

## ARTICLE V. - ZONING DISTRICT REGULATIONS

This article describes the purposes and intent of each zoning district, identifies permitted and conditional uses by zoning district, and provides size and dimensional regulations for respective zoning districts. All proposed new development shall be required to comply with site plan review requirements of article XVIII and performance criteria of chapter III. All conditional uses must comply with procedures and criteria on article VI. The following sections present the basic purpose and intent of each zoning district and the uses permitted therein.

## Sec. 54-2-5.1. - Conservation District (C).

- (a) *Intent.* This district is intended to implement the comprehensive plan policies for preserving areas designated "Conservation" on the comprehensive plan future land use map (FLUM). These areas primarily consist of environmentally sensitive natural resources and systems including but not limited to the Sebastian River, the Indian River, other environmentally sensitive public lands, and mangrove fringe protected by Florida Statutes. The intent of this district is to provide for the long term preservation of environmentally sensitive natural resources systems designated "Conservation" on the comprehensive plan FLUM.

No development shall be permitted within the Conservation District unless the applicant for such development provides proof of permits or proof of exemptions from all applicable state or federal agencies having jurisdiction.

The developer/applicant of lands within the Conservation (C) District shall be required to provide a site engineered delineation of all environmentally sensitive lands, including, but not limited to, wetlands and uplands habitat and shall also indicate the location of lands or waters within the jurisdiction of the state and/or federal government. The applicant shall bear the burden of proof in determining that development plans required pursuant to article XVIII include appropriate mitigation techniques to prevent/minimize adverse impacts to wetlands, transitional wetlands, upland habitat, tidal waters and estuarine areas, including benthic communities, such as seagrass beds and other live bottom communities, or additional environmentally fragile natural systems. An on-site survey by environmental professionals shall be submitted by the applicant. Such determinations shall be based on physical and biological data obtained from specific site investigations and provided with the earliest application for city development approval. These determinations shall be predicated on findings rendered by professionals competent in producing data and analysis necessary to support impact assessments, including findings regarding the impacts of potential development on the physical and biological function and value of environmentally sensitive lands. Any development within the Conservation District shall be required to comply with all performance criteria of chapter III, especially article XI, Environmental Protection, as well as all other applicable land development regulations.

- (b) *Uses permitted.* All development within the Conservation District shall be by conditional use due to the environmental sensitivity of lands within the Conservation District.
- (c) *Conditional uses.* Prior to any development within a Conservation District all state or federal agencies having jurisdiction shall have granted requisite permits, including but not limited to, dredge and fill permits. As stated in article VI. Conditional Uses, applicants for a conditional use must demonstrate that the proposed uses and facilities identified below are compliant with all applicable criteria and relevant mitigation measures for conditional use approval, including but not limited to, wetland preservation, coastal resource impact analysis and shoreline protection, protection of marine life and fisheries, protection of flora and fauna, and flood plain protection. The design of proposed conditional use facilities shall be required to apply mitigation measures to prevent and/or minimize adverse impacts on natural systems, including but not limit to, habitats, water quality, and the physical and biological functions of wetlands. The size and scale of such development shall be restricted.

Waterward of mean/ordinary high water: only water dependent facilities, including:

- (1) Fishing piers, docks and related boardwalks, which satisfy state permitting standards.
- (2) Watercraft.
- (3) Boardwalks not exceeding a width of five feet, which shall be elevated in order to reduce adverse impacts on hydrologic functions of wetlands and which satisfy state permitting standards.

- (4) Water related facilities that satisfy state permitting standards.

Within areas above mean high water:

- (1) Hiking trails not exceeding a width of four feet to avoid adverse impacts on upland habitats and those portions traversing waterways shall be elevated in order to reduce adverse impacts on hydrologic functions.
- (2) Picnic areas.
- (3) Observation towers that shall be elevated in order to reduce adverse impacts on hydrologic functions of wetlands.
- (4) Public and private utilities where such facilities are essential to the public health, safety and welfare.
- (5) Fishing piers, docks and related boardwalks, which satisfy state permitting standards.

(d) *Dimensional regulations.*

- (1) Maximum density: Not applicable.
- (2) Maximum FAR: 1%
- (3) Maximum height: 25 feet.
- (4) Maximum site alteration: 1%
- (5) Lot dimensions: Not applicable.
- (6) Minimum setbacks: All development, excepting permitted water dependent uses, must comply with requirements for setbacks from wetlands and open waters established in section 54-3-11.1(c) and section 54-2-5.10(a).

- (e) *Commercial structures within waters of the state.* The City of Sebastian shall regulate the location as well as the intensity and character of permanent and temporary water-dependent structures within the corporate limits of the City of Sebastian. This subsection does not apply to watercraft. Applicants desiring to develop, establish or expand temporary or permanent structures within waters of the state shall be required to file a major site plan pursuant to procedures set forth in article XVIII. The applicant shall be required to submit a plan compliant with applicable performance criteria set forth in chapter III, including but not limited to section 20-3-11.4, Coastal resource impact analysis.

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

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

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

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

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

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

(b) *Uses permitted:*

Single-family dwellings	Home occupations
Foster care/group homes with $\leq 6$ residents	Accessory residential uses

(c) *Conditional uses:*

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

(d) *Dimensional regulations:*

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

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

## (4) Lot dimensions:

Minimum lot size: 40,000 square feet

Minimum lot width: 125 feet

Minimum lot depth: 150 feet

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

Front: 40 feet

Side: 20 feet

Rear: 25 feet

- (6) Minimum living area: The minimum floor area required, exclusive of porches, terraces, attached garages, carport or unroofed areas, shall be 1,600 square feet.
- (7) Required accessory structures: Every single-family dwelling unit shall be required to provide a garage or carport. If a carport or similar unenclosed vehicle storage structure is provided, then each unit within the principal structure shall contain a fully enclosed utility storage area of at least 60 square feet, which shall be designed as an integral part of the principal structure. If a fully enclosed garage is provided, then no utility structure shall be mandated. The garage or carport shall have a minimum interior clear dimension of ten feet by 20 feet.

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

- (a) *Intent:* The RS-20 district is established to implement comprehensive plan policies for low density residential development on lots of 20,000 square feet.

- (b) *Uses permitted:*

Single-family dwellings

Foster care/group homes with 6 ≤ residents

Accessory residential uses

Home occupations

- (c) *Conditional uses:*

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

- (d) *Dimensional regulations:*

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

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

## (4) Lot dimensions:

Minimum lot size: 20,000 square feet

Minimum lot width: 100 feet

Minimum lot depth: 150 feet

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

Front: 30 feet

Side: 15 feet

Rear: 25 feet

## (6) Minimum living area: The minimum floor area required, exclusive of porches, terraces, attached garages, carport or unroofed areas, shall be 1,400 square feet.

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

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

(a) *Intent*: The RS-10 District is established to implement comprehensive plan policies for low-density residential development on lots of 10,000 square feet.(b) *Uses permitted*:

Single-family dwellings

Foster care/group homes with 6 ≤ residents

Accessory residential uses

Home occupations

(c) *Conditional uses*:

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

(d) *Dimensional regulations:*

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

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

## (4) Lot dimensions:

Minimum lot size: 9,500 square feet

Minimum lot width: 80 feet

Minimum lot depth: 100 feet

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

Front setbacks 25 feet

Secondary front yard setbacks: 20 feet

Side setbacks: 10 feet

Rear setbacks: 20 feet

## (6) Minimum living area: The minimum floor area required, exclusive of porches, terraces, attached garages, carports or other unenclosed areas, shall be 1,200 square feet.

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

(Ord. No. O-02-9, § 1, 7-24-2002)

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

(a) *Intent:* The RM-8 District is established to implement comprehensive plan policies for managing primarily duplex and multiple-family developments on land designated for medium density residential development.(b) *Uses permitted:*

Single-family dwellings

Duplex dwellings

Multifamily dwellings

- Foster care/group homes with 6 ≤ residents
- Home occupations
- Townhouse development
- Accessory residential uses

(c) Conditional uses:

- Foster care/group homes with > 6 residents
- Child care services
- Cultural or civic facilities
- Schools, public or private
- Golf courses and support facilities
- Bed and breakfast
- Nursing homes
- Churches
- Utilities, public and private
- Parks and recreation, public
- Protective and emergency services, public
- Model homes
- Accessory uses to conditional uses

(d) Dimensional regulations (excluding townhouse development):

- (1) Maximum density: Shall not exceed eight units per acre.
- (2) Maximum height: 35 feet (25 feet for properties east of Indian River Drive).
- (3) Lot coverage and open space:

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

(4) Lot dimensions:

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

(5) Minimum setbacks: All development must comply with requirements for setbacks from wetlands and open waters established

in section 54-3-11.1(c).

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

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

(6) Minimum living area:

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

Duplex dwellings: 750 square feet per unit.

Multiple-family dwellings:

REQUIRED MINIMUM LIVING AREA IN MULTIPLE-FAMILY DWELLINGS	
Type Dwelling/# Bedrooms	Required # of Square Feet
Efficiencies	600
One bedroom units	700
Two bedroom units	850
Three bedroom units	1,000
Each additional bedroom after three bedrooms	100 sq. ft. per Additional bedroom

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

(e) *Dimensional regulations (for townhouse development):*

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

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

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



## (3) Lot coverage and open space:

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

## (4) Lot dimensions:

Minimum lot size (prior to platting): 1 acre

Minimum interior lot size within a site: 1,875 square feet

Minimum interior lot width: 25 feet

Minimum interior lot depth: 75 feet

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

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

## (6) Minimum living area: 900 square feet

## (7) Required garages: Every townhouse unit shall be required to provide a garage. The garage or carport shall have a minimum interior clear dimension of ten feet by 20 feet.

## (8) Special regulations:

- a. Access. All dwelling units shall have access to a public street either directly or indirectly via an approach, private road, or other area dedicated to public or private use or common easement guaranteeing access. The city shall be allowed access on privately owned roads, easements, and common open space to ensure police and fire protection of the area meet emergency needs, conduct city services and generally ensure the health and safety of the residents of the development.
- b. Unified control. Title to all land within a proposed site shall be owned or controlled by the developer/owner submitting the applications for the development. For purposes of this section, the term "controlled by" shall mean that the developer shall have the written consent of all owners of the property within the proposed site not owned by the developer. The consent shall contain a notarized statement that the developer is authorized to represent the owners in the submission of an application under the provisions of this section and that the owners shall agree to be bound by the decision of the city council if the application is approved.
- c. Development standards. The minimum construction requirements for streets or roads, sidewalks, utilities, and drainage shall be in compliance with city standards.
- d. Common open space. All privately owned common open space shall conform to its intended use and remain as expressed in the final development plan through the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the final development plan. Such deed restrictions shall run with the land and for the benefit of present as well as future property owners and shall contain a prohibition against partition. All common open space, as well as public and recreational facilities, shall be specifically included in the development

schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures. The developer shall establish an association or nonprofit corporation of all individuals or corporations owning properties within the development to ensure maintenance of all common open space. The association or nonprofit corporation shall conform to the following requirements:

1. The developer shall establish the association or nonprofit corporation prior to sale of any lots. Control of all common open space and recreation facilities shall be passed to the association upon sale or transfer of 90 percent or more of the residential units.
2. Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the development, and such association or corporation shall not discriminate in its members or shareholders.
3. The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities, that are not dedicated to the public; shall provide for the maintenance, administration and operation of such land and any other land within the development not publicly or privately owned; and shall secure adequate liability insurance on the land. The title to all residential property owners shall include an undivided fee simple estate in all common open space or an unrestricted easement for the use and enjoyment of the common open space.

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

#### Sec. 54-2-5.2.5. - Mobile Home District (R-MH).

(a) *Intent.* The R-MH District is established to implement comprehensive plan policies for managing mobile home and certain non-site building development on land designated for residential development satisfying the location requirements and criteria of this section.

(b) *Definitions.* The following terms shall have the meanings stated below:

- (1) *Mobile home* shall mean a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical systems contained therein. Calculations to determine the number of square feet in a structure will be based upon HUD standards, and such structures are subject to the regulations set forth therein.
- (2) *Manufactured residential building* shall mean a closed structure, building assembly or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilation or other service systems manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished residential building or as part of a finished residential structure. This does not apply to mobile homes. Residential manufactured buildings may also mean, at the option of the manufacturer, any residential building of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site. All residential manufactured buildings shall be required to bear the insignia from the Department of Community Affairs, State of Florida (herein after DCA) or its successor agency, pursuant to DCA regulations.
- (3) *Travel trailer* shall mean a portable structure built on a chassis designed as a temporary dwelling for travel and vacation use and when not exceeding eight feet in width, or whose length does not exceed 40 feet and shall not be used as living quarters except in a recreational trailer park.

(c) *Uses permitted:*

Mobile homes

Accessory residential uses

Manufactured residential buildings

Home occupations

(d) *Conditional uses:*

- Utilities, public and private
- Model homes
- Protective and emergency services, public
- Parks and recreation, public
- Vehicular storage areas, common
- Accessory uses to conditional uses

(e) *Location requirements:*

- (1) Mobile homes and manufactured residential buildings. Mobile homes and manufactured residential buildings are a permitted use within the R-MH Mobile Home District and the PUD (MH) Mobile Home Planned Unit Development District upon meeting applicable regulations of this Code.
- (2) Nonconforming mobile home uses. Any nonconforming mobile home use existing within the corporate limits on November 9, 1989 shall be allowed to remain, but shall not be allowed to expand their facilities beyond their current boundaries.

(f) *Construction standards:* All residential manufactured buildings and mobile homes shall be constructed in compliance with the provisions of chapter 320, Florida Statutes and/or chapter 553, Florida Statutes. In addition, all residential manufactured buildings and mobile homes shall be constructed in compliance with specifications set forth by the National Fire Protection Association (NFPA) under the association's Code of Specifications for Mobile Homes and Travel Trailers as exists, or as may hereinafter be updated and amended by the NFPA. All construction shall meet the above specifications or equal, except to the extent same is inconsistent with the United States Department of Housing and Urban Development (HUD) regarding construction and safety standards of mobile homes and with the State of Florida Department of Community Affairs regarding construction and safety standards for residential manufactured buildings. The said NFPA specifications shall remain on file in the City Hall in the City of Sebastian, Florida, and shall be kept current with subsequent NFPA amendments.

All mobile homes and manufactured residential building shall be anchored in a manner prescribed by the Code of Ordinances consistent with the Federal Department of Housing and Urban Development standards. The minimum first floor elevation shall be at least 18 inches above the crown of the street. All awnings, carports, principal patios and accessories to the building or accessory buildings shall be constructed in compliance with the building code and the Land Development Code of the city. In addition, all mobile homes and manufactured residential buildings shall be required to have skirting. Such skirting shall be of concrete, masonry, stucco, wood or other suitable material, and such skirting may have allowable louvers for ventilation.

(g) *Size and dimension criteria:*

- (1) Maximum density: Shall not exceed five units per acre.
- (2) Maximum height: 25 feet.
- (3) Lot coverage and open space:

Maximum building coverage: 40%	Maximum impervious surface: 50%
Minimum open space: 55%	

## (4) Lot dimensions:

Minimum lot size: 7,500 square feet	Minimum lot depth: 100 feet
Minimum lot width: 70 feet	

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

Front: 20 feet

Side: 10 feet

Rear: 10 feet

## (6) Minimum living area: 900 square feet

(h) *Common vehicular storage areas*: All developments having a R-MH zoning classification shall be permitted to provide common areas for the storage of recreational equipment including boats and recreational vehicles:(1) Surface. Storage areas shall have a surface meeting the provisions of section 54-3-10.9.

(2) Screening. All storage areas shall be enclosed by a security fence and properly screened from neighboring residences with a Type "A" opaque screen. All storage areas shall be a minimum of 30 feet from the nearest home site.

(3) Site plan review. Such storage areas shall undergo a site plan review in accordance with article XVIII of this Code.

