millman
NATIONAL LAND SERVICES

Zoning Compliance Report

6058 SISSON RD.
TITUSVILLE, Brevard, FL
MSI#: 40062
MZ#: 15085
Site Name: Store #: 414 Location #: 40367

Written:
May 25, 2017

Revised:
N/A

Prepared for:

7-Eleven; and,
Stewart Title Company

millman
NATIONAL LAND SERVICES

The following Zoning Compliance Report was prepared by:

Brandynne Gillium, National Planning & Zoning Analyst

If you have any questions, comments, or revisions regarding this report
Please contact me at Zoning@millmanland.com or 234-380-8619

Other Planning and Zoning Services and Quote Requests
http://www.millmanland.com/integrated-services/zoning
Call us at 1-800-520-1010

For New Orders
http://www.millmanland.com
Call us at 1-800-520-1010

MZ 15085	Current Requirements Per Zoning Regulations CC Community Commercial District
Building Set-Back:	
Front	25 feet, plus 1 foot for each foot of building height over 35 feet
Side	15 feet (corner), plus 1 foot for every 2 feet of building height over 35 feet 10 feet (interior), plus 1 foot for every 2 feet of building height over 35 feet 25 feet (gasoline pumps, tanks, vents, pump island, and pump island canopies)
Rear	25 feet, plus 1 foot for every 2 feet of building height over 35 feet
Lot Dimensions:	
Minimum Lot Size	10,000 sq. ft. (Minimum 7,500 sq. ft. for properties in the Low Intensity Commercial or Downtown Mixed Use future land use designations.)
Minimum Lot Width	100 feet (Must have frontage on a collector or higher classification thoroughfare.) (Minimum 75 feet in the Low Intensity Commercial or Downtown Mixed Use future land use designations.)
Lot Coverage	30%
Building Height	None
Parking	N/A For any use not listed in the table, the number of parking spaces may be determined by a parking analysis using ITE parking generation rates, other data and the Urban Land Institute. The Administrator must approve all parking studies prior to acceptance. 1/250 sf

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1. Summary of Zoning Requirements

1.1 Property Address & Jurisdiction Information

Property Address: 6058 Sisson Road, Titusville, Florida

Property Size: 53,660 square feet / 1.2319 acres

County: County of Brevard, Florida

Jurisdiction: City of Titusville, Florida

1.2 Zoning Classification and Permitted Uses

Current Use: Gas Station

Zoning Classification: CC Community Commercial District

The current use of the property is: Permitted per Conditional Use Permit, per Zoning Verification Letter* and Subject to Limitations, §28-54 with Approved Site Plan
*A convenience store with retail gasoline sales requires a conditional use permit.
Verbal confirmation by Trevor Traphagen, Senior Planner, City of Titusville, Community Development Department

Adjacent Property Zoning Classification:

North: CC Community Commercial District
East: CC Community Commercial District
South: County Jurisdiction
West: CC Community Commercial District

Information provided by: Brad Parrish, AICP, Planning Manager, City of Titusville, Community Development Department

1.3 Zoning and Building Violations

There are no open code violations associated with the property.

Information provided by: Brad Parrish, AICP, Planning Manager, City of Titusville, Community Development Department

1.4 Special Permitting, Conditions, Variances, Ordinances

There are no special permits, conditions, variances, or ordinances associated with the property.

Information provided by: Brad Parrish, AICP, Planning Manager, City of Titusville, Community Development Department

