

CHAPTER 173. ZONING .....	173-1
PART 1. GENERAL PROVISIONS.....	173-1
§ 173.001. APPLICATION.....	173-1
§ 173.002. ZONING DISTRICTS ESTABLISHED.....	173-1
§ 173.003. ZONING MAP.....	173-2
§ 173.004. RESERVED.....	173-5
§ 173.005. RESERVED.....	173-5
§ 173.006. RESERVED.....	173-5
§ 173.007. RESERVED.....	173-5
§ 173.008. RESERVED.....	173-5
§ 173.009. RESERVED.....	173-5
§ 173.010. RESERVED.....	173-5
§ 173.011. RESERVED.....	173-5
§ 173.012. RESERVED.....	173-5
§ 173.013. RESERVED.....	173-5
§ 173.014. RESERVED.....	173-5
§ 173.015. RESERVED.....	173-5
§ 173.016. RESERVED.....	173-5
§ 173.017. RESERVED.....	173-5
§ 173.018. RESERVED.....	173-5
§ 173.019. RESERVED.....	173-5
PART 2. STANDARD ZONING DISTRICT REGULATIONS.....	173-6
§ 173.020. INTENT OF STANDARD ZONING DISTRICTS.....	173-6
§ 173.021. SCHEDULE OF USES.....	173-68
§ 173.022. BULK AND DIMENSIONAL STANDARDS.....	173-74
§ 173.023. RESERVED.....	173-85
§ 173.024. RESERVED.....	173-85
§ 173.025. RESERVED.....	173-85
§ 173.026. RESERVED.....	173-85
§ 173.027. RESERVED.....	173-85
§ 173.028. RESERVED.....	173-85
§ 173.029. RESERVED.....	173-85

PART 3. RESIDENTIAL DEVELOPMENT TYPES.....	173-85
§ 173.030. CLUSTER SUBDIVISIONS.....	173-85
§ 173.031. MULTI-FAMILY DWELLING STANDARDS.....	173-87
§ 173.032. TOWNHOMES STANDARDS.....	173-87
§ 173.033. MANUFACTURED HOUSING/MOBILE HOMES.....	173-88
§ 173.034. ZERO-LOT LINE DEVELOPMENT STANDARDS.....	173-90
§ 173.035. RESERVED.....	173-91
§ 173.036. RESERVED.....	173-91
§ 173.037. RESERVED.....	173-91
§ 173.038. RESERVED.....	173-91
§ 173.039. RESERVED.....	173-91
PART 4. ARCHITECTURAL STANDARDS.....	173-91
§ 173.040. APPLICABILITY.....	173-91
§ 173.041. ARCHITECTURAL STYLES.....	173-91
§ 173.042. PUBLIC SPACE.....	173-95
§ 173.043. ROOFTOP EQUIPMENT.....	173-95
§ 173.044. SIGNS.....	173-95
§ 173.045. EXTERIOR COVERING.....	173-96
§ 173.046. RESERVED.....	173-97
§ 173.047. RESERVED.....	173-97
§ 173.048. RESERVED.....	173-97
§ 173.049. RESERVED.....	173-97
PART 5. DEVELOPMENT BONUSES AND INCENTIVES.....	173-97
§ 173.050. PURPOSE.....	173-97
§ 173.051. MINIMUM REQUIREMENTS.....	173-97
§ 173.052. PROCESS.....	173-98
§ 173.053. REQUIREMENTS.....	173-98
§ 173.054. RESERVED.....	173-103
§ 173.055. RESERVED.....	173-103
§ 173.056. RESERVED.....	173-103
§ 173.057. RESERVED.....	173-103
§ 173.058. RESERVED.....	173-103

§ 173.059. RESERVED.....	173-103
PART 6. PLANNED UNIT DEVELOPMENT ZONING DISTRICT REGULATIONS .....	173-103
§ 173.060. PURPOSE AND INTENT. ....	173-103
§ 173.061. PUD STANDARDS.....	173-103
§ 173.062. PCD, PCRD, AND PMU PROPERTIES. ....	173-104
§ 173.063. MINIMUM PROJECT SIZE. ....	173-104
§ 173.064. UNIFIED OWNERSHIP OR CONTROL. ....	173-104
§ 173.065. PERMITTED USES. ....	173-104
§ 173.066. MINIMUM NON-RESIDENTIAL USE AREA. ....	173-105
§ 173.067. DENSITY AND INTENSITY. ....	173-106
§ 173.068. MINIMUM LOT AREA, FRONTAGE, SETBACKS, AND STRUCTURE REQUIREMENTS. ....	173-106
§ 173.069. ACCESS AND DRIVEWAYS. ....	173-107
§ 173.070. COMMON RECREATION AND OPEN SPACE.....	173-108
§ 173.071. OFF-STREET PARKING.....	173-109
§ 173.072. TREE PROTECTION AND LANDSCAPING.....	173-110
§ 173.073. UTILITIES. ....	173-110
§ 173.074. RESERVED.....	173-124
§ 173.075. RESERVED.....	173-124
§ 173.076. RESERVED.....	173-124
§ 173.077. RESERVED.....	173-124
§ 173.078. RESERVED.....	173-124
§ 173.079. RESERVED.....	173-124
PART 7. REGIONAL ACTIVITY CENTER (RAC) PUD. ....	173-124
§ 173.080. PURPOSE.....	173-124
§ 173.081. INTENT.....	173-125
§ 173.082. DENSITY AND INTENSITY.....	173-126
§ 173.083. RAC SUBAREAS.....	173-126
§ 173.084. RESIDENTIAL AND EMPLOYMENT USES.....	173-127
§ 173.085. STREETS AND WALKABILITY STANDARDS. ....	173-128
§ 173.086. LANDSCAPING.....	173-129
§ 173.087. RESERVED.....	173-134
§ 173.088. RESERVED.....	173-134

§ 173.089. RESERVED.....	173-134
PART 8. CMU AND UMU DISTRICT STANDARDS .....	173-134
§ 173.090. PURPOSE AND INTENT. ....	173-134
§ 173.091. MIX OF USES .....	173-135
§ 173.092. SITE DEVELOPMENT STANDARDS. ....	173-136
§ 173.093. PARKING LOCATION AND DESIGN.....	173-138
§ 173.094. OPEN SPACE REQUIREMENTS. ....	173-138
§ 173.095. BUILDING STANDARDS.....	173-138
§ 173.096. RESERVED.....	173-142
§ 173.097. RESERVED.....	173-142
§ 173.098. RESERVED.....	173-142
§ 173.099. RESERVED.....	173-142
PART 9. NONCONFORMANCE PROVISIONS.....	173-142
§ 173.100. INTENT.....	173-142
§ 173.101. EXTENSION AND ENLARGEMENT.....	173-143
§ 173.102. NONCONFORMING LOTS OF RECORD. ....	173-143
§ 173.103. NONCONFORMING USES OF LAND.....	173-143
§ 173.104. NONCONFORMING STRUCTURES.....	173-144
§ 173.105. NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION. ....	173-144
§ 173.106. REPAIRS AND MAINTENANCE. ....	173-145
§ 173.107. NONCONFORMING OR SUB-STANDARD LOTS CREATED BY EMINENT DOMAIN PROCEEDINGS. 173-145	
§ 173.108. USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES. ....	173-145
§ 173.109. TEMPORARY USES.....	173-145
§ 173.110. RESERVED.....	173-146
§ 173.111. RESERVED.....	173-146
§ 173.112. RESERVED.....	173-146
§ 173.113. RESERVED.....	173-146
§ 173.114. RESERVED.....	173-146
§ 173.115. RESERVED.....	173-146
§ 173.116. RESERVED.....	173-146

§ 173.117. RESERVED.....	173-146
§ 173.118. RESERVED.....	173-146
§ 173.119. RESERVED.....	173-146
PART 10. VESTED RIGHTS.....	173-146
§ 173.120. PREVIOUSLY AUTHORIZED DEVELOPMENT.....	173-146
§ 173.121. APPROVAL EXPIRATION.....	173-147

## CHAPTER 173. ZONING

### PART 1. GENERAL PROVISIONS

#### § 173.001. ~~§ 185.010~~-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.

~~(‘74 Code, § 25-81) (Ord. 89-08, passed 4-27-89; Am. Ord. 2016-17, passed 4-21-16)~~

#### § 173.002. ~~§ 185.007~~-ZONING DISTRICTS ESTABLISHED.

The city is divided into zoning districts as ~~specified described in this chapter in §§ 185.030 et seq. and §§ 185.060 et seq.~~ 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 §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.

<u>FUTURE LAND USE CATEGORY</u>	<u>ZONING DISTRICTS</u>
<u>RSF - Rural Single Family</u>	<u>GU – General Use Holding District</u>
<u>LDR – Low Density Residential</u>	<u>RR - Rural Residential</u>
	<u>RE - Estate Residential</u>
	<u>SRE - Suburban Residential Estate</u>
	<u>RS-1 - Single-Family Residential</u>
	<u>RS-2 - Single-Family Residential</u>
<u>MDR - Moderate Density Residential</u>	<u>RS-3 - Single-Family Residential</u>
	<u>RT-10 - Residential Transition</u>
<u>HDR - High Density Residential</u>	<u>RMH - Residential Mobile Home</u>
	<u>RM-15 – Multiple-Family Residential</u>
<u>NC - Neighborhood Center</u>	<u>RM-20 - Multiple-Family Residential</u>
	<u>RT-10 – Residential Transition</u>
	<u>RM-15 - Multiple-Family Residential</u>
	<u>RM-20 - Multiple-Family Residential</u>
	<u>NC - Neighborhood Commercial</u>

FUTURE LAND USE CATEGORY	ZONING DISTRICTS
	<a href="#">OP - Office Professional</a>
<a href="#">CMU - Community Mixed Use</a>	<a href="#">CMU – Community Mixed Use</a>
<a href="#">UMU - Urban Mixed-Use</a>	<a href="#">UMU – Urban Mixed Use</a>
<a href="#">PRO - Professional Office</a>	<a href="#">OP - Office Professional</a>
<a href="#">COM - Commercial</a>	<a href="#">NC - Neighborhood Commercial</a>
	<a href="#">CC - Community Commercial</a>
	<a href="#">GC - General Commercial</a>
	<a href="#">HC - Highway Commercial</a>
	<del><a href="#">RVP – Recreational Vehicle Park</a></del>
<a href="#">IND - Industrial</a>	<a href="#">LI - Light Industrial &amp; Warehousing</a>
	<a href="#">HI - Heavy Industrial</a>
<a href="#">PSP - Public/Semi-Public</a>	<a href="#">IU - Institutional</a>
<a href="#">UTL - Utilities</a>	<a href="#">IU - Institutional</a>
<a href="#">ROS - Recreation &amp; Open Space</a>	<a href="#">IU - Institutional</a>
<a href="#">CON - Conservation</a>	<a href="#">C - Conservation</a>
<a href="#">PFU - Parkway Flex Use</a>	<a href="#">PUD – Planned Unit Development required</a>
<a href="#">SPA - Special Planning Area</a>	<a href="#">PUD – Planned Unit Development required</a>
<a href="#">RAC - Regional Activity Center</a>	<a href="#">PUD – Planned Unit Development required</a>

~~(74 Code, § 25-51) (Ord. 89-08, passed 4-27-89)~~

**§ 173.003. ~~§ 185.008~~ ZONING MAP.**

- (A) ~~(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) ~~(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) ~~(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](#) ~~Growth Management Director~~ or his 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) ~~(D)~~—*Replacement of official zoning map.* ~~In the event that~~ 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~~ 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 ~~totally~~ 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)~~ (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)~~ (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)~~ (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.

~~(‘74 Code, § 25-52) (Ord. 89-08, passed 4-27-89; Am. Ord. 2016-17, passed 4-21-16)~~

~~— § 185.009 Interpretation of district boundaries; USES.~~

(H) 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.

~~(‘74 Code, § 25-61)~~

~~(1) (A) Boundaries approximately following streets, highway, alleys or rights-of-way.~~ 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.

~~(‘74 Code, § 25-62)~~

~~(2) (B) Boundaries approximately following platted lot lines.~~ Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

~~(‘74 Code, § 25-63)~~

~~(3) (C) Boundaries approximately following city limits.~~ Boundaries indicated as approximately following city limits shall be construed as following such city limits.

~~(‘74 Code, § 25-64)~~

~~(4) (D) Boundaries approximately following railroad lines.~~ Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

~~(‘74 Code, § 25-65)~~

~~(5) (E) Boundaries approximately following bulkhead lines, shore lines, streambed, or other water bodies.~~ Boundaries indicated as following bulkhead or ~~shore lines~~ shorelines shall be construed to follow such bulkhead lines or shore lines, and in the event of change the bulkhead or shore-line 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.

~~(74 Code, § 25-66)~~

~~(6) (F) Boundaries indicated as entering any body of water.~~ 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.

~~(74 Code, § 25-67)~~

~~(7) (G) Boundaries approximately parallel to or extensions of above features.~~ 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.

~~(74 Code, § 25-68)~~

~~(8) (H) Administrative official to interpret boundaries in cases of discrepancy between actual features and zoning map.~~ 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 ~~divisions (A) through (G) above~~, the ~~Growth Management Director~~ City Manager or designee shall interpret the district boundaries. Appeal ~~from the interpretation of the Growth Management Director~~ shall be pursuant to § 172.014 ~~§ 169.009~~.

~~(74 Code, § 25-69)~~

~~(I) Interpretation of uses permitted. Uses not designated as permitted by right, allowed by conditional use, or accessory to such uses shall be prohibited from that district. If a question arises as to the interpretation of any permitted uses, such interpretation shall be made by the Growth Management Director.~~ MOVED TO SCHEDULE OF USES

~~(74 Code, § 25-85)~~

~~(Ord. 89-08, passed 4-27-89; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 2010-76, passed 11-4-10; Am. Ord. 2016-17, passed 4-21-16)~~

#### **TRANSITION ZONING**

~~§ 185.100~~ *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.

~~(I) (74 Code, § 25-181) (Ord. 89-08, passed 4-27-89)~~

~~§ 185.016 Annexed territory.~~

(J) 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.

~~(‘74 Code, § 25-88) (Ord. 89-08, passed 4-27-89)~~

~~§ 185.101 LOTS IN COMMERCIAL OR INDUSTRIAL DISTRICTS ADJACENT TO RESIDENTIAL ZONE.~~

~~(A) Where a lot in a commercial or industrial district abuts a lot in a residential district, a minimum setback of twenty five (25) feet shall be provided unless the normally required setback is greater. This twenty five (25) foot setback shall be for parking, building and all other structures.~~ **MOVED TO DIMENSIONAL TABLE FOOTNOTES]**

~~(B) A six (6) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this chapter and any other applicable regulation of the city.~~ **ADDRESSED IN LANDSCAPING CHAPTER]**

~~(‘74 Code, § 25-182) (Ord. 89-08, passed 4-27-89)~~

§ 173.004. RESERVED

§ 173.005. RESERVED

§ 173.006. RESERVED

§ 173.007. RESERVED

§ 173.008. RESERVED

§ 173.009. RESERVED

§ 173.010. RESERVED

§ 173.011. RESERVED

§ 173.012. RESERVED

§ 173.013. RESERVED

§ 173.014. RESERVED

§ 173.015. RESERVED

§ 173.016. RESERVED

§ 173.017. RESERVED

§ 173.018. RESERVED

§ 173.019. RESERVED

## PART 2. STANDARD ZONING DISTRICT REGULATIONS

### § 173.020. INTENT OF STANDARD ZONING DISTRICTS

~~§ 185.030 GU~~ — *General Use Holding District (GU).*

~~(A) (A) Intent.~~ The provisions of this district are intended to apply to large undeveloped or sparsely developed areas which are capable of supporting single-family dwellings at very low densities without extensive infrastructure improvements. This district is also intended to place land in a hold pattern until such time as a specific request is presented which is consistent with the future land use plan and which provides for infrastructure improvements necessary to support a more intensive land development classification.

~~(B) Principal uses and structures:~~

~~(1) Single-family dwellings.~~

~~(2) General agricultural activities limited to farming, grove agriculture, plant nursery (wholesale only), tree farming, and flower and shrub gardening.~~

~~(3) Keeping or raising for sale of horses, ponies, cows and other livestock provided that the total of all such animals shall not exceed one (1) for each one-half (½) acre of lot area.~~

~~(4) Keeping or raising for sale of small domestic animals, birds or fish.~~

~~(5) Public parks, playgrounds and other public recreational facilities.~~

~~(6) Public or private golf courses.~~

~~(7) Public utility equipment and facilities.~~

~~(8) Public uses.~~

~~(C) Accessory uses and structures: Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.~~

~~(D) Conditional uses:~~

~~(1) Agricultural activities such as truck farming, bee-keeping, fish hatcheries, poultry farms and other agricultural activities not expressly provided under principal uses.~~

~~(2) Retail sales of agricultural products grown or raised on the same lot, provided the following conditions are met: **MOVED TO CH. 174**~~

~~(a) No structure for sale of such products shall contain a floor area greater than two hundred (200) square feet.~~

~~(b) The area and structure used for sale of such products shall meet the setbacks established for principal structures.~~

~~(c) All parking spaces, loading spaces and drives shall meet the setbacks established for principal structures.~~

~~(3) Cemeteries.~~

- ~~— (4) Broadcasting towers, antennas and transmitters.~~
- ~~— (5) Churches.~~
- ~~— (6) Clubs, lodges, and similar activities.~~
- ~~— (7) Public and private schools.~~
- ~~— (8) Mining.~~
- ~~— (9) Stables or horse riding academy.~~
- ~~— (10) Commercial dog kennels.~~
- ~~— (11) Communication towers and facilities.~~
- ~~— (E) Prohibited uses and structures:~~
  - ~~— (1) All uses not expressly or provisionally permitted herein.~~
  - ~~— (2) All uses not in keeping with the low density residential or agricultural character of the district.~~
  - ~~— (3) Corrections facilities.~~
- ~~— (F) Lot and structure requirements:~~
  - ~~— (1) Minimum lot area — five (5) acres.~~
  - ~~— (2) Minimum lot width — three hundred (300) feet.~~
  - ~~— (3) Minimum lot depth — three hundred (300) feet.~~
  - ~~— (4) Maximum building coverage — ten percent (10%).~~
  - ~~— (5) Minimum living area — one thousand two hundred (1,200) square feet.~~
  - ~~— (6) Maximum height — thirty five (35) feet.~~
  - ~~— (7) Minimum yard requirement:~~
    - ~~— (a) Front — seventy five (75) feet.~~
    - ~~— (b) Side interior — thirty (30) feet.~~
    - ~~— (c) Side corner — fifty (50) feet.~~
    - ~~— (d) Rear — fifty (50) feet.~~
- ~~— ('74 Code, § 25-121) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-18, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2016-17, passed 4-21-16)~~
- ~~— § 185.031 RR — Rural Residential District (RR).~~

(B) (A) Intent. The ~~provision~~ purposes of this district is to provide for ~~are intended to apply to areas uniquely suited for~~ the development ~~and maintenance of rural~~ single-family residential living homes combined with limited agricultural activities within a rural setting. ~~Large lot sizes are required to maintain the low density~~

~~rural character, prevent unsanitary conditions, and provide sufficient open space to ensure that the various principal uses are kept at a level of compatible land use intensity.~~

~~(B) Principal uses and structures:~~

- ~~(1) Single-family dwellings.~~
- ~~(2) Accessory dwelling units; subject to the provisions listed in the § 185.006.~~
- ~~(3) General agricultural activities limited to farming, grove agriculture, plant nursery (wholesale only), tree farming, and flower and shrub gardening.~~
- ~~(4) Keeping or raising for sale of horses, ponies, and cows; provided, that the total of all such animals shall not exceed one (1) for each one-half (½) acre of lot area.~~
- ~~(5) Public parks, playgrounds and other public recreational facilities.~~
- ~~(6) Public utility equipment and facilities on a site of one (1) acre or less or within a dedicated utility easement or right of way.~~
- ~~(7) Keeping or raising for sale of small domestic animals, birds, or fish.~~
- ~~(8) Keeping or raising for sale of small farm animals, such as goats, chickens, pigs and other small animals typically found on a farm, provided the total of all such animals shall not exceed five (5) for each one-half (½) acre of lot area.~~
- ~~(9) The acreage used in determining the number of animals that may be kept upon the premises may only be used for one (1) type of animal. For example, an acre of land would allow for two (2) horses, but it would not allow for an additional five (5) goats. The land needed to support one type of animal cannot in turn be counted to permit further animals. This provision is to protect the health of the animal(s) and to ensure the residential character of the neighborhood is maintained.~~

~~(C) Accessory uses and structures:~~

- ~~(1) Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.~~

~~(D) Conditional uses:~~

- ~~(1) Public or private golf courses.~~
- ~~(2) Retail sales of agricultural products grown or raised on the same lot, provided the following conditions are met: **MOVED TO CH. 174**~~
  - ~~(a) No structure for sale of such products shall contain a floor area greater than four hundred (400) square feet.~~
  - ~~(b) The area and structure used for sale of such products shall meet the setbacks established for principal structures.~~
  - ~~(c) All parking spaces, loading spaces and drives shall meet the setbacks established for principal uses.~~
- ~~(3) Cemeteries (excluding crematoriums).~~

- ~~—(4) Churches.~~
- ~~—(5) Antennas and transmitters.~~
- ~~—(6) Clubs, lodges and similar activities.~~
- ~~—(7) Public and private schools.~~
- ~~—(8) Stables or horse riding academy.~~
- ~~—(9) Commercial dog kennels providing the following conditions are met: [SEE CH. 174]~~
  - ~~—(a) Principal structure setbacks must be met for all kennel structures and activities.~~
  - ~~—(b) All parking spaces, loading spaces and drives shall meet the setbacks established for principal uses.~~
- ~~—(10) Public utility equipment not within a dedicated utility easement or right-of-way and on a site of greater than one (1) acre.~~
- ~~—(11) Public uses.~~
- ~~—(12) Wedding venues, subject to the provisions established in § 185.088(J).~~
- ~~—(E) Prohibited uses and structures:~~
  - ~~—(1) All uses not specifically or provisionally permitted herein.~~
  - ~~—(2) Mining.~~
  - ~~—(3) Intense agricultural activities such as truck farming, beekeeping, fish hatcheries, poultry farms, pig farms and other agricultural activities not expressly provided for under principal uses.~~
  - ~~—(4) Correctional facilities.~~
- ~~—(F) Lot and structure requirements:~~
  - ~~—(1) Minimum lot area — One (1) acre.~~
  - ~~—(2) Minimum lot width — one hundred and fifty (150) feet.~~
  - ~~—(3) Minimum lot depth — two hundred (200) feet.~~
  - ~~—(4) Maximum building coverage — thirty five percent (35%).~~
  - ~~—(5) Minimum living area — one thousand two hundred (1,200) square feet.~~
  - ~~—(6) Maximum height — thirty five (35) feet.~~
- ~~—(7) Minimum yard requirements:~~
  - ~~—(a) Front — fifty (50) feet.~~
  - ~~—(b) Side interior — twenty (20) feet.~~
  - ~~—(c) Side corner — thirty (30) feet.~~
  - ~~—(d) Rear — thirty (30) feet.~~

~~(‘74 Code, § 25-122) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-51, passed 11-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2017-82, passed 11-16-17; Am. Ord. 2020-13, passed 6-4-20)~~

~~§ 185.032 RE — Estate Residential District (RE).~~

~~(C) (A) Intent. The purpose provisions of this district are intended to apply to an area is to accommodate of low density single-family residential ~~development~~ development of an estate character. ~~Lot sizes and other restrictions are intended to protect and promote the highest quality residential development.~~~~

~~(B) Principal uses and structures:~~

~~(1) Single-family dwellings.~~

~~(2) Accessory dwelling units; subject to the provisions listed in the § 185.006.~~

~~(3) Public parks, playgrounds and other public recreational facilities.~~

~~(4) Public utility equipment and facilities located within a utility easement or right-of-way.~~

~~(C) Accessory uses and structures:~~

~~(1) Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.~~

~~(D) Conditional uses:~~

~~(1) Public or private schools.~~

~~(2) Churches.~~

~~(3) Public utility equipment facilities not located within a utility easement or right-of-way.~~

~~(4) Public utility equipment facilities, except communication towers, not located within a utility easement or right-of-way.~~

~~(E) Prohibited uses and structures:~~

~~(1) All uses not specifically or provisionally provided herein.~~

~~(2) Correctional facilities.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — twelve thousand (12,000) square feet.~~

~~(2) Minimum lot width — eighty (80) feet.~~

~~(3) Minimum lot depth — one hundred and twenty (120) feet.~~

~~(4) Maximum building coverage — thirty percent (30%).~~

~~(5) Minimum living area — one thousand six hundred (1,600) square feet.~~

~~(6) Maximum height — twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

- ~~—(a) Front — twenty five (25) feet.~~
- ~~—(b) Side interior — twelve (12) feet.~~
- ~~—(c) Side corner — twenty five (25) feet.~~
- ~~—(d) Rear — twenty five (25) feet.~~
- ~~—(8) Minimum two (2) car enclosed garage required at the time of the issuance of the structure's certificate of occupancy. [ADDRESSED IN PARKING CHAPTER]~~

~~—('74 Code, § 25-123) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-20, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 2001-51, passed 8-16-01; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-13, passed 6-4-20)~~

~~—§ 185.051 SRE — Suburban Residential Estate ~~CATEGORY~~District (SRE).~~

~~(D) (A) Intent. The intent of this district is to provide provisions of this category are intended to apply to an area for of medium-low density single-family residential development of a suburban character. Lot sizes, minimum living area standards, and other restrictions are intended to promote high quality residential development.~~

~~—§ 185.033 RS 1 — Single-Family Residential Districts (RS-1, RS-2, and RS-3).~~

~~(E) (A) Intent. The provision purposes of this these districts are intended is to apply to an area of accommodate low density single-family residential development of an increasingly urban character. Lot sizes and other restrictions are intended to promote and protect high quality single family residential development. (Note: Sites previously zoned and developed under the SF-1 district regulations are now subject to the RS-1 district standards).~~

~~(B) Principal uses and structures:~~

- ~~(1) Single family dwellings.~~
- ~~(2) Accessory dwelling units; subject to the provisions listed in the § 185.006.~~
- ~~(3) Public parks, playgrounds and other public recreational facilities.~~
- ~~(4) Public utility equipment and facilities located within a utility easement or right-of-way.~~

~~(C) Accessory uses and structures:~~

- ~~(1) Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.~~

~~(D) Conditional uses:~~

- ~~(1) Public and private schools.~~
- ~~(2) Churches.~~
- ~~(3) Public utility equipment and facilities, except communication towers, not located within a utility easement or right-of-way.~~

~~(E) Prohibited uses and structures:~~

~~(1) All uses not specifically or provisionally provided herein.~~

~~(2) Correctional facilities.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — eight thousand (8,000) square feet.~~

~~(2) Minimum lot width — eighty (80) feet.~~

~~(3) Minimum lot depth — one hundred (100) feet.~~

~~(4) Maximum building coverage — thirty percent (30%).~~

~~(5) Minimum living area — one thousand six hundred (1,600) square feet.~~

~~(6) Maximum height — twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — twenty five (25) feet.~~

~~(b) Side interior — eight (8) feet.~~

~~(c) Side corner — twenty five (25) feet.~~

~~(d) Rear — twenty five (25) feet.~~

~~(8) Minimum two (2) car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.~~

~~(174 Code, § 25-124) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-21, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 99-11, passed 5-6-99; Am. Ord. 2001-51, passed 8-16-01; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-13, passed 6-4-20)~~

~~§ 185.034 RS-2 — SINGLE-FAMILY RESIDENTIAL DISTRICT.~~

~~(A) Intent. The provisions of this district are intended to apply to an area of medium density single-family residential development. Lot sizes and other restrictions are intended to promote high quality residential development.~~

~~(B) Principal uses and structures:~~

~~(1) Single-family dwellings.~~

~~(2) Accessory dwelling units; subject to the provisions listed in the § 185.006.~~

~~(3) Public parks, playgrounds and other public recreational facilities.~~

~~(4) Public utility equipment and facilities located within a utility easement or right-of-way.~~

~~(C) Accessory uses and structures:~~

~~(1) Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.~~

~~(D) Conditional uses:~~

~~(1) Public and private schools.~~

~~(2) Churches.~~

~~(3) Public utility equipment and facilities, except communication towers, not located within a utility easement or right-of-way.~~

~~(E) Prohibited uses and structures:~~

~~(1) All uses not specifically or provisionally permitted herein.~~

~~(2) Correctional facilities.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — seven thousand five hundred (7,500) square feet.~~

~~(2) Minimum lot width — seventy five (75) feet.~~

~~(3) Minimum lot depth — one hundred (100) feet.~~

~~(4) Maximum building coverage — thirty percent (30%).~~

~~(5) Minimum living area — one thousand two hundred (1,200) square feet.~~

~~(6) Maximum height — twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — twenty five (25) feet.~~

~~(b) Side interior — eight (8) feet.~~

~~(c) Side corner — twenty five (25) feet.~~

~~(d) Rear — twenty five (25) feet.~~

~~(8) Minimum one (1) car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.~~

~~(74 Code, § 25-125) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-22, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 2001-49, passed 8-2-01; Am. Ord. 2001-51, passed 8-16-01; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-13, passed 6-4-20)~~

~~§ 185.035 RS-3 — SINGLE-FAMILY RESIDENTIAL DISTRICT.~~

~~(A) Intent. The provisions of this district are intended to apply to an area of medium-density single-family residential development. Lot sizes and other restrictions are intended to promote quality residential development.~~

~~(B) Principal uses and structures:~~

~~(1) Single-family dwellings.~~

~~(2) Accessory dwelling units; subject to the provisions listed in the § 185.006.~~

~~(3) Public parks, playgrounds and other public recreational facilities.~~

~~(4) Public utility equipment and facilities located within a utility easement or right of way.~~

~~(C) Accessory uses and structures:~~

~~(1) Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.~~

~~(D) Conditional uses:~~

~~(1) Public and private schools.~~

~~(2) Churches.~~

~~(3) Public utility equipment and facilities, except communication towers, not located within an easement or right of way.~~

~~(E) Prohibited uses and structures:~~

~~(1) All uses not specifically or provisionally permitted herein.~~

~~(2) Correctional facilities.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — seven thousand five hundred (7,500) square feet.~~

~~(2) Minimum lot width — seventy five (75) feet.~~

~~(3) Minimum lot depth — one hundred (100) feet.~~

~~(4) Maximum building coverage — thirty percent (30%).~~

~~(5) Minimum living area — eight hundred (800) square feet.~~

~~(6) Maximum height — twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — twenty five (25) feet.~~

~~(b) Side interior — eight (8) feet.~~

~~(c) Side corner — twenty five (25) feet.~~

~~(d) Rear — twenty five (25) feet.~~

~~(‘74 Code, § 25-126) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-23, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-13, passed 6-4-20)~~

(F) Residential Transition District (RT-10). 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.

