

Sec. 30-415. - RM-3, residential-mixed use district.

- (a) *Intent.* The provisions of the RM-3 district are intended to regulate the construction of group dwellings (planned unit development), whether of one-family, two-family or multiple-family construction, and limited commercial uses. Such a development will allow a more flexible placing of the buildings on the land and permit the grouping of open space and accessory facilities, such as recreation facilities, garages, parking spaces, and utility and service areas, while preserving a residential environment of sustained desirability and stability. Individual units may be sold providing the responsibility for overall management and control of all common areas is retained by a single agent.
- (b) *Permitted uses.* Permitted uses are as follows:
- (1) Duplex or multifamily dwellings.
  - (2) In that portion of the district located south of DeSoto Parkway and east of Highway A1A, only single-family, two-family, and three-family dwellings shall be permitted.
    - a. An increase in the number of dwelling units existing on any developed lot in this area on April 1, 2009, shall be prohibited.
    - b. The total number of dwelling units permitted in this area shall be 40.
  - (3) Accessory structures and uses:
    - a. Accessory structures and uses permitted in the R-1 single-family residential district.
    - b. Laundry buildings.
    - c. Parking garages and structures.
    - d. Cabanas.
    - e. Recreation halls.
  - (4) Single-family dwellings.
  - (5) Resort dwelling rental.
    - a. East of Highway A1A.
    - b. 30-day minimum rental period
    - c. Performance standards
      1. State license required.
      2. Local business tax receipt required.
      3. Local management. Each resort dwelling shall have a designated local manager. Contact information for the local manager shall be on the local business tax receipt and shall include a 24 hour contact number. The information shall be posted in each dwelling unit and on the property in a manner visible from the public way. The posted information shall include the non-emergency police number.
      4. Penalty. The resort dwelling's local business tax receipt may be revoked under the following conditions: Code enforcement finds a violation or recurring violation of the Satellite Beach Code of Ordinances or by any other means provided by law.
- (c) *Conditional uses.* Conditional uses are as follows:
- (1) Congregate living homes. Such centers are allowed as conditional uses only to avoid a concentration of such facilities in a single area or type of neighborhood which would stress such area or neighborhood and inadvertently create an institutional setting. A conditional use is likewise required to ensure such use is compatible with the proposed neighborhood or area in terms of size of facility and number of persons.

- (2) Places of worship.
  - (3) Professional offices, including but not limited to accountants, architects, doctors, attorneys and engineers.
  - (4) Business offices, including but not limited to real estate offices, insurance offices and financial institutions.
  - (5) General offices.
  - (6) Personal services, including but not limited to barbershops, beauty salons, tailoring shops and shoe repair shops, when included within a structure occupied by residential uses and when such nonresidential uses comprise no more than ten percent of the gross floor area of the structure. No exterior signs shall be permitted.
  - (7) Publicly operated parks and recreation areas.
  - (8) Educational institutions, excluding colleges and universities, seminaries and vocational schools and training centers. Such centers are allowed as conditional uses only to avoid a concentration of such facilities in a single area or type of neighborhood which would stress such area or neighborhood and inadvertently create an institutional setting. A conditional use is likewise required to ensure such use is compatible with the proposed neighborhood or area in terms of size of facility and number of persons.
  - (9) Child care centers which comply with state licensing requirements. Such centers are allowed as conditional uses only to avoid a concentration of such facilities in a single area or type of neighborhood which would stress such area or neighborhood and inadvertently create an institutional setting. A conditional use is likewise required to ensure such use is compatible with the proposed neighborhood or area in terms of size of facility and number of persons.
  - (10) Financial institutions without drive-through tellers.
  - (11) Towers and monopoles subject to regulations set forth in section 30-580.
- (d) *Property development regulations.* Property development regulations (excluding townhouse development) are as follows:
- (1) Minimum lot area and dimensions for multifamily uses:
    - a. *Area:* One acre.
    - b. *Width:* 100 feet.
    - c. *Depth:* 100 feet.
  - (2) Minimum lot area and dimensions for duplexes and single-family uses:
    - a. *Area:* 10,000 square feet.
    - b. *Width:* 100 feet.
    - c. *Depth:* 100 feet.
  - (3) Minimum setback requirements:
    - a. *Front:* 25 feet.
    - b. *Side interior:* 25 feet, except 15 feet between commercial land uses.
    - c. *Side corner:* 25 feet.
    - d. *Rear:* 25 feet except 15 feet between commercial land uses.
- Note:* All properties shall contain a five-foot landscape strip which may be included within the required setback, along the entire perimeter of any property in this district with plants at least four feet high at the time of planting. Plants must be selected from the list provided in section 30-704, Satellite Beach City Code. In the event of a conflict between landscape

provisions, the most restrictive provisions shall apply. For properties located east of Highway A1A, all or a portion of which are located on a dune, there is no minimum height requirement for any required plantings located on the dune.

- e. The provisions of article VII, division 4, coastal construction control line standards and criteria shall apply for all lots east of Highway A1A and in general are:
  - 1. Front setback: Five feet from the lot line.
  - 2. Side interior setbacks for lots east of Highway A1A are established through the breezeway requirements.
  - 3. Side corner: Five feet minimum which may be included as part of the breezeway requirements.
  - 4. Rear: 15 feet landward of the CCCL.
  - 5. There is a minimum of 15 feet setback landward from the CCCL for any structure nearest the CCCL.

