Skateboard ramps.

Substantial expansion of a preexisting use.

Towers and antennas, noncommercial (see division 5, subdivision III, of this article).

Zero lot line subdivision.

(4)

Minimum lot size. An area of not less than 5,000 square feet is required, having a width of not less than 50 feet and having a depth of not less than 100 feet.

(5)

Setbacks.

a.

Structures shall be set back not less than 20 feet from the front lot line, not less than five feet from each side lot line, and not less than 20 feet from the rear lot line, except for screen porches, which shall be set back not less than ten feet from the rear lot line. On a corner lot, the side street setbacks shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setbacks shall be not less than 20 feet.

b.

Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than five feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet from all other structures.

c.

The front setback may be reduced to 15 feet where an alley is provided and all lots in the development utilize the alley for vehicular access.

(6)

Minimum floor area. Minimum floor area is 700 square feet of living area.

(7)

Maximum height of structures. Maximum height of structures is 35 feet.

(Code 1979 § 14-20.08(L); Ord. No. 95-47, §§ 24, 25, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 98-16, §§ 26--28, 3-28-98; Ord. No. 98-06, § 2, 2-10-98; Ord. No. 2000-01, § 7, 1-11-00; Ord. No. 2000-03, § 8, 1-11-00; Ord. No. 2002-49, § 14, 9-17-02; Ord. No. 2003-03, § 15, 1-11-03; Ord. No. 04-29, § 15, 8-5-04; Ord. No. 2004-52, § 13, 12-14-04; Ord. No. 05-27, § 2, 5-15-05; Ord. No. 06-09, § 1, 1-24-06; Ord. No. 2007-59, § 18, 12-6-07; Ord. No. 2010-22, § 17, 11-23-10)



Sec. 62-1343. - Single-family attached residential, RA-2-4, RA-2-6, RA-2-8 and RA-2-10.

The RA-2-4, RA-2-6, RA-2-8 and RA-2-10 single-family attached residential zoning classifications provide a transition between single-family residential detached zoning classifications and multifamily residential zoning classifications, permitting fee simple ownership of individual attached units. The intent is to provide flexibility for a variety of architectural styles which share a party wall and are constructed in accordance with the Standard Building Code for townhouses.

(1)

Permitted uses.

a.

Permitted uses are as follows:

Single-family attached residential dwellings.

Single-family detached residential dwellings.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Resort dwellings.

Sewer lift stations.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Power substations, telephone exchanges and transmission facilities.

Preexisting use.

Private parks and playgrounds.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Development rights receipt and transfer.

Efficiencies, not to exceed 25 percent of the total units on the site, and with a minimum floor area of 280 square feet.

Garage apartments (must stay within density limitations).

Land alteration (over five acres and up to ten acres).

Recreational/residential marina.

Substantial expansion of a preexisting use.

Towers and antennas, noncommercial.

(4)

Development standards and criteria.

a.

Maximum density. Maximum density is as follows:

1.

RA-2-4: Four dwelling units per gross acre.

2.

RA-2-6: Six dwelling units per gross acre.

3.

RA-2-8: Eight dwelling units per gross acre.

4.

RA-2-10: Ten dwelling units per gross acre.

b.

Minimum development requirements.

1.

Minimum site area is 7,500 square feet for a single-family detached unit. All other residential uses must meet density guidelines.

2.

Minimum site width is 75 feet.

3.

Minimum site depth is 100 feet.

4.

Maximum site coverage (building or structure) is 40 percent.

5.

Minimum interior lot size within a site is 1,800 square feet.

6.

Minimum interior lot width is 15 feet.

7.

Primary building and structure limitations are as follows:

i.

The number of individual units shall not exceed ten units per primary building or structure.

ii.

Minimum floor area for a single-family dwelling unit is 1,000 square feet. Minimum floor area for a single-family attached residential unit is 575 square feet for a one-bedroom unit, plus 140 square feet for each additional bedroom.

iii.

Structural height standards are as follows:

(a) Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.

(b) Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RU-2-15, RU-2-30, RP, BU-1-A, BU-1, BU-2, PBP, PIP, IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.

(c) Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.

(d) Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.

iv.

For primary buildings or structures, maximum length shall not exceed 205 feet.

v.

Each unit shall have a separate external unit access not common to any other unit within a multiple-unit structure.

(5)

Setbacks.

a.