~~§ 185.039 RMH — Residential Mobile Home District (RMH).~~

~~(G) (A) Intent. The purpose purpose of the mobile home residential zoning of this district is to accommodate shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of mobile home parks and /subdivisions residential areas of an urban character, which are properly served by adequate community facilities; to designate those uses and services deemed appropriate and proper for location and development within the zoning district and to establish such development standards and provisions as are appropriate to ensure proper development in a mobile home park/subdivision residential environment.~~

~~(B) Principal uses and structures:~~

~~(1) Mobile home parks.~~

~~(2) Mobile home subdivisions.~~

~~(3) Public parks and recreation facilities.~~

~~(C) Accessory uses and structures:~~

~~(1) Private recreation facilities.~~

~~(2) Laundry rooms.~~

~~(3) Park management offices.~~

~~(4) Customary accessory uses of a residential nature clearly incidental and subordinate to the principal use, including garages, carports, storage sheds and the like, in keeping with the residential character of the district.~~

~~(5) Travel trailers, campers, and boats placed off site in common storage areas.~~

~~(6) Public utility equipment and facilities, except communication towers.~~

~~(D) Conditional uses:~~

~~(1) Churches.~~

~~(E) Site and building regulations:~~

~~(1) Minimum project size — The minimum size of the site to be developed for a mobile home park or subdivision shall be ten (10) acres.~~

~~(2) Required recreation area — A minimum of ten percent (10%) of gross land area, exclusive of required setback and street right of way shall be set aside and developed for recreational purposes for residents of the mobile home park or subdivision.~~

~~(3) Minimum size of individual mobile home space/lot — four thousand (4,000) square feet.~~

~~(4) Minimum lot width — fifty (50) feet.~~

~~(5) Minimum lot depth — eighty (80) feet.~~

~~(6) Maximum building coverage — thirty five percent (35%).~~

~~(7) Minimum living area — six hundred (600) square feet.~~

~~(8) Maximum height — twenty five (25) feet.~~

~~(9) Minimum yard requirements of individual mobile home space:~~

~~(a) Front — ten (10) feet.~~

~~(b) Side — six (6) feet.~~

~~(c) Side corner — ten (10) feet.~~

~~(d) Rear — ten (10) feet.~~

~~(10) Site perimeter yard requirements:~~

~~(a) A twenty five (25) foot minimum yard setback shall be provided from all exterior mobile home park/subdivision property lines.~~

~~(b) 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 six (6) feet in height.~~

~~(11) Off-street parking. There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served.~~

~~(F) Development plan review. [PROPOSING TO DELETE “DEVELOPMENT PLAN REVIEW” SECTION (F) AS MHs ARE A PERMITTED USE IN THE RMH DISTRICT]~~

~~(1) As part of the supplementary data required to complete an application for a public hearing for a mobile home park/subdivision development, a scaled and dimensioned plot or site plan of the development shall be submitted as part of such application (if the site plan is larger than eleven (11) inches by seventeen (17) inches, two (2) copies are needed, as well as a digital copy); and if the application is approved, the mobile home park/subdivision shall be built substantially in accordance with such a plan. If the Growth Management Director deems that there is a substantial change from that which is shown on the original application, the developer shall be required to return to the Planning and Zoning Board and the City Council in order to receive approval for such changes as an amendment to the original site plan. The plot or site plan shall include, but not be limited to, location of all lots, service areas, public streets, street signs, walkways, and utilities showing the same underground where such is required. If a public utility equipment and facility is to be located on a site, its dimensions, location, access and other pertinent information should be indicated on the site plan. Adequate access for fire fighting and emergency purposes and access to service areas shall be provided. Information concerning abutting land areas, such as land use, zoning, existing structures, and existing streets shall also be included. Site plan approval is limited to one (1) year, but may be extended for an additional year by the City Council, for demonstrated progress.~~

~~(2) A completion bond may be required by the City Council. If the construction is not substantially underway within one (1) year after the approval of the site plan, the site plan may be voided by the City Council.~~

~~(3) If the property is to be subdivided, the parcel shall be platted in accordance with the subdivision plat regulations, and all street paving, drainage, water and sewerage facilities shall comply with the subdivision specifications and requirements of the city (see Chapter 184).~~

~~(174 Code, § 25-130) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-27, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 2005-24, passed 6-20-05; Am. Ord. 2016-17, passed 4-21-16)~~

~~— § 185.036 RM-10 — SINGLE, TWO, Multiple-Family Residential Districts (RM-15 and RM-20).~~

~~(H) (A) Intent. The provision intents of this these districts are intended to apply to an area is to accommodate mainly multi-family development and a variety of other housing types at of medium and high densities density residential development with a variety of housing types. Lot sizes and other restrictions are intended to promote and protect high quality residential development Lot sizes and other restrictions are intended to promote medium density residential development, maintaining an adequate amount of open space for such development.~~

~~(B) Principal uses and structures:~~

~~(1) Single family dwellings.~~

~~(2) Two family dwellings/duplexes.~~

~~(3) Multiple family dwellings provided that in no case shall there be more than ten (10) dwelling units per gross residential acre. For multiple family residential development that includes five (5) or more units, the provisions of (a) through (d) below, shall apply. Multiple family developments of less than five (5) units shall be exempt from these provisions.~~

~~(a) A tree survey shall be submitted, where applicable, showing the types, locations, and sizes of existing trees.~~

~~(b) The perimeter of the project shall be provided with a six (6) foot high wall or fence of wood, masonry, brick, PVC, or wrought iron material. For perimeter fences adjacent to road right of ways, landscaping shall be provided between the road right of way and the perimeter fence. A minimum of one (1) tree for each fifty (50) linear feet of fence shall be provided. In addition to the tree requirement, a minimum of two (2) foot tall, continuous and unbroken row of shrubs shall be planted between the wall/fence and the right of way to provide relief from the wall/fence. Ivy or clinging vines may be used in lieu of the shrub requirement on masonry or brick fences. Earthen berms may be approved in lieu of the wall or fence provided the berm is six (6) feet in height with landscaping provided as identified in this subsection.~~

~~(c) Sidewalks required.~~

~~1. All buildings, parking areas and amenities shall be connected by sidewalks or interior walkways, and sidewalks along interior circulation drives shall connect with off site sidewalks.~~

~~2. When parking is provided in front, behind or on the side, of a building along an interior circulation drive, a concrete sidewalk with raised curb shall be constructed between the parking spaces and the building, with connecting sidewalks to the building entrance. If such sidewalk is provided on only one side of an interior circulation drive, it shall be at least five (5) feet in width. If sidewalks are provided on both sides of the interior circulation drive, they shall be a minimum of four (4) feet wide.~~

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

~~(4) Public parks, playgrounds or other public recreational facilities.~~

~~(5) Public utility equipment and facilities located within a utility easement or right of way.~~

~~(6) Congregate living facilities.~~

~~(7) Public uses.~~

- ~~(C) Accessory uses and structures: Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.~~
- ~~(D) Conditional uses:~~
- ~~(1) Public or private schools.~~
- ~~(2) Churches.~~
- ~~(3) Public utility equipment and facilities, except communication towers, not located within a utility easement or right-of-way.~~
- ~~(E) Prohibited uses and structures: All uses not specifically or provisionally permitted herein.~~
- ~~(1) Corrections facilities.~~
- ~~(2) All uses not specifically or provisionally provided for herein.~~
- ~~(F) Lot and structure requirements, single-family:~~
- ~~(1) Minimum lot area — six thousand (6,000) square feet.~~
- ~~(2) Minimum lot width — sixty (60) feet.~~
- ~~(3) Minimum lot depth — one hundred (100) feet.~~
- ~~(4) Maximum building coverage — thirty five percent (35%).~~
- ~~(5) Minimum living area — None.~~
- ~~(6) Maximum height — twenty five (25) feet.~~
- ~~(7) Minimum yard requirements:~~
- ~~(a) Front — twenty five (25) feet minimum building setback.~~
- ~~(b) Side interior — eight (8) feet minimum building setback.~~
- ~~(c) Side corner — twenty five (25) feet minimum building setback.~~
- ~~(d) Rear — twenty five (25) feet minimum building setback.~~
- ~~(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.~~
- ~~(G) Lot and structure requirements, two-family:~~
- ~~(1) Minimum lot area — ten thousand (10,000) square feet.~~
- ~~(2) Minimum lot width — one hundred (100) feet.~~
- ~~(3) Minimum lot depth — one hundred (100) feet.~~
- ~~(4) Maximum building coverage — thirty five percent (35%).~~
- ~~(5) Minimum living area — None.~~
- ~~(6) Maximum height — twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — twenty five (25) feet minimum building setback.~~

~~(b) Side interior — eight (8) feet minimum building setback.~~

~~(c) Side corner — twenty five (25) feet minimum building setback.~~

~~(d) Rear — twenty five (25) feet minimum building setback.~~

~~(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.~~

~~(H) Lot and structure requirements, multiple family:~~

~~(1) Minimum lot area — ten thousand (10,000) square feet.~~

~~(2) Minimum lot width — one hundred (100) feet.~~

~~(3) Minimum lot depth — one hundred (100) feet.~~

~~(4) Maximum building coverage — thirty five percent (35%).~~

~~(5) Minimum living area: None.~~

~~(6) Maximum height — twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — twenty five (25) feet minimum building setback.~~

~~(b) Side interior — eight (8) feet minimum building setback.~~

~~(c) Side corner — twenty five (25) feet minimum building setback.~~

~~(d) Rear — twenty five (25) feet minimum building setback.~~

~~(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.~~

~~(74 Code, § 25-127) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-24, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2005-16, passed 4-21-05; Am. Ord. 2005-67, passed 11-3-05; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-12, passed 2-20-20; Am. Ord. 2020-35, passed 6-18-20)~~

~~§ 185.037 RM 15 — SINGLE , TWO , MULTIPLE FAMILY RESIDENTIAL DISTRICT.~~

~~(A) Intent. The provisions of this district are intended to apply to an area of medium density residential development with a variety of housing types. Lot sizes and other restrictions are intended to promote medium density development while maintaining an adequate amount of open space for such development.~~

~~(B) Principal uses and structures:~~

~~(1) Single family dwellings.~~

~~(2) Two family dwellings.~~

~~(3) Multiple family dwellings provided that in no case shall there be more than fifteen (15) dwelling units per gross residential acre. For multiple family residential development that includes five (5) or more units, the provisions of (a) through (d) below, shall apply. Multiple family developments of less than five (5) units shall be exempt from these provisions.~~

~~(a) A tree survey shall be submitted, where applicable, showing the types, locations, and sizes of existing trees.~~

~~(b) The perimeter of the project shall be provided with a six (6) foot high wall or fence of wood, masonry, brick, PVC, or wrought iron material. For perimeter fences adjacent to road right-of-ways, landscaping shall be provided between the road right-of-way and the perimeter fence. A minimum of one (1) tree for each fifty (50) linear feet of fence shall be provided. In addition to the tree requirement, a minimum of two (2) foot tall, continuous and unbroken row of shrubs shall be planted between the wall/fence and the right-of-way to provide relief from the wall/fence. Ivy or clinging vines may be used in lieu of the shrub requirement on masonry or brick fences. Earthen berms may be approved in lieu of the wall or fence provided the berm is six (6) feet in height with landscaping provided as identified in this subsection.~~

~~(c) Sidewalks required:~~

~~1. All buildings, parking areas and amenities shall be connected by sidewalks or interior walkways, and sidewalks along interior circulation drives shall connect with off site sidewalks.~~

~~2. When parking is provided in front, behind or on the side, of a building along an interior circulation drive, a concrete sidewalk with raised curb shall be constructed between the parking spaces and the building, with connecting sidewalks to the building entrance. If such sidewalk is provided on only one side of an interior circulation drive, it shall be at least five (5) feet in width. If sidewalks are provided on both sides of the interior circulation drive, they shall be a minimum of four (4) feet wide.~~

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

~~(4) Public parks, playgrounds or other public recreational facilities.~~

~~(5) Public utility equipment and facilities located within a utility easement or right-of-way.~~

~~(6) Congregate living facilities.~~

~~(7) Public uses.~~

~~(C) Accessory uses and structures: Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.~~

~~(D) Conditional uses:~~

~~(1) Public or private schools.~~

~~(2) Churches.~~

~~(3) Public utility equipment and facilities, except communication towers, not located within a utility easement or right-of-way.~~

~~(4) Permitted uses or uses permissible by special exception exceeding twenty five (25) feet in height, but not to exceed forty (40) feet in height.~~

~~(E) Prohibited uses and structures:~~

~~(1) All uses not specifically or provisionally permitted herein.~~

~~(2) Corrections facilities.~~

~~(F) Lot and structure requirements, single-family:~~

~~(1) Minimum lot area — six thousand (6,000) square feet.~~

~~(2) Minimum lot width — sixty (60) feet.~~

~~(3) Minimum lot depth — one hundred (100) feet.~~

~~(4) Maximum building coverage — forty percent (40%).~~

~~(5) Minimum living area — None.~~

~~(6) Maximum height — twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — twenty five (25) feet minimum building setback.~~

~~(b) Side interior — eight (8) feet minimum building setback.~~

~~(c) Side corner — twenty five (25) feet minimum building setback.~~

~~(d) Rear — twenty five (25) feet minimum building setback.~~

~~(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.~~

~~(G) Lot and structure requirements, two-family:~~

~~(1) Minimum lot area — eight thousand (8,000) square feet.~~

~~(2) Minimum lot width — eighty (80) feet.~~

~~(3) Minimum lot depth — one hundred (100) feet.~~

~~(4) Maximum building coverage — forty percent (40%).~~

~~(5) Minimum living area — None.~~

~~(6) Maximum height — twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — twenty five (25) feet minimum building setback.~~

~~(b) Side interior — eight (8) feet minimum building setback.~~

~~(c) Side corner — twenty five (25) feet minimum building setback.~~

~~(d) Rear — twenty five (25) feet minimum building setback.~~

~~(c) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.~~

~~(H) Lot and structure requirements, multiple family:~~

~~(1) Minimum lot area — ten thousand (10,000) square feet.~~

~~(2) Minimum lot width — one hundred (100) feet.~~

~~(3) Minimum lot depth — one hundred (100) feet.~~

~~(4) Maximum building coverage — forty percent (40%).~~

~~(5) Minimum living area: None.~~

~~(6) Maximum height — twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — twenty five (25) feet, or equal to the height of the building, whichever is greater.~~

~~(b) Side interior — ten (10) feet, or equal to the height of the building, whichever is greater.~~

~~(c) Side corner — twenty five (25) feet, or equal to the height of the building, whichever is greater.~~

~~(d) Rear — twenty five (25) feet, or equal to the height of the building, whichever is greater.~~

~~(e) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.~~

~~(74 Code, § 25-128) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-25, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2005-16, passed 4-21-05; Am. Ord. 2005-67, passed 11-3-05; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-12, passed 2-20-20; Am. Ord. 2020-35, passed 6-18-20)~~

~~§ 185.038 RM-20 — MULTIPLE-FAMILY RESIDENTIAL DISTRICT.~~

~~(A) Intent. The provisions of this district are intended to apply to an area of high density residential development. Lot, height, and other restrictions are intended to accommodate an intense degree of development, maintaining adequate amounts of open space for residential uses. Some nonresidential uses compatible with the character of the district are allowed.~~

~~(B) Principal uses and structures:~~

~~(1) Multiple family dwellings, provided that in no case shall there be more than twenty (20) dwelling units per gross residential acre. For multiple family residential development that includes five (5) or more units, the provisions of (a) through (f) below, shall apply. Multiple family developments of less than five (5) units shall be exempt from these provisions.~~

~~(a) A tree survey shall be submitted, where applicable, showing the types, locations, and sizes of existing trees.~~

~~(b) The perimeter of the project shall be provided with a six (6) foot high wall or fence of wood, masonry, brick, PVC, or wrought iron material. For perimeter fences adjacent to road right-of-ways, landscaping shall be~~

~~provided between the road right of way and the perimeter fence. A minimum of one (1) tree for each fifty (50) linear feet of fence shall be provided. In addition to the tree requirement, a minimum of two (2) foot tall, continuous and unbroken row of shrubs shall be planted between the wall/fence and the right of way to provide relief from the wall/fence. Ivy or clinging vines may be used in lieu of the shrub requirement on masonry or brick fences. Earthen berms may be approved in lieu of the wall or fence provided the berm is six (6) feet in height with landscaping provided as identified in this subsection.~~

~~(c) Sidewalks required.~~

~~1. All buildings, parking areas and amenities shall be connected by sidewalks or interior walkways, and sidewalks along interior circulation drives shall connect with off-site sidewalks.~~

~~2. When parking is provided in front, behind or on the side, of a building along an interior circulation drive, a concrete sidewalk with raised curb shall be constructed between the parking spaces and the building, with connecting sidewalks to the building entrance. If such sidewalk is provided on only one side of an interior circulation drive, it shall~~

~~be at least five (5) feet in width. If sidewalks are provided on both sides of the interior circulation drive, they shall be a minimum of four (4) feet wide.~~

~~(d) Variations in building height.~~

~~1. For building 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.~~

~~(e) 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.~~

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

~~(2) Public parks, playgrounds and other public recreational facilities.~~

~~(3) Public utility equipment and facilities located within a utility easement or right-of-way.~~

~~(4) Congregate living facilities and group homes licensed and certified by the Department of Health of the state and rehabilitation services, including nursing homes.~~

~~(5) Public uses.~~

~~(C) Accessory uses and structures:~~

~~(1) Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.~~

~~(D) Conditional uses:~~

~~(1) Public and private schools.~~

~~(2) Public utility equipment and facilities, except communication towers, not located within a utility easement or right-of-way.~~

~~(3) Churches.~~

~~(4) Private clubs or lodges.~~

~~(5) Private Marinas.~~

~~(E) Prohibited uses and structures:~~

~~(1) All uses not specifically or provisionally permitted herein.~~

~~(2) Corrections facilities.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — ten thousand (10,000) square feet.~~

~~(2) Minimum lot width — one hundred (100) feet.~~

~~(3) Minimum lot depth — one hundred (100) feet.~~

~~(4) Maximum building coverage — forty percent (40%).~~

~~(5) Minimum living area: None.~~

~~(6) Maximum height — seventy (70) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — twenty five (25) feet minimum building setback, or equal to the height of the building, whichever is greater.~~

~~(b) Side interior — fifteen (15) feet minimum building setback, or equal to the height of the building, whichever is greater.~~

~~(c) Side corner — twenty five (25) feet minimum building setback, or equal to the height of the building, whichever is greater.~~

~~(d) Rear — twenty five (25) feet minimum building setback, or equal to the height of the building, whichever is greater.~~

~~(e) The minimum separation distance between multiple family residential buildings on the same property shall be thirty (30) feet.~~

~~(f) Parking may be located in a required front, rear or side yard for multifamily dwellings, provided such parking maintain at least a ten (10) foot setback from all front, side, and rear lot lines.~~

~~(‘74 Code, § 25-129) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-26, passed 6-16-94; Am. Ord. 94-51, passed 11-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2005-16, passed 4-21-05; Am. Ord. 2005-67, passed 11-3-05; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2018-33, passed 9-6-18; Am. Ord. 2020-12, passed 2-20-20; Am. Ord. 2020-35, passed 6-18-20)~~

~~§ 185.040 RVP — RECREATIONAL VEHICLE PARK DISTRICT.~~ **ELIMINATE DISTRICT AND ALLOW RVs IN SOME COMMERCIAL DISTRICTS?**

~~(A) Intent. The purpose of the recreational vehicle park zoning district shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of recreational vehicle activities, i.e., travel trailers, motor homes, camping tents, and trailers occupied as temporary living quarters; to designate those uses and services deemed appropriate and proper for location and development within the zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.~~

~~(B) Principal uses and structures:~~

~~(1) Travel trailers, recreational vehicles, motor homes, camping tents and other vehicles with sleeping accommodations.~~

~~(2) Management offices and residence (a mobile home may be allowed for a manager's residence only).~~

~~(C) Accessory uses:~~

~~(1) Grocery store.~~

~~(2) Bottled gas sales.~~

~~(3) Laundry facilities.~~

~~(4) Recreational facilities such as playgrounds, picnic areas, swimming pools, game courts, and recreation hall.~~

~~(5) Public utility equipment and facilities.~~

~~(D) Conditional uses:~~

~~(1) Marina and boat rental including bait, fishing, and sports accessories sales serving guests of the park and/or the general public.~~

~~(E) Design standards for recreational vehicle parks.~~ **MOVED TO CH 174I**

~~(1) Minimum size: ten (10) acres.~~

~~(2) Maximum density: fifteen (15) travel trailer/R.V. sites per gross acre of land. This shall also apply to any tent camping areas.~~

~~(3) Streets and parking:~~

~~(a) Direct access to the recreational vehicle park shall be from an arterial roadway. The administrative office of the park shall be so located as to assure that no recreational vehicles are parked in the right of way during the check in process or while waiting for others to be checked in.~~

~~(b) Width of streets. Streets or driveways in a recreational vehicle park shall be private and shall have the following widths:~~

~~1. A one-way street/drive shall be at least twelve (12) feet in width.~~

~~2. A two-way street/drive shall be at least twenty four (24) feet in width.~~

~~(c) Street surfacing. All roads or driveways shall be paved meeting city standards.~~

~~(d) Road curves. All road curves shall have a minimum turning radius of fifty (50) feet. All culs-de-sac shall have a maximum length of five hundred (500) feet and terminate in a turning circle having a minimum radius of fifty (50) feet.~~

~~(e) Parking. Each travel trailer site shall have off street parking pads for both recreational vehicles and for towing vehicles. The pads shall be composed of a stabilized material meeting city standards.~~

~~(4) Buffer strips. A twenty five (25) foot minimum yard setback shall be provided from all exterior property lines and right of ways. The recreational vehicle park 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 six (6) feet in height. The buffer strip shall be separate from recreational areas, streets, driveways, travel trailer sites (R.V. sites) and utility sites, but may be utilized for stormwater drainage and retention purposes.~~

~~(5) Recreational areas. A minimum of ten percent (10%) of the total land area of a travel trailer park shall be devoted to one (1) or more common use areas for recreational activity. In addition, for every travel trailer and tent site, there shall be allocated an additional one hundred (100) square feet of land for recreational activity. However, this requirement is not necessary when the proposed development is a density of ten (10) sites per gross acre or less. Such recreational areas shall be exclusive of travel trailer sites, buffer strips, street right of way and storage areas; however, the periphery of such areas may contain utility sites, and other nonrecreational service buildings, the area of which will be subtracted from the computed "recreational area." Recreational areas shall be easily accessible to all park users and management. Although the required space for recreational usage may be met through more than one (1) recreational site, the minimum size of any such area shall be twenty thousand (20,000) square feet. Provision for all common open space and the construction of recreational facilities which are shown on the site plan shall proceed at an equivalent, or greater, rate as the construction of individual travel trailer sites.~~

~~(6) Tent camping. Areas may be set aside for tent camping in accordance with all provisions of this section, except:~~

~~(a) There shall be a stabilized pad on the site for parking of the transportation vehicle.~~

~~(b) Tent camping may be permitted on a travel trailer site.~~

~~(F) Design requirements for recreational vehicle site.~~

~~(1) Minimum size.~~

~~(a) Back in parking sites shall have a minimum area of one thousand five hundred (1,500) square feet with a minimum width of thirty (30) feet and a minimum length of fifty (50) feet.~~

~~(b) Drive through parking sites shall have a minimum area of one thousand two hundred (1,200) square feet with minimum width of twenty (20) feet and a minimum length of sixty (60) feet.~~

~~(2) Access. Each R.V./travel trailer site shall abut on at least one (1) street or driveway within the boundaries of the travel trailer park and access to the site shall be only from such an internal street or driveway.~~

~~(3) Setback requirements. No part of a travel trailer placed on a travel trailer site shall be closer than five (5) feet to any site line and ten (10) feet to any street or driveway.~~

~~(4) Appurtenances. Temporary appurtenances, such as cabanas and awnings, may be erected on a travel trailer site as long as such appurtenances do not violate the setback requirements as set forth in this section and as long as such appurtenances are capable of being dismantled and stored within four (4) hours.~~

~~(G) Provisions of service in recreational vehicle parks.~~

~~(1) Service buildings. All service buildings shall comply with the building code and regulations concerning buildings, electrical installations, plumbing and sanitation systems.~~

~~(2) Water supply. An adequate supply of water shall be provided in accordance with the regulatory agencies. A minimum of one (1) potable water supply outlet shall be provided for every two (2) travel trailer sites. Each recreational area and bathhouse restroom facility shall have at least one (1) approved drinking fountain in close proximity.~~

~~(3) Sewage disposal.~~

~~(a) All sewage disposal facilities shall be provided in accordance with the regulatory agencies.~~

~~(b) At least one (1) sanitary dumping station shall be provided in every travel trailer park. Such station shall be readily accessible and well-lighted. The following schedule shall be used in determining additional dumping stations based on the number of sites which are not connected individually to sewer lines: for every fifty (50) sites or fractional part thereof, beyond the first (50) sites, one (1) sanitary dumping station shall be provided.~~

~~(c) At least one (1) central bathhouse restroom facility shall be located within three hundred (300) feet of all camping units which are either not supplied with sewer connections or not capable of utilizing such connections (e.g., tents, camper trailers). Any dispersed bathhouse restroom facility provided to meet the distance requirement of three hundred (300) feet shall have at least two (2) of each of the following fixtures for men and women: Toilets, urinals, lavatories and showers. Recreational areas shall be located within three hundred (300) feet of a bathhouse restroom facility.~~

~~(d) The minimum number of bath and toilet facilities shall be determined by the latest adopted Florida Building Code.~~

~~(4) Lighting. All entrances, exits, streets, and service buildings shall be well lighted during the hours of darkness. Street lighting may be overhead or low level but must be shielded and reflected into the street and should be of low intensity. All recreational facilities which are to be utilized during the hours of darkness shall be adequately lighted to ensure the safety of all users of such facilities.~~

~~(5) Electricity. All requirements of the National Electrical Code as contained in §§ 170.005(l) et seq. of this code of ordinances must be met.~~

~~(6) Service and utility lines. All service utility lines in a travel trailer park shall be installed underground and at a minimum depth of eighteen (18) inches.~~

~~(7) Refuse handling. Each travel trailer site shall be provided with at least one (1) fly-tight, watertight, rodent-proof container of a capacity not less than four (4) gallons and not more than thirty (30) gallons. However, this is not required when sites are within two hundred (200) feet of a large covered trash receptacle (e.g., dumpster). All refuse shall be collected at least twice weekly and where public or private collection service is not available, the owner or operator of the travel trailer park shall dispose of the refuse by transporting it to a disposal site approved by the regulatory agency. All refuse shall be collected and transported in covered vehicles or covered containers.~~

~~(8) Insect and rodent control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements and regulations of the regulatory agency. Adequate drainage systems will be provided and maintained in such a manner as to prevent the breeding of mosquitoes and other obnoxious insects in the park.~~

~~(9) Fire protection. The travel trailer park shall be subject to the rules and regulations of the Fire Department.~~

~~(10) Fuel supply and storage. All installations and tanks furnishing and/or storing any type of gaseous fuels to be used by the occupants of the travel trailer park shall comply with the Fire Prevention Code of the National Fire Prevention Association, as adopted.~~

~~(11) Storage. Outdoor storage of travel trailers is permitted that such storage takes place within an area especially set aside for such use.~~

~~(12) Signs. Those signs necessary for directional or safety purposes are permitted. All other signs as per the sign regulations set forth in Chapter 178 of this code of ordinances.~~

~~(H) Operation of recreational vehicle park.~~

~~(1) Responsibilities of park management. The owner of a travel trailer park or the park management shall at all times maintain the park and its facilities in a clean, orderly, and sanitary condition. The park management shall inform all park occupants of the provisions of this section, other related code provisions and ordinances of the city, and statutes, and of their responsibilities thereunder.~~

~~(2) Length of occupancy. No guest of a travel trailer park shall remain in the same park for no more than thirty (30) days.~~

~~(3) Register of occupants. A register of all travel trailer occupants in the park shall be maintained with the following information:~~

~~(a) The name and address of each travel trailer owner or operator making use of the travel trailer park.~~

~~(b) The dates of arrival and departure of each travel trailer.~~

~~(4) Evacuation. It shall be the responsibility of the park management to notify all park occupants of the need to evacuate the travel trailer park in case of fire, wind, water or other manmade disasters or acts of God.~~

~~(5) Animal control. It shall be the responsibility of the park manager to ensure that no owner or person in charge of an animal shall permit the animal to run at large or to commit any nuisance within the limits of any travel trailer park.~~

~~(1) Regulation of recreational vehicle parks.~~

~~(1) Use and occupancy permits. It shall be unlawful for any person to operate a travel trailer park within Palm Bay without first obtaining a business tax receipt, in the name of such person, to operate the specific park.~~

~~(2) Inspection. The Health Official, Building Official, Code Enforcement Official and Fire Department are authorized to make periodic inspections of the travel trailer park and travel trailer sites for the purpose of determining satisfactory compliance with the regulations of this section pertaining to the health, safety, and welfare of the residents of the city.~~

~~(3) Revocation of permit. Whenever any of the above officials, upon inspection of a travel trailer park, find that conditions or practices exist which are in violation of any applicable provision of this section, they shall furnish the permittee with a list of violations that the inspection shall reveal, and give the permittee written notice of a specific reasonable time in which to remedy the violations. Failure of the permittee to remedy the violations within the specific time shall result in the revocation of the business tax receipt. Such permit shall be reissued only if the violations have been remedied to comply with the requirements of this section. The users of the travel trailer park shall have two (2) days from the date of the revocation in which to vacate the travel trailer park. The permittee shall be granted a hearing on such revocation before the City Council provided a request is made by the applicant within thirty (30) days after the revocation.~~

~~(J) Development site plan review. As part of the supplementary data required to complete an application for a public hearing for a recreational vehicle/travel trailer park development, a scaled and dimensioned plot or site plan of the development shall be submitted as part of such application (if the site plan is greater than eleven (11) inches by seventeen (17) inches, two (2) copies are needed, as well as a digital copy); and if the application is approved, the recreational vehicle/travel trailer park shall be built in accordance with such a plan. The site plan shall include, but not be limited to, location of all R.V./travel trailer sites, service areas, drives, streets, signs, buildings, parking, recreational space, setbacks, public utility locations and any other pertinent information. Site plan approval is limited to one (1) year by the City Council.~~

~~(74 Code, § 25-131) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-28, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 2010-76, passed 11-4-10; Am. Ord. 2016-17, passed 4-21-16)~~

~~— § 185.041 OP — Office Professional District (OP).~~

~~(I) (A) Intent. This e purpose of the office professional district is intended to permit shall be to locate and establish areas in the city which are deemed to be uniquely suited for the development of professional office uses and services that are protected from the intense development of commercial and industrial development facilities. Development standards and provisions are established to ensure proper development of uses within the district; to reduce conflicts with adjacent residential uses; and to 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. **NEW LANGUAGE TO ADDRESS LEFT OVER PARCELS NOT SUITABLE FOR RESIDENTIAL USE**

~~(B) Principal uses and structures. The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:~~

~~(1) Professional offices and services such as medical and dental, legal, engineering, real estate, insurance, accounting, chiropractic, architectural, technical, and similar professions.~~

~~(2) Financial institutions without drive-through service.~~

~~(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses, clearly incidental and subordinate to the principal uses, in keeping with the professional character of the district. No storage of material is permitted except where such material is clearly incidental to and an accessory component of the rendering of professional services. All storage shall be within an enclosed structure.~~

~~(D) Conditional uses:~~

~~(1) Churches.~~

~~(2) Libraries.~~

~~(3) Public utility equipment and facilities not located within a public utility easement.~~

~~(4) Public uses.~~

~~(5) Veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.~~

~~(6) Camouflaged communication towers and facilities.~~

~~(E) Prohibited uses and structures:~~

~~(1) Retail, wholesale, drive-through services/facilities, warehousing, storage, building contractor storage, personal service, assembling, and/or manufacturing.~~

~~(2) All uses not specifically or provisionally permitted herein; any use not in keeping with the intent of this district.~~

~~(3) Corrections facilities.~~

~~(4) Pain management clinic.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — ten thousand (10,000) square feet.~~

~~(2) Minimum lot width — one hundred (100) feet.~~

~~(3) Minimum lot depth — one hundred (100) feet.~~

~~(4) Maximum building coverage — twenty-five percent (25%).~~

~~(5) Minimum floor area — three hundred (300) square feet.~~

~~(6) Maximum height — twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — thirty (30) feet minimum building setback. Parking areas may be located in the front yard except within ten (10) feet of front lot line.~~

~~(b) Side interior — ten (10) feet minimum building and parking setback. Side yards abutting residentially zoned property shall maintain a twenty five (25) foot minimum setback for all buildings and parking.~~

~~(c) Side corner — twenty five (25) feet minimum building setback. Parking areas may be located on the side corner yard except within ten (10) feet of the side corner lot line.~~

~~(d) Rear — thirty (30) feet minimum building and parking setback. Fifteen (15) feet when abutting a dedicated alley.~~

~~(8) Shared access and parking areas.~~

~~(a) No side interior building and parking area setbacks are required provided all of the following are met:~~

~~1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall;~~

~~2. Parking areas and aisles are joined with adjacent parcel(s) under separate ownership;~~

~~3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common by all parcels involved and a minimum spacing of one hundred and fifty (150) feet is maintained; or access is provided by an approved frontage road;~~

~~4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste, container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.~~

~~(b) No interior side parking area setbacks, are required provided the requirements of divisions 2. through 4. are met.~~

~~(c) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.~~

~~(9) A six (6) foot high completely opaque masonry wall shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this zoning code. [\[LANDSCAPING CHAPTER\]](#)~~

~~(10) Design requirements.~~

~~(a) An Architectural Style for each structure is required. This shall include adherence to all standards contained in § 185.134.~~

~~(‘74 Code, § 25-133) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-29, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2000-57, passed 11-2-00; Am.~~

~~Ord. 2004-59, passed 10-7-04; Am. Ord. 2008-27, passed 5-1-08; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2010-41, passed 9-16-10; Am. Ord. 2016-17, passed 4-21-16}~~

~~§ 185.052 RC – Restricted Commercial District.~~

~~(A) Intent. The purpose of the restricted commercial district shall be to locate and establish areas within the city which are uniquely suited for commercial development but which are transitioning from residential or other noncommercial development to commercial use. Such areas to be primarily along major transportation corridors connecting other community commercial clusters. The uses and development standards included in the district are intended to provide compatibility between uses, protect nearby residential districts, provide access control along corridors, provide quality development, enhance corridor appearance, and provide additional commercial opportunities within the city.~~

~~—§ 185.042 NC— Neighborhood Commercial District (NC).~~

~~(J) (A) Intent. The purpose of the neighborhood commercial of this district is to allow shall be to provide areas within Palm Bay which are deemed to be uniquely suited for the development and maintenance of limited commercial activities offering convenience goods and personal services to residents of the surrounding neighborhood area. Development standards and provisions are established to ensure the proper development and location of neighborhood-serving uses and services deemed appropriate within the district, to reduce conflicts with adjacent residential uses, and to minimize the interruption of traffic along adjacent thoroughfares.~~

~~(B) Principal uses and structures. The following uses and structures are permitted.~~

- ~~(1) Retail stores, sales, and display rooms (not including automotive, lumber and building supply, and similar uses) containing less than five thousand (5,000) square feet of floor area.~~
- ~~(2) Personal service establishments such as beauty and barber, laundry and dry cleaning pick-up stations, and the like.~~
- ~~(3) Professional offices, studios, clinics, general offices, government office, business schools and similar uses containing less than five thousand (5,000) square feet of floor area.~~
- ~~(4) Schools, libraries, and churches.~~
- ~~(5) Day care centers containing less than five thousand (5,000) square feet of floor area.~~
- ~~(6) Restaurant, not including drive through facilities and containing less than five thousand (5,000) square feet of floor area.~~
- ~~(7) Public utility equipment, facilities and uses located on one-half (½) acre or less of contiguous land.~~
- ~~(8) Banks and financial institutions without drive through facilities.~~
- ~~(9) Public uses.~~
- ~~(10) Veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.~~
- ~~11) Small Event Spaces, containing less than five thousand (5,000) square feet of floor area, which are solely confined to indoor spaces with their occupancy being subject to applicable Building and Fire Codes.~~

~~(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses clearly incidental and subordinate to the principal use, in keeping with the low intensity commercial character of the district. All storage shall be in an enclosed structure.~~

~~(D) Conditional uses:~~

~~(1) Retail automotive gas/fuel sales: **MOVED TO CH 174**~~

~~(a) Access. Retail automotive gas/fuel sales establishments shall be located on arterial roadways, at a signalized intersection of a major road collector, or on corner lots at intersections of collector streets or higher functional classification as identified in the adopted Palm Bay Comprehensive Plan. No more than two (2) corner lots at any one (1) intersection shall be used for retail gasoline or automotive fuel sales. No driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification.~~

~~(b) Minimum street frontage: one hundred and fifty (150) feet on each abutting street.~~

~~(c) Location of facilities. Gasoline/ fuel pumps, storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building and one hundred (100) feet from the nearest residentially zoned land. No gasoline/fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.~~

~~(d) No fuel pump and tank installation shall have more than four (4) pump islands nor more than eight (8) pumps.~~

~~(e) Tank storage: Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.~~

~~(f) The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation.~~

~~(g) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility or disharmony with adjoining properties.~~

~~(h) Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ 176.01 et seq. of this code of ordinances.~~

~~(2) Banks and financial institutions with drive through facilities with the following condition: The proposed site fronts on an arterial road or at the intersection of collector streets or higher functional classification.~~

~~(3) Restaurants with drive through facilities and restaurants that allow patrons to dance to music, subject to the provisions set forth in § 185.088(1).~~

~~(4) Indoor commercial recreation and amusement such as batting cages, miniature vehicle racetracks and similar uses, fitness centers and other indoor health, recreational, and similar facilities for exercise, sports, and other physical activities containing less than five thousand (5,000) square feet of floor area. Outdoor recreation uses must be related to the indoor recreation use and require a site plan approval. **ADDED FITNESS CENTER TO INDOOR RECREATION DEFINITION; ADDED FOOTNOTE TO NC RESTRICTING SIZE**~~

~~(5) Public utility equipment, facilities and uses located on sites greater than one-half (½) acre in size.~~

~~(6) Eating establishments licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation licensed as a restaurant that serve alcohol.~~

~~(7) Retail stores, sales, and display rooms (not including automotive, lumber and building supplies) and similar uses occupying more than five thousand (5,000) square feet of gross floor.~~

~~(8) Professional offices, studios, clinics, general offices, government offices, business schools and similar uses occupying more than five thousand (5,000) square feet of gross floor area.~~

~~(9) Day care centers occupying more than five thousand (5,000) square feet of gross floor area.~~

~~(E) Prohibited uses and structures:~~

~~(1) All uses not specifically or provisionally permitted herein.~~

~~(2) Corrections facilities.~~

~~(3) Arcade amusement centers.~~

~~(4) Pain management clinic.~~

~~(5) Electronic gaming establishments.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — ten thousand (10,000) square feet.~~

~~(2) Minimum lot width — one hundred (100) feet.~~

~~(3) Minimum lot depth — one hundred (100) feet.~~

~~(4) Maximum building coverage — thirty percent (30%).~~

~~(5) Minimum floor area — three hundred (300) square feet.~~

~~(6) Maximum height — twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — thirty (30) feet minimum building setback. Parking areas may be located in the front yard except within ten (10) feet of the front lot line.~~

~~(b) Side interior — ten (10) feet minimum building setback. Parking areas may be located in the side yard, except within five (5) feet of the side lot line. Side yards abutting residentially zoned property shall maintain a twenty five (25) foot minimum setback for all buildings and parking.~~

~~(c) Side corner — twenty five (25) feet minimum building setback. Parking areas may be located in the side corner yard, except within ten (10) feet of any public or private street.~~

