

ARTICLE XXI. PERFORMANCE OVERLAY DISTRICTS

Sec. 54-4-21.1. Intent.

The intent of this section is to describe certain Performance Overlay zones used to impose special development restrictions on identified areas. The location of Performance Overlay zones is established by the City of Sebastian based on the need for special protective measures in that area. The underlying uses in the area, as determined in chapter II of this code, remain undisturbed by the creation of the Performance Overlay zone. The Performance Overlay zone merely imposes additional or different development standards than those that would otherwise apply.

Sec. 54-4-21.2. Purpose.

The overall purpose of these regulations is to:

- (a) Promote an attractive and inviting corridor;
- (b) Provide for a sufficient amount of attractive and well-maintained landscaping to complement buildings and structures within the corridor;
- (c) Encourage development of attractive buildings within the corridor;
- (d) Ensure unobtrusive and orderly signage that averts a garish and visually cluttered appearance along the corridor;
- (e) Encourage creative designs and buildings of quality;
- (f) Foster creative approaches that result in buildings of enduring character through use of quality design and building materials; and
- (g) Make the Overlay Districts consistent with their vision statements.

Sec. 54-4-21.3. Special regulations and exemptions.

(a) *Exemptions.* Within the Performance Overlay Districts, the following exemptions shall apply:

- (1) Single-family development and redevelopment shall be exempt from all Performance Overlay District special development regulations.
- (2) Industrial and storage buildings located within an industrial district shall be exempted from foundation planting landscaping requirements and architectural/building requirements only if no building facades abut a residentially zoned area or front on public or platted roads. All industrial buildings shall satisfy the color requirements.
- (3) Electrical substations and similar public or quasi-public facilities that prohibit access by the public onto the site may be exempted from architectural/building requirements, if the exempted building(s) and equipment will be visually screened from adjacent properties and roadways.

(b) *Uses.* With the following exceptions, uses within the Performance Overlay Districts shall be as specified in article V of this code.

- (1) Outdoor displays. No outdoor displays shall be permitted unless approved by the planning and zoning commission pursuant to section 54-3.10.2(d).
- (2) Uses with vehicle and service bays. Uses involving vehicle and service bays that are oriented perpendicular to CR 512 are allowed only if a Type "B" buffer with a four-foot high opaque feature is provided along the site's CR 512 frontage.
- (3) Underground utilities services required. Where new utilities services (e.g. electrical, phone, cable) are provided to project sites, such service shall be installed underground.
- (4) Connection to pedestrian systems. Projects fronting on roads with existing or planned/required sidewalks and/or bikeways shall provide a pedestrian path from the project to the existing or future sidewalk and/or bikeway. Said pedestrian path shall have a minimum width of five feet, shall consist of a rigid surface meeting Florida Accessibility Code requirements, and may include properly marked areas that cross parking lots and driveways.

Sec. 54-4-21.4. Plan approval.

In the Performance Overlay Districts, development and redevelopment requiring administrative, minor modification or site plan approval and exterior renovations shall comply with the districts plan requirements. The area of development for such projects shall be the area of the site containing buildings, additions, structures, facilities or improvements proposed by the applicant or required to serve those items proposed by the applicant.

Sec. 54-4-21.5. Supplementary requirements for site plan submittal and review.

(a) *Preliminary review of site plans.* Preliminary staff review of site plans is mandatory, including review of landscaping and tree preservation plans, architectural plans, lighting plans, and color and exterior finish samples.

(b) *Site plan review.* The drawings listed below are to be submitted in a minimum 24-inch by 36-inch format, and are to be the largest scale, which will fit on a 24-inch by 36-inch format. In addition to normal site plan review submittal requirements, the following are to be submitted at the time of site plan review:

- (1) Site plan. This plan shall indicate setbacks and all site development as required by the site plan ordinance, and shall depict: building orientation; locations of signage, location of service areas, dumpsters, loading zones, mechanical equipment, and any other "visually offensive elements" as described in these requirements, including locations and specifications of screening devices.
- (2) Tree plan. This plan shall indicate location, diameter at breast height (dbh) four and one-half feet above grade, and species of all trees six-inch caliper (measured at dbh) and larger.

- (3) Landscape plan. The landscape plan may be incorporated into the site plan. It shall include calculations demonstrating compliance with article XIV and the special landscaping requirements as established within each district.
- (4) Building floor plans. This plan shall depict general location of entries and exits, restrooms, and general uses.
- (5) Roof plan. This plan shall indicate roof type, slope, and any offensive elements (as described in these requirements) and descriptions of screening devices.
- (6) Building elevations. This plan shall include all exterior-building elevations, including all items affecting the appearance of the building, including roof design, complete description of exterior building materials, exterior building colors, all loading zones, mechanical and electrical equipment locations and their required screening devices, and signs attached to buildings.
- (7) Certifications. The plan shall include certifications from the project architect or engineer that proposed roof plans and elevation plans satisfy the Overlay Districts architectural/building standards.
- (8) Other requirements. Prior to site plan release, applicants shall submit to planning and growth management department three sets of the following and shall obtain planning staff approval of each component:
 - a. Site lighting plan. The site lighting plan may be incorporated into the site plan. It must indicate the site lighting plan, as well as a light fixture schedule with cut sheets (written specifications and pictorial representation including photometric chart) for all site lighting fixtures. This includes any site lighting fixtures attached to buildings.
 - b. Sign elevations (minimum scale: three-quarters inch equals one foot). These are to be detailed drawings of building and site signage including all items affecting the appearance of signs, including but not limited to: dimensions, area in square feet, complete description of finish materials and their colors, color samples (minimum size three inches by five inches, using Pantone Matching System[®] numbers with color number on back of each sample) and method of illumination. This is required for all outdoor signs except those which cannot be determined because the occupancy of the space is not known. Any signs not reviewed at site plan review time for this reason must be reviewed under these requirements prior to the issuance of a sign permit.
 - c. Building color samples (minimum sample sizes: three by five inches): Exterior and exterior signage color samples shall be submitted.
 - d. Certification. Certification from the project architect or engineer that the proposed site and exterior building lighting, proposed signage, and proposed building and signage colors satisfy the Overlay District's lighting, signage and color standards.

