

Sec. 118-1067. Common open space.

(a) All common open spaces in urban village planned unit developments shall be preserved for their intended purpose as expressed in the final development plan. The developer shall choose one of the following methods of administering common open space:

- (1) Public dedication to the city of the common open space. This method is subject to formal acceptance by the city and in its sole discretion.
- (2) Establishment of an association or non-profit corporation or entity which must include all individuals, corporations and entities owning property within the urban village planned unit development to ensure the maintenance of all common open space.

(b) All privately owned common open space shall continue to conform to its intended purpose and remain as expressed in the final development plan through its inclusion in all deeds with appropriate restrictions to ensure that the common open space is permanently preserved. The deed restrictions shall run with the land and shall be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

(c) All common open space and recreational facilities shall be specifically included in the development schedule and shall be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

(d) If the developer elects to administer common open space through an association or non-profit corporation or other entity, the organization shall conform to the following requirements:

- (1) The developer must establish the association or nonprofit corporation prior to the sale or transfer of any lots.
- (2) Membership in the association or non-profit corporation or other entity shall be mandatory for all property owners within the urban village planned unit development.

- (3) The association or nonprofit corporation or other entity shall manage all common open space and recreational and cultural facilities that are not dedicated to the city or public; shall provide for the maintenance, administration and operation of the land and improvements and any other land and improvements within the urban village planned unit development not publicly or privately owned; and shall secure adequate liability insurance on the land and improvements, and provide adequate reserves for operation, maintenance and replacement of improvements.
- (4) If the developer elects an association or nonprofit corporation or other entity as a method of administering common open space, the title to all property owners in the planned unit development shall include undivided rights and obligations in all common open space.
- (5) Association documents shall be reviewed and approved by the city.
(Ord. No. 12-24, § 3, 5-24-12)

Secs. 118-1068—118-1079. Reserved.*Subdivision II. Land Use Regulations***Sec. 118-1080. Minimum size; dwelling units.**

There are no minimum acreage requirements for the urban village planned unit development zoning.

(Ord. No. 12-24, § 3, 5-24-12)

Sec. 118-1081. Maximum development.

The average density permitted in each planned unit development shall be established by the city commission upon recommendation of the planning and zoning board. Maximum density in the urban village planned unit development shall be four dwelling units per gross acre except in the village center where the density may be up to 12 dwelling units per acre. Maximum intensity for non residential development is 0.3 floor area ratio.

(Ord. No. 12-24, § 3, 5-24-12)

Sec. 118-1082. Minimum common recreation and open space.

(a) For the urban village planned unit development, all new development and redevelopment shall be subject to the Resource Protection Overlay and Wekiva Study Area Open Space standards and requirements as follows:

- (1) Minimum open space shall be 25 percent for both residential and nonresidential development, all open space shall consist of Wekiva Study Area Open Space. Wekiva Study Area Open space shall be preserved through the use of conservation easements, deed restriction, plats and/or dedication to the appropriate governmental agency, environmental association or homeowners association as required by the city. Open space shall be connected to the greatest extent possible on-site and to natural areas and open space within adjacent property or corridors.
- (2) Wekiva Study Area Open space shall be defined as land area within the Resource Protection Overlay that remains undisturbed or minimally disturbed such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for conservation purposes. Wekiva Study Area Open Space may include dry retention, passive recreation, school playgrounds and buffers. Up to 50 percent of the Wekiva Study Area Open Space requirement may be met with dry stormwater retention areas. None of the 25 percent WSA Open Space may be chemically treated with pesticides or fertilizers; provided, however, a development that creates sensitive natural habitat may be allowed limited use of pesticides and fertilizers to establish sensitive natural habitat. Wekiva Study Area Open Space shall not include setback areas, private yards, street right-of-way, parking lots, impervious surfaces or active recreation areas.
(b) Common recreation space shall be provided to the extent necessary to complement the residential uses and may contain compatible and

complementary structures for the benefit and enjoyment of the residents of the PUD. Drainage ditches, if allowed by the city commission, parking areas, road rights-of-way and minimum yards and spacing between dwelling units may not be included in determining usable recreation space. Water areas including wet bottom retention, dry retention, and wetland areas which are aesthetically and functionally designed for active or passive recreational use may be considered to partially fulfill recreation requirements. In no case, however, shall there be less than five percent of the total developable land area set aside for active, dry-land recreational use.
(Ord. No. 12-24, § 3, 5-24-12)

Sec. 118-1083. Minimum lot area, frontage and setbacks.

