

## ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS AND MAP.

### Section 3.1 Zoning Districts Established.

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

|           |       |  |  |           |      |  |
|-----------|-------|--|--|-----------|------|--|
| <b>A.</b> | RR    | Rural Residential District                     |  | <b>L.</b> | RPO  | Residential, Professional, Office District   |
| <b>B.</b> | SR    | Suburban Residential District                  |  | <b>M.</b> | OTD  | Old Town District                            |
| <b>C.</b> | EU    | Estate Use District                            |  | <b>N.</b> | C-1  | Neighborhood Commercial Restricted District  |
| <b>D.</b> | R-1   | Single Family Residential District             |  | <b>O.</b> | C-2  | General Commercial District                  |
| <b>E.</b> | R-1A  | Low Density Single Family District             |  | <b>P.</b> | REAC | Regional Employment Activity Center District |
| <b>F.</b> | R-1AA | Single Family Residential District             |  | <b>Q.</b> | IR   | Industrial Restricted District               |
| <b>G.</b> | R-1B  | Single-Family Residential District.            |  | <b>R.</b> | IL   | Industrial Light District                    |
| <b>H.</b> | R-1MH | Single Family/Mobile Home Residential District |  | <b>S.</b> | PIN  | Public and Institutional Lands District      |
| <b>I.</b> | R-2   | Multifamily Residential District.              |  | <b>T.</b> |      |  |
| <b>J.</b> | R-3   | Multi-Family Residential District              |  | <b>U.</b> |      |  |
| <b>K.</b> | PDD   | Planned Development District                   |  | <b>V.</b> |      |  |
|           |       |  |  |           |      |  |
|           |       |  |  |           |      |  |

### Section 3.2 Consistency with the Comprehensive Plan.

This section is intended to correlate individual zoning classifications with land use districts. Table 3-A shows which zoning districts implement and are consistent with the various land use categories. No real property shall be rezoned, and no amendment to this Code shall be adopted, unless such action is consistent with the comprehensive plan of the city. The Planning and Zoning Commission shall include in its recommendation upon any rezoning application, and upon any ordinance amending the zoning code submitted to the board for review, a finding that the proposed action is or is not consistent with the city's comprehensive plan.

| <b>TABLE 3-A<br/>ZONING DISTRICT CONSISTENCY WITH THE<br/>COMPREHENSIVE PLAN FUTURE LAND USE CLASSIFICATIONS</b>                           |                                     |   |
|--|-------------------------------------|---|
| Future Land Use District   | Full Name                           | Zoning Districts Allowed <sup>1</sup>             |
| OTD  | Old Town                            | OTD, PDD <sup>2</sup>                             |
| NC   | Neighborhood Commercial             | RPO, C-1, OTD, PDD                                |
| GC   | General Commercial                  | C-1, C-2, RPO, PDD                                |
| REAC   | Regional Employment Activity Center | C-1, C-2, REAC, IR, IL, PDD                       |
| LDR<br>(Density = 1 to 5 units per acre)   | Low Density Residential             | RR, SR, EU, R-1, R-1MH,<br>R-1A, R-1AA, R-1B, PDD |
| LDMXN<br>(Density = an average of 3<br>units/acre)   | Low Density Mixed Use Neighborhood  | RR, SR, EU, R-1A, R-1AA,<br>R-1B, PDD, RPO, C-1   |
| MDR<br>(Density =3 to 7 units/acre)  | Medium Density Residential          | R-1A, R-1B, R-2, R-3, PDD                         |
| HDR<br>(Density =5 to 8 units/acre)  | High Density Residential            | R-2, R-3, PDD                                     |
| IND  | Industrial                          | I, IR, IL, PDD                                    |
| R  | Recreation                          | ROS   |
| PIN  | Public Lands and Institutions       | PIN   |
| CON <sup>3</sup>   | Conservation                        | All Districts                                     |
| <sup>1</sup> Use restrictions, minimum lot size, and other requirements are found in each district   |                                     |   |
| <sup>2</sup> PDD's are subject to the size, use and restrictions found within the PDD district   |                                     |   |
| <sup>3</sup> Conservation is not intended to be mapped as a district, but as a limitation on the use of lands within a particular district |                                     |   |

### Section 3.3 Zoning Map.

#### A. Adoption/Amendment of Official Zoning Maps:

The boundaries of these districts are hereby established as shown on a map entitled "The Zoning Map of the City of Fellsmere," on file in the Community Development Department, which map, with all explanatory matter thereon, shall be deemed to accompany, be, and is hereby made a part of this Code.

The official zoning map shall bear the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to as Ordinance Number 2005-120 of the City of Fellsmere, Florida" together with the date of the adoption of this Code.

If, in accordance with the provisions of this Code and applicable Florida law, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the City Council. A zoning number and an ordinance or resolution number shall be given to each change and a file of such changes kept by the Community Development Department.

**B. Replacement of Official Zoning Map.**

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted November 2, 1992 as part of Ordinance No. 92-14 of the City of Fellsmere, Florida."

Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

**Section 3.4 Zoning District Use Regulations.**

**A. Interpretation and Application**

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, undue concentration of population and ample parking facilities.

**B. Uses Not Specifically Listed.**

In the event that a particular use is not listed anywhere in this chapter and that no listed use describes the land use activity in question and that such use is not determined to be an accessory use, then it shall be considered the same as the use having the most similar characteristics. An unlisted use shall be determined to be a permitted use, prohibited, or conditional use based on the similarities to other uses listed or defined elsewhere in this chapter.

**1. Criteria for Reviewing Uses Not Listed.**

Upon application for a use not herein listed, the City Manager, or designee, shall determine whether or not the use shall be allowed in the specific zoning district and whether it shall be listed as a permitted use, a permitted use with conditions or a conditional use.

The basis for reviewing unlisted uses shall be the North American Industrial Classification System (NAICS), prepared by the Executive Office of the President, Office of Management and Budget, (<http://www.census.gov/epcd/www/naics.html>) which shall be used to determine the general classification of uses. Other factors which may be considered shall be traffic generation volume, type of traffic attracted to and generated by the site, parking requirements, compatibility to surrounding land uses, noise, lighting and visual impacts, hours of operation, and intensity of use. The City Manager, or designee, may after review of the criteria herein set forth determine that certain uses are prohibited uses and shall not be allowed in any zoning district. In the event that any use is determined to be a prohibited use, record of the reasons given for that decision shall be kept on file and shall be used as guidelines for subsequent use determinations.

2. Appeals of Decisions on Unlisted Uses:

Such decisions may be appealed to the City Council in conformance with the provisions of this Code.

**Section 3.5 Application of District Regulations.**

A. Permitted Uses.

No structure or land in the incorporated area of the City of Fellsmere shall hereafter be constructed on constructed on, built, moved, remodeled, reconstructed, used, or occupied except in accordance with the requirements of the zoning district in which the structure or land is located, unless it is a nonconformity under the provisions of Article VIII of this Code.

B. Conditional Uses.

No structure or land shall be constructed or constructed on, built, remodeled, reconstructed, used, or occupied as a conditional use under this Code except as approved under the procedures and requirements of Section 17.19, and the standards of Section 17.19 C.

C. Accessory Uses and Structures.

Accessory structures and uses are permitted in any zoning district in connection with any principal lawfully existing permitted use within such district, or in connection with any existing conditional use within such district, subject to the requirements of Article IV, provided that all accessory structures or uses shall meet the requirements for the zoning district in which the structure or use is located, and all other requirements of this Code.

D. Transportation and Utility Rights-Of-Way

Transportation and utility rights-of-way and the linear portion of transportation facilities, e.g., pipes, poles lines, wires, cables, conduits, pavement rails, drainage and other similar equipment and accessories in connection herewith, shall be permitted in all zoning districts and shall comply, as applicable, with the resource protection and development standards for vegetation protection, protection of environmentally sensitive lands, protection of habitat for endangered and threatened species, flood damage prevention and stormwater management.

Prior to any local certification of consistency for those utility rights-of-way subject to review and approval under Chapter 403, Part II, Florida Statutes, a conditional use review, in accordance with the provisions of Section 17.19, shall be required.

Table 3B. -- Table of Uses, Residential Districts

| Zoning Districts                                       |     |     |     |     |      |       |      |       |     |     |
|--|-----|-----|-----|-----|------|-------|------|-------|-----|-----|
| Land Uses  | RR  | SE  | EU  | R-1 | R-1A | R-1AA | R-1B | R-1MH | R-2 | R-3 |
| Agricultural Uses <sup>1</sup>                         | C   | C   | N   | N   | N    | N     | N    | N     | N   | N   |
| Airplane Runways for Subdivision                       | C   | N   | N   | N   | N    | N     | N    | N     | N   | N   |
| Bed and Breakfast                                      | C   | C   | C   | N   | N    | N     | N    | N     | N   | N   |
| Child Care Facilities                                  | N   | N   | N   | C   | N    | N     | N    | C     | N   | C   |
| Church, Convent or Parish House                        | PWC | PWC | PWC | C   | PWC  | PWC   | N    | PWC   | PWC | PWC |
| Community Center                                       | C   | C   | C   | N   | N    | P     | N    | PWC   | P   | C   |
| Community Residential Home (1 to 6 Residents)          | C   | C   | C   | C   | C    | C     | N    | N     | N   | C   |
| Community Residential Home (7 to 14 Residents)         | N   | N   | C   | N   | N    | N     | N    | N     | N   | N   |
| Congregate Living Facility                             | N   | N   | C   | C   | N    | C     | N    | N     | N   | C   |
| Convalescent/Nursing Homes                             | N   | N   | N   | N   | N    | C     | N    | N     | N   | N   |
| Domestic Violence Shelter                              | N   | N   | N   | N   | N    | N     | N    | N     | N   | N   |
| Dwelling, Multi-Family                                 | N   | N   | N   | N   | N    | N     | N    | N     | P   | P   |
| Dwelling, Single-Family Detached                       | P   | P   | P   | P   | P    | P     | P    | P     | P   | P   |
| Dwellings, Two-Family/Duplex                           | N   | N   | N   | N   | N    | N     | N    | N     | P   | P   |
| Dwellings, Townhomes, Patio, Garden, Etc. <sup>2</sup> | N   | N   | N   | N   | N    | P     | N    | N     | P   | P   |
| Educational Institutions                               | N   | N   | N   | N   | N    | N     | N    | N     | C   | C   |
| Family Day Care Home                                   | N   | N   | C   | C   | C    | C     | C    | C     | C   | C   |
| Golf or Tennis Grounds or Similar Use                  | P   | P   | C   | N   | P    | P     | N    | N     | C   | C   |
| Group Home, High Intensity - Up to 10 Residents        | N   | N   | N   | N   | N    | N     | N    | N     | C   | C   |
| Group Home, Low Intensity - Up to 5 Residents          | N   | N   | N   | C   | PWC  | P     | N    | N     | C   | C   |
| Home Occupations                                       | C   | C   | C   | PWC | PWC  | PWC   | P    | P     | N   | N   |
| Horses with Restrictions                               | P   | N   | N   | N   | N    | N     | N    | N     | N   | N   |
| Marina (On Lake)                                       | C   | C   | C   | C   | N    | C     | N    | N     | N   | N   |
| Personal Service Establishments                        | N   | N   | N   | N   | N    | N     | N    | N     | N   | C   |
| Planned Developments                                   | C   | C   | C   | C   | C    | C     | C    | N     | C   | C   |
| Public Use   | P   | C   | C   | C   | PWC  | P     | C    | P     | P   | PWC |
| Public Utility Service Facilities                      | PWC | PWC | PWC | PWC | PWC  | PWC   | PWC  | PWC   | PWC | PWC |

P - Permitted Uses; PWC - Permitted with Conditions; C - Conditional Use Approval; N - Prohibited.

**Notes:** <sup>1</sup> No commercial agricultural use activities shall be allowed, except by condition of City Council.

<sup>2</sup> Shall be constructed as a condominium or on platted (subdivided) lots.

