



AGENDA ITEM

October 18, 2016, City Council Meeting

Approved for Submittal By:

Scott Morgan

Scott Morgan, City Manager

To Be Presented By:

Scott Morgan for Christy Fischer

Christy Fischer, Planning Director

To: Honorable Mayor and Members of the West Melbourne City Council
Through: Scott Morgan, City Manager
From: Christy Fischer, AICP, Planning Director
Date: October 18, 2016

SUBJECT

Revise the zoning definition of the measurement of building height to match the definition in the statewide Florida Building Code.

RECOMMENDATION

The Planning and Economic Development Department recommends that City Council approve the following motion:

Approve the first reading of Ordinance No. 2016-19, revising the zoning definition of building height in the Code of Ordinances Section 63-8, Zoning Definitions.

FISCAL IMPACT

The funds for this advertisement and notification costs comes from the City Clerk's advertising budget and have already been included through the end of the fiscal year.

DISCUSSION

After continued requests from architects and civil engineers, staff is proposing to revise the definition of building height in Chapter 63 to be consistent with the Florida Building Code. The 2013 changes to the City's definition chapter made it apparent that there were two sets of height definitions, one related to the zoning districts, and another for the Regional Mixed Use zoning district, which has never been enacted, and none listed in the building section since the Florida Building Code already defines height measurement. Since the Regional Mixed Use zoning district did not apply to any properties in our city limits, this conflict did not need to be resolved at the time. However, with the advent of renewed construction activity in 2015 to 2016, architects and civil engineers have pointed out there is one other discrepancy which causes confusion with our codes, and that is the definition of height in Chapter 63 is different than the standard height definition used with the statewide building codes.

The following information has been compiled to assist the Board in reviewing the draft code amendment and making a recommendation to City Council.

Revised Section in Chapter 63 (Definitions)

LDR Sec. 63-8 Zoning Definitions.

Staff Analysis—

Definition of a Height of a Building:

Analysis on LDR Section 63-8, relating to the definition of a "Height of a building"

In the past, the definition of height in West Melbourne was probably consistent between the building codes and the zoning codes. However, after the 2001 update of building codes standardized much of the implementation of building requirements throughout the State of Florida, a builder, architect, engineer, can build anywhere in the over 400+ local governments and know that the standard building codes defined height of a building as an average height of the highest roof surface, which allows the peaks of unoccupied rooftops to extend beyond a height limit. This is different than measuring height of a building to its absolute tallest point of the roof, and the results are more allowances for peaked roofs rather than just flat roofs since the statewide definition allows for the distinction in the point of measurement.

Zoning codes are tailored and specific to each city and county and there is no standard between one city to the next, although there may be similarities. In West Melbourne, the maximum height limits are set in each of the City's zoning districts, so it is logical that the definition of building height measurement is contained in the "Definition" section of the code pertaining to zoning matters since maximum height and how this is measured are related terms. One of the results of the City's current zoning definition of height measurement is little incentive is provided to architects and developers to have peaked roofs since a roof with a peak or a flat roof is measured the same in the City's zoning definition but costs differently to construct. Many of the commercial and industrial buildings in the city limits have flat roofs

and might otherwise have had a more defined roof of gables and peaks, if there was an incentive to create usable floor space for inhabitants beyond a maximum building height.

The definition of the measurement of building height is not in the definitions section of the code relating to building matters since an overriding State of Florida set of regulations, the Florida Building Code already defines the manner in which building height is measured, and this would be duplicative of statewide regulations. One of the results of the standardization of building height measurement through the Florida Building Code, is that architects and builders do have an incentive to build a peaked roof to gain additional occupiable space in a building since only the average of the height is used and a developer may be able to gain more usable floor area and profit from a peaked roof.

The following illustrations show the difference in measurements of the two sets of measurements (between what our Zoning definition has for building height measurement and what the Florida Building Code allows)

Flat roof – current zoning definition measures to highest point which is all the same on a flat roof



Peaked roof – current zoning definition measures to highest



Flat roof – proposed zoning definition, “average” will still be to highest point since the roof is the same across its span.