## Sec. 54-2-5.3. - Commercial districts (subsections 54-2-5.3.1 through 54-2-5.3.3).

*General intent of commercial districts.*

The overall purpose and intent of the commercial districts is to provide a management framework for implementing comprehensive plan commercial development objectives and policies. The location and distribution of specific types of commercial activities shall be determined based on the following considerations:

- Trip generation characteristics, including impact on transportation facilities and off-street parking systems;
- Location and site requirements based on specific needs of respective commercial activities, their market area, anticipated employment generation and floor area requirements;
- Compatibility with and impact on nearby residential and other surrounding commercial activities;
- Relationship to surrounding land uses and natural systems; and
- Impact on existing and planned community services and utilities.

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

## Sec. 54-2-5.3.1. - Commercial-512 District (C-512).

(a) *Intent*. The C-512 District is established to implement comprehensive plan policies for managing land designated for commercial development along segments of C.R. 512.

(1) Traffic impacts along C.R. 512 corridor. The purpose and intent of the C-512 District is to provide a well-planned and equitable

growth management policy for directing future development within the C-512 District boundaries. The existing pattern of development without such regulation violates accepted principles and practices of traffic engineering, county road policies and standards, and adversely impacts the safety, welfare, and convenience of the motoring public. This statement acknowledges the fact that C.R. 512 is identified as an arterial highway on the major thoroughfare plans of both the City of Sebastian and Indian River County. Both acknowledge that C.R. 512 is a major regional transportation facility linking U.S. 1 and I-95, and also linking the cities of Sebastian and Fellsmere with Indian River County, and the City of Vero Beach urban areas to the south.

- (2) Plan for off-street parking and controlled curb cuts. The purpose and intent of the C-512 District is also to restrict the location of curb cuts within the district, require compliance with a master plan for parking and curb cut control, and regulate the timing and intensity of land development in order to alleviate potential traffic congestion along the C.R. 512 corridor. Although presently land within this district is relatively undeveloped, if the regulations prescribed herein were not duly adopted, future development within this district would generate unsafe and dangerous conflicts in traffic flow along C.R. 512.

(b) *Uses permitted:*

Cultural or civic facilities

Churches

Administrative services, public and private

Clubs and lodges, public and private

Business and professional offices, excluding drive-through facilities

Medical services

Commercial retail  $\leq 5,000$  sq. ft.

Pharmacies

Medical marijuana dispensaries

Home occupations

Plant nurseries

Commercial amusements, enclosed

Restaurants, excluding drive-through facilities

Trade and skilled services

Residential uses accessory to permitted uses

Accessory uses to permitted uses

(c) *Conditional uses:*

Child care services

Nursing homes

Protective and emergency services, public

Utilities, public and private

Parks and recreation, public

Gasoline sales, retail

Veterinary services

Commercial retail with > 5,000 sq. ft.

Accessory uses to conditional uses

(d) *Dimensional regulations:*

(1) Maximum FAR: 50%

(2) Maximum height: 35 feet.

(3) Lot coverage:

Maximum building coverage: 35%.

Minimum open space: 20%.

Maximum impervious surface: 80%.

(4) Lot dimensions:

Minimum lot size: 20,000 square feet.

Minimum width: 125 feet.

Minimum depth: 160 feet.

(5) Minimum setbacks:

Front yard: If abutting CR 512: 74 feet;

Otherwise, all other front yards: 10 feet.

Side yard: None if the building is built to the side property line(s); otherwise a minimum of 10 feet.

Rear yard: 10 feet.

(6) Rear yard landscape requirements: a rear yard buffer strip shall be required pursuant to section 54-3-14.16 in order to provide satisfactory screening of the district from abutting residentially zoned property.

(7) Separation requirements:

- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from any public school, charter school, private school, daycare or childcare facility.
- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from any church, playground, public recreational facility or community center.
- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from another pharmacy or medical marijuana treatment center, and only one such business shall be located any any single shopping center.

(e) *Unified control of land.* All development proposals having a C-512 designation must demonstrate that all land within the project is held under common ownership whether an individual, a partnership or corporation, submits the proposal.

(f) *Mandatory compliance with Master Parking and Curb Cut Control Plan (MPCCCCP).* The MPCCCCP is hereby adopted by reference and shall apply to all developments within the C-512 District. The MPCCCCP is on file in the planning and growth management department.

(g) *Expansion of uses to adjacent lot(s).* An existing permitted land use within the C-512 District may be expanded to an adjacent lot or lots less than 80 feet width providing the following conditions are met and the planning and zoning commission approves the site plan for expansion:

- (1) The subject lot or lots shall be under unified control with the adjoining subject developed properties pursuant to section 54-2-5.3.1(e);
- (2) All such extensions must be constructed as a contiguous extension to an existing structure on the adjoining lot; and
- (3) The proposed development shall comply with all codes and ordinances of the City of Sebastian and reasonable conditions affixed to the site plan by the planning and zoning commission and/or the city council.

(h) *Compatibility of building lines.* No structure within the C-512 District shall be set back more than 84 feet from the front property line in order to ensure a uniform pattern of development along the CR 512 corridor.

(Ord. No. O-18-01, § 3, 6-13-2018)

#### Sec. 54-2-5.3.2. - Commercial Limited District (CL).

(a) *Intent.* The CL District is established to implement comprehensive plan policies for managing land designated for limited commercial development. Areas designated for limited commercial development shall not accommodate large-scale retail sales and trade activities generally serving regional markets. Such stores usually differ from limited commercial shops since the former generally require a larger floor area, carry a relatively larger inventory, and require a substantially greater off-street parking area.

Uses which are not accommodated within the limited commercial area include the following: large scale discount stores or supermarkets; department stores; wholesale and warehousing activities; sales, service or repair of motor vehicles, machine equipment or accessory parts, including tire and battery shops; automotive services centers; and fast food establishments with drive-in or drive-through facilities.

(b) *Permitted uses:*

Business and professional offices, excluding drive-through facilities

Cultural or civic facilities

Medical services

Commercial retail ≤ 5,000 sq. ft.

Pharmacies

Medical marijuana dispensaries

Home occupations

Parking garages

Churches

Administrative services, public and private

Clubs and lodges, public and private

All uses permitted within the RM-8 Zoning District

Accessory uses to permitted uses

(c) *Conditional uses:*

Child care services

Nursing homes

Commercial retail > 5,000 sq. ft.

Gasoline sales, retail

Parks and recreation areas, public

Utilities, public and private

Protective and emergency services, public

Business and professional offices with drive-through facilities

Qualified affordable housing

Restaurants, excluding drive-through facilities

Veterinary services

Funeral homes

Accessory uses to conditional uses

(d) *Dimensional regulations:*

(1) Maximum FAR: 60%.

(2) Maximum height: 35 feet.

(3) Lot coverage:

Maximum building coverage: 30%.

Maximum impervious surface: 80%.

Minimum open space: 20%.

(4) Lot dimensions:

Minimum lot size: 10,000 square feet.

Minimum width: 75 feet.

Minimum depth: 125 feet.

(5) Minimum setbacks:

Front yard: 10 feet.

Side yard: 5 feet minimum, except 30 feet when abutting a residential district.

Rear yard: 10 feet; except 30 feet when abutting a residential district.

(6) Separation requirements:

- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from any public school, charter school, private school, daycare or childcare facility.
- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from any church, playground, public recreational facility or community center.
- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from another pharmacy or



medical marijuana treatment center, and only one such business shall be located any any single shopping center.

(Ord. No. O-01-07, § 1, 4-11-2001; Ord. No. O-12-10, § 1, 10-10-2012; Ord. No. O-18-01, § 3, 6-13-2018)

Sec. 54-2-5.3.3. - Commercial General District (CG).

(a) *Intent:* The CG District is established to implement comprehensive plan policies for areas designated "CG" on the comprehensive plan future land use map.

(b) *Permitted uses:*

Cultural or civic facilities

Churches

Parking garages

Clubs and lodges, public and private

Business and professional offices, excluding drive-through facilities

Medical services

Commercial retail ≤ 20,000 sq. ft.

Pharmacies

Medical marijuana dispensaries

Plant nurseries

Gasoline sales, retail

Restaurants, excluding drive-through facilities

Trade and skilled services

Hotels and motels

Vehicular sales and related services

Administrative services, public and private

Accessory uses to permitted uses

Home occupations

All uses permitted within the RM-8 Zoning District

(c) *Conditional uses:*

Bars and lounges

Commercial retail > 20,000 sq. ft.

Business and professional offices with drive-through facilities

Farmer's market

Funeral homes

Pawn shops

Nursing homes

Child care services

Utilities, public and private

Parks and recreation, public

Protective and emergency services, public

Restaurants with drive-through facilities

Vehicular service and maintenance

Veterinary services

Wholesale trades and services

Commercial amusements, enclosed

Accessory uses to conditional uses

Mini-storage

(d) *Dimensional regulations:*

(1) Maximum FAR: 60%.

(2) Maximum height: 35 feet.

(3) Lot coverage:

Maximum building coverage: 30%.

Maximum impervious surface: 80%.

Minimum open space: 20%.

(4) Lot dimension:

Minimum lot size: 10,000 square feet.

Minimum width: 75 feet.

Minimum depth: 125 feet.

(5) Minimum setbacks:

Front yard with sidewalks, curb and gutters: None required.

Front yard without sidewalks, curb and gutters: 6 feet.

Side yard: 5 feet minimum, except 30 feet when abutting a residential district.

Rear yard: 10 feet; except 30 feet when abutting a residential district.

(6) Separation requirements:

- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from any public school, charter school, private school, daycare or childcare facility.

- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from any church, playground, recreational facility or community center.
- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from another pharmacy or medical marijuana treatment center, and only one such business shall be located any any single shopping center.

(Ord. No. O-18-01, § 3, 6-13-2018)

Sec. 54-2-5.4. - Commercial Riverfront (CR).

(a) *Intent:* The purpose and intent of the CR District is to provide a management framework for implementing comprehensive plan objectives and policies for the riverfront mixed use designation illustrated on the future land use map. All development in the Commercial Riverfront District shall comply with the comprehensive plan, performance criteria in chapter III, as well as other applicable land development regulations. The CR District is intended to preserve the existing character of the riverfront area. The existing assets, including historical structures, shall be protected, preserved and enhanced. The zoning district is intended to provide for a mixture of uses and a variety of opportunities for recreational and commercial uses while protecting the environment.

(b) *Permitted uses:*

Cultural or civic facilities

Clubs and lodges, public and private

Medical services

Gasoline sales, retail

Wet or dry storage of boats

Trade and skilled services

Marine power sales and service

Hotels and motels

Bait and tackle shops

Accessory uses to permitted uses

Educational institutions, marine related

Administrative services, public and private

Business and professional offices, excluding drive-through facilities

Commercial retail ≤ 10,000 sq. ft.

Pharmacies

Medical marijuana dispensaries

Restaurants, excluding drive-through facilities

Bars and lounges

Home occupations

Marinas

Marine fuel sales

Boat sales and rentals

Fish markets and packing facilities

Yacht clubs

All uses permitted in the RM-8 Zoning District

(c) *Conditional uses:*

Utilities, public and private

Protective and emergency services, public

Commercial retail > 10,000 sq. ft.

Child care services

Churches

Plant nurseries

Funeral homes

Accessory uses to conditional uses

Parks and recreation, public

Nursing homes

Commercial amusements, enclosed

Restaurants, with drive-through facilities

Farmer's markets

Parking lots without buildings on the lot

Veterinary services

Business and professional offices with drive-through facilities

Vehicular service and maintenance

(d) *Size and dimension regulations:* The following are the minimum size and dimension criteria for lots within this district. For lots located in the Riverfront Performance Overlay District, the additional requirements of the overlay district shall be complied with:

(1) Maximum FAR: 60%.

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

(3) Lot coverage:

Maximum building coverage: 30%.

Maximum impervious surface: 80%.

Minimum open space: 20%.

(4) Lot dimensions:

Minimum lot size: 10,000 square feet.

Minimum width: 75 feet.

Minimum depth: 125 feet.

(5) Minimum setbacks:

Front yard with sidewalks, curb and gutters: None.

Front yard without sidewalks, curb and gutters: 6 feet.

Side yard: 5 feet, except 10 feet when abutting a residential district or use.

Rear yard: 10 feet, except 30 feet when abutting a residential district or use.

(6) Separation requirements:

- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from any public school, charter school, private school, daycare or childcare facility.
- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from any church, playground, public recreational facility or community center.
- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from another pharmacy or medical marijuana treatment center, and only one such business shall be located any any single shopping center.

(e) *Riverfront design standards.* Development shall comply with the design standards for the Riverfront Performance Overlay District, cited in article XXI.

(Ord. No. O-12-10, § 2, 10-10-2012; Ord. No. O-18-01, § 3, 6-13-2018)

Sec. 54-2-5.5. - Commercial Waterfront Residential District (CWR).

(a) *Intent.* The purpose and intent of the CWR District is to provide a management framework for implementing comprehensive plan objectives and policies for the Riverfront Mixed Use designation illustrated on the future land use map. All development in the Commercial Waterfront Residential District shall comply with the comprehensive plan, performance criteria in chapter III, as well as other applicable land development regulations. The CWR District is intended to preserve the existing character of the Riverfront area. The existing assets, including historical structures shall be protected, preserved and enhanced. The zoning district is intended to provide for a mixture of uses and a variety of opportunities for recreational, residential and commercial uses while protecting the environment.

(b) *Permitted uses:*

Single-family dwellings

Duplex dwellings

Multiple-family dwellings up to 8 units per acre

Timeshare facilities

Cultural or civic facilities

Clubs and lodges, public and private

Commercial retail  $\leq$  5,000 sq. ft.

Foster care/group homes with  $\leq$  6 residents

Boat sales or rental

Bait and tackle shops

Fish markets/packing facilities

Yacht clubs

Restaurants excluding drive-through facilities

Bars and lounges

Trade and skilled services, marine-related only

Marinas

Marina fuel sales

Marine power sales and service

Home occupations

Accessory uses to permitted uses

(c) *Conditional uses:*

Model homes

Educational institutions, marine related

Commercial retail  $>$  5,000 sq. ft.

Business & professional offices, excluding drive-through facilities

Utilities, public and private

Foster care/group homes with  $>$  6 residents

Parks and recreation, public

Hotels and motels

Parking lots without a building on the lot

Protective and emergency services, public

Bed and breakfast

Wet or dry storage of boats

Accessory uses to conditional uses

(d) *Size and dimension criteria:*

(1) Maximum density: 8 units per acre.

(2) Maximum FAR: 50%.

(3) Maximum height:

West of Indian River Drive: 35 feet.

East of Indian River Drive: 25 feet.

(4) Lot coverage:

Maximum building coverage: 30%.

Maximum impervious surface: 80%.

Minimum open space:

Nonresidential: 25%.

Residential: 50%.

(5) Lot dimensions:

Minimum lot size: 10,000 square feet.

Minimum lot width: 80 feet.

Minimum lot depth: 125 feet.

(6) Minimum setbacks:

Front yard:

Nonresidential, with sidewalk, curb and gutter: None required.

Nonresidential, without sidewalk, curb and gutter: 10 feet.

Residential: 25 feet.

Side yard:

Nonresidential: 5 feet, except 10 feet when abutting a residential district or use.

Residential: 15 feet plus one foot per each additional 2 feet in height above 25 feet.

Rear yard:

Nonresidential: 10 feet, except 30 feet when abutting a residential district or use.

Residential: 20 feet.

Minimum distance between residential structures on the same lot: 20 feet.

(7) Minimum living area:

Single-family dwellings: The minimum floor area required, exclusive of porches, terraces, attached garages, carport or unroofed areas, shall be 1,200 square feet.

Duplex: 750 square feet per unit.

Multiple family dwellings:

Required Minimum Living Area in Multiple Family Dwellings	
Type Dwelling/# Bedrooms	Required # of Square Feet
Efficiencies	600
One bedroom units	700
Two bedroom units	850
Three bedroom units	1,000
Each additional bedroom after three bedrooms	100 sq. ft. per additional bedroom

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

(e) *Regulation of sales promotional activity:* Sales activities for commercial resort residential units shall comply with all of the following criteria:

- (1) The original sale of the vacation time sharing plans may be conducted on premises in a sales office and in up to a maximum of two model units;
- (2) The on-site sales activity shall be limited to original developer sales;
- (3) The sales activity shall be conducted inside the sales office and model units so as not to be noticeable from the outside, except for permitted graphics;
- (4) On-site sales activities shall be terminated upon completion of original sales; and
- (5) A minimum of one parking space for each two proposed units shall be provided on site for the sales staff and potential purchasers' use during the (marketing) sales promotional and construction phases.