1.5 Existing Requirements and Conditions

	Code Reference	Current Requirements Per Zoning Regulations	Existing Conditions Per Survey Millman Surveying Inc.	Conformance of as-built conditions with current regulations
Building Set-Back:				
Front	§28-314(c)	25 feet, plus 1 foot for each foot of building height over 35 feet	129.6 feet from Sisson Road (confirmed with surveyor)	**Conforming**
Side	§28-314(c) §28-168(c)(1)(a)	15 feet (corner), plus 1 foot for every 2 feet of building height over 35 feet 10 feet (interior), plus 1 foot for every 2 feet of building height over 35 feet 25 feet (gasoline pumps, tanks, vents, pump island, and pump island canopies)	105.9 feet from Columbia Boulevard 42.3 feet from Northern lot line 33.4 feet from Columbia Boulevard (confirmed with surveyor) 163.9 feet from Northern lot line (confirmed with surveyor)	**Conforming**
Rear	§28-314(c)	25 feet, plus 1 foot for every 2 feet of building height over 35 feet	25.4 feet from Western lot line	**Conforming**
Lot Dimensions:				
Minimum Lot Size	§28-314(c)	10,000 sq. ft. (Minimum 7,500 sq. ft. for properties in the Low Intensity Commercial or Downtown Mixed Use future land use designations.)	53,660 sq. ft. / 1.2319 acres	**Conforming**
Minimum Lot Width	§28-314(c)	100 feet (Must have frontage on a collector or higher classification thoroughfare.) (Minimum 75 feet in the Low Intensity Commercial or Downtown Mixed Use future land use designations.)	Greater than 100 feet	**Conforming**
Lot Coverage	§28-314(c)	30%	4,900 sf / 53,660 sf 9%	**Conforming**
Building Height	§28-314(c)	None	14 feet / 1 story	**Conforming**
Parking	Table 9.16.4	N/A	19 Standard Spaces	**Conforming**

	§9.16.5 Per Site Plan	For any use not listed in the table, the number of parking spaces may be determined by a parking analysis using ITE parking generation rates, other data and the Urban Land Institute. The Administrator must approve all parking studies prior to acceptance. 1/250 sf 4,900 sf / 250 sf 20 Minimum Total parking spaces for use	<u>1 Handicapped Space</u> 20 Total Parking Spaces	

1.6 Conformance Statement

The subject property substantially conforms to the standards and requirements of the CC Community Commercial District; therefore, the subject property is considered legally conforming.

Nonconforming Characteristics:

Not applicable

1.7 Rebuildability

A structure not in conformance with these regulations shall not be rebuilt or repaired after damage exceeding 50% of the assessed value of the structure on the date of the damage, as determined and maintained by the Brevard County Property Appraiser's Office.

1.8 Property Condemnation:

Currently, there are no plans for road construction that would result in condemnation or taking of the right-of-way from the subject property. There is a project for the addition of a left turn lane taking place near the property, but it will not take any right-of-way from the property.

Information provided by: J. Todd Helton, P.E., Consultant Project Management, FDOT

For purposes of this report, Millman Zoning, LLC has relied on information provided by the following:

Municipal Officials:

Department: Community Development Department
Name & Title: Trevor Traphagen, Senior Planner
Phone: 321-567-3779

Department: Community Development Department
Name & Title: Brad Parrish, AICP, Planning Manager
Phone: 321-567-3778

Department: FDOT
Name & Title: J. Todd Helton, P.E., Consultant Project Management
Phone: 386-943-5207

Survey: Millman Surveying Inc.
MSI Site No. 40062
May 10, 2017

Millman Zoning, LLC has obtained the information contained herein from the government official and independent land surveyors stated above. Millman Zoning, LLC has no knowledge or belief that this information cannot be relied upon; however it cannot guarantee its accuracy.

The information contained in this Report is a matter of public record. Millman Zoning, LLC makes no independent representations, recommendations or interpretations of law.

2. Legal Description

Schedule A 40062

PARCEL A

A parcel of land lying in the Southwest 1/4 a of Section 34, Township 22 South, Range 35 East, Brevard County, Florida, being more particularly described as follows: Commencing at the Southeast corner of the Southwest 1/4 of said Section 34, and run North 0° 7' 25" East, along the East line of said Southwest 1/4 and along the East line of the property conveyed to McDonnell Aircraft Corporation by deed recorded in Official Records Book 900, Page 413, Public Records of Brevard County, Florida, a distance of 697.31 feet to the centerline of State Road No. 405, thence North 73° 42' 12" West along said centerline, a distance of 1,356.07 feet, thence run North 16° 17' 48" East, 82.46 feet to the point of a curve to the right having a radius of 875 feet; thence continue along said curve through a central angle of 1° 9' 22", and an arc length of 17.65 feet to the point of beginning, said point of beginning, being the point of intersection of the West right of way line Sisson Road, as recorded in Official Records Book 1080, Page 69, of said Public Records, and the North right of way line of said Slate Road No. 405; thence run North 73° 42' 12" West, along the said North right of way line, a distance of 200 feet; thence North 16° 17' 48" East, 200 feet; thence run South 73° 42' 12" East, 226.97 feet to a point on a curve, having a radius of 875 feet, said convex curve being the said West right of way line of Sisson Road; thence southwesterly along said West right of way line, and convex curve, through a central angle of 13° 14' 42", an arc distance of 202.27 feet to the Point of Beginning.