(c) *Approval for change of exterior design required.* Changes to the exterior of any structure in the Overlay Districts shall require review and approval by the planning and growth management department. Such changes shall include, but not be limited to, colors, building materials, roof finishes and signage. Routine maintenance and replacement of materials which do not affect the approved exterior design shall be exempt from such review and approval.

Sec. 54-4-21.6. Waivers.

As part of an application for development, a request may be made for a waiver of any of the provisions of this article. The request shall be heard by the planning and zoning commission in determining if any such provision be waived, modified or applied as written. The planning and zoning commission shall hold a quasi-judicial hearing on the requested waiver. The criterion for granting a waiver or modification of any of the provisions of this article is whether the strict interpretation of the requirements of this article places an inordinate burden on the property owner as defined by Florida Statutes. The waiver procedure herein is the exclusive remedy to the application of the provisions of this article and is to be utilized in lieu of an application for a variance.

Historic buildings. The planning and zoning commission may waive the requirements of the performance overlay districts for the purpose of preserving a historic building.

DIVISION A. RIVERFRONT OVERLAY DISTRICT REGULATIONS

Sec. 54-4-21.A.1 Intent.

This Riverfront Overlay District is designed to encourage development and redevelopment within the Riverfront District that includes promotion of traditional building types with arcades, balconies, and porches. Additionally, the intent of the district is to create a sense of place and promote social interaction on the streets of the Riverfront District and encourage durable construction that is harmonious with the architectural heritage known as the "Old Florida Fishing Village" of Sebastian.

Sec. 54-4-21.A.2. Boundaries.

(a) *Established:* A special Performance Overlay District is hereby established to be known as the "Old Florida Fishing Village" Riverfront District.

(b) *Boundaries:* The Riverfront District shall include that portion of the City of Sebastian located east of the Florida East Coast Railroad to and including the Indian River, north to the city limits and south to the south city limits located approximately at the south section line of Section 6, Township 31S, Range 39E.

(c) *Riverfront District requirements:* All development in the Riverfront District shall comply with the requirements of this article. The standards and requirements set forth below shall apply to new development, conversion in use from residential to commercial, and to building exterior refinishing.

Sec. 54-4-21.A.3. General.

(a) *Scope:* The design of all structures in the Riverfront District shall comply with the requirements of this code. This pertains to any building, group of buildings, site development, alterations affecting building's exterior, parking lots, and vehicular use areas. Compliance with the provisions in this code shall be reviewed by the growth management department, planning and zoning commission and the city council as appropriate. Precedence shall not be set by any project or variances approved by the growth management department, planning and zoning commission, city council, or the board of adjustment.

(b) *Approval for change of exterior design required:* Any exterior change of any structure in the Riverfront District shall require review by the growth management department. Such changes shall include, but not be limited to, colors, building materials, roof finishes, and signage. Changes to the architectural features or style, landscaping, or signs shall be approved by the growth management director. Modifications to the site plan shall be approved in compliance with the site plan modification process in article X. Routine maintenance and replacement of materials which does not affect the approved exterior design shall be exempt from this paragraph.

(c) *Prohibited architectural styles:* The following are not considered to be consistent with the "Old Florida Fishing Village" architectural style nor appropriate for the Riverfront District and are prohibited:

- (1) Corporate signature or commercial prototype architecture, unless such is consistent with all requirements of this code. Examples of such include, but are not limited to, flat roofed convenience stores and gas stations.
- (2) Buildings which are of symbolic design for reasons of advertising and buildings which are not compatible to the atmosphere of Riverfront District. Examples of such include "A frame" style roofs, garishly colored roofs, translucent architectural elements, and the like. Symbols attached to buildings will not be allowed unless they are secondary in appearance to the building and landscape, and are an aesthetic asset to the building project and neighborhood.
- (3) Any kitsch architecture (pretentious bad taste) which does not resemble a typical structure. Examples of such include, but are not limited to, structures that resemble an exaggerated plant, fish, edible food, or other such items such as giant oranges, ice cream cones, dinosaurs.
- (4) Any architecture having a historical reference that is so unique and different from current design philosophy of an "Old Florida Fishing Village" that such reference is inconsistent and/or incompatible with surrounding structures. Examples of such include, but are not limited to, igloos, domes or geodesic domes, Quonset style structures, teepees, log cabins, medieval castle, caves.
- (5) Styles that are not in the "Old Florida Fishing Village" theme. Art Deco style is prohibited.

Sec. 54-4-21.A.4. Special provisions.

(a) *Provisions:* The "uses" below must follow all criteria set forth in this code. The following are added criteria for each specific "use":

- (1) Residentially designated properties. The following materials are approved for use in residentially designated areas: fiberglass or asphalt shingle-style roofing for sloped roofs and visible roof structures, and textured plywood as a finish product. Rooftop screening devices shall not be required for attic ventilators or plumbing roof vents on residentially designated properties. However, roof ventilators, roof vents, and the like shall be located where they will be least visible from roadways.
- (2) Commercial centers and out-parcels. The materials, exterior finishes, signage and colors of shopping centers and structures developed on shopping center outparcels shall be compatible and harmonious with each other as determined by which structures are developed first. This requirement may be waived by the planning and zoning commission if:
 - a. The initial shopping center or outparcel was built prior to the enactment of the Riverfront District special regulations; and
 - b. It is determined by the planning and growth management department that enforcement of this requirement would conflict with the intent of these Riverfront District special requirements.

Sec. 54-4-21.A.5. Design criteria.