(a) A minimum lot size of 90 feet wide by 120 feet deep shall be required for lakefront lots within the urban village planned unit development district. No minimum lot size shall be required for non-lakefront lots; however residential areas within an urban village planned unit development must provide a mixture of lot sizes.

(b) Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via a private road or other area dedicated to public or private use guaranteeing access. Permitted uses are not required to front on a publicly dedicated road. The city shall be allowed access on privately owned roads, easements and common open space.

(c) The minimum distance between structures and side yards shall be as follows:

- (1) For single-family platted lots, minimum side yard requirements shall be as follows:
 - a. For lot width less than 70 feet: Five feet.
 - b. For lot width 70 feet to 84 feet: Seven and one-half feet.
 - c. For lot width greater than 84 feet: Ten feet.
 - d. For zero lot line single-family detached development: Ten feet.

- e. Along the side yard of each single-family platted lot containing a drainage easement, there shall be maintained a five-foot wide area unobstructed by equipment.
- (2) For townhouses, unplatted residential development, commercial development, and all development other than single-family platted lots, the distance between structures shall be as follows:
- a. Between structures of 20 feet in height or less: 15 feet.
 - b. Between structures of 20 and 30 feet in height: 20 feet.
 - c. Between structures of 30 feet and 40 feet in height: 25 feet.
 - d. Between structures over 40 feet in height: 40 feet, plus five feet for each additional ten feet of height or fraction thereof over 40 feet.
 - e. Between structures of varying heights, the larger distance separation shall be required.
- (d) A minimum 25-foot yard shall be required from the nearest part of any building wall to the edge of any public right-of-way or private street, and all structures shall have a minimum 20-foot rear yard. A minimum 25-foot yard shall be maintained between the walls of all structures and the perimeter of the UVPUD. Additional perimeter yard requirements for multistory buildings shall be figured at five additional feet for each ten feet of height over the first story.
- (e) Maximum height shall be 50 feet, not to exceed three stories, unless approved by special exception by the city commission in addition to a finding by the city commission that height in excess of 50 feet will be compatible with adjacent uses and will substantially further the health, safety or general welfare of the citizens of the city.
- (f) Accessory buildings or structures may only be placed in the rear yard according to the requirements of this chapter.

(g) Building setbacks from water areas and lakes shall be 30 feet from the normal high water line.

(Ord. No. 12-24, § 3, 5-24-12)

Sec. 118-1084. Maximum length of structure.

The maximum length of a structure in the urban village planned unit development is 200 feet. Units constructed under the zero lot line concept with common walls shall be considered as one structure and shall not exceed 200 feet. (Ord. No. 12-24, § 3, 5-24-12)

Sec. 118-1085. Minimum floor area per unit.

In an urban village planned unit development, the minimum floor area per unit shall be as follows:

- (1) Single family dwellings, 1,000 square feet.
- (2) Multifamily dwellings including townhouses:
 - a. Efficiency, 450 square feet.
 - b. One bedroom, 550 square feet.
 - c. Two bedrooms, 650 square feet.
 - d. Three bedrooms, 800 square feet.

(Ord. No. 12-24, § 3, 5-24-12)

Sec. 118-1086. Off-street parking.

All uses in the urban village planned unit development shall meet the city's parking and landscaping requirements.

(Ord. No. 12-24, § 3, 5-24-12)

Sec. 118-1087. Underground utilities.

Within the urban village planned unit development, all utilities including telephone, television cable and electrical systems shall be installed underground unless physical and technical conditions require aboveground installation. Primary facilities providing service to the site of the PUD may be exempted from this section. Large transformers shall be placed on the ground, and such transformers and all utilities not installed underground shall be contained within landscaped enclosures or vaults. Any required substations

shall be screened by walls resembling a structure which is compatible with the design of the PUD. (Ord. No. 12-24, § 3, 5-24-12)

Sec. 118-1088. Development standards.