Planned Development district classification and/or planned development projects are allowed a mix of uses as approved by the City Council in the development order.

**Table 3C. -- Table of Uses, Non-Residential Districts**

| Zoning Districts   |     |     |     |     |      |     |     |     |
|--|-----|-----|-----|-----|------|-----|-----|-----|
| LAND USE   | RPO | OTD | C-1 | C-2 | REAC | IR  | IL  | PIN |
| Agricultural Uses <sup>1</sup>   | N   | N   | N   | C   | N    | C   | N   | C   |
| Administrative Services<br>(See also Personal Services or Business Services) | P   | P   | P   | P   | P    | N   | N   | N   |
| Automobile Service Stations/Car Wash Establishments                          | N   | N   | N   | C   | C    | P   | C   | N   |
| Financial Institutions   | C   | P   | P   | P   | P    | N   | N   | N   |
| Bars   | N   | P   | C   | P   | C    | N   | N   | N   |
| Bed and Breakfast  | N   | P   | C   | P   | N    | N   | N   | N   |
| Brewpub  | N   | P   | C   | P   | P    | P   | N   | N   |
| Businesses/Professional Offices  | P   | P   | P   | P   | P    | C   | C   | N   |
| Child Care Facilities  | PWC | C   | PWC | P   | P    | N   | N   | C   |
| Church, Convent or Parish House  | C   | P   | P   | P   | P    | N   | N   | N   |
| Clubs and Lodges   | C   | P   | PWC | P   | P    | N   | C   | N   |
| Community Center Building  | N   | P   | C   | C   | C    | N   | N   | P   |
| Construction Related Businesses <sup>2</sup>                                 | N   | N   | N   | N   | N    | P   | PWC | N   |
| Congregate Living Facilities   | N   | N   | N   | PWC | PWC  | N   | N   | C   |
| Domestic Violence Shelter  | N   | N   | P   | P   | P    | P   | N   | C   |
| Dwellings, Accessory   | P   | P   | N   | P   | P    | N   | N   | N   |
| Dwellings, Multi-Family  | N   | C   | PWC | N   | P/C  | N   | N   | N   |
| Dwellings, Single-Family   | P   | N   | N   | N   | N    | N   | N   | N   |
| Dwellings, Two-Family/Duplex   | N   | N   | N   | P   | N    | N   | N   | N   |
| Drive-through (Banks)  | N   | C   | C   | P   | P    | N   | N   | N   |
| Dry Cleaning (Pick-up-PU) (Plants-PL)  | PWC | PWC | PWC | PWC | P    | P   | P   | N   |
| Electronic Assembly  | N   | N   | N   | P   | P    | P   | P   | N   |
| Funeral Homes/Mortuary   | N   | N   | N   | N   | N    | C   | N   | N   |
| Group Home Facilities  | C   | N   | C   | C   | C    | N   | N   | C   |
| Heliport   | N   | N   | N   | N   | C    | N   | N   | C   |
| Hospitals  | N   | N   | N   | C   | PWC  | PWC | P   | P   |
| Hotels, Motels   | N   | P   | P   | P   | P    | N   | N   | N   |

**Table 3C. -- Table of Uses, Non-Residential Districts**

| Zoning Districts   |     |     |      |     |      |     |     |                 |
|--|-----|-----|------|-----|------|-----|-----|-----------------|
| LAND USE   | RPO | OTD | C-1  | C-2 | REAC | IR  | IL  | PIN             |
| Kennel   | N   | N   | C    | PWC | C    | P   | C   | N               |
| Laboratories (Research, Medical and Dental) and Clinics      | N   | P   | C    | P   | P    | P   | P   | N               |
| Manufacturing, Light   | N   | N   | N    | N   | PWC  | P   | P   | N               |
| Medical Clinics  | N   | N   | P    | P   | P    | P   | P   | P               |
| Micro-Brewery  | N   | N   | N    | C   | C    | C   | C   | N               |
| Mini-Storage Facilities                                      | N   | N   | C    | C   | C    | P   | P   | N               |
| Mixed-Use Buildings/Projects <sup>3</sup>                    | N   | C   | C    | P   | P    | P   | C   | N               |
| Nursing and Convalescent Homes                               | N   | N   | C    | C   | P    | N   | N   | C               |
| Office <sup>4</sup>  | P   | P   | P    | P   | P    | P   | P   | P (Public only) |
| Outside Display <sup>5</sup>                                 | N   | PWC | N    | N   | N    | N   | C   | N               |
| Parking facilities as a Principal Use                        | C   | P   | P    | P   | P    | N   | P   | P               |
| Plant Nurseries  | N   | N   | N    | P   | P *  | P   | P   | N               |
| Planned Developments <sup>3</sup>                            | N   | PWC | PWC  | PWC | PWC  | PWC | PWC | PWC             |
| Printing/Graphic Arts  | PWC | PWC | PWC  | P   | P    | P   | P   | N               |
| Public Use (Governmental Services, Facilities or Recreation) | C   | PWC | C    | P   | P    | P   | P   | P               |
| Public utility service facilities                            | C   | PWC | C    | P   | C    | P   | P   | C               |
| Recovery home/halfway house                                  | N   | N   | N    | N   | C *  | P   | N   | N               |
| Recreation, indoor (Private or Quasi Public)                 | N   | PWC | C    | P   | P    | N   | C   | C               |
| Recreation, outdoor (Private or Quasi Public)                | N   | PWC | N    | P   | C    | N   | C   | C               |
| Recreational vehicle (RV) parks                              | N   | N   | N    | N   | C    | N   | N   | N               |
| RV and Boat Storage  | N   | N   | N    | C   | N    | C   | C   | N               |
| Restaurants  | PWC | P   | P    | P   | P    | C   | C   | N               |
| Retail   | N   | P   | PA74 | P   | P    | N   | C   | N               |
| Schools  | C   | C   | P    | P   | P    | N   | N   | P               |
| Service, Automotive  | N   | N   | N    | C   | C    | P   | N   | N               |
| Service, Business <sup>4</sup>                               | P   | P   | P    | P   | P    | P   | P   | N               |
| Service, Major Vehicle                                       | N   | N   | N    | C   | N    | P   | N   | N               |
| Service, Personal  | P   | C   | P    | P   | P    | P   | P   | N               |

**Table 3C. -- Table of Uses, Non-Residential Districts**

| Zoning Districts  |     |     |     |     |      |     |    |     |
|---|-----|-----|-----|-----|------|-----|----|-----|
| LAND USE  | RPO | OTD | C-1 | C-2 | REAC | IR  | IL | PIN |
| Shelter, Homeless Shelter Facilities  | N   | N   | N   | C * | N    | N   | N  | C   |
| Soup Kitchens   | N   | N   | N   | C   | N    | N   | C  | P   |
| Studios (Art, Museums, Galleries)   | P   | P   | P   | P   | N    | N   | N  | N   |
| Studios (Radio and TV)  | C   | C   | C   | P   | P    | P   | P  | N   |
| Telecommunications/Towers   | N   | N   | N   | N   | N    | N   | N  | C   |
| Temporary Labor Agency <sup>6</sup>   | N   | N   | N   | C   | C    | P   | P  | N   |
| Vehicle Sales and Rental  | N   | N   | N   | C   | C    | C   | N  | N   |
| Vehicle Repair/Body Shops   | N   | N   | N   | N   | N    | PWC | N  | N   |
| Veterinary Clinic   | N   | C   | C   | P   | P    | P   | P  | N   |
| Warehousing and Wholesaling <sup>7</sup>  | N   | N   | N   | C   | P    | P   | C  | N   |
| Wholesaling from Sample Stocks  | N   | N   | N   | P   | C    | P   | P  | N   |
| P - Permitted Uses; PWC - Permitted with Conditions; C - Conditional Use Approval; N - Prohibited.  |     |     |     |     |      |     |    |     |
| <b>Notes:</b> <sup>1</sup> Agricultural uses include silviculture, horticulture, small grove, or bona-fide agricultural pursuits as defined by the State.   |     |     |     |     |      |     |    |     |
| <sup>2</sup> Construction related businesses include offices, flexible use space, or buildings devoted to contractors, paint, tile flooring, or the like. No outside storage of materials, fabricating or manufacturing is allowed. |     |     |     |     |      |     |    |     |
| <sup>3</sup> Subject to Planned Development project regulations.  |     |     |     |     |      |     |    |     |
| <sup>4</sup> Directly associated with a profession or service.  |     |     |     |     |      |     |    |     |
| <sup>5</sup> Except automotive and similar uses. See outdoor display standards.   |     |     |     |     |      |     |    |     |
| <sup>6</sup> Must have adequate accessible restroom facilities.   |     |     |     |     |      |     |    |     |
| <sup>7</sup> In enclosed structures, including refrigerated storage and bulk storage, excluding hazardous substances, hazardous wastes and petroleum products.  |     |     |     |     |      |     |    |     |
| * Planned Development district classification and/or planned development projects are allowed a mix of uses as approved by the City Council in the development order.   |     |     |     |     |      |     |    |     |

### **Section 3.6 Establishment of Size and Dimension Criteria.**

#### **A. General.**

In order to carry out the purpose and intent provisions of this Article, size and dimension criteria for particular zoning districts are hereby established. Such size and dimension criteria shall be applied in accordance with this section and other applicable provisions of the land development regulations. The minimum area for yards and other required open spaces for each and every building hereafter erected, constructed or structurally altered shall not be encroached upon or considered as area, yard or open space requirements or intensity of use requirements for any other building. Variances from these provisions, excluding the maximum density limitations, may be granted by the Board of Adjustment pursuant to the procedures and criteria of the land development regulations.

#### **B. Maximum Residential Density.**

In no instance shall the maximum density specified for a given zoning district be exceeded in the approval of any permit or development order. Maximum density shall be expressed in number of dwelling units per gross residential acre. In the determination of the maximum number of units to be allowed on a lot, the permitted number shall be made proportional to any fraction of an acre(s) that is a part of the lot. Gross residential area shall mean the area of a lot devoted to residential uses and related open space, yards, parking and circulation, drainage, recreation, waterbodies, and other related or accessory facilities, exclusive of commercial, industrial, and other nonresidential uses.

#### **C. Lot Size Requirements.**

##### **1. Generally.**

Except as may be qualified by the provisions of the land development regulations, including Article VIII, Nonconformities, no structure or part thereof shall hereafter be constructed or relocated onto a lot which does not meet all of the minimum lot size requirements established for the zoning district in which the structure is or is to be located. Furthermore, no structure or land shall hereafter be used, occupied or arranged for use on a lot which does not meet all of the minimum lot size requirements presented for the district in which such structure or land is located, unless such lot meets the criteria of Article VIII. Properties upon which essential services uses are located are exempt from minimum lot size requirements.

##### **2. Reduction of lot size or yards; subdivision.**

No lot or yard existing at the effective date of this Code shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, purchase, and the like. Lots or yards created after the effective date of this chapter shall meet the minimum requirements established herein.

##### **3. Applicability to all uses.**

All permitted uses, all administrative permit uses, and all special exception uses shall be subject to the lot size requirements specified for a given district, unless other minimum requirements are specified for such uses elsewhere in the land development regulations.

4. Structure built on two (2) lots.

A building constructed on a site consisting of two (2) lots must be located either within the required setback of the individual lot or the setback from the common or unified lot line. Any person wishing to build a structure on two (2) lots must provide legal assurance, approved by the City Attorney, which demonstrates unity of title for both lots. In those cases where construction does not commence, such unity of title may be released upon approval of the City Manager, or designee, and recording of a dissolution of unity of title in the public records.

5. Lots of record less than minimum size.

Any lot of record legally created prior to the adoption of this Code which contains less lot area or width than required in the district in which it is located may be used for a use in such district. This provision shall not be construed to permit more than one dwelling unit on a lot with less lot area per dwelling than required for the district in which such lot is located.

6. *Use of lots in single-family districts.*

In single-family districts, every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than the principal building and the customary accessory buildings on one plot or parcel of land.