(a) *General design criteria:*

- (1) Buildings with facades fronting on more than one street should have equal design considerations and consistent detailing on all street frontages.
- (2) Porches on the front building facade are encouraged.
- (3) Wood picket fences, wrought iron fences or landscape buffers are encouraged along the front property line, on corner lots and along the side property line. Arbors and trellises are permitted in the front yard. Except for arbors and trellises, the minimum height of fences shall be three feet and the maximum height shall be four feet. The maximum height for arbors and trellises shall be ten feet. Above fences, architectural features of up to 12 inches shall be allowed. Such features shall be spaced a minimum of ten feet apart. Chain link fences are not permitted in the front yards. Walls are discouraged. All walls shall be constructed of brick or other decorative materials and shall not exceed four feet in height.
- (4) If a building facade is 100 feet or more in width measured parallel to the nearest body of water, an open vista of at least ten feet in width and eight feet in height shall be required within the building's facade to allow a visual corridor from the public right-of-way to the adjacent body of water.

(b) *General items which are prohibited:*

- (1) Flat, blank, unarticulated, or massive facades are prohibited on front facades. Facades located within view of a roadway are to incorporate architectural elements providing breaks in the planes of exterior walls and/or roofs. Facades located within view of roadway are to be designed to lessen the appearance of excessive bulk (this is especially important for large-scale commercial structures). Facades can be divided by use of: proportional expression of structure, openings, arcades, canopies, fenestration, changes of the building, and the like. (Stepping or sloping of a parapet wall in conjunction with a low sloped roof is prohibited.) Flat, blank, unarticulated, or massive facades will be permitted on the sides and rear of a building where "Blank Facade Foundation Planting" is utilized (see landscape section for requirements).
- (2) The following materials or systems for siding are prohibited as a finish and/or exposed product: corrugated or ribbed panels, smooth finish concrete block (standard concrete masonry units), precast concrete tee systems, plywood or textured plywood (except vertical board and batten). Plywood will be allowed for soffit material.
- (3) Any canopy (such as for a gas station, car wash, or drive-through facility) that is wholly or partially within 75 feet of a thoroughfare plan road right-of-way shall meet the following requirements concerning maximum fascia height (This pertains to all fascia on the above described canopy including any canopy fascia that continues beyond the 75-foot limit.):

<i>Roof Slope Distance</i>	<i>Maximum Fascia Height</i>
Less than 10 feet	8 inches
10 to 20 feet	12 inches
Greater than 20 feet	16 inches

- (4) Plastic or metal is prohibited as a finish material for walls or trim. Plastic is prohibited as a finish material for sloped roofs, visible roof structures, and fascias. Although prohibited in general, certain metal and plastic construction products may be approved by the planning and zoning commission, upon a written request and product sample submitted by the applicant. The planning and zoning commission may approve use of the material if the following criteria are satisfied:
 - i. The product shall appear authentic from the closest distance that it will be viewed by the general public.
 - ii. The product shall be substantial. Thin and flimsy imitations are unacceptable.
 - iii. The product shall hold up as well as the product it is imitating. That is, it must be fabricated in such a way that it will retain its original shape, appearance, and color, as well as the product it is imitating.
 - iv. The product's color shall resemble the color of the product it is imitating.
- (5) Any exposed masonry in a stack bond is prohibited.

- (6) Lighting that follows the form of the building, parts of the building, or building elements is prohibited.
- (7) Neon lighting, fiber optics, or similar system trim where the neon tube, fiber optics or similar system is visible is prohibited (This restriction includes site signage)
- (8) Backlit transparent architectural elements, backlit architectural elements, as well as illuminated or backlit awnings and roof elements are prohibited. This does not prohibit the use of glass blocks or the use of an illuminated sign attached to a building.
- (9) Facades that appear to be primarily awnings are prohibited. An awning shall not run continuously for more than 30% percent of the length of any single facade. Placement of awning segments shall relate to building features (e.g. doorways and windows), where possible. Awning segments shall not exceed 25% of the length of any single facade.
- (10) "Drive-up" windows or "amusement loud speakers" located on a building facade that faces a residential use are prohibited. They shall not be located on a building facade that faces Indian River Drive except for special events as permitted by the city council.
- (11) Accessory structures, including sheds, out-buildings, dumpster enclosures, and screening structures, shall match the style, finish, and color of the site's main building. Metal utility sheds and temporary car canopies are prohibited.

(c) *Roofs and parapets:*

- (1) Slope roofs: Gable, hip, and shed style roofs shall have a slope no less than 5:12 (rise:run) and not greater than 10:12 (rise:run). Mansard style roofs with a slope greater than 10:12 (rise:run) are prohibited. Generous eaves on sloped roofs are encouraged. Any roof with a slope less than 5:12 (rise:run) ("low sloped roof") shall not be visible from a roadway. Low sloped roofs must be screened with a visible roof structure or parapet wall. Sheds, porches and balcony roofs shall have a slope no less than 3:12 (rise:run).
- (2) Visible roof structures: Visible roof structures shall be of such height, bulk, and mass, so as to appear structural, even where the design is non-structural. Visible roof structures shall have a minimum vertical rise of six feet (not including fascia). Visible roof structures shall have a slope no less than 5:12 and not greater than 10:12 (rise:run). Mansard style visible roof structures with a slope greater than 10:12 (rise:run) are prohibited. Where visible roof structures are utilized in a building design, they shall be continuous around all sides of the structure, except where incorporated with a parapet wall or other architectural element (this does not allow "stuck-on" roofs). Any facade that is not visible from a roadway will not require a continuous visible roof structure on that facade. Any building with less than 3,500 square feet of enclosed space and utilizing a low sloped roof must have a visible roof structure on all facades which are visible from a roadway.

