

CHAPTER 173. ZONING .....	173-1
PART 1. GENERAL PROVISIONS.....	173-1
§ 173.1. APPLICATION. ....	173-1
§ 173.2. ZONING DISTRICTS ESTABLISHED. ....	173-1
§ 173.3. ZONING MAP. ....	173-2
§ 173.4. RESERVED .....	173-4
§ 173.5. RESERVED .....	173-4
§ 173.6. RESERVED .....	173-4
§ 173.7. RESERVED .....	173-4
§ 173.8. RESERVED .....	173-4
§ 173.9. RESERVED .....	173-4
PART 2. STANDARD ZONING DISTRICT REGULATIONS.....	173-4
§ 173.10. INTENT OF STANDARD ZONING DISTRICTS.....	173-4
§ 173.11. SCHEDULE OF USES .....	173-6
§ 173.12. BULK AND DIMENSIONAL STANDARDS .....	173-11
§ 173.13. BULK AND DIMENSIONAL STANDARDS – GENERAL PROVISIONS.....	173-16
§ 173.14. RESERVED .....	173-18
§ 173.15. RESERVED .....	173-18
§ 173.16. RESERVED .....	173-18
§ 173.17. RESERVED .....	173-18
§ 173.18. RESERVED .....	173-18
§ 173.19. RESERVED .....	173-18
PART 3. PLANNED DEVELOPMENT ZONING DISTRICT REGULATIONS .....	173-18
§ 173.20. PLANNED UNIT DEVELOPMENT (PUD) .....	173-18
§ 173.21. RESERVED .....	173-24
§ 173.22. RESERVED .....	173-24
§ 173.23. RESERVED .....	173-24
§ 173.24. RESERVED .....	173-24
PART 4. BONUSES AND INCENTIVES.....	173-24
§ 173.25. AFFORDABLE HOUSING BONUS .....	173-24
§ 173.26. GREEN BUILDING INCENTIVE PROGRAM .....	173-24
§ 173.27. DEVELOPMENT BONUSES AND INCENTIVES. ....	173-26

§ 173.28. RESERVED .....	173-28
§ 173.29. RESERVED .....	173-28
PART 5. DEVELOPMENT DESIGN STANDARDS. ....	173-0
§ 173.30. TOWNHOMES.....	173-0
§ 173.31. MULTIFAMILY DWELLINGS.....	173-0
§ 173.32. COMMERCIAL AND OFFICE DISTRICTS .....	173-1
§ 173.33. MIXED USE DISTRICT (MU) DESIGN STANDARDS .....	173-5
§ 173.34. MIXED USE CORE DISTRICT (MUC) STANDARDS.....	173-11

DRAFT

## CHAPTER 173. ZONING

### PART 1. GENERAL PROVISIONS

#### § 173.1. APPLICATION.

No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, and/or reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located, or as otherwise provided for in this chapter.

#### § 173.2. ZONING DISTRICTS ESTABLISHED.

The city is divided into zoning districts as described in this chapter and as shown on the official zoning map of the city. The zoning districts implement the future land use categories as follows. However, not all the zoning districts listed under a future land use category are presumed to be appropriate for a site with that particular future land use designation. The factors listed in Section 172.022 (Zoning Map Amendments) need to be met in order to approve the zoning map amendment request. Planned Unit Developments (PUDs) are allowed within all Future Land Use Map categories, provided the rezoning request meets the requirements of Chapter 172, Part 4 and is consistent with the Comprehensive Plan and corresponding future land use designation.

FUTURE LAND USE CATEGORY	ZONING DISTRICTS
RSF - Rural Single Family	GU – General Use Holding District
LDR – Low Density Residential	RR - Rural Residential
	RE - Estate Residential
	SRE - Suburban Residential Estate
	RS-1 - Single-Family Residential
	RS-3 - Single-Family Residential
MDR - Moderate Density Residential	RT-8 - Residential Transition
	RMH - Residential Mobile Home
HDR - High Density Residential	RM-10 – Multiple-Family Residential
	RM-15 - Multiple-Family Residential
	RM-20 - Multiple-Family Residential
NC - Neighborhood Center	RM-10 - Multiple-Family Residential
	RM-15 - Multiple-Family Residential
	RM-20 - Multiple-Family Residential
	NC - Neighborhood Commercial
	OP - Office Professional
CMU - Community Mixed Use	MU - Mixed Use
UMU - Urban Mixed-Use	MUC - Mixed Use Core
PRO - Professional Office	OP - Office Professional
COM - Commercial	NC - Neighborhood Commercial
	CC - Community Commercial

FUTURE LAND USE CATEGORY	ZONING DISTRICTS
	GC - General Commercial
	HC - Highway Commercial
IND - Industrial	LI - Light Industrial & Warehousing
	HI - Heavy Industrial
PSP - Public/Semi-Public	IU - Institutional
UTL - Utilities	IU - Institutional
ROS - Recreation & Open Space	IU - Institutional
CON - Conservation	C - Conservation
PFU - Parkway Flex Use	PUD – Planned Unit Development required
SPA - Special Planning Area	PUD – Planned Unit Development required
RAC - Regional Activity Center	PUD – Planned Unit Development required

### § 173.3. ZONING MAP.

- A. Identification of official map.** The official zoning map shall be identified by the signature of the Mayor attested by the City Clerk under the following: “This is to certify that this is the official zoning map referred to in the Palm Bay Zoning Ordinance,” together with the date of adoption of this chapter.
- B. Changes in district boundaries.** If, in accordance with the provisions of this chapter and other applicable law, changes are made in the district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by City Council. The official zoning map shall contain a listing by date and ordinance or resolution number of all changes.
- C. Final authority as to zoning status.** Regardless of the existence of purported copies of the official zoning map which may, from time to time, be made or published, the official zoning map shall be kept under the responsible charge of the City Manager or designee and shall be the final graphic authority as to the current zoning status of all lands, waters and structures in the city. However, the legal description of all zoning or rezoning ordinances or resolutions, if applicable, shall be the final legal authority as to the zoning status of land.
- D. Replacement of official zoning map.** If the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning code or any subsequent amendment thereof. Unless the prior official zoning map has been lost, or has been destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.
- E. Retention of earlier zoning map.** All zoning maps or remaining portions thereof which have had official force and effect in the city prior to the effective date of this chapter shall be retained as a public record and as a guide to the zoning status of lands and water under the jurisdiction of the city prior to the adoption of this chapter.

- F. Updating zoning base maps.** From time to time the zoning base map(s) may be updated to reflect new annexations, streets, or subdivisions formally approved by the City Council without further official action by the Council. No revision of zoning boundaries is permitted except by ordinance.
- G. Changes to map.** No zoning changes shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under this chapter.
- H. Interpretation of district boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the official zoning map or the Future Land Use Map, the following rules shall apply.
1. Boundaries indicated as approximately following the centerline of streets, highways, alleys, or rights-of-way shall be construed as to follow such centerlines. In the event a right-of-way is vacated, the district boundary shall be construed as remaining in its location except when ownership of the vacated street is divided other than at the center in which case the boundary shall be construed as moving with the ownership.
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
  4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  5. Boundaries indicated as following bulkhead or shorelines shall be construed to follow such bulkhead lines or shorelines, and in the event of change the bulkhead or shoreline shall be construed as moving with the newly established bulkhead line or the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
  6. Boundaries that are indicated as entering any body of water, but not continuing to intersect with other zoning boundaries shall be construed as extending in the direction in which they enter the body of water to intersect with other zoning districts.
  7. Boundaries indicated as parallel to, or extensions of features indicated in divisions A through F above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
  8. Where discrepancies exist between natural or manmade features existing on the ground and with those shown on the official zoning map or in other circumstances not covered by the above provisions, the Growth Management Director shall interpret the district boundaries. Appeal from the interpretation of the Growth Management Director shall be pursuant to Section 172.015.
- I. Lots in two (2) districts.** Where a district boundary line as established in this chapter or as shown on the zoning map divides a lot which was of single ownership and of record at the time of this chapter.

The zoning district boundary line may be considered as running along the property line, provided the movement of the boundary line shall not be more than fifty (50) feet in either direction.

- J. **Annexed territory.** The zoning classification of all property which may hereafter be annexed to the city shall be determined by the City Council after review and recommendation of the Planning and Zoning Board at the time of annexation.

**§ 173.4. RESERVED**

**§ 173.5. RESERVED**

**§ 173.6. RESERVED**

**§ 173.7. RESERVED**

**§ 173.8. RESERVED**

**§ 173.9. RESERVED**

## **PART 2. STANDARD ZONING DISTRICT REGULATIONS**

### **§ 173.10. INTENT OF STANDARD ZONING DISTRICTS**

- A. **Rural Residential District (RR).** The purpose of this district is to provide for the development of single-family residential homes combined with limited agricultural activities within a rural setting.
- B. **Estate Residential District (RE).** The purpose of this district is to accommodate low density single-family residential development of an estate character.
- C. **Suburban Residential Estate District (SRE).** The intent of this district is to provide for low density single-family residential development of a suburban character.
- D. **Single-Family Residential Districts (RS-1 and RS-3).** The purpose of these districts is to accommodate low density single-family residential development of an increasingly urban character. (Note: Sites previously zoned and developed under the SF-1 AND rs-2 district regulations are now subject to the RS-1 and RS-3 district standards, respectively)
- E. **Residential Transition District (RT-8).** The intent of this district is to permit moderate density residential development inclusive of a range of missing middle housing types. Lot sizes and other restrictions are intended to promote high quality moderate density development and act as a transition area between low- and high-density residential activities.
- F. **Residential Mobile Home District (RMH).** The purpose of this district is to accommodate mobile home parks and subdivisions served by adequate community facilities.
- G. **Multiple-Family Residential Districts (RM-10, RM-15, and RM-20).** The intent of these districts is to accommodate mainly multi-family development and a variety of other housing types at medium and high densities. Lot sizes and other restrictions are intended to promote and protect high quality residential development.