D. Minimum Yard and Setback Requirements.

1. Generally.

Minimum yard requirements shall be as specified for a given zoning district. The yard requirements shall apply to all buildings and structures, as they relate to the respective lot lines, except as otherwise specifically provided in this chapter.

2. Accessory Uses and Structures.

Special yard requirements related to accessory uses and/or structures are provided in Article IV.

3. Yard Encroachments.

Every part of a required yard shall be open and unobstructed except as hereinafter provided or as otherwise permitted in this Code.

- a. Sills or belt courses may not project over eighteen (18) inches into a required yard.
- b. Movable awnings may not project over five (5) feet into a required yard, and where the yard is less than ten (10) feet in width the projection shall not exceed more than one-half (1/2) the depth of the yard.
- c. Chimneys, fireplaces, bay windows, or plaster may not project over two (2) feet into a required yard.

- d. Fire escapes, stairways, and balconies that are unroofed and unenclosed may not project over five (5) feet into a required rear yard, or over three (3) feet into a required side yard, and where the yard is less than ten (10) feet in width the projection shall not exceed more than one-half ( 1/2) the depth of the yard.
  - e. Hoods, canopies, eaves or marquees may not project over four (4) feet into a required yard.
  - f. Fences, walls and hedges shall be permitted in required yards subject to the provisions established herein.
  - g. Existing or new patio areas in the rear yard of single-family and duplex structures may be screened provided that the enclosed area does not extend more than twelve (12) feet into the required rear yard and that the area of the enclosure does not exceed two hundred forty (240) square feet.
4. Required Yards for Lawfully Created Nonconforming Lots.

Lawfully created nonconforming lots shall have required yards; provided, however, that the buildable width of such lot shall not be reduced by front or side yard requirements to less than thirty (30) feet and provided further that no accessory structure on a corner lot shall project into the required front yard on any street. In those instances where the thirty-foot minimum applies, the house shall be centered between the lot lines, unless an alternate siting arrangement is approved by the community development director.

| <b>Table 3D. -- Dimensional Standards, Residential District</b> |                         |                |                   |                           |                       |                       |                       |                           |                   |              |
|---|-------------------------|----------------|-------------------|---------------------------|-----------------------|-----------------------|-----------------------|---------------------------|-------------------|--------------|
|   | <b>Zoning Districts</b> |                |                   |                           |                       |                       |                       |                           |                   |              |
| <b>RESIDENTIAL</b>  | <b>RR</b>               | <b>SR</b>      | <b>EU</b>         | <b>R-1</b>                | <b>R-1A</b>           | <b>R-1AA</b>          | <b>R-1B</b>           | <b>R-1MH</b>              | <b>R-2</b>        | <b>R-3</b>   |
| Density<br>(units per gross acre)                               | 1 unit/<br>2.5 acres    | 1<br>unit/acre | 1-3<br>units/acre | Less than 5<br>units/acre | up to 5<br>units/acre | up to 5<br>units/acre | up to 4<br>units/acre | less than 5<br>units/acre | 3-7<br>units/acre | 5-8<br>units |
| Minimum Lot Area  |                         |                |                   |                           |                       |                       |                       |                           |                   |              |
| One-family  | 2.5 acres               | 1 acre         | 15,000 sq.<br>ft. | 9,375 sq.<br>ft.          | 7,500 sf              | 8,500 sf              | 5000 sq. ft.          | 9375 sq. ft.              | -                 | -            |
| Two-family  | -                       | -              | -                 | -                         | -                     | 1 acre                | -                     | -                         | 15,000            | 1 acre       |
| Three-family  | -                       | -              | -                 | -                         | -                     | 1 acre                | -                     | -                         | 25,000            | 1 acre       |
| Townhouses  | -                       | -              | -                 | -                         | -                     | 1 acre                | -                     | -                         | 1 acre            | 3 acres      |
| Multiple-family   | -                       | -              | -                 | -                         | -                     | -                     | -                     | -                         | 3 acres           | 3 acres      |
| Patio and Garden Homes  | -                       | -              | -                 | -                         | -                     | 3 acres               | -                     | -                         | -                 | 3 acres      |
| Assisted Living   | -                       | -              | -                 | -                         | -                     | 5 acres               | -                     | -                         | -                 | 5 acres      |
| Independent Living  | -                       | -              | -                 | -                         | -                     | 5 acres               | -                     | -                         | -                 | 5 acres      |
| Minimum Lot Width (ft.)   |                         |                |                   |                           |                       |                       |                       |                           |                   |              |
| One-family  | 150'                    | 100'           | 75'               | 75'                       | 50'                   | 75'                   | 50'                   | 75'                       | -                 | -            |
| Two-family  | -                       | -              | -                 | -                         | -                     | -                     | -                     | -                         | -                 | -            |
| Three-family  | -                       | -              | -                 | -                         | -                     | -                     | -                     | -                         | -                 | -            |
| Townhouses  | -                       | -              | -                 | -                         | -                     | -                     | -                     | -                         | -                 | -            |
| Multiple-family   | -                       | -              | -                 | -                         | -                     | -                     | -                     | -                         | -                 | -            |
| Minimum Lot Depth (ft.)   |                         |                |                   |                           |                       |                       |                       |                           |                   |              |
| One-family  | 150'                    | 150'           | 125'              | 100'                      | 100'                  | 100'                  | 50'                   | 75'                       | 75'               | 75'          |
| Two- and three-family   | -                       | -              | -                 | -                         | -                     | -                     | -                     | -                         | -                 | -            |
| Townhouses  | -                       | -              | -                 | -                         | -                     | -                     | -                     | -                         | -                 | -            |
| Multiple-family   | -                       | -              | -                 | -                         | -                     | -                     | -                     | -                         | -                 | -            |
| Required Open Space<br>(%)                                      | 50%                     | 50%            | 40%               | 50%                       | 50%                   | 50%                   | 10%                   | 50%                       | 50%               | 40%          |
| Minimum Living Area (sq.ft.)                                    |                         |                |                   |                           |                       |                       |                       |                           |                   |              |
| One-family  | 1800                    | 1800           | 1800              | 1000                      | 1500                  | 1600                  | 1000                  | 1000                      | 1200              | -            |
| Two- and three-family   | -                       | -              | -                 | -                         | -                     | -                     | -                     | -                         | 900/800           | -            |
| Townhouses  | -                       | -              | -                 | -                         | -                     | 1200                  | -                     | -                         | 100               | -            |
| Multiple-family   | -                       | -              | -                 | -                         | -                     | -                     | -                     | -                         | 950               | -            |

| Table 3D. -- Dimensional Standards, Residential District                    |                   |     |     |      |      |   |                    |       |                    |                    |
|---|-------------------|-----|-----|------|------|---|--------------------|-------|--------------------|--------------------|
| RESIDENTIAL   | Zoning Districts  |     |     |      |      |   |                    |       |                    |                    |
|   | RR                | SR  | EU  | R-1  | R-1A | R-1AA   | R-1B               | R-1MH | R-2                | R-3                |
| One-bedroom   | -                 | -   | -   | -    | -    | -   | -                  | -     | -                  | 800                |
| Two-bedrooms  | -                 | -   | -   | -    | -    | -   | -                  | -     | -                  | 1000               |
| Three-bedrooms  | -                 | -   | -   | -    | -    | -   | -                  | -     | -                  | 1200               |
| Patio and Garden Homes  | -                 | -   | -   | -    | -    | 1000  | -                  | -     | -                  | -                  |
| Assisted Living   | -                 | -   | -   | -    | -    | 500/person                                    | -                  | -     | -                  | -                  |
| Independent Living  | -                 | -   | -   | -    | -    | 800/one<br>bedroom-<br>200 each<br>additional | -                  | -     | -                  | -                  |
| Maximum Height (ft.)  | 35'               | 35' | 35' | 35'  | 35'  | 35'   | 35'                | 35'   | 35'                | 35'                |
| Minimum Setback Requirements (ft.)  |                   |     |     |      |      |   |                    |       |                    |                    |
| Front   | 25'               | 25' | 25' | 25'  | 20'  | 20'   | 20'                | 25'   | 25'                | 25'                |
| Side Interior   | 25'               | 10' | 10' | 7.5' | 7.5' | 7.5'  | 5'                 | 7.5'  | 7.5'               | 10'                |
| Side Corner   | 25'               | 15' | 15' | 25'  | 15'  | 15'   | 15'                | 15'   | 15'                | 25'                |
| Rear  | 20'               | 20' | 20' | 25'  | 20'  | 20'   | 20'                | 25'   | 25'                | 25'                |
| Abutting alley  | -                 | -   | -   | -    | 15'  | 15'   | -                  | -     | 15'                | 15'                |
| Barns and Stalls  | F=125'<br>S/R=50' | -   | -   | -    | -    | -   | -                  | -     | -                  | -                  |
| Accessory Buildings(Not<br>allowed in front; setback<br>from side and rear) | 15'               | 15' | 10' | 10'  | 7.5' | 7.5'  | 5'                 | 7.5'  | 7.5'               | 10'                |
| Minimum setback from<br>water   | 25'               | 25' | 20' | 20'  | 15'  | 15'   | 15'                | 15'   | 15'                | 15'                |
| Maximum Building Length<br>(ft.) for townhouses only                        | -                 | -   | -   | -    | -    | -   | -                  | -     | 200'               | 200'               |
| Enclosed garage per<br>single- or two-family unit                           | R                 | R   | R   | R    | R    | R   | May be<br>required | N     | May be<br>required | May be<br>required |
| <b>Note:</b> R= Required  |                   |     |     |      |      |   |                    |       |                    |                    |

**Table 3E. -- Dimensional Standards, Non-Residential Districts**

| Zoning Districts  |                                  |                              |                   |                 |                 |                |                   |         |
|---|----------------------------------|------------------------------|-------------------|-----------------|-----------------|----------------|-------------------|---------|
| Non-Residential   | RPO                              | OTD                          | C-1               | C-2             | REAC            | IR             | IL                | PIN     |
| Minimum Lot Area (sq. ft.)                              | 5000                             | 6250                         | 12,000            | 12,000          | 5 acres         | 10 acres       | Max=2.5<br>Min=.5 | .5 acre |
| Minimum Lot Width (ft.)                                 | 50                               | 50                           | 100               | 100             | 150             | 100            | 100               | 100     |
| Minimum Lot Depth (ft.)                                 | 100                              | 100                          | 100               | 100             | 150             | 100            | 100               | 100     |
| Maximum Lot Coverage (%)                                | 60                               | 100                          | 85                | 85              | 70 <sup>1</sup> | 85             | 75                | 65      |
| Minimum Open Space                                      | 15                               | 15                           | 15                | 15              | 15              | 25             | 15                | -       |
| Floor Area Ratio  | N/A                              | 1 (footprint)                | 0.5               | - <sup>2</sup>  | .5 Average      | 0.5            | 0.25              | 0.35    |
| Building Area (sq.ft.)                                  | 1500<br>Minimum                  | 20,000<br>Maximum            | 20,000<br>Maximum | -               | -               | 300<br>Minimum | 300<br>Minimum    | -       |
| Maximum Height (ft.) <sup>3</sup>                       | 35                               | 35                           | 35                | 35 <sup>4</sup> | 35 <sup>5</sup> | 35             | 35                | 35      |
| Minimum Setback Requirements (ft.)                      |                                  |                              |                   |                 |                 |                |                   |         |
| Front   | 20                               | 0-3                          | 35                | 25              | 75              | 50             | 25                | 25      |
| Side Interior Lot                                       | 7.5                              | None                         | 7.5               | 15              | 25              | 50             | 7.5/10            | 7.5     |
| Side Corner Lot   | 15                               | 5                            | 15                | 25              | 40              | 50             | 20                | 15      |
| Rear  | 20                               | 5                            | 25                | 25              | 30              | 50             | 20                | 25      |
| Rear-Abutting Alley                                     | 15                               | 5                            | 20                | 20              | 20              | 30             | 10                | 10      |
| Additional Landscaping or Buffer/<br>Refer to Code      | Y                                | N                            | Y                 | Y               | Y               | Y              | Y                 | Y       |
| Residential Uses Allowed                                | Per R-1<br>District <= 5<br>dupa | 5 dupa Res/<br>30 dupa Hotel | Y                 | Mixed<br>Uses   | N               | N              | N                 | N       |
| Potential for CR 512 Overlay<br>Standards Applicability | Y                                | Y                            | Y                 | Y               | Y               | Y              | Y                 | Y       |

**Notes:** <sup>1</sup> FAR shall equal an average of .5 or a minimum of fifteen (15%) percent open space.

<sup>2</sup> .35 on 10 ac or greater site/or fifteen (15%) percent open space, whichever is greater.