(f) *Conversions to time-share units:* No development involving the conversion of an existing dwelling unit to a time-share unit may take place unless the applicant attaches to his application for zoning or site plan approval either:

- (1) A copy of any information required by the state, including as may be appropriate, a condominium declaration, sales prospectus, and/or other documents required by the state in regulating the use. Such material shall include a statement in prominent type declaring that time-share units will or may be created with respect to units proposed; and/or
- (2) An amendment to a prior existing condominium declaration that permits time-share estates to be created, which amendment has been executed by each record owner of each unit of the condominium and each record owner of each lien on each unit of the condominium.

(g) *Other required information.* Applicants for a time-share use shall file with the city all public documents required by the state in regulating such use. The purpose of this requirement is to provide assurance that the applicant has been found in compliance with all requisite state regulations governing the use, including method of sales, operations, and other issues of public health, safety and welfare.



(Ord. No. O-12-10, § 3, 10-10-2012)

Sec. 54-2-5.6. - Industrial District (IN).

(a) *Intent.* The intent of the IN District is to provide a management framework for implementing comprehensive plan objectives and policies for limited industrial development on land designated IN on the future land use map. All development in the IN District shall comply with the comprehensive plan, performance criteria in chapter III, as well as other applicable land development regulations. Salvage yards and junkyards are deemed to generate highly extensive adverse impacts for the urban area and shall not be permitted uses in the city limits of Sebastian. Such activities are more appropriately located near major regional transportation facilities.

(b) *Permitted uses:*

Utilities, public and private

Business and professional offices with or without drive-through facilities

Gasoline sales

Crematory

Commercial retail with  $\leq 5,000$  sq. ft.

Pharmacies

Medical marijuana dispensaries

Commercial amusements, enclosed

Storage facilities

Plant nurseries

Restaurants with or without drive-through facilities

Trades and skilled services, including marine-related

Wholesale trades and services

Farmer's market

Fish markets and packing facilities

Veterinary services

Industrial activities

Parking garages

Parking lots without buildings on the lot

Clubs and lodges, public and private

Schools, public and private

Educational institutions, marine related

Administrative services, public and private

Vehicular sales and related services

Accessory watchman facilities

Medical services

Vehicular services and maintenance

Marine power sales and service

Wet/dry storage of boats

Accessory uses to permitted uses

(c) *Conditional uses:*

Commercial retail with > 5,000 sq. ft.

Hotels and motels

Mini-storage

Protective and emergency services, public

Parks and recreation, public

Commercial amusements, unenclosed

Adult entertainment establishment

Flea markets

Recycling or materials recovery facilities

Accessory uses to conditional uses

(d) *Dimensional regulations:*

(1) Maximum FAR: 50%.

(2) Maximum height: 35 feet. No structure shall be erected within the approach zones of active runways on the Sebastian Municipal Airport at a height in excess of those permitted by the FAA or the city council. All structures shall comply with the City of Sebastian Airport Master Plan.

(3) Lot coverage:

Maximum building coverage: 50%.

Maximum impervious surface: 80%.

Minimum open space: 20%.

(4) Lot dimensions:

Minimum lot size: 15,000 square feet.

Minimum width: 100 feet.

Minimum depth: 125 feet.

(5) Minimum setbacks:

Front yard: 20 feet.

Side interior yard: None.

Rear yard: 10 feet.

No building or structure in an IN District shall be located closer than 30 feet to a residential district.

(6) Separation requirements:

- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from any public school, charter school, private school, daycare or childcare facility.
- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from any church, playground, public recreational facility or community center.
- Pharmacies and medical marijuana treatment centers shall not be located closer than 500 feet from another pharmacy or medical marijuana treatment center, and only one such business shall be located any any single shopping center.

- (e) *Processing and storage within the Industrial District:* In the Industrial District any use is permitted either indoors or outdoors, but in conformance with the applicable performance standards. In the Industrial District, all business, servicing, manufacturing or processing within 200 feet of a residential district boundary may be outdoors but shall be effectively screened by a solid wall, fence or natural landscaping providing a 90 percent opaque screen planting so that the materials shall not be visible from the residential district. The requirement shall not apply to airfields for the outside storage of aircraft.

(Ord. No. O-12-10, § 4, 10-10-2012; Ord. No. O-18-01, § 3, 6-13-2018; Ord. No. O-19-07, § 2, 1-8-2020)

Sec. 54-2-5.7. - Airport and Industrial Facilities District (AI).

- (a) *Intent.* The intent of the AI District is to provide a management framework for implementing comprehensive plan objectives and policies for airport facilities and supportive light industrial activities and related development within lands designated IN on the future land use map. In addition, the district shall implement the policies of the City of Sebastian Airport Master Plan. Performance criteria within the Land Development Code requires that land use and development within and adjacent to the Sebastian Airport avoid encroaching upon the airport hazard zone. Furthermore, land uses proposed within noise impact areas defined in the FAA noise control regulations shall comply with FAA guidelines for managing noise impacts through land use regulation. The airport district regulations establish the permitted uses and applicable restrictions within the air operations area. The Federal Aviation Administration (FAA) regulations shall govern the land use, specifications, and placement of structures within the airport operations area. All development in the AI District shall comply with the comprehensive plan, performance criteria in chapter III, section 54-2-7.12, Airport height limitations, article XVIII, Site Plan Review Procedures, as well as other applicable land development regulations.

(b) *Uses permitted:*

Airports and related uses

Fixed base operators

Aircraft repair and service

Aeronautical schools

Aircraft storage hangars

Terminal facilities

Air freight terminals

Flying clubs

Airline operations

Sale or rental of aircraft

Air taxi and charter

Aerial survey

Aerial advertising

Aircraft manufacturing

Sales of aircraft parts and supplies

Aircraft modification

Airport maintenance

Airport administration

Airport security and emergency services

Aircraft component manufacturing when flight-testing is involved

Light industries that manufacture, assemble, process, package, store or distribute products that are dependent on component parts or raw materials manufactured elsewhere when runway is required

Skydiving services

Marine power sales and service

Wet/dry storage of boats

Wholesale trades and services

(c) *Conditional uses:*

Hotels and motels

Restaurants, excluding drive-through facilities

The following conditional uses are permitted when combined with a permitted use:

Car rental

Fuel storage

Protective and emergency services, public

Parks and recreation, public

Utilities, public and private

(d) *Dimensional regulations:*

(1) Maximum FAR: 50%.

(2) Maximum height: 35 feet.

## (3) Lot coverage:

Maximum building coverage: 50%.

Minimum open space: 20%.

Maximum impervious surface: 80%.

## (4) Lot dimensions:

Minimum lot size: 15,000 square feet.

Minimum width: 100 feet.

Minimum depth: 125 feet.

## (5) Minimum setbacks:

Front yard: 20 feet.

Side yard: None.

Rear yard: 10 feet.

No building or structure in an AI District shall be located closer than 30 feet to a residential district.

(f) *Airport height limitations.* Reference section 54-2-7.12.

(Ord. No. O-12-10, § 5, 10-10-2012)

## Sec. 54-2-5.8. - Public Service District (PS).

(a) *Intent.* The PS District is established to implement comprehensive plan policies for managing land designated for institutional development. All development in the PS District shall comply with the comprehensive plan, performance criteria in chapter III, section 54-2-7.12, Airport height limitations, article XVIII, Site Plan Review Procedures, as well as other applicable land development regulations.

(b) *Permitted uses:*

Parks and recreation areas, public

Accessory uses to permitted use

(c) *Conditional uses:*

Schools

Golf course and support facilities

Churches

Parks and public recreation areas equipped with stadium type lighting

Protective and emergency services, public

Hospitals and intensive care facilities

Utilities, public and private

Cultural or civic activities

- Child care services
- Clubs and lodges, public and private
- Administrative services, public and private
- Accessory uses to conditional uses

(d) Dimensional regulations:

- (1) Maximum FAR: 60%.
  - (2) Maximum height: 35 feet (25 feet east of Indian River Drive).
  - (3) Lot coverage:
    - Maximum building coverage: 40%.
    - Minimum open space: 45%.
    - Maximum impervious surface 60%.
  - (4) Lot dimensions:
    - Minimum lot size: 15,000 square feet.
    - Minimum width: 100 feet.
    - Minimum depth: 125 feet.
  - (5) Minimum setbacks:
    - Front yard: 30 feet.
    - Side yard: 10 feet.
    - Rear yard: 25 feet.
- No building or structure in a PS District shall be located closer than 30 feet to a residential district.

Sec. 54-2-5.9. - Table of Land Use by Districts.

Table 54-2-5.9, Land Use by Districts, stipulates the permitted and conditional uses by district. Permitted uses are uses allowed by right, provided all applicable regulations within the Land Development Code are satisfied, as well as all other applicable laws and administration regulations. Conditional uses are allowable only if approved by the city pursuant to administrative procedures found in article VI. The applicant requesting a conditional use must demonstrate compliance with conditional use criteria set forth in article VI.

The applicant shall bear the burden of proof in demonstrating compliance with all applicable laws and ordinances during the site plan review process. The site plan review process is set forth in article XVIII.

TABLE <u>54-2-5.9</u> . LAND USES BY DISTRICT MATRIX														
	C	RE-40	RS-20	RS-10	RM-8	R-MH	C-512	CL	CG	CR	CWR	IN	AI	PS
RESIDENTIAL USES														

Single-family dwellings		P	P	P	P						P			
Duplex dwellings					P						P			
Multiple-family dwellings					P						P			
Townhouses					P									
Qualified affordable housing								C						
Mobile homes						P								
Vehicular storage areas						C								
Foster care/group home with ≤ 6 residents		P	P	P	P						P			
Foster care/group homes with > 6 residents		C	C	C	C						C			
Model homes		C	C	C	C	C					C			
Guest houses		C	C											
Home occupations		P	P	P	P	P	P	P	P	P	P			
Residential uses accessory to permitted uses							P							
All uses permitted in RM-8								P	P	P				
<i>COMMUNITY FACILITIES</i>														
Airport facilities													P/C	
Child care services		C	C	C	C		C	C	C	C				C
Cultural or civic facilities					C		P	P	P	P	P			C
Schools, public and private		C	C	C	C							P		C
Educational institutions, marine related										P	C	P		

Equestrian facilities		C												
Golf course and support facilities		C	C		C									C
Hospitals and intensive care facilities														C
Nursing homes					C		C	C	C	C				
Churches		C	C	C	C		P	P	P	C				C
Clubs and lodges, public and private							P	P	P	P	P	P		C
Administrative services, public and private							P	P	P	P		P		C
Utilities, public and private		C	C	C	C	C	C	C	C	C	C	P	C	C
Parks and recreation, public		C	C	C	C	C	C	C	C	C	C	C	C	P
Parks public with stadium lighting														C
Protective and emergency services, public		C	C	C	C	C	C	C	C	C	C	C	C	C
<i>COMMERCIAL ACTIVITIES</i>														
Accessory watchman facilities												P		
Adult entertainment												C		
Bait and tackle shops										P	P			
Bars and lounges									C	P	P			
Bed and breakfast					C						C			
Boat sales and rentals										P	P			
Business & professional offices, excluding drive-through facilities							P	P	P	P	C	P		



Business & professional offices, with drive-through facilities								C	C	C		P		
Car rental (airport)													C	
Commercial amusement, enclosed							P		C	C		P		
Commercial amusement, unenclosed												C		
Time share facilities											P			
Commercial retail ≤ 5,000 sq. ft.							P	P			P	P		
Commercial retail > 5,000 sq. ft.							C	C			C	C		
Commercial retail ≤ 10,000 sq. ft.										P				
Commercial retail > 10,000 sq. ft.										C				
Commercial retail ≤ 20,000 sq. ft.									P					
Commercial retail > 20,000 sq. ft.									C					
Crematory												P		
Farmer's market									C	C		P		
Fish markets and packing facilities										P	P	P		
Flea market												C		
Pawn shops									C					
Fuel storage (airport)													C	
Funeral homes								C	C	C				
Hotels and motels									P	P	C	C	C	
Industrial activities												P		
Marina										P	P			

Marine fuel sales										P	P			
Marine power sales and service										P	P	P	P	
Marine related specialty retail sales & service										P	P			
Medical marijuana dispensaries							P	P	P	P		P		
Medical services							P	P	P	P		P		
Mini-storage									C			C		
Parking garages								P	P			P		
Parking lots without buildings on the lot										C	C	P		
Pharmacies							P	P	P	P		P		
Plant nurseries							P		P	C		P		
Restaurants, excluding drive-through facilities							P	C	P	P	P	P	C	
Restaurants, including drive-through facilities									C	C		P		
Gasoline sales, retail							C	C	P	P		P		
Trade and skilled services							P		P	P		P		
Trade and skilled services, marine-related											P	P		
Storage facilities												P		
Skydiving services													P	
Vehicular service and maintenance									C	C		P		
Vehicular sales and related service									P			P		

Veterinary services							C	C	C	C		P		
Wet/dry storage of boats										P	C	P	P	
Wholesale trades and services									C			P	P	
Yacht clubs										P	P			

*Footnote:* Adult life care and nursing homes shall include rest homes and convalescent homes, but no commercial offices or retail uses are allowed unless expressly restricted, designed and marketed only to serve residents of the facility and not the general public.

*Footnote:* In all zoning districts, accessory uses to permitted uses shall be considered permitted uses. In all zoning districts, accessory uses to conditional uses shall be considered conditional uses.

(Ord. No. O-12-10, § 6, 10-10-2012; Ord. No. O-18-01, § 3(Exh. A), 6-13-2018)

Sec. 54-2-5.10. - Size and dimension criteria.

(a) *Minimum lot or site requirements for all uses.*

- (1) Table of size and dimensional regulations. Table 54-2-5.10 incorporates required size and dimension regulations, which shall be applicable within each respective zoning district, and these standards shall be maintained in perpetuity. All developments shall have a total land area sufficient to satisfy all standards stipulated within the Land Development Code.
- (2) Height regulations and exceptions thereto. The term "building height" as used in the land development regulations shall mean the vertical distance from the highest elevation of either:
  - a. The minimum finished floor elevation as required in the Code of Ordinances section 26-1; or
  - b. The average construction grade of a site where fill is required by another governmental agency; or
  - c. The base flood elevation plus one foot as required by the Florida Building Code; or
  - d. The base flood elevation plus 18 inches if located within a Coastal High Hazard Area (V Zone),
 measured to the highest point of the building, not including those structures specifically permitted to the extend beyond the height of the building.

Chimneys and radio and television antennas may exceed height limitations upon the prior approval of the community development department staff and the city engineer based on the compliance with all other applicable technical codes. Steeples, silos, windmills, ventilators, water tanks, cupolas and other appurtenances usually required to be placed above the roof level and not intended for human occupancy or use may exceed height limitations for the respective zoning district by no more than 20% upon the prior approval of the city staff. All apparatus exceeding height limitations by more than 20% for the applicable zoning district height restrictions shall require variance approval by the board of adjustment. In no event, however, shall any permitted heights be in conflict with the height regulations established by flight angles of state-approved airports in the city. All permitted heights shall comply with all requirements of the Federal Aviation Authority and the Federal Communications Commission.

- (3) Lots of record less than minimum size (grandfather clause). Any legally platted lot of record (which conformed with the regulations and procedures governing subdivision of lots) at the time of the adoption of this ordinance which contains less lot area, width or depth than required in the district in which it is located may be used for a use permitted in such district. The

provision shall not be construed to permit more than one dwelling unit on a lot with less area per family than required for the district in which such lot is located. However, if the substandard lot adjoins other land under the same ownership which if used could correct the nonconforming lot area or width, then:

- a. The substandard lot shall not be permitted a vested development right unless the nonconformity is remedied; and, furthermore,
- b. Any subsequent sale or ownership transfer of the substandard lot, adjoining lot, or portion thereof, shall not result in a vested development right in the subject substandard lot(s) unless the transaction corrects deficiencies in the substandard lot(s).