- H. Office Professional District (OP).** This district is intended to permit professional office uses and services that are protected from intense commercial and industrial development. Development standards and provisions are established to reduce conflicts with adjacent residential uses and minimize traffic conflicts along adjacent thoroughfares. This district may be considered within residential future land use categories without requiring a Future Land Use Map amendment on parcels that have become unsuitable for residential development. Sites which may be unsuitable or undevelopable may include, but are not limited to, parcels that have become isolated by previous developments around it, or due to the acquisition of adjacent land for public purposes or natural features (rivers, lakes, or preservation areas). Parcels must be five usable acres or less and shall be located along a designated collector or arterial roadway.
- I. Neighborhood Commercial District (NC).** The purpose of this district is to allow limited commercial activities offering convenience goods and personal services to residents of the surrounding neighborhood. Development standards and provisions are established to ensure the proper development and location of neighborhood-serving uses, reduce conflicts with adjacent residential uses, and to minimize the interruption of traffic along adjacent thoroughfares.
- J. Community Commercial District (CC).** The intent of this district is to permit the development of commercial activities which offer a wide range of goods and services to the surrounding community primarily located at or near the intersection of arterial roadways.
- K. General Commercial District (GC).** The purpose of this district is to accommodate for a variety of heavy commercial development activities which are developed in an intensive manner.
- L. Highway Commercial District (HC).** The intent of this district is to permit highway oriented businesses and regional scale facilities located along or near the intersection of major arterials and transportation nodes.
- M. Mixed Use Districts (MU and MUC).** The purpose of the mixed-use districts is to foster an attractive and functional mix of residential and nonresidential land uses within a walkable setting.
1. The MU district is to be applied to large development sites where the primary use is single family residential supported by a variety of commercial, recreational, and institutional uses.
  2. The intent of the Mixed-Use Core (MUC) district is to cultivate a vibrant mix of very dense and intense residential and nonresidential land uses within a highly walkable setting.
- N. Light Industrial and Warehousing District (LI).** The purpose of this district is to accommodate light manufacturing, warehousing, distribution, wholesaling and other light industrial uses.
- O. Heavy Industrial District (HI).** The intent of this district is to permit a range of general manufacturing, storage and distribution activities in close proximity to major transportation corridors.
- P. Institutional Use District (IU).** The purpose of this district is to allow for public and semipublic activities serving the educational, governmental, recreational, health, and cultural needs of the City.
- Q. Conservation District (C).** The intent of this district is to preserve and protect large areas of open space, vegetative habitat, natural drainage systems, aquifer recharge areas, soils, and wildlife habitats

located on public property or on privately-held lands as desired by the property owner. Conservation lands are intended primarily for the purpose of preserving natural resources.

### § 173.11. SCHEDULE OF USES

Tables 173-1, 173-2 and 173-3 list the uses that are permitted in the various zoning districts. Uses not expressly listed in the tables as Permitted (P) or Conditional (C) are prohibited and shall not be established in that district. If a question arises as to the interpretation of any permitted uses, such interpretation shall be made by the City Manager or designee.

**Table 173 - 1. Uses in Residential Districts**

USE	See Section	RR	RE	SRE	RS-1	RS-3	RT-8	RMH	RM-10	RM-15	RM-20
<b>AGRICULTURE USES</b>											
Agriculture		P									
Retail sales of agricultural products on-site	174.032	C									
<b>RESIDENTIAL USES</b>											
Accessory dwelling units	174.003	P	P	P	P	P	P	P	P	P	P
Assisted living facilities, Large											P
Assisted living facilities, Small									P	P	P
Community residential homes							P		P	P	
Duplexes							P		P	P	
Mobile home parks	174.042							P			
Mobile home subdivisions								P			
Multi-family dwellings	173.033								P	P	P
Nursing homes											P
Single-family dwellings		P	P	P	P	P	P		P	P	
Townhomes	173.032						P		P	P	
<b>NON-RESIDENTIAL USES</b>											
Antennas and transmitters		C									
Cemeteries without crematoriums		C									
Churches <sup>(1)</sup>		C	C	C	C	C	C	C	C	C	C
Clubs, lodges, and similar activities <sup>(1)</sup>		C									C
Communication towers and facilities	174.034										
Crematoriums	174.037										
Family day care home, large						C	C		P	P	P
Family day care home, small		P	P	P	P	P	P	P	P	P	P
Kennels <sup>(1)</sup>		C									
Marina											C
Mining	174.043										
Public and private golf courses		C									
Public and private schools <sup>(1)</sup>		C	C	C	C	C	C		C	C	C
Public parks and recreational facilities		P	P	P	P	P	P	P	P	P	P
Public uses		C							P	P	P



USE	See Section	RR	RE	SRE	RS-1	RS-3	RT-8	RMH	RM-10	RM-15	RM-20
Public utility equipment and facilities		P	P	P	P	P	P	P	P	P	P
Public utility equipment and facilities, major			C	C	C	C	C		C	C	C

P = Permitted Use; C = Conditional Use; Blank cell = Prohibited

(1) The site must be at least 1 acre in size and shall have direct access to a collector or arterial roadway; all buildings shall be setback a minimum of 20 feet (50 ft. for commercial dog kennels) from all property lines or meet the district setbacks, whichever are greater.

**Table 173 - 2. Uses in Office, Commercial and Mixed-Use Districts**

USE - SORTED	See Section	OP	NC	CC	GC	HC	MU	MUC
<b>COMMERCIAL - RETAIL USES</b>								
Drinking establishments	174.038			P	P		P	P
Drive-through establishments			C <sup>(4)</sup>	P		P		
Equipment sales, rental, leasing			C <sup>(2)</sup>		P			
Fuel stations	174.041		C	C		C		
Plant nurseries and green houses			C <sup>(2)</sup>	P	P			
Restaurants	174.038		P <sup>(1)</sup>	P	P		P	P
Retail sales	174.046		P <sup>(1)</sup>	P	P		P	P
Vehicle sales, rental, leasing, and storage	174.054			P	P	P		
<b>COMMERCIAL - SERVICE USES</b>								
Banks and financial institutions		P	P	P	P	P	P	P
Car wash (principal use)				C		C		
Childcare facilities			P <sup>(1)</sup>	P	P	P	P	P
Funeral homes			P <sup>(2)</sup>	P	P	P	P	
General offices		P	P <sup>(1)</sup>	P	P	P	P	P
Medical and dental labs				P	P		P	P
Service establishments, business			P	P	P	P	P	P
Service establishments, intensive				C	P	P		
Service establishments, personal	174.049 (Pet Day Care)		P	P	P	P	P	P
Tattoo parlors				P	P			
Vehicle repair, heavy	174.055			C		P <sup>(3)</sup>		
Vehicle repair, light	174.055			P			P	P
Veterinarians and veterinary clinics (no boarding of animals)		C	P	P	P		P	P
<b>INDUSTRIAL WAREHOUSING USES</b>								
Assembly of components manufactured off-site					P			
Self-storage facilities	174.052			C	P	C		
<b>INSTITUTIONAL USES</b>								
Churches		C <sup>(5)</sup>	P	P	C <sup>(5)</sup>	P	P	

USE - SORTED	See Section	OP	NC	CC	GC	HC	MU	MUC
Clubs, lodges and fraternal organizations			C <sup>(2) (5)</sup>	P	P		P	P
Corrections facilities	174.036							
Crematoriums	174.037			C				
Educational service establishments					P		P	C
Government establishments		C	P	P	P	P	P	P
Hospitals			C <sup>(2)</sup>	P		P	P	C
Schools, elementary and middle			P		P	P	P	
Schools, high			P		P	P	P	
<b>LODGING USES</b>								
Bed and breakfast inns							P	P
Guest cottages				P				
Hotels, motels, tourist courts				P		P	P	P
<b>RECREATION USES</b>								
Clubs and lodges (public or private) including golf courses and similar activities						P	P	
Dance clubs						C	P	P
Event halls	174.039				C		P	P
Public recreational facilities		P	P	P	P	P	P	P
Recreation, indoor			C	P	P <sup>(1)</sup>	P	P	P
Recreation, nature							P	P
Recreational vehicle (RV) park	174.050				C	C		
<b>RESIDENTIAL USES</b>								
Multi-family dwellings	173.31						P	P
Nursing homes			C <sup>(2)</sup>	P		P		
Single family dwellings							P	
Townhomes							P	
<b>TRANSPORTATION USES</b>								
Boat storage (wet and dry)				C				
Marinas				C		C	C	CC
Parking garages (principal use)	174.048			P	P	P		P
Surface parking lots (principal use)						P		
<b>UTILITY USES</b>								
Commercial towers					C			
Communication towers and facilities	174.034			C		C		
Communication towers and facilities, Camouflaged	174.034	C						
Public utility facilities		C	C	P	P	P	P	P

P = Permitted Use; C = Conditional Use; Blank cell = Prohibited

(1) Establishments exceeding than 5,000 sq. ft. of floor area require Conditional Use review

(2) Minimum 15,000 square foot lot

(3) Except within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad

(4) Provided the lot has frontage on an Arterial or Collector Roadway

(5) The site must be at least 1 acre in size and shall have direct access to a collector or arterial roadway; proposed churches not having direct access to a collector or arterial roadway must prepare a traffic impact study, approved by the City Engineer, to support the compatibility of the church use with surrounding uses. In addition, day care centers and schools are not permitted as accessory uses on church sites. All buildings shall be setback a minimum of 20 feet (50 ft. for commercial dog kennels) from all property lines or meet the district setbacks, whichever are greater.

**Table 173 - 3. Uses in Industrial and Other Districts**

USE - SORTED	See Section	☐	☒	☑	☐
<b>COMMERCIAL - RETAIL USES</b>					
Drinking establishments					
Drive-through establishments					
Fuel stations	174.041	C	C		
Mobile home and RV sales, rental, and leasing	174.054	P	P		
Plant nurseries and green houses					
Propane, and natural gas dispensaries	174.041	C	P		
Restaurants	174.038				
Retail sales					
Vehicle sales, rental, leasing, and storage	174.054				
<b>COMMERCIAL - SERVICE USES</b>					
Banks and financial institutions					
Building materials establishment		P	P		
Car wash (principal use)					
Childcare facilities					
Funeral homes					
General offices					
Medical Recycling Facility		P	P		
Research and development facilities		P	P		
Service establishments business					
Service establishments, intensive		P	P		
Service establishments, personal	174.049 (Pet Day Care)				
Vehicle repair, heavy	174.055	P	P		
Vehicle repair, light	174.055				
Veterinarians and veterinary clinics (no boarding of animals)					
Veterinary hospitals and clinics (including boarding of animals)		P	P		
<b>INDUSTRIAL/WAREHOUSING USES</b>					
Industrial, heavy		C	P		
Industrial, light		P	P		
Self-storage facilities	174.052	P	P		
Storage of towed vehicles			P		
Warehousing		P	P		
Welding and machine shops			P		
Wholesaling		P	P		
<b>INSTITUTIONAL USES</b>					

USE - SORTED	See Section	☐	☒	☑	☒
Cemetery				C	
Churches				P	
Clubs, lodges and fraternal organizations					
Corrections facilities	174.036	C	C		
Crematoriums	174.037		C		
Educational service establishments		P	P		
Government establishments		P	P	P	C
Hospitals				C	
Nonprofit youth, business, civic, service and cultural facilities and organizations				C	
Schools, elementary and middle		C		P	
Schools, high		C		P	
Shelter/halfway house				C	
<b>LODGING USES</b>					
Bed and breakfast inns					
Hotels, motels, tourist courts					
<b>RECREATION USES</b>					
Clubs and lodges (public or private) including golf courses and similar activities					
Dance clubs					
Indoor commercial recreation					
Public parks, playgrounds or other public recreational facilities				P	P
Recreation, nature					C
<b>RESIDENTIAL USES</b>					
Assisted living facilities, small and large				C	
Community Residential Homes				C	
Multi-family dwellings					
Nursing homes				C	
Rooming House				C	
Single family dwellings					C
Townhomes					
<b>TRANSPORTATION USES</b>					
Airports				C	
Freight handling and transportation terminals		C	P		
Marinas					
Parking garages (as principal use)	174.048			P	
Public and private parking lots					
Regional transportation centers					
Surface parking lots (as principal use)					
<b>UTILITY USES</b>					
Communication towers and facilities	174.034	P	P		
Communication towers and facilities, camouflaged	174.034			P	
Public utility facilities		P	P	P	

USE - SORTED	See Section	☐	☒	☑	☒
Radio or television transmitter, towers or broadcasting facilities		P	P		
Salvage Yards			P		
Tree and landscape recycling	174.055	C			

P = Permitted Use; C = Conditional Use; Blank cell = Prohibited

#### § 173.12. BULK AND DIMENSIONAL STANDARDS

**Tables 173-4 through 173-7** establish the bulk and dimensional regulations for each zoning district. Except as specified otherwise in this Code, no structure or part thereof, shall hereafter be built or moved on a lot which does not meet all of the minimum bulk and dimensional regulations for the zoning district in which the structure is located; and no structure shall hereafter be used, occupied or arranged for use unless it meets the minimum bulk and dimensional regulations for the zoning district in which such structure is located.