<sup>3</sup> See height definition.

<sup>4</sup> Height may increase up to a maximum of sixty-five (65) feet at I-95 interchange through conditional use approval.

<sup>5</sup> Height may increase up to a maximum of fifty (50) feet through conditional use approval; height may increase up to a maximum of sixty-five (65) feet at I-95 interchange through conditional use approval.

### **Section 3.7 Purpose, Use and Maintenance of Yards.**

The purpose of yards required in this chapter is to provide open space around and between structures for health, safety and aesthetic purposes. All required yards and landscaped areas, where not used for parking, driveways, sidewalk or other approved structures, shall be planted and maintained in lawn, sod or landscaping, including flower beds, shrubs, hedges, statuary or ornamental objects not over three (3) feet in height. Trees may be planted if they do not obscure the vision of the driver of a vehicle.

### **Section 3.8 Buildings and Structures.**

#### **A. Buildings Required.**

All residential, commercial, industrial and institutional uses shall provide at least the minimum size building required for the district in which the use is to be located except where the use does not require a building such as vehicle storage, land excavation, land alteration/non-household waste landfill or agricultural uses. Said building shall contain plumbing facilities adequate to serve the needs of the customers and employees of the commercial, industrial or institutional uses.

#### **B. Structures to Have Access.**

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to a city approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

#### **C. Minimum Building/Structure Elevation**

1. The minimum first floor elevation of all residential buildings shall be as follows:
  - a. For properties lying within a designated Special Flood Hazard Area where the base flood elevation has been determined, as further defined under Chapter 38, Article II Flood Damage Prevention of the City Code, all buildings shall be elevated a minimum of 18 inches above the crown of the adjacent roadway or shall comply with the minimum flood elevation for the property as established on the Flood Hazard Boundary Map for Indian River County, whichever is greater.
  - b. For properties lying within a designated Special Flood Hazard Area for which the base flood elevation has not been determined, all buildings shall be elevated as follows:
    1. A minimum of 36 inches above the adjacent average natural grade, or 18 inches above the crown of any adjacent roadway, whichever is greater; or
    2. As determined by a sub-basin drainage study for the proposed development meeting the requirements of a stormwater permit.
  - c. For properties lying outside of a Special Flood Hazard Area, as further defined under Chapter 38, Article II Flood Damage Prevention of the City Code, all buildings shall be elevated a minimum of 18 inches above any adjacent roadway.

2. Habitable/non-residential buildings shall comply with the following standards:
  - a. For properties lying within a designated Special Flood Hazard Area where the base flood elevation has been determined, as further defined under Chapter 38, Article II Flood Damage Prevention of the City Code, all buildings shall be elevated a minimum of 18 inches above the crown of the adjacent roadway or shall comply with the minimum flood elevation for the property as established on the Flood Hazard Boundary Map for Indian River County, whichever is greater.
  - b. For properties lying within a designated Special Flood Hazard Area for which the base flood elevation has not been determined, all buildings shall be elevated as follows:
    1. A minimum of 36 inches above the adjacent average natural grade, or 18 inches above the crown of any adjacent roadway, whichever is greater; or
    2. As determined by a sub-basin drainage study for the proposed development meeting the requirements of a stormwater permit.
  - c. For properties lying outside of a Special Flood Hazard Area, as further defined under Chapter 38, Article II Flood Damage Prevention of the City Code, all buildings shall be elevated a minimum of 18 inches above any adjacent roadway.
3. When topographical conditions are such that compliance with this subsection would be impracticable or cause grade level conditions detrimental to adjacent or nearby property, the City Manager shall grant relief from the provisions of this subsection, consistent with Flood Protection regulations.
4. For non-habitable/non-residential structures, when topographical conditions are such that compliance with this subsection would be impracticable or cause grade level conditions detrimental to adjacent or nearby property, the City Manager may grant relief from the provisions of this Code, consistent with the intent of the Flood Protection regulations and any other applicable portion of this Code.

**Section 3.9 Reserved.**

**Section 3.10 Reserved.**

**Section 3.11 RR Rural Residential.**

A. Purpose.

The purpose of this district is to provide and protect an environment suitable for single-family dwellings at a maximum density of one (1) dwelling unit per 2.5 gross acres, together with such other uses as may be necessary for and compatible with very low density rural residential surroundings.

B. Permitted Uses:

Permitted Uses in the RR zoning district shall be in accordance with Table 3B. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3D.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3D.

E. Conditional Uses:

Conditional Uses in the RR zoning district shall be in accordance with Table 3B.

F. Accessory Uses:

Accessory uses shall be in accordance with Table 3D, and subject to the general requirements of Article IV.

**Section 3.12 SR Suburban Residential.**

A. Purpose.

The purpose of this district is to provide and protect an environment suitable for single-family dwellings at a maximum density of one (1) dwelling unit per gross acre, together with such other uses as may be necessary for and compatible with residential surroundings.

B. Permitted Uses:

Permitted Uses in the SR zoning district shall be in accordance with Table 3B. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3D.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3D.

E. Conditional Uses:

Conditional Uses in the SR zoning district shall be in accordance with Table 3B.

F. Accessory Uses:

Accessory uses shall be in accordance with Table 3D, and subject to the general requirements of Article IV.

**Section 3.13 ER Estate Use Residential.**

A. Purpose.

The purpose of this district is to provide and protect an environment suitable for single-family dwellings at a maximum density of one (1) to three (3) dwelling unit per gross acre, together with such other uses as may be necessary for and compatible with residential surroundings.

B. Permitted Uses:

Permitted Uses in the ER zoning district shall be in accordance with Table 3B. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3D.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3D.

E. Conditional Uses:

Conditional Uses in the ER zoning district shall be in accordance with Table 3B.

F. Accessory Uses:

Accessory uses shall be in accordance with Table 3D, and subject to the general requirements of Article IV.

**Section 3.14 R-1 Single Family Residential District.**

A. Purpose.

The R-1 Single-Family Residential Zoning District applies to existing single family developed areas of the city and is designed to provide suitable areas for low-density, less than 5 dwelling units per acre, residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. These regulations shall apply to new housing on vacant lots, replacement of mobile homes on existing lots, and redevelopment of existing single family homes in areas designated as R-1 on the City's zoning map. This district shall not be applied to any new lands other than those shown on the Official City Zoning maps on the date of adoption of this Code.

B. Permitted Uses:

Permitted Uses in the R-1 zoning district shall be in accordance with Table 3B. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3D.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3D.

E. Conditional Uses:

Conditional Uses in the R-1 zoning district shall be in accordance with Table 3B.

F. Accessory Uses:

Accessory uses shall be in accordance with Table 3D, and subject to the general requirements of Article IV.

G. Mobile Home Construction Regulations:

All mobile homes shall be installed so as to meet the permanent foundation anchoring and other rules, pursuant to Section 320.8285, Florida Statutes and as provided in Chapter I5C-1.0110 of the Florida Administrative Code, also called the "Standards for the installation of Mobile- Manufactured Homes", as may be amended, including the use of a permanent perimeter, under floor enclosure. In addition, in no case shall a mobile home be more than five (5) years old when placed on the site.

In addition, all Mobile Homes installed in the City of Fellsmere after the date of adoption of this Code shall meet the following minimum standards:

1. Minimum Width of Main Body

The minimum horizontal dimension of the main body of the mobile home as assembled on the site is not less than twenty (20) feet, as measured across the narrowest portion.

2. Minimum Floor Area

The minimum habitable (air conditioned) floor area of any mobile home shall be 1,000 square feet

3. Minimum Roof Pitch; Minimum Distance, Eaves to Ridge

The pitch of the main roof is not less than one (1) foot of rise for each four (4) feet of horizontal run and the minimum distance from eave to ridge is one-half (1/2) the minimum horizontal dimension.

4. Roofing Materials

The roofing material used is similar in texture, color and appearance to that of detached single-family dwelling units in the same zoning district in which it is to be located.

5. Exterior Finish; Light Reflection

The materials used for the exterior finish and skirting are similar in texture, color, and materials to detached single-family dwelling units in the same zoning district in which it is to be located, and are applied in such a manner as to make the Mobile Home similar in appearance with surrounding detached single-family dwelling units. Reflection from the exterior shall not be greater than from siding coated with clear, white, gloss exterior enamel.

**Section 3.15 R-1A Low Density Single Family District.**

A. Purpose.

The R-1A Single-Family Residential Zoning District encompass lands devoted to single-family residential development up to five (5) units per acre on smaller lots, providing a range of housing choice, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. This district may be applied to new subdivisions or substantial redevelopment of existing single family areas contained within low density or low density mixed use residential land use classifications.

B. Permitted Uses:

Permitted Uses in the R-1A zoning district shall be in accordance with Table 3B. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3D.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3D.

E. Conditional Uses:

Conditional Uses in the R-1A zoning district shall be in accordance with Table 3B.

F. Accessory Uses:

Accessory uses shall be in accordance with Table 3D, and subject to the general requirements of Article IV.

**Section 3.16 R-1AA Single Family Residential District.**

A. Purpose.

The R-1AA Single-Family Residential Zoning District encompasses lands devoted to a variety of single-family residential developments, up to five (5) units per acre, including attached or detached homes, on smaller lots, providing a range of housing choice, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

B. Permitted Uses:

Permitted Uses in the R-1AA zoning district shall be in accordance with Table 3B. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3D.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3D.

E. Conditional Uses:

Conditional Uses in the R-1AA zoning district shall be in accordance with Table 3B.

F. Accessory Uses:

Accessory uses shall be in accordance with Table 3D, and subject to the general requirements of Article IV.

**Section 3.17 R-1B Single-Family Residential District.**

A. Purpose

The R-1B Single-Family Residential Zoning District is intended to apply to a specific area of the City proposed for affordable single-family residential development, up to four (4) units per acre. Lot sizes and other restrictions are intended to permit a flexibility of design and a variety of housing styles, promote affordable single-family housing, and encourage the preservation of natural features. Housing in this district is provided strictly for those in the 80% or less of the median income brackets as determined for the Fellsmere area through the Department of Housing and Urban Development. To be eligible to be considered for using the R-1B district, a project must consist of a minimum of ten (10) acres, will be developed by one entity which is a not-for-profit organization owned or controlled by either Habitat for Humanity or another Community Development Corporation (CDC) approved by City Council and engaged solely in the business of providing affordable housing.

B. Permitted Uses:

Permitted Uses in the R-1B zoning district shall be in accordance with Table 3B. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3D.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3D.

E. Conditional Uses:

Conditional Uses in the R-1B zoning district shall be in accordance with Table 3B.

F. Accessory Uses:

Accessory uses shall be in accordance with Table 3D, and subject to the general requirements of Article IV.

**Section 3.18 R-1MH Single Family/Mobile Home Residential District.**

A. Purpose.

The R-1MH Single Family/Mobile Home Residential District is designed to preserve existing low-density, (less than 5 dwelling units per acre), single family and mobile home developments, designated as low density mobile home on the City's future land use map. This district shall not be applied to other lands in the City.

B. Permitted Uses:

Permitted Uses in the R-1MH zoning district shall be in accordance with Table 3B. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3D.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3D.

E. Conditional Uses:

Permitted Uses in the R-1 zoning district shall be in accordance with Table 3B.

F. Accessory Uses:

Accessory uses shall be in accordance with Table 3D, and subject to the general requirements of Article IV.