Peaked roof – proposed zoning definition measures to **average** height, which of a triangle is the half-way measurement (this is already how the State of Florida defines average height for pitched roofs)



To be consistent with the way the building height is currently defined and measured throughout the State of Florida, staff would like to amend the definition in Sec. 63-8 to be consistent with the definition as defined in the "Florida Building Code". This consistency will assist readers of the city codes who may not be familiar with our local requirements but are familiar with statewide requirements.

The following two sections describe the current versus proposed wording for the measurement of building height.

Currently, Section 63-8 reads, "*Height of a building* means the vertical distance from the established finished grade to the highest point of the structure."

Florida Building Code has the following definition of height,
"Height, Building. The vertical distance from grade plane to the average height of the highest roof surface."

Florida Building Code has the following definition of "grade plane",
Grade Plane – A reference plane representing the average of finished ground level adjoining the building at exterior walls.

Proposal, Strike through the current definition in Section 63-8 and replace it with the identical definition from the Florida Building Code so that building height is measured throughout all of the City's 19 zoning districts consistent the way building height is measured throughout the State of Florida, and add the definition of "grade plane". If the State of Florida changes the definitions, then the City could avoid revising the Land Development Regulations by adding a reference to Florida Building Code revisions prevailing.

Previous Action —

The Planning and Zoning Board is meeting on October 13, 2016, to provide its recommendation on this matter related to the land development regulations. Since their meeting is only days away from the City Council meeting, staff will provide a verbal update of the Planning and Zoning Board recommendation, rather than providing their recommendation in this staff report.

Conclusion—

The revised height measurement will ensure consistency for applicants when submitting site plans and other documents with a statewide definition of the measurement of height, rather than a definition that conflicts with the statewide definition.

Staff's Recommended Motion:

Recommend approval of the first reading of Ordinance No. 2016-19, revising the zoning code definition of building height.

ATTACHMENT

1. Ordinance No. 2016-19

ORDINANCE NO. 2016-19

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING CHAPTER 63 DEFINITIONS, ARTICLE 1, SECTION 63-8 ZONING DEFINITIONS, TO PROVIDE A DEFINITION FOR GRADE PLANE AND TO REVISE HEIGHT OF A BUILDING DEFINITION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of West Melbourne desires to provide a definition for grade plane and revise the definition for height of a building to be consistent with the Florida Building Codes;

NOW THEREFORE, be it ordained by the City Council of the City of West Melbourne, Brevard County, Florida as follows:

Section 1.

That a portion of Section 63-8 of the Code of Ordinances, City of West Melbourne, Florida is hereby amended as follows:

"Sec. 63-8. – Zoning definitions.

Grade plane means a reference plane representing the average of finished ground level adjoining the building at exterior walls.

Group quarters, as defined by the U.S. Census Bureau, means a place where people live or stay, in a group living arrangement, that is owned or managed by an entity or organization providing housing and/or services for the residents. This is not a typical household-type living arrangement of a single-family residence. These services may include custodial or medical care as well as other types of assistance, and residency is commonly restricted to those receiving these services. People living in group quarters are usually not related to each other.

Guesthouse means living quarters within a detached accessory building located on the same lot with the principal building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters and not rented or otherwise used as a separate dwelling.

Health institutions includes hospitals, clinics, nursing and rehabilitation homes, and adult congregate living facilities, but does not include mental institutions, treatment and recovery centers, or correction facilities.

Height of a building means the vertical distance from grade plane to the average height of the highest roof surface. ~~the established finished grade to the highest point of the structure.~~

Section 2. Severability. That the provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 3. Conflict. That all ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

Section 4. Inclusion in the Code. It is the intention of the City Council of the City of West Melbourne that the provisions of this ordinance shall be made a part of the City of West Melbourne Code of Ordinances and the sections be renumbered to accomplish such intention.