**Table 173 - 4. Dimensional Standards – Single Family and Mobile Home Residential Districts**

	GU	RR	RE	SRE	RS-1	RS-3	RMH
Minimum lot area	5 ac	1 ac	12,000 sq. ft.	8,000 sq. ft.	8,000 sq. ft.	7,500 sq. ft.	Site: 10 ac Lots: 4,000 sq. ft.
Minimum lot width	300'	150'	80'	80'	80'	75'	50'
Minimum lot depth	300'	200'	120'	100'	100'	100'	80'
Maximum building coverage	10%	35%	30%	40%	30%	30%	35%
Minimum living area	1,200 sq. ft.	1,200 sq. ft.	1,600 sq. ft.	1,800 sq. ft.	1,400 sq. ft.	800 sq. ft.	600 sq. ft.
Maximum height	35'	35'	25'	25'	25'	25'	25'
Minimum setback							
Front <sup>(1)</sup>	75'	50'	25'	25'	25'	25'	10'
Side corner <sup>(1)</sup>	50'	30'	25'	25'	25'	25'	10'
Side interior	30'	20'	12'	8'	8'	8'	6'
Rear	50'	30'	25'	25'	20'	25'	10' <sup>(2)</sup>
Site perimeter setback	---	---	---	---	---	---	25'
Impervious Surface Ratio	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Recreation area min. size	---	---	---	---	---	---	10% of gross land area <sup>(3)</sup>

- (1) Garages for single-, or two-family residential structures shall not be located closer to the front or side corner lot line than the foremost facade of the principal building (i.e., "snout houses" are not permitted).
- (2) A mobile home park/subdivision shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, wood or PVC fence or evergreen hedge not less than 6 feet in height.
- (3) Exclusive of required setbacks and street rights-of-way. Shall be set aside and developed for recreational purposes for residents of the mobile home park/subdivision.

**Table 173 - 5. Dimensional Standards – Multi-Family Residential Districts**

	RT-5	RM-10	RM-15	RM-20
Density (units per acre)	---	10	15	20
Minimum lot area (sq. ft.)				
Single-Family Detached	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	---
Duplex <sup>(1)</sup>	5,000 sq. ft.	4,500 sq. ft.	4,000 sq. ft.	---
Townhomes	1,600 sq. ft.	1,600 sq. ft.	1,600 sq. ft.	---
Multi-Family	---	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Minimum lot width (ft.)				
Single-Family Detached	50'	50'	50'	---
Duplex	100'	90'	80'	---
Townhomes (interior lot/end lot)	20/40	20/40	20/40	---
Multi-Family	---	100'	100'	100'
Minimum lot depth (ft.)	100'	100'	100'	100'
Maximum building coverage (%)	35%	35%	40%	40%
Maximum height (ft.)	35'	40'	50'	70'
Minimum setback (ft.)				
Front	20'	20'	20'	20' <sup>(2)</sup>
Side corner	15'	15'	15'	15' <sup>(2)</sup>
Side interior	Townhomes: 0' Other: 8'	Townhomes: 0' Other: 8' <sup>(2)</sup>	Townhomes: 0' Other: 8' <sup>(2)</sup>	15' <sup>(2)</sup>
Rear	20'	20'	20'	20' <sup>(2)</sup>
Parking setback (ft.)	10'	10'	10'	10'
Building separation (ft.)	---	---	---	30'
Impervious Surface Ratio	0.7	0.7	0.7	0.8

(1) Lot size per unit.

(2) If the building exceeds two stories in height, the setback shall be increased at a rate of 10 feet for every floor over two.

**Table 173 - 6. Dimensional Standards – Office and Commercial Districts**

See Sections 173.033 and 173.034 for standards applicable to development in the MU and MUC districts.

	OP*	NC*	CC*	HC	GC*
Minimum lot area (sq. ft.)	10,000	10,000	12,500	15,625	15,000
Minimum lot width (ft.)	100'	100'	100'	125'	100'
Minimum lot depth (ft.)	100'	100'	125'	125'	150'
Maximum building coverage (%)	25%	35%	35%	35%	50%
Minimum floor area (sq. ft.)	300	300	300 280 hotel/motel or efficiency units <sup>(2)</sup>	300 280 hotel/motel or efficiency units <sup>(2)</sup>	300
Maximum height (ft.)	25'	25'	70'	40'	40'
Minimum building setback (ft.) <sup>(3)</sup>					
Front	30'	30'	30'	50'	30'
Side corner	25'	25'	25'	25'	25'
Side interior	10'	10'	10'	20' <sup>(1)</sup>	10' <sup>(1)</sup>
Rear	30' 15' abutting dedicated alley	25' 10' abutting dedicated alley	25' 10' abutting dedicated alley	30' 15' abutting dedicated alley	10'
Minimum parking setback (ft.) <sup>(3)</sup>					
Front	10'	10'	10'	10'	10'
Side corner	10'	10'	10'	10'	10'
Side interior	25'	5' (25' next to residential zoning)	5' <sup>(1)</sup> (25' next to residential zoning)	10' <sup>(1)</sup> (25' next to residential zoning)	5'
Impervious Surface Ratio	0.7	0.7	0.8	0.7	0.8

\* Development within these districts requires compliance with architectural standards (see Ch 178).

(1) When access and parking areas are shared with adjacent lots, no side interior building and parking area setbacks are required provided the provisions of Section 176.034.L (Design Requirements) are met.

(2) Hotels/motels shall not exceed 75 rooms/units per acre in the CC district, 50 in HC.

(3) Lots in commercial or industrial districts abutting a residential district shall provide a minimum building and parking setback of 25 feet unless the district requires a larger setback



**Table 173 - 7. Dimensional Standards – Industrial & Other Districts**

	LI	HI	IU	C
Minimum lot area (sq. ft.)	20,000	30,000	43,560	---
Minimum lot width (ft.)	100'	150'	150'	SF: 100' Other: None
Minimum lot depth (ft.)	200'	200'	200'	SF: 200' Other: None
Maximum building coverage (%)	50%	50%	30%	5%
Minimum floor area (sq. ft.)	---	---	---	SF: 1,000 Other: None
Maximum height (ft.)	100'	100'	40'	25'
Building setback (ft.)				
Front	40'	40'	25'	50'
Side corner	25'	25'	25'	25'
Side interior	20'	20'	25' <sup>(1)</sup>	25'
Rear	25'	25'	25'	25'
Minimum parking setback (ft.)				
Front	10'	10'	10'	---
Side corner	10'	10'	10'	---
Side interior	10'	10'	10' <sup>(1)</sup> (25' next to residential zoning)	---
Impervious Surface Ratio	0.9	0.9	0.9	0.05

SF: Single family; MF: Multifamily; RES: Residential; COMM: Commercial

- (1) When access and parking areas are shared with adjacent lots, no side interior building and parking area setbacks are required provided the provisions of Section 176.034.L (Design Requirements) are met.
- (2) Off-street parking for non-residential uses shall be behind or to the side of the nonresidential building with a minimum 4-foot setback from the right-of-way line.
- (3) Additional building height may be permitted, subject to the following provisions:
  - a. Providing a public space or amenity totaling 10% of the site, entitles an additional 10 feet in height.
  - b. Providing understory parking to reduce required surface parking, entitles an additional 10 feet in height.
  - c. Providing public access to the waterway through public boat slips, or public boat launch, or public transitional slips, entitles an additional 10 feet in height.
  - d. Provide a mixture of uses, such as restaurant with residential uses above, entitles an additional 10 feet in height.
  - e. Providing shared storm water or shared parking with neighboring properties, entitles an additional 10 feet in height. Upon approval by the city, the shared amenity shall be recorded as an easement or agreement, in the public records of Brevard County.
- (4) For buildings taller than 60 feet, the building shall be stepped-back a minimum of 20 feet beyond the 40-foot height measurement when the property is adjacent to single-family development and not separated by waterway, railroad, or street. This is intended to create a terrace effect that helps provide light and air for the adjacent single-family dwellings. The stepped back portion can be used for recreational purposes such as gardening or outdoor dining.
- (5) Buildings 60 feet in height or greater shall be setback a minimum of half the height of the building from the rear and side interior property lines when the property is adjacent to single-family development not separated by waterway, railroad, or street.

**§ 173.13. BULK AND DIMENSIONAL STANDARDS – GENERAL PROVISIONS**

- A. Multiple use of required space prohibited.** No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, except as specifically provided for in this code.
- B. Reduction of lot area prohibited.** No yard or lot existing at the time of passage of this code shall be reduced in dimension or area below the minimum requirements set forth herein for the district in which it is located. Yards or lots created after the effective date of this chapter shall meet the minimum requirements established by this chapter.
- C. Minimum requirements.** Within each district, the regulations set by this chapter shall be minimum regulations and shall apply uniformly to each class or kind of structure, land, or water.
- D. Lot requirements.** Each building or structure hereafter erected shall be located on a lot as defined herein. Every structure or building hereafter erected shall be on a lot abutting an improved and approved street, as defined in Chapter 171.
- E. Erection of more than one (1) principal structure on a lot.** In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, except single-family residences, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot. In no case shall separation between principal structures be less than twice the required side interior setback.
- F. Yard encroachments.** Every part of every required setback shall be open and unobstructed from the ground to the sky, except as hereinafter provided or as otherwise permitted in this chapter:
1. Sills or belt courses may project not over eighteen (18) inches into a required yard.
  2. Movable awnings may project not over four (4) feet into a required yard, provided that where the yard is less than ten (10) feet in width the projection shall not exceed one-half ( $\frac{1}{2}$ ) the width of the yard.
  3. Chimneys, fireplaces or pilasters may project not over three (3) feet into a required setback.
  4. Fire escapes, stairways, and balconies which are unroofed and unenclosed may project not over five (5) feet into a required rear yard, or not over three (3) feet into a required side yard in any residential district.
  5. Overhangs, hoods, canopies or marquees may project not over three (3) feet into a required yard.
  6. Fences, walls and hedges shall be permitted in required yards subject to the provisions established herein.
  7. Accessory parking may be located in a required front, rear or side yard for single-family and two-family dwellings, provided such parking maintain at least a six (6) foot setback from all side interior lot lines and a ten (10) foot setback from, all rear lot lines.