For the urban village planned unit development, the minimum construction requirements for streets or roads, sidewalks, sewer and water facilities, drainage and all utilities shall be in compliance with the requirements of chapter 78, chapter 110 and the manual in appendix A to this Code.

(Ord. No. 12-24, § 3, 5-24-12)

DIVISION 5. CHARACTER AREA PLANNED UNIT DEVELOPMENT

Sec. 118-1089. Establishment/purpose/ procedures.

(a) The character area planned unit development (CAPUD) is hereby established as a zoning district within the city.

(b) This division is intended to provide a mechanism to implement design and development standards of the east plant street character area as set forth in article XIV of this chapter. Only parcels or lots located within the east plant street character areas may be assigned the CAPUD zoning designation.

(c) The approval criteria and procedures CAPUD rezoning are the same as set forth in division 1, and division 1 is hereby incorporated herein.

(Ord. No. 17-06, § 3(Exh. B), 6-22-17)

Sec. 118-1090. Permitted uses/development standards.

The permitted uses within the CAPUD shall be an aggregation of uses permitted by the previously existing zoning classifications of lands included within the development except as prohibited or restricted by the provisions of the east plant street character area and its overlay districts as set forth in article XIV or inconsistent with the comprehensive plan future land use designations of the lands. In aggregating permitted uses within a CAPUD, the mixture of uses

may be limited by minimum and maximums of densities and intensities for each type of use. Any use not specifically set forth as a permitted use or special exception use in the CAPUD shall be prohibited. A CAPUD shall incorporate the requirements of article XIV except to the extent the city commission approves deviations to allow flexibility in the development. There are no minimum acreage requirements for CAPUD zoning.

(Ord. No. 17-06, § 3(Exh. B), 6-22-17)

Secs. 118-1091—118-1100. Reserved.

ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 118-1101. Corner lots in residential districts.

Where corner lots in residential districts are platted in such a manner as to change the normal yard pattern along either of the intersecting streets, the required front yard shall be provided across the end of the lot fronting on the street, and a yard measuring not less than 15 feet from the street line shall be provided along the full length of the lot on the side toward the intersecting street. No portion of any main or accessory building shall encroach upon the latter yard.

(Code 1988, § 24-52(a))

Sec. 118-1102. Air conditioning units in side yards.

All single-family residential construction with less than a ten-foot side yard setback must install all outdoor air conditioning units or similar site built equipment or apparatus in the rear yard, unless it meets both of the following requirements:

- (1) Air conditioning units or other similar equipment shall be spaced no closer than 12 feet apart as measured between equipment pads and shall not be aligned with units or similar equipment on an adjoin-

ing lot. The 12-foot minimum separation shall be maintained whether units or similar equipment are on the same lot or on an adjoining lot.

- (2) Placing of air conditioning units or similar equipment in the side yard shall not interfere with the drainage of the lot or adjoining lot or lots.

(Ord. No. 00-53, § I, 9-24-00)

Secs. 118-1103—118-1125. Reserved.

DIVISION 2. MOTOR VEHICLES*

Sec. 118-1126. Commercial structures; uses involving sales, storage, repairs, service.

The following shall apply to commercial structures and uses involving the sale, storage, service, or repairs of motor vehicles:

- (1) No public street, parking, sidewalk or way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments, except for normal permitted parking by individual private owners or operators of such vehicles.
- (2) No operation in connection with such establishments shall be conducted in a manner which impedes free flow of vehicular or pedestrian traffic in normal courses on public ways.
- (3) All motor vehicles being handled, stored or repaired by such establishments or in connection with such operations shall be maintained in such condition that they may be moved under their own power at any time, except such vehicles as may be stored or under repair in garages or other buildings as provided in this division.
- (4) No repair of motor vehicles or parts thereof shall be made except within garages, service stations, body shops, or other enclosed building provided for such

purposes, and no storage or parts of motor vehicles shall be other than in an enclosed building.

- (5) No permit shall be issued for the erection of a garage for storage of more than five motor vehicles or for a service station or for conversion to such purposes of any premises not so used on any portion of any lot or plot which is within 200 feet of any portion of any lot or plot on which is located a school, a church, a theater or an auditorium containing 100 or more seats, a public library, or a hospital or sanitarium.