Section 5. Effective Date. That this Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of West Melbourne, Brevard County, Florida, this 1st day of November, 2016.

Hal J. Rose, Mayor

ATTEST:

Sue Frank, City Clerk

Reviewed as to form and content:

Morris Richardson, City Attorney

1st READING: October 18, 2016

2nd READING: November 1, 2016



AGENDA ITEM

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Scott Morgan, City Manager

To Be Presented By:

Scott Morgan for Christy Fischer

Christy Fischer, Planning Director

To: Honorable Mayor and Members of the West Melbourne City Council
Through: Scott Morgan, City Manager
From: Christy Fischer, AICP, Planning Director
Date: October 18, 2016

SUBJECT

Revise the maximum building height limits for multi-family and commercial properties near the interchanges

RECOMMENDATION

The Planning and Economic Development Department recommends that City Council approve the following motion:

Approve the first reading of Ordinance No. 2016-20, revising the maximum building height for multi-family and commercially zoned properties within a 1-mile radius of the I-95 interchanges

FISCAL IMPACT

The funds for this advertisement and notification costs comes from the City Clerk's advertising budget and have already been included through the end of the fiscal year.

DISCUSSION

This is a staff initiated request to revise the height limits of buildings allowed in the R-2 (One-, Two- and Multi-Family Dwelling), R-3 (Multiple-Family Dwelling) and ICO (Interchange Commercial Overlay) districts. The definition of where building height would be measured was revised in the previous staff report to be consistent with the Florida Building Code height definition. The height definition may add a few feet of height to proposed new buildings, may promote pitched roofs instead of flat roofs for commercial buildings, and may allow for flexibility of buildings to be re-built. The City will continue to restrict building height by having a height limit stated in each zoning district. This protects single family houses, and height restricted areas such as the sections of Wickham Road, Ellis Road, and Old NASA Boulevard.

In 2015 to 2016, staff experienced a resurgence of requests by developers, civil engineers and architects to allow building height limits near the interchanges to be taller than the standard 40 foot limit that has existed for non-residential buildings since the 1980's. The following information has been compiled to assist the Board in reviewing the draft code amendments and making a recommendation to City Council. An updated zoning map is attached to assist in identifying the location of current zoning districts.

Revised Sections in Chapter 98 (Zoning):

- LDR Sec. 98-277(R-2) Lot and structure requirements
- LDR Sec 98-322 (R-3) Lot and structure requirements
- LDR Sec 98-955 (ICO) Lot and structure requirements

Staff Analysis—

Increase in maximum building height in the R-2 (One-, Two- and Multi-Family Dwelling) District, R-3 (Multiple-Family Dwelling) District and the ICO (Interchange Commercial Overlay) District:

The city regulates development through land use classification and lot and structure requirements established in each zoning district. Each property must meet these standards which regulate the height, bulk and area of a structure in each zoning district. Lot and structure requirements have an impact on the character of an area. The built environment and the scale of the building is a contributing factor in defining the character of an area. Building height limits are part of the criteria used by local governments in ensuring building scale is consistent in various types of zoning districts. In West Melbourne, building height limits are expressed in a total height number, and not a count of floors or stories of the building. Staff is not proposing any changes since a total height number gives the developers flexibility in determining how many floors they can accommodate in a vertical height measurement.

While the building height limit of 35 feet in the majority of the City's residential zoning districts continues to accommodate two to three story houses, the 40 foot height limit in the multi-family districts that are near the interstate have not kept up with modern trends to construct more compact and taller buildings on increasingly scarce lands near I-95. Similarly, the 40 foot height limit in the commercial zoning districts do not reflect current trends of having buildings with more than three stories, and of having building features that provide interest and distinction to otherwise "big box" style commercial buildings.