8. Open, unenclosed porches, platforms or paved terraces not covered by a roof or a canopy may extend into the required side yard area not more than six (6) feet, and into the rear yard not more than twelve (12) feet.
  9. Unless specifically allowed in this LDC, no required setback area shall be used for any building, driveway, aisle, parking space, back-out area or loading area except that access drives may cross the setback areas.
- G. Exceptions to height regulations.** The height limitations contained in this chapter do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- H. Structures to abut an improved street.** Every building hereafter erected or moved shall be on a lot abutting an improved street. All lots upon which structures are built shall have a minimum width of fifty (50) feet abutting an improved street, measured at the right-of-way line. Exceptions to this requirement shall be for lots located in an approved planned unit development or for a multi-family townhouse development where units are owned in fee simple and access is provided through dedication of common vehicular and/or pedestrian access ways, provided such common access ways meet the fifty (50) foot requirement. Further, the fifty (50) foot dimension may be reduced for those lots which otherwise meet the district schedule requirements of this chapter for minimum lot width. "Improved street" shall mean such streets as defined in Chapter 171.
- I. Minimum width of courts.** The minimum width of a court over ten (10) feet in depth shall be thirty (30) feet for one (1) story buildings, forty (40) feet for two (2) story buildings, fifty (50) feet for three (3) story buildings, and sixty (60) feet for four (4) story buildings. For every five (5) feet of height over forty (40) feet the width of such a court shall be increased by two (2) feet, provided that open unenclosed porches may project into a required court not more than twenty-five percent (25%) of the width of such court. Where a roadway is provided in the court, the width allowed for such roadway shall be in addition to that required hereby.
- J. Buildings required.** All commercial uses shall provide at least the minimum size building required for the district in which the use is to be located. The building shall contain plumbing facilities adequate to serve the needs of the customers and employees of the commercial use and must meet all requirements of the plumbing code adopted in Chapter 170 of this code of ordinances.
- K. Minimum floor elevation.** All buildings not already restricted by floodplain management requirements (as set forth in Chapter 174) intended for human occupancy shall be constructed with the ground floor level at least twelve (12) inches above the highest point of the surface of the public thoroughfare on which the property abuts. The Chief Building Official may waive such requirements after approval from the City Engineer, where the applicant demonstrates that on-site lot and unfinished floor elevations and drainage provides for protection of the finished floor.
- L. Waterfront setbacks.** For the purpose of promoting health, safety and general welfare of the community and secured safety from fire, storm, hurricane or other causes, all structures shall maintain a twenty-five (25) foot setback from the mean high water line of the following:
1. Indian River.

2. Palm Bay.
3. Turkey Creek.

The setback requirements hereinabove shall be construed as a minimum setback and if a greater setback is required under any of the zoning districts then such greater setback requirement shall be enforced.

**§ 173.14. RESERVED**

**§ 173.15. RESERVED**

**§ 173.16. RESERVED**

**§ 173.17. RESERVED**

**§ 173.18. RESERVED**

**§ 173.19. RESERVED**

## **PART 3. PLANNED DEVELOPMENT ZONING DISTRICT REGULATIONS**

### **§ 173.20. PLANNED UNIT DEVELOPMENT (PUD)**

**A. Purpose and intent.** The purpose of the planned unit development (PUD) district is to provide a zoning district that allows design flexibility and promotes planned diversification and integration of uses and structures, while also retaining the city council's authority to establish such limitations and regulations as it deems necessary to protect the public health, safety, and general welfare. The PUD district is designed to:

1. Encourage flexible land development that sustainably uses land and infrastructure, reduces transportation needs, conserves energy, and maximizes the preservation of natural resources.
2. Allow for the integration of different land uses and densities in a single development achieving compatibility in overall site design and scale, both internal and external, to the project site.
3. Permit outstanding and innovative residential and nonresidential developments with quality-of-life design features, such as an integration of housing types and accommodation of changing lifestyles within neighborhoods; design that encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as pedestrian scale, a building orientation generally toward streets and sidewalks, parking located to the side or rear of buildings, narrow streets, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, terminated vistas, recessed garages, alleys, enhances landscaping, and mixed-uses.
4. Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development.
5. Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.

('74 Code, § 25-132(b)) (Ord. 89- 08, passed 4-27-89; Am. Ord. 2016-02, passed 1-19-16; Am. Ord. 2022-94, passed 9-15-22)

**B. PCD, PCRD, PMU and RAC Properties.** The Planned Commercial Development (PCD), Planned Community Redevelopment District (PCRD), Parkway Mixed-Use (PMU), or Regional Activity Center (RAC) districts have been consolidated with the Planned Unit development (PUD) district. Properties previously zoned to any of those districts are now deemed to have a PUD zoning designation. The approved Development Orders shall remain in effect as approved. Any proposed changes to those approvals shall be processed based on the requirements of this section.

**C. Permitted uses.** Uses permitted in the planned unit development may include and shall be limited to the following. They may be mixed vertically or horizontally.

1. *Residential uses:* Single-family detached and multi-family residential dwelling units (including apartments) in semi-detached, attached, and multi-storied structures. Small Planned Unit Developments (SPUDs) may include tiny homes on wheels as defined in Chapter 171, but not mobile homes.
2. *Nonresidential uses.* Nonresidential uses of a religious, public or semipublic, cultural, recreational or commercial character and personal service centers, offices and professional centers providing services to residents of the planned unit development and the community as a whole. Also included are public utility equipment and facilities. The nonresidential uses shall be compatible with the residential uses and shall provide for a walkable community to the greatest extent possible.
3. *Lodging and entertainment venues.* Hotels, motels, restaurants, and entertainment venues may be permitted and shall be calculated as part of the total commercial acreage.

('74 Code, § 25-132(c)) (Ord. 89- 08, passed 4-27-89; Am. Ord. 2016-02, passed 1-19-16; Am. Ord. 2020-12, passed 2-20-20; Am. Ord. 2020-67, passed 11-5-20; Am. Ord. 2022-94, passed 9-15-22)

**D. Unified ownership or control.** The title to all land within a proposed site for a planned unit development shall be owned or controlled by a developer submitting the applications provided for under this subchapter. The term CONTROLLED BY shall be interpreted to mean that the developer shall have the written consent of all owners of property within the proposed site not wholly owned by the developer. The consent shall contain a statement that the developer is authorized to represent the owners in the submission of an application under the provisions of this subchapter and that the owners shall agree to be bound by the decision of the City Council in the event application is approved.

('74 Code, § 25-132(d)) (Ord. 89- 08, passed 4-27-89)

**E. Common open space.**

1. All common open space shall be preserved for its intended purposes as expressed in the final development plan. The developer shall choose one (1) or a combination of the following three (3) methods of administering common open space:
  - a. Public dedication accepted by the city may be included in the calculation of the common open space. This method is subject to formal acceptance by the city in its sole discretion.

- b. Establishment of an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development to ensure the maintenance of all common open space.
- c. Retention of ownership, control and maintenance of all common open space by the developer.
- 2. 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 of appropriate restrictions to ensure that the common open space is permanently preserved according to the final development plan. The deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.
- 3. 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.
- 4. If the developer elects to administer common open space through an association or nonprofit corporation, the organization shall conform to the following requirements:
  - a. The developer must establish the association or nonprofit corporation prior to the sale of any lots.
  - b. Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the planned unit development and the association or corporation shall not discriminate in its members or shareholders.
  - c. 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 the land, any other land within the planned unit development not publicly or privately owned, and shall secure adequate liability insurance on the land. If the developer elects an association or nonprofit corporation as a method of administering common open space, the title to all residential property owners shall include an undivided fee simple estate in all common open space.

('74 Code, § 25-132(e)) (Ord. 89- 08, passed 4-27-89; Am. Ord. 2016-02, passed 1-19-16)

- F. Minimum project size.** Five (5) acres. SPUDs shall contain a minimum of one (1) acre and a maximum of five (5) acres. Infill PUDs have no minimum size required.
- G. 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 includes 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 the underlying Future Land Use.
- H. Minimum common recreation and open space:** Twenty-five percent (25%) of gross site acreage, except that SPUDs and Infill PUDs shall have minimum of ten percent (10%) of common open space.



- I. Minimum lot area.** No minimum lot size is prescribed for the PUD district. However, the Development Order shall specify all the minimum (and maximum, if proposed) setbacks proposed for the various types of uses to be allowed.
- J. Access and driveways.**
1. The minimum driveway width for an individual residential lot within a SPUD shall be ten (10) feet wide.
  2. Access driveways to non-residential lots must have a minimum width of sixteen (16) feet.
  3. Each individual lot within the PUD 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. The city shall be allowed access on privately owned roads, easements and common open space to ensure the police and fire protection of the area to meeting emergency needs, to conduct city services, and to generally ensure the health and safety of the residents of the PUD.
- K. Minimum distances between structures.**
1. Between structures of two (2) stories or less — ten (10) feet.
  2. Between structures of three (3) stories — twenty (20) feet.
  3. Between structures of four (4) stories — thirty (30) feet.
  4. Between structures over four (4) stories — thirty (30) feet, plus five (5) feet for each additional story.
  5. Between structures of different heights, the larger distance separation shall be required.
  6. The minimum distance between residential structures in a SPUD shall be eight (8) feet.
- L. Perimeter setback.** The development order shall specify the setback required from the nearest part of any building wall to the edge of any public right-of-way or private street and the minimum setback maintained between the walls of all structures and the perimeter of the PUD and is subject to approval by City Council according to Section 172.030 (Preliminary Development Plan).
- M. Waterfront.**
1. Waterfront projects shall provide public access to the waterfront. The type of access and facilities shall be determined during the project approval process and may be met offsite if deemed appropriate by City Council.
  2. Projects between Dixie Highway NE (U.S. #1) and the Indian River Lagoon shall maintain a minimum of thirty percent (30%) of the frontage open through use of breezeways, no-build visibility corridors or other means, to allow views of the water from the street.
- N. Maximum length of structures:** two hundred (200) feet unless an excess is specifically authorized by the Planning and Zoning Board.
- O. Minimum commercial use area.** The minimum commercial area permitted within a PUD shall be fifteen percent (15%) of the total gross acreage of the site, if the PUD contains more than five hundred

(500) dwelling units, the minimum commercial area shall be increased to twenty percent (20%) of the total gross acreage, or the underlying future land use, whichever is greater. The commercial areas shall be situated and buffered so as not to create any detrimental effect on residential uses. A SPUD shall require a minimum of twenty percent (20%) commercial uses, based upon floor area ratio (FAR) or the gross floor area of the first floor (footprint) of all principal use buildings, unless the PUD is entirely composed of tiny homes on wheels as defined in Chapter 171. The City Council may waive this requirement for Infill PUDs based on the character of the surrounding area.

**P. Minimum floor living area per unit.**

1. Single-family dwellings — eight hundred (800) square feet.
2. Multi-family dwellings: None.
3. Hotel and motel units (where permitted) — two hundred and eighty (280) square feet per efficient unit.
4. Dwelling units within a SPUD shall not be required to have a minimum floor area.