Perimeter setback. Except for detached single family developments, the setback shall be 25 feet from a property line that abuts property located in any detached single family residential zoning classification.

b.

Street or roadway setback. No structure shall be located within 25 feet of a public right-of-way.

c.

Interior lot setbacks (within a site). The front setback shall be 20 feet, the rear setback shall be 20 feet, except for screen porches, which shall be set back not less than ten feet from the rear lot line, and the side setbacks where adjacent to the perimeter of the site shall be ten feet. The side setback on interior corner lots shall be at least 15 feet from the side lot line. If an interior corner lot is contiguous to a key lot, setbacks shall not be less than 20 feet.

d.

Swimming pools. Swimming pools are exempt from all setback provisions where located within the rear yard of the interior lot.

e.

Spacing between primary buildings or structures. Spacing between primary buildings or structures shall be as follows:

1.

Two stories or less: 15 feet.

2.

Three stories: 25 feet.

f.

Accessory buildings. Accessory buildings shall be located to the rear of the front building line of the principal building and no closer than ten

feet to the rear and side lot lines, but in no case within the setbacks from a side street. There shall be a minimum spacing of five feet between any other structure on the same site.

g.

Breezeway/visual corridor. All riverfront and oceanfront properties are subject to breezeway/visual corridor regulations enumerated in section 62-2105

(6)

Fencing for single-family attached structures. Fencing in excess of four feet in height shall be located a minimum of 15 feet from the front property line or side lot line of a corner lot. Other restrictions are outlined in section 62-2109

(7)

Site plan and platting requirements.

a.

A detailed site plan in accordance with article VIII of this chapter shall be submitted.

b.

Platting is required in this classification. A preliminary plat shall be submitted and considered for approval simultaneously with the required site plan. All platting procedures pursuant to article VII of this chapter, pertaining to subdivisions, shall be complied with. Common areas shall be identified on the plat along with the methods for their access, ownership and maintenance.

(Code 1979, § 14-20.08(M); Ord. No. 95-47, §§ 26, 27, 10-19-95; Ord. No. 95-49, §§ 18, 23, 10-19-95; Ord. No. 96-16, §§ 29, 30, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 98-12, § 6, 2-26-98; Ord. No. 99-07, §§ 11, 12, 1-28-99; Ord. No. 01-30, § 1, 5-24-01; Ord. No. 2002-49, §§ 15, 16, 9-17-02; Ord. No. 2003-03, § 16, 1-14-03; Ord. No. 04-29, § 16, 8-5-04; Ord. No. 04-33, § 1, 8-10-04; Ord. No. 2004-52, § 14, 12-14-04; Ord. No. 05-27, § 3, 5-19-05; Ord. No. 05-40, § 1, 9-23-05; Ord. No. 2007-59, § 13, 12-1-07; Ord. No. 2010-22, § 5, 11-23-10)

Sec. 62-1344. - Residential-professional, RP.

The RP residential-professional zoning classification encompasses land devoted to a mixture of professional and residential uses. Principal uses and restrictions of this zoning classification are intended to promote development of low- to medium-density residential development, in conjunction with low-intensity commercial development. This zoning classification is intended to provide restricted commercial uses which are compatible with and meet a need for limited commercial services convenient to residential development. The intent of this zoning classification is to provide for a combination of residential and professional uses on the site, although this classification does not prohibit use of the site as exclusively residential or professional.

(1)

Permitted uses:

a.

Permitted uses are as follows:

Single-family detached dwelling units.

Single-family attached dwelling units, in accordance with the requirements of the single-family attached zoning classifications.

Multiple-family dwelling units.

Professional offices.

Foster homes.

Parks and public recreational facilities.

Resort dwellings.

b.

Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Learning centers.

Preexisting use.

Temporary living quarters during construction of a residence.

(2)

Accessory buildings or uses. Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3)

Conditional uses. Conditional uses are as follows:

Bed and breakfast inn.

Change of nonconforming agricultural use.

Land alteration (over five acres and up to ten acres).

Residential/recreational marina.

Substantial expansion of a preexisting use.

Towers and antennas, noncommercial.

(4)

Development standards and criteria.

a.

Maximum density. Maximum density is five dwelling units per acre or the maximum allowable residential density designation for the subject property, whichever is less. No more than one detached single-family dwelling may be constructed on any minimum sized lot.

b.

Minimum development requirements:

1.

Minimum lot area is 7,500 square feet.