Staff believes increasing the maximum building height near the interstate is appropriate and compatible with the existing buildings and development along the interstate. Multi-family projects are allowed in the R-2 and R-3 zoning districts and commercial projects are allowed in the ICO located near the interstate. An example of a commercial building next to I-95 and near the Palm Bay Road interchange that previously obtained a height waiver in the form of the development agreement was Carmike Cinemas which is 57 feet tall. The revised height limit makes the current commercial structure, Carmike Cinemas, conforming and staff would no longer have to refer to the waiver in the development agreement.

Placement Matters: Staff believes that increasing maximum building heights along the interstate is reasonable since these locations have the fewest single-family residential neighborhoods, and has the greatest concentration of recent construction activities. By restricting the placement of taller buildings to within 1 mile of the interchanges, the existing and future taller buildings will be concentrated and the locations will be predictable. One local example of taller apartment buildings is located in Viera area just north of "The Avenues at Viera". These apartments are more urban style with their facades built up to the sidewalk, and with courtyards that face inward for their residents. Part of the attraction for buildings to be taller near the interchanges, besides fitting more square footage on parcels, is that the volume of interstate drivers that see the business, or apartments from the highways is greater than that of the nearby arterial roads, and many businesses seek to maximize their exposure by being closer to their intended market. By having a building taller than 40' near the highway, the businesses ensure that regardless of bridge height increases or re-configuration of ramps, they will remain visible to motorists.

Many local governments, including West Melbourne adhere to the philosophy that taller buildings should be set back further on their properties to lessen the impact of building shadowing, the canyon feel and other factors, some related to public safety and minimizing impacts from natural disasters on public roads, etc.



Local Government Comparison:

Staff researched other local government building height regulations and found examples which have been used in the proposed code amendments. Increasing the maximum building heights of apartments and commercial buildings would allow appropriate vertical growth which would be consistent with the goals, objectives and policies of the Comprehensive Plan of the City to prevent urban sprawl, and lessen impacts to surrounding properties, especially single-family residential uses.

The following are from inland cities with interchanges on I-95:

Local Government	Height Allowance of Buildings	Setbacks	Other Height restrictions
Daytona Beach	2.5 to 4 stories for apartments and commercial buildings (however, this is not applicable to beach side buildings)	20-35' to the front property line (the most visible side of the building)	Lot size and location also control the height of taller buildings
Melbourne	35-80' for multi-family and commercial buildings depending on whether they were located adjacent to single family	25-40' related to each segment of building height limit	Buildings exceeding 48' next to single family shall have a 300-500' setback from the property line
Palm Bay	25-70' for multi-family and 40-70' for commercial	Buildings with 2-3 stories must have variations in roof height of at least 5 ft. Buildings with 4 stories or more must have variations in roof height of at least ten feet for at least 15% of the roofline	No different setbacks based on moving taller buildings away from the curb
Titusville			

Increase in allowable building height in the R-2 (One-, Two- and Multi-Family Dwelling) District

Analysis on LDR Section 98-277(6), relating to the maximum building height in the R-2 zoning district:
 Currently the maximum height allowable is 40 feet. By increasing the maximum height to 60 feet if located within 1 mile of the interchanges taller buildings will be permitted if criteria is met as contained in the attachment.

Increase in allowable building height in the R-3 (Multiple-Family Dwelling) District:

Analysis on LDR Section 98-322 regarding the maximum allowed building height in the R-3:

Currently the maximum height allowable is 40 feet. By increasing the maximum height to 60 feet and not requiring a conditional use permit from a separate board related to height makes the implementation consistent with the current review requirements by the Planning and Zoning Board. Again, only those properties located within 1 mile of the interchanges taller buildings will be permitted if criteria is met as contained in the attachment.

Increase in allowable building height in the ICO (Interchange Commercial Overlay) District:

Analysis on LDR Section 98-955 regarding the maximum allowed building height in the ICO:

The C-1, C-2 and C-P zoning districts within the “Interchange Commercial Overlay” zoning district are provided more flexibility for height, while requiring more architectural and property enhancements. The current maximum allowed height is 45 feet in the area within the 1-mile radius to the interchanges.