**Q. Off-street parking.**

1. Residential use.
  - a. A minimum of two (2) parking spaces per single-family dwelling unit shall be provided.
  - b. Dwelling units within a SPUD or an Infill PUD shall provide a minimum of one (1) parking space per unit.
  - c. Multiple-family dwellings and commercial uses shall meet the parking ration requirements of Chapter 176.
  - d. Parking space dimensions shall meet the requirements of Chapter 176, except that parking spaces for residential uses within a SPUD of Infill PUD may be reduced in size by the City Council.
2. Landscaping. Within all common parking areas, a minimum of fifty (50) square feet of landscaped area shall be provided per parking space and such landscaped areas shall be distributed throughout the parking area.

**R. Underground utilities.** Within the PUD, all utilities including 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 pad mounts, enclosures or vaults. The developer must provide landscaping with shrubs and plants to screen all utility facilities permitted above ground. The zoning board may require that substations be fenced and screened by trees and shrubs or walls resembling a structure which is compatible with the design of the buildings within the PUD.

**S. Development standards.** The minimum construction requirements for streets or roads, sidewalks, sewer facilities, utilities and drainage dedicated to the public shall be in compliance with the requirements of the city's subdivision regulations set forth in Chapter 177 of this code. The



development standards of this district may be waived by the City Council upon the recommendation of the Planning and Zoning Board.

**T. Preservation of trees.** Planned unit developments shall be regulated by the adopted city Landscape provisions.

**U. Zero-lot line single-family detached development.**

1. Interior side yard. The dwelling unit shall be placed on one (1) interior side property line with a zero setback and the dwelling unit setback on the other interior side property line shall be a minimum of ten (10) feet excluding the connecting elements such as fences, walls and trellises. If the side yard abuts a street, setback should be at least twenty-five (25) feet.
2. Front setback. All dwelling structures shall be set back a minimum of twenty-five (25) feet from the front property line.
3. Rear setback. All dwelling structures shall be set back a minimum of ten (10) feet from the rear property line. The placement of patios, pools, garden features and other similar elements should be addressed initially as part of the PUD process.
4. Street frontage. Each lot shall have a clear direct frontage on public streets or to access ways complying with private street requirements.
5. Platting requirements. Each dwelling unit shall be located on its own individually platted lot.
6. Building heights. For a single-family dwelling only, the height shall not exceed two (2) stories and twenty-five (25) feet in height.
7. Minimum lot area. The minimum lot area shall be four thousand and fifty (4,050) square feet, or forty-five (45) feet by ninety (90) feet.
8. Minimum square footage of living spaces. For each unit, the minimum shall be eight hundred (800) square feet of living space under heat and air conditioning, not including garage and covered porch area.
9. Maximum building coverage. The maximum building coverage of the structure shall not exceed fifty percent (50%).
10. Opening prohibited on zero-lot line side. The wall of the dwelling located on the lot line side shall have no doors, air conditioning units or any other type of openings which would detract from the side yard privacy of the adjacent dwelling; provided, however, that atriums or courts shall be permitted on the zero-lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit, and a solid wall the height of the roof line is provided on the zero-lot line. The wall shall be constructed of the same material as exterior walls of the unit.
11. Maintenance and drainage easement. A perpetual four (4) foot wall maintenance easement shall be provided on the lot adjacent to the zero-lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be included in the covenants of restrictions and incorporated into each deed transferring title to the property. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty- four (24) inches. Measures shall

be taken by the developer to direct runoff into the overall master drainage plan as submitted with the PUD.

('74 Code, § 25-132(f)) (Ord. 89-08, passed 4-27-89; Am. Ord. 2016-02, passed 1-19-16; Am. Ord. 2020-12, passed 2-20-20; Am. Ord. 2022-94, passed 9-15-22)

**§ 173.21. RESERVED**

**§ 173.22. RESERVED**

**§ 173.23. RESERVED**

**§ 173.24. RESERVED**

## **PART 4. BONUSES AND INCENTIVES**

### **§ 173.25. AFFORDABLE HOUSING BONUS**

- A. Intent.** The City offers the following incentives in exchange for the provision of affordable housing units, as defined in Chapter 171, as part of a proposed residential or mixed-use development.
- B. Incentives.** To qualify for the following incentives, the minimum number of affordable units provided shall be twenty-five (25) percent of the total residential units included in the development.
  - 1. A density or intensity bonus up to the maximum allowed in the underlying Future Land Use category of the site;
  - 2. Up to two (2) additional stories in height;
  - 3. Reduced or waived fees, such as building or development fees or water; and/or
  - 4. Grant other incentives the City Council may deem appropriate.
- C. Requirements.** When reviewing a proposal for a development utilizing the density/intensity bonus, the City Manager or designee shall consider the following criteria:
  - 1. The proposed project shall not have a negative impact on the transportation level of service.
  - 2. The new development shall mitigate any impacts it may have on the scale character of existing residential sites abutting the proposed project.
  - 3. The applicant shall enter into a developers agreement with the City committing to the number of affordable units approved and ensuring that the units will remain affordable for a period of time to be designated by the Council.

### **§ 173.26. GREEN BUILDING INCENTIVE PROGRAM**

The City Council may approve Green Development Program projects as part of the Planned Unit Development process contained in this Code regardless of project size (no minimum size for submittal of the Planned Unit Development District application). All other criteria of the Planned Unit Development District approval requirements must be met.

**A. Purpose and intent.** The Palm Bay Green Building Incentive Program is designed to promote sustainable construction and design practices. Participation in the program is voluntary.

**B. Standards.**

1. Certification under the program shall require that a participant's building obtain certification under one or more of the following standards:
  - a. Certification under the Florida Green Home Certification Standard of the Florida Green Building Coalition;
  - b. Certification under the Green Commercial Building Standard of the Florida Green Building Coalition;
  - c. Certification under the Green Hi-Rise Residential Standard of the Florida Green Building Coalition; or
  - d. Certification under the LEED Commercial Rating System administered by the Green Building Certification Institute.
2. The city will recognize certification upon receipt of a copy of the official certificate from the appropriate rating agency.

(Ord. 2010-54, passed 10-21-10)

**C. Incentives.** The program shall provide the following incentives for participants:

1. Submittal, Review, and Construction Phase.
  - a. Expedited Permitting. Applications for building permits and site plan reviews shall be reviewed on an expedited basis by city staff. Expedited shall be prioritizing such permitting and review ahead of non-participant projects.
  - b. Signage. Participants shall be permitted to erect signage promoting their participation in the program as well as the certifying agency promotional materials on the site. Said signage shall not count toward the number of construction or future improvement signage normally permitted by the Sign Code.
  - c. (3) Web Page Promotion. The participant's project shall be listed on the city's website under the program's heading for a minimum of one year. City staff will develop the promotion with input from the participant.
  - d. (4) Reduction in Building Permit Fees. The calculation of building fees due shall exclude the marginal cost for compliance with the program standards. Therefore, only standard valuations as are typically utilized to calculate value shall be employed. Alternatively, the contractor may provide specific cost differential calculations for use by the Building Division when calculating fees.
2. Upon Completion.
  - a. Fee Refunds. The participant shall be entitled to a refund of 50% of the administrative site plan fee upon provision of the final certification from the appropriate rating agency.

- b. Green Building Program Proclamation. The participant shall receive a proclamation from the city at a City Council meeting recognizing the achievement under the City of Palm Bay Green Building Incentive Program.

(Ord. 2010-54, passed 10-21-10)

- D. Administration.** The program shall be administered by the Growth Management Department. Annually, subject to funding availability, the Growth Management Department shall sponsor or co-sponsor a Green Building Seminar/Workshop within Palm Bay. The purpose of this seminar shall be to promote green building and construction practices within the City and to promote the Palm Bay Green Building Incentive Program.

(Ord. 2010-54, passed 10-21-10)

#### **§ 173.27. DEVELOPMENT BONUSES AND INCENTIVES.**

The bonus program is established to encourage certain features such as more intensive development in the right location, or the provision of elements that are desired in the community. Table 173.8 lists the features that qualify for bonuses, the type of bonus offered, and the minimum conditions for the bonus request to be considered. Only one bonus per feature may be obtained (e.g., density, intensity, OR height bonus for the provision of public open space), but a development may qualify under several categories. Densities and intensities shall not exceed the maximum allowed by the site's future land use category designation. Building height shall not exceed two stories above the maximum permitted in a zoning district.

**Table 173 - 8. Development Bonus Program**

Proposed feature	Density Bonus	Intensity Bonus	Building Height	Other	Conditions
Vertical mixed-use (residential and commercial or office)			2 stories		Minimum of 5 residential units provided
Affordable housing	Max allowed in FLU category				Minimum of 25% of total units in development to be affordable. Developers' agreement committing to keeping the units affordable for a minimum of 30 years.
Public Open Space and Amenities	2 additional units per acre for every 3,000 sq. ft. of public space	0.02 additional FAR for every 3,000 sq. ft. of public space	1 story for every 3,000 sq. ft. of public space		Urban plaza or park with amenities at least three thousand (3,000) square feet in area. Privately-owned and maintained, but open to the public
Parking garage under residential, office or commercial development			1 additional floor per garage level provided		The façade facing the street shall incorporate active uses (residential, commercial or office)
Access to Waterfront (Turkey Creek, Palm Bay, and the Indian River Lagoon)			1 additional floor		One or combination of the following: 1. View of the water from the public right-of-way (in the form of breezeways); 2. Access to the water in the form of boat ramps, fishing piers, or beach; 3. Outdoor dining facing the water.
Low Impact Design	2 additional units per acre	0.02 additional FAR			Designs shall, at a minimum, manage and capture stormwater runoff, to the maximum extent feasible, in a manner

Proposed feature	Density Bonus	Intensity Bonus	Building Height	Other	Conditions
					consistent with the integrated management practices (IMPs) as outlined in the City's Low Impact Development Manual.
Emergency storm shelters in mobile home or RV parks	2 additional units per acre				shelters which meet the design and construction requirements established within the latest "ICC 500 ICC/NSSA Standard for the Design and Construction of Storm Shelters"
Use of living shoreline techniques to prevent shoreline erosion				Expedited review	One or more techniques
Co-location of Water-Dependent and Water-related Uses				Expedited review	Minimum of 2 water-dependent uses; or 1 water-dependent and 1 water-related uses. Uses must be located within the same structure or provide cross access via a shared pedestrian pathway.
Green Building certification under one or more of the standards listed in Section 173.026				Expedited review Promotion signs Website promotion Building permit fee reduction	

Where the features listed above are already required by Code, they shall be provided without a bonus.

**§ 173.28. RESERVED**

**§ 173.29. RESERVED**

## **PART 5. DEVELOPMENT DESIGN STANDARDS.**

### **§ 173.30. TOWNHOMES**

New townhomes are subject to the following development regulations:

- A. Up to eight (8) dwelling units may be grouped within one (1) contiguous townhome structure.
- B. Variation in building design.
  - 1. The facades of townhomes within a group shall vary in design and styling so that no more than two abutting townhomes within a group will feature identical facades.
  - 2. No more than two abutting townhomes within a group shall possess a common front building setback. Variation in the setback of front building facades shall be at least four (4) feet.
- C. A minimum of 15 feet shall be provided between each group of townhome units.
- D. Townhouse developments shall obtain vehicular access from rear alleys. No individual garages may face the public right-of-way except those townhouse developments located on a corner lot which may have one (1) garage with an opening facing toward the right-of-way abutting the corner side yard.
  - 1. Parking shall not be permitted between the townhouse buildings and any public right-of-way; and
  - 2. The area between the townhouse building and the public right-of-way shall be landscaped.
- E. Pedestrian access shall be provided from the front of the unit.
- F. Landscaped strips shall be provided between driveways of adjacent townhomes.
- E. All land within the project shall be developed and maintained in a neat and orderly condition. Deed covenants shall be developed to ensure the maintenance and upkeep of areas and facilities retained in common ownership, in order to provide a safe, healthful and attractive living environment within the development, and to prevent the occurrence of blight and deterioration of the individual units.