G. Construction Regulations:

All mobile homes shall be installed so as to meet the permanent foundation anchoring and other rules, pursuant to Section 320.8285, Florida Statutes and as provided in Chapter I5C-1.0110 of the Florida Administrative Code, also called the" Standards for the

installation of Mobile- Manufactured Homes", as may be amended, including the use of a permanent perimeter, under floor enclosure. In addition, in no case shall a mobile home be more than five (5) years old when placed on the site.

In addition, all Mobile Homes installed in the City of Fellsmere after the date of adoption of this Code shall meet the following minimum standards:

1. Minimum Width of Main Body

The minimum horizontal dimension of the main body of the mobile home as assembled on the site is not less than twenty (20) feet, as measured across the narrowest portion.

2. Minimum Floor Area

The minimum habitable (air conditioned) floor area of any mobile home shall be one thousand (1,000) square feet.

3. Minimum Roof Pitch; Minimum Distance, Eaves to Ridge

The pitch of the main roof is not less than one (1) foot of rise for each four (4) feet of horizontal run and the minimum distance from eave to ridge is one-half (1/2) the minimum horizontal dimension.

4. Roofing Materials

The roofing material used is similar in texture, color and appearance to that of detached single-family dwelling units in the same zoning district in which it is to be located.

5. Exterior Finish; Light Reflection

The materials used for the exterior finish and skirting are similar in texture, color, and materials to detached single-family dwelling units in the same zoning district in which it is to be located, and are applied in such a manner as to make the Mobile Home similar in appearance with surrounding detached single-family dwelling units. Reflection from the exterior shall not be greater than from siding coated with clear, white, gloss exterior enamel.

**Section 3.19 R-2 Multifamily Residential District.**

A. Purpose.

The purpose of the R-2 Multifamily Residential District Zoning District is to provide suitable areas for single or multifamily residential development, with a density of 3 to 7 dwelling units per acre, where sufficient urban services and facilities are provided.

B. Permitted Uses:

Permitted Uses in the R-2 zoning district shall be in accordance with Table 3B. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3D.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3D.

E. Conditional Uses:

Permitted Uses in the R-2 zoning district shall be in accordance with Table 3B.

F. Accessory Uses:

Accessory uses shall be in accordance with Table 3D, and subject to the general requirements of Article IV.

**Section 3.20 R-3 Multi-Family Residential District.**

A. Purpose.

The purpose of the R-3 Multi-Family Residential Zoning District is to provide suitable areas for high density multi-family residential development, at a density of 5 to 8 dwelling units per acre, where sufficient urban services and facilities are provided.

B. Permitted Uses:

Permitted Uses in the R-2 zoning district shall be in accordance with Table 3B. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3D.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3D.

E. Conditional Uses

Conditional Uses in the R-2 zoning district shall be in accordance with Table 3B.

F. Accessory Uses

Accessory uses shall be in accordance with Table 3D, and subject to the general requirements of Article IV.

**Section 3.21 PDD Planned Development District.**

A. Purpose.

The purpose of the Planned Development District is to encourage the comprehensive and coordinated development of planned residential neighborhoods, planned commercial or planned industrial communities providing a full range of residence types as well as commercial and/or industrial uses designed to serve the residents and property owners of the planned development. In addition, application of the Planned Development District will provide:

1. Opportunities for the development of planned residential communities, containing a variety of building types and arrangements; planned commercial and tourist commercial centers; planned business and industrial parks; planned public and quasi-public facilities, and planned multiple use/ mixed use activity centers or areas which may include a diversity of residential, commercial, industrial and public uses that are complementary and compatible with adjacent areas when developed in accordance with an approved development plan;
  2. Community design incentives that will encourage an increase in the amount and use of open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional zoning districts;
  3. Opportunities that will allow for the reduction of energy costs through a more efficient use of land and smaller networks of utilities and streets than is possible through application of other more traditional zoning districts and subdivision requirements;
  4. Binding regulations that will ensure that the development will occur according to the limitations of use, design, density, coverage and phasing stipulated on an approved development plan; and
  5. Maximum opportunity for application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping and working environments on properties of adequate size, shape and location.
- B. Applicability.
1. The PD process shall be applied, under two (2) different schemes:
    - a. For the development of any property that is five (5) acres or larger, an application to rezone the property to the planned development district shall be required. The PD process shall apply and all subsequent development of the property shall comply with all applicable PD procedures and standards; or
    - b. For the development of any property that is less than five (5) acres in size, the conditional use approval and development process is optional and may be applied to property zoned other than planned development district.
  2. The planned development zoning district may be applied for and used for properties having any number of comprehensive plan land use designations, subject to these planned development regulations and shown in Table 3A
  3. The conditional use approval process may be applied for and used for properties having any comprehensive plan land use designation and lying within any zoning district(s) except for the R-1MH district, subject to these planned development district regulations and shown in Table 3A. No mobile homes shall be allowed in the project area, except as may be allowed as a temporary use.
- C. Permitted Uses.

Uses allowed within a planned development district may include and shall be limited to the following. Permitted Uses shall be reviewed by the City Council as part of the development plan approval process and incorporated within the development order:

1. Residential uses: Single family detached and multi-family residential dwelling units (including apartments) in semi-detached, attached and zero-lot line configuration.
2. Non-residential planned development and uses: Non-residential uses includes commercial or retail uses; non-environmentally invasive or noxious light industrial uses or industrial business parks; offices; health care; education and research; restaurant; and professional uses. Hotels, which are permitted at a density not to exceed forty (40) units per gross acre. Industrial Restricted and Industrial Light uses, when located on five (5) acres or more, are only allowed within an Industrial Planned Development District.
3. Cultural, passive and active recreational and conservation.
4. Public facilities and utilities: Private utilities (gas, electric and cable). Telecommunications towers are only allowed within the Public and Institutional Lands District, and only on City-owned land.
5. Religious facilities.

D. Accessory Uses.

Uses that would be clearly incidental and subordinate to the principal uses may be approved by the City Council as part of the development plan approval process and incorporated within the development order.

E. Prohibited Uses. Except as specifically permitted in this Section, the following uses are expressly prohibited as either principal or accessory uses:

1. Foundry.
2. Drop forging.
3. Paint or varnish manufacture.
4. Oil compounding or barreling.
5. Die casting.
6. Meat processing, slaughtering.
7. Fish smoking, curing and canning.
8. Airport.
9. Bus storage or repair facilities.
10. Manufacture of asphalt, brick, tile, blues, cement, lime plaster, concrete or products thereof, acids, carbon, plastics, disinfectants, poison, insecticides and batteries.
11. Open air storage in bulk of asphalt, brick, building materials, butane, cement, clay products, concrete products, contractors equipment, fuel, gravel, hay, grease, lime, plaster, pipe, lumber, machinery, roofing, sand, stone, tar or creosoted products, timber or wood.

12. Institution for the housing of sick, indigent, aged or minor persons.
13. Manufacturing and/or storage of explosives.
14. Salvage yard or wrecking facilities.
15. Mortuaries or crematoriums.
16. Pulp or paper mills.

F. Unified Ownership or Control.

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

G. Open Space:

1. All common open space shall be preserved for its intended purposes as expressed in the final development plan. The developer shall choose one (1) or a combination of the following three (3) methods of administering common open space:
  - a. Public dedication to the city of the common open space. This method is subject to formal acceptance by the city in its sole discretion.
  - b. Establishment of an association or nonprofit corporation of all individuals or corporations owning property within the planned development to ensure the maintenance of all common open space. All association documents are subject to review and approval by the City Attorney.
  - c. Retention of ownership, control and maintenance of all common open space by the developer, providing restrictions are approved by the City Attorney and recorded in the Public Records prohibiting any other use of the land.
2. All privately owned (association or developer) common open space shall continue to conform to its intended use and remain as expressed in the final development plan through the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the final development plan. The deed restrictions shall run with the land and be for the benefit of present as well as future property owners, shall contain a prohibition against partition and shall require City Council approval to amend or terminate.
3. All common open space, as well as public and recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

4. If the developer elects to administer common open space through an association or nonprofit corporation, the organization shall conform to the following requirements:
- a. The developer must establish the association or nonprofit corporation prior to the sale of any lots.
  - b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the planned development and the association or corporation shall not discriminate in its members or shareholders.
  - c. The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, shall provide for the maintenance, administration and operation of the land, any other land within the planned development not publicly or privately owned, and shall secure adequate liability insurance on the land. If the developer elects an association or nonprofit corporation as a method of administering common open space, the title to all property owners shall include an undivided fee simple estate in all common open space.
5. All Planned Developments shall conform to the following open space standards:
- a. A minimum of thirty (30%) percent of the gross area of land to be committed to a Planned Development must be for use as common open space, which may include, parks, recreation areas, conservation easements, bicycle and pedestrian paths and facilities, marinas, swimming beaches, common open space, common landscaping and planting areas. Golf courses and stormwater treatment facilities may be used in the computation of open space, but no more than fifty (50) percent of the non-water area of the golf course or the stormwater treatment facility area may be counted toward the common open space. All stormwater treatment facilities (water areas) included as part of the open space requirement, shall be permanent water bodies and must be improved with gazebos, overlooks, elevated boardwalks, docks or piers, and a littoral zone. The slope of the planted littoral zone shall be no steeper than one (1) foot vertical to ten (10) feet horizontal to a distance of five (5) feet waterward of the designated planted littoral zone area. Excluding the planted littoral zones, slopes shall not exceed 4:1 horizontal. Littoral zones must be planted with grass and shall have at least one (1) appropriate tree species for every five hundred (500) square feet of littoral zone. The littoral zone shall be maintained around all sides so as not to harbor mosquitoes, insects or rodents. Revised: 3-15-07
  - b. A minimum of 15 percent of any existing native upland habitat on the property must be preserved in its natural condition as part of the required thirty (30%) percent common open space. Revised: 3-15-07

- c. All areas to be dedicated for common open space shall be identified as part of the Preliminary Development Plan for the Planned Development. Areas that are floodways, lakes, wetlands, and stormwater retention areas may be applied to satisfy the total common open space requirement, subject to the requirement that 15% of any existing native habitat on the property must be included as part of the required thirty (30%) percent common open space. As part of the Final Planned Development submission process, the developer or petitioner for the Planned Development District shall provide for one of the following:
- 1) The dedication of all common open space to a public, or acceptable private agency that will, upon acceptance, agree to maintain the common open space and any buildings, structures or improvements that have been placed on it. All such dedications or conveyances shall be designated prior to the issuance of any building permits, including land clearing, for any portion of the Planned Development, and such dedication or conveyance shall be completed prior to the issuance of any Certificate of Occupancy; or,
  - 2) A phased conveyance of the land to a public or acceptable private agency that will, upon acceptance, agree to maintain the common open space and any buildings, structures or improvements that have been placed on it. The schedule for the phased conveyance of any such lands to be used for common open space shall be a specific condition of approval for the Planned Development.
6. For development projects of less than ten (10) acres, a minimum of twenty (20) percent of the gross area of land to be committed to a Planned Development District must be for use as common open space, which may include parks, recreation areas, conservation areas, bicycle and pedestrian paths and facilities, marinas, swimming beaches, common open space, common landscaping or planting areas. Stormwater treatment facilities may be used in the computation of open space, but no more than fifty (50%) percent of such area may be counted toward the common open space.
7. No parcel of land identified for use as common open space shall be less than one-half ( $1/2$ ) contiguous acre, and all such areas shall be physically part of the Planned Development. For development projects of less than ten (10) acres, the one-half ( $1/2$ ) acre of common open space does not have to be contiguous; however, it must be in a meaningful configuration.
8. Areas provided or reserved to meet any other environmental preservation or protection requirement of this code or other lawful regulatory authority may be counted toward the overall common open space requirement, provided that the common open space meets the requirements of this Code.
9. In lieu of providing all of the land to meet the thirty (30%) percent open space requirement as provided in Section 3.21 G.5.a. above, the developer may request the City Council to accept a payment into the City's Recreation Trust Fund in an amount equivalent to the value of ten (10%) percent of the land necessary to comply with the thirty (30%) percent open space requirement. If the City Council, in its sole discretion, accepts the cash payment in lieu of land, the amount of the payment shall be the value of the land as determined by an MAI appraisal based on the proposed use/density/intensity of the final end product. The City shall hire the appraiser and be reimbursed for this cost by the developer. Upon payment into the Recreation Trust Fund, the developer shall only be required to provide twenty (20%) percent open space.