2.

Minimum lot width is 75 feet.

3.

Minimum lot depth is 75 feet.

4.

Maximum height of structures is 35 feet.

5.

Maximum lot coverage (building or structures) is 40 percent.

6.

Minimum floor area is as follows:

i.

Single-family detached dwelling unit: 1,100 square feet.

ii.

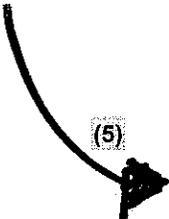
Multiple-family dwelling unit: 575 square feet per one-bedroom unit. For each additional bedroom per unit, a minimum of an additional 140 square feet shall be required.

iii.

Where residential and nonresidential uses are contained in the same structure: 1,500 square feet. The residential use must be a minimum of 500 square feet.

7.

Minimum distance between principal structures is 15 feet.



(5)

Setbacks.

a.

Principal structures. The front setback shall be 25 feet from the property line, the rear setback shall be 20 feet, and the side setbacks shall be ten feet. Side setbacks for corner lots shall be at least 15 feet from the side lot line. If a corner lot is contiguous to a key lot, the side setback shall not be less than 25 feet.

b.

Detached accessory structures. Detached accessory structures shall be located to the rear of the front building line of the principal structure closest to the front property line and shall be set back not less than seven and one-half feet from side and rear property lines, but in no case within the setback from a side street. There shall be a minimum spacing of five feet between any other structure on the same site.

c.

Breezeway/visual corridor. All riverfront and oceanfront properties are subject to breezeway/visual corridor regulations enumerated in section 62-2105

(6)

Other requirements. A detailed site plan in accordance with article VIII of this chapter shall be submitted prior to the issuance of a building permit.

(7)

Limitation on drive-through lanes. Drive through lanes are prohibited in areas designated as Neighborhood Commercial on the Future Land Use Map of the Comprehensive Plan.

(8)

Maximum floor area ratio. The floor area ratio shall be governed by section 62-2110

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 6
Meeting Date: October 12, 2011

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Residential/Limited Commercial Zoning & Density Clarification

BACKGROUND/HISTORY:

This item was not discussed at last P&Z meeting (9/28/2011), it will be for continued discussion. This item is continued from July 27, 2011 meeting. The Board wants to establish the criteria for R/LC so an ordinance can be drafted to amend Malabar Land Development Code to provide for R/LC for properties along Malabar Road, Babcock Street and Highway 1.

The Town Clerk sent P & Z's proposed changes to the Attorney to put in Ordinance form, after the July 27, 2011 meeting. It is back for this Boards review & recommendation.

ATTACHMENTS:

- **Bring Packet from previous Meetings which include the following:**
 - Ordinance 49-2011 from Karl Bohne- Town Attorney (8/2011) 5 pages
 - Article III, District Provisions, page 117,118, and 123
 - Page 1179 from Language and Definitions related to "UNITS"
 - Page 322 from Table 1-6.1(B) Conditional Land Use Requirements

ACTION OPTIONS:

Continued Board work towards a recommendation to Council.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 7
Meeting Date: October 12, 2011

Prepared By: Denine M. Sherear, Planning and Zoning Secretary

SUBJECT: Definition of Light Industrial

BACKGROUND/HISTORY:

At the last P & Z Meeting on 09/28/2011, P & Z did not get to this Agenda Item; this Item is continued from previous meetings for the discussion of the proposed land use changes on the FLUM.

The Board discussed the suggestions submitted by Don Krieger and Bob Wilbur at last P & Z meeting on 8/10/2011. Staff was directed to get City of Sebastian's zoning for "Light Industrial". The Board is going to review all comments and suggestions and work towards a recommendation to Council.

ATTACHMENTS:

- **Bring Packet from P & Z Meeting 7/27/2011**
- **Bring packet from P & Z Meeting 8/24/2011**

ACTION OPTIONS:

Continued Board work towards a recommendation to Council.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 8
Meeting Date: October 12, 2011

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Continue to Work on Ordinance Requirements for Assisted Living

BACKGROUND/HISTORY:

This is continued discussion from previous P & Z Meetings to work on requirements for Assisted Living in the Town of Malabar.

ATTACHMENTS:

- **Bring Packets from July 27,2011 Meeting concerning this Agenda Item**

ACTION OPTIONS:

Board research on F.S. requirements and Florida Building Code requirements.