### **§ 173.31. MULTIFAMILY DWELLINGS**

Multiple-family residential developments that include five (5) or more units shall meet the following provisions. Multiple-family developments of less than five (5) units shall be exempt from these provisions.

- A. The development shall meet the landscape and buffer requirements of Chapter 175.
- B. Sidewalks, internal and external to the site, are required in accordance with the sidewalk standards of Chapter 176.
- C. Variations in building height.
  - 1. For buildings of two (2) or three (3) stories in height and not exceeding one hundred (100) feet in length, at least fifteen (15) percent of the roof line shall have a variation in height, or an average variation in height, of at least five (5) feet.
  - 2. For buildings of two (2) or three (3) stories in height and in excess of one hundred (100) feet in length, at least two (2) portions of the building shall have a variation in height, or an average

variation in height, of at least five (5) feet. The combination of said required variations in height shall amount to not less than fifteen (15) percent of the length of the building.

3. For buildings of four (4) or more stories in height at least fifteen (15) percent of the roof line shall have a variation in height, or an average variation in height, of at least ten (10) feet.

D. Variations in building facade.

1. For buildings not exceeding one hundred (100) feet in length, at least fifteen (15) percent of the building face shall have a variation in setback of at least five (5) feet.
2. For buildings in excess of one hundred (100) feet in length, at least two (2) portions of the building shall have variation in setback of at least five (5) feet. Variations of less than five (5) feet shall not count toward this requirement. The combination of said required variations in setback shall amount to not less than fifteen (15) percent of the length of the building.

- E. Balconies designed for other than purely ornamental purposes shall be a minimum of five (5) feet in depth.

**§ 173.32. COMMERCIAL AND OFFICE DISTRICTS**

- A. Structures must adhere to one (1) of the following Architectural Styles for architectural elevations facing public rights-of-way within the NC, CC, HC, and OP zoning districts, and for structures constructed on a lot fronting any arterial or collector roadways in the GC zoning district.

1. Florida Vernacular Architectural Style.

- a. Masonry or frame construction.
- b. Stuck stucco or lap siding finish.
- c. Brick wainscot.
- d. Architectural shingles or galvalume metal roof acceptable.
- e. Exposed lookouts at truss ends, dentil molding, operable shutters that match the window width, period style lighting.
- f. Limited color palette to pastel colors or white.
- g. A front porch or overhang that has a minimum of sixty inches (60") width and encompasses a minimum of fifty percent (50%) of the main building façade.
- h. No blank wall area to exceed four hundred (400) square feet of area.
- i. No singular façade shall exceed one hundred (100) lineal feet of run without a minimum sixteen inch (16") break, by utilizing a directional or material change.
- j. Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.
- k. All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site of the main floor shall be utilized for the creation of an outdoor



public space — these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping.

2. Mediterranean/Spanish Colonial.

- a. Masonry or frame construction.
- b. Heavy stucco or concrete finish.
- c. Barrel vaulted elements over windows and doors.
- d. Flat or low hip roof lines with interlocking terra-cotta roof tile.
- e. Terra cotta detailing, quoins, metalwork around windows and doors, relief around cornices, parapets, balconies and balustrades.
- f. Limited color palette of white, parchment and coral colors.
- g. Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.
- h. All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site for the creation of an outdoor public space — these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping. Structures that exceed fifty thousand (50,000) square feet of the area on the main floor shall provide an area on the site equivalent to three percent (3%) of the main floor area for an outdoor public space.

3. Spanish Revival.

- a. Masonry or frame construction.
- b. Heavy stucco or masonry finish.
- c. Barrel arch over windows and doors.
- d. Flat, gable and/or hip roof lines with interlocking barrel style roof tile.
- e. Iron work around windows.
- f. Trim work around doors, parapets, windows and entryways.
- g. Color palette of white or the patina of the masonry.
- h. Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.
- i. All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site for the creation of an outdoor public space — these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping.

4. Commercial American.
  - a. Traversable arcade of fabric awning or structural roof.
  - b. Recessed entryway and string course over storefront.
  - c. Flat or low slope roof.
  - d. Parapet with minor course banding and/or cornice.
  - e. Concrete or brick construction.
  - f. Large fixed plate glass storefront windows.
  - g. Minor trim or fretwork.
  - h. Color palette typically reflects the base material (brick) or lighter colors.
  - i. Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.
  - j. All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site for the creation of an outdoor public space — these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping.
5. Bungalow.
  - a. Brick or concrete wainscot or base.
  - b. Gable roof line with exposed rafters and secondary rooflines.
  - c. Decorative shake or shingle roof or metal roof.
  - d. Horizontal siding.
  - e. Tapered columns.
  - f. Exposed structural elements for detailing such as beams, ridge vents, rafters and purlins.
  - g. Useable front porch.
  - h. Color palette may vary.
  - i. Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to is not permitted. No part of the exterior finish shall utilize metal cladding.
  - j. All structures in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site for the creation of an outdoor public space — these areas are inclusive of benches, sitting areas, bicycle racks, bus stops, display fountains and/or landscaping.

B. The predominant exterior color shall be applied to all sides of the structure.

- C. The design requirements listed in subsections (A) and (B) above shall be applicable to all new construction in the district, and in the case of additions or renovations to, or development of, an existing building or project, where the renovation or redevelopment exceeds fifty percent (50%) of the square footage of the existing structure(s). A mirror building, defined as a building meant to complement a pre-existing structure by use of identical material finishes, scale and form, shall be exempt from the design requirements. New buildings that are part of an overall campus plan that has an established architectural theme shall also be exempt from the design requirements herein.
- D. The design requirements listed in subsections (A) and (B) above shall be applicable to all accessory buildings also. Any accessory structure not meeting this requirement shall be screened so as to not be visible from the public right-of-way. Mechanical equipment such as gasoline pumps, air and vacuum machines, drive-through menu boards and speaker stations, drive-through teller stations, ATM's, and similar appliances which require direct access by the public shall be exempt from the design review requirements of this subsection. All HVAC, wireless communication devices, Fire Suppression, Solar Panels, wind generation devices and similar equipment placed on any roof or above the roof line of any commercial structure shall be effectively screened as to not be seen by the public.
- E. Compliance with the requirements set forth in this subsection shall be demonstrated by submittal of building front elevations and color and material samples at the time of site plan review.
- F. Structures in the following use categories are exempt from the design review requirements of this subsection: public utility equipment, hospitals, churches, model home centers and buildings having federal, state or locally designated historical status.
- G. All structures larger than five thousand (5,000) square feet of area on the main floor shall also provide an outdoor public space and include sitting areas, bicycle racks, fountains and/or landscaping. The outdoor public space shall be a minimum of 5% of the gross first floor area of the building and may count toward the common open space requirement.
- H. The Sign Code shall be adhered to with the following exceptions:
  - 6. Materials: The color, construction, and material of each sign shall be compatible with the architecture on the site.
  - 7. Design: Every sign frame or support shall be designed as a sympathetic architectural element of the building(s) to which it is principally related.
  - 8. Freestanding signs shall have landscaping at the base that is a minimum width of the sign above.
  - 9. Freestanding signs over twenty-five (25) feet in height shall be exempt from the design review requirements of this subsection but will require landscaping at the base of each sign that is a minimum width of the sign above.
- I. Alternative Architectural Styles. The intent of City Council is that commercial structures adhere to the Architectural Style Requirements as described above during the administrative site plan review process for the city. The appeals process described in Chapter 172 is intended to provide relief from those provisions only in unusual and unique circumstances. This subsection describes an alternative process for Architectural Styles that do not conform to the style requirements of subsections A through H above.

When an applicant proposes an architectural style that does not conform to subsections A through H above, the applicant may pursue an Architectural Style Exception through the Growth Management Director for a final administrative decision. The exception shall be in the form of a letter indicating the reasons for the request and the applicant's opinion of their adherence to the requirements. In rendering the final decision, the Growth Management Director shall take into account the overall level to which the architectural design complies with the requirements. If the applicant is not satisfied with the Final Administrative Decision, they may appeal that decision pursuant to Chapter 172.

(Ord. 2008-27, passed 5-1-08; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2010-76, passed 11-4-10; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2016-76, passed 11-17-16; Am. Ord. 2022-05, passed 1-20-22)

### **§ 173.33. MIXED USE DISTRICT (MU) DESIGN STANDARDS**

**A. Purpose and intent.** The purpose and intent of the Mixed-Use zoning district design standards is to implement the Community Mixed-Use Future Land Use category and the following:

1. Create walkable communities that provide within walking distance most of the activities of daily living so that residents of all ages may gain independence of movement, thereby reducing the number and length of vehicular trips.
2. Provide a variety of places to go and things to do within walking distance, including an assortment of residential buildings (i.e., detaches homes, townhouses, apartments, etc.), workplace buildings (i.e., offices, studios, craft shops, etc.), neighborhood commercial buildings (i.e., grocery stores, craft shops, boutiques, salons, restaurants, etc.), and public buildings (i.e., schools, churches, libraries, assembly halls, etc.), bound together by a well-planned public realm.
3. Ensure the provision of tree-lined streets, sidewalks, greens, playgrounds, parks, benches, picnic shelters and gazebos which help create neighborhood character and offer amenities to the entire community.
4. Provide a variety of housing types and sizes to accommodate the needs of a diverse population.
5. Ensure a coordinated approach to site and building design;
6. Achieve the integration of new developments to external pedestrian and vehicular network;
7. Support cohesive, mixed-use development with higher development densities and intensities at nodes; and
8. Encourage the development of high-quality mixed-use through development incentives.

**B. Minimum land area.** The total gross acreage of a property being rezoned to Mixed-Use (MU) shall comprise a minimum of 100 contiguous acres.

**C. Unified control.** The land included within a proposed Mixed-Use District shall be owned by or under the control of the applicant, whether the applicant is an individual, partnership or corporation, or a group of individuals, partnerships, or corporations. The approval of the Mixed Use District rezoning application by the city shall be based on the understanding that, if the applicant proceeds with the proposed development, the applicant will:

1. Do so in accord with the officially approved final Mixed-Use Master Site Plan for the site, and any other conditions or modifications the City Council may impose.
2. Provide agreements, covenants, contracts, deed restrictions or sureties acceptable to the city for completion of the undertaking in accordance with the adopted final master plan as well as for the continuing operation and maintenance of those areas, functions and facilities that are not to be provided, operated, or maintained at public expense.
3. Bind all development successors in title to any commitments made under subsections 1 and 2 of this section.