\*This regulation shall not apply to lots of record within the C-512 District, where contiguous lots under the same ownership shall carry grandfather rights so long as the development lot width is a minimum of 80 feet.

- (4) Distance between principal buildings. More than one multiple-family dwelling may be located upon a lot, provided that the horizontal open space between such buildings measured at the closest point shall be as specified for the district in which it is located, and the distance shall be not less than twice the side yard required in the respective district. Such distance shall not be less than 20 feet.

- (b) *Density and intensity of land use.* The density and intensity shall be consistent with the comprehensive plan. Reference Table 54-2-5.10 for specific density and intensity maximums by type of land use. The density and intensity expressed in Table 54-2-5.10 is the maximum density/intensity, which can be achieved. However, the maximum density/intensity is not guaranteed by right and shall be subject to the performance criteria set forth herein. Maximum gross residential density shall be determined by dividing the "maximum allowable units" by the "gross acres of land" (i.e., dwelling units/gross land area). Land seaward of mean high water shall not be used in calculating density or intensity.

All residential densities stipulate the maximum gross densities. Gross land area shall be defined as those contiguous land areas under common ownership proposed for residential development. In cases where developable land abuts wetlands, waters of the state or other environmentally sensitive land, including but not limited to those lands within state and/or federal jurisdiction, the boundary shall be delineated as established in section 54-3-11.1(c) or as established by the state or federal government. The applicant shall bear the burden of proof in determining that development shall not adversely impact wetlands, waters of the state, and other environmentally fragile natural systems. Where the state and federal governments have jurisdiction, the applicant for development must obtain all necessary permits, including but not limited to a dredge and fill permit, prior to requesting a determination of development rights from the city. In addition, site alteration on areas zoned "Conservation" shall be limited to one percent of the entire site. Such determinations shall be based on physical and biological data obtained from specific site investigations. These determinations shall be predicated on findings rendered by professionals competent in producing data and analysis necessary to support impact assessments, including findings regarding the impacts of potential development on the physical and biological value and function of environmentally sensitive lands.

In reviewing applications/site plans for development of particular building sites, the specific residential density approved by the city shall meet all applicable performance criteria of chapter III, as well as other applicable land development regulations.

The maximum intensity stipulated for nonresidential activities is stated in terms of floor area ratio. Floor area ratio (FAR) refers to the total floor area of building(s) on any lot, parcel, or site divided by the area of the lot, parcel, or site. For purposes of calculating floor area, parking area located beneath the building shall be counted only if that first story is over seven feet above finished grade. FAR computations shall include all uses on the lot, parcel or site, including both residential and nonresidential floor area.

The city shall reserve the power to mandate changes in the site plan as well as mandate reductions in the density and/or intensity of development proposed by an applicant/developer if the city finds that the proposed site plan does not satisfy provisions of the comprehensive plan and/or the land development regulations. The maximum FARs are further restricted by quantitative and qualitative criteria included in the land development regulations, including but not limited to, such factors as minimum open space; concurrency management and level of service standards for traffic circulation; storm water management and other public facilities and services; off-

street parking and internal circulation; height restrictions; landscaping; other required on-site improvements and design amenities required to achieve land use compatibility. Furthermore, the calculations of floor area ratios in mixed use developments shall be determined by applying the following procedures. The maximum number of residential units that may be allocated to the residential component of a mixed-use development shall be determined by following the procedures stated below:

Step 1. State the allowable commercial FAR .....	= Maximum allowable commercial FAR
Step 2. State the proposed commercial FAR .....	= Proposed commercial FAR
Step 3. Subtract Line 2 from Line 1 .....	= Unused commercial FAR
Step 4. Divide Line 3 by Line 1 .....	= % of unused commercial FAR
Step 5. Multiply Line 4 by the maximum allowable units per acre .....	= Allowable units per acre
Step 6. Multiply Line 5 by the number of acres on the total site .....	= Maximum residential units allowed

The maximum square footage that may be allocated to the commercial component of a mixed use development shall be determined by following the procedures stated below:

Step 1. State the maximum allowable unit per acre .....	= Maximum allowable commercial FAR
Step 2. State total number of units per acre on the total site .....	= Total number of units per acre
Step 3. Subtract Line 2 from Line 1 .....	= Unused residential density
Step 4. Divide Line 3 by Line 1 .....	= % of unused residential density
Step 5. Multiply Line 4 by allowable commercial FAR .....	= Maximum commercial FAR
Step 6. Multiply Line 5 by the square footage of the total site .....	= Maximum commercial square footage

(c) *Impervious surface and open space.*

(1) Definitions. As applied in the size and dimension requirement of this chapter, the following terms shall have the following meanings:

a. *Impervious surface.* That portion of the land which is covered by buildings, pavement, non-porous fill, swimming pools, or

other cover through which water cannot penetrate. The impervious surface ratio requirement controls the intensity of development, by restricting the amount of the land covered by any type of impervious surface.

- b. *Open space.* The term "open space" is defined as that portion of land which includes the gross area of the site less building coverage, impervious parking areas, vehicular access or egress ways, and other cover through which water cannot penetrate. City approved recreation and pedestrian site amenities shall be included as open space even if they restrict the penetration of water. Water bodies shall not constitute more than 30% of total open space area. Water bodies shall be measured from the ordinary water line. Dry retention ponds shall be considered open space.

- (2) Calculation of ISR. The impervious surface ratio (ISR) is calculated for the gross site by dividing the total impervious surface by the gross site area.

Cluster development or other site design alternatives may result in individual lots exceeding the ISR, while other lots may be devoted entirely to open space. The city may require, as a condition of approval, deed restrictions or covenants, which guarantee the maintenance of such open space in perpetuity. The ISR requirement shall not be bypassed or reduced. However, where cluster developments are planned, the intent is to allow maximum flexibility through calculating ISR on the gross site, and not on a lot-by-lot basis.

- (3) Use of porous material. Only commercially marketed paver blocks approved by the planning and growth management director and with the concurrence of the city engineer shall be used in satisfying requirements for open space, pedestrian ways and recreation amenities. The city shall be the sole judge in determining whether a porous material shall qualify as an alternative to conventional pavement and/or meet the city's specification for open space.

- (4) Compliance with ISR stipulated in Table 54-2-5.10. All proposed development shall comply with the standards given in the table of impervious surface ratios in Table 54-2-5.10.

- (d) *Building setbacks.* Table 54-2-5.10 provides minimum building setbacks for all zoning districts within the City of Sebastian. The minimum building setback shall be measured from the subject lot lines of the building site.

- (e) *Regulations for required yards.*

- (1) *Purpose, use and maintenance of yards.* The purpose of yards as required in this chapter is to provide open space around and between structures for health, safety and aesthetic purposes. The purpose is also to prevent the location of structures within dedicated easements. All required yards and landscaped areas shall be planted and maintained in lawn, sod, or landscaping including flower beds, shrubs, hedges or other generally accepted landscaping material approved by the city consistent with article XIV. Landscaping material, including trees, shall not obstruct the vision of the motoring public. The landscape requirements of article XIV shall further regulate development within all zoning districts, excepting single-family zoned districts.

- (2) Yards requirements. Table 54-2-5.10 provides the required yard setbacks. These setbacks shall be based on the following definitions of regulated yards.

- a. Yard defined. An open space at grade between a building setback and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the required building setback shall be used.

- 1. *Yard, front.* A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the structure or any projections thereof, other than the projections of uncovered steps and those allowed per section 54-2-5.10(e)(2)f. On corner lots and through lots all yards, which abut the street, are considered front yards for setback purposes.
- 2. *Yard, rear.* A yard extending across the rear of a lot between the side lot lines and between the rear lot line and the nearest structure. On lots with one front line, the lot line opposite the front lot line shall be the rear lot line. On corner lots which abut two streets with front lot lines of unequal length, the rear yard line shall be opposite and parallel to the

- shortest front lot line. On a corner lot which abuts three streets, the remaining lot line shall be a side yard if it abuts a side yard and shall be a rear yard if it abuts a rear yard.
3. *Yard, side.* A yard between any structure and the side line of the lot, and extending from the front lot line to the rear yard and being the minimum horizontal distance between a side lot line and the side of any structure. A yard which is not a front or rear yard.
- b. Yard and building site requirements. Yards or building sites created after the effective date of the land development regulations shall meet or exceed the minimum requirements established in the Schedule of District Regulations located herein. No yard or building site existing at the time of passage of this article shall be reduced in dimension or area below the minimum requirements set forth herein.
  - c. Special front yard regulations.
    1. *Lots with double frontage.* The front yard regulations shall apply to both streets on through lots or double frontage lots.
    2. *Corner lots.* There shall be a front yard on each street side of a corner lot, provided, however, that the buildable width of such lot shall not be reduced to less than 30 feet; accessory buildings may be located forward of the front setback line along the boundary of the secondary front yard on an improved corner lot.
    3. *Encroachment of porches or terraces.* An open unenclosed and uncovered porch or paved terrace may project into the front yard for a distance of not more than ten feet.
    4. *Encroachment of gasoline service facilities.* Gasoline filling station pump islands may be located within a front yard, provided they are not less than 15 feet from any right-of-way line.
  - d. Special regulation governing rear yards. Detached structures, such as utility sheds and other structures accessory to single-family homes within a single-family zoning district may encroach into a required rear yard, provided that any such structure maintain a minimum distance of ten feet from the rear property line and not be located within a dedicated easement. With the exception of structures that consist solely of screening and beams and supports for the screening material, no such structure shall exceed 400 square feet in lot coverage and shall not exceed 12 feet in height. Structures that consist solely of screening and beams and supports for the screening material, such as screen enclosures for swimming pool areas, shall not exceed 25 feet in height.
  - e. Independent yard or open space. No part of a yard or other open space or off-street parking or loading space required in connection with any building or site for the purpose of complying with the land development regulations shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building or site.
  - f. General encroachments into required yards. Every part of every required yard shall be open and unobstructed from its lowest point to the sky, except for ordinary projection of sill, cornices, buttresses, ornamental features and eaves; provided, however, that none of the before named projections shall project into a minimum front yard more than 18 inches nor into the minimum side yard more than 24 inches. In addition the following provisions shall govern other encroachments:
    1. Residential overhangs may extend 48 inches into required yard space.
    2. Commercial roof overhangs may extend 24 inches into required yard space having a required setback of less than ten feet and may extend 48 inches into a required yard space of more than ten feet.
    3. Horticultural growth poles, play equipment, wires, lights, mailboxes, fences, ornamental entry columns and gates not exceeding six feet in height are not considered as encroachments.
    4. Flag poles and outdoor furniture are not considered as encroachments.
    5. Chimneys, flues, and bay windows may not project more than two and one-half feet into a required yard.
    6. Waterfront structures such as docks and other permitted waterfront accessory structures are not considered yard

encroachments.

7. Mechanical equipment, including air conditioning units, swimming pool equipment and similar items of mechanical equipment that are functional and which serve the residence on the lot are permitted within the required side yard setback; provided, that no such equipment shall exceed a height of 36 inches above grade (except water conditioning equipment). No such equipment shall project into a minimum side yard more than 36 inches.
8. Signs shall be regulated pursuant to article XVI.
9. Driveways and pedestrian ways shall not be considered encroachments when the same are duly approved by the city.

(Ord. No. O-20-03, § 1, 1-13-2021)

TABLE 54-2-5.10. SIZE AND DIMENSIONAL REGULATIONS

	District	Minimum Lot			Impervious Surface Ratio (%)	Maximum Building Coverage (%)	Minimum Setback <sup>1</sup>			Max. Height (Feet)	Max. Floor Area Ratio	Max. Density
		Area (in sq. ft.)	Width (in feet)	Depth (in feet)			Front (Feet)	Side (Feet)	Rear (Feet)			
CONSERVATION												
C	Conservation	N/A	N/A									
RESIDENTIAL												
RE-40	Residential Estate	40,000	125	150	55	25	40	20	25	35	N/A	1/40,000 SF
RS-20	Residential Single-Family	20,000	100	150	60	30	30	15	25	35	N/A	1/20,000 SF
RS-10	Residential Single-Family	9,500	80	100	55	30	25	10	20	25	N/A	1/10,000 SF
RM-8	Medium Density Multifamily Residential:	10,000	80	100	50	40	(4)	(4)	(4)	35	N/A	8/acre
	One-story						25	10	25			
	Two-story						25	15*	25			
R-MH	Mobile Home	7,500	70	100	50	40	20	10	10	25	N/A	5/acre



<i>COMMERCIAL</i>												
C-512	C-512 Limited Commercial	20,000	125	160	80	35		0 or 10	10	35	50	n/a
	Front yard abuts [C-]512						74					
	All other front yards						10					
CL	Commercial Limited	10,000	75	125	80	30	10	5	10	35	60	n/a
	Yard abuts residential							30	30			
CG	Commercial General	10,000	75	125	80	30	6	5	10	35	60	n/a
	With curb and gutter						0					
	Abuts residential							30	30			
CR	Commercial Riverfront	10,000	75	125	80	30	6	5	10	35	60	n/a
	With curb and gutter						0					
	Abuts residential							10	30			
CWR	Commercial Waterfront Residential	10,000	80	125	80	30				35	50	8/acre
	East of Indian River Drive									25		

	Residential						25	15*	20			
	Nonresidential											
	With curb and gutter						0					
	Without curb and gutter						10					
	Abuts residential							10	30			
	Not abutting residential							5	10			
<i>INDUSTRIAL</i>												
IN	Industrial	15,000	100	125	80	50	20	0	10	35	50	n/a
AI	Airport and Industrial	15,000	100	125	80	50	20	0	10	35	50	n/a
<i>INSTITUTIONAL</i>												
PS	Public and Semi-public	15,000	100	125	60	40	30	10	25	35	60	n/a

\*Plus one foot for each additional two feet in height above 25 feet.

Sec. 54-2-5.11. - Residential Planned Unit Development (PUD-R).

- (a) *Intent.* The PUD-R District is established to provide specific regulations governing the development of residential planned unit developments (PUD-R) in areas designated for residential development on the comprehensive plan future land use map. The district provisions establish a voluntary management framework for negotiating innovative development concepts, which protect natural features and provide abundant amenities designed to benefit the city as well as the specific development. All planned unit developments shall be designed and administered consistent with the criteria and administrative procedures in article XX, Planned Unit Development, and shall comply with all provisions of the Land Development Code, including but not limited to: article VII, General Regulations; chapter III, Performance Criteria; article XVIII, Site Plan Review; article XIX, Subdivision and section 54-2-5.10.
- (b) *Compliance with comprehensive plan and future land use map.* A residential PUD must comply with the provisions of the Sebastian Comprehensive Plan and satisfy the performance criteria set forth in this section.