- (3) The following roof styles are prohibited. "A-frame," bowstring, dome, gambrel, non-symmetrical gable or hip (different slope on each side of ridge), quonset, and polynesian. Gable or hip roof with up to a 10:12 (rise:run) maximum pitch with a "skirted" or "flared" lower portion at a 3:12 (rise:run) minimum pitch is allowed.
- (4) The ridge or plane of a roof (or visible roof structure), that runs parallel (or slightly parallel) with a roadway shall not run continuous for more than 100 feet without offsetting or jogging the roof ridge or plane a minimum of 16 inches with dormer windows or other architectural feature that breaks up the roof. Low sloped roofs are excluded from this requirement.
- (5) Roofing on sloped roofs and visible roof structures shall be limited to the following systems:
 - a. Cedar shingles or shakes, slate, clay tile, or cement tile.
 - b. Steel, copper, and factory painted aluminum standing seam roofing.
 - c. 5-V crimp roof.
 - d. Galvanized metal or copper shingles of Victorian or diamond shape or pattern.
 - e. Three dimensional fiberglass or asphalt shingle.

Architectural standing seam roofs shall be limited to the following systems: flat metal panels with narrow raised seams running 12 to 20 inches apart, which are secured with continuous seam covers or mechanically seamed. Light and natural colors, as well as mill finish metal roofs are encouraged. Mixing panel colors is prohibited and all building roofs shall be of one color.

- (6) Roofing materials are prohibited for use as a finish material on parapets or any surface with a slope greater than 10:12 (rise:run), up to and including vertical surfaces. This pertains only to those surfaces visible from adjacent property, exclusive of access drives or roadways. This does not exclude the use of metal fascia six inches or less in height. This does not exclude the use of typical metal flashing, wall cap, drip edge, and the like. This does not exclude the use of roofing materials as a screening device, as long as it does not function as a building's parapet. This does not exclude the use of cedar shingles or shakes as a wall material used below the roof line.
- (7) Plastic or metal roof panels or systems, corrugated or ribbed roof panels, hot mopped systems, built-up, gravel, torched on, foam or fluid applied, roll or membrane roofing, and the like are prohibited on any roof which is visible from any roadway and/or residentially designated area. This does not exclude the use of architectural standing seam metal roofing or galvanized 5-V crimp metal roofing.
- (8) Partial parapet walls are not permitted. If a parapet wall is used on a building, then a parapet wall of the same style and material is to be continuous around all sides of the structure, except where incorporated with a visible roof structure or other architectural element. Introduction of any visible roof structure shall not appear "fake". Any

facade that is not visible from a roadway will not require a continuous parapet wall on that facade. Stepping or sloping of a parapet wall in conjunction with a low sloped roof is prohibited.

(d) *Site:*

- (1) All telephones, vending machines, or any facility dispensing merchandise or a service on private property, shall be confined to a space built into the building or buildings, or enclosed in a separate structure compatible with the main building's architecture. These areas are to be designed with the safety of the user in mind. Public phones and ATMs should have 24-hour access.
- (2) No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.
- (3) When feasible, existing specimen trees should be preserved in place or relocated on site. Use of tree wells, as well as adaptation and variations of siting in order to conserve native vegetation, is encouraged.
- (4) The use of thematic and decorative site lighting is encouraged. Low lights of a modest scale can be used along with feature lighting that emphasizes plants, trees, entrances, and exits. Light bollards are encouraged along pedestrian paths. The color of the light sources (lamp) should be consistent throughout the project. Color of site lighting luminaries, poles, and the like shall be limited to dark bronze, black, or dark green (decorative fixtures attached to buildings are exempt from the fixture color requirement).

Lighting is not to be used as a form of advertising or in a manner that draws considerably more attention to the building or grounds at night than in the day. Site lighting shall be designed to direct light into the property. Lighting shall avoid any annoyance to the neighbors from brightness or glare.

- (5) Roadway style luminaries (fixtures) such as cobra heads, Nema heads, and the like are prohibited. Wall pads and flood light luminaries are prohibited where the light source would be visible from a roadway, parking area and/or residentially designated area. High intensity discharge (e.g. high pressure sodium, metal halide, mercury vapor, tungsten halogen) lighting fixtures mounted on buildings and poles higher than 18 feet above the parking lot grade, and under canopies, shall be directed perpendicular to the ground. Other than decorative and low level/low height lighting, no light source or lens shall project above or below a fixture, box, shield, or canopy.

(e) *Screening devices:*

- (1) "Visually offensive elements," whether freestanding, mounted on roofs, or located anywhere on a structure shall be concealed from view on all sides. Individual screens, building elements, or appropriate landscaping, are to be used to completely screen the offensive elements from view from adjacent roads, properties, and parking areas. Parapet walls, visible roof structures, individual screens, or building elements shall be used to completely screen roof mounted, visually offensive elements from view from

any point around the entire building perimeter. Screening devices shall relate to the building's style of architecture and materials. All screening devices shall be designed so that no part of the offensive element extends beyond the top of the screen, measured vertically. Rooftop screening devices shall not be required for plumbing roof vents which are less than four inches in diameter and less than 12 inches above roof penetration. These roof vents are to be located where they will be least visible from roadways.

- (2) "Nuisance elements" shall be visually screened from adjacent roadways and/or residentially designated areas with solid walls in addition to any required landscaping. Loading dock buffering shall meet standards of the landscape ordinance (article XIV). All other walls shall be a minimum of six feet in height. All dumpster and trash container areas shall be completely screened on all sides. A noise abatement enclosure shall be used on HVAC equipment.
- (3) Individual screens and walls shall relate to the building's style of architecture and materials. A durable material such as reinforced concrete masonry units is recommended with an architecturally compatible finish. Wood fences as a screening device are encouraged.
- (4) Chain link fencing, with or without slats, is prohibited as a screening device for screening visually offensive elements and nuisance elements. Where chain link or similar fencing is allowed to be used (e.g., around storm water ponds), such fencing shall be green or black and shall be located and landscaped so as to visually screen the fencing from public view.