~~(d) Rear — twenty five (25) feet minimum building and parking area setback; ten (10) feet when abutting a dedicated alley.~~

~~(8) Shared access and parking areas.~~

~~(a) No side interior building and parking area setbacks are required provided all of the following are met:~~

~~1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall;~~

~~2. Parking areas and aisles are joined with adjacent parcel(s) under separate ownership;~~

~~3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common by all parcels involved and a minimum spacing of one hundred and fifty (150) feet is maintained; or access is provided by an approved frontage road;~~

~~4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.~~

~~(b) No interior side parking area setbacks are required provided the requirements of divisions 2. through 4. above are met.~~

~~(c) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings. **ADDRESSED IN PARKING CHAPTER**~~

~~(9) A six (6) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this chapter. **LANDSCAPING CHAPTER**~~

~~(10) Design requirements.~~

~~(a) An Architectural Style for each structure is required. This shall include adherence to all standards contained in § 185.134.~~

~~(‘74 Code, § 25-134) (Ord. 89-08, passed 4-27-89; Am. Ord. 93-22, passed 12-2-93; Am. Ord. 94-05, passed 3-17-94; Am. Ord. 94-30, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-07, passed 4-16-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 98-35, passed 10-22-98; Am. Ord. 2000-44, passed 9-21-00; Am. Ord. 2000-57, passed 11-2-00; Am. Ord. 2004-02, passed 1-22-04; Am. Ord. 2004-59, passed 10-7-04; Am. Ord. 2008-27, passed 5-1-08; Am. Ord. 20080-42, passed 6-5-08; Am. Ord. 2008-58, passed 10-16-08; Am. Ord. 2008-59, passed 10-16-08; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2010-41, passed 9-16-10; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2017-30, passed 4-20-17; Am. Ord. 2022-115, passed 11-17-22)~~

~~— § 185.043 CC — Community Commercial District **CC**.~~

~~(K) (A) Intent. The intent of this purpose of the community commercial district is to permit the shall be to locate and establish areas within the city which are deemed to be uniquely suited development of commercial activities which offer a wide range of goods and services to the surrounding community for the development and maintenance of community commercial facilities, the areas to be primarily located at in or near the intersection of arterial roadways; ~~to designate those uses and services deemed appropriate and proper for location and development within the subject district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.~~~~

~~(B) Principal uses and structures. The following uses and structures are permitted:~~

~~(1) Retail stores, sales and display rooms (not including lumber and building supply, and similar uses).~~

- ~~(2) Personal service establishments such as beauty and barber, laundry and dry cleaning pick-up stations, and the like.~~
- ~~(3) Professional offices, studios, clinics, general offices, government office, business schools and similar uses.~~
- ~~(4) Schools, libraries, churches and similar uses.~~
- ~~(5) Day care centers.~~
- ~~(6) Restaurant, eating and drinking establishments (including a drive-through).~~
- ~~(7) Public utility equipment and facilities.~~
- ~~(8) Banks and financial institutions with or without drive-through facilities.~~
- ~~(9) Business service establishments.~~
- ~~(10) Clubs, lodges, and fraternal organizations.~~
- ~~(11) Dry cleaning establishments using nonflammable solvents and cleaning fluids as determined by the Fire Chief.~~
- ~~(12) Funeral homes.~~
- ~~(13) Repair service establishments such as household appliances, radio and television, and similar uses, and automobile service establishments excluding body shops, upholstery, and painting. Subject to the following:~~
- ~~(a) There shall be no storage of junked or wrecked motor vehicles other than temporary storage for those vehicles awaiting repair. All vehicles shall have attached at all times a current vehicle registration license plate and shall be parked on a paved surface. Any wrecked vehicles shall be in an enclosed area and shall not be visible from outside the property.~~
- ~~(14) Hotels, motels and guest cottages.~~
- ~~(a) The minimum living area per hotel/motel efficiency unit shall be two hundred and eighty (280) square feet.~~
- ~~(b) There shall be no more than seventy-five (75) rental units per acre.~~
- ~~(15) Hospitals and nursing homes.~~
- ~~(16) Xerographic and offset printing.~~
- ~~(17) Plant nurseries and green houses.~~
- ~~(18) Public and private parking facilities. Must have at least a minimum sized building on site.~~
- ~~(19) Veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.~~
- ~~(20) New and used automobiles, major recreational equipment and mobile home sales and rentals with accessory uses, subject to the following restrictions:~~
- ~~(a) All outside areas where merchandise is displayed shall be paved, meeting city specifications;~~
- ~~(b) All servicing and repair facilities, except for gasoline pumps, shall be located in an enclosed structure;~~

- ~~(c) There shall be no storage of junked or wrecked automobiles other than temporary storage for those awaiting repair. Such temporary storage shall be in an enclosed area and the vehicles shall not be visible from outside the property. All such vehicles awaiting repair shall have attached at all times current vehicle registration license plates;~~
- ~~(d) The lot must have frontage on an arterial roadway as identified in the adopted City Comprehensive Plan;~~
- ~~(e) All requirements of the Palm Bay Sign Ordinance must be met;~~
- ~~(f) All areas utilized for the parking of motor vehicles, major recreational equipment, and mobile homes for sales, lease or rental or awaiting repair must meet the parking setbacks, must be in addition to required parking spaces, aisles and drives required by §§ 185.140 et seq., and shall be considered parking areas under the terms § 185.142;~~
- ~~(g) Required parking shall be provided based on a one (1) space for each two hundred (200) square feet of gross floor area of the structure used primarily to conduct sales and one (1) space per employee on the largest working shift;~~
- ~~(h) The property must have minimum frontage on an arterial roadway of one hundred (100) feet;~~
- ~~(i) Gasoline facilities may be permitted as accessory uses, provided the requirements of division (D)(2)(c), (d), and (g) below are complied with. Retail sales are prohibited unless conditional use approval is granted.~~
- ~~(21) State approved tattoo parlors.~~
- ~~(22) Public uses.~~
- ~~(23) Medical and dental manufacturing labs.~~
- ~~(24) Indoor commercial recreation such as theaters, driving ranges, bowling alleys, and similar uses, excluding dance clubs, fitness centers and other indoor health, recreational, and similar facilities for exercise, sports, and other physical activities containing less than five thousand (5,000) square feet of floor area. Outdoor recreation uses must be related to the indoor recreation use and require a site plan approval.~~
- ~~(25) Arcade amusements centers; subject to the following regulations: **MOVED TO CH 174**~~
- ~~(a) The facility shall be located no less than one thousand (1,000) feet, measured from the outer wall of the facility to the closest property line, of any school.~~
- ~~(b) No two facilities, operating pursuant to this subdivision, shall be located closer than five hundred (500) feet from one another, measured from the closest outer wall of each facility.~~
- ~~(c) The number of devices within the facility shall be governed by the Land Development Code of the City of Palm Bay, as well as applicable Florida Statutes and laws.~~
- ~~(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the intense commercial character of the district. All storage shall be in an enclosed structure, unless otherwise provided for herein.~~
- ~~(D) Conditional uses.~~
- ~~(1) Permitted uses located on a parcel of ten (10) or more acres of area.~~

~~(2) Auto body repair, upholstery and painting.~~

~~(a) There shall be no storage of junked or wrecked vehicles other than temporary storage for those awaiting repair. All vehicles shall always have attached a current vehicle registration license plate.~~

~~(b) Any wrecked vehicles awaiting repair shall be in an enclosed area and the vehicle shall not be visible from outside the property and shall be parked on a paved surface.~~

~~(3) Retail automotive gas/fuel sales: **MOVED TO CH 174**~~

~~(a) Access. Retail automotive gas/fuel sales establishments shall be located on arterial roadways, at a signalized intersection of a major road collector, or on corner lots at the intersection of collector streets or higher functional classification as identified in the adopted Palm Bay Comprehensive Plan. No more than two (2) corner lots at any one (1) intersection shall be used for retail gasoline or automotive fuel sales. No driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification.~~

~~(b) Minimum street frontage: one hundred and fifty (150) feet on each abutting street.~~

~~(c) Location of facilities: Gasoline, fuel pumps, storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially owned land. No gasoline fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.~~

~~(d) Tank storage. Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.~~

~~(e) The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation.~~

~~(f) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility or disharmony with adjoining properties.~~

~~(g) Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ 176.01 et seq. of this code of ordinances.~~

~~(4) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go cart tracks, outdoor skating facilities, miniature golf courses and similar uses.~~

~~(5) Commercial radio and television broadcasting.~~

~~(6) Marinas including wet and dry storage.~~

~~(7) Car washes.~~

~~(8) Permitted uses or uses permissible by conditional use exceeding seventy (70) feet in height.~~

~~(9) Self storage facilities subject to the provisions established in § 185.088(F).~~

~~(10) Communication towers and facilities.~~

~~(11) Human crematoriums: **MOVED TO CH 174**~~

~~(a) May only be allowed in conjunction with a funeral home.~~

~~(b) Crematoriums shall adhere to the principal use setbacks of the CC district, except where the subject property abuts residentially zoned land. In this instance, all portions of the building that contains the crematorium must be setback a minimum of one hundred (100) feet from any land zoned residential.~~

~~(c) All crematoriums must be placed within a sound-proof building and this building shall be constructed in such a manner to reduce vibrations. The building shall also contain the proper apparatus for eliminating emissions.~~

~~(d) All crematorium facilities shall have an annual Visual Emissions Test conducted and a copy of the inspection report provided to the City.~~

~~(e) All crematoriums must obtain a Florida Department of Environmental Protection (FDEP) Non-Title V permit, per Fla. Stat. § 62-296.401.~~

~~(12) Pest control businesses.~~

~~(E) Prohibited uses and structures:~~

~~(1) All uses not specifically or provisionally permitted herein; any uses not in keeping with the community commercial character of the district.~~

~~(2) Corrections facilities.~~

~~(3) Pain management clinic.~~

~~(4) Electronic gaming establishments.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — twelve thousand five hundred (12,500) square feet.~~

~~(2) Minimum lot width — one hundred (100) feet.~~

~~(3) Minimum lot depth — one hundred and twenty five (125) feet.~~

~~(4) Maximum building coverage — thirty five percent (35%).~~

~~(5) Minimum floor area — three hundred (300) square feet.~~

~~(6) Maximum height — seventy (70) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front: thirty (30) feet minimum building setback. Parking areas may be located in the front yard except within ten (10) feet of the front lot line.~~

~~(b) Side interior: ten (10) feet minimum building setback. Parking areas may be located in the side yard, except within five (5) feet of the side lot line. Side yards abutting residentially zoned property shall maintain a twenty five (25) foot minimum setback for all buildings and parking.~~

~~(c) Side corner: twenty five (25) feet minimum building setback. Parking areas may be located in the side corner yard, except within ten (10) feet of any public or private street.~~

~~(d) Rear: twenty five (25) feet minimum building and parking area setback; ten (10) feet when abutting a dedicated alley.~~

~~(8) Shared access and parking areas.~~

~~(a) No side interior building and parking area setbacks are required provided all of the following are met:~~

- ~~1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall;~~
- ~~2. Parking areas and aisles are joined with adjacent parcel(s) under separate ownership;~~
- ~~3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common parcels involved and a minimum spacing of one hundred and fifty (150) feet is maintained; or access is provided by an approved frontage road;~~
- ~~4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.~~

~~(b) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.~~

~~(9) A six (6) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this zoning code. [LANDSCAPING CHAPTER](#)~~

~~(10) Design requirements.~~

~~(a) An Architectural Style for each structure is required. This shall include adherence to all standards contained in § 185.134.~~

~~(‘74 Code, § 25-135) (Ord. 89-08, passed 4-27-89; Am. Ord. 89-33, passed 12-21-89; Am. Ord. 90-14, passed 3-15-90; Am. Ord. 94-31, passed 6-16-94; Am. Ord. 94-51, passed 11-16-94; Am. Ord. 94-52, passed 11-16-94; Am. Ord. 95-01, passed 1-19-95; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 96-03, passed 1-18-96; Am. Ord. 96-06, passed 2-15-96; Am. Ord. 98-07, passed 4-16-98; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2000-57, passed 11-2-00; Am. Ord. 2004-02, passed 1-22-04; Am. Ord. 2004-59, passed 10-7-04; Am. Ord. 2005-23, passed 6-20-05; Am. Ord. 2008-27, passed 5-1-08; Am. Ord. 20080-42, passed 6-5-08; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2010-41, passed 9-16-10; Am. Ord. 2011-02, passed 1-20-11; Am. Ord. 2011-26, passed 4-7-11; Am. Ord. 2014-31, passed 8-7-14; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2016-88, passed 12-15-16; Am. Ord. 2020-12, passed 2-20-20; Am. Ord. 2022-72, passed 7-21-22; Am. Ord. 2022-92, passed 9-15-22; Am. Ord. 2022-115, passed 11-17-22)~~

~~§ 185.054 GC – General Commercial District (GC).~~

~~(L) (A) Intent. The purpose of the General Commercial District shall be to locate and establish areas within the city which of this district is to accommodate for a variety of are uniquely suited for heavy commercial development. Such areas are to be activities which are developed in an intensive manner and are designed to provide opportunities for small businesses of a variety of types. The uses and development standards included in the district are intended to provide additional opportunities for businesses to locate within the city by providing a mix of service, warehousing, commercial, wholesaling, storage, and similar businesses and uses.~~

~~§ 185.044 HC~~ Highway Commercial District (HC).

~~(M)(A) Intent. The intent of this district is to permit purpose of the highway commercial district shall be to provide areas within Palm Bay which are deemed to be uniquely suited for the development and maintenance of highway oriented businesses and regional scale facilities, the areas to be primarily located along or near the intersection of major arterials and major transportation nodes; to designate those uses and services deemed appropriate and proper for location and development within the subject district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.~~

~~(B) Principal uses and structures. The following uses and structures are permitted:~~

~~(1) Retail stores, sales and display rooms, including places in which goods are produced and sold at retail on premises.~~

~~(2) Personal services establishments such as barber and beauty shops, fitness salons, laundry and dry cleaning establishments using nonflammable solvents as determined by the Fire Chief, tailor shops and similar uses.~~

~~(3) Professional offices, studios, clinics, general offices, business schools and similar uses, including veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.~~

~~(4) Hotels, motels, tourist courts.~~

~~(a) The minimum living area per hotel/motel efficiency unit shall be two hundred and eighty (280) square feet.~~

~~(b) There shall be no more than fifty (50) rental units per acre.~~

~~(5) Eating and drinking establishments including drive-through facilities.~~

~~(6) Indoor commercial recreation such as theaters, driving ranges, bowling alleys and similar uses, excluding dance clubs, fitness centers and other indoor health, recreational, and similar facilities for exercise, sports, and other physical activities. Outdoor recreation uses must be related to the indoor recreation use and require a site plan approval.~~

~~(7) Banks and financial institutions with drive-through facilities.~~

~~(8) Retail stores using outside display areas including plant nurseries, and building supplies providing the following provisions are met: **[MOVED TO CH 174]**~~

~~(a) The outside display area may be open along the front of the lot but shall be effectively screened with a six (6) foot opaque wall or fence rendering the sides and rear opaque in order to avoid any deleterious effect on adjacent properties.~~

~~(b) The outside display area shall be considered the same as the floor area for the purpose of calculating off-street parking requirements, yard and lot coverage regulations.~~

~~(c) All outside display items with the exception of new and/or used vehicles for sale shall meet a twenty (20) foot front and side setback and a thirty (30) foot rear setback. New and used vehicles for sale or rent shall meet the parking setback requirements established in division (E)(7) below.~~

~~(d) The sale of sheds or other accessory buildings is prohibited within the Bayfront Community Redevelopment District east of the Florida East Coast Railroad.~~

~~(9) Public and private clubs and lodges including golf courses and similar activities.~~

~~(10) New and used motor vehicles, major recreational equipment and mobile home sales and rentals with accessory uses; subject to the following restrictions:~~

~~(a) All outside areas where merchandise is displayed shall be paved.~~

~~(b) All servicing and repair facilities, except for gasoline pumps, shall be located in an enclosed structure.~~

~~(c) There shall be no storage of junked or wrecked automobiles other than temporary storage for those awaiting repair. Such temporary storage shall be in an enclosed area and the vehicles shall not be visible from outside the property. All vehicles shall have attached at all times a current vehicle registration license plate.~~

~~(d) Used motor vehicles may only be sold on the same site as a new motor vehicle dealership within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.~~

~~(e) Major recreational equipment and mobile home sales and rentals with accessory uses are not permitted within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.~~

~~(11) Auto repair, paint, upholstery and body shops subject to provisions (10)(a) through (c) above except within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.~~

~~(12) Public utility equipment and facilities not located within a public utility easement.~~

~~(13) Hospitals and nursing homes.~~

~~(14) Schools, churches, and libraries.~~

~~(15) Day care centers.~~

~~(16) Business service establishments.~~

~~(17) Dry cleaning.~~

~~(18) Funeral homes.~~

~~(19) Xerographic and off-set printing.~~

~~(20) Public and private parking lots and garages.~~

~~(21) Public uses.~~

~~(22) Arcade amusements centers; subject to the following regulations:~~

~~(a) The facility shall be located no less than one thousand (1,000) feet, measured from the outer wall of the facility to the closest property line, of any school.~~

~~(b) No two facilities, operating pursuant to this subdivision, shall be located closer than five hundred (500) feet from one another, measured from the closest outer wall of each facility.~~

~~(c) The number of devices within the facility shall be governed by the Land Development Code of the City of Palm Bay, as well as applicable Florida Statutes and laws.~~

~~(23) Contractors' offices (plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement and similar uses).~~ **[MOVED TO CH 174]**

~~(a) All work shall be conducted within an enclosed structure.~~

~~(b) Any outside storage of vehicles and/or materials used or needed in conjunction with the business shall be stored upon an improved surface and shall be screened on all sides with a minimum six-foot-tall opaque material, as approved by the Land Development Division.~~

~~(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses clearly subordinate to the principal use, in keeping with the intense commercial character of the district.~~

~~(24) Brew pubs and/or other drinking establishments~~

~~(D) Conditional uses.~~

~~(1) Permitted uses located on a parcel of ten (10) or more acres of area.~~

~~(2) Retail automotive gas/fuel sales:~~

~~(a) Access. Retail automotive gas/fuel establishments shall be located on arterial roadways, at a signalized intersection of a major road collector, or on corner lots at intersections of collector streets or higher functional classification as identified in the adopted Palm Bay Comprehensive Plan. No more than two (2) corner lots at any one (1) intersection shall be used for retail gasoline or automotive fuel sales. No driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification.~~

~~(b) Minimum street frontage: one hundred and fifty (150) feet on each abutting street.~~

~~(c) Location of facilities. Gasoline/ fuel pumps, storage tanks and other service island equipment shall be at least forty (40) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned land. No gasoline/fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.~~

~~(d) Tank storage: Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.~~

~~(e) The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation.~~

~~(f) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility or disharmony with adjoining properties.~~

~~(g) Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ 176.01 et seq.~~

~~(3) Commercial radio and television broadcasting.~~

~~(4) Marinas.~~

~~(5) Car washes.~~

~~(6) Self storage facilities subject to the provisions established in § 185.088(F).~~

~~(7) Communication towers and facilities.~~

~~(8) Eating and drinking establishments that allow patrons to dance to music, subject to the provisions set forth in § 185.088(H).~~

~~(9) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go-cart tracks, outdoor skating facilities, miniature golf courses and similar uses.~~

~~(E) Prohibited uses and structures.~~

~~(1) All uses not specifically or provisionally permitted herein; any use not in keeping with the commercial character of the district.~~

~~(2) Corrections facilities.~~

~~(3) In the Bayfront Community Redevelopment District east of the Florida East Coast Railroad:~~

~~(a) Used motor vehicle sales not on the same site as a new motor vehicle dealership;~~

~~(b) Major recreational vehicle equipment and mobile home sales and rentals with accessory uses;~~

~~(c) The sale of sheds or other accessory structures; and~~

~~(d) Auto repair, upholstery and body shops.~~

~~(4) Pain management clinic.~~

~~(5) Electronic gaming establishments.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — fifteen thousand six hundred and twenty five (15,625) square feet.~~

~~(2) Minimum lot width — one hundred and twenty five (125) feet.~~

~~(3) Minimum lot depth — one hundred and twenty five (125) feet.~~

~~(4) Maximum building coverage — thirty five percent (35%).~~

~~(5) Minimum floor area — three hundred (300) square feet.~~

~~(6) Maximum height — forty (40) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — fifty (50) feet minimum building setback. Parking areas may be located in the front yard, except within ten (10) feet of the front lot line.~~

~~(b) Side interior — twenty (20) feet minimum building setback. Parking areas may be located in the side yard, except within ten (10) feet of the side lot line. Side yards abutting residentially zoned property shall maintain a twenty five (25) foot minimum setback for all buildings and parking.~~

~~(c) Side corner — twenty five (25) feet minimum building setback. Parking areas may be located in the side corner yard, except within ten (10) feet of any public or private street.~~

~~(d) Rear — thirty (30) feet minimum building and parking area setback; fifteen (15) feet when abutting a dedicated alley.~~

~~(8) Shared access and parking areas.~~

~~(a) No side interior building and parking area setbacks are required provided all of the following are met:~~

~~1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall;~~

~~2. Parking areas and aisles are joined with adjacent parcel(s) under separate ownership.~~

~~3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common by all parcels involved and a minimum spacing of two hundred (200) feet is maintained; or access is provided by an approved frontage road.~~

~~4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.~~

~~(b) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off street parking spaces required for~~

~~uses and all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.~~

~~(9) A six (6) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this zoning code. [\[LANDSCAPING CHAPTER\]](#)~~

~~(10) Design requirements.~~

~~(a) An Architectural Style for each structure is required. This shall include adherence to all standards contained in § 185.134.~~

~~(‘74 Code, § 25-136) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-32, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 96-06, passed 2-15-96; Am. Ord. 98-07, passed 4-16-98; Am. Ord. 98-20, passed 7-6-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2000-57, passed 11-2-00; Am. Ord. 2002-70, passed 11-21-02; Am. Ord. 2004-02, passed 1-22-04; Am. Ord. 2004-59, passed 10-7-04; Am. Ord. 2006-123, passed 11-2-06; Am. Ord. 2008-27, passed 5-1-08; Am. Ord. 2008-42, passed 6-5-08; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2010-41, passed 9-16-10; Am. Ord. 2011-26, passed 4-7-11; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-12, passed 2-20-20; Am. Ord. 2022-18, passed 2-17-22; Am. Ord. 2022-92, passed 9-15-22; Am. Ord. 2022-115, passed 11-17-22)~~

~~§ 185.053 BMUV — BAYFRONT Mixed Use Village Districts (CMU and UMU).~~

~~(N) (A) Intent. The purpose of the mixed-use districts is to foster an purpose of the Bayfront mixed-use village (BMUV) district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of residential and nonresidential land uses residential, office, neighborhood supporting commercial, institutional, and other similar low intensity land uses within a walkable setting that are linked by a network of walkways to create a village center as recommended in the Bayfront Redevelopment Plan. See [Part 5](#) of this chapter for standards applicable to these districts.~~

(1) The Community Mixed-Use (CMU) district is to be applied to large development sites where the primary use is single family residential supported by a variety of multifamily, commercial, recreational, and institutional uses.

(2) The intent of the Urban Mixed-Use (UMU) district is to cultivate a vibrant mix of very dense and intense residential and nonresidential land uses within a highly walkable setting primarily consisting of vertical mixed-use buildings at the intersection of collector or arterial roadways.

~~§ 185.058 BMU – BAYFRONT Mixed Use District.~~

~~(A) Intent. The purpose of the Bayfront Mixed Use (BMU) district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of high density residential with a low intensity of commercial land uses that are linked by a network of walkways. The ratio of residential to commercial shall have a minimum of 20% commercial uses, based upon Floor Area Ratio (FAR) or the gross floor area of the first floor (footprint) of all principal use buildings.~~ **[PROPOSING A SEPARATE SECTION WHERE THE RATIOS ARE ESTABLISHED AND EXPLAINED]**

~~§ 185.045 LI – Light Industrial and Warehousing District (LI).~~

~~(O) (A) Intent. The purpose provisions of this district is are intended to apply to an area which can to accommodate serve light manufacturing, warehousing, distribution, wholesaling and other light industrial functions for the city and the region uses. Lot sizes and other restrictions are intended to ensure sufficient open space and minimize adverse impacts of industrial uses off site and to nonindustrial uses.~~

~~(B) Principal uses and structures:~~

~~(1) Warehousing within an enclosed structure.~~

~~(2) Wholesaling within an enclosed structure.~~

~~(3) Dry cleaning and laundry plants, printing plants, welding shops, machine shops, taxidermists and similar service and repair establishments and uses.~~

~~(4) Light manufacturing, processing and assembly including precision manufacturing, electrical machinery, instrumentation, bottling plants, dairy products plants, bakeries, fruit packing and similar uses.~~

~~(5) Building materials supply and storage, provided that any outside display and/or storage area shall be screened on all sides to avoid any deleterious impact on adjacent properties; includes contractor storage yards.~~

~~(6) Automotive, truck, major recreational equipment and mobile home sales, storage and repair establishment including, body shops, dry docking facilities, paint shops, upholstery shops and similar uses provided that outside storage of vehicles not for sale shall be effectively screened on four (4) sides so as to avoid off site visual impacts.~~

~~(7) Vocational and trade schools.~~

~~(8) Veterinary hospitals and clinics including boarding of animals.~~

~~(9) Radio or television transmitter, towers or broadcasting facilities.~~

~~(10) Research and development facilities provided all activities are within an enclosed structure.~~

~~(11) Public utility equipment and facilities.~~

~~(12) Public uses.~~

~~(13) Communication towers and facilities.~~

~~(14) Medical Recycling Facility.~~

~~(15) Self-storage facilities.~~

~~(17) Indoor commercial recreation such as theaters, driving ranges, bowling alleys, and similar uses, **excluding** dance clubs, fitness centers, and other indoor health, recreational, and similar facilities for exercise, sports, and other physical activities. Outdoor recreation uses must be related to the indoor recreation use and require a site plan approval.~~

~~(C) Accessory uses and structures:~~

~~(1) Customary accessory uses clearly incidental and subordinate to one (1) or more principal uses.~~

~~(2) Retail sales of products manufactured, processed or stored on the premises, provided the sales area constitutes no more than 15% of the total area of the space occupied by the business.~~

~~(3) Offices clearly accessory to one (1) or more principal uses.~~

~~(D) Conditional uses:~~

~~(1) Automotive fuel, propane, and natural gas dispensaries and refueling stations subject to the following provisions: **[MOVED TO CH 174]**~~

~~(a) Location of facilities: All pumps, storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building and one hundred (100) feet from the nearest residentially owned land. No pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.~~

~~(b) Liquid gasoline, liquid kerosene, or liquid diesel fuels may be stored onsite for use by the operator of the property and stored onsite for offsite delivery to the general public, and stored, dispensed, and sold onsite to the general public for onsite sales of such substances.~~

~~(c) Liquid and non-liquid propane, and liquid and non-liquid natural gas and other petroleum-based fuel products (including liquid gasoline, liquid kerosene, or liquid diesel fuel) may be stored onsite for the use of the operator of the property, stored and sold onsite for offsite delivery to the general public, and stored, dispensed, and sold onsite to the general property.~~

~~(d) The proposed use will not constitute a nuisance or hazard because of vehicular travel movement, delivery of fuel movement, noise or fume generation.~~

~~(e) Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ 176.01 et seq.~~

~~(2) Freight handling and transportation terminals.~~

~~(3) Planned industrial developments including office and business parks.~~

~~(4) Corrections facilities subject to the following: **[MOVED TO CH 174]**~~

- ~~(a) Minimum area required: 20 acres.~~
- ~~(b) Shall not be located within 1,000 feet of any residentially zoned property.~~
- ~~(5) Public and private schools.~~
- ~~(6) Tree and landscape recycling, subject to the following: [\[MOVED TO CH 174\]](#)~~
- ~~(a) A minimum lot size of five (5) acres.~~
- ~~(b) An eight (8) foot opaque fence or wall surrounding the site on all sides.~~
- ~~(c) A one hundred (100) foot setback between any property line and any operation of tree or landscape recycling machinery (with the exception of vehicle or product storage).~~
- ~~(d) A two hundred fifty (250) foot buffer between any residentially zoned land and any operation of tree or landscape recycling machinery (with the exception of vehicle or product storage).~~
- ~~(e) Tree and landscape recycling operations restricted to 8:00 a.m. to 6:00 p.m.~~
- ~~(f) Strict adherence to Maximum Permissible Sound Levels for Industrial Land, as set forth in Table 1 of § 92.06, Palm Bay Code of Ordinances.~~
- ~~(E) Prohibited uses and structures:~~
  - ~~(1) All uses not specifically or provisionally permitted herein.~~
- ~~(F) Lot and structure requirements:~~
  - ~~(1) Minimum lot area — twenty thousand (20,000) square feet.~~
  - ~~(2) Minimum lot width — one hundred (100) feet.~~
  - ~~(3) Minimum lot depth — two hundred (200) feet.~~
  - ~~(4) Maximum building coverage — fifty percent (50%).~~
  - ~~(5) Minimum floor area — None.~~
  - ~~(6) Maximum height — one hundred (100) feet.~~
  - ~~(7) Minimum yard requirements:~~
    - ~~(a) Front — forty (40) feet minimum building setback, parking areas may be located in the front yard except within ten (10) feet of the front lot line.~~
    - ~~(b) Side interior — twenty (20) feet minimum building setback. Parking areas may be located in the side yard except within ten (10) feet of the side lot line.~~
    - ~~(c) Side corner — twenty five (25) feet minimum building setback. Parking areas may be located in the side corner yard except within ten (10) feet of the side corner lot line.~~
    - ~~(d) Rear — twenty five (25) feet.~~
    - ~~(8) An eight (8) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this zoning code. [\[LANDSCAPE CHAPTER\]](#)~~

~~(174 Code, § 25-137) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-33, passed 6-16-94; Am. Ord. 94-51, passed 11-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2006-106, passed 10-5-06; Am. Ord. 2015-59, passed 12-1-15; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2017-80, passed 11-16-17; Am. Ord. 2021-67, passed 10-21-21; Am. Ord. 2022-04, passed 1-20-22; Am. Ord. 2022-19, passed 2-17-22)~~

~~— § 185.046 HI — Heavy Industrial District (HI).~~

~~(P) (A) Intent. The intent provisions of this district are intended is to permit a range of apply to an area in close proximity to major transportation facilities and which can serve general manufacturing, storage and distribution activities in close proximity to major transportation corridors. needs of the city and region. Lot sizes and other restrictions are intended to minimize adverse impacts to adjacent properties.~~

~~(B) Principal uses and structures:~~

~~(1) Warehousing.~~

~~(2) Wholesaling.~~

~~(3) Dry cleaning and laundry plants, printing plants, welding shops, machine shops, taxidermists and similar service and repair establishments and uses.~~

~~(4) Light manufacturing, processing and assembly including precision manufacturing, electrical machinery, instrumentation, bottling plants, dairy products plants, bakeries, fruit packing, and similar uses.~~

~~(5) Building materials supply and storage, provided that any outside display and/or storage area shall be screened on all sides to avoid any deleterious impact on adjacent properties; includes contractor storage yards.~~

~~(6) Automotive, truck, major recreational equipment and mobile home sales, storage and repair establishment including, body shops, dry docking facilities, paint shops, upholstery shops and similar uses provided that outside storage of vehicles not for sale shall be effectively screened on four (4) sides so as to avoid off-site visual impacts.~~

~~(7) Vocational and trade schools.~~

~~(8) Veterinary hospitals and clinics, including boarding of animals.~~

~~(9) Radio or television transmitter, towers or broadcasting facilities.~~

~~(10) Research and development facilities.~~

~~(11) Public utility equipment and facilities.~~

~~(12) Freight handling and transportation terminals.~~

~~(13) Printing, publishing and similar uses.~~

~~(14) Textile and apparel manufacturing, processing and storage.~~

~~(15) Lumber and wood products manufacturing, processing and storage.~~

~~(16) Public uses.~~

~~(17) Communication towers and facilities.~~

~~(18) Salvage Yards.~~

~~(19) Medical Recycling Facility.~~

~~(20) Self-storage facilities~~

~~(C) Accessory uses and structures:~~

~~(1) Customary accessory uses clearly incidental and subordinate to one (1) or more principal used.~~

~~(2) Retail sales of products manufactured, processed or stored on the premises, provided the sales area constitutes no more than 15% of the total area of the space occupied by the business.~~

~~(3) Offices clearly accessory to one (1) or more principal uses.~~

~~(D) Conditional uses:~~

~~(1) Manufacturing, assembly and processing uses or facilities not specifically provided as a principal use including block and concrete plants, furniture factories, food processing, citrus processing plants, salvage yards, and canneries and similar uses.~~

~~(2) Storage of liquefied petroleum products.~~

~~(3) Fabricated metal products.~~

~~(4) Chemicals and similar products.~~

~~(5) Automotive fuel tanks and pumps subject to the following provisions: [\[MOVED TO CH 174\]](#)~~

~~(a) Location of facilities. Gasoline/ fuel pumps, storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building and one hundred (100) feet from the nearest residentially zoned land. No gasoline/fuel pump, storage tank or ether equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.~~

~~(b) The use of fuel pumps shall be strictly limited to the owner of the property. Sales to members of the public in general or to any private individual are hereby strictly prohibited.~~

~~(c) The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation.~~

~~(d) Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with ~~SS 176.01 et seq.~~~~

~~(6) Planned industrial developments.~~

~~(7) Crematoriums.~~

~~(8) Corrections facilities subject to the following: [\[MOVED TO CH 174\]](#)~~

~~(a) Minimum area required: 20 acres.~~

~~(b) Shall not be located within 1,000 feet of any residentially zoned property.~~

~~(9) Smoke producing industries, such as paper mills, rubber mills or regional incinerators, provided the land where such facility is operated shall be located no less than one half (½) mile from the closest right-of-way line of Interstate 95.~~

~~(E) Prohibited uses and structures: All uses not specifically or provisionally permitted herein.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — thirty thousand (30,000) square feet.~~

~~(2) Minimum lot width — one hundred and fifty (150) feet.~~

~~(3) Minimum lot depth — two hundred (200) feet.~~

~~(4) Maximum building coverage — fifty percent (50%).~~

~~(5) Minimum floor area — None.~~

~~(6) Maximum height — one hundred (100) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — forty (40) feet minimum building setback. Parking areas may be located in the front yard except within ten (10) feet of the front lot line.~~

~~(b) Side interior — twenty (20) feet minimum building setback. Parking areas may be located in the side yard except within ten (10) feet of the side lot line.~~

~~(c) Side corner — twenty five (25) feet minimum building setback. Parking areas may be located in the side corner yard except within ten (10) feet of the side corner lot line.~~

~~(d) Rear — twenty five (25) feet.~~

~~(8) An eight (8) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abating property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this chapter. [\[LANDSCAPE CHAPTER\]](#)~~

~~(G) Lot and structure requirements for Salvage Yards: [\[MOVED TO CH 174\]](#)~~

~~(1) Minimum lot area — five (5) acres.~~

~~(2) Minimum lot width — two hundred (200) feet.~~

~~(3) Minimum lot depth — three hundred (300) feet.~~

~~(4) Maximum building coverage — fifty percent (50%).~~

~~(5) Minimum floor area — None.~~

~~(6) Maximum height — fifty (50) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — forty (40) feet minimum building setback. Parking areas may be located in the front yard except within ten (10) feet of the front lot line.~~

~~(b) Side interior — twenty (20) feet minimum building setback. Parking areas may be located in the side yard except within ten (10) feet of the side lot line.~~

~~(c) Side corner — twenty five (25) feet minimum building setback. Parking areas may be located in the side corner yard except within ten (10) feet of the side corner lot line.~~

~~(d) Rear — twenty five (25) feet.~~

~~(8) A six (6) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abating property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this chapter.~~

~~(‘74 Code, § 25-138) (Ord. 89-08, passed 4-27-89; Ord. 94-33, passed 6-16-94; Am. Ord. 94-34, passed 6-16-94; Am. Ord. 94-51, passed 11-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2015-59, passed 12-1-15; Am. Ord. 2016-17, passed 4-21-16)~~

~~— § 185.047 IU — Institutional Use District (IU).~~

~~(Q) (A) Intent. The provisions purpose of this district are intended to apply to an area which can service the need of the city for is to allow for public and semipublic facilities facilities that serve the of an educational, governmental, recreational, health, and or cultural nature needs of the City. Lot sizes and other restrictions are intended to ensure proper functioning and development of such uses.~~

~~(B) Principal uses and structures:~~

~~(1) Public educational institutions, including, but not limited to, elementary schools, junior high schools, high schools, junior or community colleges, colleges, and universities.~~

~~(2) Governmental uses for federal, state, county, and city agencies and entities.~~

~~(3) Public parks, playgrounds or other public recreational facilities.~~

~~(4) Public utility equipment and facilities.~~

~~(5) Churches.~~

~~(6) Historic sites.~~

~~(7) Camouflaged communication towers and facilities.~~

~~(C) Accessory uses and structures: Customary accessory uses clearly incidental and subordinate to one (1) or more permitted uses.~~

~~(D) Conditional uses:~~

~~(1) Private schools.~~

~~(2) Nonprofit youth, business, civic, service and cultural facilities and organizations.~~

~~(3) Hospitals and associated medical clinics and offices.~~

~~(4) Nursing homes, congregate living facilities and group care homes.~~

~~(5) Cemetery.~~

~~(6) Airports.~~

~~(7) Permitted uses or uses permissible by special exception exceeding forty (40) feet in height.~~

~~(E) Prohibited uses and structures: All uses not specifically or provisionally provided for herein.~~

~~(1) Corrections facilities.~~

~~(2) All uses not specifically or provisionally provided for herein.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — one (1) acre.~~

~~(2) Minimum lot width — one hundred and fifty (150) feet.~~

~~(3) Minimum lot depth — two hundred (200) feet.~~

~~(4) Maximum building coverage — thirty percent (30%).~~

~~(5) Minimum floor area — None.~~

~~(6) Maximum height — forty (40) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front: twenty five (25) feet minimum building setback. Parking areas may be located in front yard except within ten (10) feet of the front lot line.~~

~~(b) Side interior: twenty five (25) feet minimum building setback. Parking areas may be located in the side yard, except within ten (10) feet of the side lot line. Side yards abutting residentially zoned property shall maintain a twenty five (25) foot minimum setback for parking.~~

~~(c) Side corner: twenty five (25) feet minimum building setback. Parking areas may be located in the side corner yard, except within ten (10) feet of any, public or private street.~~

~~(d) Rear: twenty five (25) feet minimum building and parking area setback; ten (10) feet when abutting a dedicated alley.~~

~~(8) Shared access and parking areas.~~

~~(a) No side interior building and parking area setbacks are required provided all of the following are met:~~

~~1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall;~~

~~2. Parking areas and aisles are joined with adjacent parcel(s) under separate ownership;~~

~~3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common parcels involved and a minimum spacing of one hundred and fifty (150) feet is maintained; or access is provided by an approved frontage road;~~

~~4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.~~

~~(b) No interior side parking area setbacks are required provided the requirements of divisions 2. through 4. are met.~~

~~(c) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.~~

~~(‘74 Code, § 25-139) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-35, passed 6-16-94; Am. Ord. 94-51, passed 11-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2009-15, passed 4-16-09; Am. Ord. 2016-17, passed 4-21-16)~~

~~—§ 185.048 FC— Floodway Conservation District (C).~~ **[STAFF, PROPOSING TO CALL IT CONSERVATION INSTEAD SO IT CAN BE USED FOR OTHER REASONS?]**

(R) (A) Intent. The provisions intent of this district are intended is to protect persons and property from the hazards of floodways and to conserve important natural resources for ecological purposes, open space needs and the enjoyment and education of present and future residents 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.