- (c) *Location and size.* A residential PUD shall have a minimum of 25 contiguous acres under a common ownership or control.
- (d) *Uses permitted.* The following land uses are permitted within the PUD(R) District subject to compliance with provisions of this Code: Single-family attached or detached dwellings, duplex, and multifamily housing; and any other uses permitted by right in the underlying zoning district(s).
- (e) *Conditional uses.* In this district any uses permitted in an underlying district as a conditional use may be allowed upon compliance with applicable conditions stated herein and upon compliance with all other applicable provisions of this Code, including site plan review and performance criteria. The planning and zoning commission shall ascertain if such conditions and provisions are satisfied. Appeal of such decisions shall be heard by the city council. Appeal of such decisions shall be heard by the city council. In addition, limited commercial development may be allowed subject to the following conditions:
  - (1) Limited commercial development standards:
    - a. *Design and market orientation.* Any uses of a commercial nature shall be designated to primarily serve the needs of the residents of the planned development in which they are located, and such uses shall be designed so as to maintain and protect the residential character of the planned development and adjacent residential neighborhoods as well. In order to accomplish these purposes:
      - 1. Enclosure. Such commercial uses shall be conducted within a completely enclosed building with no outside display, except those uses which by their nature must be conducted outside a building. Any such outside storage use shall be reviewed by the planning and zoning commission and city council. If found acceptable, such use shall be screened by a masonry wall or fence or a combination berm and landscaping with a wall or fence and shall provide a 90% opaque screen.
      - 2. Land area. At the option of the developer, the maximum total land area, including all at-grade off-street parking and loading areas in connection therewith, devoted to said commercial uses shall be calculated using one of the following two methods:
        - (a) The PUD(R) development may contain as much commercial land area as was permitted in any underlying commercial zoning district, although the location of the commercial activities need not be limited to the boundaries of the underlying commercial district; or
        - (b) The PUD(R) development may contain commercial development based on the applicable ratio of:
          - i. 125 square feet of commercial land area per dwelling for PUD(R) with a density of five dwelling units per acre or less.
          - ii. 100 square feet of commercial land area per dwelling for PUD(R) with a density above five dwelling units per acre.
    - b. *Issuance of building permits.* No building permit for any commercial establishment shall be issued nor may any building be used for a commercial establishment before building permits for at least 50 dwelling units in the PUD project have been issued.
  - (f) *Dimensional regulations.* Reference section 54-4-20.1(b) for specific criteria to be applied in assessing density, intensity, and other size and dimension requirements for site specific development.
    - (1) Maximum density. The comprehensive plan land use designation shall govern the maximum density permitted. No credit shall be given for land used for nonresidential purposes in calculating density.
    - (2) Maximum FAR. Shall not exceed the FAR of the adjacent residential district. If more than one residential district abuts the proposed site, the least intensive development shall be required to be located adjacent to the dwelling units in the least intensive existing adjacent residential development.
    - (3) Maximum height. Shall not exceed the maximum height established for the adjacent residential district.
    - (4) Lot coverage and open space. A minimum of 50% of the PUD shall be maintained as open space; provided that a minimum of

30% of each residential lot must be maintained as open space.

- (5) Minimum lot size. 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 along the periphery of the project be designed in a manner that is similar in size 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.

- (6) Minimum setbacks. All development must comply with requirements for setbacks from wetlands and open waters established in section 54-3-11.1(c). In order to promote flexibility in the layout and design of a residential PUD, the city shall negotiate appropriate minimum setbacks which clearly conform to the land use compatibility and open space policies in the comprehensive plan and are consistent with the performance criteria in chapter III of the Land Development Code. Similarly, all setbacks shall be consistent with adopted fire code and standard building code.
- (7) Minimum living area. The minimum living area provided within each unit shall be negotiated; however, the minimum living area shall not be less than 900 square feet and generally shall be consistent with the living area provided in conventional zoning districts that most closely approximate the structure type and density proposed within the PUD.
- (8) Frontage and accessibility. Every dwelling unit or other use permitted in the PUD(R) District shall have access to a public street either directly or via an approved private driveway, pedestrian way, court, or other area dedicated to public use or private use or common element guaranteeing access.
- (9) Screening of mechanical equipment utility hardware and waste storage areas. In the PUD(R) District all central refuse, trash and garbage collection containers shall be screened from sight or located in such a manner that will comply with the provisions of subsection 54-3-10.2(b).
- (10) Signs. Signs in the PUD(R) District shall be permitted only in accordance with an approved sign plan. Such sign plan should provide for effective sign controls on the type, height, number, size and location of all signs in the development, and shall be designated to minimize sign proliferation and maximize the architectural integration of all signs into the development.
- (g) *Perimeter transition area*. All proposed development on land classified PUD(R) shall comply with perimeter transition regulations in section 54-4-20.1(c) and all other applicable provisions of article XX.
- (h) *Screening and buffer yard requirements*. Screening and buffer yard requirements shall comply with article XIII provisions regulating required screening of residential and nonresidential uses as well as all other applicable provisions of article XX.
- (i) *Subdivision improvements and urban design amenities*. In addition to requirements of article XIX of this Code, the open space systems and design amenities incorporated in the planned unit development shall reflect best management principles and practices of urban design, including streetscape amenities and recreation facilities which promote a harmonious and aesthetic environment for residents within the proposed development. This requirement shall be enforced in order to implement the purpose and intent of the PUD(R) and section 54-4-20.1(c).

#### Sec. 54-2-5.12. - Commercial Planned Unit Development (PUD-C).

- (a) *Intent*. The objective of this zoning district is to establish regulatory standards for controlling the location of comprehensively planned commercial centers accessible to arterial roadways. The PUD(C) is intended to incorporate a flexible management policy that incorporates urban design amenities, including streetscape improvements, and fosters innovative master planning in the design and development of commercial centers. The PUD(C) District provides a diversified mix of permitted and conditional land

uses and higher standards of land planning and site design than are available under conventional zoning categories. All planned unit developments shall be designed and administered consistent with the criteria and administrative procedures in article XX, Planned Unit Development, and shall comply with all provisions of the Land Development Code, including but not limited to: article VII, General Regulations; chapter III, Performance Criteria; article XVIII, Site Plan Review; article XIX, Subdivision and section 54-2-5.10.

- (b) *Compliance with comprehensive plan and future land use map.* A commercial PUD must comply with the provisions of the Sebastian Comprehensive Plan. In addition to meeting the performance criteria set forth in this section, all land contained within a commercial PUD must have one of the following underlying comprehensive plan future land use map designations: 1) Commercial Limited (CL); 2) Commercial General (CG); or Riverfront Mixed Use (RMU).
- (c) *Location and size.* A commercial PUD shall have frontage on a primary arterial roadway, as designated on the City of Sebastian Major Thoroughfare Plan. At the time an application for the PUD(C) is submitted and approved by the city, the property included in the proposed PUD(C) shall have a minimum of 25 contiguous acres under unified control as required pursuant to section 54-4.20.1(b).
- (d) *Land use mix.* The specific land use mix within a PUD(C) District development shall be determined by the underlying comprehensive plan future land use map designations. The location of the various land uses shall be determined during the review of the preliminary development plan required pursuant to section 54-4-20.3.
- (e) *Permitted uses.* Permitted land uses shall include those land use activities cited below which are determined to be consistent with the underlying comprehensive plan future land use map designation and shall be permitted by right within an approved PUD(C) development plan.
  - (1) Commercial limited land use designation. The following principal land uses, as well as all accessory uses thereto, are permitted uses within those areas, if any, of a commercial PUD having a Commercial Limited (CL) comprehensive plan future land use map designation:
    - a. Community facilities. Limited to the following:
      - 1. Administrative services (public or private not for profit).
      - 2. Clubs (public or private not for profit).
      - 3. Cultural or civic activities.
      - 4. Protective services.
      - 5. Utilities, public and private.
    - b. Business and professional offices.
    - c. Commercial retail  $\leq$  5,000 sq. ft.
    - d. Restaurants, excluding drive-through facilities and fast food service.
  - (2) Commercial general land use designations. Those areas, if any, of commercial PUD(s) having an underlying comprehensive plan future land use map designation of Commercial General (CG) shall be permitted to have the same permitted and conditional uses as provided for in section 54-2-5.3.3 Commercial General (CG) District.
  - (3) Riverfront mixed use designations: Those areas, if any, of commercial PUD(s) having an underlying comprehensive plan future land use map designation of Riverfront Mixed Use (RMU) shall be permitted to have the same permitted and conditional uses as provided for in section 54-2-5.4 Commercial Riverfront and section 54-2-5.5 Commercial Waterfront Residential.
- (f) *Conditional uses.* Conditional uses shall include those land use activities cited below which are: (1) consistent with the comprehensive plan future land use map designation; and (2) comply with all criteria and procedures of article VI, Conditional Uses, and all other applicable laws and ordinances. The planning and zoning commission shall determine if such conditions and provisions are satisfied. Appeal of such decisions shall be heard by the city council. All conditional uses allowed within a

Commercial Limited (CL), Commercial General (CG) or Commercial Riverfront (CR) or Commercial Waterfront Residential (CWR) zoning district may be approved as conditional uses within the PUD (C) provided that the uses comply with the above cited regulations and conditional use approval procedures of article VI.

- (1) Residential development. Residential development may be approved as a conditional use in the PUD-C District if such residential development is permitted within the underlying comprehensive plan future land use map designation. In addition, the residential use must comply with the condition use criteria of article VI, the specific criteria below stated and all other applicable laws and ordinances:
  - a. Residential development shall be allowed along the perimeter boundaries of the proposed development as a buffer from adjacent off-site residential developments as well as from undeveloped adjacent areas off site which are zoned for residential development.
  - b. The total land area proposed for residential development shall not exceed 25% of the total land area of the proposed PUD(C) site.
  - c. The maximum density shall not exceed eight dwelling units per acre. This density shall not be permitted as a matter of right but rather the actual density shall be as determined during review of the preliminary development plan pursuant to the provisions of section 54-4-20.3. No credit shall be given for land used for nonresidential purposes in calculating density.
  - d. Residential structure types shall be compatible with surrounding residential development.
  - e. A minimum of 50% of the total land area proposed for residential development shall be preserved as open space.
- (2) *Light industrial development.* Light industrial development may be allowed only in those areas, if any, of a commercial PUD zone having a future land use classification of Commercial General (CG). The total land area proposed for light industrial development shall not exceed 50% of the total developable land area with a general commercial land use designation.
  - a. All such uses shall comply with all performance standards within this Code and shall take place within wholly enclosed buildings.
  - b. Light industrial development within a commercial PUD(C) shall be limited to the following conditional uses:
    1. The manufacturing, compounding, processing, packing, or assembly of small electrical items, components, or circuitry, jewelry, musical instruments, toys, novelties, and other similar items that are dependent on component parts or raw materials manufactured elsewhere.
    2. Schools, offices, laboratories and other such facilities.
    3. Motion picture production studios; professional, scientific, photographic or optical instrumentation facilities.
    4. Printing, engraving, and related reproduction processes.
    5. Publishing or distribution of books, newspapers or other similar printing facilities.
    6. Mini-storage.
- (g) *Perimeter transition area.* All uses shall conform to the purposes of the Commercial Planned Unit Development District and shall be compatible with all uses, existing or proposed in the vicinity of the area covered by the proposed planned development. Where this section is found to be more restrictive than other provisions within the City Code of Ordinances, this section shall be the controlling regulation.
  - (1) Compatibility with adjacent residential property. No structure proposed for commercial use shall be constructed within 100 feet of adjacent or abutting property zoned for residential development.
  - (2) Compatibility with adjacent nonresidential property. In those cases where the property line does not abut and is not adjacent to residential development or residentially zoned land, the minimum setback shall be determined as part of the preliminary development plan review. No buildings shall be located within 40 feet of the outer boundary of the PUD districts excepting entryway security buildings and structures approved by the city council.

(h) *Size and dimension regulations.* The intent of the PUD(C) is to offer greater flexibility in the design of innovative large scale commercial development and to accommodate amenities generally not found in conventional development. The location, size, dimensions and c of yards, building setbacks, points of vehicular access, parking areas, building characteristics, and all other site improvements shall p for:

- Safe and convenient internal vehicular circulation, including access and sufficient area for effective delivery of emergency services such as fire protection;
- Buildings with safe entry and exit from the front and rear of respective buildings; and
- Convenient, well landscaped and designed pedestrian ways and open space systems.

(1) PUD Commercial size and dimension criteria.

- a. Minimum lot size. No individual minimum lot size shall be required within a Commercial Planned Unit Development.
- b. *Floor area ratio(FAR).* The FAR shall not exceed 60% west of Indian River Drive and shall not exceed 40% east of Indian River Drive. The FAR shall comply with section 54-2-5.10(b) provisions for mixed-use development.
- c. Frontage requirements. All land use activities within a PUD(C) shall have access to a public street.
- d. Setbacks. There are no required setbacks or yards within the Commercial Planned Unit Development except as otherwise provided for herein.
- e. Distance between buildings. There shall be a minimum of 20 feet separating structures, excepting buildings with immediately adjoining or common walls. However, the minimum distance separating any one building over 25 feet in height from an adjacent building shall be 20 feet plus one foot for each additional two feet in height above 25 feet.
- f. Height. The height of structures shall not exceed 35 feet.
- g. Open space. Commercial development shall maintain no less than 25% percent open space. Mixed use residential and commercial structures shall maintain no less than 30% open space.

(2) Criteria for establishing site specific size and dimension requirements. See section 54-4-20.1(f) for specific criteria to be applied in assessing density, intensity, and other size and dimension requirements for site specific development proposals.

- (i) *Screening and buffer yard requirements.* See article XIII for specific criteria to be applied in assessing the required screening and buffer yard requirements density, intensity, and other size and dimension requirements for site specific development proposals.
- (j) *Subdivision improvements and urban design amenities.* In addition to requirements of article XIX of this Code as well as open space systems and street furniture, the PUD(C) shall reflect principles and practices of urban design, including streetscape amenities which promote a harmonious and aesthetic environment for pedestrians and other user groups within the proposed development. This requirement shall be enforced in order to implement the purpose and intent of the PUD(C). Reference section 54-4-20.1(j) for additional criteria.

#### Sec. 54-2-5.13. - Industrial Planned Unit Development (PUD-I).

- (a) *Intent.* The objective of this zoning district is to establish regulatory standards for controlling the location of comprehensively planned industrial development located in areas removed from residential areas and accessible to arterial roadways. The PUD(I) is intended to incorporate a flexible management policy, which fosters innovative master planning in the design and development of large scale industrial areas. The PUD(I) District provides for industrial land uses and accessory sales and service activities and promotes high standards of land planning and site design.
- (b) *Compliance with comprehensive plan and future land use map.* All industrial PUD's must comply with the provisions of the Sebastian Comprehensive Plan. In addition to meeting the performance criteria set forth in this section, all land contained within an industrial PUD must have an "Industrial" comprehensive land use map designation.
- (c) *Location and size.* An Industrial PUD shall have frontage on a primary arterial roadway, as designated on the City of Sebastian Major Thoroughfare Plan. At the time a PUD(I) application is submitted and approved by the city the land included in the PUD(I)

application shall have a minimum of 25 contiguous acres and shall be under unified control as required pursuant to section 54-4-20.1(b).

- (d) *Land use mix*. The specific land use mix within a PUD(I) District development shall be determined by the underlying comprehensive plan future land use map designation. The location of the various land uses shall be determined during the review of the preliminary development plan required pursuant to section 54-4-20.3.
- (e) *Permitted uses*. Permitted uses shall include those land use activities cited below which are determined to be consistent with the underlying comprehensive plan future land use map designation and shall be permitted by right within an approved PUD(I) development plan.
- (1) Industrial activities as defined in section 54-2-5.6.
- (f) *Conditional uses*. Conditional uses shall include those land use activities as defined in section 54-2-5.6 and are; (1) consistent with the comprehensive plan future land use map designation; and (2) comply with all requirements and conditional use criteria provided in this ordinance and in other applicable laws and ordinances. The planning and zoning commission shall determine if such conditions and provisions are satisfied. All conditional uses allowed within an industrial (IN) zoning district may be permitted within the corresponding comprehensive plan land use map designation provided that all conditional use criteria of article VI are satisfied.
- (g) *Perimeter transition area*. All uses shall conform to the purposes of the Industrial Planned Unit Development District and shall be compatible with all uses, existing or proposed in the vicinity of the area covered by the proposed planned development.
- (1) Compatibility with adjacent residential property. No structure proposed for industrial use shall be constructed within 200 feet of that part of the perimeter property line adjacent to property zoned for residential development.
- (2) Compatibility with adjacent nonresidential property. In those cases where the perimeter line does not abut an existing residential development or residentially zoned land, the minimum setback shall be determined as part of the preliminary development plan review. No building shall be located within 40 feet of the outer boundary of the PUD district, excepting entryway security buildings and structures approved by the city council.
- (h) *Size and dimension regulations*. The intent of the PUD(I) is to offer greater flexibility in the design of innovative large scale development and to accommodate amenities generally not found in conventional development. The location, size, dimensions, and design of yards, building setbacks, points of vehicular access, parking areas, building characteristics, and all other planned site improvements shall provide for:
- Safe and convenient internal vehicular circulation, including access and sufficient area for effective delivery of emergency services such as fire protection;
  - Buildings with safe entry and exit from the front and the rear of respective buildings; and
  - Convenient, well landscaped and designed pedestrian ways and open space systems.