Conclusion—

Other West Melbourne Zoning District Height Increases:

Similar to other cities, the City is proposing to contain tall buildings to specific areas as long as design criteria and setbacks can be met. Earlier in 2016, City Council approved a new zoning district, the Gateway Interchange, which allows hotel buildings to be 120 feet tall and all other buildings to be 65’. It is anticipated that the west side of I-95 will be the location that the new Gateway Interchange district shall be applied. However, by allowing the predominant zoning districts that currently exist on the east side of I-95, which are the Interchange Commercial Overlay, R-2 and R-3 districts to have taller buildings, there will be parity between the east and west sides of I-95, which essentially are similar to each other.

Previous Action:

The Planning and Zoning Board met on October 13, 2016 to provide their recommendation on the building height increases near the interchanges. Since the Planning and Zoning Board’s meeting is only days away from the Council meeting, staff did not have the opportunity to provide a written summary of the vote by the board. Staff will provide a verbal update of the Planning and Zoning Board recommendation during this City Council meeting.

Staff’s Recommended Motion:

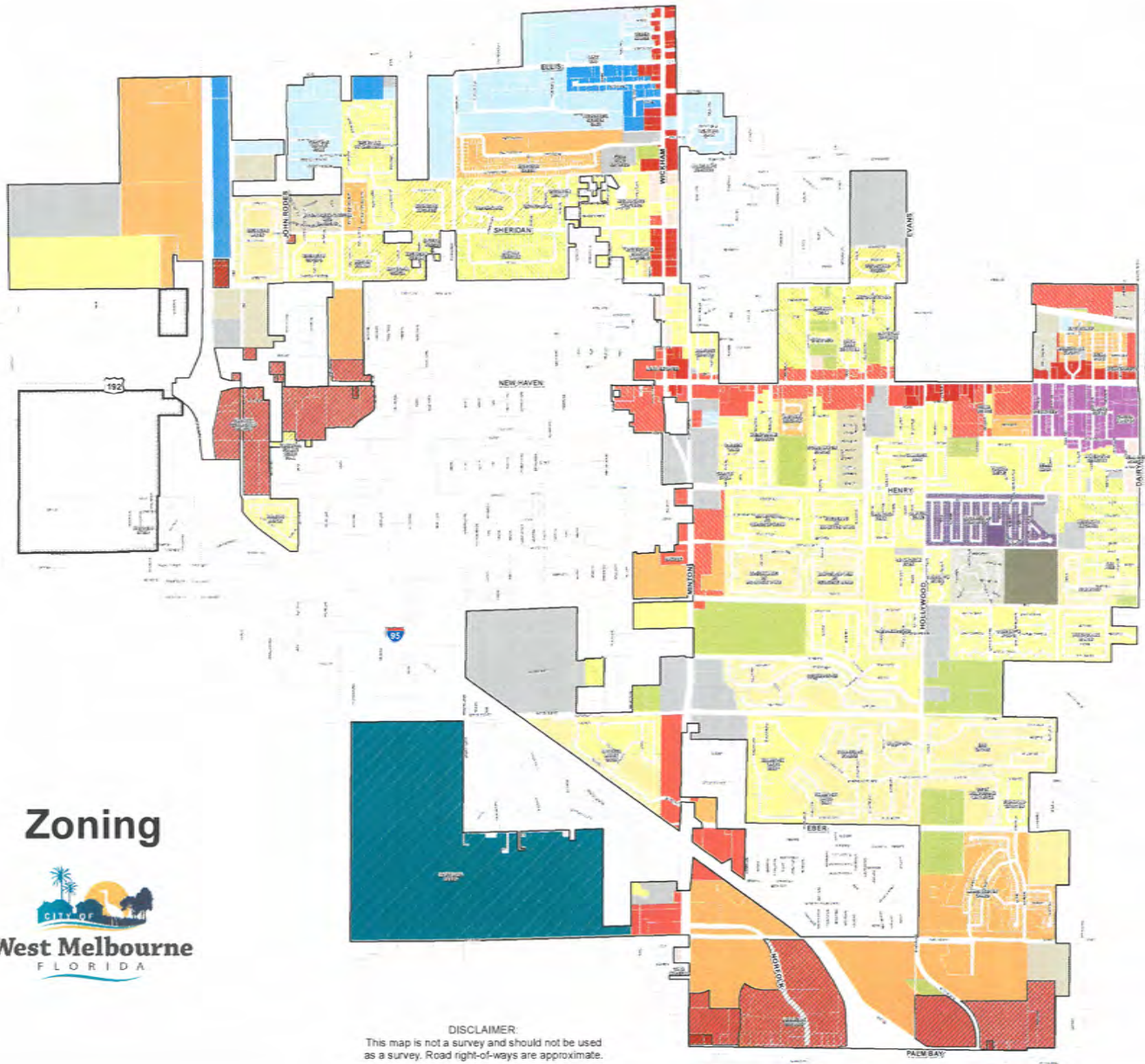
Recommend approval of the first reading, revising the maximum building height in the R-2, R-3 and the ICO zoning districts to 60 feet.