**D. Mix of uses:** Table 173-2 lists the uses permitted within the MU district. The Mixed-Use Master Site Plan shall show a mix of uses in a vertical and/or horizontal fashion. When laying out the uses, the most dense/intense uses shall be concentrated at major intersection nodes with a gradual transition to a less dense urban form at the edges of the development. To ensure a balance between housing, retail, office, and other commercial and light industrial development within the MU zoning districts, the following mix of uses shall be achieved:

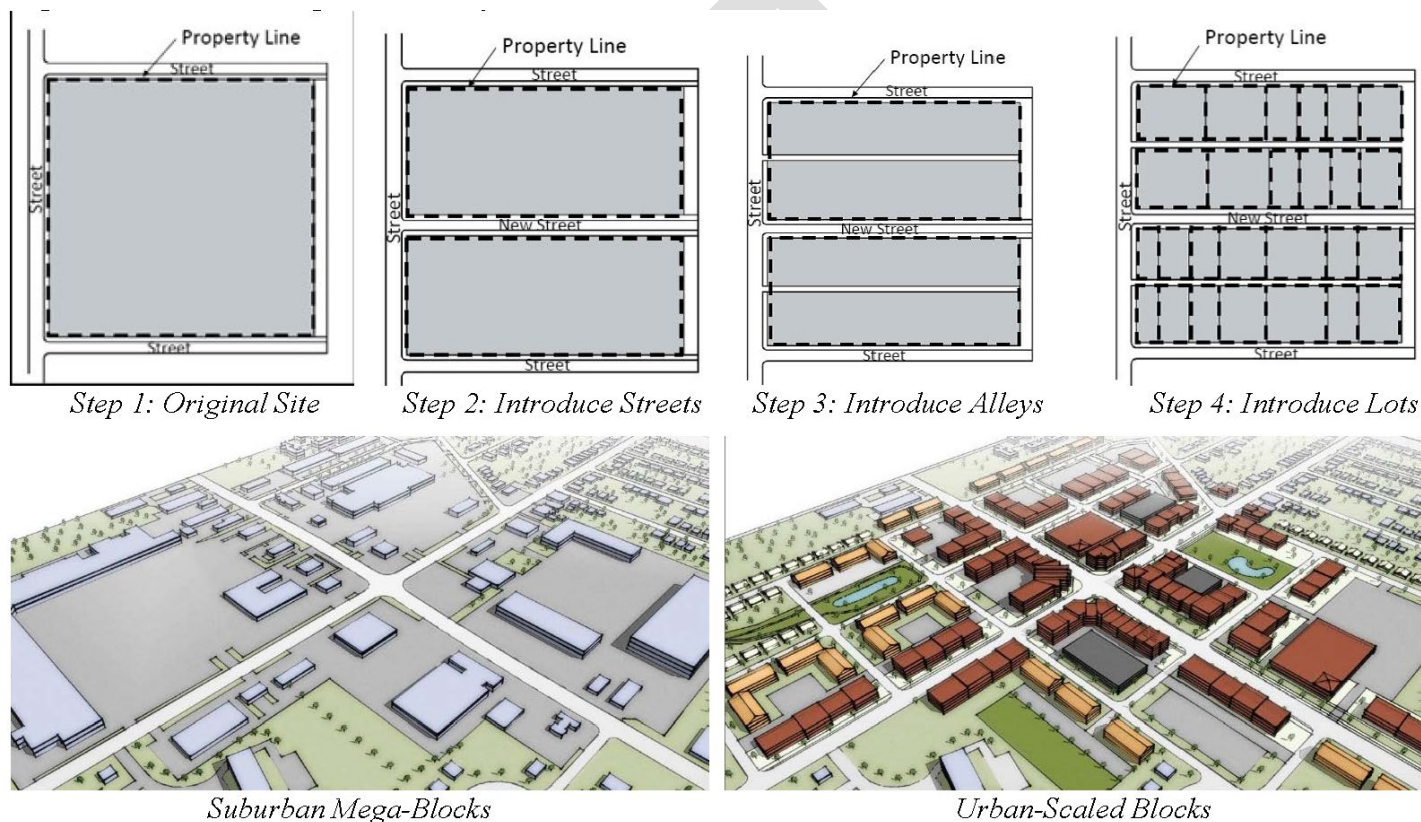
**Table 173 - 9. Required Mix of Uses:**

Use Type	Minimum percentage total (gross acreage)	Maximum percentage total (gross acreage)
Residential	20	75
Commercial	20	75
Industrial	None	50
Recreational / Open Space	5	10

- E. Development density and intensity.** Individual components of the mixed-use development (i.e., pods, neighborhoods) may have a range of maximum densities based on the intended character of each area. However, the overall maximum density for the entire development site shall be 30 units per acre and development intensity shall not exceed a floor area ratio of 1.0.
- F. Block standards and connectivity.** Connectivity is of utmost importance in the MU zoning district, and it is achieved by ensuring blocks and streets are laid out to provide that connectivity for pedestrians and vehicles (see figure below). While an orthogonal grid is the most obvious method for achieving connectivity, meandering roads are also acceptable provided they preserve the connectivity. Proposed developments shall be required to provide connectivity by meeting the following standards:
1. Megablocks are prohibited. Instead, urban scale blocks shall be created. Therefore, new blocks shall not exceed a 2,000 lineal foot perimeter.
  2. To prevent the creation of mega-blocks due to ownership of large tracts, vehicular and pedestrian connections shall be provided through the site. These connections shall be designed to function as streets and sidewalks, even if preserved in private ownership.
  3. Existing development sites that do not encompass an entire block but are within a block that exceeds the maximum block perimeter allowed shall incorporate cross-block passages to rear or side streets, or to adjacent non-residential development as follows:



- a. If the site frontage is at any point more than three hundred and fifty (350) feet from a street intersection, a cross block pedestrian passage shall be provided to a rear street or drive aisle, if one is available.
- b. If the site frontage is at any point six hundred (600) feet from a street intersection, a vehicular cross block passage shall be provided. The vehicular passage may be a public street or private drive.
- c. The required vehicular and pedestrian passages may not go through the block due to the presence of neighboring sites under separate ownership; but, as the abutting sites redevelop, the vehicular and pedestrian passages shall be continued through the block by mutual agreement of the property owners through the appropriate legal instruments.



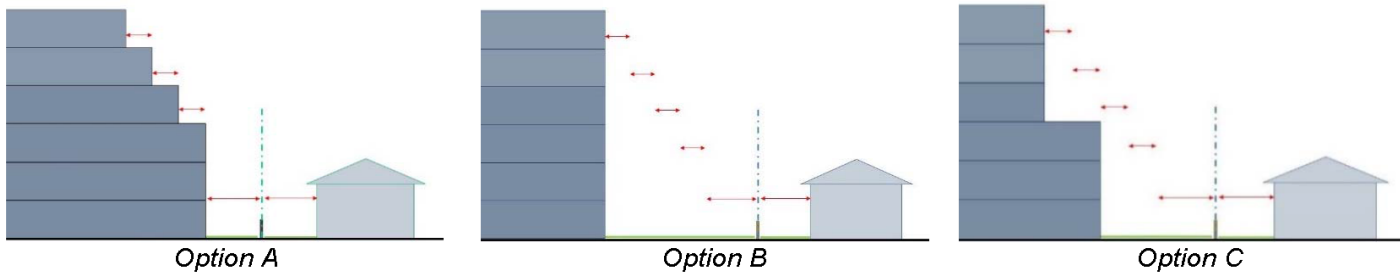
- G. Lot sizes.** The MU district is intended to include a wide variety of housing choices. Therefore, the minimum size of residential sites shall vary to accommodate those housing products. The Master Site Plan and accompanying Site Data table shall specify the allowable lot sizes for the various components of the mixed-use development. Minimum lot sizes shall be set to facilitate compliance with the building setbacks noted below.
- H. Maximum building height.** Individual components of the mixed-use development (i.e., pods, neighborhoods) may have different building heights based on the intended character of each area. The maximum height permitted in any component shall be sixty (60) feet. Additional building height may be permitted per Part 4 of this chapter (Development Bonuses and Incentives).

- I. **Setbacks.** Building setbacks are regulated based on the street where the building is located. Therefore, the Master Site Plan shall identify the street hierarchy and apply the following setbacks. Primary streets refer to those where development should be oriented to.

**Table 173 - 10. Maximum Setbacks (feet).**

Abutting Street Type	Front	Side	Rear
Perimeter	20	20	None
Primary	15	10	20
Secondary	15	10	20
Alley	N/A	None	None

- J. **Building transitions.** To mitigate potential conflicts between developments, the following considerations shall be made during the review process with particular focus on proposed structures and uses located at the perimeter of the proposed MU development:
1. Multi-story buildings adjacent to single family homes shall provide a 10-foot setback for each floor above two. The setback may be provided as a step back for each floor, as a setback for the entire building, or a combination of the two.



2. Compatibility may be achieved through the use of open space (parks, plazas, squares, courts, etc.), and natural features such as topography, waterways, existing trees and vegetation.
  3. Siting of less-intensive uses around perimeter of MU development, particularly when a MU development directly abuts a residential area (i.e., offices instead of bars/restaurants).
  4. Operational standards may be imposed on commercial uses sited at the perimeter of the development, including hours of operation, delivery hours and loading zones, location and intensity of lighting, etc.
  5. Enhanced landscaping and buffers between mixed-use developments and existing single-family residential areas.
- K. **Site and building standards.** If townhomes or multifamily uses are proposed as part of the mixed-use development, they shall also comply with the standards noted in Sections 173.033 and 173.034 for such uses.
- L. **Building placement and orientation.** The placement of a building on a site is critical to creating a vital and coherent public realm. The intent of these standards is to shape the public realm and strengthen the physical and functional character of the area.

1. Buildings shall be placed close to the street and parking lots shall be behind or to the side of the building.
2. The district allows a 0-foot front and corner minimum setback. However, the developer must ensure there is adequate room between the curb of the street and the building to accommodate an 8-foot public furnishing zone and a 6-foot public sidewalk. The applicant has the option of providing a setback between the sidewalk and the building to accommodate landscaping for privacy or outdoor dining (optional setback). The sidewalk may be on private property necessitating an easement for public use.
3. To ensure façade continuity and activity along the street, in addition to avoiding large expanses of blocks that are not framed by buildings, all new non-residential and multi-family buildings shall have a minimum building frontage of 50% (the building front façade shall be no less than 50% of the lot width measured at the front property line). This provision shall not apply to institutional uses.
4. Large retail or entertainment uses typically placed in the rear of a site with outparcels lining the street may only be allowed if designed as a system of blocks and streets (instead of driving aisles) and each outparcel meets all the standards of this section.

**M. Building Massing.** Large building volumes shall be divided to appear as smaller volumes grouped together. Volume breaks may be achieved by building wall projections and recesses, and varying heights and roof lines. Therefore, building facades shall not exceed seventy-five (75) feet along a street frontage without providing a substantial volume break such as a recess, a tower, or an architecturally prominent public entrance. The recesses and projections shall have a minimum depth of three (3) feet.