(Code 1988, § 24-52(b))

Sec. 118-1127. Disabled motor vehicles.

(a) *Definition.* As used in this section, the term "disabled motor vehicle" shall refer to any motor-driven vehicle, regardless of the size, which is incapable of being self-propelled upon the public streets of this city or which does not meet the requirements for operation upon the public streets, including a current motor vehicle license.

(b) *Front and side yards.* Disabled motor vehicles shall not be permitted in a front or side yard as defined by this chapter; provided, however, that a reasonable time (not to exceed 48 hours from the time of disability) shall be permitted for the removal or servicing of a disabled vehicle in any emergency caused by accident or sudden breakdown of the vehicle.

(c) *Rear yards.* One disabled motor vehicle may be permitted in the rear yard of a residential lot as an accessory use to the main use of the lot, provided that such vehicle is not located in any open space required by this chapter. Service and repair work may be performed on such vehicle, and parts, tools, and equipment incidental to such service and repair thereto may be stored and used. Nothing contained in this subsection shall be construed as authorizing the disassembling, tearing down, or scrapping of a motor vehicle or to permit one motor vehicle to be scavenged or stripped for parts for use on another motor vehicle. However, a disabled vehicle shall not be permitted to remain outside of a building for a period in excess of 30 days on any lot used

*Cross reference—Traffic and vehicles, ch. 74.

for residential purposes or on that portion of any lot within 20 feet of an abutting lot used for residential purposes.

(d) *Garage.* Storage, service, and repair of a disabled motor vehicle which is conducted entirely within the confines of a completely enclosed garage (not to include an open carport) shall be permitted, provided that such lot and that such use is not a commercial use of the property, unless such use is authorized by other city ordinances.

(e) *Uses authorized.* Storage, repair, and servicing of disabled motor vehicles not authorized in this division or in article IV and article V of this chapter and the tearing down, stripping, or junking of motor vehicles shall be permitted only where and when such use is specifically authorized, permitted, or licensed under other city ordinances and in accordance therewith.

(f) *Compliance.* It shall be jointly the responsibility of the property owner, the owner of the disabled vehicle and the tenant or lessee on whose property a disabled vehicle is located to meet the requirements of this section.

(g) *Enforcement.*

- (1) It shall be the duty of the city manager to enforce this section.
- (2) When a disabled motor vehicle is found to be in violation of this section, the city manager shall give the owner on whose property the disabled motor vehicle is located a notice that the vehicle is in violation of this chapter and must be removed within ten days. Such notice shall be in writing and shall state the date the ten-day notice shall expire and the authority for any person having a legal interest in the vehicle to contact the city manager and that if the notice has not been complied with the city manager shall remove or cause to be removed the disabled motor vehicle from the property and transfer the vehicle to an auto-wrecking yard approved by the city commission for storage until redeemed at the owner's expense.

- (3) All disabled motor vehicles removed in accordance with subsection (g)(2) of this section shall be subject to a reasonable towing or removal charge, which shall be due by the property owner or any person claiming an interest in the disabled vehicle at the time of removal.
- (4) In addition to the enforcement authority in subsections (g)(2) and (g)(3) of this section, the violation of this section may be enforced in a court of competent jurisdiction in accordance with the general statutory and Code provisions, and general statutory penalty and the penalty in section 1-15, with each day's violation being a separate offense.

(Code 1988, § 24-52(c))

Secs. 118-1128—118-1155. Reserved.

DIVISION 3. TOWNHOUSES

Sec. 118-1156. Requirements for approval.

Townhouses shall be approved for a specific site only if:

- (1) The proposed site shall be adequately served by all necessary public utilities and adequate streets.

- (2) The proposed site shall be of such size and proportions so as to be adaptable to townhouse development in accordance with the site development standards and requirements of this division.

(Code 1988, § 24-76(a))

series of units shall be more than 162 feet in length without provision for space between units as required in section 118-1161.
(Code 1988, § 24-76(b)(3))

Sec. 118-1160. Difference in building line setback.

Under this division, the minimum difference in building line setback to provide variation shall be two feet.