Together with an easement for ingress and egress being more particularly described as follows:

Begin at the Southwest corner of the above described tract and run North 73° 42' 12" West, 30° 67' 38", 38.42 feet: thence run South 16° 17' 48" West 24 feet to the Point of Beginning.

PARCEL B

A parcel of land lying in Section 34, Township 22 South, Range 3 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 34, and run North 00° 01' 56" East, along West line of sad Section 34, a distance of 1565.21 feet to a point on the North right of way line of State Road No. 405 (a 200 foot right of way); thence South 73° 49' 45" East, a distance of 1223.02 feet to the Southwest corner of lands per Official Records Book 1120, Page 14, thence North 16° 10' 15" East, along the West line of said lands, a distance of 200.0 feet to the Northwest corner of sad lands, the Point of Beginning; thence continue North 16° 10' 15" East, a distance of 50.00 feet; thence South 73° 49' 45" East, parallel with said North right of way line of State Road No. 405, a distance of 241.78 feet to a point on the Westerly right of way line of Sisson Road, said point being on an 875.0 foot radius curve to the lef t; thence Southwesterly, along the arc of said curve and along said right of way line, thru a central angle of 03° 24' 30" a distance of 52.05 feet to the Northeast corner of said lands per Official Records Book 1120, Page 14; thence North 73° 49' 45" West, along the North line of said lands, a distance 227.34 feet to the Point of Beginning.

3. Municipal Documents

City of Titusville

"Gateway to Nature and Space"

555 SOUTH WASHINGTON AVENUE
TITUSVILLE, FLORIDA 32796-3584
POST OFFICE BOX 2806 (32781-2806)

Community Development Department
(321)-567-3778
Fax (321)-383-5700
www.titusville.com

May 9, 2017

Millman Planning and Zoning
30650 Pinetree Road – Suite 14
Pepper Pike, Ohio 44124

Re: Zoning Verification Request for 6058 Sisson Road, Titusville, FL

Dear Sir or Madam:

Per your request for a zoning verification for property at 6058 Sisson Road, Titusville, having Brevard County Property Appraiser Parcel ID: 22-35-34-00-503, please see the information below:

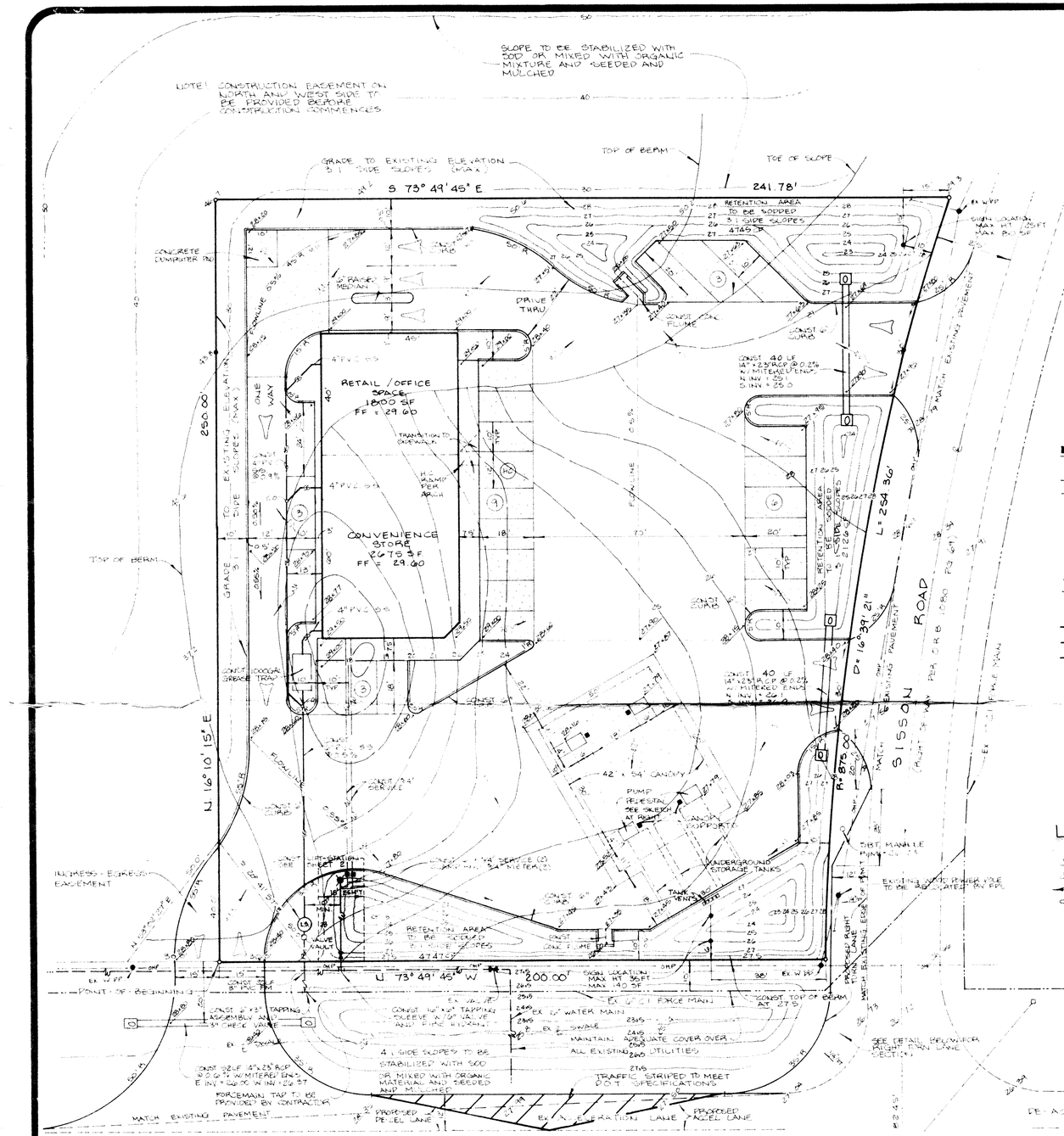
1. The property is zoned Community Commercial (CC).
2. The surrounding zoning is:
    a. North - Community Commercial (CC)
    b. East - Community Commercial (CC)
    c. South – County Jurisdiction
    d. West - Community Commercial (CC)
3. Research did not reveal any variances, special exceptions, conditional use permits or zoning relief. As a conditional use permit is required for a convenience store (with or without gas pumps) in the CC zoning classification, any expansion or rebuilding of the property would require a conditional use permit.
4. Research did not reveal any open zoning or building violations.
5. The property is not part of a PUD. A copy of the approved site plan is attached.
6. A copy of the Certificate of Occupancy is not available.
7. The subject property fronts SR405, which is an FDOT owned and maintained roadway, and Sisson Road, which is a Brevard County owned and maintained roadway; therefore, plans for road construction or other actions should be obtained from the Florida Department of Transportation and Brevard County.

If you have any further questions, you can contact the Planning Department at (321) 567-3778.

Sincerely,

Brad Parrish, AICP
Planning Manager

Attachment (1)



N

DESCRIPTION AS FURNISHED:

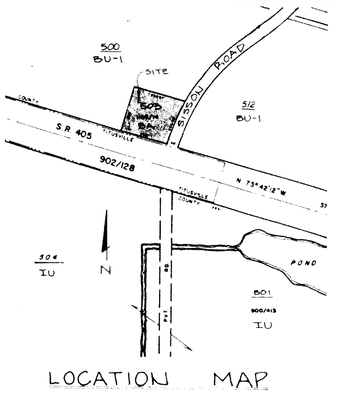
A parcel of land lying in Section 34, Township 22 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 34 and run N.00°01'56"E., along the West line of said Section, a distance of 1565.21 feet to a point on the North right of way of State Road No. 405 (a 200 foot right of way); thence S.73°49'45"E., along said North right of way line, a distance of 1223.02 feet to the Point of Beginning; thence N.16°10'15"E., perpendicular to said right of way line and along the West line of lands per O.R. 1120, Page 14, a distance of 250.0 feet; thence S.73°49'45"E., parallel with said right of way line, a distance of 241.78 feet to a point on the Westerly right of way line of Sisson Road (a 50 foot right of way), said point being on an 875.0 foot radius curve to the left; thence Southwesterly, along the arc of said curve and along said right-of-way line, thru a central angle of 16°39'21" a distance of 254.36 feet to an intersection with said North right of way line of State Road No. 405; thence N.73°49'45"W., along said North right of way line, a distance of 200.0 feet to the Point of Beginning; containing 1.23 acres.