~~(B) Principal uses and structures:~~

~~(1) Open space devoted to the conservation of natural waterways, vegetation and wildlife.~~

~~(2) Aquatic preserves and outstanding Florida waters.~~

~~(3) Canoe trails.~~

~~(4) Hiking and/or bicycle trails.~~

~~(5) Nature study areas and boardwalks.~~

~~(6) Fishing and wildlife preserves.~~

~~(7) Public parks.~~

~~(8) Public or private open space as part of a planned unit development, DRI or other project.~~

~~(9) Natural drainage area.~~

~~(10) Pavilions for outdoor exhibits or special nature study.~~

~~(11) Public or private storm water retention areas.~~

~~(C) Accessory uses and structures:~~

~~(1) Customary accessory uses clearly incidental and subordinate to one (1) or more principal uses.~~

~~(D) Conditional uses:~~

~~(1) Single family homes at a maximum density of one (1) unit per ten (10) acres.~~

~~(2) Public facilities.~~

~~(3) Boat ramps or docks.~~

~~(4) Camping areas.~~

~~(E) Prohibited uses and structures: All uses not specifically or provisionally provided for herein.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — None except as specifically provided for above.~~

~~(2) Minimum lot width — one hundred (100) feet for single family; none otherwise.~~

~~(3) Minimum lot depth — two hundred (200) feet for single family; none otherwise.~~

~~(4) Maximum building coverage — five percent (5%).~~

~~(5) Minimum floor area — one thousand (1,000) square feet for single family; none, otherwise.~~

~~(6) Maximum height — twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — fifty (50) feet.~~

~~(b) Side interior — twenty five (25) feet.~~

~~(c) Side corner — twenty five (25) feet.~~

~~(d) Rear — twenty five (25) feet.~~

~~(‘74 Code, § 25-140) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-35, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 2016-88, passed 12-15-16)~~

~~§ 185.049 SF-1 — SINGLE FAMILY RESIDENTIAL CATEGORY.~~

~~(A) Intent. The provisions of this category are intended to apply to an area of medium density single family residential development. Lot sizes, minimum living area standards, and other restrictions are intended to promote high quality residential development.~~

~~(B) Principal uses and structures.~~

~~(1) Single family dwellings.~~

~~(2) Accessory dwelling units; subject to the provisions listed in the § 185.006.~~

~~(3) Public parks, playgrounds and other public recreational facilities.~~

~~(4) Public utility equipment and facilities located within a utility easement or right of way.~~

~~(C) Accessory uses and structures.~~

~~(1) Customary accessory uses of a noncommercial nature clearly incidental and subordinate to one (1) or more principal uses.~~

~~(D) Conditional uses.~~

~~(1) Public and private schools.~~

~~(2) Churches.~~

~~(3) Public utility equipment and facilities, except communication towers, not located within a utility easement or right of way.~~

~~(E) Prohibited uses and structures.~~

~~(1) All uses not specifically or provisionally permitted herein.~~

~~(F) Lot and structure requirements.~~

~~(1) Minimum lot area — Eight thousand (8,000) square feet.~~

~~(2) Minimum lot width — Eighty (80) feet.~~

~~(3) Minimum lot depth — One hundred (100) feet.~~

~~(4) Maximum building coverage — Thirty (30) percent.~~

~~(5) Minimum living area — Fourteen hundred (1400) square feet.~~

~~(6) Maximum height — Twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — Twenty five (25) feet.~~

~~(b) Side interior — Eight (8) feet.~~

~~(c) Side corner — Twenty five (25) feet.~~

~~(d) Rear — Twenty five (25) feet.~~

~~(8) Minimum one (1) car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.~~

~~(Ord. 96-07, passed 3-7-96; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 2001-51, passed 8-16-01; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-13, passed 6-4-20)~~

~~§ 185.050 (RESERVED).~~

~~§ 185.051 SRE — SUBURBAN RESIDENTIAL ESTATE CATEGORY.~~

~~(A) Intent. The provisions of this category are intended to apply to an area of medium density single family residential development. Lot sizes, minimum living area standards, and other restrictions are intended to promote high quality residential development.~~

~~(B) Principal uses and structures:~~

~~(1) Single family dwellings.~~

~~(2) Accessory dwelling units; subject to the provisions listed in the § 185.006.~~

~~(3) Public parks, playgrounds and other public recreational facilities.~~

~~(4) Public utility equipment and facilities located within a utility easement or right of way.~~

~~(C) Accessory uses and structures.~~

~~(1) Customary accessory uses of a non-commercial nature clearly incidental and subordinate to one (1) or more principal uses.~~

~~(2) A security dwelling unit may be provided within a subdivision and shall adhere to the following standards:~~

**[MOVED TO CH 174]**

~~(a) The unit will only be permitted in conjunction with a subdivision that offers large, estate homes on medium to low-density lot sizes.~~

~~(b) No person(s) under the age of eighteen (18) may reside within the unit, and at no time may the unit be occupied by more than two (2) persons.~~

~~(c) The unit may contain no more than one thousand (1,000) square feet of gross floor area.~~

~~(d) There may be only one (1) security dwelling unit for the subdivision.~~

~~(e) There shall be at least one (1) parking space designated on-site for the resident of the unit.~~

~~(D) Conditional uses:~~

~~(1) Public and private schools.~~

~~(2) Churches.~~

~~(3) Public utility equipment and facilities, except communication towers, not located within a utility easement or right-of-way.~~

~~(E) Prohibited uses and structures:~~

~~(1) All uses not specifically or provisionally permitted herein.~~

~~(F) Lot and structure requirements:~~

~~(1) Minimum lot area — Eight thousand (8,000) square feet.~~

~~(2) Minimum lot width — Eighty (80) feet.~~

~~(3) Minimum lot depth — One hundred (100) feet.~~

~~(4) Maximum building coverage — Forty (40) percent.~~

~~(5) Minimum living area — Eighteen hundred (1800) square feet.~~

~~(6) Maximum height — Twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front — Twenty five (25) feet.~~

~~(b) Side interior — Eight (8) feet.~~

~~(c) Side corner — Twenty five (25) feet.~~

~~(d) Rear — Twenty five (25) feet.~~

~~(8) Minimum two (2) car enclosed garage required at the time of the issuance of the structure's certificate of occupancy.~~

~~(Ord. 96-07, passed 3-7-96; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-13, passed 6-4-20)~~

~~§ 185.052 RC – RESTRICTED COMMERCIAL DISTRICT.~~

~~(A) Intent. The purpose of the restricted commercial district shall be to locate and establish areas within the city which are uniquely suited for commercial development but which are transitioning from residential or other noncommercial development to commercial use. Such areas to be primarily along major transportation corridors connecting other community commercial clusters. The uses and development standards included in the district are intended to provide compatibility between uses, protect nearby residential districts, provide access control along corridors, provide quality development, enhance corridor appearance, and provide additional commercial opportunities within the city.~~

~~(B) Principal uses and structures. The following uses and structures are permitted:~~

~~(1) Professional offices: accounting, architecture, engineering, dentistry, medical, insurance, legal, real estate, financial services (non-banking), and similar uses.~~

~~(2) General offices: administrative, corporate, business, and similar uses.~~

~~(3) Personal services: beauty, barber, dry cleaning pick-up, and similar uses (minimum fifteen thousand (15,000) square foot lot).~~

~~(4) Business services: graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses (minimum fifteen thousand (15,000) square foot lot).~~

~~(5) Financial institutions: banks, credit unions and savings and loans (minimum fifteen thousand (15,000) square foot lot).~~

~~(6) Retail sales and service: clothing, jewelry, luggage, shoes, electronics, sporting goods, books, gift shops, florists, photographic supplies, art dealers, tobacco products, grocery stores, drug stores, cosmetic and beauty supply, optical, specialty food, and similar uses (minimum fifteen thousand (15,000) square foot lot).~~

~~(7) Veterinarians and veterinary clinics provided all activities are within the principal structure and there is no boarding of animals (minimum fifteen thousand (15,000) square foot lot).~~

~~(8) Schools licensed by the State of Florida (minimum fifteen thousand (15,000) square foot lot).~~

~~(9) Day care centers licensed by the State of Florida (minimum fifteen thousand (15,000) square foot lot), provided the lot has frontage on an Arterial or Collector Roadway, as identified in the adopted City Comprehensive Plan.~~

~~(10) Public uses: any federal, state, county, municipal, special district, or similar use.~~

~~(11) Funeral homes (minimum fifteen thousand (15,000) square foot lot).~~

~~(12) Eating establishments: restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses (minimum fifteen thousand (15,000) square foot lot).~~

~~(13) Contractors' administrative offices: plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters,~~

~~heating and air conditioning installers, glass repair and replacement, and similar uses, provided no storage occurs at the site, no construction equipment is parked or stored at the site, and all parking is on a paved surface (minimum fifteen thousand (15,000) square foot lot).~~

~~(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the low intensity commercial nature of the district. All storage shall be within an enclosed structure unless clearly provided or excluded for herein.~~

~~(D) Conditional uses.~~

~~(1) Major retail sales, rental and service: building supply, major appliances, furniture, paint, hardware, lawn and garden supplies, consumer goods rentals, and similar uses (minimum fifteen thousand (15,000) square foot lot).~~

~~(2) Plant nurseries, greenhouses (minimum fifteen thousand (15,000) square foot lot).~~

~~(3) Public utility facilities.~~

~~(4) Clubs, lodges, and fraternal organizations (minimum fifteen thousand (15,000) square foot lot).~~

~~(5) Hospitals and nursing homes (minimum fifteen thousand (15,000) square foot lot).~~

~~(6) Model home centers subject to the following: **DELETING FROM LDCI**~~

~~(a) No storage of construction materials is permitted on the site.~~

~~(b) Off street parking must be provided at one (1) space per three hundred (300) square feet of overall building.~~

~~(c) Minimum lot area for the combined center is fifteen thousand (15,000) square feet.~~

~~(d) The site and buildings only be utilized for sales and marketing purposes.~~

~~(e) No residential use is permitted.~~

~~(f) Only a sales office and homes representing those offered for sale by the builder are permitted uses under this category.~~

~~(E) Prohibited uses and structures.~~

~~(1) All uses not specifically permitted herein.~~

~~(2) Building services: pest control, carpet cleaning, janitorial, water treatment, vending, and similar uses.~~

~~(3) Retail automotive fuel sales.~~

~~(4) Drinking establishments.~~

~~(5) Pawn shops.~~

~~(6) Tattoo parlors.~~

~~(7) Contractors' offices with outside storage: plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement, and similar uses.~~

~~(8) Dancing in eating establishments.~~

~~(9) Fireworks sales.~~

~~(10) Fortune tellers, tarot card reading, palm readers, and similar uses.~~

~~(11) Commercial towers.~~

~~(12) Pain management clinic.~~

~~(F) Lot and structure requirements.~~

~~(1) Minimum lot area fifteen thousand (15,000) square feet.~~

~~(2) Minimum lot width one hundred (100) feet.~~

~~(3) Minimum lot depth one hundred fifty (150) feet.~~

~~(4) Maximum building coverage thirty five percent (35%).~~

~~(5) Minimum floor area three hundred (300) square feet.~~

~~(6) Maximum height twenty five (25) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front: Forty (40) feet minimum building setback. Thirty (30) feet minimum building setback for front yards which face an arterial road. Parking areas may be located in the front yard except within fifteen (15) feet on the front lot line or ten (10) feet for parking areas located in a front yard which face an arterial road.~~

~~(b) Side interior: Ten (10) feet minimum building setback. Parking areas may be located in the side yard, except within five (5) feet of the side lot line. Side yards abutting residentially zoned property shall maintain a thirty (30) feet minimum setback for all buildings and parking.~~

~~(c) Side corner: Twenty five (25) feet minimum building setback. Parking areas may be located in side corner yard, except within ten (10) feet of any street.~~

~~(d) Rear: Thirty (30) feet minimum building and parking setback.~~

~~(8) Shared access and parking areas:~~

~~(a) No side interior building and parking area setbacks are required provided all of the following are met:~~

~~1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall.~~

~~2. Parking areas and aisles are joined with adjacent parcel(s) under separate ownership.~~

~~3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common parcels involved and a minimum spacing of one hundred fifty (150) feet is maintained, or access is provided by an approved frontage road.~~

~~4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, common facilities from all property owners involved must be approved prior to the issuance of a building permit.~~

~~(b) No interior side parking area setbacks are required, provided the requirements of subdivisions (8)(a)2. through 4. above are met.~~

~~(c) For adjacent developments meeting the requirements of subdivisions (8)(a)2. through 4. above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.~~

~~[ADDRESSED IN PARKING CHAPTER]~~

~~(9) Wall requirements. An eight (8) foot high completely opaque masonry wall shall be provided along the entire length of any side or rear property line abutting property zoned residential. This required masonry wall shall provide a finished treatment on all sides and shall be set back from the property line a minimum of three (3) feet to provide adequate room for maintenance of both sides of the wall.~~ [LANDSCAPE CHAPTER]

~~(10) Design requirements:~~

~~(a) An Architectural Style for each structure is required. This shall include adherence to all standards contained in § 185.134.~~

~~(11) Signs. Maximum height for any detached sign shall be ten (10) feet. All other criteria of the Sign Code shall be met.~~ [MOVED TO SIGN CHAPTER (FOOTNOTE)]

~~(12) Landscaping. All lots abutting residentially zoned land shall plant a minimum of one (1) tree for every thirty five (35) feet of abutting distance. These required trees shall be a minimum of ten (10) feet in height at planting and shall be placed on the commercial lot between the residential property and any buildings or parking on the commercial lot.~~ [LANDSCAPING CHAPTER]

~~(Ord. 2001-48, passed 7-19-01; Am. Ord. 2003-45, passed 11-20-03; Am. Ord. 2004-59, passed 10-7-04; Am. Ord. 2008-27, passed 5-1-08; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2010-41, passed 9-16-10; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-87, passed 1-7-21)~~

~~§ 185.053 BMUV – BAYFRONT MIXED USE VILLAGE DISTRICT.~~

~~(A) Intent. The purpose of the Bayfront mixed use village (BMUV) district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of residential, office, neighborhood supporting commercial, institutional, and other similar low intensity land uses that are linked by a network of walkways to create a village center as recommended in the Bayfront Redevelopment Plan.~~

~~(B) Principal uses and structures:~~

~~(1) Single family dwellings:~~

~~(2) Multiple family dwellings provided that in no case shall there be more than ten (10) dwelling units per gross residential acre.~~

~~(3) Professional offices such as accounting, architecture, engineering, dentistry, medical, insurance, real estate, financial services, title companies and similar uses.~~

~~(4) General offices such as administrative, corporate, business, and similar uses.~~

~~(5) Personal service such as beauty, barbers, dry cleaning pick-up, tailoring and similar uses.~~

~~(6) Business service such as graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses.~~

~~(7) Financial institutions (banks, credit unions, and savings and loan).~~

~~(8) Retail sales and service (clothing, jewelry, luggage, shoes, electronics, sporting goods, gift shops, florists, photographic supplies, art dealers, antique shops/dealers, tobacco products, grocery stores, convenience stores, drug stores, cosmetic and beauty supply optical specialty food, and similar uses).~~

~~(9) Veterinary clinics provided all activities are within the principal structures and there is no boarding of animals.~~

~~(10) Schools, churches, libraries, and museums.~~

~~(11) Day care centers.~~

~~(12) Public uses (any federal, state, county, municipal, special district, or similar use).~~

~~(13) Funeral homes.~~

~~(14) Eating establishments (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses).~~

~~(15) Retail bakeries.~~

~~(16) Plant nurseries, greenhouses.~~

~~(17) Clubs, lodges, and fraternal organizations.~~

~~(18) Nursing homes and adult congregate living facilities.~~

~~(19) Repair service establishments excluding auto repair.~~

~~(20) Hotel, motel, and bed and breakfast inns.~~

~~(21) Public and private parking lots.~~

~~(C) Accessory uses and structures. Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the objectives of a village environment. All storage shall be in an enclosed structure unless clearly provided for herein.~~

~~(D) Conditional uses.~~

~~(1) Public utility facilities.~~

~~(2) On premise alcohol consumption accessory to an eating establishment.~~

~~(3) Eating establishment with sidewalk/ outdoor table service.~~

~~(4) Dancing in eating establishments.~~

~~(5) Marinas with boat sales and rentals.~~

~~(6) Residential and nonresidential uses in the same structure.~~

~~(E) Prohibited uses and structures.~~

- ~~(1) All uses not specifically permitted herein.~~
- ~~(2) Retail automotive fuel sales.~~
- ~~(3) Pawn shops.~~
- ~~(4) Tattoo parlors and body piercing establishments.~~
- ~~(5) Contractors' offices with outside storage (plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement, and similar uses).~~
- ~~(6) Adult entertainment.~~
- ~~(7) Fireworks sales.~~
- ~~(8) Commercial towers.~~
- ~~(9) Automotive/vehicle repair and auto body repair, painting, and storage of junk vehicles.~~
- ~~(10) Vehicle/automotive sales/lease.~~
- ~~(11) Palm readers/fortunetellers and similar uses.~~
- ~~(12) Flea markets and auction houses and similar uses.~~
- ~~(13) Soup kitchens/homeless shelters.~~
- ~~(14) Pain management clinic.~~
- ~~(F) Lot and structure requirements:~~
  - ~~(1) Minimum lot area—four thousand eight hundred (4,800) square feet.~~
  - ~~(2) Minimum lot width—forty (40) feet.~~
  - ~~(3) Minimum lot depth—one hundred twenty (120) feet.~~
  - ~~(4) Maximum building coverage—sixty percent (60%).~~
  - ~~(5) Maximum height—thirty five (35) feet.~~
  - ~~(6) Minimum floor area (nonresidential)—three hundred (300) square feet.~~
  - ~~(7) Minimum living area for single family detached dwellings—None.~~
  - ~~(8) Minimum living area for multifamily units: None.~~
  - ~~(9) Yard requirements:~~
    - ~~(a) Front: zero (0) foot minimum, twenty (20) foot maximum.~~
    - ~~(b) Side interior: five (5) feet minimum.~~
    - ~~(c) Side corner: zero (0) foot minimum, twenty (20) foot maximum.~~
    - ~~(d) Rear: twenty (20) feet minimum; ten (10) minimum feet when abutting a right of way or alley.~~

~~(c) Accessory structures: minimum twenty (20) foot front and side corner, same side and rear as listed in divisions (b) and (d) above. [\[NOTED IN CH 174\]](#)~~

~~(10) Shared access and parking areas:~~

~~(a) Off-street parking for non-residential uses shall be behind or to the side of the nonresidential building with a minimum of four (4) foot setback from a right-of-way line.~~

~~(b) On-street parking spaces along the front property line shall be counted toward the minimum number of parking spaces required for that use on that lot, except where there are driveway curb cuts. [\[PARKING CHAPTER\]](#)~~

~~(c) No side interior building and parking area setbacks are required for nonresidential buildings provided all of the following are met:~~

~~1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall.~~

~~2. Parking areas and aisles are joined with adjacent parcel(s) under separate ownership.~~

~~3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common for the parcels involved and a minimum spacing of one hundred fifty (150) feet is maintained, or access is provided by an approved frontage road.~~

~~4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.~~

~~(d) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenience access to all principal buildings. [\[SECTION 11 DESIGN REQUIREMENTS MOVED TO CHAPTER 177\]](#)~~

~~(12) Signs. Maximum height for any detached sign shall be ten (10) feet. All other criteria of the Sign Code shall be met. [\[MOVED TO SIGN CHAPTER \(FOOTNOTE\)\]](#)~~

~~(13) Landscaping. Properties within the Bayfront mixed use village district are exempt from the development standards of § 185.142(B)(1) and (2), Off-Street Parking Area Landscape Requirements, however properties within the district shall meet all the other requirements of § 185.142 in addition to the following landscape development standards: [\[MOVED TO LANDSCAPING CHAPTER\]](#)~~

~~(a) One (1) tree per every forty (40) feet of the property frontage shall be planted between the right-of-way line and the front or side corner building line for all properties.~~

~~(b) Any off-street parking space or parking lot in the Bayfront mixed use village district that abuts a street right-of-way shall be buffered from the right-of-way by a landscape area of no less than four (4) feet of width in which is located a continuous row of shrubs no less than two (2) feet in height.~~

~~(c) In addition, where off-street parking is required for multiple family residential and nonresidential uses, such parking shall meet the interior parking area landscape requirements of § 185.142(3) of the code.~~

~~(14) Sidewalks. Sidewalks shall be provided to create a pedestrian access to the proposed project and to adjacent properties. All sidewalks shall: **[MOVED TO STREETS/PARKING CHAPTER]**~~

~~(a) Be constructed of concrete with a raised curb separating the sidewalk from on-street parking.~~

~~(b) Be a minimum of four (4) feet in width.~~

~~(c) Comply with city engineering design standards.~~

~~(15) Fence/walls. The construction, erection, and maintenance of walls and fences shall be permitted per the city's fence code (§§ 170.110 through 170.122) with the following exceptions and additions: **[MOVED TO CHAPTER 174]**~~

~~(a) Chain link fence cannot be placed within twenty (20) feet of the front or side corner property lines, except that chain link fencing is prohibited on property containing residential buildings. Such projects may only erect a fence of wooden, PVC, or wrought iron material.~~

~~(b) Fence and wall height shall be limited to four (4) feet within twenty (20) feet of the front and side corner property lines, and limited to six (6) feet in height at all other areas of the property.~~

~~(c) The use of barbed wire is prohibited.~~

~~(16) Lighting. Buildings shall have no neon on their exterior **[ALREADY STATED IN LIGHTING SECTION]**; however, neon signs may be displayed inside windows provided they occupy no more than fifteen percent (15%) of the window where they are displayed. **[ADDRESSED IN SIGN CHAPTER]**~~

~~(Ord. 2002-32, passed 5-2-02; Am. Ord. 2003-45, passed 11-20-03; Am. Ord. 2005-01, passed 1-20-05; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2010-41, passed 9-16-10; Am. Ord. 2015-55, passed 12-1-15; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-12, passed 2-20-20)~~

#### ~~§ 185.054 GC – GENERAL COMMERCIAL DISTRICT.~~

~~(A) Intent. The purpose of the General Commercial District shall be to locate and establish areas within the city which are uniquely suited for heavy commercial development. Such areas are to be developed in an intensive manner and are designed to provide opportunities for small businesses of a variety of types. The uses and development standards included in the district are intended to provide additional opportunities for businesses to locate within the city by providing a mix of service, warehousing, commercial, wholesaling, storage, and similar businesses and uses.~~

~~(B) Principal uses and structures. The following uses and structures are permitted:~~

~~(1) Professional offices (accounting, architecture, engineering, dentistry, medical, insurance, legal, real estate, financial services (non-banking) and similar uses).~~

~~(2) General offices (administrative, corporate, business and similar uses).~~

~~(3) Personal services (beauty, barber, dry cleaning pick-up and similar uses).~~

~~(4) Business services (graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools and similar uses).~~

~~(5) Financial institutions (banks, credit unions and savings and loans).~~

- ~~(6) Retail sales and service (clothing, jewelry, luggage, shoes, electronics, sporting goods, books, gift shops, florists, photographic supplies, art dealers, tobacco products, grocery stores, drug stores, cosmetic and beauty supply, optical, specialty food and similar uses).~~
- ~~(7) Veterinarians and veterinary clinics.~~
- ~~(8) Schools licensed by the state of Florida.~~
- ~~(9) Day care centers licensed by the state of Florida.~~
- ~~(10) Public uses (any federal, state, county, municipal, special district or similar use).~~
- ~~(11) Funeral homes.~~
- ~~(12) Eating establishments (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops and similar uses).~~
- ~~(13) Major retail sales, rental and service (building supply, major appliances, furniture, paint, hardware, lawn and garden supplies, consumer goods rentals and similar uses).~~
- ~~(14) Plant nurseries and greenhouses.~~
- ~~(15) Public utility facilities.~~
- ~~(16) Clubs, lodges and fraternal organizations.~~
- ~~(17) Building services (pest control, carpet cleaning, janitorial, water treatment, vending and similar uses).~~
- ~~(18) Contractors' offices (plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement and similar uses).~~
- ~~(19) Wholesale trade, warehousing and storage~~
- ~~(20) Towing services with associated storage.~~
- ~~(21) Upholstery and furniture repair/refinishing.~~
- ~~(22) Medical and dental manufacturing labs.~~
- ~~(23) Welding and machine shops.~~
- ~~(24) Technical and trade schools.~~
- ~~(25) Retail automotive sales, rental and service (car, boat, recreation vehicle, ATV, and motorcycle sales and service including paint, body and upholstery shops).~~
- ~~(26) Assembly of components manufactured off site.~~
- ~~(27) State licensed tattoo parlors.~~
- ~~(28) Drinking establishments.~~
- ~~(29) Indoor commercial recreation (excluding dance clubs). In buildings with multiple tenants, indoor commercial recreational uses may occupy up to five thousand (5,000) square feet of gross floor area, fitness centers and other indoor health, recreational, and similar facilities for exercise, sports, and other physical~~

~~activities. Outdoor recreation uses must be related to the indoor recreation use and require a site plan approval.~~

~~(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the high intensity commercial nature of the district. All storage shall be within an enclosed structure or completely screened by an opaque fence or wall, of at least six (6) feet in height.~~

~~(D) Conditional uses.~~

~~(1) Permitted uses located on a parcel of ten (10) or more acres of area.~~

~~(2) Commercial towers.~~

~~(3) Security dwelling unit, subject to the provisions established in § 185.088(I).~~

~~(4) Canine day care, and related services: [\[MOVED TO CH 174\]](#)~~

~~(a) There shall be no more than one (1) dog per thirty five (35) square feet of the area within the facility that the dogs will be housed.~~

~~(b) The facility must have an outdoor area for exercise and bathroom relief. Said area shall be enclosed with a minimum six (6) foot tall fence.~~

~~(c) All kennels and housing areas shall be within an air conditioned building. Outside kenneling will not be permitted.~~

~~(d) Fecal matter shall be disposed of on a daily basis.~~

~~(e) Dogs shall be indoors between the hours of 10:00 p.m. and 6:00 a.m.~~

~~(5) Dancing in eating and drinking establishments.~~

~~(6) Churches.~~

~~(7) Event halls, subject to the provisions established in § 185.088(J).~~

~~(8) Self-storage facilities subject to the provisions established in § 185.088(F).~~

~~(E) Prohibited uses and structures.~~

~~(1) All uses not specifically permitted herein.~~

~~(2) Pawn shops.~~

~~(3) Pain management clinic.~~

~~(F) Lot and structure requirements.~~

~~(1) Minimum lot area fifteen thousand (15,000) square feet.~~

~~(2) Minimum lot width one hundred (100) feet.~~

~~(3) Minimum lot depth one hundred fifty (150) feet.~~

~~(4) Maximum building coverage fifty percent (50%).~~

~~(5) Minimum floor area three hundred (300) square feet.~~

~~(6) Maximum height forty (40) feet.~~

~~(7) Minimum yard requirements:~~

~~(a) Front: thirty (30) feet minimum building setback. Parking areas may be located in the front yard except within ten (10) feet on the front lot line.~~

~~(b) Side interior: ten (10) feet minimum building setback. Parking areas may be located in the side yard, except within five (5) feet of the side lot line.~~

~~(c) Side corner: twenty five (25) feet minimum building setback. Parking areas may be located in the side corner yard, except within ten (10) feet of any street.~~

~~(d) Rear: ten (10) feet minimum building and parking setback.~~

~~(8) Shared access and parking areas.~~

~~(a) No side interior building and parking area setbacks are required provided all of the following are met:~~

~~1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall;~~

~~2. Parking areas and aisles are joined with adjacent parcel(s) under separate ownership;~~

~~3. Curb cuts and driveways are shared in common parcels involved and a minimum spacing of one hundred (100) feet is maintained, or access is provided by an approved frontage road; and~~

~~4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.~~

~~(b) For adjacent developments meeting the requirements of divisions (F)(8)(a) 2. through 4. above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.~~

~~(9) Design requirements.~~

~~(a) An Architectural Style for each structure is required. This shall include adherence to all standards contained in § 185.134.~~

~~(Ord. 2004-01, passed 1-22-04; Am. Ord. 2004-59, passed 10-7-04; Am. Ord. 2005-10, passed 3-17-05; Am. Ord. 2008-27, passed 5-1-08; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2009-29, passed 7-16-09; Am. Ord. 2009-56, passed 12-17-09; Am. Ord. 2010-41, passed 9-16-10; Am. Ord. 2012-29, passed 9-20-12; Am. Ord. 2015-26, passed 6-4-15; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2019-16, passed 3-21-19; Am. Ord. 2020-12, passed 2-20-20; Am. Ord. 2021-53, passed 9-2-21)~~

### **§ 173.021. 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.

A mix of uses on a single site is allowed in all districts, except the single-family districts, provided the proposed uses are allowed in the applicable district. If any use in a proposed mixed-use development requires Conditional Use approval, the entire mixed-use site must be reviewed under the Conditional Use process.

[MOVED FROM 185.009 AND SLIGHTLY EDITED]

**Table 173 - 1. Uses in Residential Districts [COMBINED RM-10 AND RM-15]**

USE	See Section	GU	RR	RE	SRE	RS-1	RS-2	RS-3	RT-10	RMH	RM-10	RM-15	RM-20
<b>AGRICULTURE USES</b>													
Agriculture		P	P										
Agricultural products sales	174.032	C	C										
<b>RESIDENTIAL USES</b>													
Accessory dwelling units	174.003	P	P	P	P	P	P	P	P	P	P	P	P
Assisted living facilities, Large													P
Assisted living facilities, Small					P	P	P	P	P		P	P	P
Cluster subdivision	173.030		C	C	C	C	C	C					
Community residential homes					P	P	P	P	P		P	P	P
Duplexes									P		P	P	
Group homes					P	P	P	P	P			P	P
Mobile home parks	173.033									P			
Mobile home subdivisions	173.033									P			
Multi-family dwellings	173.031										P	P	P
Nursing homes													P
Single-family dwellings		P	P	P	P	P	P	P	P		P	P	
Townhomes	173.032								P		P	P	P
<b>NON-RESIDENTIAL USES</b>													
Antennas and transmitters			C										
Cemeteries without crematoriums			C										
Churches <sup>(1) (3)</sup>		C	C	C	C	C	C	C	C	C	C	C	C
Clubs, lodges, and fraternal organizations <sup>(1) (3)</sup>		C	C										C
Communication towers and facilities	174.035	P											
Crematoriums	174.038	C											
Family day care home, large							C	C	C		P	P	P
Family day care home, small			P	P	P	P	P	P	P	P	P	P	P
Kennels <sup>(1) (3)</sup>		C	C										
Marinas													C
Mining	174.043	C											

USE	See Section	GU	RR	RE	SRE	RS-1	RS-2	RS-3	RT-10	RMH	RM-10	RM-15	RM-20
<a href="#">Public and private golf courses</a>		P	C										
<a href="#">Public and private schools <sup>(1)</sup></a>		C	C	C	C	C	C	C	C		C	C	C
<a href="#">Public parks and recreational facilities</a>		P	P	P	P	P	P	P	P	P	P	P	P
<a href="#">Public uses</a>		P	C								P	P	P
<a href="#">Public utility equipment and facilities</a>		P	C <sup>(2)</sup>	P	P	P	P	P	P	P	P	P	P
<a href="#">Public utility equipment and facilities, major</a>				C	C	C	C	C	C		C	C	C
<a href="#">Wedding venues</a>	174.051		C										

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

<sup>(1)</sup> Required Conditional Use if the site is larger than one acre.