**N. Façade Design.** The elements that make up a building façade are key components for defining the public realm. The façade design standards contained in this subsection are not intended to regulate style or appeal. The purpose of these standards is to ensure facades are designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls by requiring architectural detail; in the case of commercial buildings, ensure the building facades are inviting; and, increase public safety by designing buildings that provide human surveillance of the street. Building facades along public or private streets shall maintain a pedestrian scale and integrate the public and private spaces using architectural elements as follows:

1. Façades shall not exceed twenty (20) horizontal feet and ten (10) vertical feet without including at least one (1) of the following elements:
  - a. A window or door.
  - b. Awning, canopy or marquee.
  - c. An offset, column, reveal, void, projecting rib, band, cornice, or similar element with a minimum depth of six (6) inches.
  - d. Arcade, gallery or stoop.
  - e. Complementary changes in materials or texture.

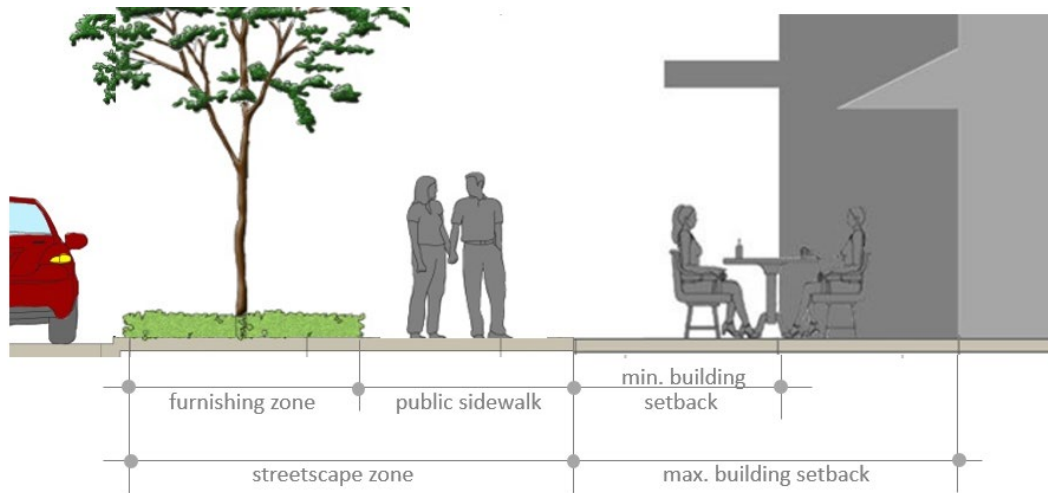


2. Architectural treatments on the façade, such as cornices or expression lines, shall be continued around the sides of the building.
  3. All building facades, including those not facing a street, shall use the same color scheme.
  4. The main entrance of all nonresidential and mixed-use buildings shall be oriented toward the public right-of-way.
  5. Where parking areas are located behind the building, a secondary pedestrian entrance may be provided from the parking area directly into the building.
  6. Entrances shall be operable, clearly defined, and highly visible. In order to emphasize entrances, they shall be accented by a change in materials around the door, recessed into the façade (alcove), or accented by an overhang, awning, canopy or similar feature.
  7. Pedestrian connections from the public sidewalk and parking areas to the building entrance shall be provided.
- O. Glazing.** Glazing percentages shall be calculated as the total area of glass (windows and glass doors), or openings in the case of parking garages, divided by the façade area.
1. Non-Residential First Floor: 50% minimum.
  2. Non-Residential Upper Floors: 20% minimum.
  3. Multi-family Residential: 20% minimum.
- P. Parking location and design.** The buildings must be the predominant element/view from the street. Therefore, parking areas must be screened as follows:
1. Surface parking lots shall be located in the rear of the lot, behind the building. They may also locate between the building and the side property line provided the building frontage requirements are met.
  2. Surface and structure parking areas shall be accessed from a secondary street, from an adjacent property (shared use agreement necessary), or from rear alleys if any of these are available or proposed as part of the development. Access through single-family residential neighborhoods, however, shall not be allowed.
  3. Surface parking areas located along a public street shall be screened from street view by a 3-foot street wall placed within the parking setback area.
  4. Parking structures facing the street shall be placed behind a liner building that houses active uses (e.g., commercial, office, residential). The liner building, which may be attached or detached from the parking structure, shall extend for a minimum of seventy-five (75) percent of the length of the parking structure, and shall have a minimum depth of thirty (30) feet. Any portion of a parking garage that is not concealed behind a building shall be screened to conceal all internal elements such as plumbing pipes, fans, ducts and lighting. Ramping should be internalized wherever possible. Exposed spandrels shall be prohibited.
- Q. Open space requirements.** Mixed-se developments shall ensure the provision of common open space. The various components of the mixed-use development may have higher or lower percentages than

required in Section 177.004 as long as the overall percentage is met. See Section 177.004 for other applicable requirements.

#### § 173.34. MIXED USE CORE DISTRICT (MUC) STANDARDS

- A. Purpose and intent.** The purpose of the Mixed-Use Core (MUC) district is to implement the Urban Mixed-Use Future Land Use category. While the MU district is intended to include a wide variety of uses and development densities and intensities, the MUC district is intended to cultivate a vibrant mix of very dense and intense multi-family residential and nonresidential land uses within a highly walkable compact setting primarily consisting of vertical mixed-use buildings at the intersection of collector or arterial roadways.
- B. Mix of uses:** Table 173-2 lists the uses permitted within the MUC district. The Mixed-Use Master Site Plan shall show a mix of uses in a predominantly vertical fashion. To ensure a balance between housing, retail, office, and other commercial and light industrial development within the MUC zoning districts, it shall be mandatory to include a mix of at least two uses (e.g., retail or office and multi-family, retail and office, retail and hotel, etc.) within each district not necessarily by individual lot (e.g., a hotel may be approved on a site if the rest of the block includes other uses). There are no minimum acreages or percentages required, but the mixed-use shall meet the definition as stated in Chapter 171.
- C. Development density and intensity.** In order to achieve the vibrancy within MUC districts, there shall be a minimum density of 10 units per acre and a maximum density for the entire development site of 40 units per acre (up to 50 units per acre with density bonuses). Development intensity shall not exceed a floor area ratio of 2.5 (up to 3.5 with intensity bonuses).
- D. Block standards and connectivity.** Developments within the MUC must preserve/create connectivity and avoid the creation of megablocks. Therefore, the standards of Section 173.033.F shall also apply to MUC.
- E. Lot sizes.** The Master Site Plan and accompanying Site Data table shall specify the allowable lot sizes for the various components of the mixed-use development. Minimum lot sizes shall be set to facilitate compliance with the building setbacks noted below.
- F. Maximum building height.** The maximum building height permitted shall be sixty (60) feet. Additional building height may be permitted per Part 4 of this chapter (Development Bonuses and Incentives).
- G. Setbacks.** Buildings shall be placed close to the street to make the district pedestrian friendly and walkable. The front yard setbacks shall be determined by measuring from the curb and allowing enough room for an 8-foot wide landscape/furnishing zone, an 8-foot sidewalk along primary streets (6 feet along secondary streets), and adequate room to accommodate outdoor dining or urban buffering for uses such as hotels or multi-family residential (see image below). The City Council, through the Master Site Plan review, may modify the requirements based on the character of existing areas. There shall be no off-street parking allowed in the front yard.



- H. **Other site and building standards.** The requirements of Sections 173.036.J through Q shall apply to MUC sites.
- I. **Architectural standards.** The following architectural features shall be used on all elevations facing public rights-of-way.
1. A metal panel, 5-seam or metal shake roof is acceptable. A 5-tab twenty-five (25) year dimensional shingle roof or manufactured equivalent of a wood shake roof is acceptable. 3-tab shingles, barrel vaulted tiles, or corrugated roof systems are not permissible.
  2. The pitch of the main roof, hipped or gable, shall be no greater than 5:12 and no less than 3:12; mansard roof slopes shall be no greater than 9:12; porch roof slopes shall have a lower pitch than the main roof.
  3. A minimum 6" overhang is required for any roof structure. All structures must have a minimum 3:12 slope roof. Multiple roof systems with matching roof slopes are permissible. Low slopes and flat roof systems are permissible when screened by a mansard roof or parapet wall meeting the design requirements.
  4. The predominant exterior color shall be pastel shades or white; earth tones are not acceptable except in brick.
  5. Manufactured brick or materials that have the appearance of brick are acceptable. Horizontally struck stucco, exterior insulated finish system stucco panels, boards and batten, wood or vinyl siding, and stained hardwood panels shall also be considered acceptable finishes.
  6. The front porch must encompass an area greater than fifty percent (50%) of the front facade. The porch must be a minimum of 60" in depth.
  7. Gingerbread trim and/or porch railings, columns or shall have the appearance of light frame wood construction.
  8. Trim colors shall be white or light pastels. (Trim shall be considered railings, columns, door and window surrounds, soffits, shutters, gutters and downspouts, and other decorative elements.) Trim

finishes shall be a contrasting lighter color than that of the primary building color with the exception of white as a primary building color.

9. There shall be no area greater than 400 square feet of contiguous blank wall area on any front facade that remains unadorned by architectural features that include, but are not limited to, windows, doors, lights, banding trim or porch elements.
  10. There shall not be any singular facade that has greater than 100' lineal feet of run without a minimum 16" break, by using a directional or material change.
  11. Metal-clad structures are permissible. Internal bracing must be certified to accept additional finishes or structures applied to the exterior metal panels. No external X bracing is to be visible on any front facade. Finish panels must be able to accept a painted finish. All exterior wall finishes must match the primary building color. The use of corrugated, synthetic or fiberglass panels is prohibited on any front wall or any front roof surface. All design requirements must be met for metal-clad structures as for any other new structures.
  12. The predominant exterior color shall be applied to all sides of the structure.
  13. The design requirements listed above shall be applicable to all new construction in the district, and in the case of additions or renovations to, or development of, an existing building or project, where the addition, renovation or redevelopment exceeds fifty percent (50%) of the square footage of the existing structure(s). A mirror building, defined as a building meant to complement a pre-existing structure by use of identical material finishes, scale and form, shall be exempt from the design requirements. New buildings that are part of an overall campus plan that has an established architectural theme shall also be exempt from the design requirements herein.
  14. The design requirements listed above shall be applicable to all accessory structures. Any accessory structure not meeting this requirement shall be screened so as not to be visible from the public right-of-way. Mechanical equipment such as drive-through menu boards and speaker stations, drive-through teller stations, ATM's, and similar appliances which require direct access by the public shall be exempt from the design review requirements of this subsection.
- J. Compliance with the requirements set forth in this subsection shall be demonstrated by submittal of building front elevations and color and material samples at the time of site plan review.
- K. Structures in the following use category are exempt from the design review requirements of this subsection: public utility equipment and churches.
- L. The city sign code shall be adhered to with the following additional requirements:
1. The color, construction, and material of each sign shall be compatible with the architecture on the site.
  2. Every sign frame or support shall be designed as a sympathetic architectural element of the building(s) to which it is principally related.
  3. Free standing signs shall have landscaping at the base.
- M. Structures having a federal or state historic site status shall be exempt from this subsection.

- N. Garages for residential structures and uses shall not be located closer to the front or side corner lot line than the foremost facade of the principal building, i.e., “snout houses” are not permitted.
- O. The City Council may, by resolution, adopt such administrative policies, manuals and/or fees as necessary to implement the design requirements identified above.

DRAFT