ATTACHMENTS

1. Zoning Map
2. Ordinance No. 2016-20



DISCLAIMER:
 This map is not a survey and should not be used as a survey. Road right-of-ways are approximate.



Legend

- West Melbourne City Limits
- Interchange Commercial Overlay
- Zoning Parcels**
- R-A Residential Agricultural
- R-1AAA Single-Family Residential
- R-1AA Single-Family Residential
- R-1A Single-Family Residential
- R-1B Single-Family Residential
- R-2 One-, Two- and Multi-Family Dwelling
- RLS Residential Large Scale
- R-3 Multiple-Family Dwelling
- TR-1 Planned Development for Mobile Home Parks
- TRC-1 Single-Family Mobile Home Cooperative
- C-P Commercial Parkway
- C-1A Professional Offices and Services
- C-1 Low Density Commercial
- C-2 General Commercial
- M-1 Light Industrial and Warehousing
- M-2 General Industrial
- P-1 Institutional
- IB Integrated Business
- City Zoning Has Not Been Established



Updated: 8/03/2016
 By: City of West Melbourne
 Document Name: Zoning.mxd
 Sources:
 Brevard County Property Appraiser,
 City of West Melbourne Planning Department

ORDINANCE NO. 2016-20

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING CHAPTER 98 ZONING, ARTICLE III, DIVISION 6, R-2 (ONE-, TWO- AND MULTIPLE-FAMILY DWELLING DISTRICT); DIVISION 7, R-3 (MULTIPLE-FAMILY DWELLING DISTRICT); AND ARTICLE IV, DIVISION 4, (INTERCHANGE COMMERCIAL OVERLAY DISTRICT) TO INCREASE MAXIMUM BUILDING HEIGHT WITHIN A 1-MILE RADIUS OF THE I-95 INTERCHANGES BY MEETING CERTAIN CRITERIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of West Melbourne desires to increase the maximum building height within 1-mile radius of the I-95 interchanges by meeting certain criteria;

NOW THEREFORE, be it ordained by the City Council of the City of West Melbourne, Brevard County, Florida as follows:

Section 1.

That portions of Chapter 98, Article III, Division 6, R-2, and Division 7, R-3; and Article IV, Division 4, ICO of the Code of Ordinances, City of West Melbourne, Florida is hereby amended as follows:

“DIVISION 6. - R-2 ONE-, TWO- AND MULTIPLE-FAMILY DWELLING DISTRICT

Sec. 98-277. - Lot and structure requirements.