Revised: 3-15-07

Revised: 3-15-07

## H. General Development Standards for all Planned Developments (PD).

## 1. Base Standards.

| <b>PLANNED DEVELOPMENT DISTRICT STANDARDS</b>               |   |                        |
|---|---|------------------------|
| <b>DEVELOPMENT SITE</b>                                     | <b>STANDARD</b>   |                        |
| PD Development Size   | 5 acres minimum   |                        |
| Perimeter Setback   | 25 feet minimum   |                        |
| Minimum lot size  | No lot shall be smaller than 5,000 square feet; except zero lot line subdivision              |                        |
| Residential Density (see section (c) below)                 | Set by Comprehensive Plan   |                        |
| Hotel Density   | 40 rooms per gross acre   |                        |
| Recreation/Open Space                                       | 30% of gross acreage  |                        |
| Maximum Height  | 35'; except REAC District and at I-95 interchange as provided herein                          |                        |
| <b>Maximum Acreage of Land Uses:</b>                        | <b>Residential</b>  | <b>Non-Residential</b> |
| Planned Residential Development                             | up to 100%  | 20% of gross site area |
| Planned Commercial Development                              | 20% of gross site area  | up to 100%             |
| Planned Industrial Development                              | 0%  | up to 100%             |
| Planned Mixed -Use Development                              | To be determined through development order-maximum densities not to exceed Comprehensive Plan |                        |
| <b>Individual Lots</b>                                      |   |                        |
| Front Building Setback                                      | 25 feet from ROW minimum<br>50 feet from County arterial ROW minimum                          |                        |
| Building Length   | Not more than 400 feet maximum <sup>1</sup>   |                        |
| <b>Building Separation</b>                                  |   |                        |
| Up to 20 feet in height                                     | 10 feet   |                        |
| Up to 30 feet in height                                     | 15 feet   |                        |
| Up to 40 feet in height                                     | 20 feet   |                        |
| Over 40 feet in height                                      | 20 feet + 5 feet for every 10 feet over 40  |                        |
| <b>Minimum Floor Area Per Living Unit</b>                   |   |                        |
| Residential Uses  | Set by Development Order  |                        |
| Hotels  | 300 square feet   |                        |
| <sup>1</sup> May be increased or decreased by City Council. |   |                        |

## a. Density Transfer.

Density may be transferred to individual phases within the PD, subject to the approval of a preliminary or final development plan by the City Council and as provided for in City's Comprehensive Plan.

The density/intensity permitted in a Planned Development shall be adopted by the City Council, upon recommendation of the Planning and Zoning Commission.

In no case shall maximum density exceed that established by the City's Comprehensive Plan.

b. Lighting.

All outside lighting shall be appropriately sized, arranged and shielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind on adjoining streets or residential properties. Industrial areas may have standard FPL concrete poles, but shall have decorative pole top lighting. Decorative and photometric efficient lighting shall be encouraged throughout the PDD. The use of cobra head and similar light fixtures should be prohibited, except in certain industrial areas where it is deemed appropriate by City Council.

c. Landscaping.

The City's landscape regulations, Article XI, shall be the basis for the overall landscape design, except that the City Council may at its discretion approve alternative methods of landscaping or require additional landscaping or buffering to mitigate the impacts of the planned development on the existing community.

d. Underground Utilities.

Within all Planned Development Districts, all utilities including telephone, television cable, and electrical systems shall be installed underground, excluding primary overhead power lines. Primary facilities providing service to the site of the PDD may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer must provide landscaping with shrubs and plants to screen all utility facilities permitted above ground. The City Council may require that substations be fenced and screened by trees and shrubs or walls resembling a structure which is compatible with the design of the buildings within the Planned Development Districts.

e. Public Facilities/Utilities:

The minimum construction requirements for streets or roads, sidewalks, sewer facilities, utilities and drainage shall be in compliance with the requirements of the City's subdivision regulations set forth in Article XV of the code of ordinances. Design requirements with respect to streets, sidewalks and drainage may be waived by the City Council upon the recommendation of the Technical Review Committee and Planning and Zoning Commission.

f. Preservation of Trees.

In planned developments where woods, environmental corridors, conservation areas, wetlands, large hammocks, and scattered trees occur, the developer shall take into consideration all hardwood canopy trees of six (6) inches d.b.h. or larger in the overall development plan. Aerial photography or tree surveys may be used to identify such trees. Any tree relocated on site shall count toward the overall landscape

requirements. Trees with a ten (10) inch or larger d.b.h. shall be preserved or relocated unless they exist within:

- 1) Proposed public or private easement or drainage facility.
- 2) Proposed structure dimensions.
- 3) Five (5) feet of a proposed structure.
- 4) Proposed driveway.
- 5) Proposed golf course or recreational areas.

g. Off-Street Parking and Loading:

All off-street parking spaces and servicing drives shall be located within the boundaries of the property being developed. Off-street parking spaces shall be provided in accordance with Section 7.2 of the Land Development Code and the approved development plan.

The developer applicant for the planned development shall submit a parking plan at the time of application for a preliminary development plan to identify and support the traffic generation, distribution, accessibility, and on-site parking. The applicant shall demonstrate on the plans for the planned development project appropriate loading and service drives. The arrangement of truck loading and unloading facilities for each shop or store shall be such that in the process of loading or unloading no truck will block or extend into any other private or public drive or street used for vehicular circulation. Loading and delivery zones shall be clearly marked. Each shop or store shall have a rear or side entrance that is accessible to a loading service area or otherwise demonstrate that they have provisions for an efficient and accessible loading/service area.

h. Access to Public or Private Street:

Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via an approach private road, pedestrian way, court or other area dedicated to public or private use or common easement guaranteeing access. Permitted uses are not required to front on a publicly dedicated road; however, the city shall be allowed access on privately owned roads, easements and common open space to insure the police and fire protection of the area, to meet emergency needs, to conduct city services, and to generally ensure the health and safety of the residents of the Planned Development District.

i. Buffer Yard Requirements:

A minimum thirty (30) foot Type "B" buffer yard setback shall be maintained around the perimeter of the planned development. This standard may be modified (increased or decreased) by the City Council based on the following criteria:

- 1) Lot sizes within the development and adjacent areas (existing or permitted).
- 2) Structure type and massing.
- 3) Structure height.

- 4) Provision of opaque buffering or screening to protect the privacy and amenities of the adjacent existing uses.
- 5) No buildings, parking lots or other structures may be located within the buffer yard area. However, fences, walls, signage and PD identification features may be permitted subject to the approval of the City Council. The buffer yard area may be included in the calculation for the required open space and shall be located in a separate tract.
- j. Internal Buffer Requirement:  
  
Internal buffers shall be as follows: Where residential abuts multi-family, a fifteen (15) foot type "B" rear and side buffer shall be required; where a professional office abuts residential, a fifteen (15) foot type "B" rear and side buffer shall be required; where commercial abuts residential, a fifteen (15) foot type "A" rear and side buffer shall be required; where industrial abuts commercial, a fifteen (15) foot type "B" rear and side buffer shall be required; where industrial abuts residential, a twenty-five (25) foot type "A" rear and side buffer with an opaque feature will be required. The buffer area may be included in the calculation for the required open space and all buffers will be constructed in separate tracts.
- k. Maximum length of structures:  
  
Four hundred (400) feet, unless specifically increased or decreased by the City Council as part of the Final Development Plan.
- l. Height Restrictions:  
  
The height of all principal buildings shall not exceed thirty-five (35) feet. No accessory building or other structure shall exceed twenty (20) feet in height.
- m. Additional height by conditional use permit, pursuant to the following conditions:
  - 1) The Planned Development must be located at the CR 512 and I-95 Interchange, as follows:
    - a) North side of CR 512 East of I-95 Interchange: Parcel must be within 1,000 feet of the center (Longitude and Latitude of I-95 and CR 512) of the CR 512 and the I-95 Interchange.
    - b) North Side of CR 512 West of I-95 Interchange: Parcel must be within 750 feet of the center (Longitude and Latitude of I-95 and CR 512) of CR 512 and the I-95 Interchange.
    - c) South Side of CR 512 East and West of I-95 Interchange: Parcel must be within 1,000 feet of the center (Longitude and Latitude of I-95 and CR 512) of CR 512 and the I-95 Interchange.

- i) Maximum height cannot exceed 65 feet.
- ii) An additional 20% more landscaping shall be incorporated into the front and sides of the project either in landscape beds, in berms, or ornamental plantings.
- iii) Such projects shall be required to include a minimum of four (4) of the following fourteen (14) building design treatments in (a) and (b) below:
  - (a) Choose any three (3):
    - Canopies or porticos, integrated with the building's massing and style.
    - Overhangs.
    - Arcades, a minimum of six feet (6') clear in width.
    - Sculptured artwork.
    - Raised cornice parapets over doors.
    - Peaked and varied level roof forms.
    - Arches.
    - Display windows.
    - Ornamental and structural architectural details, other than cornices, which are integrated into the building structure and overall design, pursuant to these regulations.
    - Gazebos.
    - Any treatment that, in the opinion of the City, meets the intent of this section.
  - (b) And one (1) of the following site design elements:
    - Decorative landscape planters or planting areas, a minimum of five feet (5') wide and areas for shaded seating consisting of a minimum of 100 square feet.
    - Integration of specialty pavers or stamped concrete along the building(s) walkway; said treatment shall constitute a minimum of sixty percent (60%) of the walkway area.
    - Water element(s), such as fountains, statuary, and the like.

- iv) The minimal design treatment set forth above shall entitle the project to increase the height from thirty-five (35) feet to forty-five (45) feet. For each 3 additional design features that the development incorporates into the design, an additional 10 feet of height may be granted up to a maximum of sixty-five (65) feet, inclusive of all appurtenances.
- v) The City Council may impose more requirements upon finding that it will improve the general safety, welfare, health, appearance, or aesthetics and is in conformance with the Comprehensive Plan and this Code.

n. Access and Traffic Control:

- 1) *Access barrier.* Each zoning lot, with its buildings, other structures, and parking and loading areas, shall be physically separated from each adjoining street by a curb or other suitable barrier against unchanneled motor vehicle ingress and egress. Such barrier shall be located at the edge of or within the perimeter buffer strip along the property line. Except for the access ways permitted by b) below, the barrier shall be continuous for the entire length of the property line.
- 2) *Access ways.* Each zoning lot shall have not more than two (2) access ways to any one street unless unusual circumstances demonstrate the need for additional access points. Each access way shall comply with the following requirements:
  - a) The width of any access way leading to a public street shall not exceed thirty (30) feet at its intersection with the property line. The width of the accessway may exceed thirty (30) feet when circumstances demonstrate the need for additional width such as segregated turn lanes, emergency services lane widenings, landscape medians and other similar provisions. Curb returns shall have a minimum radius of twenty-five (25) feet. Larger radii will be required to accommodate loading zones and the circulation of trucks and other public service vehicles.
  - b) At its intersection with the property line, no part of any access way shall be nearer than one hundred (100) feet to the intersection of any two (2) street right-of-way lines, nor shall any such part be nearer than fifty (50) feet to any side or rear property line.
  - c) The location and number of access ways shall be so arranged that they will reduce traffic hazards as much as possible.

I. Physical Review:

The City shall have the right to evaluate the physical layout, architectural characteristics and amenities of the planned development district to suggest changes or modifications designed to create compatibility and conformity in the variety of uses within the

development to insure, protect and promote the health, safety and general welfare of the property owners of the planned development and the residents of the City.

J. Building Permit:

No building permit shall be issued by the City until the final development plan has been approved and duly recorded as provided in this subsection.