(Code 1988, § 24-76(b)(4))

Sec. 118-1161. Group relationships; side yards.

(a) No portion of a townhouse or accessory structure in or related to one group of contiguous townhouses shall be closer than 20 feet to any portion of a townhouse or accessory structure related to another group or to any building outside the townhouse area.

(b) A side yard having a minimum width of seven feet shall be provided adjacent to any public right-of-way. However, for a reversed frontage where the lot or principal entrance to a townhouse unit faces an intersecting street, a yard having a minimum width of 15 feet shall be provided.
(Code 1988, § 24-76(b)(5))

Sec. 118-1162. Maximum building height.

Maximum building height for townhouses shall not exceed 35 feet.

(Code 1988, § 24-76(b)(6))

Sec. 118-1163. Off-street parking.

At least one off-street parking space shall be provided for each dwelling unit of a townhouse, either on the lot or within a common area, so as to be not more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve. Off-street parking space to satisfy this requirement shall be permitted within a required front or side yard.
(Code 1988, § 24-76(b)(7))

Sec. 118-1159. Contiguous units.

For townhouses, no less than three dwelling units and no more than nine dwelling units shall be contiguous. No more than two contiguous units shall be built in a row with the same or approximately the same front line. No contiguous unit or

Sec. 118-1164. Planned unit development.

Variations from the site development standards in this division may be permitted by the planning and zoning board with a site development plan of the entire developed unit.

(Code 1988, § 24-76(b)(8))

Sec. 118-1165. Open areas.

Townhouse developments of 20 or more dwellings shall have common open areas suitably developed for recreation purposes, not including parking lots, equal to 300 square feet per dwelling. The requirements shall apply whether or not actual construction or development is carried out by units or sections having less than 20 dwellings.

(Code 1988, § 24-76(b)(9))

Sec. 118-1166. Accessory buildings.

Under this division, accessory buildings and requisite parking facilities are permitted, where structures are located not less than 60 feet from the front lot line or less than five feet from any other street line, and with a side lot line of not less than two feet for fireproof construction or not less than four feet for nonfireproof construction, except as otherwise provided for in this chapter, provided that a private garage may be constructed as a part of the main building or be attached to it by a covered passage.

(Code 1988, § 24-76(c))

Secs. 118-1167—118-1195. Reserved.**DIVISION 4. GARDEN APARTMENTS****Sec. 118-1196. Lot area requirements.**

(a) Each garden apartment lot shall contain a minimum of 10,000 square feet and shall be a minimum of 85 feet wide at the front building setback line and shall be 100 feet in depth.

(b) The first four units of any multifamily structure shall require a minimum of 10,000 square feet of lot area; for each dwelling unit in excess of four on the first two floors, there shall be an additional 1,200 square feet of lot area; for each dwelling unit on the third and fourth floors,

there shall be an additional 900 square feet of lot area. In no case shall the density exceed ten units per acre.

(Code 1988, § 24-77(a))

Sec. 118-1197. Building height.

For garden apartments, building height is limited to a maximum of 35 feet.

(Code 1988, § 24-77(b))

Sec. 118-1198. Maximum area coverage.

The maximum area of land coverage by structures shall be regulated by the setbacks of this division.

(Code 1988, § 24-77(c))

Sec. 118-1199. Yards.

(a) For garden apartments a front yard is required of a minimum of 25 feet in depth measured from a right-of-way line to the front of the structure, plus one foot for each two feet of building over 25 feet. No front yard exceeding 35 feet shall be required.

(b) There shall be a rear and side yard on each side to the dwelling or accessory structure of a minimum of 15 feet for the first two stories, and 20 feet for three stories plus one foot for each two feet over 25 feet, except that no side or rear yard over 30 feet will be required. Any rear or side yard abutting a street shall be 25 feet, plus one foot for each two feet over 25 feet, except no side or rear yard over 35 feet will be required.

(Code 1988, § 24-77(d))

Sec. 118-1200. Off-street parking.

The minimum off-street parking and loading requirements for garden apartments shall be as provided in article VIII of this chapter.

(Code 1988, § 24-77(e))

Secs. 118-1201—118-1225. Reserved.