The lot and structure requirements in the R-2 one-, two- and multiple-family dwelling district are as follows:

...(6)Maximum height: 40 feet. However, if the property is located within the 1-mile I-95 interchange radius, and meets the following criteria, then the maximum height may be 60 feet.

a. The minimum land area for the project site shall be five acres, or if included as part of a larger development project the overall site shall equal five acres.

b. Architecture. Architectural renderings shall be submitted along with the multifamily construction drawings to assist in identifying a unified architectural theme throughout the site. Exterior building facades, roof materials and signage shall use similar building materials and display a consistent use of these elements in the overall design. The architectural design shall incorporate the following design features that break up the expanses of wall and roof areas and distinguish an entrance area:

1. Roofline accessories: Cornice molding, parapets, fake dormers and similar features shall be used to vary the building height of at least ten feet (10') for at least fifteen percent (15%) of the roofline.

2. Building massing relief features: Columns, facade engravings/etchings, recessing and protruding wall planes, overhangs, lighting or other similar features.

3. Special pavement treatment at the entrance: Brick, stone, etched or painted surfaces or other contrasting natural looking materials.

(7) Minimum yard requirements:

a. For one- and two-family structures:

1. Front: 25 feet.

2. Side, interior: Five feet for one-family structures; 7½ feet for two-family structures.

3. Side, corner: 25 feet.
4. Rear: 25 feet along the perimeter of the development; 20 feet when abutting an alley; or 20 feet for lots 6,000 square feet or less, internal to the development with demonstration that the permitted impervious lot coverage for the subdivision's stormwater system is not exceeded.
- b. For multiple-family structures that do not exceed 40 feet in height:
 1. Front: 30 feet.
 2. Side, interior: 15 feet, or ten percent of the width of the lot up to a total setback of 20 feet, whichever is greater.
 3. Side, corner: 25 feet.
 4. Rear: 25 feet along the perimeter of the development; 20 feet when abutting an alley; or 20 feet for tracts that are internal to the development with demonstration that the permitted impervious lot coverage for the subdivision's storm water system is not exceeded.
- c. For townhouse structures:
 1. Front: 25 feet.
 2. Side, interior: 0 feet.
 3. Side, corner: 25 feet; or if the property is adjacent to an undeveloped common area tract or dedicated easement that is at least 15 feet in width, the side corner setback is 0 feet.
 4. Rear: 20 feet.

(8) Minimum yard requirements for structures exceeding 40 feet in height:

- a. Front: 30 feet, plus three feet additional for every five feet or portion thereof of building height over 40 feet or ten percent of the width of the lot up to a total setback of 20 feet, whichever is greater.
- b. Side, interior: 15 feet, plus three feet additional for every five feet or portion thereof of building height over 40 feet.
- c. Side, corner: 25 feet, plus three feet additional for every five feet or portion thereof of building height over 40 feet.
- d. Rear: 25 feet; 20 feet when abutting an alley; or 20 feet for tracts that are internal to the development with demonstration that the permitted impervious lot coverage for the subdivision's storm water system is not exceeded; plus three feet additional for every five feet or portion thereof of building height over 40 feet.

DIVISION 7. - R-3 MULTIPLE-FAMILY DWELLING DISTRICT

Sec. 98-322. - Lot and structure requirements.

The lot and structure requirements in the R-3 multiple-family dwelling district are as follows:

- (1) Minimum lot area: 12,000 square feet for single-family, two-family, multiple-family; 3,000 square feet for townhouses.
- (2) Minimum lot width: 100 feet for single-family, two-family, multiple-family; 24 feet for townhouses.
- (3) Minimum lot depth: 100 feet.
- (4) Maximum lot coverage: 45 percent, except townhouses which can have 50 percent lot coverage.
- (5) Minimum living or floor area:
 - a. Efficiency apartment: 450 square feet.
 - b. One-bedroom apartment: 550 square feet.
 - c. Two-bedroom apartment: 650 square feet.
 - d. Three-bedroom apartment: 800 square feet.
 - e. More than three-bedroom apartment: 800 square feet, plus 100 square feet for

each additional bedroom.

f. Townhouses: 900 square feet.