<sup>(2)</sup> The site shall have direct access to a collector or arterial roadway.

<sup>(3)</sup> All buildings on the site shall be set back 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	See Section	OP	RC	NC	CC	GC	HC	CMU	UMU
<b>COMMERCIAL - RETAIL USES</b>									
<a href="#">Brewpub</a>							P		
<a href="#">Drinking establishments</a>	174.039				P	P	P	P	P
<a href="#">Drive-through establishments</a>				C <sup>(3)</sup>	P		P		
<a href="#">Equipment sales, rental, leasing</a>			C <sup>(2)</sup>			P			
<a href="#">Fuel stations</a>	174.041			C	C		C		
<a href="#">Plant nurseries and green houses</a>	174.010		C <sup>(2)</sup>	C	P	P			
<a href="#">Restaurants/eating establishments</a>	174.009 174.039		P <sup>(2)</sup>	P <sup>(2)</sup>	P	P		P	P
<a href="#">Retail establishment</a>	174.010		P <sup>(2)</sup>	P <sup>(2)</sup>	P	P		P	P
<a href="#">Vehicle, major recreational equipment, and mobile home sales, rental, leasing, and storage</a>	174.049				P	P	P		
<b>COMMERCIAL - SERVICE USES</b>									
<a href="#">Banks and financial institutions</a>		P	P <sup>(2)</sup>	P <sup>(1)</sup>	P	P	P	P	P
<a href="#">Car wash (principal use)</a>					C		C		
<a href="#">Contractors' offices</a>	174.036					P	P		
<a href="#">Funeral homes</a>			P <sup>(2)</sup>	P <sup>(1)</sup>	P	P	P	P	
<a href="#">General offices</a>		P	P	P <sup>(2)</sup>	P	P	P	P	P
<a href="#">Medical and dental labs</a>					P	P		P	P

City of Palm Bay  
Title XVII, Land Development Code  
Chapter 173, Zoning

USE	See Section	OP	RF	NC	CC	GC	HC	CMU	UMU
<a href="#">Model home center</a>	<a href="#">174.044</a>		RF	NC					
<a href="#">Pet day care</a>	<a href="#">174.044</a>			P <sup>(1)</sup>	P	P	P	P	P
<a href="#">Service establishments, business</a>			P <sup>(2)</sup>	P <sup>(1)</sup>	P	P	P	P	P
<a href="#">Service establishments, intensive</a>					C	P	P		
<a href="#">Service establishments, personal</a>			P <sup>(2)</sup>	P <sup>(1)</sup>	P	P	P	P	P
<a href="#">Tattoo parlors</a>				P <sup>(1)</sup>	P	P			
<a href="#">Vehicle and major recreational equipment repair, heavy</a>	<a href="#">174.049</a>				C	P	P <sup>(3)</sup>		
<a href="#">Vehicle and major recreational equipment repair, light</a>	<a href="#">174.049</a>				P	P		P	P
<a href="#">Veterinarians and veterinary clinics (no boarding of animals)</a>		C	P <sup>(2)</sup>	P <sup>(1)</sup>	P	P		P	P
<b>INDUSTRIAL WAREHOUSING USES</b>									
<a href="#">Assembly of components manufactured off-site</a>						P	P		
<a href="#">Self-storage facilities</a>	<a href="#">174.047</a>				C	C	C		
<b>INSTITUTIONAL USES</b>									
<a href="#">Childcare facilities</a>			P <sup>(2,4)</sup>	P <sup>(2)</sup>	P	P	P	P	P
<a href="#">Churches</a>		C <sup>(4)</sup>		P <sup>(2)</sup>	P	C <sup>(4)</sup>	P	P	
<a href="#">Corrections facilities</a>	<a href="#">174.037</a>								
<a href="#">Crematoriums</a>	<a href="#">174.038</a>				C				
<a href="#">Educational service establishments</a>						P		P	C
<a href="#">Government establishments</a>		C	P	P	P	P	P	P	P
<a href="#">Hospitals</a>			C <sup>(2)</sup>	C	P		P	P	C
<a href="#">Schools, elementary and middle</a>			P <sup>(2)</sup>	P		P	P	P	
<a href="#">Schools, high</a>			P <sup>(2)</sup>	P		P	P	P	
<a href="#">Urgent care center</a>				P <sup>(1)</sup>		P	P	P	
<b>LODGING USES</b>									
<a href="#">Bed and breakfast inns</a>								P	P
<a href="#">Guest cottages</a>					P				
<a href="#">Hotels, motels, tourist courts</a>					P		P	P	P
<b>RECREATION USES</b>									
<a href="#">Arcades/amusement centers</a>	<a href="#">174.033</a>				P		P		
<a href="#">Clubs, lodges, and fraternal organizations</a>			C <sup>(2)</sup> (5)	C <sup>(1)</sup>	P	P		P	P
<a href="#">Dance clubs</a>	<a href="#">170.039</a>						C	P	P
<a href="#">Event halls</a>	<a href="#">174.040</a>					C		P	P
<a href="#">Golf courses and clubhouses</a>							P	P	
<a href="#">Public recreational facilities</a>		P	P	P	P	P	P	P	P

USE	See Section	OP	RF	NC	CC	GC	HC	CMU	UMU
<a href="#">Recreation, indoor</a>				<u>C</u> <sup>(1)</sup>	<u>P</u> <sup>(1)</sup>	<u>P</u> <sup>(1)</sup>	<u>P</u> <sup>(1)</sup>	<u>P</u>	<u>P</u>
<a href="#">Recreation, nature</a>								<u>P</u>	<u>P</u>
<a href="#">Recreation, outdoor</a>							<u>C</u>		<u>C</u>
<a href="#">Recreational vehicle (RV) park</a>	174.045					<u>C</u>	<u>C</u>		
<a href="#">Small event space</a>				<u>C</u> <sup>(1)</sup>					
<b>RESIDENTIAL USES</b>									
<a href="#">Group homes</a>								<u>P</u>	<u>P</u>
<a href="#">Multi-family dwellings</a>	173.031							<u>P</u>	<u>P</u>
<a href="#">Nursing homes</a>			<u>E</u> <sup>(2)</sup>	<u>C</u>	<u>P</u>		<u>P</u>		
<a href="#">Single family dwellings</a>								<u>P</u>	
<a href="#">Townhomes</a>	173.032							<u>P</u>	
<a href="#">Zero-Lot-Line</a>	173.034							<u>P</u>	
<b>TRANSPORTATION USES</b>									
<a href="#">Boat storage (wet and dry)</a>					<u>C</u>				
<a href="#">Marinas</a>					<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>
<a href="#">Parking garages (principal use)</a>					<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<a href="#">Surface parking lots (principal use)</a>							<u>P</u>		
<b>UTILITY USES</b>									
<a href="#">Communication towers and facilities</a>	174.035				<u>C</u>	<u>C</u>	<u>C</u>		
<a href="#">Communication towers and facilities, camouflaged</a>	174.035	<u>C</u>							
<a href="#">Public utility facilities</a>		<u>C</u>	<u>E</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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

(1) Not to exceed 5,000 gross square feet

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

(3) The lot shall have frontage on an Arterial or Collector Roadway

(4) 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 - 3. Uses in Industrial and Other Districts**

USE	See Section	IC	IF	IZ	UI
<b>COMMERCIAL - RETAIL USES</b>					
<a href="#">Fuel stations</a>	174.041	<u>C</u>	<u>C</u>		
<a href="#">Restaurants/eating establishments</a>	174.039 174.009				
<a href="#">Vehicle, major recreational equipment, RV, and mobile home sales, rental, leasing, and storage</a>	174.049	<u>P</u>	<u>P</u>		
<b>COMMERCIAL - SERVICE USES</b>					

USE	See Section	C1	C2	C3	C4
<a href="#">Brewpubs</a>		<u>P</u>			
<a href="#">Building materials establishment</a>		<u>P</u>	<u>P</u>		
<a href="#">Medical Recycling Facility</a>		<u>P</u>	<u>P</u>		
<a href="#">Research and development facilities</a>		<u>P</u>	<u>P</u>		
<a href="#">Service establishments, intensive</a>		<u>P</u>	<u>P</u>		
<a href="#">Vehicle and major recreational equipment repair, light and heavy</a>	174.051	<u>P</u>	<u>P</u>		
<a href="#">Veterinary hospitals and clinics (including boarding of animals)</a>		<u>P</u>	<u>P</u>		
<b>INDUSTRIAL/WAREHOUSING USES</b>					
<a href="#">Assembly of components manufactured off-site</a>		<u>P</u>	<u>P</u>		
<a href="#">Breweries/distilleries</a>		<u>P</u>	<u>P</u>		
<a href="#">Fuel, propane, and natural gas dispensaries</a>	174.041	<u>C</u>	<u>P</u>		
<a href="#">Industrial, heavy</a>		<u>C</u>	<u>P</u>		
<a href="#">Industrial, light</a>		<u>P</u>	<u>P</u>		
<a href="#">Self-storage facilities</a>	174.048	<u>P</u>	<u>P</u>		
<a href="#">Storage of towed vehicles</a>			<u>P</u>		
<a href="#">Warehousing</a>		<u>P</u>	<u>P</u>		
<a href="#">Welding and machine shops</a>			<u>P</u>		
<a href="#">Wholesaling</a>		<u>P</u>	<u>P</u>		
<b>INSTITUTIONAL USES</b>					
<a href="#">Cemetery</a>				<u>C</u>	
<a href="#">Childcare facilities</a>		<u>C</u>			
<a href="#">Churches</a>				<u>P</u>	
<a href="#">Corrections facilities</a>	174.036	<u>C</u>	<u>C</u>		
<a href="#">Crematoriums</a>	174.037		<u>C</u>		
<a href="#">Educational service establishments</a>		<u>P</u>	<u>P</u>		
<a href="#">Government establishments</a>		<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>
<a href="#">Hospitals</a>				<u>C</u>	
<a href="#">Schools, elementary and middle</a>		<u>C</u>		<u>P</u>	
<a href="#">Schools, high</a>		<u>C</u>		<u>P</u>	
<a href="#">Group home</a>				<u>P</u>	
<b>RECREATION USES</b>					
<a href="#">Adult entertainment establishments</a>	174.031			<u>P</u>	<u>P</u>
<a href="#">Public parks, playgrounds or other public recreational facilities</a>				<u>P</u>	<u>P</u>
<a href="#">Recreation, nature</a>					<u>C</u>
<b>RESIDENTIAL USES</b>					
<a href="#">Assisted living facilities, small and large</a>				<u>C</u>	

USE	See Section	⊂	⊃	⊄	⊅
<a href="#">Community Residential Homes</a>				<u>C</u>	
<a href="#">Nursing homes</a>				<u>C</u>	
<a href="#">Rooming House</a>				<u>C</u>	
<a href="#">Single family dwellings</a>					<u>C</u>
<b>TRANSPORTATION USES</b>					
<a href="#">Airports</a>				<u>C</u>	
<a href="#">Freight handling and transportation terminals</a>		<u>C</u>	<u>P</u>		
<a href="#">Parking garages (as principal use)</a>				<u>P</u>	
<b>UTILITY USES</b>					
<a href="#">Communication towers and facilities</a>	174.034	<u>P</u>	<u>P</u>		
<a href="#">Communication towers and facilities, camouflaged</a>	174.034			<u>P</u>	
<a href="#">Public utility facilities</a>		<u>P</u>	<u>P</u>	<u>P</u>	
<a href="#">Radio or television transmitter, towers or broadcasting facilities</a>		<u>P</u>	<u>P</u>		
<a href="#">Salvage Yards</a>	174.047		<u>P</u>		
<a href="#">Tree and landscape recycling</a>	174.049	<u>C</u>			

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

**§ 173.022. BULK AND DIMENSIONAL STANDARDS**

(A) *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.

~~§ 185.011 BUILDINGS TO CONFORM.~~

~~No building or other structure shall hereafter be erected or altered:~~

- ~~(A) To exceed the height, bulk or floor area;~~
  - ~~(B) To provide a greater number of dwelling units;~~
  - ~~(C) To occupy a greater percentage of lot area;~~
  - ~~(D) To have narrower or smaller rear yards, front yards or side yards;~~
  - ~~(E) To provide less lot area per dwelling unit or to occupy a smaller lot; or~~
  - ~~(F) Provide a lesser separation between buildings or portion of buildings, than therein required or in any manner contrary to the provision of this chapter.~~
- ~~(‘74 Code, § 25-82) (Ord. 89-08, passed 4-27-89)~~

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

	<u>GU</u>	<u>RR</u>	<u>RE</u>	<u>SRE</u>	<del><u>SF-1</u></del>	<u>RS-1</u>	<u>RS-2</u>	<u>RS-3</u>	<u>RMH</u>
<u>Minimum lot area</u>	<u>5 ac</u>	<u>1 ac</u>	<u>12,000 sq. ft.</u>	<u>8,000 sq. ft.</u>	<del><u>8,000 sq. ft.</u></del>	<u>8,000 sq. ft.</u>	<u>7,500 sq. ft.</u>	<u>7,500 sq. ft.</u>	<u>Site: 10 ac Lots: 4,000 sq. ft.</u>
<u>Minimum lot width</u>	<u>300'</u>	<u>150'</u>	<u>80'</u>	<u>80'</u>	<del><u>80'</u></del>	<u>80'</u>	<u>75'</u>	<u>75'</u>	<u>50'</u>
<u>Minimum lot depth</u>	<u>300'</u>	<u>200'</u>	<u>120'</u>	<u>100'</u>	<del><u>100'</u></del>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>80'</u>
<u>Maximum building coverage</u>	<u>10%</u>	<u>35%</u>	<u>30%</u>	<u>40%</u>	<del><u>30%</u></del>	<u>30%</u>	<u>30%</u>	<u>30%</u>	<u>35%</u>
<u>Minimum living area</u>	<u>1,200 sq. ft.</u>	<u>1,200 sq. ft.</u>	<u>1,600 sq. ft.</u>	<u>1,800 sq. ft.</u>	<del><u>1,400 sq. ft.</u></del>	<del><u>1,600</u></del> <u>1,400 sq. ft.</u>	<u>1,200 sq. ft.</u>	<u>800 sq. ft.</u>	<u>600 sq. ft.</u>
<u>Maximum height</u>	<u>35'</u>	<u>35'</u>	<u>25'</u>	<u>25'</u>	<del><u>25'</u></del>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>
<u>Minimum setback</u>									
<u>Front</u>	<u>75'</u>	<u>50'</u>	<u>25'</u>	<u>25'</u>	<del><u>25'</u></del>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>10'</u>
<u>Side corner</u>	<u>50'</u>	<u>30'</u>	<u>25'</u>	<u>25'</u>	<del><u>25'</u></del>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>10'</u>
<u>Side interior</u>	<u>30'</u>	<u>20'</u>	<u>12'</u>	<u>8'</u>	<del><u>8'</u></del>	<u>8'</u>	<u>8'</u>	<u>8'</u>	<u>6'</u>
<u>Rear</u>	<u>50'</u>	<u>30'</u>	<u>25'</u>	<u>25'</u>	<del><u>25'</u></del>	<u>20'</u>	<u>25'</u>	<u>25'</u>	<u>10' <sup>(1)</sup></u>
<u>Site perimeter setback</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<del><u>---</u></del>	<u>---</u>	<u>---</u>	<u>---</u>	<u>25'</u>
<u>Impervious Surface Ratio</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<del><u>0.5</u></del>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
<u>Common open space and recreation area</u>	<u>20% (see §177.005)</u>					<u>20% (see §177.005 <sup>(2)</sup>)</u>			

<sup>(1)</sup> 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.

[\(2\) The RMH district requires an additional 10% of gross land area be set aside and developed for recreational purposes for residents of the mobile home park/subdivision.](#)

**NOTE:** See [§176.047](#) for parking/garage requirements.

**Table 173 - 5. Dimensional Standards – Multi-Family Residential and Mixed-Use Districts [COMBINED RM-10 AND RM-15]**

	<u>RT-10</u>	<u>RM-10</u>	<u>RM-15</u>	<u>RM-20</u>	<u>CMU<sup>(4)</sup></u>	<u>UMU<sup>(4)</sup></u>
<u>Density (units per acre)</u>	<u>10</u>	<u>10</u>	<u>15</u>	<u>20</u>	<u>30<sup>(3)</sup></u>	<u>40 max<sup>(3)</sup>/10 min.</u>
<u>Intensity (Floor Area Ratio)</u>					<u>1.0<sup>(3)</sup></u>	<u>2.5<sup>(3)</sup></u>
<u>Minimum lot area (sq. ft.)</u>						
<u>Single-Family (SF) Detached</u>	<u>6,000 sq. ft.</u>	<del><u>6,000 sq. ft.</u></del>	<u>6,000 sq. ft.</u>	<u>6,000 sq. ft.</u>	<u>6,000 sq. ft.</u>	<u>NA</u>
<u>Duplex<sup>(1)</sup></u>	<u>10,000 sq. ft.</u>	<del><u>9,000 sq. ft.</u></del>	<u>8,000 sq. ft.</u>	<u>8,000 sq. ft.</u>	<u>8,000 sq. ft.</u>	<u>NA</u>
<u>Townhomes (TH)</u>	<u>1,600 sq. ft.</u>	<del><u>1,600 sq. ft.</u></del>	<u>1,600 sq. ft.</u>	<u>1,600 sq. ft.</u>	<u>1,600 sq. ft.</u>	<u>NA</u>
<u>Multi-Family (MF)</u>	<u>---</u>	<del><u>10,000 sq. ft.</u></del>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>
<u>Non-residential</u>	<u>10,000 sq. ft.</u>		<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>
<u>Minimum lot width (ft.)</u>						
<u>SF Detached</u>	<u>60' 50'</u>	<del><u>50'</u></del>	<u>60' 50'</u>	<u>NA</u>	<u>50'</u>	<u>NA</u>
<u>Duplex<sup>(1)</sup></u>	<u>100'</u>	<del><u>90'</u></del>	<u>80'</u>	<u>NA</u>	<u>80'</u>	<u>NA</u>
<u>TH (interior lot/end lot)</u>	<u>20/40</u>	<del><u>20/40</u></del>	<u>20/40</u>	<u>20/40</u>	<u>20/40</u>	<u>NA</u>
<u>MF</u>	<u>---</u>	<del><u>100'</u></del>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>
<u>Non-residential</u>	<u>100'</u>		<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>
<u>Minimum lot depth (ft.)</u>	<u>100'</u>	<del><u>100'</u></del>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>
<u>Maximum building coverage (%)</u>	<u>35%</u>	<del><u>35%</u></del>	<u>40%</u>	<u>40%</u>	<u>50%</u>	<u>90%</u>
<u>Maximum height (ft.)</u>	<u>35'</u>	<del><u>40'</u></del>	<u>25'-50'</u>	<u>70'</u>	<u>35' SF/70' other</u>	<u>70'</u>
<u>Minimum setback (ft.)</u>						
<u>Front</u>	<u>20'</u>	<del><u>20'</u></del>	<u>25'-20'</u>	<u>25'-20'<sup>(2)</sup></u>	<u>5' min./10' max.<sup>(4)</sup></u>	<u>5' min./10' max.<sup>(4)</sup></u>
<u>Side corner</u>	<u>15'</u>	<del><u>15'</u></del>	<u>25'-15'</u>	<u>25'-15'<sup>(2)</sup></u>	<u>5' min./10' max.<sup>(4)</sup></u>	<u>5' min./10' max.<sup>(4)</sup></u>
<u>Side interior</u>	<u>TH: 0'/8' Other</u>	<del><u>TH: 0'/8' Other<sup>(2)</sup></u></del>	<u>TH: 0' 8'/Other<sup>(2)</sup></u>	<u>TH: 0'/15' Other<sup>(2)</sup></u>	<u>TH: 0'/15' Other<sup>(2)</sup></u>	<u>NA</u>
<u>Rear</u>	<u>20'</u>	<del><u>20'</u></del>	<u>25'-20'</u>	<u>25'-20'<sup>(2)</sup></u>	<u>10'</u>	<u>10'</u>

	<u>RT-10</u>	<del><u>RM-10</u></del>	<u>RM-15</u>	<u>RM-20</u>	<u>CMU</u> <sup>(4)</sup>	<u>UMU</u> <sup>(4)</sup>
<u>Parking setback (ft.)</u>	<u>10'</u>	<del><u>10'</u></del>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Building separation (ft.)</u>	<u>---</u>	<del><u>---</u></del>	<u>15'</u>	<u>TH: 15'/30'</u> <u>Other</u>	<u>Per building code</u>	<u>Per building code</u>
<u>Impervious Surface Ratio</u>	<u>0.7</u>	<del><u>0.7</u></del>	<u>0.7</u>	<u>0.8</u>	<u>0.7</u>	<u>0.8</u>
<u>Common open space and recreation area</u>	<u>20% (see §177.005)</u>		<u>20% (see §177.005)</u>			

<sup>(1)</sup> Lot size and width per duplex site (2 living units).

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

<sup>(3)</sup> 35 du/ac and 1.5 FAR in CMU and 50 du/ac and 3.5 FAR in UMU with a density/intensity bonus (see **Part 5** of this chapter).

<sup>(4)</sup> See **Part 8** of this chapter.

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

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

	<u>OP*</u>	<u>RC</u>	<u>NC*</u>	<u>CC*</u>	<u>HC</u>	<u>GC*</u>
<u>Impervious Surface Ratio</u>	<u>0.7</u>		<u>0.7</u>	<u>0.8</u>	<u>0.7</u>	<u>0.8</u>
<u>Common open space</u>	<u>10% (see §177.005)</u>					

\* Development within these districts requires compliance with architectural standards (see Part 4 of this chapter).

<sup>(1)</sup> Hotels/motels shall not exceed 75 rooms/units per acre in the CC district, 50 in HC.

<sup>(2)</sup> When access and parking areas are shared with adjacent lots, no side interior building and parking area setbacks are required provided the provisions of §176.044(M) (Design Requirements) are met.

<sup>(3)</sup> 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 MOVED FROM 185.101

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

	<u>LI</u>	<u>HI</u>	<u>IU</u>	<u>C</u>
<u>Minimum lot area (sq. ft.)</u>	<u>20,000</u>	<u>30,000</u>	<u>43,560</u>	<u>---</u>
<u>Minimum lot width (ft.)</u>	<u>100'</u>	<u>150'</u>	<u>150'</u>	<u>SF: 100'</u> <u>Other: None</u>
<u>Minimum lot depth (ft.)</u>	<u>200'</u>	<u>200'</u>	<u>200'</u>	<u>SF: 200'</u> <u>Other: None</u>
<u>Maximum building coverage (%)</u>	<u>50%</u>	<u>50%</u>	<u>30%</u>	<u>5%</u>
<u>Minimum floor area (sq. ft.)</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>SF: 1,000</u> <u>Other: None</u>
<u>Maximum height (ft.)</u>	<u>100'</u>	<u>100'</u>	<u>40'</u>	<u>25'</u>
<u>Building setback (ft.)</u>				
<u>Front</u>	<u>40'</u>	<u>40'</u>	<u>25'</u>	<u>50'</u>
<u>Side corner</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>
<u>Side interior</u>	<u>20'</u>	<u>20'</u>	<u>25' <sup>(1)</sup></u>	<u>25'</u>
<u>Rear</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>
<u>Minimum parking setback (ft.)</u>				
<u>Front</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>---</u>
<u>Side corner</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>---</u>
<u>Side interior</u>	<u>10'</u>	<u>10'</u>	<u>10' <sup>(1)</sup> (25' next to residential zoning)</u>	<u>---</u>
<u>Impervious Surface Ratio</u>	<u>0.9</u>	<u>0.9</u>	<u>0.9</u>	<u>0.05</u>
<u>Common open space</u>	<u>20% (see §177.005)</u>			

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

<sup>(1)</sup> When access and parking areas are shared with adjacent lots, no side interior building and parking area setbacks are required provided the provisions of §176.044(M) (Design Requirements) are met.

(B) Bulk and dimensional standards – General provisions.

~~—§ 185.012 Multiple use of required space prohibited.~~

(1) 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.

~~(‘74 Code, § 25-83) (Ord. 89-08, passed 4-27-89)~~

~~—§ 185.013 Reduction of lot area prohibited.~~

(2) 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.

~~(‘74 Code, § 25-84) (Ord. 89-08, passed 4-27-89)~~

~~—§ 185.014 Minimum requirements.~~

(3) 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.

~~(‘74 Code, § 25-86) (Ord. 89-08, passed 4-27-89)~~

~~—§ 185.015 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 179 of this code of ordinances.~~

~~(‘74 Code, § 25-87) (Ord. 89-08, passed 4-27-89)~~

~~—§ 185.122 Structures to abut an improved street.~~

(4) Every building hereafter erected or moved shall be on a lot abutting an improved street as defined in Chapter 171.

(5) Minimum lot frontage on a street. All lots ~~upon which structures are built~~ shall have a minimum lot frontage on a street ~~width~~ of eighty percent (80%) of the required lot width ~~fifty (50) feet abutting an improved street.~~ The frontage shall be measured at along 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 179 of this code of ordinances.~~

~~(‘74 Code, § 25-218) (Ord. 89-08, passed 4-27-89; Am. Ord. 90-27, passed 5-17-90; Am. Ord. 94-38, passed 7-7-94)~~

~~§ 185.116~~ *Erection of more than one (1) principal structure on a lot.*

(6) 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.

~~(74 Code, § 25-212) (Ord. 89-08, passed 4-27-89)~~

~~§ 185.117~~ *Yard encroachments.*

(7) 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:

(a) ~~(A)~~ Sills or belt courses may project not over eighteen (18) inches into a required yard.

(b) ~~(B)~~ 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 (½) the width of the yard.

(c) ~~(C)~~ Chimneys, fireplaces or pilasters may project not over three (3) feet into a required setback.

(d) ~~(D)~~ 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.

(e) ~~(E)~~ Overhangs, hoods, canopies or marquees may project not over three (3) feet into a required yard.

(f) ~~(F)~~ Fences, walls and hedges shall be permitted in required yards subject to the provisions established herein.

(g) ~~(G)~~ Accessory parking may be located in a required front, rear or side yard for a single-family and duplex 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.

(h) ~~(H)~~ 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.

(i) ~~(I) Other than listed above or specifically provided for in §§ 185.030 et seq. and §§ 185.060 et seq.~~ Unless specifically allowed in this LDC, no required setback area shall be used for any building, driveway, aisle, parking space, vehicle display, back-out area or loading area except that access drives may cross the setback areas.

~~(74 Code, § 25-213) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-38, passed 7-7-94)~~

~~§ 185.121~~ *Exceptions to height regulations.*

(8) The height limitations contained in §§ 185.030 et seq. and §§ 185.060 et seq. 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.

~~(‘74 Code, § 25-217) (Ord. 89-08, passed 4-27-89)~~

~~—§ 185.124—Minimum width of courts.~~

(9) 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.

~~(‘74 Code, § 25-220) (Ord. 89-08, passed 4-27-89)~~

~~—§ 185.126—Buildings required.~~

(10) 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 ~~con-tain~~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.

~~(‘74 Code, § 25-222) (Ord. 89-08, passed 4-27-89)~~

~~—§ 185.186—Minimum floor elevation.~~

(11) All buildings not already restricted by floodplain management requirements (as set forth in Chapter 174.179) 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.

~~(‘74 Code, § 25-257) (Ord. 89-08, passed 4-27-89)~~

(12) *Waterfront setbacks.* ~~(B)~~—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-high-water line of the following: [MOVED FROM 185.115, BUILDING SETBACK LINES]

(a) ~~(1)~~—Indian River.

(b) ~~(2)~~—Palm Bay.

(c) ~~(3)~~—Turkey Creek.

~~(C)~~—In determining the setback requirements for any building proposed to be erected, ~~t~~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.

[§ 173.023. RESERVED](#)

[§ 173.024. RESERVED](#)

[§ 173.025. RESERVED](#)

[§ 173.026. RESERVED](#)

[§ 173.027. RESERVED](#)

[§ 173.028. RESERVED](#)

[§ 173.029. RESERVED](#)

### **PART 3. RESIDENTIAL DEVELOPMENT TYPES**

#### **§ 173.030. CLUSTER SUBDIVISIONS.**

[\(A\) Purpose. The purpose of this section is to permit the clustering of detached or attached single family home lots in residential developments to promote the protection of open space and environmentally sensitive lands through creative design.](#)

[\(B\) General provisions.](#)

[\(1\) Cluster development shall be processed in conjunction with a subdivision plat.](#)

[\(2\) Cluster development shall comply with all other provisions of the land development code, including site plan/subdivision requirements and all other applicable laws, except as noted in this section.](#)

[\(3\) The tract of land to be subdivided shall be held in single ownership.](#)

[\(4\) The overall project gross residential density shall meet the requirements of the assigned zoning district and future land use category.](#)

[\(5\) Cluster developments may only include the uses permitted in the zoning district assigned to the site and shall be subject to the review process \(P or C\) noted in \*\*§173.021\*\*.](#)

[\(C\) Dimensional standards.](#)

[\(1\) Development size: Ten \(10\) acres minimum.](#)

[\(2\) Lot size: One half acre minimum in Rural Residential; Fifty percent \(50%\) of the minimum required in all other districts, but not less than 6,000 sq. ft.](#)

[\(3\) Lot width: Fifty \(50\) feet minimum.](#)

[\(4\) Setbacks: The following setbacks shall apply to lots that are fully internal to the site. Lots along the site perimeter shall meet the building setbacks of the district.](#)

[\(a\) Front and side corner setback: Ten \(10\) feet minimum.](#)

[\(b\) Side: Eight \(8\) feet minimum.](#)

[\(c\) Rear: Fifteen \(15\) feet minimum.](#)

[\(5\) Building coverage: Thirty percent \(30%\) maximum per lot.](#)

(6) Impervious surface ratio: 0.5 maximum

(D) Other standards.

(1) The design of new development should respect the scale and development pattern of existing residential sites abutting the cluster development. Therefore, cluster developments adjacent to individual lots that are zoned for the same or lower density shall not place any lots with reduced sizes immediately adjacent to, or across a local street from those neighboring lots. A lot meeting the adjacent district lot size requirements, or an open space area shall be used in those areas of the site.

(2) Buffering and screening between the cluster development and adjacent sites shall be in accordance with Chapter 175.

(3) The acreage of land saved by applying reduced lot sizes shall be added to the "Protected Open Space" area (see Subsection D, below), which is the area to be protected in perpetuity as a result of the clustering.

(4) A minimum of fifty (50) percent of the Protected Open Space lands must be contiguous.

(5) Each protected open space tract must be a minimum of fifty (50) feet wide and must have a minimum area of 0.5 acre.

(6) The protected open space may count toward the minimum common open space requirement.

(E) Protected open space standards. For the purpose of this section, protected open space shall mean the portion of the cluster development that has been set aside for permanent protection through the use of an approved legal instrument. The protected open space may include any of the following site features:

(1) Permitted uses. The following uses shall be permitted within the Protected Open Space.

(a) Passive recreation areas

(b) Paved and unpaved trails

(c) Easements for drainage, access, and underground utility lines

(2) Prohibited uses. The following uses shall be prohibited within Protected Open Space:

(a) Golf courses and driving ranges;

(b) Roads and parking lots; and

(c) Stormwater management facilities.

(3) Ownership and management of protected open space.

(a) The applicant must identify the owner of the protected space who will be responsible for maintaining it and any facilities located thereon.

(b) In conjunction with the subdivision application, the applicant shall submit a plan for management of the protected space that allocates responsibility and guidelines for the maintenance and operation of the protected space and any facilities located thereon, including provisions for ongoing maintenance.

**§ 173.031. MULTI-FAMILY DWELLING STANDARDS**

Multiple-family residential developments that include five (5) or more units shall meet the following provisions. [BROUGHT IN FROM 185.036 (RM-10), 185.037 (RM-15), AND 185.038 (RM-20)] [8/18/23: STAFF, NOTE THE RECENT CHANGES TO THIS SECTION. MOVED STANDARDS TO OTHER CHAPTERS (TREE SURVEY ALREADY IN SITE PLAN REVIEW REQUIREMENTS; LANDSCAPING/BUFFERS ALREADY IN THAT CHAPTER; SIDEWALKS IN STREETS CHAPTER]

(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 shall be a minimum of five (5) feet in depth, unless they are not designed to be accessed.

**§ 173.032. TOWNHOMES STANDARDS**

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) Townhomes on lots less than 50 feet in width are strongly encouraged to obtain vehicular access from rear alleys so that the area between the townhouse and the public right-of-way can 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.
- (G) 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.

**§ 173.033. MANUFACTURED HOUSING/MOBILE HOMES**

(A) ~~§ 170.131~~ Residential design manufactured homes (RDMH).

- (1) ~~(A)~~ Standards to determine similarity in exterior appearance of residential design manufactured homes. The following standards shall be used to determine similarity in appearance between RDMH homes and ~~site-built~~ site-built homes.
  - (a) ~~(1)~~ Minimum width of main body. When assembled on site, the body of the RDMH shall not be less than twenty (20) feet. This is not intended to prohibit the attachment of accessory structures to the main building.
  - (b) ~~(2)~~ Minimum roof pitch, minimum roof overhang, roofing materials. The minimum pitch of the main roof of any RDMH shall be not less than one (1) foot of rise for four (4) feet of horizontal run, and the minimum roof overhang shall be six (6) inches. In cases where ~~site-built~~ site-built housing generally has been constructed in adjacent or nearby locations with roof pitches less than 1:4 and/or roof overhangs are less than six (6) inches, then the RDMH may have less roof pitch and overhang similar to the ~~site-built~~ site-built houses. Any roofing material for RDMH may be used which meets the specifications of the Florida Building Code used for ~~site-built~~ site-built houses.
  - (c) ~~(3)~~ Exterior finish; light reflection. Any material may be used for exterior finish which is generally acceptable for housing provided the reflection for such exterior shall not be greater than the reflection from siding coated with clean white gloss exterior enamel.
  - (d) ~~(4)~~ Foundation. RDMH shall be placed upon a permanent foundation. Permanent foundation shall mean:
    - 1. ~~(a)~~ Installation of the home according to Chapter 15C-1, Florida Administrative Code; and
    - 2. ~~(b)~~ Construction of a permanent, perimeter stem wall designed and constructed to comply with the Florida Building Code specifications for exterior non-load bearing walls, extending at a minimum from the ground surface to the bottom of the exterior wall surfaces of the home.
- (2) ~~(B)~~ Procedures for Approval of RDMH.
  - (a) ~~(1)~~ Applications for RDMH approval. Applications for approval of manufactured homes as RDMH shall be submitted to the Building Division of the City of Palm Bay.