K. Waiver:

The City Council may waive various engineering or design provisions contained with this Code when a project's design features, land use, densities and intensities are consistent with the Comprehensive Plan, based upon the following criteria. The applicant shall:

1. Submit a letter detailing each item that deviates from the specific base Code requirements;
2. Demonstrate they meet or exceed the base Code requirements through a betterment plan; and
3. Substantiate the need to deviate from the base Code requirements.

L. Enforcement

In addition to any other method of enforcement, the City shall have the power to enforce the provisions of this subsection by appropriate suit in equity, code enforcement action, refusal to issue building permits or certificates of occupancy.

M. Process for Obtaining Planned Development District Zoning Approval:

The process for obtaining Planned Development District zoning approval is set forth in Article XVII Administration, Amendments, and Development Plan Review .

**Section 3.22 RPO Residential, Professional, Office District**

A. Purpose.

The RPO zoning district is designed to establish areas of low-intensity, neighborhood residential, professional, office and institutional uses. The RPO district is a mixed-use district which recognizes that areas of current single family locations on major roadways may no longer be suitable for single family purposes due to changes in the character of the districts. Professional and office use areas should be located on or within 300 feet of major or minor arterial or collector roadways or intersections thereof or be in those areas suitable for providing transitional uses between residential and more intense commercial areas. All residential, professional, and office (RPO) zoned land shall be developed in accordance with the following development parameters. The RPO zoning district is consistent and compatible with the neighborhood commercial future land use classification.

B. Permitted Uses:

Permitted Uses in the RPO zoning district shall be in accordance with Table 3C. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3E.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3E.

E. Conditional Uses:

Conditional Uses in the RPO zoning district shall be in accordance with Table 3C.

F. Accessory Uses:

Accessory uses shall be subject to the general requirements of Article IV.

G. Parking:

Parking shall be provided for as required in Section 7.2 Land Development Code for Off-street Parking requirements.

In addition, within the Residential/Professional/Office district, parking shall be provided to the rear of the principal structures, to the fullest extent possible, in order to maintain the low-intensity, neighborhood residential character of the district. Parking to serve a permitted or conditional use may be provided on a vacant parcel of land zoned for residential use, as long as the parcel is contiguous to the RPO parcel and approved as part of the site plan approval process. No parcel may be used solely for parking, without a principal or other use.

**Section 3.23 OTD Old Town District.**

A. Purpose.

The OTD (Old Town District) Zoning District is designed to provide and promote a mix of uses to foster a vibrant downtown, to retain existing businesses, preserve historic properties, promote a "Main Street" business district, encourage pedestrian activity, encourage new development of a similar size, scale, and character of the area, and promote economic development. A wide range of retail, office, recreational, restaurant, personal service, residential uses, governmental uses, community facilities and utilities necessary to serve this district or the general public are allowed. The OTD incorporates design and dimensional regulations that maximize the pedestrian experience and that recognize the existing character of Old Fellsmere and its historic buildings.

B. Permitted Uses:

Permitted Uses in the OTD zoning district shall be in accordance with Table 3C. Any development on five (5) acres or more will be processed as a Planned Development.

1. Outside display, street vending or sidewalk vending:

Duly licensed commercial business owners on Broadway Avenue may display their products on the outside of their business, in a neat and orderly manner under the following requirements.

- a. All outside display areas shall be located adjacent to the main building shall not impede pedestrian or traffic flow and shall not take up required parking areas. The defined areas shall be well maintained, provide for walking and accessibility, be free of debris, and have proper lighting, seating, and trash receptacles. All other areas of the site shall be free of merchandise.
- b. Only agricultural and/or equestrian products may be permanently stored outside a business that is duly licensed to sell such products, such as a feed store or hardware store. No such products may be located forward of the front building line of such store.
- c. Outside storage and/or sales shall not be located:
  - 1) Within 15 feet of any street intersection or pedestrian crosswalk;
  - 2) Within 5 feet of a primary roadway access into a parcel;
  - 3) Within 5 feet of another outside vending location;
  - 4) Within 5 feet of a building exit;
  - 5) Within 15 feet of a fire hydrant;
  - 6) Within an area that abuts the display windows of a permanent business location not owned by the outside vendor; or
  - 7) Where in the opinion of the City's designated representatives it represents an obstruction to traffic safety or endangers the public welfare.
- d. Merchandise considered valid for outside sales includes, but is not limited to: small retail items; agricultural products (human consumable products); prepared foods; crafts; art works; plant materials, garden supplies (except mowers, tractors or other heavy equipment), furniture, and the like. Services would include: caricatures, face painting, massage therapy by a licensed massage therapist; nail technicians; cosmetics, and similar services. Prohibited items include vehicles, auto parts, tires, heavy equipment of any kind, fireworks, and any hazardous products. The City Council shall reserve the right to determine if a product is a valid material to be included in an outside sales environment.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3E.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3E.

E. Conditional Uses:

Conditional Uses in the OTD zoning district shall be in accordance with Table 3C and subsection G. below.

F. Accessory Uses:

Accessory uses shall be subject to the general requirements of Article IV.

- G. Conditional Uses: As defined and restricted in this code:
1. Theatres limited in size to 200 seats and arcades that are conducted completely within an enclosed building.
  2. Educational Institutions
  3. Mixed-use buildings, where retail, office, and residential uses may be included in one building meeting the following conditions:
    - a. Retail and/or office uses are to be located on the first floor or successive floors, under residential uses.
    - b. In all cases, hotel facilities must be licensed by the state.
    - c. They must be on public water and waste-water systems.
    - d. They must have access at a minimum to an arterial or collector road.
    - e. Shops must "line" the street frontage.
    - f. Setbacks shall not exceed 8 feet from the right of way of Broadway.
    - g. Shared parking may be used.
    - h. Alleys may be used for secondary access; the use of pavers, stamped asphalt, or colored concrete is encouraged.
    - i. All parking or access areas must be paved, with full curb and gutter systems, and be located to the rear of the structure; or may be located on the side if on a corner parcel, but not forward of the front building line.
    - j. At a minimum, the following decorative features must be incorporated into the building and site design:
      - 1) Awnings and arcades.
      - 2) Arched, display, or comparable windows to the existing historic framework in all the Broadway fronting windows on the first floor.
      - 3) Balconies, where feasible, on the upper floors.
      - 4) Pavers, stamped asphalt or color concrete systems, in parking areas, sidewalks, walkways.
    - k. Residential units shall not be located on the first floor. All residential units shall be a minimum of 1,200 square feet, except under the following conditions:
      - 1) For every 4 units that are 1,200 s.f., there may be 1 unit that is no less than 900 square feet.
      - 2) If the owner registers the entire project with the State as a "55" or older Adult Community, which states that 80% of the units must

be for those who are a minimum of 55 years old, there may be two (2) 900 sf units for every four (4) 1,200 sf units.

- 3) The units must be sold as Condominiums, and may not be used for short term rentals, which would be less than a month's term.
- 4) Places of worship, which must demonstrate their ability to meet parking demands, through on or off site parking, shared parking with cross parking easements, or other accepted method.
- 5) Banks with Drive-through facilities, under the following conditions:
  - a) Must be on a corner parcel.
  - b) Parcel shall be a minimum of ½ acre.
  - c) Shall be set back 25 feet from existing residential uses including stacking lanes.

H. Floor Area Ratio: 1 (footprint)

I. Specific OTD Off-Street Parking Requirements:

Off-street parking spaces shall be provided in accordance with the requirements of Section 7.2, except as provided for herein.

The OTD Zoning District is intended to promote the development of a sustainable Main Street in the City of Fellsmere. This combined with the provision of public on-street parking allows for most land use activities to have a reduced off-street parking requirement when compared to similar uses in other zoning districts other zoning districts. In order to provide for sufficient areas of publicly maintained on-street parking areas, or municipal off-street parking areas, the City shall require a Parking Fee and/or a payment-in-lieu of fee for providing parking within the *Olde Town District*. The associated fees shall be established by Resolution.

1. For building sites less than 10,000 square feet, in gross area, no on site parking is required, unless it is determined through the site plan review process that the use generates a higher than normal parking demand.
2. Where parking is required, no part of any required parking shall be forward of the front building line, within the front setback area, or in the front yard of any structure within the OTD. All parking shall be located on the street or within the side or rear yards. On corner lots, parking may be located within the corner setback area, except that no parking areas shall be on the portion of the lot on Broadway.
3. For all uses where on-site parking is required, the minimum number of off-street parking spaces shall be equal to eighty percent (80%) of the minimum number of off-street parking spaces required in Section 7.2 with a minimum of two spaces being provided for all uses. Designated on-street parking directly fronting a lot shall count toward fulfilling the parking requirement for that lot.
4. For uses within the OTD, the Planning Commission may recommend and the City Council approve, an additional reduction of up to 25% in the number of required parking spaces, if the applicant/or property owner can show through

traffic studies, parking studies, with supporting data and analysis that the need is less, or that there are sufficient numbers of spaces within 500 feet of the building site.

5. Shared parking:

Parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for the use of shared parking are subject to approval by the City Council, and must meet the following conditions:

- a. The applicant must demonstrate to the City Council's satisfaction that substantial conflict shall not exist in the principal hours or periods of peak demand for the uses for which the joint use is proposed.
- b. The number of parking spaces which may be credited against the requirements for the structures or uses involved shall not exceed the number of parking spaces reasonably anticipated to be available during differing hours of operation. The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be twenty-five (25) percent.
- c. Parking facilities designed for joint use should not be located further than five hundred (500) feet from any structure or use served, measured along the most direct pedestrian route.
- d. A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all private parties concerned assuring the continued availability of the number of parking spaces designated for joint use.

6. For restaurant, eating and drinking uses, the minimum number of spaces provided on-site shall be equal to fifty-five (55) percent of the minimum number of off-street automobile parking spaces required in Section 7.2, with a minimum of two spaces. Any outdoor dining use shall be included when calculating the required number of minimum off-street parking spaces.
7. Alleys may be used for access to off-street parking spaces. Alleys shall be used for all loading and un-loading.
8. Parking spaces for non-residential uses may be provided on a separate lot or parcel not more than 500 feet from the primary parcel to be served as measured along the most direct pedestrian route.
9. Hotel, motels, Bed and breakfast in the district: one off-street parking space for every two guest rooms plus one space for the resident managers. Parking shall be provided in a manner that is compatible with the surrounding area.
10. For all other residential uses: one and one-half (1.5) off-street parking spaces per dwelling unit with one or more bedrooms.
11. Where not specifically changed in this Section, parking requirements shall otherwise comply with the City regulations.
12. For properties within this district that have existing buildings, the off-street parking arrangement in existence on that date for each building shall continue to

be recognized by the City as meeting the minimum parking requirements of the District. Such existing building square foot area may be renovated and redeveloped even if it involves the demolition and subsequent reconstruction of building a similar size to the existing building square foot area without providing any additional off-street parking spaces. However, this recognition of existing parking arrangements shall not apply to additional building square footage or to a change in use that increases the required number of off-street parking spaces.

13. Parking shall be provided, as required by this section, for any increase in building square foot area, or for the increased number of parking spaces required by a change in use.
14. All parking areas shall be paved, curb and gutter. Decorative paver systems, stamped asphalt, colored concrete may be used.
15. Where uses are on a corner lot, all vehicular access shall be from the side street and not Broadway.

J. Applicability and Nonconformities:

1. The OTD zoning and design guidelines will provide for the regulation and restriction of uses, structures, lots and parcels, or combinations thereof, which were lawfully established prior to the adoption of this ordinance.
2. All new uses, development, and redevelopment of 25% or more of the square footage of the existing primary business structure or site within the OTD district shall be subject to the requirements of this section and any adopted architectural and site design guidelines.
3. The City's Land Development Regulations regarding nonconformities shall apply to the OTD, except as modified by this Section. In cases where an individual lot or parcel has a building site area smaller than the requirements of the District:
  - a. Individual lots of record that were legally platted as of the date of adoption of this Ordinance and no less than 25 feet in width may be developed.
  - b. No new lots less than 50 feet in width shall be created.