All such planned site improvements shall be governed by the following:

- (1) Minimum size and dimension of industrial site improvements.
- a. Minimum lot size. No individual minimum lot size shall be required within an Industrial Planned Unit Development.
- b. *Floor area ratio(FAR)*. The FAR shall not exceed 50% and shall comply with section 54-2-5.6(d) provisions governing FAR in industrial districts.
- c. Frontage requirements. All land use activities within a PUD(I) shall have access to a public street.
- d. *Setback and yard requirements*. There are no required setbacks or yards within the Industrial Planned Unit Development except as otherwise provided for herein.
- e. Distance between buildings. There shall be a minimum of 20 feet separating buildings, excepting buildings with immediately adjoining or common walls. However, the minimum distance separating one building over 25 feet in height from an adjacent building shall be 20 feet plus one foot for each additional two feet in height above 25 feet.



- f. Height. The height of structures shall not exceed 35 feet.
- g. Open space. The development shall maintain no less than 25% percent open space. Higher standards may be required for conditional uses, which demonstrate consistency with standards for open space and green space for such uses within this Code.
- (2) General criteria for reviewing size and dimension standards. See section 54-4-20.1(f) for specific criteria to be applied in assessing density, intensity, and other size and dimension requirements for site specific development proposals.
- (i) *Screening and buffer yard requirements.* See article XIII for specific criteria to be applied in assessing the required screening and buffer yard requirements.
- (j) *Subdivision improvements and urban design amenities.* In addition to requirements of article XIX of this Code as well as open space systems and street furniture, shall reflect principles and practices of urban design, including streetscape amenities which promote a harmonious and aesthetic environment for pedestrians and other user groups within the proposed development. This requirement shall be enforced in order to implement the purpose and intent of the PUD(C) and section 54-4-20.1(j).

Sec. 54-2-5.14. - Mobile Home Planned Unit Development (PUD-MH).

This section provides specific regulations for the development of Mobile Home Planned Unit Developments (PUD(MH) in areas designated for residential development on the comprehensive plan future land use map.

- (a) *Permitted uses and structures.* The following land uses and structures are permitted in the PUD(MH) district subject to compliance with the provisions of this Code:
  - (1) Single-family detached mobile homes and residential manufactured homes as defined in section 54-2-5.2.7(b).
  - (2) Parks, playgrounds, community facilities and noncommercial recreational facilities such as golf courses, game rooms, tennis courts, libraries, and similar uses.
  - (3) Uses and structures which are customarily accessory and clearly incidental and subordinate to the above uses and structures, including approved storage facilities.
  - (4) Public and private utilities.
- (b) *Conditional uses and structures.* In this district as a conditional use a building or premises may be used for only the following conditional uses upon compliance with applicable conditions stated herein and upon compliance with all other applicable provisions of this Code, including site plan review and performance criteria. the planning and zoning commission shall ascertain if such conditions and provisions are satisfied.
  - (1) Recreational vehicle areas. Recreational vehicle areas may be allowed in a PUD(MH) district as a conditional use subject to compliance with the standards set forth below:
    - a. *Area requirements.* The maximum area allowed for the establishment of a recreational vehicle area within a PUD(MH) District is ten acres or ten percent of the total land area within the PUD(MH) District, whichever is the lesser land area.
    - b. *Density.* The maximum density permitted for recreational vehicles shall be 15 units per gross acre of land comprising the recreational vehicle area. The minimum size site for each recreational vehicle space shall be 1,500 square feet.
    - c. *Minimum dimensions of each recreational vehicle site.* Minimum 30 feet width and 50 feet depth.
    - d. *Minimum yards for each recreational vehicle site.* Minimum ten feet front yard and five feet rear and side yards.
    - e. *Required open area.* Minimum 50%.
    - f. *Use limitations.* No permanent structures such as carports, cabanas, screen rooms, or similar structures may be erected or constructed at any recreational vehicle site, and the removal of wheels or hitch and the placement of the unit on a foundation or piers is prohibited. Notwithstanding, pop-out units and similar equipment integral to the recreational vehicle as manufactured shall be permitted.
    - g. *Definitions.* For the purposes of this section, the following definitions shall apply:

1. *Recreational vehicle.* A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.
  2. *Recreational vehicle park.* Land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.
  3. *Recreational vehicle site.* A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.
- h. *Required buffers.* There shall be an open unobstructed landscaped buffer strip not less than 50 feet in depth along all major streets abutting a recreational vehicle park, and a landscaped buffer strip not less than 50 feet in depth along the other boundaries of the recreational vehicle park.
  - i. *Recreation area requirement.* A minimum of ten percent of the gross site area for the recreational vehicle park shall be set aside as usable recreational open space or enclosed recreation facilities. The area shall be exclusive of recreational vehicle sites, buffer strips, street right-of-way, storage areas, or utility sites.
  - j. *Permanent occupancy prohibited.* No recreational vehicle shall be used as a permanent place of abode, dwelling or business, or for indefinite periods of time. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair or to attach the trailer to the grounds for stabilizing purposes is hereby prohibited.
  - k. *Required separation between recreational vehicles.* Recreational vehicles shall be separated from each other and other structures by at least ten feet. Any temporary accessory structure such as attached awnings or temporary or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle.
  - l. *Stabilization of site.* Each recreational vehicle site shall contain a stabilized vehicular parking pad of shell, marl, paving or other suitable material approved by the city engineer and city council. No part of a travel trailer or other unit placed on a recreational vehicle park site shall be closer than five feet to the site line.
  - m. *Parking requirement.* At least one and one-half parking spaces shall be provided in the park per recreational vehicle site. At least one parking space shall be provided at each such site.
  - n. *Accessory uses.* Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.
- (2) Conditional uses allowed if determined to be accessory to the principal use. Stores, restaurants, beauty parlors, barber shops, and other convenience establishments shall be permitted if found to comply with criteria in article VI and providing the following requirements are met:
- a. Such establishments shall be restricted in their use to occupants of the park.
  - b. Such establishments shall present no visible evidence from any street outside the park of their commercial character, which would attract customers other than occupants of the park.
  - c. The structures housing such facilities shall not be located closer than 100 feet to any public street outside of the PUD.
- (c) *Size and dimension requirements.*
- (1) *Minimum area requirements for a PUD (MH) District.* The minimum area allowed for the establishment of a PUD(MH) District shall be 25 acres which at the time of application submittal and approval are under unified control as required pursuant to section 54-4-20.1(b).
  - (2) *Minimum allowable density.* Density of development within a PUD(MH) District shall be regulated by requirements for streets, common recreation areas, open space adjacent to units, yard sizes, etc.; however, the overall density shall not

exceed five units per gross acre.

- (3) Minimum lot size requirements: 5,000 square feet.
- (4) Minimum lot width: 50 feet.
- (5) Minimum lot depth: 75 feet.
- (6) Maximum building height: 25 feet.
- (7) Minimum living area: 900 square feet.
- (8) Minimum setbacks.

Front yard: 20 feet

Rear yard: 20 feet

Side yard between mobile home units: 10 feet

- (9) Maximum building coverage: 40%

- (e) *Construction standards.* All residential manufactured buildings, mobile homes, travel trailers, and similar portable living quarters shall be constructed in compliance with the provisions of chapter 320 and/or 553, Florida Statutes. Each mobile home, travel trailer, or other portable living quarters shall be anchored in a manner prescribed by the City Code of Ordinances and consistent with the Federal Department of Housing and Urban Standards. The minimum first floor elevation shall be at least 18 inches above the crown of the adjoining street. All awnings, carports, principal patios and accessories to the building and accessory buildings shall be constructed in compliance with the building code and Land Development Code. All mobile homes shall be required to have skirting which shall be of concrete, masonry, stucco, wood or other suitable material, and may have allowable louvers for ventilation.
- (f) *Open space.* Open space shall be comprised of permeable open surfaces, unroofed or screen roofed ornamental landscaped areas and recreational areas and facilities which are easily accessible and regularly available to occupants of all dwelling units on the lot wherein the open space is located. Rooftops, porches, raised decks, parking areas, driveways, utility and service areas are not calculated as open space. All PUD(MH) Districts must provide and maintain a minimum open space requirement of 55%. The maximum impervious surface shall not exceed 50%.
- (g) *Frontage and accessibility.* Every dwelling unit or other use permitted in the PUD(MH) shall have access to a public street either directly or via an approved private driveway, pedestrian way, court, or other area dedicated to public use or common element guaranteeing access.
- (h) *Required screening and buffer yard.* Screening of various uses and structures within the PUD(MH) District shall be required as provided in article XIII.
- (i) *Mobile home undercarriage skirting.* The frame, axles, wheels, crawl space storage area and utility connection of all mobile homes shall be concealed from view through the use of durable all-weather materials manufactured specifically for the purpose of covering the undercarriage area. Such skirting shall be fastened in accordance with manufacturer's instructions and provide for adequate ventilation.
- (j) *Community building/shelter.* Developments within the PUD(MH) District shall provide for a common structure which is easily accessible to all residents and which meets the following provisions:
  - (1) Wind load. Storm shelters must be constructed to withstand a 120 mile per hour wind load utilizing chapter 16 of the Standard Building Code for engineering standards.
  - (2) Minimum capacity of storm shelter. Storm shelters must be provided to 20% percent of the proposed total number of residents of the mobile home subdivision. The total proposed number of the residents shall be determined utilizing two residents per single-family lot.
  - (3) Minimum floor area of mobile homes. Storm shelters must be designed to provide a minimum of 20 square feet of net

floor area per resident. Floor areas shall not include bathrooms, corridors, or other areas that cannot be used for temporary lodging of a resident in case of an emergency. Storm shelters may be utilized as community buildings, but should be designed with minimal glass exposure.

- (k) *Common vehicular storage areas.* All developments having a PUD(MH) zoning classification shall provide for a common area for the storage of recreational equipment including boats and recreational vehicles:
  - (1) Surface. Such storage areas shall have a surface meeting the specifications for design of off-street parking areas within article XV.
  - (2) Screening. All storage areas shall be a minimum of 30 feet from any adjacent mobile home lot line, enclosed by a security fence, and shall be properly screened from neighboring residences.
  - (3) Minimum area. All storage areas shall provide a minimum of one space for every 19 mobile homes. All stalls shall have a minimum width of 12 feet and a minimum depth of 30 feet, and all drives shall be a minimum of 25 feet wide.
- (l) *Perimeter buffering.* All proposed development on land classified PUD(MH) shall comply with perimeter transition regulations in section 54-4-20.1(g) and all other applicable provisions of article XX.

#### APPENDIX A

### Master Plan for Parking and Curb Cut Controls Within the C-512 Zoning District City of Sebastian Incorporated by Reference in the Land Development Code

Sec. 54-2-5.15. - Master plan for parking and curb cut controls.

- (a) *Intent.* The purpose of the master plan for parking and curb cut controls is to implement needed off-street parking and curb cut controls within the C-512 Zoning District. The nature of existing and projected traffic conditions is described within the Land Development Code, section 54-2-5.15.

The attached Map 1 "County Road 512 General Impact Area" delineates the County Road 512 corridor connecting U.S. 1 with I-95 to the southwest. As of February, 1984, Indian River County is undertaking a comprehensive study of traffic conditions within the County Road 512 General Impact Area. The intent of the city is to coordinate County Road 512 municipal development policies with the county's land use and transportation policies impacting this area. Therefore, the provisions of this plan should be reevaluated to reflect policy consistent with any changed or unanticipated conditions, needs or policies identified in the county's C.R. 512 traffic study.

Map 2 "County Road 512 Specific Impact Area" delineates the relationship of the C-512 zoning district to that portion of the County Road 512 corridor lying within the City of Sebastian. Based on conditions specified within section 20A-3.8A(A), "C-512 zoning district purpose and intent," together with the city's desire to be responsive to policies and concerns of Indian River County regarding control of curb cuts along County Road 512, the city herein establishes a master plan for parking and curb cut controls within the C-512 zoning district. This plan shall be cited as section 54-2-5.15 of the Land Development Code.

- (b) *Location of curb cuts.* Maps 3 through 12 "Curb Cut Designations" (by block) designate the location of planned curb cuts within the C-512 zoning district. The location of respective curb cuts is predicated on, but not limited to, the following considerations:
  - (1) Street pattern. The existing major thoroughfare plans of Indian River County and the City of Sebastian were reviewed together with the characteristics of the street pattern within the C-512 zoning district. Particular consideration was given to the location and characteristics of major and minor intersections along County Road 512, existing and projected traffic flow, and comments of the city and county engineers.
  - (2) Land use. Existing and projected land use within the general impact area was reviewed, with particular emphasis directed to existing and projected land use within the C-512 zoning district.
  - (3) Subdivision layout. The existing layout of the Sebastian Highlands Subdivision units, particularly those within the C-512 zoning district, as well as those adjacent to the district, were reviewed. Special features such as block lengths and specific block characteristics, including block size and configuration, existing curb cuts, alley locations, number of lots within respective

blocks, and ownership patterns were analyzed.

- (4) Potential for curb cut proliferation. The selection of planned future curb cut locations was undertaken with a view toward minimizing the proliferation of future curb cuts along County Road 512.
- (5) Standards for separation of curb cuts. Based on recommendations of the city engineer and county engineer, the guideline of 240 feet separation between curb cuts was used as a general standard in selecting curb cut locations; however, a general standard of 320 feet was used in establishing the separation between a curb cut and a major thoroughfare (i.e. Barber Street, Vocelle Avenue, the two intersections of South Wimbrow Drive with County Road 512, and Easy Street). These general standards were necessarily adjusted in order to minimize proliferation of curb cuts on blocks with differing characteristics.

**Editor's note**— The Maps 1 through 12 referenced above are set out following this section.

- (c) *Compliance with off-street parking and landscaping controls.* All subsequent development within the C-512 zoning district shall comply with off-street parking requirements of article VIII and landscape controls of article XIII. Required landscape strips shall be a minimum of ten feet along the entire frontage of the C-512 district. All off-street parking areas shall be designed in such a manner that will discourage through-traffic.
- (d) *Review procedures.* All regulations contained in the master plan for parking and curb cut controls within the C-512 zoning district shall be considered as part of the site plan review requirements stipulated in article X of the Land Development Code.

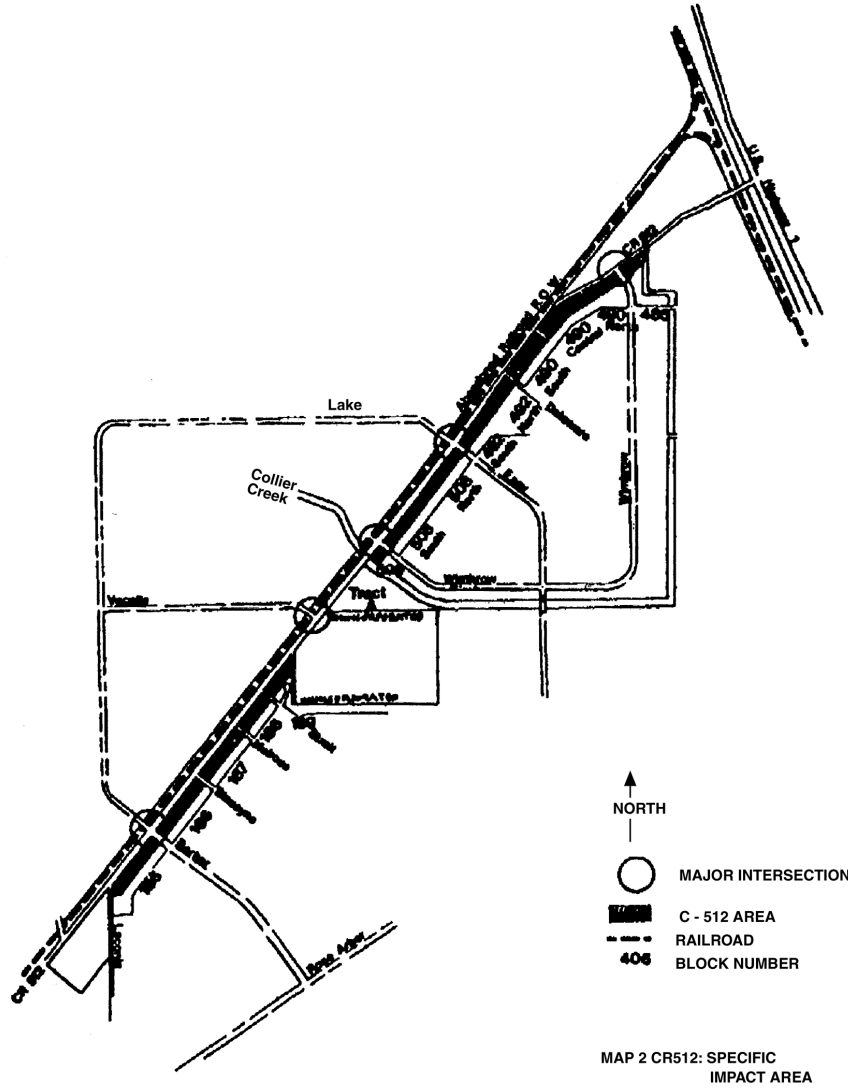
Review procedures for compliance with the Master Plan for Parking and Curb Cut Controls shall be the same as those cited for site plan review in article XVIII. The review processes shall run concurrently. All site plans for development within the C-512 zoning district shall comply with the following provisions in addition to those provisions contained in article XVIII.