~~(b) (2)~~—*Foundations specifications.* Where there has been prior approval of a foundation proposed to be used, as provided in the standards herein, detailed specifications or descriptions of such foundations shall not be required. Where it is proposed to use foundations not previously approved, specifications shall be supplied in sufficient detail to determine if the proposed foundation meets the standards set out in ~~§ 170.133, Paragraphs (A) and (B) herein~~ [this section](#).

(Ord. 99-31, passed 10-21-99; Am. Ord. 2002-36, passed 5-16-02)

~~(B) § 170.132~~ *Standard design manufactured homes.*

~~(1) (A)~~—To obtain a permit for SDMH placement, the applicant shall submit an inspection report certified by a professional engineer registered in the state of Florida, stating that all federal, state and local statutes with regard to housing are met.

~~(2) (B)~~—Standard design manufactured homes shall bear all stickers, seals or registration as required by federal and state statutes.

(Ord. 99-31, passed 10-21-99; Am. Ord. 2002-36, passed 5-16-02)

~~(C) § 170.133~~ *Mobile homes.*

~~(1) (A)~~—Because of the absence of building and safety standards for mobile homes constructed prior to June 15, 1976, legally registered mobile homes lawfully existing in the city on the effective date of this section (10-21-99), may continue such use as provided herein and as provided in the City of Palm Bay Code of Ordinances, as a legal nonconforming use. The installation of a mobile home in violation of this section is strictly prohibited.

~~(2) (B)~~—Mobile homes shall bear all stickers, seals or registration as required by federal and state statutes.

(Ord. 99-31, passed 10-21-99; Am. Ord. 2002-36, passed 5-16-02)

~~(D) (F)~~—*Development plan review.* [\[FROM SEC. 185.039\(F\), RMH\]](#)

~~(1) (1)~~—As part of the supplementary data required to complete an application for a public hearing for a mobile home park/subdivision development, a scaled and dimensioned plot or site plan of the development shall be submitted as part of such application (if the site plan is larger than eleven (11) inches by seventeen (17) inches, two (2) copies are needed, as well as a digital copy); and if the application is approved, the mobile home park/subdivision shall be built substantially in accordance with such a plan. If the ~~Growth Management Director~~ [City Manager or designee](#) deems that there is a substantial change from that which is shown on the original application, the developer shall be required to return to the Planning and Zoning Board and the City Council in order to receive approval for such changes as an amendment to the original site plan. The plot or site plan shall include, but not be limited to, location of all lots, service areas, public streets, street signs, walkways, and utilities showing the same underground where such is required. If a public utility equipment and facility is to be located on a site, its dimensions, location, access and other pertinent information should be indicated on the site plan. Adequate access for fire-fighting and emergency purposes and access to service areas shall be provided. Information concerning abutting land areas, such as land use, zoning, existing structures, and existing streets shall also be included. Site plan approval is limited to one (1) year, but may be extended for an additional year by the City Council, for demonstrated progress.

~~(2) (2)~~—A completion bond may be required by the City Council. If the construction is not substantially underway within one (1) year after the approval of the site plan, the site plan may be voided by the City Council.

~~(3) (3)~~—If the property is to be subdivided, the parcel shall be platted in accordance with the subdivision plat regulations, and all street paving, drainage, water and sewerage facilities shall comply with the subdivision specifications and requirements of the city (see Chapter ~~184~~177).

**§ 173.034. ~~(L) FOR ZERO-LOT LINE SINGLE-FAMILY DETACHED DEVELOPMENTS ONLY STANDARDS.~~**

Zero lot line detached dwellings are allowed in PUDs subject to the following standards.

~~(A) (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, the setback should be at least twenty-five (25) feet.

~~(B) (2)~~—*Front setback.* All dwelling structures shall be set back a minimum of twenty-five (25) feet from the front property line.

~~(C) (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.

~~(D) (4)~~—*Street frontage.* Each lot shall have a clear direct frontage on public streets or to access ways complying with private street requirements.

~~(E) (5)~~—*Platting requirements.* Each dwelling unit shall be located on its own individually platted lot.

~~(F) (6)~~—*Building heights.* For a single-family dwelling only, the height shall not exceed two (2) stories and twenty-five (25) feet in height.

~~(G) (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.

~~(H) (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.

~~(I) (9)~~—*Maximum building coverage.* The maximum building coverage of the structure shall not exceed fifty percent (50%).

~~(J) (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.

~~(K) (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.

§ 173.035. RESERVED

§ 173.036. RESERVED

§ 173.037. RESERVED

§ 173.038. RESERVED

§ 173.039. RESERVED

**PART 4. § 185.134 ARCHITECTURAL STYLE REQUIREMENTS STANDARDS.**

[COMMENTS FOR PHASE 2: ARCHITECTURAL STYLES SHOULD APPLY TO THE ENTIRE BUILDING, NOT SINGLE ELEVATIONS. IT IS NOT CLEAR HOW MANY OF THE ELEMENTS (OR ALL?) ARE REQUIRED TO BE INCORPORATED. NARRATIVE IS RECOMMENDED FOR THESE SECTIONS (1-5). "THESE STYLES ARE PRIMARILY CHARACTERIZED BY..."]

§ 173.040. APPLICABILITY

The standards of this section shall apply to new construction (principal and accessory structures) on sites within the NC, CC, HC, OP, CMU and UMU zoning districts and those fronting an arterial or collector road in the GC zoning district. In the case of building additions or renovations, the standards shall apply if the addition or renovation exceeds fifty percent (50%) of the square footage of the existing structure. Compliance with the requirements set forth in this section shall be demonstrated by submittal of building front elevations and color and material samples at the time of site plan review.

The following buildings are exempt from the requirements of this section:

- (A) New buildings meant to complement a pre-existing structure by use of identical material finishes, scale, and form.
- (B) New buildings that are part of an overall campus plan that has an established architectural theme.
- (C) Public utility equipment, hospitals, churches, and buildings having national or local historic designation.
- (D) Accessory structures not visible from the right-of-way.
- (E) 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.

§ 173.041. (A) — ARCHITECTURAL STYLES

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

~~district. All structures that are in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site for the purpose of creating an outdoor public space. These areas are inclusive of benches, sitting areas, bicycle racks, display fountains and/or landscaping. The intent of City Council is that commercial structures adhere to the requirements of this section. However, applicants may pursue an administrative exception. The request for 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 City Manager or designee shall consider 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.~~

~~(A) (1) Florida Vernacular Architectural Style.~~

~~(1) (a) Masonry or frame construction.~~

~~(2) (b) Stuck stucco or lap siding finish.~~

~~(3) (c) Brick wainscot.~~

~~(4) (d) Architectural shingles or galvalume metal roof acceptable.~~

~~(5) (e) Exposed lookouts at truss ends, dentil molding, operable shutters that match the window width, period style lighting.~~

~~(6) (f) Limited color palette to pastel colors or white.~~

~~(7) (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.~~

~~(8) (h) No blank wall area to exceed four hundred (400) square feet of area. **[THIS IS A KEY ELEMENT THAT SHOULD APPLY TO ALL STYLES, NOT JUST THIS ONE]**~~

~~(9) (i) No singular façade shall exceed one hundred (100) lineal feet of run without a minimum ~~sixteen inch~~ **sixteen-inch** (16") break, by utilizing a directional or material change. **[THIS IS A KEY ELEMENT THAT SHOULD APPLY TO ALL STYLES, NOT JUST THIS ONE]**~~

~~(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.~~

~~(B) (2) Mediterranean/Spanish Colonial.~~

~~(1) (a) Masonry or frame construction.~~

~~(2) (b) Heavy stucco or concrete finish.~~

~~(3) (c) Barrel vaulted elements over windows and doors.~~

~~(4) (d)~~ Flat or low hip roof lines with interlocking terra-cotta roof tile.

~~(5) (e)~~ Terra cotta detailing, quoins, metalwork around windows and doors, relief around cornices, parapets, balconies, and balustrades.

~~(6) (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.~~

~~(C) (3)~~ Spanish Revival.

~~(1) (a)~~ Masonry or frame construction.

~~(2) (b)~~ Heavy stucco or masonry finish.

~~(3) (c)~~ Barrel arches over windows and doors.

~~(4) (d)~~ Flat, gable and/or hip roof lines with interlocking barrel style roof tile.

~~(5) (e)~~ Iron work around windows.

~~(6) (f)~~ Trim work around doors, parapets, windows, and entryways.

~~(7) (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.~~

~~(D) (4)~~ Commercial American.

~~(1) (a)~~ Traversable arcade of fabric awning or structural roof.

~~(2) (b)~~ Recessed entryway and string course over storefront.

~~(3) (c)~~ Flat or low slope roof.

~~(4) (d)~~ Parapet with minor course banding and/or cornice.

~~(5) (e)~~ Concrete or brick construction.

~~(6) (f)~~ Large fixed-plate glass storefront windows.

~~(7) (g) Minor trim or fretwork.~~

~~(8) (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.~~

~~(E) (5) Bungalow.~~

~~(1) (a) Brick or concrete wainscot or base.~~

~~(2) (b) Gable roof line with exposed rafters and secondary rooflines.~~

~~(3) (c) Decorative shake or shingle roof or metal roof.~~

~~(4) (d) Horizontal siding.~~

~~(5) (e) Tapered columns.~~

~~(6) (f) Exposed structural elements for detailing such as beams, ridge vents, rafters, and purlins.~~

~~(7) (g) Useable front porch.~~

~~(8) (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.~~

~~(H) Alternative Architectural Styles.~~

~~(1) 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 below 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 (G) above.~~

~~(a) Alternative Architectural Styles. When an applicant proposes an architectural style that does not conform to subsections (A) through (G) 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 § 59.04(6).~~

#### § 173.042. PUBLIC SPACE

Structures that exceed five thousand (5,000) square feet of ground floor shall provide outdoor public space, which may include benches, sitting areas, bicycle racks, bus stops, display fountains 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. The outdoor public space may count toward the common open space requirement.

#### § 173.043. ROOFTOP EQUIPMENT

~~(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 compliment 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.~~

All structures that are in excess of five thousand (5,000) square feet of area on the main floor shall provide an area on the site for the purpose of creating an outdoor public space. These areas are inclusive of benches, sitting areas, bicycle racks, display fountains and/or landscaping.

#### § 173.044. (G) SIGNS

The Sign Code shall be adhered to with the following exceptions:

(A) (1) Materials: The color, construction, and material of each sign shall be compatible with the architecture on the site.

(B) (2) Design: Every sign frame or support shall be designed as a sympathetic architectural element of the building(s) to which it is principally related.

~~(C) (3)~~—Freestanding signs shall have landscaping at the base that is a minimum width of the sign above.

~~(D) (4)~~—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.

~~PROPERTY MAINTENANCE CODE [THIS SHOULD GO IN CH. 99, SEE §99.04]~~

~~§ 170.050 [RESERVED.]~~

~~§ 170.051 ENFORCEMENT.~~

~~The provisions of this subchapter shall be enforced by the City Manager, or designee, of the city.~~

~~(‘74 Code, § 8-71) (Ord. 70-15, passed 9-3-70; Am. Ord. 75-19, passed 6-19-75; Am. Ord. 78-36, passed 12-7-78; Am. Ord. 83-15, passed 3-17-83; Am. Ord. 2002-36, passed 5-16-02; Am. Ord. 2016-86, passed 12-15-16)~~

~~§ 170.052 DEFINITION.~~

~~ARCHITECTURAL BLOCK. Any split face, ribbed or fluted masonry block.~~

~~(Ord. 99-30, passed 10-21-99)~~

**§ 173.045. § 170.053 EXTERIOR COVERING.**

~~(A) (A)~~—All new residential masonry construction not using architecturally designed block shall require an exterior covering of stone, brick, siding, stucco, or other approved material as determined by the Florida Building Code. The coverage shall be such that individual blocks may not be discerned. For the purpose of this section, architectural block is any split-face, ribbed or fluted masonry block.

~~(B) (B) Exception.~~—Additions to existing homes without siding ~~as defined herein~~, are exempt from the requirements of this subchapter.

~~(C) (C)~~—Exterior coverings must be installed continuously around foundations on the outside perimeter of buildings with floors elevated above the ground and where more than twelve (12) inches of vertical open area exists from the ground to the building walls.

~~(D) Pre-engineered metal buildings or metal buildings that utilize a fastened metal horizontal girder by which an exterior wall is attached to are not permitted, unless the exterior is designed to simulate non-metal construction. No part of the exterior finish shall utilize metal cladding.~~

~~(E) (B)~~—The predominant exterior color shall be applied to all sides of the structure.

~~(Ord. 99-30, passed 10-21-99; Am. Ord. 2002-36, passed 5-16-02)~~

~~(f) Appeals.~~ [ALREADY IN CHAPTER 172.]

~~(1) Applicants who desire to appeal the decision of the Growth Management Director, shall file a written appeal to the Palm Bay City Council pursuant to this subsection.~~

~~(2) The City Council shall hold a minimum of one (1) public hearing in accordance with Chapter 59 to consider the appeal. The decision of Council shall be based upon the following:~~

~~(a) The level to which the plans exceed the minimum requirements of the Palm Bay Code of Ordinances.~~

~~(b) The economic impact to the local tax base of the City.~~

~~(c) The impact of the project on other properties within the City.~~

~~(d) Adherence to corporate branding.~~

~~The City Council's decision shall be considered the final City action on the matter.~~

~~(3) Prior to the public hearing required above, city staff shall prepare a report to Council that describes how the submitted site and architectural plans adhere to the Code, the requested exception, and the justification for the Final Administrative Decision.~~

(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)

#### § 173.046. RESERVED

#### § 173.047. RESERVED

#### § 173.048. RESERVED

#### § 173.049. RESERVED

### PART 5. DEVELOPMENT BONUSES AND INCENTIVES.

[PER STAFF DIRECTION, DELETED GREEN BUILDING BONUS SECTION. PLEASE REVIEW PROPOSED PROGRAM. COMPARE WITH SECTION § 185.058 BMU—BAYFRONT MIXED USE DISTRICT (ITEMS F.5 AND F.8(g))]

#### § 173.050. PURPOSE

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.

#### § 173.051. MINIMUM REQUIREMENTS

(A) The following provisions shall be adhered to:

- (1) 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.
- (2) Building height shall not exceed two stories above the maximum permitted in a zoning district.
- (3) No development shall exceed the maximum density or intensity allowed in the underlying Future Land Use category of the site.
- (4) The use (e.g., single family, townhome, multi-family) shall be a permitted use in the zoning district.
- (5) The affordable housing bonus is not intended to supersede allowances provided by the Live Local Act. Projects processed under the Act are not eligible for the incentives offered in this section.

**§ 173.052. PROCESS**

(A) Development bonuses shall be considered in conjunction with the approval of the site plan. When reviewing bonus requests, the approving authority 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 and a monitoring program.

**§ 173.053. REQUIREMENTS**

(A) 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 developer's 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.

~~—(H) Voluntary inclusionary housing. The City may enter into an agreement with a developer to provide a specified number or percentage of affordable housing units, as defined by F.S. § 125.01055, to be included in a development or allow a developer to contribute to the city's housing fund or other alternatives in lieu of building the affordable housing units. In exchange for a developer fulfilling these requirements for residential or mixed-use residential development, the city may:~~

- ~~—(1) Allow the developer density or intensity bonus incentives; more floor space than allowed under the current or proposed future land use designation or zoning; or greater height;~~
- ~~—(2) Reduce or waive fees, such as building or development fees or water; or~~
- ~~—(3) Grant other incentives.~~

~~Green building incentive program~~

~~§ 185.135 GREEN DEVELOPMENT PROGRAM STANDARDS.~~

~~(A) 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.~~

~~{Ord. 2010-89, passed 1-6-11}~~

~~§ 170.150 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.~~

~~{Ord. 2010-54, passed 10-21-10}~~

~~§ 170.151 DEFINITIONS.~~

~~For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~CITY. The City of Palm Bay, Florida.~~

~~LEED. The Leadership in Energy and Environmental Design Rating System of the U.S. Green Building Council.~~

~~PROGRAM. The City of Palm Bay Green Building Incentive Program.~~

~~{Ord. 2010-54, passed 10-21-10}~~

~~§ 170.152 Standards.~~

~~(A) Certification under the program shall require that a participant's building obtain certification under one or more of the following standards:~~

~~(1) Certification under the Florida Green Home Certification Standard of the Florida Green Building Coalition;~~

~~(2) Certification under the Green Commercial Building Standard of the Florida Green Building Coalition;~~

~~(3) Certification under the Green Hi-Rise Residential Standard of the Florida Green Building Coalition; or~~

~~(4) Certification under the LEED Commercial Rating System administered by the Green Building Certification Institute.~~

~~(B) 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}~~

~~§ 170.153 Incentives.~~

~~The program shall provide the following incentives for participants:~~

~~(A) Submittal, Review, and Construction Phase.~~

~~(1) 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.~~

~~(2) 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.~~

~~(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.~~

~~(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.~~

~~(B) Upon Completion.~~

~~(1) 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.~~

~~(2) 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}~~

~~§ 170.154 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}~~

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

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

<u>Proposed feature</u>	<u>Density Bonus</u>	<u>Intensity Bonus</u>	<u>Building Height</u>	<u>Other</u>	<u>Conditions</u>
<u>Low Impact Design</u>	<u>2 additional units per acre</u>	<u>0.02 additional FAR</u>			<u>Designs shall, at a minimum, manage and capture stormwater runoff, to the maximum extent feasible, in a manner consistent with the integrated management practices (IMPs) as outlined in the <b>City's Low Impact Development Manual</b>.</u>
<u>Emergency storm shelters in mobile home or RV parks</u>	<u>2 additional units per acre</u>				<u>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"</u>
<u>Use of living shoreline techniques to prevent shoreline erosion</u>				<u>Reduced parking (up to 10% of the minimum number of spaces required)</u>	<u>One or more techniques</u>
<u>Co-location of water-dependent and water-related uses</u>				<u>Reduced parking (up to 10% of the minimum number of spaces required)</u>	<u>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.</u>

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

[§ 173.054. RESERVED](#)

[§ 173.055. RESERVED](#)

[§ 173.056. RESERVED](#)

[§ 173.057. RESERVED](#)

[§ 173.058. RESERVED](#)

[§ 173.059. RESERVED](#)

## [PART 6. PLANNED UNIT DEVELOPMENT ZONING DISTRICT REGULATIONS](#)

### ~~PLANNED UNIT DEVELOPMENT (PUD)~~

#### [§ 173.060.](#) ~~§ 185.061~~ **PURPOSE AND INTENT.**

~~(A) Purpose.~~ The purpose of the planned unit development (PUD) [zoning](#) district is to provide a ~~particularized~~ zoning district that ~~recognizes unique conditions,~~ allows design flexibility, and promotes planned diversification and integration of uses and structures, ~~which other zoning districts cannot accommodate,~~ 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:

~~(A) (1)~~ Encourage flexible land development that sustainably uses land and infrastructure, reduces transportation needs, conserves energy, and maximizes the preservation of natural resources.

~~(B) (2)~~ Allow for the integration of different land uses and densities in ~~one a single~~ development ~~that would not otherwise be provided for in other zoning districts in this chapter, and which encourage~~ [achieving](#) compatibility in overall site design and scale, both internal and external, to the project site.

~~(C) (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.

~~(D) (4)~~ Establish ~~ment of~~ criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development.

~~(E) (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)

#### [§ 173.061. PUD STANDARDS](#)

[Each planned unit development shall set forth development standards specific to the proposed preliminary development plan, in keeping with the minimum standards set forth in this Part. These standards shall be](#)

described in detail for each type of development permitted within the PUD. For PUDs approved that do not have any identifiable development standards but have not yet completed construction of all phases, the PUD must obtain a preliminary development plan approval from City Council to set standards for all future development.

**§ 173.062. PCD, PCRD, AND PMU PROPERTIES.**

The Planned Commercial Development (PCD), Planned Community Redevelopment District (PCRD), or Parkway Mixed-Use (PMU), 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. [THIS LANGUAGE IS RECOMMENDED TO CLARIFY WHAT WILL HAPPEN TO THOSE PROPERTIES IN THE FUTURE.]

**§ 173.063. (A) – MINIMUM PROJECT SIZE WITH COMMERCIAL USES.**

PUD sites shall ~~shall~~ contain a minimum of five (5) acres unless entirely comprised of tiny homes. In such cases, the minimum site size shall be one (1) acre. ~~A Small PUD shall contain a minimum of one (1) acre; commercial uses shall not be required in a SPUD.~~

**§ 173.064. ~~§ 185.063~~ 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 be included in the PUD Agreement and 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)

**~~§ 185.065 LAND USE REGULATIONS.~~**

**§ 173.065. ~~§ 185.062~~ PERMITTED USES.**

Uses permitted in the planned unit development may include and shall be limited to the following ~~and contain a minimum of five (5) acres, except for a Small Planned Unit Development (SPUD) which shall contain a minimum of one (1) acre.~~ They may be mixed vertically or horizontally. The specific uses that may be developed in the district shall be identified in the PDP and PUD Agreement.

(A) ~~(A)~~ – Primary ~~r~~Residential uses:

- (1) Single-family ~~detached~~ (including zero-lot line development and tiny homes, as defined in chapter 171) and
- (2) ~~m~~Multi-family residential dwelling units (including apartments, condominiums, and townhomes) in semi-detached, attached, single, and multi-storied structures.

(B) ~~(B)~~ – Nonresidential uses. Nonresidential uses may include all Institutional, Commercial and Industrial permitted and conditional 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. Also included are public utility equipment and facilities.~~ The nonresidential uses within residential PUDs shall be compatible with the residential uses, may contain a horizontal or vertical mixture of residential and nonresidential uses where practical, and shall provide for a walkable community to the greatest extent possible. Nonresidential uses shall be delineated in the PUD and consist of a minimum of 20% of the development acreage.

~~(C) Hotels, motels, restaurants, and entertainment venues. Hotels, motels, restaurants, and entertainment venues may be permitted upon a consideration of the following criteria:~~

~~(1) The total acreage used for the hotel, motel, restaurant, and entertainment venues, including necessary parking, support buildings, grounds and appurtenances shall not be considered common open space.~~

~~(2) The proposed streets and traffic flow and the streets, thoroughfares, and traffic plan in the area adjacent to the site plan shall be adequate to support the anticipated traffic to be generated by the proposed hotel, motel, restaurant, and entertainment venues. The development plan shall provide pedestrian connectivity between residential and commercial uses providing for a walkability to the greatest extent possible.~~

~~(3) The proposed hotel, motel, restaurant, and entertainment venues use is compatible with the proposed residential uses, nonresidential uses, and common open space within the planned unit development.~~

~~(4) The proposed hotel, motel, restaurant, and entertainment venue use is compatible with the existing land use classification in the surrounding vicinity.~~

~~(5) The area of the use shall be calculated as part of the total commercial acreage required.~~

~~(C) (D) Small planned unit developments. A SPUD shall be a minimum of one acre and a maximum of five acres, and may contain a horizontal or vertical mixture of residential and commercial uses SPUDs shall not be developed using mobile homes, but may allow tiny homes on wheels as defined in § 185.006. SPUDs must be connected to the City of Palm Bay water and sewer distribution system and fronting on public rights-of-way within the City. The City reserves the right to deny extension of public utilities. The decision to extend public sanitary sewer and public water shall be made upon the recommendation of the Utilities Director or designee, and in accordance with Title XX of the Utilities Code. ~~The Utilities Director shall base the recommendation on:~~~~

~~(1) The factors included in the Mandatory Connection section of the Utility Code, § 200.11(N) Palm Bay Code of Ordinances.~~

('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)

**§ 173.066. (F) MINIMUM COMMERCIAL NON-RESIDENTIAL USE AREA.**

~~(A) Residential PUDs shall have a The minimum commercial non-residential area permitted within a PUD shall be encompassing a minimum of fifteen ~~twenty~~ percent (~~15~~ 20%) of the total gross developable acreage of the site, unless the PUD is entirely composed of tiny homes. ~~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 non-residential 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 SPUD is entirely composed of tiny homes on wheels as defined in § 185.006.~~

**§ 173.067. ~~(B)~~ MAXIMUM DENSITY AND INTENSITY.**

The maximum and average density and intensity permitted in each PUD shall be established by the underlying Future Land Use as approved 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 the maximum density or intensity permitted exceed the underlying Future Land Use.

**§ 173.068. ~~(D)~~ MINIMUM LOT AREA, FRONTAGE, AND SETBACKS, AND STRUCTURE REQUIREMENTS.**

(A) Unless expressly delineated, minimum lot area, frontage, setbacks and structure requirements shall be compatible with the surrounding existing development and in compliance with the underlying zoning requirements portrayed in the PDP.

(B) The minimum lot size, lot width, and lot depth shall be negotiated. The average residential lot size for an attached or detached single-family unit shall not be reduced by less than 75% of the required minimum lot size in the adjacent single-family residential zoning district. There is no minimum lot size for multiple-family residential structures, excepting attached single-family units, townhouses, patio homes, and similar clustering of residential units which shall follow the guidelines as established above. The city retains the authority to require lot sizes and building heights along the periphery of the project be designed in a manner that is compatible to abutting lots within adjacent residential single-family zoning districts. The transition in lot size should be internalized in order to abate adverse impacts on adjacent single-family zoning districts. The city also retains the authority to require more open space and/or amenities which have a clearly significant public benefit in return for allowing substantial flexibility in the layout and design of the planned unit development.

~~(1) No minimum lot size shall be required within a PUD district apart from zero lot line single family detached developments. Any access driveway to individual lots must have minimum sixteen (16) foot of width.~~

(C) ~~(3)~~ Minimum distances between structures shall be:

(1) ~~(a)~~ Between structures of two (2) stories or less — ten (10) feet.

(2) ~~(b)~~ Between structures of three (3) stories — twenty (20) feet.

(3) ~~(c)~~ Between structures of four (4) stories — thirty (30) feet.

(4) ~~(d)~~ Between structures over four (4) stories — thirty (30) feet, plus five (5) feet for each additional story.

(5) ~~(e)~~ Between structures of varying heights, the larger distance separation shall be required.

~~(f) The minimum distance between residential structures in a SPUD shall be eight (8) feet.~~

~~(D) (4)~~—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 any lot or parcel ~~the PUD will shall~~ be included in the proposed preliminary development plan ~~and approved by City Council according to Section 185.066(B)(6) Review By City Council.~~

(E) Waterfront PUDs.

~~(5) Property bordering a river water body shall preserve thirty percent (30%) of river frontage as a breezeway.~~

(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.

~~(F) (E)~~—Maximum length of structures: No structure within a PUD shall exceed two hundred (200) feet, unless an excess is specifically authorized by the ~~Planning and Zoning Board~~ City Council based on a valid justification provided by the applicant.

~~(G) (G)~~—Minimum ~~floor~~ living area per unit:—

(1) (1)—Single-family detached dwellings — eight hundred (800) square feet. Tiny homes are exempt from this requirement.

(2) (2)—Multi-family dwellings: ~~None~~ The minimum living area for multi-family units shall be as follows:—

(a) Efficiencies/Tiny Home: 500 Sq. Ft.

(b) One-bedroom units: 600 Sq. Ft.

(c) Two-bedroom units: 750 Sq. Ft.

(d) Three-bedroom units: 900 Sq. Ft.

(e) Each additional bedroom after three bedrooms: 100 Sq. Ft. per additional bedroom

(f) Maximum unit size: 1,400 Sq. Ft.

~~—(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.~~

§ 173.069. ACCESS AND DRIVEWAYS.

~~—(a) Minimum driveway width for an individual residential lot within a SPUD shall be ten (10) feet wide.~~

(A) (2)—Each ~~dwelling unit or other permitted use~~ 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. ~~Permitted uses are not required to front on a public dedicated road.~~

(B) The city shall be allowed access on privately owned roads, easements and common open space to ~~insure~~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.

**§ 173.070. ~~§ 185.064~~ COMMON RECREATION AND OPEN SPACE.**

(A) ~~(C) Minimum common recreation and open space: PUDs shall have a minimum of~~ twenty-five percent (25%) of ~~the~~ gross site acreage or developable acreage dedicated to common recreation and open space, ~~except for a SPUD which shall have minimum of ten percent (10%) open space. COMMON RECREATION AND OPEN SPACE shall be defined as the total amount of improved usable area, including outdoor space, permanently set aside and designated on the site plan as recreational or open space for use by residents of the PUD. This designated land and water area may contain a combination of activity-based open space area and resource-based open space area as defined in §171.001.~~ Such usable space may be in the form of active or passive recreation areas including, but not limited to: P playgrounds, golf courses, nature trails, non-public recreational vehicle storage, stables, and lakes. Easements, parking areas, road rights-of-way, or minimum yards, and spacings between dwelling units, may not be included in determining usable common recreation and open space. Water areas and golf courses may be used to partially fulfill recreation and open space requirements.

(B) Common recreation and open space ~~shall~~ may be improved to the extent necessary to complement the residential uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the PUD. ~~Easements, parking areas, road rights-of-way or minimum yards, and spacings between dwelling units, may not be included in determining usable open space. Water areas may be used to partially fulfill open space requirements.~~

(C) If golf courses ~~and/or~~ water areas are used to partially fulfill open space requirements, calculations for such may not exceed sixty percent (60%) of the required open space. All water areas, including wet retention stormwater management ponds, may be included as part of the open space requirement, shall be permanent water bodies and shall be improved with docks or piers, have a minimum sloped edge as per applicable City and State regulations, and planted with ~~grass and maintained around all sides so as not to harbor mosquitoes, insects and rodents~~ native landscaping. Water areas, lakes, ponds, and wet detention stormwater ponds shall be included in open space requirements if activated by docks, piers, boardwalks, pedestrian trails, benches, pavilions, shade structures, water features, and/or permanent stationary exercise equipment. Up to fifty percent (50%) of required open space may include protected wetlands and conservation areas that are peripherally activated in the uplands, outside the boundary of the wetland or buffer, by any similar activation to water areas above.

(D) ~~(A)~~ All common recreation and open space shall be preserved for its intended purposes as expressed in the ~~final~~ preliminary development plan. The developer shall choose one (1) or a combination of the following three (3) methods of administering common recreation and open space:

(1) ~~(1)~~ Public dedication accepted by the city may be included in the calculation of the common recreation and open space. This method is subject to formal acceptance by the city in its sole discretion.

~~(2) (2)~~—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 [recreation and](#) open space.

~~(3) (3)~~—Retention of ownership, control and maintenance of all common open space by the developer.

~~(E) (B)~~—All privately owned [recreation and](#) common open space shall continue to conform to its intended use and remain as expressed in the ~~final~~ [preliminary](#) development plan through the inclusion in all deeds of appropriate restrictions to ensure that the common [recreation and](#) open space is permanently preserved according to the ~~final~~ [preliminary](#) 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.

~~(F) (C)~~—All common [recreation and](#) 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.

~~(G) (D)~~—If the developer elects to administer common [recreation and](#) open space through an association or nonprofit corporation, ~~the organization shall conform to~~ the following requirements [shall be met](#):

~~(1) (1)~~—The developer must [legally](#) establish the association or nonprofit corporation [and provide proof of such](#) prior to the [issuance of a building permit for any residential structure contained therein](#) ~~sale of any lots~~.

~~(2) (2)~~—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~~ [against](#) its members or shareholders.

~~(3) (3)~~—The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, shall provide for the maintenance, administration and operation of 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~~ [recreation and](#) open space, the title to all residential property owners shall include an undivided fee simple estate in all common [recreation and](#) open space.

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

#### **~~§ 173.071. (H)~~ OFF-STREET PARKING.**

[Parking counts and parking space/lot standards shall meet the requirements of Chapter 176, unless the applicant demonstrates that different standards are necessary and are consistent with the intent of this LDC. Tiny homes require one \(1\) parking space per unit.](#)

~~(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 shall provide a minimum of one (1) parking space per unit.~~

~~(c) Multiple family dwellings shall have a minimum of:~~

- ~~1. Two (2) parking spaces per three (3) or more bedroom dwelling unit;~~
- ~~2. One and one half (1½) parking spaces per one (1) or two (2) bedroom dwelling unit; and~~
- ~~3. One (1) space per efficiency unit that is part of a mixed one (1) and two (2) bedroom development.~~

~~(d) A development of efficiency units only shall have a minimum of one and one half (1½) parking spaces per unit.~~

~~(e) Each space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet. If a parking stall contains a wheel stop or abuts a curbed or landscaped island, an overhang may be permitted, and the length of the stall thereby shortened to a minimum of sixteen (16) feet. Parking spaces for residential uses within a SPUD may be reduced in size from the above, if the standards are approved by the City Council. Parking areas shall not be separated from structures by any public right-of-way.~~

~~(2) Nonresidential uses. Within commercial areas, one (1) space shall be provided for each two hundred (200) square feet of retail floor area. Each space shall have a minimum width of ten (10) feet and a minimum length of nineteen (19) feet. If a parking stall contains a wheel stop or abuts a curbed or landscaped island, an overhang may be permitted and the length of the stall thereby shortened to a minimum of sixteen (16) feet. A reduction in parking requirements may be considered by the Planning and Zoning Board when the development plan provides for direct pedestrian access from residential uses:~~

~~(a) Restaurants — One (1) space for each three (3) seats, plus one (1) space for every employee.~~

~~(b) Hotels and motels — One (1) space for each guest room or rental unit, plus one (1) space for each two (2) employees.~~

~~(c) Other non-residential uses to be determined by the Planning and Zoning Board.~~

#### § 173.072. (3) TREE PROTECTION AND LANDSCAPING.

~~Site and parking lot landscaping shall, at minimum, meet the standards of Chapter 175. 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.~~

#### § 173.073. UTILITIES.

~~(A) (f) 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 applicant~~ must provide landscaping with shrubs and plants to screen all utility facilities permitted above ground. The ~~planning and zoning board~~ may ~~recommend, and City Council 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.

~~(B) (f) Development Utility standards.~~ The minimum construction requirements for ~~driveways,~~ streets or roads, sidewalks, ~~streetlights,~~ sewer facilities, utilities and drainage dedicated to the public ~~or located along public rights-of-way~~ shall be in compliance with the requirements of the city's subdivision regulations set forth in ~~Chapter 184.177~~ of this code ~~of ordinances~~. The ~~specific~~ development standards of ~~a PUD~~ this district may be waived by the City Council ~~upon the recommendation of the Planning and~~

Zoning Board if the applicant demonstrates that different standards are necessary and are consistent with the intent of this LDC.