(f) *Building walls.* The exterior walls of the principal building shall be constructed of any of the following materials and in the following specified manner. All materials shall be used over the entire building or as continuous horizontal blends only. No panelizing shall be permitted or other simulations.

- (1) Stucco with a "float finish," smooth or coarse, machine spray, dash and troweled.
- (2) Wood clapboard five inches to the weather.
- (3) Wood shingles seven inches to the weather.
- (4) Wood board or batten board of a board width from eight to 18 inches.
- (5) Wood shiplap siding smooth face seven inches to the weather.
- (6) Coral, keystone or tabby.
- (7) Ashlar pattern, flush sawn finish.
- (8) Split face block.

(g) *Arcades and porches:* Arcades, balconies, or porches shall be constructed of materials either of wood or conform to the construction of the principal building.

(h) *Garden walls*: The garden walls of the principal building shall be constructed of either wood, wrought iron, or PVC lattice, or shall conform to the construction materials of the principal building, including stone, brick, and stucco. Chain link fence concealed by landscaping may be used along the side and rear of the property. No simulations shall be permitted.

(i) *Accessory buildings*: Accessory structures, including sheds, out-buildings, dumpster enclosures, and screening structures, shall match the style, finish, and color of the site's main building. Metal utility sheds and temporary car canopies are prohibited.

Sec. 54-4-21.A.6. Colors.

(a) *Intent*. The intent is to use colors that complement the adopted "Old Florida Fishing Village" theme. Bright and garish colors, as a means of attracting attention to a business are not characteristic of the Riverfront District and are not compatible with this code's objectives.

- (1) Whites, earthtones, and subdued greys are encouraged. These colors can be described as being "softer", "older", "subdued", and "antique looking".
- (2) Fluorescent and bright colors are prohibited.

(b) *Color standards*. All buildings and accessory structures within the Riverfront Overlay District shall be limited to the colors listed in the Overlay Districts master color list.

(c) *Roof colors (requirements for roofs that are visible from a roadway)*: Metal roof colors shall consist of natural mill finish, white, light neutral colors in the warm range, and a limited number of earth-tone colors. Mixing or alternating colors of metal panels is prohibited. For remaining roofs, the following shall dictate: Other than natural variations in color or color blends within a tile, the mixing or alternating of roof color, in the same roof material is prohibited. Colors and color blends shall not be contrary to the intent of this code. Color for roofing which is glazed, slurry coated, or artificially colored on the surface by any other means shall be limited to the same colors as approved for metal roofs.

(d) *Natural finish materials*: The color requirements listed above shall not apply to the colors of true natural finish materials such as brick, stone, terra cotta, concrete roof tiles, slate, integrally colored concrete masonry units, copper, and wood finishes. Colors commonly found in natural materials are encouraged, unless such material has been artificially colored in a manner which would be contrary to the intent of this code.

(e) *Awning colors*: Awning colors shall be consistent with item (a) above.

(f) *Overlay District master color list*. The Overlay Districts master color list and approved color board shall be maintained and made available by the planning and growth management staff. The list can be mailed or faxed upon request.

Sec. 54-4-21.A.7. Landscape requirements.

(a) *Purpose*: The purpose of the Riverfront District Landscape Code is to emphasize the impact of landscape design and maintenance on the health of the Indian River Lagoon and to enhance the beauty of the Riverfront District.

(b) *Intent:* The intent of the Riverfront Landscape Code is to promote wise landscape design that can benefit the Indian River Lagoon with reduced irrigation, fertilization, and pest control needs.

- (1) Encourage the use of native plants. Large oaks and cabbage palms are among the many native plants which can give the feel of "Old Florida Fishing Village". Native plants properly sited can minimize maintenance costs and compliment the historic appeal of the Riverfront District.
- (2) Put the right plant in the right place. Encourage the use of plants suited to the soil conditions rather than the use of soil amendments.
- (3) Native plant list. This list of native plants is intended to assist the landowner in choosing indigenous landscaping that will have a minimal impact on the Indian River Lagoon.

(c) *Requirements:* All development in the Riverfront District shall comply with the landscaping requirements as described in article XIV and shall comply with the following additional requirements:

- (1) Landscape strips.
 - a. The width of the perimeter landscape strips shall be determined by the required front, side and rear setbacks as described in the underlying zoning district. For residential uses, the perimeter landscape strips shall be 25% of those setbacks. For community facilities and commercial uses, the perimeter landscape strips shall be 50% of those setbacks, but not less than ten feet. When a zero front setback is allowed and is used, a front perimeter landscape strip between the building and the property line is not required.
 - b. Required perimeter and interior landscape strips shall not be used for any other uses including stormwater management.
 - c. No more than 25% of the required perimeter and interior landscape strips shall be covered in sod or grass.
 - d. All required perimeter and interior landscape strips not sodded or grassed shall be covered in recycled or environmentally friendly mulch. Lava rocks or other dark rocks may be used in areas of high pedestrian traffic. River rock, gravel, pea rock, or similar material is encouraged for use in the required perimeter and interior landscape strips.
 - e. Within the perimeter landscape strips, the following landscaping shall be provided per 100 (lineal feet):
 1. Five canopy trees.
 2. Six understory trees.
 3. Continuous hedge: Three to three and one-half feet high at planting.

NOTE: The hedge shall provide a visual screen three feet high above the grade of the project site parking area. Hedge material shall provide full screening to the

ground; therefore, myrtles and shrubs with similar leafing characteristics shall not be used for hedge material unless a double row arrangement is used. At the time of a certificate of occupancy (CO) for the project site, the hedging shall provide a three-foot visual screen, subject to city sight distance requirements.

Clustering of trees along the buffer strip is encouraged, and uniform spacing of trees is discouraged, except where used to emphasize a particular planting theme or development style.