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- (4) Additional setbacks for all building types:
  - a. *Canal bulkhead line*: 20 feet.
  - b. *River bulkhead line*: 20 feet.
  - c. 1981 Coastal Construction Control Line.
- (5) Minimum living area, for multifamily and duplexes: 1,100 square feet. Minimum living area for single-family: 1,850 square feet.
- (6) Maximum structure length: 200 feet.
- (7) Maximum building height: 35 feet west of Highway A1A, or 65 feet east of Highway A1A.
- (8) Maximum lot coverage: 30 percent.
- (9) Maximum impervious area: 70 percent.
- (10) Minimum separation between structures: 15 feet for one or two stories, and five feet for each additional story.
- (11) Minimum breezeway and density:

Height (feet)	Maximum Density per Acre	Minimum Breezeway
0 to 38	8	40%
Over 38 to 47	9	40%

Over 47 to 56	10	50%
Over 56 to 65	11	60%

Maximum density is ten units per acre for property that is not direct oceanfront property.

- (12) For multifamily and duplexes uses, one-car off-street space is required per unit (nine feet by 18 feet). For single-family uses, an area the equivalent of 20 feet by 20 feet shall be provided for off-street parking. The area may be an attached or detached two-car garage or pervious parking area, any of which must be approved by the building official. For all single or multifamily sites east of Highway A1A, all detached or attached garages on the ground or first floor level must be built to article VII division 4 standards.
- (13) In the area south of DeSoto Parkway and east of Highway A1A, no lots may be combined in any manner whatsoever which could allow the construction of multifamily dwellings, which shall be prohibited in this area.
- (e) *Property development regulations for townhouse development.*
- (1) Minimum site area and dimensions for townhouse uses:
- Site area prior to platting: One acre.
  - Minimum interior lot size within a site is 1,800 square feet.
  - Minimum interior lot width is 15 feet.
  - The number of individual lots (units) shall not exceed ten units per primary building or structure.
  - Maximum density is ten units per acre on the overall site.
  - Maximum site coverage of all buildings or structures is 30 percent.
- (2) Minimum setback requirements for townhouse developments:
- Front:* An average of all units within a single structure to be 22 feet provided no unit is less than 20 feet.
  - Side interior:* Zero feet.
  - Rear:* 20 feet.
  - The perimeter of any site development shall maintain a 25-foot setback.
  - 1981 Coastal Construction Control Line.
- (3) Minimum living area: 900 square feet.
- (4) Maximum building height, minimum separation between structures and minimum breezeway requirements are the same as described in subsection (d) above.
- (5) One attached one-car garage is required per unit (ten feet by 20 feet, inside measurement).
- (6) In the area south of DeSoto Parkway and east of Highway A1A, no lots may be combined in any manner whatsoever which could allow the construction of townhouse dwellings, which shall be prohibited in this area.
- (f) *Special regulations.*

- (1) Access. All dwelling units and permitted uses shall have access to a public street either directly or indirectly via an approach, private road, pedestrian way, court or other area dedicated to public or private use or common easement guaranteeing access. Permitted uses are not required to front on a public dedicated road. The city shall be allowed access on privately owned roads, easements and common open space to ensure police and fire protection of the area, meet emergency needs, conduct city services and generally ensure the health and safety of the residents of the planned unit development.
- (2) Unified control. Title to all land within a proposed site for a planned unit development shall be owned or controlled by the developer/owner submitting the applications for the planned unit development. For purposes of this section, the term "controlled by" shall mean that the developer shall have the written consent of all owners of the property within the proposed site not owned by the developer. The consent shall contain a notarized statement that the developer is authorized to represent the owners in the submission of an application under the provisions of this section and that the owners shall agree to be bound by the decision of the city council if the application is approved.
- (3) Development standards. The minimum construction requirements for streets or roads, sidewalks, sewer facilities, utilities and drainage shall be in compliance with the requirements of the city. The developer shall provide traffic control and street name signs as required by the city. The city shall require that all new streets be named. All proposed street names shall be approved by the city.
- (4) Common open space. All privately owned common open space shall conform to its intended use and remain as expressed in the final development plan through the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the final development plan. Such deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition. All common open space, as well as public and recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures. The developer shall establish an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development to ensure the maintenance of all common open space. The association or nonprofit corporation shall conform to the following requirements:
  - a. The developer must establish the association or nonprofit corporation prior to the sale of any lots. Control of all common open space and recreation facilities shall be passed to the association when occupancy permits for 80 percent or more of the residential units have been issued.
  - b. Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the planned unit development, and such 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 such land and any other land within the planned unit development not publicly or privately owned; and shall secure adequate liability insurance on the land. The title to all residential property owners shall include an undivided fee simple estate in all common open space or an unrestricted easement for the use and enjoyment of the common open space.

(Ord. No. 972, §§ 8, 9, 8-15-07; Ord. No. 1029, §§ 1, 2, 3-17-10; Ord. No. 1131, § 9, 11-16-16; Ord. No. 1160, § 3, 11-7-18)