- (e) *Additional site plan review requirements for development within the C-512 zoning district.* The following additional site plan review requirements shall be incorporated into any site plan submitted for review within the C-512 zoning district:
  - (1) Dedication of easements. All site plans for development within the C-512 district shall include a dedicated easement for cross-access and utility purposes. The easement shall run the length of the site and include a depth of 74 feet adjacent to the frontage along County Road 512. The dedication shall be recorded on a standard form supplied by the city.
  - (2) Legal assurances. All requisite legal assurances required to demonstrate compliance with provisions of the Land Development Code shall be filed as a part of the site plan. Such assurances shall be approved by the city attorney. Such legal assurances shall include any legal instruments required pursuant to a granting of a temporary curb cut, including a requisite performance bond assuring closure of the temporary curb cut, together with appropriate grading and landscaping and any other conditions underlying the granting of the temporary curb cut permit.
- (f) *Provisions for temporary cuts.* An applicant for site plan review may request a temporary curb cut as part of the site plan review procedure. The following provisions shall regulate considerations of such requests:
  - (1) Conditions regulating the granting of a temporary curb cut. A temporary curb cut may be granted under the following conditions:
    - a. No other access to County Road 512 is available from the subject property, from an adjacent side street or alley, or from adjacent properties via dedicated cross easements and existing curb cuts.
    - b. The applicant agrees to post a performance bond assuring removal of the temporary curb cut pursuant to provisions cited below.
    - c. The applicant agrees to submit legal assurances which shall be approved by the city attorney which assures that all conditions established by the city shall be carried out at the applicant's expense and that the city shall be held harmless from incurring any associated costs unless otherwise agreed to by the city.
  - (2) Conditions for denying a temporary curb cut. Any denial of a temporary curb cut shall be predicated upon a finding that one or more of the following conditions are evidenced:
    - a. An existing alternate access is available either on the subject site, on an adjacent side street, or is available via dedicated

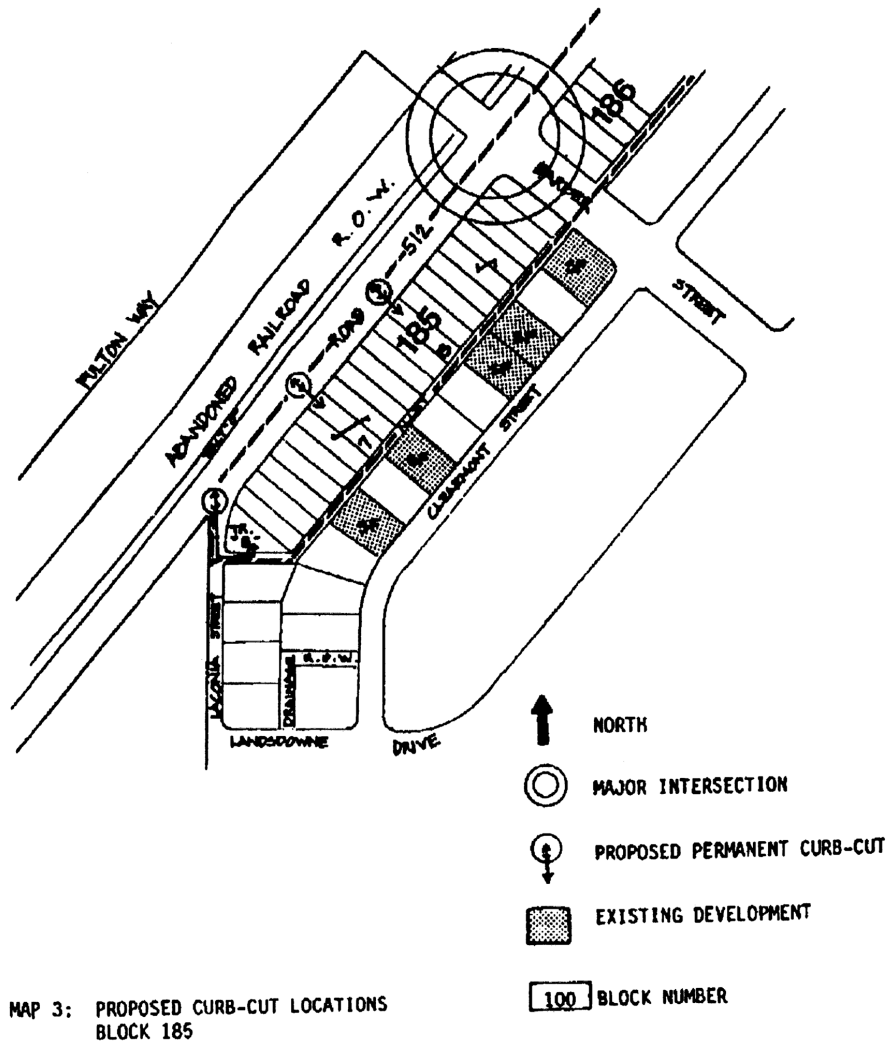
b. The city finds that the applicant has not demonstrated compliance with the city's Land Development Code or other applicable rules and regulations.

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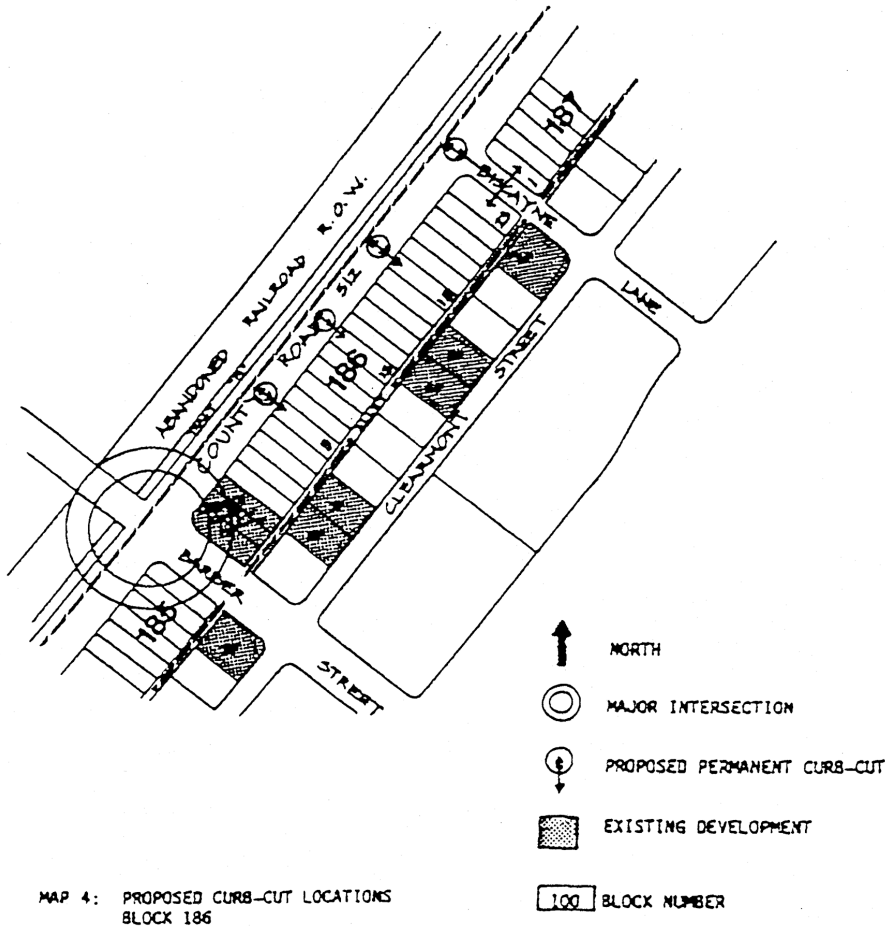


Map 2: CR512: SPECIFIC IMPACT AREA

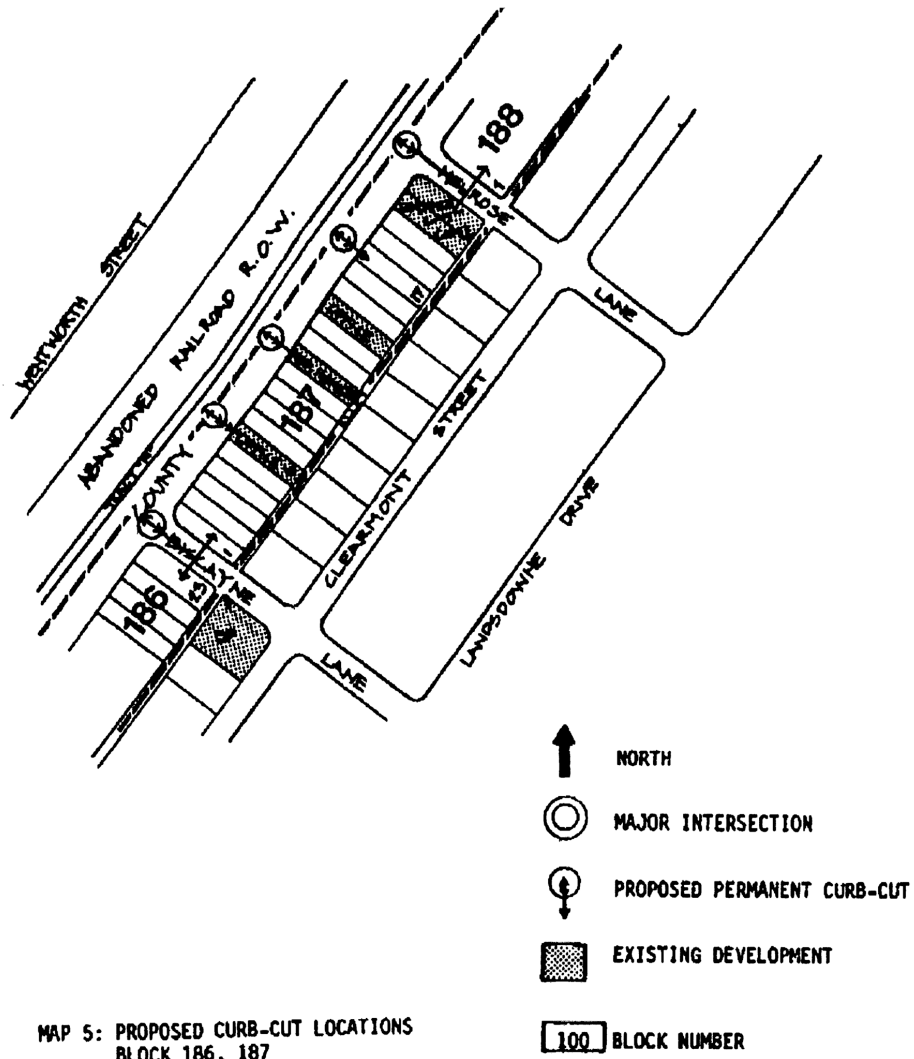


Map 3: Proposed Curb-Cut Locations, Block 185

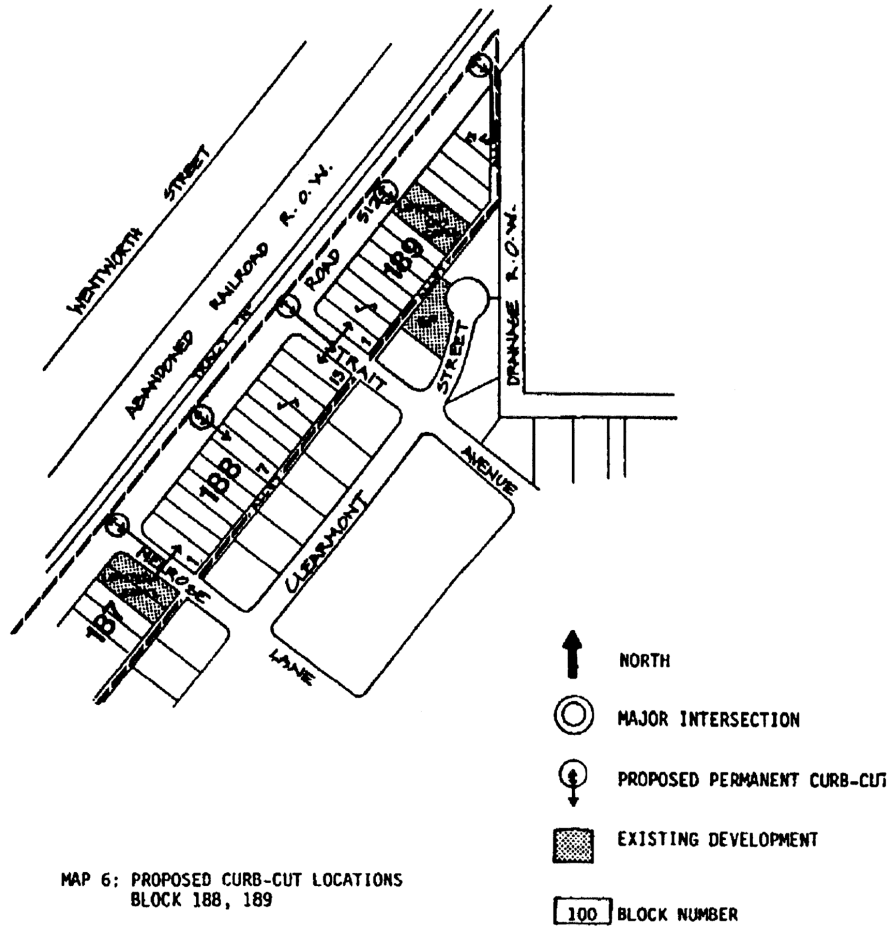




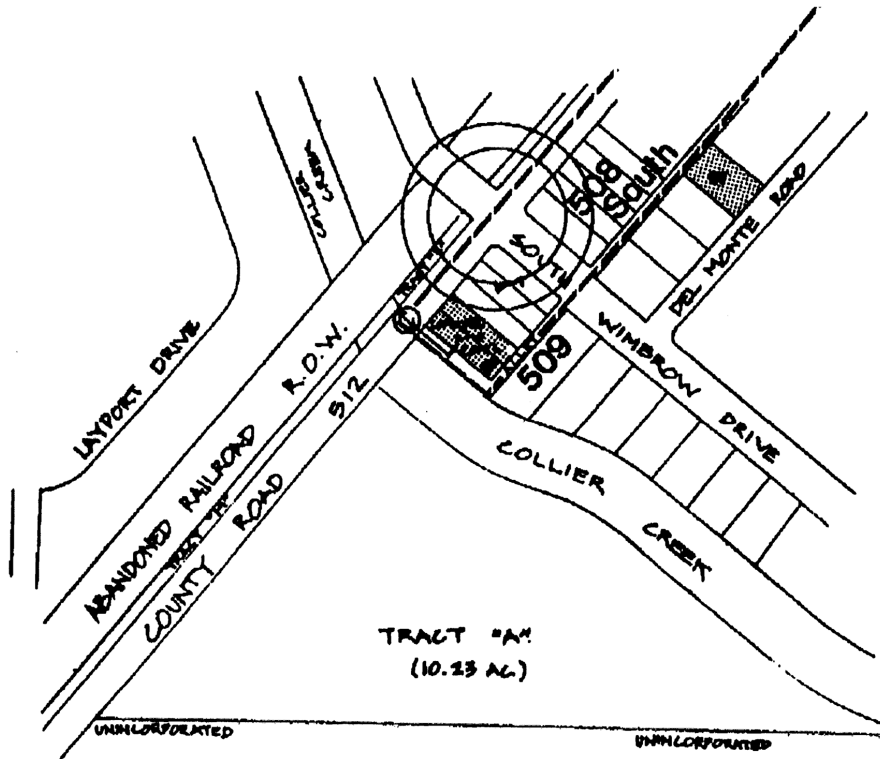
Map 4: Proposed Curb-Cut Locations, Block 186