- (2) Foundation plantings. Foundation plantings shall be required as stated below for buildings in commercial and industrial areas and for businesses allowed in residential areas. However, for industrial and storage buildings located in the commercial, industrial and mixed use zoning districts, foundation planting strips shall be exempt for sides of buildings not fronting on a residentially designated area, or public or platted road.

- a. Along the front, sides and rear of buildings, the following foundation planting landscape strips shall be provided in accordance with the building height:

<i>Building Height</i>	<i>Foundation Planting Strip Depth¹</i>
Up to 12 feet high	5 feet depth
12 feet to 25 feet high	10 feet depth
Over 25 feet high	15 feet depth

¹ A distance measured perpendicular to the building, from the foundation outward.

- b. Within such foundation planting landscape strips, the following landscaping shall be provided:

1. 40% of the foundation perimeter (excluding entranceways and overhead doors) along all building faces shall be landscaped, as follows:

<i>Building Height</i>	<i>Landscape Specifications</i>
Minimum plant material required:	<ul style="list-style-type: none"> • 1 palm tree or appropriate canopy tree for every 10 lineal feet of planting strip (clustered)
	<ul style="list-style-type: none"> • 1 understory tree for every 20 lineal feet of required planting strip. • 3 shrubs for every 10 square feet of required planting area. • Ground cover, flowering plants or sod in the remaining planting area
For buildings of 12 to 25 feet in height:	<ul style="list-style-type: none"> • 10 feet minimum planting area depth • 1 canopy tree for every 10 lineal feet of planting strip (3 palms with a minimum height of 12 feet each may be substituted for each canopy tree). • 1 understory tree for every 20 lineal feet of required planting strip.

<i>Building Height</i>	<i>Landscape Specifications</i>
	<ul style="list-style-type: none"> • 3 shrubs for every 10 square feet of required planting area. • Ground cover, flowering plants or sod in the remaining planting area
For buildings over 25 feet in height:	<ul style="list-style-type: none"> • 15 feet minimum planting area depth • 1 canopy tree for every 7 lineal feet of planting strip (3 palms with a minimum height of 16 feet each may be substituted for each canopy tree). • 1 understory tree for every 10 lineal feet of required planting strip. • 3 shrubs for every 10 square feet of required planting area. • Ground cover, flowering plants or sod in the remaining planting area

2. The following modifications are allowed upon approval from the planning and growth management director or other designee:
 - i. Foundation planting strips may be located away from buildings to avoid conflicts with architectural features (e.g., roof overhangs), drive-ways, and vehicular areas serving drive-up windows.
 - ii. The depth of foundation planting strips may be modified if the overall minimum area covered by the foundation plantings proposed meets or exceeds the area encompassed by the required foundation planting area.

(d) *Increased foundation plantings for "blank facade" building faces.* As referenced in the architectural/building standards section of this plan, "blank facade" building faces that are unarticulated are allowed if foundation plantings are provided as specified above with a 100% increase (doubling) in required plant material quantities (as specified above).

(e) *Increased canopy tree size.* All canopy trees required under normal landscaping and buffering requirements and special Riverfront corridor plan requirements for projects within the corridor shall have a minimum height of 12 feet and minimum spread of six feet at time of planting. Palm tree clusters may be used as canopy trees as specified in the landscape ordinance. However, such palm trees shall have a minimum clear trunk height of 12 feet.

(f) *Other requirements.* For parcels east of Indian River Drive, the landscape plan shall include a description of the existing and proposed shoreline and wetland vegetation.

(g) *Native plants for the sebastian riverfront district.* Native plants can help to preserve and foster the feeling of an "Old Florida Fishing Village". These plants are well-adapted to Florida life and, properly sited, thrive with minimal irrigation, fertilization, and pest control. The Association of Florida Native Nurseries can assist with availability information. The following plants are encouraged in the Riverfront District.

Canopy Trees

Red maple	Acer rubrum
Paurotis palm	Acoelorrhaphe wrightii
Southern red cedar	Juniperus silicicola
Southern magnolia	Magnolia grandiflora
Red mulberry	Morus rubra
Redbay	Persea borbonia
Sand pine	Pinus clausa
South Florida slash pine	Pinus elliotti var. densa
Live oak	Quercus virginiana
Sabal palm	Sabal palmetto
Cypress	Taxodium sp.
Hercules club	Zanthoxylum clava-herculis

Understory trees

Tough bumelia	Bumelia tenax
Buttonwood	Conocarpus erectus
Coralbean	Erythrina herbacea
Florida privet	Forestiera segregata
Dahoon holly	Ilex cassine
Black ironwood	Krugiodendron ferreum
Simpsons stopper	Myrcianthes fragrans simpsoni
Wax myrtle	Myrica cerifera
Sand live oak	Quercus geminata

Shrubs/hedges

Beautyberry	Callicarpa americana
Jamaica caper	Capparis cynophallophora
Fiddlewood	Citharexylum fruiticosum
Seagrape	Coccoloba uvifera
Varnish leaf	Dodonaea viscosa
Firebush	Hammelia patens
Florida privet	Forestiera segregata
Yaupon holly	Ilex vomitoria
Simpsons stopper	Myrcianthes fragrans simpsoni
Wild coffee	Psychotria nervosa
Needle palm	Rhapidophyllum hystrix
Saw palmetto	Serenoa repens
Necklace pod	Sophora tomentosa
Walters viburnum	Viburnum obovatum
Spanish bayonet	Yucca aloifolia

Canopy Trees

Ground covers

Beach bean	Canavalia rosea
Golden creeper	Ernodea littoralis
Yellowtop	Flaveria linearis
Blanket flower	Gaillardia pulchella
Beach dune sunflower	Helianthus debilis
Spider lily	Hymenocallis latifolia
Dwarf yaupon holly	Ilex vomitoria var Schellings
Beach morning glory	Ipomoea pes-capre
Beach elder	Iva imbricata
Coral honeysuckle	Lonicera sempervirens
Muhly grass	Muhlenbergia capillaris
Boston fern	Neprolepsis biserrata
Wild petunia	Ruellia caroliniensis
Red sage	Salvia coccinea
Spiderwort	Tradescantia ohiensis
Coontie	Zamia pumila

Along the shoreline

Giant leather fern	Acrostichum danaeifolium
Black mangrove	Avicennia germinans
Sea-oxeye daisy	Borrichia frutescens
Railroad vine	Ipomoea pes-capre
White mangrove	Laguncularia racemosa
Christmas berry	Lycium carolinianum
Red mangrove	Rhizophora mangle
Cordgrass	Spartina sp.