~~(K) Preservation of trees. Planned unit developments shall be regulated by the adopted city Landscape provisions.~~

('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)

~~§ 185.059 PCD – PLANNED COMMERCIAL DEVELOPMENT DISTRICT.~~ **[DELETED AS RECOMMENDED BY STAFF]**

~~(A) Intent. The purpose of the planned commercial development district shall be to locate and establish areas within the city which are deemed to be uniquely suited for the management and development of strategically designed commercial projects. These shared commercial developments shall have frontage upon an arterial roadway, as established in the Palm Bay Comprehensive Plan. The minimum size necessary for a PCD is five (5) acres. The application of the PCD district shall be approved by City Council and shall adhere to the design requirements contained herein.~~

~~(B) Principal uses and structures. The following uses and structures are permitted:~~

~~(1) Retail stores, sales and display rooms, including places in which goods are produced and sold at retail on premises.~~

~~(2) Personal services establishments such as barber and beauty shops, fitness salons, laundry and dry cleaning establishments using nonflammable solvents as determined by the Fire Chief, tailor shops and similar uses.~~

~~(3) Professional offices, studios, clinics, general offices, business schools and similar uses, including veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.~~

~~(4) Hotels, motels, tourist courts.~~

~~(a) The minimum living area per hotel/motel efficiency unit shall be two hundred and eighty (280) square feet.~~

~~(b) There shall be no more than fifty (50) rental units per acre.~~

~~(5) Eating and drinking establishments including drive through facilities.~~

~~(6) Indoor commercial recreation such as theaters, driving ranges, bowling alleys and similar uses, excluding dance clubs.~~

~~(7) Banks and financial institutions with drive through facilities.~~

~~(8) Retail stores using outside display areas including plant nurseries, and building supplies providing the following provisions are met:~~

~~(a) The outside display area may be open along the front of the lot but shall be effectively screened with a six (6) foot opaque wall or fence rendering the sides and rear opaque in order to avoid any deleterious effect on adjacent properties.~~

- ~~(b) The outside display area shall be considered the same as the floor area for the purpose of calculating off-street parking requirements, yard and lot coverage regulations.~~
- ~~(c) All outside display items with the exception of new and/or used vehicles for sale shall meet a twenty (20) foot front and side setback and a thirty (30) foot rear setback. New and used vehicles for sale or rent shall meet the parking setback requirements established in division (E)(7) below.~~
- ~~(d) The sale of sheds or other accessory buildings is prohibited within the Bayfront Community Redevelopment District east of the Florida East Coast Railroad.~~
- ~~(9) Public and private clubs and lodges including golf courses and similar activities.~~
- ~~(10) New and used motor vehicles, major recreational equipment and mobile home sales and rentals with accessory uses; subject to the following restrictions:~~
- ~~(a) All outside areas where merchandise is displayed shall be paved.~~
- ~~(b) All servicing and repair facilities, except for gasoline pumps, shall be located in an enclosed structure.~~
- ~~(c) There shall be no storage of junked or wrecked automobiles other than temporary storage for those awaiting repair. Such temporary storage shall be in an enclosed area and the vehicles shall not be visible from outside the property. All vehicles shall have attached at all times a current vehicle registration license plate.~~
- ~~(11) Public utility equipment and facilities not located within a public utility easement.~~
- ~~(12) Hospitals and nursing homes.~~
- ~~(13) Schools, churches, and libraries.~~
- ~~(14) Day care centers.~~
- ~~(15) Business service establishments.~~
- ~~(16) Public uses.~~
- ~~(C) Accessory uses and structures. Customary accessory uses of one (1) or more of the principal uses clearly subordinate to the principal use, in keeping with the intense commercial character of the district.~~
- ~~(D) Conditional uses.~~
- ~~(1) Retail automotive gas/fuel sales:~~
- ~~(a) Location of facilities. Gasoline/fuel pumps, storage tanks and other service island equipment shall be at least forty (40) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned land. No gasoline/fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.~~
- ~~(b) Tank storage: Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.~~
- ~~(c) The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation.~~

- ~~(d) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility or disharmony with adjoining properties.~~
- ~~(e) Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§ 176.01 et seq.~~
- ~~(2) Commercial radio and television broadcasting.~~
- ~~(3) Marinas.~~
- ~~(4) Car washes.~~
- ~~(5) Self storage facilities subject to the provisions established in § 185.088(F).~~
- ~~(6) Communication towers and facilities.~~
- ~~(7) Eating and drinking establishments that allow patrons to dance to music, subject to the provisions set forth in § 185.088(H).~~
- ~~(8) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go cart tracks, outdoor skating facilities, miniature golf courses and similar uses.~~
- ~~(9) Regional transportation centers.~~
- ~~(E) Setbacks. The setback required from the nearest part of any wall to the perimeter of the project shall be included in the development plan and approved by City Council.~~
- ~~(F) A six (6) foot high completely opaque masonry wall or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this zoning code.~~
- ~~(G) Design requirements.~~
- ~~(1) An Architectural Style for each structure is required. This shall include adherence to all standards contained in § 185.134.~~
- ~~(2) Development of a commercial use or group of commercial uses intended to be developed according to a carefully drawn plan, may be permitted after obtaining the proper site plan and building permit approvals. This coordinated project shall:~~
- ~~(a) Encourage timely and logical development of commercial facilities which would be constructed as a unit; and~~
- ~~(b) Discourage development of commercial parcels of size where uncoordinated development would likely result in less efficient use of the land and of service to the community and its residents; and to assure suitable design and other criteria which would protect both the commercial environment and surrounding properties.~~
- ~~(3) The maximum height of any structure shall not exceed one hundred (100) feet.~~
- ~~(H) In order to approve the project, the following conditions must be met:~~
- ~~(1) Ownership. The site proposed shall be under single ownership or if in several ownerships, a letter of authorization for the project to proceed towards obtaining city approval shall be filed by all owners of the properties included in the plan.~~

~~(2) Street frontage. The site proposed shall have a minimum width of two hundred (200) feet along a major street frontage.~~

~~(3) Access limitations. The minimum distance between access points shall be at least one hundred and fifty (150) feet, and the minimum distance between any one (1) location and an intersection of two (2) or more streets rights-of-way shall be one hundred (100) feet. The width of driveways and curb cuts, measured at the right-of-way line, shall provide for at least twelve (12) feet per traffic lane and shall conform to the following requirements:~~

~~Minimum Maximum~~

~~One-way traffic lane 15 feet 24 feet~~

~~Two-way traffic lanes 24 feet 30 feet~~

~~Three-way traffic lanes 36 feet 45 feet~~

~~Four-way traffic lanes 50 feet 56 feet~~

~~(4) Driveways having three (3) traffic lanes or more shall provide a raised median between entrance and exit lanes at the right-of-way line.~~

~~(5) Tree regulations. Full compliance with the city tree regulations set forth in this chapter, in Chapter 180 and in any other applicable ordinance of the city must be assured.~~

~~(I) The development standards of this district may be waived by the City Council, upon the recommendation of the Planning and Zoning Board.~~

~~(Ord. 2016-17, passed 4-21-16; Am. Ord. 2016-75, passed 11-17-16)~~

~~§ 185.055 Planned Community Redevelopment District (PCRD). **DELETED AS THE CRA IS ABOUT TO SUNSET**~~

~~(A) **Intent.** The planned community redevelopment district is a concept which encourages and permits variation in mixed use developments by allowing deviation in lot size, bulk or type of dwellings, density, height, lot coverage and open space from that required in any classification under the zoning regulations of the city. The purpose is to encourage the development of planned communities that provide a broad range of residence types as well as commercial uses designed to serve the inhabitants of the development, the redevelopment district and the city as a whole. It is recognized that only through ingenuity, imagination and flexibility can developments be produced which are in keeping with the intent of this subchapter, the Bayfront Redevelopment District Plan and the City of Palm Bay Comprehensive Plan, while departing from the strict application of the conventional use and dimension requirements of other zoning districts and subdivision regulations.~~

~~(B) Establishment of Planned Community Redevelopment Districts. These districts may be applied within the Bayfront Community Redevelopment District established by the city. Such districts must be established by amendment of the official zoning map and shall carry a zoning designation of PCR. The PCR District may be requested in any zoning category except BMUV, Bayfront Mixed Use Village District, LI, Light Industrial and Warehousing District and HI, Heavy Industrial District.~~

~~(C) Required elements. Each individual Planned Community Redevelopment District must contain the following required elements:~~

- ~~(1) A mix of commercial and residential uses subject to the land use criteria established in this section;~~
- ~~(2) Architectural standards;~~
- ~~(3) Signage standards;~~
- ~~(4) Landscaping standards;~~
- ~~(5) Streetscape, public open space, river view maintenance, public access and civic standards; and~~
- ~~(6) Development standards consistent with the criteria established in this section, including but not limited to minimum overall site size, height, setbacks, parking, loading, individual lot sizes and other development criteria.~~

~~(D) Commercial land use standards.~~

~~(1) Commercial use(s) consisting of one (1) or more of the following: retail, office, restaurant, personal services (hair salons, tailors, spas and similar uses) hotels, motels and similar uses is required to be provided in each Planned Community Redevelopment District based on the following minimum square footage standards:~~

- ~~(a) A minimum square footage equal to five percent (5%) of the land area for projects having an existing residential classification at the time of application submittal;~~
- ~~(b) A minimum square footage equal to ten percent (10%) of the land area for projects having an existing institutional classification at the time of application submittal; and~~
- ~~(c) A minimum square footage equal to fifteen percent (15%) of the land area for projects having an existing commercial or office classification at the time of application submittal.~~

~~(2) A minimum of fifty percent (50%) of the required commercial square footage must be located within the same building(s) as the residential uses proposed for development. The balance of the required commercial square footage may be located in separate buildings from the planned residential.~~

~~(3) When deemed appropriate by the City Council, up to forty percent (40%) of the required commercial square footage may be mitigated for through financial contributions made into a fund incorporated into the Bayfront Community Redevelopment Agency budget for promotion, development and enhancement of commercial development within the community redevelopment district. The amount of the contribution shall be determined by the City Council provided that a minimum of \$33.75 per square foot of commercial not constructed is deposited into the fund. The forty percent (40%) mitigation shall be deducted from the minimums established in both subsection (1) and (2) above.~~

~~(E) Residential land use standards.~~

- ~~(1) A minimum of one (1) residential unit shall be constructed for each two thousand (2,000) square feet of required commercial.~~
- ~~(2) Residential units shall contain a minimum of one thousand two hundred (1,200) square feet of living area.~~
- ~~(3) Maximum density shall be twenty (20) units per acre. Density may be increased one (1) unit per acre for every two thousand (2,000) square feet of additional commercial developed on the site up to a maximum density of thirty (30) units per acre.~~

~~(F) Architectural standards.~~

~~(1) Applicants shall provide detailed architectural drawings for all structures within the project. The architectural styles must be cohesive within the project and shall include adherence to the standards contained in § 185.134.~~

~~(G) Landscaping standards.~~

~~(1) Detailed landscape plans and standards must be submitted for review and approval by the City Council. Landscaping must be provided to enhance the project by providing buffering from roadways and adjacent properties, breaking up parking and paving within the site and complementing buildings on the site.~~

~~(2) Any walls along the perimeter of the property shall be buffered from offsite view by landscaping. Such walls must be approved by City Council during the approval process.~~

~~(H) Streetscape, public open space, river view maintenance, public access and civic standards.~~

~~(1) Each project shall provide streetscaping, public open space, public access to the waterfront or other public/civic facilities as part of the development. These features 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.~~

~~(I) Development standards.~~

~~(1) The minimum size property necessary shall total two and one-half (2.5) acres.~~

~~(2) The maximum height permitted shall not exceed forty (40) feet. Height may be increased two (2) feet for every one thousand (1,000) square feet of commercial square footage constructed above the minimum commercial square footage required by this section, up to a maximum height of seventy (70) feet.~~

~~(3) Setbacks shall be determined during project review.~~

~~(4) Parking and loading shall meet the regulations established in §§ 185.140, 185.141 and 185.142 of this Zoning Code. Deviations from these standards may be approved by City Council if deemed appropriate.~~

~~(5) There is no minimum lot size established for subdivided properties. Lot sizes shall be provided by the developer and must receive approval by City Council.~~

~~(6) Development standards shall be detailed in the applications support information provided by the developer during the approval process.~~

~~(7) Fencing is permitted along the rear and side interior property lines at a maximum height of eight (8) feet. Fencing along river frontage shall comply with (H)(2) of this district and shall be limited to a height of four (4) feet.~~

~~(J) Review process.~~

~~(1) An application for a Planned Community Development District zoning shall consist of a Preliminary Application Approval process and a Final Application Approval process. Approval of the Preliminary PCR~~

~~request shall be via Resolution. A PCR zoning classification is established when the Final Application is approved by City Council and shall be enacted by Ordinance. Both the preliminary and final applications must be submitted for review and action to the Bayfront Community Redevelopment Agency, the Planning and Zoning Board and City Council. All meetings must be public hearings.~~

~~(K) Preliminary application submittal requirements.~~

~~(1) A general plan for the use of all lands within the proposed PCRD. Such plans shall indicate the general location of residential areas (including density and unit types), open space, parks, passive or scenic areas, and non-residential areas (including maximum building square footage and maximum height).~~

~~(2) A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and access points to the external and internal thoroughfare network.~~

~~(3) Quantitative summary of land uses (maximum acres, maximum non-residential building square feet, maximum number of residential dwelling units, etc.). A report shall be submitted to the city that includes a statement indicating how the proposed development complies with the comprehensive plan and a general description of the proposed development including:~~

~~(a) The total acreage of the project.~~

~~(b) The number of acres proposed to be developed in the various categories of land use shown on the concept plan; the percentage of total acreage represented by each category of use and each component of development; and an itemized list of uses proposed for each of the components which shall be the range of uses permitted for that section of the PCR.~~

~~(c) The number and type of dwelling units proposed for the overall site and for its components, including dwelling unit per acre calculations and population projections for each and for non-residential projects, provide the gross square footage devoted for each land use.~~

~~(d) The establishment of minimum design standards which shall govern the site and development such as lot shape and size, internal streets and pedestrian ways, open space provisions, off-street parking, buffers and landscape areas.~~

~~(e) A site conditions map that includes:~~

~~1. Legal description and boundary survey signed and sealed by a registered Florida land surveyor.~~

~~2. Name of the PCR; owner, along with their address and phone number; surveyor and engineer of record; and, date of drawing.~~

~~3. Scale, date, north arrow, and general location map showing relationship of the site to external uses, structures, and features.~~

~~4. Boundaries of the subject property, all existing streets, buildings, water courses, easements, section lines, and other important physical features.~~

~~5. Existing topography (latest U.S. Department of the Interior Geological Survey) on the site and along all adjacent roadways.~~

~~6. The location and size of all existing drainage facilities and a utility concept plan.~~

~~7. The location and function of all other existing public facilities which would serve the residents of the site including but not limited to schools, parks, and fire stations.~~

~~8. Graphic displays necessary to depict proposed buildings, landscaping, conformance with surrounding area in terms of height, bulk and style and other graphics necessary to adequately determine that the criteria in this section have been met.~~

~~(L) Final application submittal requirements.~~

~~(1) Engineering plans.~~

~~(a) Engineering plans showing:~~

~~1. Existing ground surfaces and proposed elevations in the planned unit development.~~

~~2. If deemed necessary by the Council, subsurface conditions on the tract, including the location and results of tests made to ascertain the conditions of subsurface soil, rock, and groundwater, and the existing depth of groundwater.~~

~~3. Typical cross sections of proposed grading, streets and sidewalks, canals and waterways.~~

~~4. Proposed type of pavement in accordance with city specifications.~~

~~5. Layout of water distribution, sanitary sewers and storm drainage systems, with grades and sizes indicated.~~

~~6. Final engineering drawing of water, sanitary sewer and storm drainage systems and sidewalks, streets, bulkheads, street name signs and adequate lighting.~~

~~(b) The engineering plans shall be in conformity with the requirements and specifications of the city subdivision regulations set forth in Chapter 184 of this code of ordinances.~~

~~(2) Final development plan:~~

~~(a) A final development plan containing, in addition to those items specified in § 185.055(K), the following information:~~

~~1. Dedication by owner and completion of certificate of surveyor.~~

~~2. The location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, loading areas, number of parking spaces and areas, primary residential areas and structures, secondary nonresidential areas and structures, recreational areas and structures, and common open space areas.~~

~~3. Proposed lot lines (if any), lot and block numbers and dimensions of all primary nonresidential uses, and common open space.~~

~~4. The proposed architectural and landscape design of all structures and common open space that clearly reflects the compatibility of the variety primary and secondary uses proposed.~~

~~5. Location and width of canals and waterways.~~

- ~~6. Reservations, easements, alleys and any areas to be dedicated to public uses or sites for other than residential use with notes stating their purpose and any limitations.~~
- ~~7. Sufficient data to determine readily and reproduce on the site the location, bearing and length of every street, line, lot line, boundary line and block line, whether curved or straight.~~
- ~~8. The radius, central angle, point of tangent, tangent distance and arcs and chords of all curved property lines.~~
- ~~9. A legal description of the project's boundaries with bearings, distances and tie point.~~
- ~~10. The final development shall meet the platting requirements of Fla. Stat. Ch. 177. In case of a large plan that may require two (2) or more sheets, the sheets are to be numbered and the numbers of the sheets are, to be indicated on the first sheet below the title.~~
- ~~(3) Development schedule. The development schedule shall contain the following information:~~
- ~~(a) The order of construction of the proposed stages delineated in the development plan.~~
- ~~(b) The proposed date for the beginning of construction of such stages.~~
- ~~(c) The proposed date for the completion of construction on such stages.~~
- ~~(d) The proposed schedule for the construction and improvement of common open space within such stages, including any complementary buildings.~~
- ~~(4) Title opinion. A title opinion from an attorney showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any.~~
- ~~(M) Procedure.~~
- ~~(1) A fee, following the latest fee resolution shall accompany the preliminary and final development plan application for the purpose of administration, additionally, engineering, plat filing, necessary copies and travel fees will be incurred.~~
- ~~(2) The Bayfront Community Redevelopment Agency shall review the final development plan for its consistency with the Bayfront Redevelopment District Plan.~~
- ~~(3) The Planning and Zoning Board shall recommend the approval, approval subject to conditions, or disapproval of the final development plan with the preliminary development plan, the sufficiency and accurateness of the required exhibits, and the requirements and purposes of this subchapter and any other applicable provision of this code of ordinances and any other regulation of the city. The Planning and Zoning Board shall recommend the approval, approval subject to change, or denial of the final development plan.~~
- ~~(4) The City Council shall review the recommendations of the Planning and Zoning Board at a public hearing of the City Council and shall approve, approve subject to conditions, or deny the final development plan application.~~
- ~~(N) Recording of final development plan.~~

~~(1) After approval by the City Council of the final development plan application, the City Clerk shall see that all requirements of Fla. Stat. Ch. 177 have been complied with before the final development plan is recorded in the public records of the county.~~

~~(2) The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a final development plan of a planned community redevelopment project, or portion thereof, that has not been given final approval by the City Council and recorded in the official records of the county is prohibited. The description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from such prohibition.~~

~~(Ord. 2005-55, passed 9-15-05; Am. Ord. 2015-55, passed 12-1-15; Am. Ord. 2016-17, passed 4-21-16)~~

~~§ 185.057 PMU — PARKWAY MIXED USE DISTRICT.~~ **PROPOSE COMBINING WITH PUD – NO NEED TO HAVE TWO SEPARATE CATEGORIES THAT DO THE SAME**

~~(A) **Intent.** The Parkway Mixed Use (PMU) zoning district is a Planned Development intended to establish types of development and arrangements of land uses that are consistent with the Comprehensive Plan, but which are not otherwise provided for or allowed in the zoning districts set out in this chapter. Subsequent development within the PMU district is implemented by the approval of one or more site and development plans, known as Final PMU Development Plans. The purpose of planned developments is to encourage the creation of designed neighborhoods and communities that provide a full range of residence types, as well as commercial uses that serve the inhabitants of the immediate community and surrounding neighborhoods.~~

~~The standards for creating a new PMU district set out herein are intended to promote flexibility of design and diversification and integration of uses and structures. The process set out herein allows the City Council to evaluate applications to establish new PMU districts and to render final determination as to whether applications should be approved, approved with conditions, or denied. In addition, the City Council may establish such additional limitations and regulations as are deemed necessary to protect the public health, safety, and general welfare. Specifically, the PMU district is intended to:~~

~~(1) Promote more efficient and economical uses of land.~~

~~(2) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.~~

~~(3) Encourage uses of land which reduce transportation needs and which conserve energy and natural resources to the maximum extent possible.~~

~~(4) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing environmental features and amenities; with an emphasis on preserving existing exceptional specimen trees, to be incorporated into the development.~~

~~(5) Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.~~

~~(6) Simplification of the procedure for obtaining approval of proposed developments through the combining and coordinating of land uses, building types, and building relationships within a planned development, which otherwise would not be provided under a conventional zoning district.~~

~~(B) Establishment of a new PMU district.~~

~~(1) Eligibility for application. Applications for establishment of a new PMU zoning district shall demonstrate compliance with the following minimum eligibility criteria:~~

~~(a) Minimum area for a PMU zoning district. The minimum area required for an application to a PMU district shall be twenty (20) acres and there shall be a minimum of forty (40) square feet of commercial space provided for each residential unit proposed within the PMU.~~

~~(b) Maximum density. The maximum overall residential density within a PMU district shall be ten (10) dwelling units per acre.~~

~~(c) Commercial uses. Permitted uses are retail (free-standing or combined in a plaza); personal service establishments, daycare centers, church/religious uses, restaurants, financial institutions, office uses, service stations with fuel sales, food service, theaters, professional office uses, medical and/or veterinary clinics and other uses approved by City Council during the development approval process.~~

~~(d) Configuration of the PMU zoning district. The PMU zoning district shall consist of a discrete area of land of sufficient size to accommodate the proposed uses. Multiple parcels may be combined for purposes of establishing the PMU boundaries provided they are contiguous and under common ownership by the applicant(s). Separation by roadways, canals or similar dividers shall be considered contiguous for purposes of this section.~~

~~(e) Unified control/ownership. All properties included for the purpose of application to amend the official zoning map to create a PMU district shall be under the ownership or control of the applicant(s).~~

~~(2) Review process. The approval of a PMU zoning map amendment and associated application rests with the City Council. An application for a PMU zoning district shall include a Preliminary Design Plan (PDP); a PMU zoning district shall not be established unless and until an associated PDP is approved by the City Council. Review of an application for a PMU zoning map amendment and associated concept plan shall be processed as follows:~~

~~(a) Preliminary design plan (PDP) application. A PDP application shall be submitted in accordance with the submittal requirements set forth in subsection (3).~~

~~(b) Planning and Zoning Board public hearing and recommendation. The Planning and Zoning Board shall conduct a public hearing on the PMU zoning map amendment and PDP and formulate findings supporting a recommendation to the City Council to approve, approve with conditions, or deny the application. The Board's recommendation shall be forwarded to the City Council for final action.~~

~~(c) City Council public hearing and disposition. The City Council shall conduct a public hearing on the PMU zoning map amendment and PDP application. The Council's final action to approve, approve with conditions, or deny the application shall be based upon the recommendations of the Planning and Zoning Board, city staff, public testimony, and findings made at the public hearing. The decision of the City Council shall be final.~~

~~(d) Adoption of implementing ordinance. City Council approval or approval with conditions for a PMU zoning map amendment and PDP application shall be adopted into an implementing ordinance. The ordinance shall be adopted pursuant to state statutes and shall include a legal description of the property, a copy of the PDP layout and any conditions placed on the approval by City Council.~~

~~(3) Application content and submittal requirements.~~

~~(a) Preliminary design plan (PDP). A PDP is a generalized plan that establishes the allowable land uses and the allowable development density or intensity ranges as well as any corresponding development and design standards for all lands within the PMU zoning district.~~

~~The PDP shall consist of the graphic and/or textual information itemized in subsections 1 through 4 below.~~

- ~~1. A general plan for the use of all lands within the proposed PMU. Such plans shall indicate the general location of residential areas (including maximum density and unit types), open space, parks, passive or scenic areas, and nonresidential areas (including maximum building square footage or other intensity maximums).~~
- ~~2. A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and major access points to the external and internal thoroughfare network.~~
- ~~3. A summary of allowable development. The summary shall provide:~~
  - ~~a. The total acreage of the PMU district and each phase, as may be proposed;~~
  - ~~b. The acreage of areas proposed for specific land uses to be allowed within the PMU district and phases proposed in the concept plan, as may be applicable;~~
  - ~~c. The acreage of open space or conservation areas within the PMU district and phases proposed in the concept plan;~~
  - ~~d. The minimum and maximum allowable residential density to be allowed within the PMU district and each phase proposed in the concept plan, measured in residential dwelling units per acre; and~~
  - ~~e. The minimum and maximum allowable nonresidential development intensity to be allowed within the PMU district and each phase, measured in gross building square footage or other appropriate intensity measure.~~

~~(b) Site condition map(s) and data that include:~~

- ~~1. A legal description of the properties included in the application with an associated boundary survey signed and sealed by a registered Florida land surveyor.~~
- ~~2. Name of the PMU; the owners of all properties included in the PMU district; the agent for the PMU application, and address and phone number of the agent; and, date of drawing and of any subsequent revision.~~
- ~~3. Scale, north arrow, and general location map showing relationship of the site to external uses, structures, and features.~~

~~(c) An Environmental Assessment of the property identifying major environmental features of the site and endangered wildlife and vegetation.~~

~~(C) Final development plan. The PMU Final Development Plan is a site and development plan consistent with and intended to implement a PMU preliminary development plan. The final plan may pertain to an entire PMU district or one or more phases of the project. Final subdivision approval may be combined as part of the PMU Final Development Plan.~~

~~(1) Review process. The approval of a PMU Final Development Plan rests with the City Council. An application for a Final Development Plan shall be processed as follows:~~

~~(a) Final design plan (FDP) application. An FDP application shall be submitted in accordance with the submittal requirements set forth in subsection (2).~~

~~(b) Planning and Zoning Board public hearing and recommendation. The Planning and Zoning Board shall conduct a public hearing on the PMU zoning map amendment and FDP and formulate findings supporting a recommendation to the City Council to approve, approve with conditions, or deny the application. The Board's recommendation shall be forwarded to the City Council for final action.~~

~~(c) City Council public hearing and disposition. The City Council shall conduct a public hearing on the PMU zoning map amendment and FDP application. The Council's final action to approve, approve with conditions, or deny the application shall be based upon the recommendations of the Planning and Zoning Board, city staff, public testimony, and findings made at the public hearing. The decision of the City Council shall be final.~~

~~(d) Adoption of implementing ordinance. City Council approval or approval with conditions for a PMU zoning map amendment and FDP application shall be adopted into an implementing ordinance. The ordinance shall be adopted pursuant to state statutes and shall include a legal description of the property, a copy of the FDP layout and any conditions placed on the approval by City Council.~~

~~(2) Required exhibits.~~

~~(a) If the applicant intends to subdivide land as part of their application of the PMU district then they shall meet the requirements of Chapter 184, Subdivisions.~~

~~(b) A schematic layout of the proposed development shall be submitted on which structures shall be located in relation to each other and to major entrances into and off the site; internal circulation ways; parking and service areas; and landscaped areas. The site plan and supporting data shall also show proposed standards for development, including restrictions of the use of property; plans for the provision of utilities, including water, sewer and drainage facilities; and plans for protection of abutting properties.~~

~~(c) Identification of planned maintenance responsibility for all aspects of the development. Specifically identify all facilities proposed for maintenance by the City or other governmental entities.~~

~~(d) Declaration of covenants and restrictions shall be submitted for individual subdivisions and commercial areas that govern such items as accessory uses, architectural requirements (if any), and other items not covered by the PMU zoning standards.~~

~~(e) A Traffic Study meeting generally accepted engineering practices examining the impact of the proposed development on the surrounding roadway network.~~

~~(D) Joint preliminary development and final development plan application. At the option of the applicant, a Preliminary Development Plan (PDP) may be reviewed simultaneously with a Final Development Plan (FDP). In addition, modifications to an approved PDP may be made as part of the approval process for an FDP. All applicable requirements for both the PDP and the FDP submittal applications must be addressed.~~

~~(E) Administrative process following final development plan approval. Physical development of the property must be consistent with the approved Preliminary Development Plan and the Final Development Plan for the PMU project. Administrative review and approval processes for subdivisions, site plans, building permits and~~

~~other land development regulations shall ensure such consistency. Substantial changes, as determined by the Growth Management Director, shall require re-submittal for Final Development Plan approval. Minor changes not deemed to be substantial may be approved administratively.~~

~~(F) Development standards. Standards for development shall be provided by the applicant at the time of submittal for a Preliminary Development Plan. These standards shall include such items as minimum lot sizes; minimum lot widths and depths; minimum yard areas (setbacks) for all types of uses; minimum living areas; minimum building areas (if applicable); maximum height of structures; and such other items as will be needed to facilitate construction of the proposed community.~~

~~(G) Signage. Standards for signs shall be provided by the applicant at the time of submittal for a Preliminary Development Plan. These standards shall address allowable sign locations; size; height; maximum number of signs permitted; lighting and landscaping requirements; etc.~~

~~(H) Landscaping and tree preservation. Standards for landscaping shall be provided by the applicant at the time of submittal for a Preliminary Development Plan. These standards shall address the number of trees, shrubs and other plantings for both residential and nonresidential uses. A project developing under the PMU zoning category must follow the requirements for tree preservation and mitigation found in Chapter 180, of the Palm Bay Code of Ordinances.~~

~~(I) Walls and fences. Standards for walls and fences shall be provided by the applicant at the time of submittal for a Preliminary Development Plan. These standards shall address the size, type and placement of walls and fences. Careful consideration shall be given to the site visibility of the motoring public, while protecting the rights and property values of the property owners of the PMU community.~~

~~(Ord. 2014-11, passed 4-17-14)~~

[§ 173.074. RESERVED](#)

[§ 173.075. RESERVED](#)

[§ 173.076. RESERVED](#)

[§ 173.077. RESERVED](#)

[§ 173.078. RESERVED](#)

[§ 173.079. RESERVED](#)

## **PART 7. § 185.056 RAC—REGIONAL ACTIVITY CENTER (RAC) DISTRICTPUD.**

### **§ 173.080. PURPOSE.**

The provisions of this section are intended to implement Objective 1.6 of the Future Land Use Element of the City's Comprehensive Plan by establishing standards for Regional Activity Centers (RAC). RACs are large-scale, master planned communities which serve as integrated centers of commerce and employment. Developments within a RAC Future Land Use category shall be developed through a rezoning to PUD.

§ 173.081. (A) INTENT.

Development within a RAC shall be based on the generalized principles of Smart Growth, Traditional Neighborhood Design, New Urbanism, or Transit Oriented Design. As such, the RAC shall feature walkability, compact development patterns, quality architecture and urban designs, and a hierarchy of streets or street system to foster connectivity and pedestrian mobility as well as alternative modes of travel. Buildings within a RAC shall meet LEED standards or best management practices from the United States Green Building Council and Florida Green Building Council to the fullest extent practicable.~~The regional activity center (RAC) zoning district is a planned development intended to establish types of development and arrangements of land uses that are consistent with the comprehensive plan, but which are not otherwise provided for or allowed in the zoning districts set out in this chapter. The range of uses and development intensities allowed within a particular RAC district, along with any corresponding development and design standards are established by an associated RAC concept plan. Subsequent development within the RAC district is implemented by the approval of one or more site and development plans, known as RAC final development plans.~~ [THIS PART IS THE SAME AS THE INTENT OF PD]

~~The standards for creating a new RAC district and its associated concept plan set out herein are intended to promote flexibility of design and permit planned diversification and integration of uses and structures. The process set out herein allows the City Council to evaluate applications to establish new RAC districts and their associated concept plans, to make modifications to adopted concept plans, and to render final determination as to whether applications should be approved, approved with conditions, or denied. In addition, the City Council may, through approval with conditions, establish such additional limitations and regulations as are deemed necessary to protect the public health, safety, and general welfare. Specifically, the RAC district is intended to:~~

- ~~(1) Promote more efficient and economical uses of land.~~
- ~~(2) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.~~
- ~~(3) Encourage uses of land which reduce transportation needs and which conserve energy and natural resources to the maximum extent possible.~~
- ~~(4) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing environmental features and amenities.~~
- ~~(5) Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under a conventional zoning district.~~
- ~~(6) Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.~~
- ~~(7) Permit the combining and coordinating of land uses, building types, and building relationships within a planned development, which otherwise would not be provided under a conventional zoning district.~~ [SECTION B MOVED TO DEVELOPMENT REVIEW CHAPTER]

**§ 173.082. DENSITY AND INTENSITY.**

Density and intensity within a RAC shall not exceed maximums listed in Policy FLU-1.1A. Furthermore, development within a RAC shall have an overall *minimum* density of five dwelling units per gross residential acre.

**§ 173.083. RAC SUBAREAS.**

(A) *Subareas required.* RAC PUDs shall provide a balanced mix of uses and shall be composed of Urban Living Areas, Open Space Areas, and a Mixed-Use Town Center or a Workplace (or both) as defined below. When a RAC includes both a Mixed-Use Town Center and a Workplace, the combined size of both uses shall be a minimum of 35% of the RAC's net buildable area.

(1) Urban Living Areas. Residential areas which include a variety of housing types, styles, and price points.

(2) Open Space Areas. Activity-based or resource-based outdoor areas.

(a) Activity-based open space areas provide recreational opportunities and include features such as walkways, bike paths, trails, picnic areas, playgrounds, lakes, and parks.

(b) Resource-based open space areas are intended to protect and enhance environmental systems and may include wetlands, uplands or any other environmental features.

(3) Mixed-Use Town Centers, The recognizable commercial and civic core of the community that is sized to meet the needs of residents within one mile of the community core.

(4) Workplaces. Hubs that provide a variety of employment opportunities.

(B) *Subarea standards.* The following standards shall be met in designing each subarea within the RAC: For purposes of these provisions, net buildable area is defined as the gross acreage of the lands designated as a RAC, less the resource-based Open Space Areas.

(1) Urban Living Areas:

(a) Size: 25% minimum and 40% maximum of the net buildable area of the RAC;

(b) Density: A minimum of 5 units and a maximum of 13 units per gross acre within the Urban Living Area;

(c) Uses: Single family detached, single family attached, multi-family, and appropriate public/semipublic, and recreation uses are permitted.

(2) Mixed-Use Town Center:

(a) Size: 20% minimum and 50% maximum of the net buildable area of the RAC;

(b) Intensity: 2,000,000 square feet maximum;

(c) Uses:

1. Commercial, professional office, multi-family residential, and public/semipublic uses are permitted;

2. Shall include a vertically integrated mix of higher density and intensity development;

3. Residential uses may be located above commercial or professional office uses; and
4. On-street parking must be provided where appropriate.

(3) Workplace:

(a) Size: 20% minimum and 60% maximum of the net buildable area of the RAC;

(b) Intensity: 2,000,000 square feet maximum;

(c) Uses.

1. Uses may be mixed horizontally or may be contained within multiple use buildings;
2. Include denser housing products than traditional single-family detached homes;
3. Commercial, professional office, light industrial multi-family residential, and public/semipublic uses are permitted; and
4. Parklets shall be encouraged.

(4) Open Space:

(a) Open Space Areas shall be a minimum of 30% of the gross acreage;

(b) A minimum of 10% of the Open Space Area shall be activity-based; and

(c) Stormwater management areas may be included in resource-based Open Space Areas.

**§ 173.084. RESIDENTIAL AND EMPLOYMENT USES.**

(A) Residential breakdown. The residential units in a RAC shall be allocated among the Urban Living Area, Mixed-Use Town Center, and Workplace as follows:

- (1) 20% of the approved residential units shall be placed in the Mixed-Use Town Center or the Workplace;
- (2) Single family units shall be limited to 45% of the total approved residential units;
- (3) Multi-family units shall be a minimum of 55% of the approved residential units; and
- (4) 10% of the approved residential units shall qualify as affordable housing which, for this purpose, shall mean housing affordable to persons with incomes between 80% and 140% of the median household income in Brevard County.

(B) Employment. To promote the creation of employment opportunities, the following residential/nonresidential thresholds shall be met:

- (1) Prior to the issuance of building permits for more than one third of the residential units, a minimum of 150 square feet of nonresidential square footage shall be constructed for each residential unit developed.
- (2) Prior to the issuance of building permits for more than two thirds of the residential units, a minimum of 150 square feet of nonresidential square footage shall be constructed for each residential unit developed.
- (3) At buildout, a minimum of 0.6 jobs shall have been created for each residential unit constructed.