K. First Floor Uses:

For multi-use buildings, pedestrian-oriented uses are required on the first floor, for example:

1. Retail businesses.
2. Personal service establishments (e.g. personal and household goods repair and maintenance, personal care services such as barber shops, beauty salons, shoe repair, framing shops).
3. Medical and dental offices.
4. Eating and drinking establishments (indoor and/or outdoor).
5. Food markets.

6. Studios and galleries (artists, photographer, etc.).
7. Bank facilities (no drive-through facilities, except on corner lots of ½ acre or more).
8. Hotel, Motel, and Bed and Breakfast.

L. Maximum Lot Development and unit sizes (See table below):

| <b>Maximum Lot Development</b>            |  |
|---|--|
| Floor Area Ratio for non-residential uses | 1 (footprint)                                  |
| Residential Density                       | 6 units per gross acre, up to 10 with bonuses  |
| Hotel/Motel Density                       | 20 units per gross acre, up to 30 with bonuses |
| Bed and Breakfast                         | No more than 10 rooms                          |
| Unit Sizes (minimum)                      |  |
| Hotel/Motel                               | 450 square feet, each hotel/motel room         |
| Bed and Breakfast                         | 450 sf each rental bedroom                     |
| Residential Units                         | 1,200 sf, except as provided for herein        |

M. Specific OTD Landscaping requirements for Vehicular Use (Parking) Areas.

These regulations shall supersede the general landscape requirements of this Code. Parking lots or vehicular use areas shall comply with the following.

1. There shall be a maximum of 3 feet separation between curb and sidewalks/walkways. Such area shall contain sod, ground cover, one (1) 15' tree with 6' clear trunk space for each 30 lineal feet. No hedge materials may exceed 3 feet in height.
2. Where appropriate, the site design shall coordinate with and connect with the existing streetscape in the public right-of-way.
3. Plant materials and species shall be approved as part of the site plan review process.
4. Hardscape, paving and construction materials shall match or complement the streetscape materials within the right-of-way.

### **Section 3.24 C-1 Neighborhood Commercial Restricted District.**

A. Purpose.

The purpose of this district is to provide adequate space in appropriate locations suitable for limited neighborhood commercial, office, retail, and other community service oriented activities near the City's Old Town district and located along CR 512. This district is designed to provide a wide range of retail, office, amusement and service uses. In

addition, this district provides for selected residential uses, governmental uses, and utilities necessary to serve this district or the general public.

B. Permitted Uses:

Permitted Uses in the C-1 zoning district shall be in accordance with Table 3C. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3E.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3E.

E. Conditional Uses:

Conditional Uses in the C-1 zoning district shall be in accordance with Table 3C.

F. Accessory Uses:

Accessory uses shall be subject to the general requirements of Article IV.

G. Parking:

Parking shall be located to the rear of the structures.

**Section 3.25 C-2 General Commercial District.**

A. Purpose.

The General Commercial District (C-2) is designed to provide adequate space in appropriate locations for more intensive commercial uses that would be found away from the central core areas of the City along CR 512 or other roadways designated as arterial or collector roads.

B. Permitted Uses:

Permitted Uses in the C-2 zoning district shall be in accordance with Table 3C. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3E.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3E.

E. Conditional Uses:

Conditional Uses in the C-2 zoning district shall be in accordance with Table 3C. Conditional Use for additional height. See Section 3.25 G.

F. Accessory Uses:

Accessory uses shall be subject to the general requirements of Article IV.

G. Additional height, pursuant to the following conditions:

1. The development must obtain conditional use approval and be located at the CR 512 and I-95 Interchange, as follows:
  - a. North side of CR 512 East of I-95 Interchange: Parcel must be within 1,000 feet of the center (Longitude and Latitude of I-95 and CR 512) of the CR 512 and the I-95 Interchange.
  - b. North Side of CR 512 West of I-95 Interchange: Parcel must be within 750 feet of the center (Longitude and Latitude of I-95 and CR 512) of CR 512 and the I-95 Interchange.
  - c. South Side of CR 512 East and West of I-95 Interchange: Parcel must be within 1,000 feet of the center (Longitude and Latitude of I-95 and CR 512) of CR 512 and the I-95 Interchange.
    - 1) Maximum height cannot exceed 65 feet.
    - 2) An additional 20% more landscaping shall be incorporated into the front and sides of the project either in landscape beds, in berms, or ornamental plantings.
    - 3) Such projects shall be required to include a minimum of four (4) of the following fourteen (14) building design treatments in a) and b) below:
      - a) Choose any three (3):
        - i) Canopies or porticos, integrated with the building's massing and style.
        - ii) Overhangs.
        - iii) Arcades, a minimum of six feet (6') clear in width.
        - iv) Sculptured artwork.
        - v) Raised cornice parapets over doors.
        - vi) Peaked and varied level roof forms.
        - vii) Arches.
        - viii) Display windows.

- ix) Ornamental and structural architectural details, other than cornices, which are integrated into the building structure and overall design, pursuant to these regulations.
  - x) Gazebos.
  - xi) Any treatment that, in the opinion of the City, meets the intent of this section.
- b) And one (1) of the following site design elements:
- i) Decorative landscape planters or planting areas, a minimum of five feet (5') wide and areas for shaded seating consisting of a minimum of 100 square feet.
  - ii) Integration of specialty pavers or stamped concrete along the building(s) walkway; said treatment shall constitute a minimum of sixty percent (60%) of the walkway area.
  - iii) Water element(s), such as fountains statuary, and the like.
- 4) The minimal design treatment set forth above shall entitle the project to increase the height from thirty-five (35) feet to forty-five (45) feet. For each 3 additional design features that the development incorporates into the design, an additional 10 feet of height may be granted up to a maximum of sixty-five (65) feet, inclusive of all appurtenances.
- 5) The City Council may impose more requirements upon finding that it will improve the general safety, welfare, health, appearance, or aesthetics and is in conformance with the Comprehensive Plan and this Code.

H. Design Guidelines:

Development within eight hundred (800) feet of CR 512 shall be require to adhere to the standards identified with the CR 512 Overlay District.

- I. Air conditioning units, power supplies or other apparatuses shall only be in the rear.

**Section 3.26 REAC Regional Employment Activity Center District.**

A. Purpose.

The REAC District is intended to provide for planned commercial and light industrial uses, including business park development geared to distribution, light industrial, clean manufacturing and assembly, research and development service uses and regional serving commercial uses. Properties in this district should be located with access to major transportation corridors. The uses within this district shall be consistent with the Comprehensive Plan.

B. Permitted Uses:

Permitted Uses in the REAC zoning district shall be in accordance with Table 3C. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3E.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3E.

E. Conditional Uses:

1. Conditional Uses in the REAC zoning district shall be in accordance with Table 3C.
2. When a development within the REAC district is approved as part of a Preliminary Development Plan, any conditional uses may be approved subject to that process and included by the City Council in the final development order.
3. Approval of Building Height in excess of thirty-five (35) feet up to a maximum of fifty (50) feet.

F. Accessory Uses:

Accessory uses shall be subject to the general requirements of Article IV.

G. Minimum Lot Area and Width:

Minimum lot area and width shall be in accordance with Table 3E.

H. Setbacks:

Every plot upon which a structure is thereafter erected shall have setbacks as follows: Parking may be provided in required front set-back areas. When parking is contained within the front setback areas, a minimum of 20' from the right-of-way must remain open and such area shall be landscaped. The Planning and Zoning Commission may recommend and City Council may approve deviations to the required setbacks as part of the site plan approval process.

1. From CR 512:
  - a. Seventy-five (75) feet from the right-of way.
  - b. Minimum of fifty (50) feet between buildings.

I. Maximum Floor Area Ratio (FAR): .5 average

J. Minimum Open Space:

Fifteen (15%) percent, which must be sodded and landscaped open space. The setback areas may count toward the required open space calculations.

K. Performance Standards:

No building or structure, or part thereof, shall be erected or used, in whole or in part, in any manner that is obnoxious, objectionable, a nuisance or a hazard to adjoining properties, as it related to sound, vibrations, odors, glare radioactive materials, smoke and particulate matters.

L. Design Guidelines:

Development within eight hundred (800) feet of CR 512 shall be required to adhere to the standards identified within the CR 512 Overlay zone.

M. Air conditioning units, power supplies or other apparatuses shall only be in the rear.

**Section 3.27 IR Industrial Restricted.**

A. Purpose.

This district is designed to accommodate restricted types of planned industrial uses, conducive to maintaining the City's economic viability, recognizing the proximity to the interstate and the ability to move goods and services to the region.

B. Permitted Uses:

Permitted Uses in the IR zoning district shall be in accordance with Table 3C. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3E.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3E.

E. Conditional Uses:

Conditional Uses in the IR zoning district shall be in accordance with Table 3C.

F. Accessory Uses:

Accessory uses shall be subject to the general requirements of Article IV.

G. Floor Area Ratio:

Floor area ratio shall be in accordance with Table 3E.

H. Design Guidelines:

Development within eight hundred (800) feet of CR 512 shall be required to adhere to the standards identified within the CR 512 Overlay district.

I. Performance Standards:

No building or structure, or part thereof, shall be erected or used, in whole or in part, in any manner that is obnoxious, objectionable, a nuisance or a hazard to adjoining properties, as it related to sound, vibrations, odors, glare radioactive materials, smoke and particular matters.

**Section 3.28 IL Industrial Light.**

A. Purpose.

The IL light industrial zoning district encompasses lands devoted to light industrial, small manufacturing, storage, and wholesale business activities. This zoning classification is proposed principally for lands located on, adjacent to or with access to CR 512, on parcels less than 2 acres in size. All business uses and all materials and products shall be confined within buildings completely enclosed with walls and a roof, however, wholesale or retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the building. Such wholesale or retail items include but are not limited to, nursery items such as plants and trees, masonry, statuary, or contractor equipment.

B. Permitted Uses:

Permitted Uses in the IL zoning district shall be in accordance with Table 3C. Any development on five (5) acres or more will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3E.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3E.

E. Conditional Uses:

Conditional Uses in the IL zoning district shall be in accordance with Table 3C.

F. Accessory Uses:

Accessory uses shall be subject to the general requirements of Article IV.

G. Floor Area Ratio:

Floor area ratio requirements shall be in accordance with Table 3E.

H. Design Guidelines:

Development along CR 512, for a depth of two hundred fifty (250) feet, shall be required to adhere to the standards identified within the CR 512 Overlay zone, except as otherwise provided for in this section.

I. Performance Standards.

No building or structure, or part thereof, shall be erected or used, in whole or in part, in any manner that is obnoxious, objectionable, a nuisance or a hazard to adjoining properties, as it relates to sound, vibrations, odors, glare radioactive materials, smoke and particular matters.

**Section 3.29 PIN Public and Institutional Lands**

A. Purpose.

This district is designed to provide suitable locations for a variety of public and semi public uses which would benefit and be accessible to the general public. Facilities in this district may be owned by a municipal, regional, state or federal body or agency, or non-profit agency as regulated by the IRS.

B. Permitted Uses:

Permitted Uses in the PIN zoning district shall be in accordance with Table 3C. Any development on five (5) acres or more, owned by a quasi public entity, will be processed as a Planned Development.

C. Lot Size Requirements:

Lot size requirements shall be in accordance with Table 3E.

D. Dimensional Regulations:

Dimensional requirements shall be in accordance with Table 3E.

E. Conditional Uses:

Conditional Uses in the PIN zoning district shall be in accordance with Table 3C. In addition, the following special uses are noted:

1. Existing quasi public or non-profit recreational provider such as the Fellsmere Riding Club, are permitted in this district. Expansion shall require conditional use permit approval.
2. Telecommunications Towers, but only allowed on City-owned land.
3. All other uses which in the opinion of the City Council may conform to the purpose of this district but which are not listed as permitted uses.

F. Accessory Uses:

Accessory uses shall be subject to the general requirements of Article IV.