(h) *Approval for changes of landscape plan required:* Any change of a landscape plan in the Riverfront District, originally required to comply with these landscape requirements, shall require review and approval by the growth management department. Such changes shall include, but not be limited to, changes of plant material, height, location, colors, or hardscape materials. Routine maintenance and replacement of materials which does not affect the approved landscape plan shall be exempt from this paragraph.

Sec. 54-4-21.A.8. Sign regulations.

(a) *Scope:* These special regulations consist of additional requirements above and beyond the city's sign ordinance and shall supersede any less restrictive provisions found in the sign ordinance. All signage shall comply with the requirements of the sign ordinance except as modified by these special sign regulations. All signs within the district are intended to be consistent with and further the "Old Florida Fishing Village" theme.

(b) *Prohibited signs.* The provisions stated herein are in addition to prohibitions listed in article XVI, Signage and Advertising. The following are prohibited:

- (1) Lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color, except for time-temperature-date signs. Public signs permitted pursuant to article XVI, Signage and Advertising provisions, are excluded from this prohibition and are allowed.
- (2) Electronic message boards and message centers, electronic adjustable alternation displays, or any sign that automatically displays words, numerals, and or characters in a programmed manner. Traffic regulatory and directional signs permitted pursuant to article XVI, Signage and Advertising provisions, are excluded from this prohibition and are allowed.
- (3) Portable or trailer style changeable copy signs, excepting approved special event signs.
- (4) Signs with the optical illusions of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- (5) Strings of light bulbs used on nonresidential structures for commercial purposes, other than traditional holiday decorations at the appropriate time of the year.
- (6) Signs that emit audible sound, odor, or visible matter, such as smoke or steam.
- (7) Neon lighting, fiber optics or similar systems, which exceed six square feet in area, and where the neon tube, fiber optic or similar system is visible from the outside is prohibited. Neon lighting, fiber optics and similar systems shall not be used for outlining the building including the windows.
- (8) Rough plywood used for permanent signs.
- (9) Any material used in such a manner for a permanent sign that results in a sign having a semblance to the look of a temporary sign but intended by the owner to be permanent.
- (10) Installation of an additional sign (or signs) that does not harmonize with the design or materials of the initial sign, such as:
 - a. Attachment or mounting of signs where mounting hardware is left exposed.
 - b. Signs with different color cabinets, frames, or structure.
- (11) Appliques or letters of vinyl and similar materials for use on any permanent monument sign. They are also prohibited for use on any permanent wall or facade signs that exceed three square feet. Window signs as allowed in this article are excluded from this prohibition. Regardless of size, appliques or vinyl letters are prohibited for use on plastic sign faces.
- (12) Changeable copy signs for office, industrial, commercial and residential uses, unless such sign is incorporated within the allowable monument sign area.

(c) *Items that are encouraged:*

- (1) Attractive and durable materials such as the following are consistent with the "Old Florida Fishing Village" theme and are encouraged:
 - a. Shaped and fashioned "wood look" multi-level signs are encouraged (i.e.: sand blasted or carved). Low maintenance, durable materials such as high density polyurethane, PVC, and high performance vinyl are encouraged and preferred over actual wood or medium density overlay (MDO) plywood.
 - b. Internally illuminated aluminum cabinet with textured finish, and cut-out inset or push through acrylic letters.
 - c. Backlit reverse pan channel letters (opaque faced) mounted on sign that is harmonious with the project's architecture.
- (2) Encourage consistency in materials and continuity of the sign design for a permanent sign.
- (3) Signage that relates to the building's style of architecture and materials is encouraged.

(d) *Modifications of sign regulations.*

- (1) Maximum copy area: Reduce to 50% of what is allowed in article XVI, Signage.
- (2) Required setbacks from property lines or right-of-way: No change.
- (3) Distance separating signs: No change.

(e) *Colors:*

- (1) The following colors are encouraged for signage:
 - a. Use of earth-tone colors and pastels.
 - b. Darker backgrounds with light color sign copy.
 - c. Use of colors that match or are compatible with the project's architecture.
 - d. Colors such as medium or dark bronze are acceptable and encouraged. Polished or weathered true bronze, brass, or copper metal finished are acceptable and encouraged. Precious metal colors are allowed on sand blasted or carved "wood look" style signs.
- (2) The following colors are prohibited for signage:
 - a. The use of shiny or bright metallic or mill finish colors (i.e.: gold, silver, bronze, chrome, aluminum, stainless steel, etc.).
 - b. The use of garish colors (including but not limited to: purple, chartreuse and/or fluorescent colors), unless such colors are part of a state or federal registered trademark.

(f) *Approval for change of sign design required:* Any exterior change of signage in the Riverfront District, originally required to comply with this sign ordinance, shall require review and approval by the community development department. Such changes shall include, but not

be limited to, changes of: sign area (square footage), sign copy area (square footage), sign copy (this does not apply to "changeable copy" signage), height, shape, style, location, colors, materials, or method of illumination. Routine maintenance and replacement of materials which does not affect the approved design shall be exempt from this paragraph.

