

ORDINANCE NO. 2025-27

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING REGULATIONS AND USE STANDARDS RELATED TO ACCESSORY DWELLINGS IN THE RURAL ESTATE USE (REU) ZONING DISTRICT; MAKING FINDINGS; AMENDING APPENDIX B OF THE CITY CODE, ENTITLED "ZONING"; AMENDING ARTICLE V, DISTRICT REGULATIONS; AMENDING ARTICLE VI, USE STANDARDS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE. (FOC2025-0002/ TEXT2025-0010)

WHEREAS, Rural Estate Use (REU) zoning is a rural residential district that also allows single-family residential uses with a minimum lot size of one acre; and

WHEREAS, mobile homes are not currently permitted within the REU zoning district; and

WHEREAS, at its January 28, 2025 meeting, City Council adopted Ordinance No. 2025-05 to allow a mobile home as a permitted accessory dwelling in the Agricultural Estate Use (AEU) zoning district, subject to the use standards for accessory dwellings located in Appendix B, Article VI, Section 1(A); and

WHEREAS, at its April 8, 2025 meeting, staff was directed by City Council to draft changes to allow a mobile home as an accessory dwelling in the REU zoning district; and

WHEREAS, the proposed ordinance would make the same allowance within the REU zoning district, including a minimum acreage requirement of at least 2.5 acres; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed this ordinance at its meeting on May 1, 2025, conducted a public hearing with regard to this ordinance, and found same to be consistent with the City of Melbourne Comprehensive Plan; and

WHEREAS, the City Council hereby adopts the findings of the Planning and Zoning Board as its own and finds this ordinance to be in the promotion of the public health, safety, welfare, morals, public order and aesthetics of the community and the region.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That the foregoing recitals are hereby incorporated herein as findings supporting adoption of this ordinance.

SECTION 2. That Appendix B of the City Code of Melbourne, Florida, is hereby amended to read as follows:

## **APPENDIX B. ZONING**

\* \* \* \*

### **ARTICLE V. DISTRICT REGULATIONS**

\* \* \* \*

Sec. 2. District use and dimensional standards.

\* \* \* \*

(F) *Standards for REU – Rural Real Estate Use, Single-Family Residential District.*

\* \* \* \*

(2) *Accessory used and structures.*

\* \* \* \*

(h) Dwellings, accessory, including mobile homes/manufactured homes. subject to the standards of article VI, section 1(A).

\* \* \* \*

### **ARTICLE VI. USE STANDARDS**

\* \* \* \*

Sec. 1. Residential uses.

(A) Accessory dwellings.

\* \* \* \*

(2) *Design standards for single-family dwelling properties located with in R-A, R-1AAA, R-1AA, R-1A, R-1B, R-2, R-3, REU, R-P, C-1A and C-1 zoning districts, and the*

CB-OZ or Eau Gallie art overlay zone (with one exception of C-E zoning, which is described in subsection (4) below).

\* \* \* \*

(b) *Requirements.* All accessory dwelling units must meet the following:

\* \* \* \*

2. Property size. Single-family properties must meet the following property size requirements to be permitted an accessory dwelling unit:
  - i. R-A, R-1AAA, R-1AA, R-1A, R-1B, R-2, R-3, R-1B, R-P, C-1A and C-1 zoning districts: minimum lot area of 14,520 square feet.
  - ii. ~~REU zoning~~, CB-OZ and Eau Gallie art overlay zone: No minimum.
  - iii. REU zoning district: No minimum, except that an accessory mobile home/manufactured home requires a minimum of 2.5 acres.

\* \* \* \*

(d) *Detached accessory dwelling units.* Detached accessory dwelling units must meet the following:

1. Setbacks.
  - i. For accessory dwellings 600 square feet or less, the structure must be located behind the principal dwelling and shall meet accessory structure setbacks defined in article VII, section 1.
  - ii. For accessory dwellings greater than 600 square feet, the structure shall meet principal structure setbacks defined in article V, section 2(D).
  - iii. Accessory mobile home/manufactured homes in the REU zoning district must meet the following setbacks:
    - a. Front: 50 feet;
    - b. Side corner: 50 feet;
    - c. Side interior: 30 feet; and
    - d. Rear: 40 feet.

\* \* \* \*

3. Character. The design, character, color and treatment of the detached accessory dwelling unit, including an accessory mobile home/manufactured home in the REU zoning district, should be as close as reasonably possible to those of the principal dwelling.

\* \* \* \*

#### SECTION 4. Severability and Interpretation.

(a) That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, illegal or otherwise void by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, or other declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (\* \* \* \*) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 5. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 6. That this ordinance was passed on first reading at a regular meeting of the City Council on the 27<sup>th</sup> day of May, 2025, and adopted on the second and final reading at a regular meeting of the City Council on the 10<sup>th</sup> day of June, 2025.

BY: \_\_\_\_\_  
David Neuman, Vice Mayor

ATTEST: \_\_\_\_\_  
Kevin McKeown, City Clerk

[CITY SEAL]

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