(4) The jobs/housing ratio shall be measured after the issuance of site plan approval for nonresidential development. If upon review, the jobs/housing ratio has not been reached, the City may require appropriate mitigation.

**§ 173.085. STREETS AND WALKABILITY STANDARDS.**

To ensure that developments within the RAC PUD are pedestrian friendly and promote the efficient movement of people, the following standards shall be met:

- (A) At buildout, all homes shall be within one half mile of transit, a Mixed-Use Town Center, a workplace, a recreational use, or a public/semipublic use.
- (B) Streets shall be pedestrian friendly, tree-lined, and provide for on-street parking where appropriate.
- (C) Homes shall be built close to streets with the majority of the homes having street-facing facades and/or porches, windows and doors. Homes may not need to front on the street so long as the home is designed in a manner that is consistent with the principles of Traditional Neighborhood Design or New Urbanism.
- (D) Mixed-use and commercial structures shall be built close to streets with street facing facades and entrances. Parking lots and parking structures are to be hidden behind the building to the fullest extent practicable.
- (E) Lighting shall be designed to enhance safety and be consistent with “dark sky” objectives to the maximum extent practicable.
- (F) Brick pavers, roundabouts, traffic circles and other traffic calming techniques shall be employed in key locations to enhance aesthetics, improve pedestrian access, reduce vehicle speeds and promote safety within all travel modes.
- (G) All streets shall have sidewalks on both sides. Sidewalks shall be a minimum of six (6) feet in width to accommodate pedestrian activity.
- (H) The street system shall be a well-connected grid-based system that is fully integrated and designed to facilitate the expansion of the system as the RAC develops.
- (I) The street system shall be designed in a hierarchy that provides for alternative cross sections to facilitate the development of narrow neighborhood streets, boulevards, and alleys. Streets are to be interconnected both internally and externally to both move and disperse traffic efficiently.
- (J) The arrangement and design of streets shall promote a pleasant, pedestrian and bicycle-friendly environment with an emphasis on convenient access to surrounding neighborhoods and community amenities.
- (K) Unimproved nature trails and boardwalks connecting residential areas with a Mixed-Use Town Center, a Workplace, recreational uses, and public/semipublic uses shall be provided. Multi-purpose recreation trails shall be at least ten (10) feet wide.
- (L) Traffic calming techniques shall be employed to the maximum extent practicable.
- (M) Transit/bus/trolley locations shall be provided.

§ 173.086. LANDSCAPING.

Landscaping shall be designed and installed using the University of Florida Friendly Plant List and managed in accordance with the latest University of Florida Yards and Neighborhoods Recognition Checklist.

~~(Ord. 2011-45, passed 9-15-11)~~

~~§ 185.058 BMU – DAYFRONT MIXED USE DISTRICT.~~

~~(A) Intent. The purpose of the Bayfront Mixed Use (BMU) district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of high density residential with a low intensity of commercial land uses that are linked by a network of walkways. The ratio of residential to commercial shall have a minimum of 20% commercial uses, based upon Floor Area Ratio (FAR) or the gross floor area of the first floor (footprint) of all principal use buildings.~~

~~(B) Principal uses and structures.~~

~~(1) Multiple family dwellings provided that in no case shall there be more than forty (40) dwelling units per gross residential acre.~~

~~(2) Professional offices such as accounting, architecture, engineering, dentistry, medical, insurance, real estate, financial services, title companies and similar uses.~~

~~(3) General offices such as administrative, corporate, business, and similar uses.~~

~~(4) Personal service such as beauty, barbers, dry cleaning pick up, tailoring and similar uses.~~

~~(5) Business service such as graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses.~~

~~(6) Financial institutions (banks, credit unions, and savings and loan).~~

~~(7) Retail sales and service (clothing, jewelry, luggage, shoes, electronics, sporting goods, gift shops, florists, photographic supplies, art dealers, antique shops/dealers, tobacco products, grocery stores, convenience stores, drug stores, cosmetic and beauty supply optical specialty food, and similar uses).~~

~~(8) Public uses (any federal, state, county, municipal, special district, or similar use).~~

~~(9) Eating establishments, including dancing in eating establishments. (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses).~~

~~(10) Retail bakeries.~~

~~(11) Clubs, lodges, and fraternal organizations.~~

~~(12) Nursing homes and adult congregate living facilities.~~

~~(13) Hotel, motel, and bed and breakfast inns.~~

~~(14) Public and private parking lots.~~

~~(15) Brew pubs and/or other drinking establishments.~~

~~(C) Accessory uses and structures. Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the objectives of a mixed use environment. All storage shall be in an enclosed structure unless clearly provided for herein.~~

~~(D) Conditional uses.~~

~~(1) Public utility facilities.~~

~~(2) Marinas with boat sales and rentals.~~

~~(3) Public and private schools.~~

~~(E) Prohibited uses and structures.~~

~~(1) All uses not specifically permitted herein.~~

~~(2) Retail automotive fuel sales.~~

~~(3) Pawn shops.~~

~~(4) Tattoo parlors and body piercing establishments.~~

~~(5) Contractors' offices with outside storage (plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement, and similar uses).~~

~~(6) Adult entertainment.~~

~~(7) Fire works sales.~~

~~(8) Commercial towers.~~

~~(9) Automotive/vehicle repair and auto body repair, painting, and storage of junk vehicles.~~

~~(10) Vehicle/automotive sales/lease.~~

~~(11) Palm readers/fortunetellers and similar uses.~~

~~(12) Flea markets and auction houses and similar uses.~~

~~(13) Soup kitchens/homeless shelters.~~

~~(14) Pain management clinic.~~

~~(15) Secondhand Dealer.~~

~~(16) Warehousing and/or self storage facilities.~~

~~(F) Lot and structure requirements.~~

~~(1) Minimum lot area—1 acre.~~

~~(2) Minimum lot width—forty (40) feet.~~

~~(3) Minimum lot depth—one hundred twenty (120) feet.~~

~~(4) Maximum building coverage—sixty percent (60%).~~

~~(5) Maximum height sixty (60) feet. Additional building height may be permitted, subject to the following provisions:~~

~~(a) Providing public a space or public amenity totaling ten percent (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.~~

~~(6) Minimum floor area (commercial) three hundred (300) square feet.~~

~~(7) Minimum living area for multifamily units: None.~~

~~(8) Yard requirements:~~

~~(a) Front: zero (0) foot minimum.~~

~~(b) Side interior: five (5) feet minimum, twenty five (25) foot minimum when the property is adjacent to single family development not separated by waterway, railroad, or street.~~

~~(c) Side corner: zero (0) foot minimum.~~

~~(d) Rear: twenty (20) feet minimum; ten (10) minimum feet when abutting a right-of-way or alley.~~

~~(e) Accessory structures: minimum twenty (20) foot front and side corner, same side and rear as listed in divisions (b) and (d) above.~~

~~(f) For buildings sixty (60) feet in height, or greater, the building(s) 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.~~

~~(g) For buildings taller than sixty (60) feet; the building shall be stepped back a minimum of twenty (20) feet beyond the forty (40) foot height measurement when the property is adjacent to single family development 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.~~

~~(9) Shared access and parking areas:~~

~~(a) Off street parking for non residential uses shall be behind or to the side of the nonresidential building with a minimum of five (5) foot setback from a right-of-way line.~~

~~(b) On street parking spaces along any property line shall be counted toward the minimum number of parking spaces required for that use on that lot, except where there are driveway curb cuts.~~

~~(c) No side interior building and parking area setbacks are required for nonresidential buildings provided all of the following are met:~~

- ~~1. Buildings on adjacent parcels, under separate ownership, are joint by a common wall.~~
- ~~2. Parking areas and aisles are joined and shared in common with adjacent parcel(s) under separate ownership.~~
- ~~3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common for the parcels involved and a minimum spacing of one hundred fifty (150) feet is maintained, or access is provided by an approved frontage road.~~
- ~~4. Easements and/or written assurances of shared and common facilities from all property owners involved must be approved by the city and recorded in public records of Brevard County prior to the issuance of a building permit.~~

~~(d) For adjacent developments meeting the requirements of divisions 2 through 4 above, the total number of off-street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.~~

~~(e) For developments adjacent to public parking the total number of off-street parking spaces required for uses on the parcel involved may be reduced by ten percent (10%) where the location of public parking areas provides convenient access to the principal buildings. On-street public parking may not be considered for reduction eligibility.~~

~~(10) Design requirements:~~

~~(a) The Architectural Style for each structure shall adhere to 185.134 ARCHITECTURAL STYLE REQUIREMENTS (B)(1), (2), (3), (4), or (5).~~

~~(b) Structures in the following use category are exempt from the design review requirements of this subsection: public utility equipment and churches.~~

~~(c) The city sign code (Chapter 178) shall be adhered to with the following additional requirements:~~

- ~~1. Materials: The color, construction, and material of each sign shall be compatible with the architecture on the site.~~
- ~~2. Design: 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.~~

~~(d) Structures having a federal or state historic site status shall be exempt from this subsection.~~

~~(e) Garages for single, or two-family 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.~~

~~(f) Other than for entrances and exits, parking structures shall be screened from view on ground level by landscaping or active commercial or residential uses, to the greatest extent possible, on any side that faces a public street or right-of-way.~~

~~(g) The City Council may, by resolution, adopt such administrative policies, manuals and/or fees as necessary to implement the design requirements identified above.~~

~~(11) Signs. Maximum height for any detached sign shall be ten (10) feet. All other criteria of the Sign Code shall be met. [SIGN CHAPTER (FOOTNOTE)]~~

~~(12) Landscaping. Properties within the Bayfront Mixed Use district are exempt from the development standards of § 185.142(B)(1), (2) and (4), Off-Street Parking Area Landscape Requirements, however properties within the district shall meet all the other requirements of § 185.142 in addition to the following landscape development standards:~~

~~(a) One (1) tree per every forty (40) feet of the property frontage shall be planted between the right-of-way line and the front or side corner building line for all properties.~~

~~(b) Any off-street parking space or parking lot in the Bayfront Mixed Use District that abuts a street right-of-way shall be buffered from the right of way by a landscape area of no less than five (5) feet of width in which is located a continuous row of shrubs no less than two (2) feet in height.~~

~~(c) In addition, where off-street parking is required for multiple family residential and nonresidential uses, such parking shall meet the interior parking area landscape requirements of § 185.142(3) of the code.~~

~~(13) Sidewalks. Sidewalks shall be provided to create a pedestrian access to the proposed project and to adjacent properties. All sidewalks shall:~~

~~(a) Be constructed of concrete with a raised curb separating the sidewalk from on-street parking.~~

~~(b) Be a minimum of five (5) feet in width.~~

~~(c) Comply with city engineering design standards.~~

~~(14) Fence/walls. The construction, erection, and maintenance of walls and fences shall be permitted per the city's fence code (§§ 170.110 through 170.122) with the following exceptions and additions:~~

~~(a) Chain link fence cannot be placed within twenty (20) feet of the front or side corner property lines.~~

~~(b) Fence and wall height shall be limited to four (4) feet within twenty (20) feet of the front and side corner property lines, and limited to six (6) feet in height at all other areas of the property.~~

~~(c) The use of barbed wire is prohibited.~~

~~(15) Lighting. Buildings shall have no neon on their exterior; however, neon signs may be displayed inside windows provided they occupy no more than fifteen percent (15%) of the window where they are displayed.~~

~~(Ord. 2015-55, passed 12-1-15; Am. Ord. 2020-12, passed 2-20-20; Am. Ord. 2021-45, passed 9-16-21; Am. Ord. 2022-83, passed 8-18-22)~~

**[185.066 THROUGH 072 MOVED TO DEVELOPMENT REVIEW CHAPTER]**

~~SUPPLEMENTARY DISTRICT REGULATIONS~~

~~§ 185.115 BUILDING SETBACK LINES.~~

~~(A) For the purpose of promoting health, safety and general welfare of the community, and to:~~

- ~~(1) Lessen congestion in the street;~~
- ~~(2) Secure safety from fire, panic, storm, hurricane, or other causes;~~
- ~~(3) Provide adequate light and air;~~
- ~~(4) Prevent the overcrowding of land;~~
- ~~(5) Avoid undue concentration of population;~~
- ~~(6) Provide adequate facilities for transportation, parking, water and sewerage; and~~

~~(B) 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;~~

~~(C) In determining the setback requirements for any building proposed to be erected, 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.~~

~~(74 Code, § 25-211) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-38, passed 7-7-94; Am. Ord. 2016-17, passed 4-21-16)~~

[§ 173.087. RESERVED](#)

[§ 173.088. RESERVED](#)

[§ 173.089. RESERVED](#)

## [PART 8. CMU AND UMU DISTRICT STANDARDS](#)

[\[NEW – PROPOSING DESIGN STANDARDS APPLICABLE TO BOTH MU DISTRICTS. INCORPORATED SOME OF STAFF'S PROVISIONS. PLEASE REVIEW AND LET US KNOW IF YOU WANT TO KEEP OR DELETE\]](#)

### [§ 173.090. PURPOSE AND INTENT.](#)

[The purpose of this section is to establish standards to implement the Community Mixed-Use and Urban Mixed-Use Future Land Use categories through the application of the Community Mixed-Use and Urban Mixed-Use zoning districts. With preset standards for these districts, applicants can design unified developments with a variety of uses, building types, and densities/intensities without having to process a Planned Unit Development. See \[Chapter 172\]\(#\) for the required steps to process a development in the mixed-use districts.](#)

[The regulations contained in this section are intended to:](#)

- [\(A\) 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;](#)

- (B) 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;
- (C) Ensure the provision of tree-lined streets, sidewalks, playgrounds, parks, benches, picnic shelters and gazebos which help create neighborhood character and offer amenities to the entire community;
- (D) Provide a variety of housing types and sizes to accommodate the needs of a diverse population;
- (E) Ensure a coordinated approach to site and building design;
- (F) Achieve the integration of new developments to external pedestrian and vehicular network;
- (G) Support cohesive, mixed-use development with higher development densities and intensities at nodes; and
- (H) Encourage the development of high-quality mixed-use through development incentives.

**Figure 173 - 1. Inspiration images for UMU**



**Figure 173 - 2. Inspiration images for CMU**



**§ 173.091. MIX OF USES**

Table 173-2 lists the uses permitted within the CMU and UMU districts. The MU Master Site Plan shall show a mix of uses in a vertical 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 new MU zoning districts, the following mix of uses shall be achieved (percentage of gross acreage). For vertical mixed-use, the acreage of a site used for several uses may be double counted (e.g., a 10-acre site with ground floor commercial and residential above may be counted as 10 acres of commercial and 10 acres of residential – 50% of each use).

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

<u>Use Type</u>	<u>CMU</u>		<u>UMU</u>	
	<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
<u>Residential</u>	<u>50%</u>	<u>90%</u>	<u>10%</u>	<u>50%</u>
<u>Commercial</u>	<u>10%</u>	<u>50%</u>	<u>50%</u>	<u>90%</u>
<u>Industrial</u>	<u>None</u>	<u>50%</u>	<u>None</u>	<u>50%</u>
<u>Common Open Space</u>	<u>30%</u>	<u>NA</u>	<u>30%</u>	<u>NA</u>

**§ 173.092. SITE DEVELOPMENT STANDARDS.**

New development in the Community Mixed-Use and Urban Mixed-Use districts shall meet the standards of this section. Townhomes, multifamily, and zero-lot-line developments shall also comply with the standards noted in §173.032, §173.031, and §173.034 for such uses. All other uses are also subject to the architectural standards contained in Part 4 of this chapter.

*(A) Minimum site area.*

- (1) The total gross acreage of a property being rezoned to CMU shall comprise a minimum of 100 contiguous acres, unless the site is already adjacent to an CMU district and the new development will integrate to the existing neighboring mixed-use. There is no minimum site area requirement for rezoning to UMU.
- (2) A site proposed for rezoning to CMU or UMU shall be owned by or under the control of the applicant. Approval of the rezoning application by the city shall be based on the understanding that, if the applicant proceeds with the proposed development, the applicant will:
  - (a) Do so in accord with the officially approved final MU Master Site Plan for the site, and any other conditions or modifications the City Council may impose.
  - (b) 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.
  - (c) Bind all development successors in title to any commitments made under this section.

*(B) Block standards and connectivity.* Connectivity is of utmost importance in both districts, and it is achieved by ensuring blocks and streets are laid out to provide that connectivity for pedestrians and vehicles. While an orthogonal grid is the most obvious method for achieving connectivity, meandering roads are also acceptable provided they preserve the connectivity (see Figure 173-1). Proposed developments shall be required to provide connectivity by meeting the following standards. The City Manager or designee may

allow adjustments based on the presence of environmentally sensitive lands, tree protection, or other existing site-specific features.

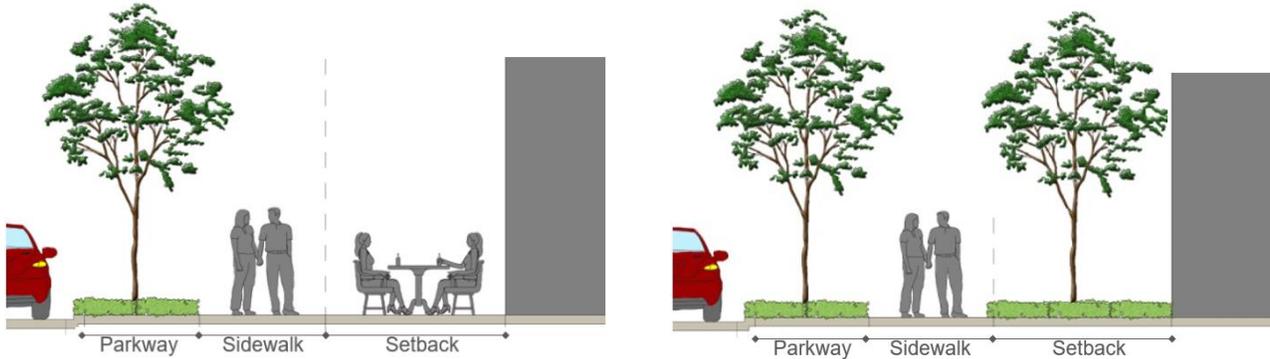
- (1) New blocks shall not exceed a 2,000 lineal foot perimeter and block length shall not exceed 600 feet.
- (2) To prevent the creation of mega-blocks due to ownership of large tracts, vehicular and pedestrian connections shall be provided through the development. Gated communities are not permitted within this district. Through traffic issues may be deflected by using traffic calming techniques (e.g., lane shifts, roundabouts, non-direct routes).

**Figure 173-1. Examples of Connectivity**



- (C) 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 as shown in [Table 173-5](#).
- (D) Lot sizes. The CMU district is intended to include a wide variety of housing choices. The minimum size of residential sites shall vary to accommodate those housing products as shown in [Table 173-5](#). A mix of single family, townhomes, and multi-family housing is encouraged. In no event shall a development within a CMU district have more than 70% of the housing stock be the same housing type. The Master Site Plan shall specify where the various housing products will be located.
- (E) Setbacks.
  - (1) Residential uses shall meet the standards listed in [Table 173-5](#). However, porches and living areas may encroach up to 10 feet into the front yard setback.
  - (2) Non-residential buildings should be built close to the street to emphasize pedestrian activity. Therefore, the setbacks listed in [Table 173-5](#) shall be met. However, the minimum setback may be reduced to zero (0) if an eight (8)-foot wide public furnishing zone and a six (6)-foot public sidewalk are present or proposed adjacent to the site.
  - (3) The maximum setbacks may be waived to allow for pedestrian plazas/forecourts.
  - (4) In no event shall parking be located between the building and the street, unless otherwise permitted in [§173-093](#), Parking Location and Design.
  - (5) The front and side corner setbacks may be used for landscape, hardscape, or outdoor dining ([see Figure 173-2](#)).

**Figure 173-2. Examples of Front and Street Side Setback Area Activity**



*Examples of Street Setback design: outdoor seating (left) and landscape (right).*

### **§ 173.093. PARKING LOCATION AND DESIGN**

The buildings must be the predominant element/view from the street. Therefore, parking areas must be screened as follows:

- (A) 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.
- (B) Surface and structure parking areas shall be accessed from a secondary street (secondary streets shall be identified in the street hierarchy map), 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.
- (C) 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 (see §175.025 for street wall design requirements).
- (D) 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.

### **§ 173.094. OPEN SPACE REQUIREMENTS.**

Mixed-use 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 §177.005 as long as the overall percentage is met. See §177.005 for other applicable requirements.

### **§ 173.095. BUILDING STANDARDS.**

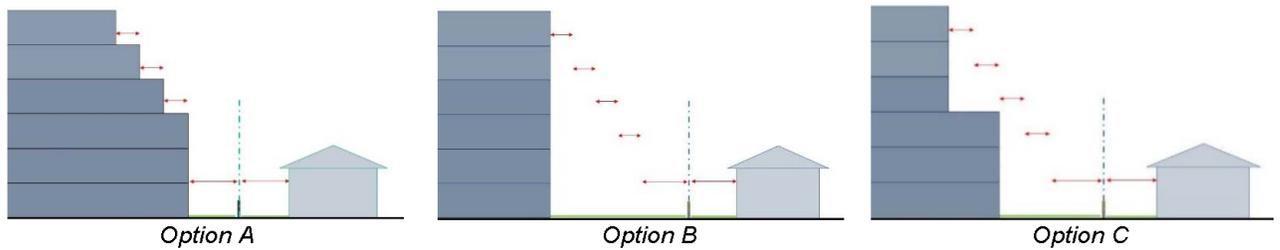
#### (A) Building height.

- (1) Maximum 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

building height allowed shall be as shown in [Table 173-5](#). Additional building height may be permitted per [Part 5](#) of this chapter (Development Bonuses and Incentives).

(2) *Building transitions.* To mitigate potential conflicts between neighboring 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 development:

(a) Multi-story buildings adjacent to single family homes shall provide a 10-foot setback for each floor above two stories. 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.



(b) 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.

(c) Siting of less-intensive uses around the perimeter of the development, particularly when the development directly abuts a residential area (i.e., offices instead of bars/restaurants).

(d) Enhanced landscaping and buffers between mixed-use developments and existing off-site single-family residential areas.

(B) *Building orientation.* All buildings shall front a street. There shall be no privacy fences lining up streets.

**Figure 173 - 3. Building orientation**

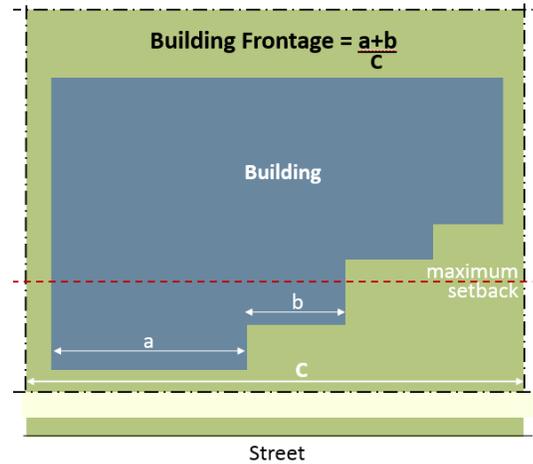


*Left: Not permitted in MU districts; Right: Required building orientation*

(C) Building frontage. Building frontage is the proportion of the front façade compared to the lot width measured within the required setback (see Figure 173-4). 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 meet the following provisions. Institutional uses are exempt from building frontage requirements.

- (1) The MU Master Site Plan shall include a street hierarchy map to identify the “primary” streets, which refer to those streets new development should be oriented to. All lots should have at least one frontage on a primary street.
- (2) All new buildings shall have a minimum building frontage of 50% along primary streets. For lots with frontage on multiple primary streets, the applicant must provide justification for choosing one over the others to meet the requirement.
- (3) In the case where the required building frontage cannot be met due to the need to provide vehicular access from the street, a gateway, arch, or similar feature shall be provided to preserve the block continuity and may be counted toward meeting the building frontage requirement, as shown on the Figure below.

**Figure 173 - 4. Building Frontage**



**Figure 173 - 5. Gateway Feature**



Gateway feature designed to meet minimum building frontage.

~~(11) Design requirements: [FROM 185.053, BMUV] [PROPOSE DELETING THESE AND APPLYING THE COMMERCIAL DESIGN STANDARDS INSTEAD]~~

- ~~— (a) The Bayfront Architectural Style for each structure is required. This shall include the following architectural 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. Pitch of main roof, hipped or gable, shall be no greater than 5:12 and no less than 3:12; mansard roof shall be no greater than 9:12; porch roof shall be a lower pitch than the main roof.~~
- ~~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 (Flat) roof systems are permissible when screened by a mansard roof or parapet wall meeting the design requirements.~~
- ~~3. The predominant exterior color shall be pastel shades or white; earth tones are not acceptable except in brick.~~
- ~~4. 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.~~
- ~~5. Front porch. 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.~~
- ~~6. Gingerbread trim and/or porch railings, columns or shall have the appearance of light frame wood construction.~~
- ~~7. 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.~~
- ~~8. 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.~~
- ~~9. 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.~~
- ~~10. 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.~~
- ~~(b) The predominant exterior color shall be applied to all sides of the structure.~~
- ~~(c) The design requirements listed in division (11)(a) 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 compliment 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 division (11)(a) above shall be applicable to all accessory structures not exempted by division (11)(c). 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.~~
- ~~—(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 category are exempt from the design review requirements of this subsection: public utility equipment and churches.~~
- ~~—(g) The city sign code shall be adhered to with the following additional requirements:
  - ~~—1. Materials: The color, construction, and material of each sign shall be compatible with the architecture on the site.~~
  - ~~—2. Design: 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.~~~~
- ~~—(h) Structures having a federal or state historic site status shall be exempt from this subsection.~~
- ~~—(i) 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.~~
- ~~—(j) The City Council may, by resolution, adopt such administrative policies, manuals and/or fees as necessary to implement the design requirements identified above.~~

[§ 173.096. RESERVED](#)

[§ 173.097. RESERVED](#)

[§ 173.098. RESERVED](#)

[§ 173.099. RESERVED](#)

## [PART 9. NONCONFORMANCE PROVISIONS](#)

[§ 173.100. ~~§ 185.155~~-INTENT.](#)

~~(A)~~ Within the districts established by this chapter or amendments that may later be adopted, there exists lots, structures, uses of land and structures and characteristics of use which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.

~~(B)~~ It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their continuation. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged

upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

('74 Code, § 25-101) (Ord. 89-08, passed 4-27-89)

**§ 173.101. ~~§ 185.156~~ EXTENSION AND ENLARGEMENT.**

**(A) ~~(A)~~**—A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

**(B) ~~(B)~~**—To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which an active building permit has been issued. Actual building construction shall be diligently carried on until the subject structure is completed.

('74 Code, § 25-102) (Ord. 89-08, passed 4-27-89)

**§ 173.102. ~~§ 185.157~~ NONCONFORMING LOTS OF RECORD.**

**(A) ~~(A)~~**—In any district, permitted principal and accessory structures may be erected on any single lot that is of record on the effective date of this section, notwithstanding limitations imposed by other provisions of this code of ordinances and any other applicable ordinance of the city. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. These provisions shall apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the procedure established in ~~§ 172.025~~ **169.009**.

**(B) ~~(B)~~**—If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of the parcel shall be used which does not meet lot width and area requirements established by this chapter.

('74 Code, § 25-103) (Ord. 89-08, passed 4-27-89; Am. Ord. 2010-76, passed 11-4-10)

**§ 173.103. ~~§ 185.158~~ NONCONFORMING USES OF LAND.**

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

**(A) ~~(A)~~**—No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter; unless such use is changed to a use permitted in the district in which such use is located;

**(B) ~~(B)~~**—No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter;

~~(C) (C)~~—If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) consecutive days. Any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located;

~~(D) (D)~~—No additional structure which does not conform to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

('74 Code, § 25-104) (Ord. 89-08, passed 4-27-89)

**§ 173.104. § 185.159 NONCONFORMING STRUCTURES.**

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this, chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

~~(A) (A)~~—No such structure may be enlarged or altered in a way which increases its nonconformity;

~~(B) (B)~~—But any structure or portion thereof may be altered to decrease its nonconformity;

~~(C) (C)~~—Should such a structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter;

~~2016 S 28~~

~~(D) (D)~~—Should such a structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

('74 Code, § 25-105) (Ord. 89-08, passed 4-27-89)

**§ 173.105. § 185.160 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.**

If a lawful use involving individual structures, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

~~(A) (A)~~—No existing structure devoted to a use not permitted by this chapter in the district on which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

~~(B) (B)~~—Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building;

~~(C) (C)~~—Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed;

(D) ~~(D)~~—When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located;

(E) ~~(E)~~—Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction, for the purpose of this chapter, is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at time of destruction.

('74 Code, § 25-106) (Ord. 89-08, passed 4-27-89; Am. Ord. 2016-17, passed 4-21-16)

**§ 173.106. ~~§ 185.161~~ REPAIRS AND MAINTENANCE.**

(A) ~~(A)~~—On any building devoted in whole or in part to any nonconforming use, work may be done in any period of six (6) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

(B) ~~(B)~~—Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

('74 Code, § 25-107) (Ord. 89-08, passed 4-27-89; Am. Ord. 2016-17, passed 4-21-16)

**§ 173.107. ~~§ 185.162~~ NONCONFORMING OR SUB-STANDARD LOTS CREATED BY EMINENT DOMAIN PROCEEDINGS.**

Any lot or parcel which shall be made nonconforming or substandard as a result of eminent domain proceedings instituted by the city or other governmental agency or through a voluntary conveyance by a lot owner in lieu of formal eminent domain proceedings, which lot or parcel except for such eminent domain or voluntary conveyance shall be deemed to be a conforming lot or parcel for all purposes under this chapter. However, any new construction or building addition shall conform to the subject yard requirements of the applicable district. Any re-construction or maintenance of the existing structures may be performed with no additional encroachment into the subject yard requirements.

('74 Code, § 25-108) (Ord. 89-08, passed 4-27-89; Am. Ord. 2016-88, passed 12-15-16)

**§ 173.108. ~~§ 185.163~~ USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES.**

Any use for which a conditional use is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

('74 Code, § 25-109) (Ord. 89-08, passed 4-27-89; Am. Ord. 95-44, passed 11-2-95)

**§ 173.109. ~~§ 185.164~~ TEMPORARY USES.**

The casual, intermittent, temporary or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use. Such use shall not be validated by the adoption of this chapter unless it complies with the terms of this chapter.

('74 Code, § 25-110) (Ord. 89-08, passed 4-27-89)

[§ 173.110. RESERVED](#)

[§ 173.111. RESERVED](#)

[§ 173.112. RESERVED](#)

[§ 173.113. RESERVED](#)

[§ 173.114. RESERVED](#)

[§ 173.115. RESERVED](#)

[§ 173.116. RESERVED](#)

[§ 173.117. RESERVED](#)

[§ 173.118. RESERVED](#)

[§ 173.119. RESERVED](#)

## **PART 10. § 185.017-VESTED RIGHTSTRANSITION PROVISION.**

### **§ 173.120. PREVIOUSLY AUTHORIZED DEVELOPMENT.**

In the event any provision of this ~~chapter~~ [Land Development Code](#) would limit or modify the vested rights of any person or entity to complete a development that has been previously authorized, then in that event, the city may recognize the right to complete the development as provided herein. The city recognizes the right of any person to complete the following development:

- ~~(A)~~ ~~(A)~~—Development that has received a building permit as long as that permit remains valid;
- ~~(B)~~ ~~(B)~~—Development that has received final site plan approval shall have one (1) year to obtain and maintain a valid building permit; and
- ~~(C)~~ ~~(C)~~—Development that has filed a completed application for a building permit shall have 180 days to obtain and maintain a valid building permit.
- ~~(D)~~ ~~(D)~~ Development that has received [preliminary plat approval or preliminary PUD approval provided the development has secured a permit to construct all or any phase of such development and is continuing the development in good faith.](#) **[MOVED D-F FROM 183.01 (Comprehensive Plan)]**

~~('74 Code, § 25-314) (Ord. 89-08, passed 4-27-89; Am. Ord. 2016-17, passed 4-21-16)~~

~~(J)~~ ~~Vested rights.~~ **[FROM SECTION 183.01, COMPREHENSIVE PLAN]**

~~(1) In the event any provision of the comprehensive plan or maps would limit or modify the vested rights of any person or entity to complete any development that has been previously authorized, then in that event, the city may recognize the right to complete the development as provided herein. The city recognizes the right of any person to complete the following development:~~

- ~~(a) Development that has received a building permit;~~
- ~~(b) Development that has received final plat approval or final site plan approval;~~

~~(c) Development that has received preliminary plat approval, preliminary subdivision approval, or preliminary PUD approval provided the development has secured a permit to construct all or any phase of such development and is continuing the development in good faith.~~

**§ 173.121. APPROVAL EXPIRATION.**

~~(2) Any person or entity with vested rights who has a right to complete a development and has secured a building permit, final plat approval, final site plan approval, or preliminary approval as provided above shall lose its right to complete such development if such development does not maintain a current building permit, or current site plan or development approval as provided for by this code of ordinances of the city. Once a development has lost its current approval, then in that event future development shall comply with applicable provisions of the comprehensive plan and maps.~~

~~(3) The city may recognize other applications for vested rights in accordance with the following procedure:~~

~~(a) Any property owner who claims to have vested rights based upon a prior approval from the city other than as provided above may submit to the city manager, within one hundred and twenty (120) days after the effective date of this section, a written request for recognition of the vested rights.~~

~~(b) The applicant shall submit such information as the applicant deems appropriate to support a claim of vested rights including a legal description of property, dates of any recent rezoning, preparation of any plans, approval of any plans, any action of the city upon which applicant has relied, facts showing substantial reliance or change in position.~~

~~(c) Within ninety (90) days after receipt of the application, the City Council shall either recognize or reject the applicant's claim of vested rights. If this city fails to act upon such request within ninety (90) days, then the application shall be deemed to be denied. No suit shall be filed by the applicant unless prior thereto the applicant has made a request of the city prior to the litigation.~~

~~(K) Constitutional claims. [NOT NEEDED IN THE LDC]~~

~~(1) In the event any person claims that any provision of the comprehensive plan, elements, or maps constitutes a taking of the landowner's property without due process of law and the payment of just compensation as provided for in the Florida Constitution and the Constitution of the United States of America, then in that event, the person shall first present the claim to the city. The provisions of Fla. Stat. § 163.3215 shall prevail on any claims that may be asserted under such statutes and this section shall not be construed as an additional remedy presently governed by Fla. Stat. § 163.3215.~~

~~(2) Any person claiming such taking shall:~~

~~(a) Submit the claim in writing to the City Manager identifying the name and address of the property owners;~~

~~(b) The present use of the property;~~

~~(c) The present land use designation and zoning classification;~~

~~(d) The particular provision of the comprehensive plan that the person believes to have constituted a taking;~~

~~(e) The remedy requested;~~

~~(f) Documentation or other evidence demonstrating the economic deprivation;~~

~~(g) Case law or legal authority, if any, that demonstrates the taking;~~

~~(h) Such other information demonstrating how the plan or element constitutes a taking.~~

~~(3) After the city has received the request, it shall have ninety (90) days to review and act upon the request. Due public notice as required by Fla. Stat. Ch. 163 and Ch. 166, shall be provided prior to granting any relief under this section. The city reserves its full legislative function to act upon requests under this section and the actions shall be presumed to be fairly debatable.~~