(g) *Special provisions.*

- (1) Multi-tenant spaces: Multi-tenant spaces such as shopping centers, out parcels, commercial complexes and parks, and office complexes and parks will be required to submit to the growth management department a sign program for review and approval. This sign program shall communicate the coordination and consistency of design, colors, materials, illumination, and locations of signage. In multi-tenant spaces where no established pattern exists as described above, the owner of the multi-tenant spaces shall be required to submit a sign program for approval prior to issuance of any new sign permits.
- (2) Wall signage:
 - a. The maximum vertical dimension of a facade or wall sign shall not exceed 25% of the building height, not to exceed four feet.
 - b. Awnings with lettering shall be considered a wall sign. Where lettering is used on an awning, the area of lettering shall be included in the percentage limitation of a project's sign area.
 - c. Wall signs (facade signs) are prohibited on roofs.
- (3) Changeable copy signs: Changeable copy signs shall be regulated under the following guidelines.
 - a. Changeable copy signs shall not comprise more than 50% of the permitted sign area and shall be included as part of the permitted sign area, except as described herein below.
 - b. Motor vehicle service stations and convenience stores with gas pumps may utilize up to 100% of permitted sign area for changeable prices of gasolines only (or as regulated by federal law).
 - c. Movie theaters may utilize up to 80% of permitted sign area for display of names of films, plays or other performances currently showing. Such changeable copy areas shall be included as part of the permitted sign area.
- (4) Illumination: All external flood sign illumination shall be mounted at grade, directly in front of the sign area. Light source shall be completely shielded from oncoming motorist's view.
- (5) Nonconforming signs: It is the intent of this section to allow nonconforming signs permitted before the adoption of this code to continue until they are no longer used, or become hazardous, but not to encourage their survival. Such signs are hereby declared to be incompatible with the overall intent of this section.
 - a. Removal of nonconforming signs: All nonconforming signs, except as provided for herein, shall be removed.

- b. Continuation of nonconforming signs: A nonconforming sign may be continued, subject to the following provisions:
 - 1. A nonconforming sign shall not be enlarged or increased in any way from its lawful size at the time of the adoption of this code.
 - 2. Nonconforming signs or nonconforming sign structures that are defined as abandoned signs shall not be permitted for reuse.
 - 3. Except as otherwise provided herein, there may be a change of tenancy or ownership of a nonconforming sign, without the loss of nonconforming status, if the property is not abandoned.
- c. Repairs, maintenance, and improvements: Normal repairs, maintenance, and improvements may be made.
- d. Reconstruction: If any nonconforming sign is destroyed by fire, flood, explosion, collapse, wind, or other catastrophe, it shall not be used or reconstructed except in full conformity with the provisions of these special regulations.
- e. Casual, temporary, or illegal use: The casual, temporary, or illegal use of any sign shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such use.

Sec. 54-4-21.A.9. Nonconformities.

Within the Riverfront Overlay District, legally established existing development and uses that do not comply with these special regulations are grandfathered-in. All nonconforming uses and structures are governed by article VIII. In addition, within the Riverfront District, the following nonconformities regulations shall apply:

- (a) *Nonconforming property*: It is the intent of this chapter to allow nonconforming properties to continue, but also encourage their conformity to what extent is possible considering the existing site conditions and characteristics." A "compatible property" shall be considered in compliance with the intent of the Riverfront District special regulations.
- (b) *Continuance of nonconforming property*: A nonconforming property may be continued, subject to the following provisions:
 - (1) Use of nonconforming structures abandoned for a period of six or more consecutive months located on a nonconforming property shall not be permitted until the property is brought into compliance with the requirements of a compatible property.
 - (2) Except as otherwise provided herein, there may be a change of tenancy or ownership of a nonconforming property, without the loss of nonconforming status, if use of the nonconforming structures is not abandoned for a period of six or more consecutive months.

- (3) Colors of a structure located on a nonconforming property shall not be changed from those existing at the time of the adoption of these special regulations, unless the new, to-be-painted colors comply with the Riverfront District special color regulations.
- (4) Projects on nonconforming properties requiring a building permit (excluding permits for roofs or minor repairs) shall be required to bring the property into compliance as a "compatible property."
- (5) A structure located on a nonconforming property shall not be enlarged or increased in any way from its lawful size at the time of the adoption of these special regulations. Where such changes are made, a building permit and compliance with the requirements of a "compatible property" are required for the enlargement or addition.

end DIVISION B. CR512 OVERLAY DISTRICT REGULATIONS

Sec. 54-4-21.B.1. Intent.

As a significant business and residential center and a major entranceway into the City of Sebastian, the corridor will have an attractive, well maintained, orderly and uncluttered appearance. The corridor will be characterized by impressive vegetation and landscaping; complementary buildings and signs with enhanced designs and aesthetic appearances; and a safe transportation system that accommodates mass transit, pedestrians, bicycles, and other transportation alternatives, as well as automobiles.

Sec. 54-4-21.B.2. Boundaries of the CR 512 Corridor.

The boundaries of the CR 512 Overlay District shall include all the properties which abut CR 512 and that are located within the city limits of the City of Sebastian. If any additional segments of CR 512 are subsequently duly annexed into the city, land development along the said newly annexed segment shall be consistent with the city's land development code, including this article. In the CR 512 Overlay District, the following special regulations and exemptions shall apply to new development and redevelopment.

Sec. 54-4-21.B.3. Architectural/building standards.

- (a) *Prohibited architectural styles.* The following are prohibited:
- (1) Corporate signature or commercial prototype architecture, unless such is consistent with these special corridor requirements. Examples of such prohibited architecture include flat roofed convenience stores, gas stations, and canopies for gas stations, car washes, and drive through facilities.
 - (2) Any kitsch architecture (such as a building that does not resemble a typical structure), including structures or elements that resemble an exaggerated plant, fish, edible food, or other such items such as giant oranges, ice cream cones, dinosaurs.