Map 5: Proposed Curb-Cut Locations, Block 186, 187



Map 6: Proposed Curb-Cut Locations, Block 188, 189



NORTH



MAJOR INTERSECTION



PROPOSED PERMANENT CURB-CUT



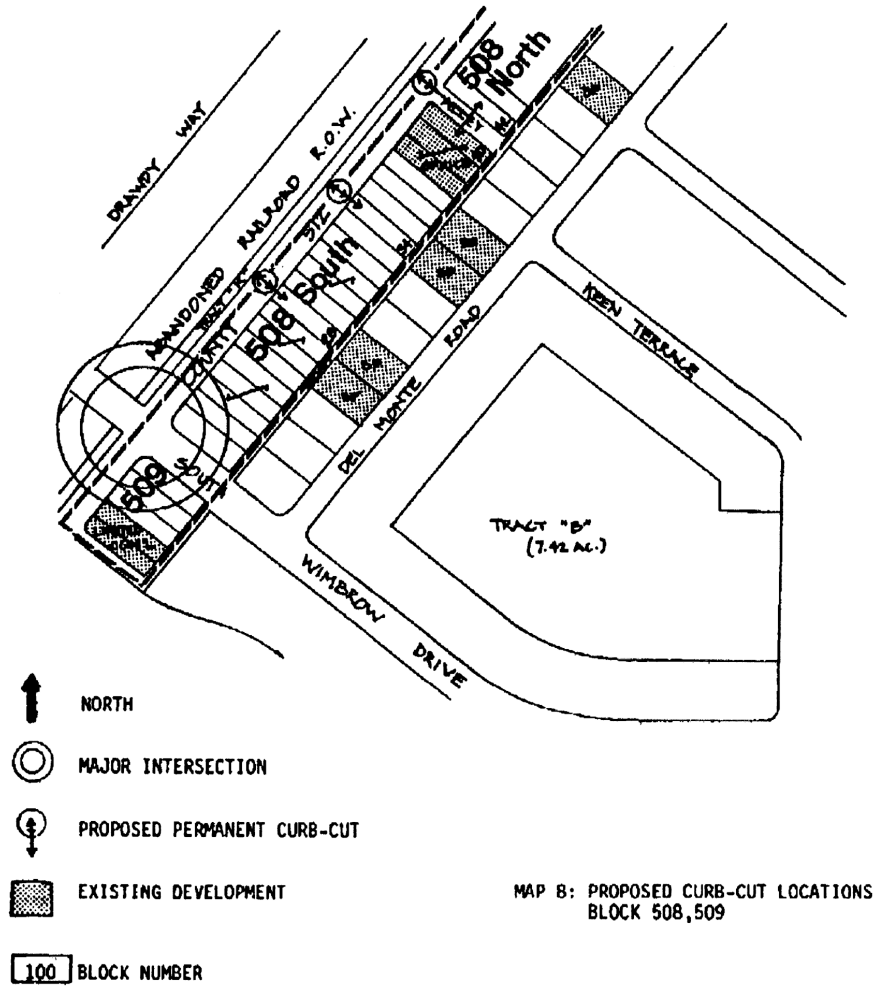
EXISTING DEVELOPMENT



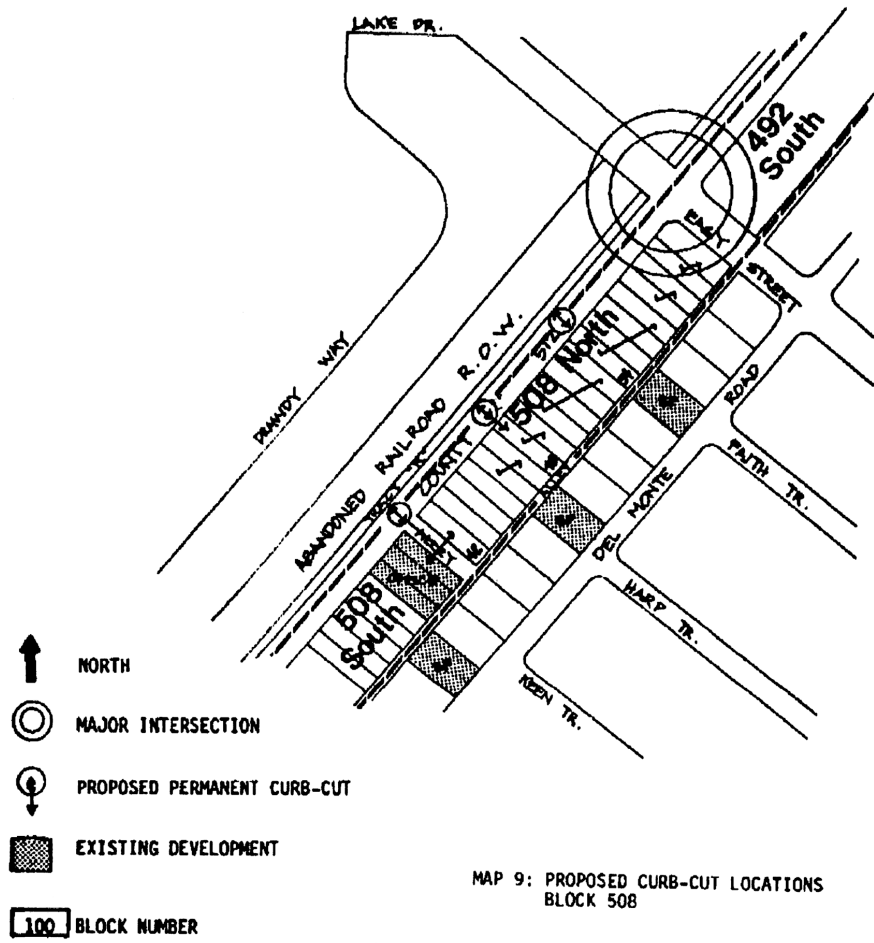
BLOCK NUMBER

MAP 7: PROPOSED CURB-CUT LOCATIONS  
BLOCK 508, 509

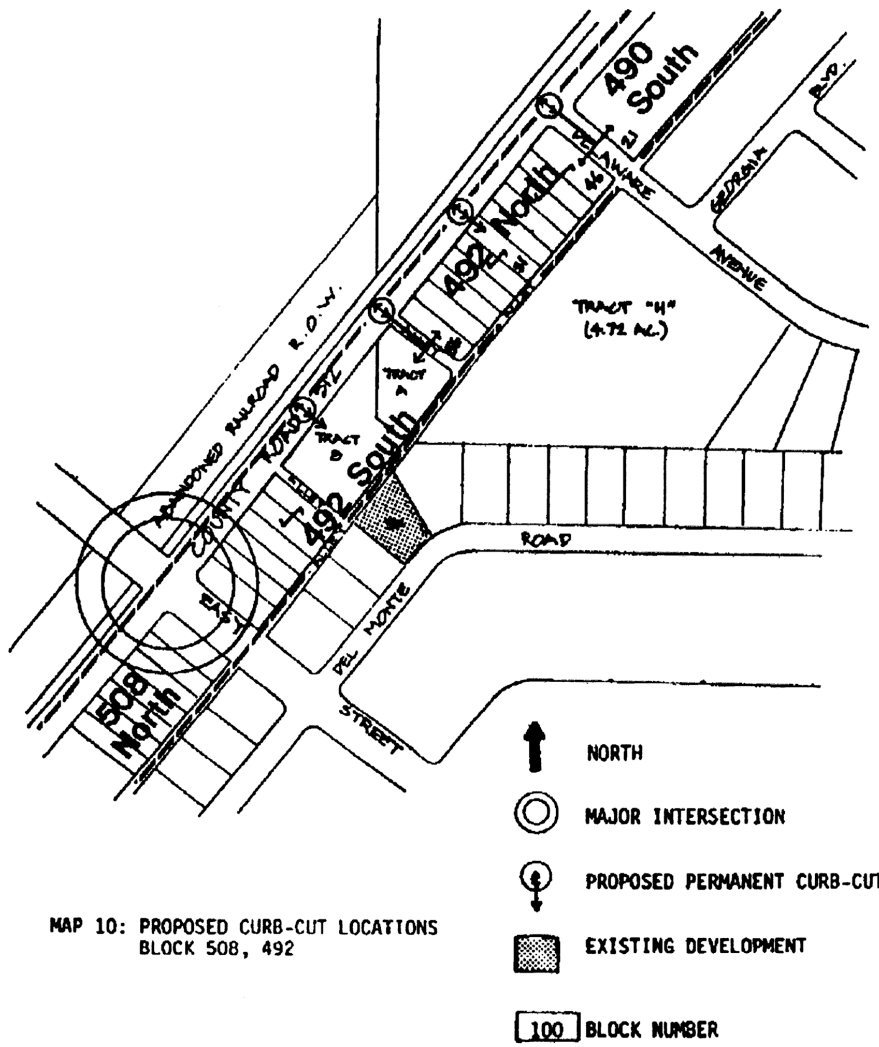
Map 7: Proposed Curb-Cut Locations, Block 508, 509



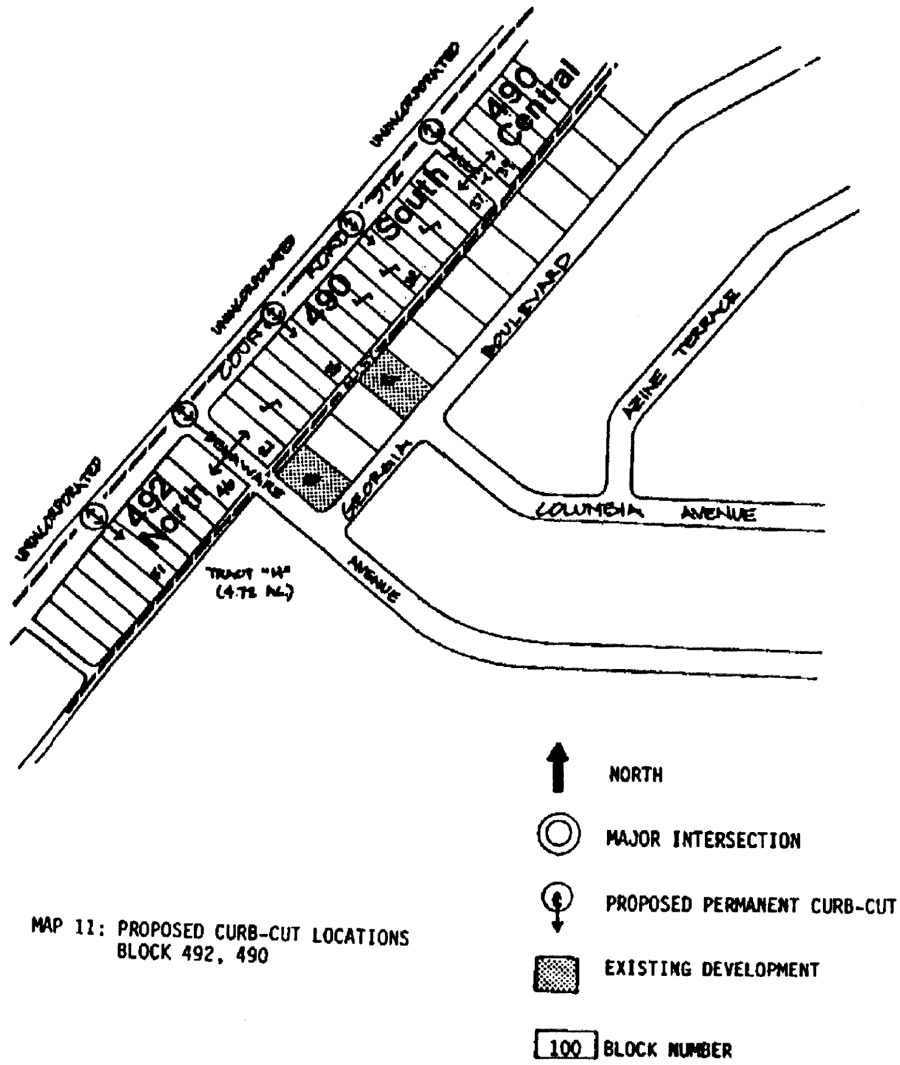
Map 8: Proposed Curb-Cut Locations, Block 508, 509



Map 9: Proposed Curb-Cut Locations, Block 508

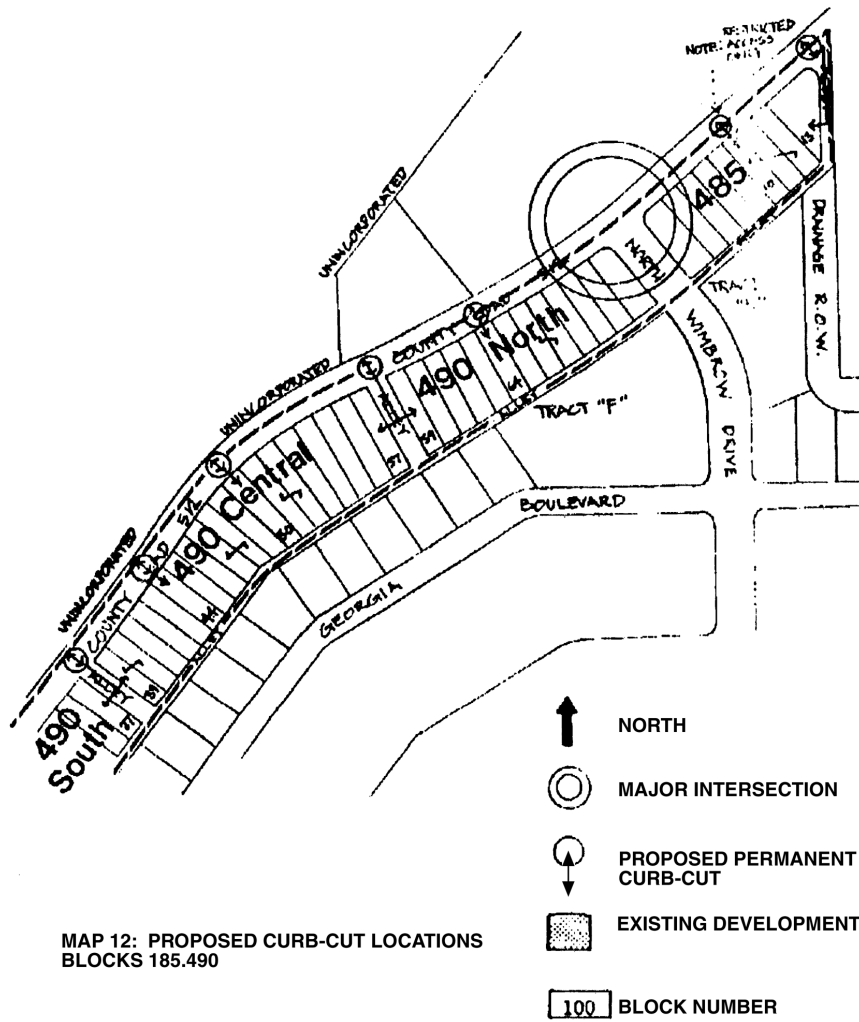


Map 10: Proposed Curb-Cut Locations, Block 508, 492



Map 11: Proposed Curb-Cut Locations, Block 492, 490





Map 12: Proposed Curb-Cut Locations, Blocks 185.490