(6) Maximum height: 40 feet However, if the property is located within the 1-mile I-95 interchange radius, and meets the following criteria, then the maximum height may be 60 feet.

a. The minimum land area for the project site shall be five acres, or if included as part of a larger development project the overall site shall equal five acres.

b. Architecture. Architectural renderings shall be submitted along with the multifamily construction drawings to assist in identifying a unified architectural theme throughout the site. Exterior building facades, roof materials and signage shall use similar building materials and display a consistent use of these elements in the overall design. The architectural design shall incorporate the following design features that break up the expanses of wall and roof areas and distinguish an entrance area:

1. Roofline accessories: Cornice molding, parapets, fake dormers and similar features shall be used to vary the building height of at least ten feet (10') for at least fifteen percent (15%) of the roofline.

2. Building massing relief features: Columns, facade engravings/etchings, recessing and protruding wall planes, overhangs, lighting or other similar features.

3. Special pavement treatment at the entrance: Brick, stone, etched or painted surfaces or other contrasting natural looking materials.

(7) Minimum yard requirements for structures not exceeding 40 feet in height:

a. Front: 30 feet.

b. Side, interior: 15 feet.

c. Side, corner: 25 feet.

d. Rear: 25 feet; 20 feet when abutting an alley.

(8) Minimum yard requirements for structures exceeding 40 feet in height:

a. Front: 30 feet, plus three feet additional for every five feet or portion thereof of building height over 40 feet.

b. Side, interior: 15 feet, plus three feet additional for every five feet or portion thereof of building height over 40 feet.

c. Side, corner: 25 feet, plus three feet additional for every five feet or portion thereof of building height over 40 feet.

d. Rear: 25 feet; 20 feet when abutting an alley; plus three feet additional for every five feet or portion thereof of building height over 40 feet.

(9) Minimum yard requirements for townhouses:

a. Front: 25 feet.

b. Side, interior: 0 feet.

c. Side, corner: 25 feet; or if the property is adjacent to an undeveloped common area tract or dedicated easement that is at least 15 feet in width, the side corner setback is 0 feet.

d. Rear: 20 feet.

DIVISION 4. - INTERCHANGE COMMERCIAL OVERLAY DISTRICT

Sec. 98-955. - Lot and structure requirements.

(a) Lot size requirements in the interchange commercial area overlay district shall be identical to the underlying district.

(b) Structure requirements in the interchange commercial area overlay district are as follows:

(1) Maximum building coverage: 25 percent.

(2) Maximum height: 45 feet, ~~as measured from average finished grade closest to the outside of the building to the highest point on the roof.~~ unless additional building setbacks are met as listed in subsection (4)

(3) Minimum yard requirements for buildings up to 45 feet:

Front:	50 feet
Side, interior:	25 feet
Side, corner:	40 feet
Rear:	30 feet

(34) Minimum yard requirements for buildings up to 65 feet:

- a. Front: 50 feet, plus three feet additional for every five feet or portion thereof of building height over 40 feet.
- b. Side, interior: 25 feet, plus three feet additional for every five feet or portion thereof of building height over 40 feet.
- c. Side, corner: 40 feet, plus three feet additional for every five feet or portion thereof of building height over 40 feet.
- d. Rear: 25 feet; plus three feet additional for every five feet or portion thereof of building height over 40 feet. "

Section 2. Severability. That the provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 3. Conflict. That all ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

Section 4. Inclusion in the Code. It is the intention of the City Council of the City of West Melbourne that the provisions of this ordinance shall be made a part of the City of West Melbourne Code of Ordinances and the sections be renumbered to accomplish such intention.

Section 5. Effective Date. That this Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of West Melbourne, Brevard County, Florida, this 1st day of November, 2016.

Hal J. Rose, Mayor

ATTEST:

Sue Frank, City Clerk

Reviewed as to form and content:

Morris Richardson, City Attorney

1st READING: October 18, 2016
2nd READING: November 1, 2016