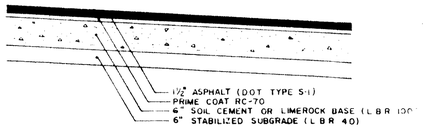
Subject to and together with an Ingress-Egress easement being more particularly described as follows:

From the Point of Beginning of the above described parcel, run N.73°49'45"W., along said North right of way line, a distance of 30.0 feet; thence N.53°02'27"E., 50.0 feet to a point on said West line of lands per O.R. 1120, Page 14; thence S.20°41'57"E., 50.0 feet to a point on said North right of way line; thence N.73°49'45"W., along said right of way line, 30.0 feet to the Point of Beginning.

Subject to all other easements and rights of way of record.

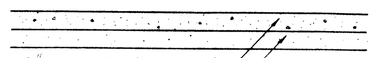


LOCATION MAP
N.T.S.


1½" ASPHALT (DOT TYPE S-1)
PRIME COAT RC-70
6" SOIL CEMENT OR LIMEROCK BASE (LBR 100)
6" STABILIZED SUBGRADE (LBR 40)

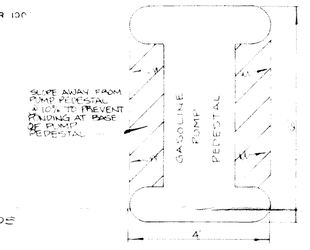
TYPICAL ASPHALT PAVEMENT SECTION

- OR -


6" CONCRETE (3000 P.S.I.)
6" STABILIZED SUBGRADE (LBR 40 98% MAX. DENSITY)

CONCRETE PAVEMENT TO CONFORM WITH STANDARDS AND RECOMMENDATIONS SET FORTH BY THE FLORIDA CONCRETE PROMOTIONAL COUNCIL.

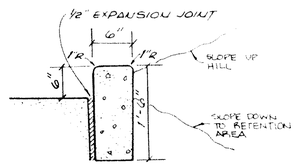
CONC. PAVEMENT SECTION



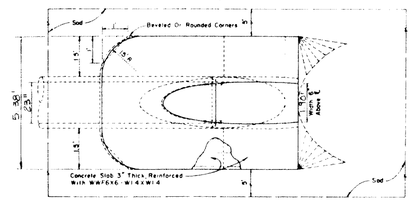
PUMP PEDESTAL SKETCH
PUMP PEDESTAL TO BE DESIGNED BY OTHERS

LEGEND

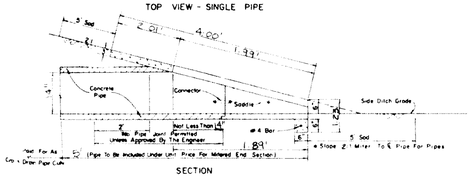
27.0	EXISTING ELEVATION
27.0	PROPOSED ELEVATION
	DRAINAGE FLOW
	TRAFFIC FLOW
PP	POWER POLE
	EASEMENT TO BE PROVIDED



CONC. CURB DETAIL

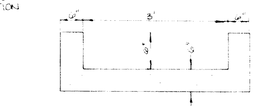


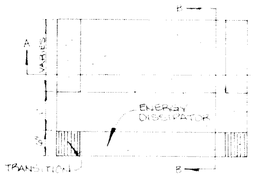
TOP VIEW - SINGLE PIPE

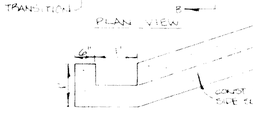


SECTION

MITERED END DETAIL

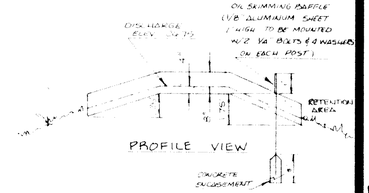

SECTION A-A

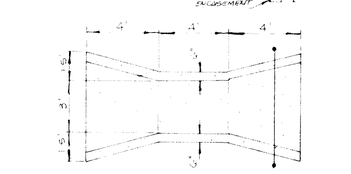




SECTION B-B

CONC. FLUME DETAIL





CONC. OVERFLOW STRUCTURE
N.I.C.

GENERAL NOTES

OWNER: B & W SIMPKINS / F.A. SHERIFF - TRUSTEES
P.O. BOX 730
COCOA, FL 32926
(407) 636-1993
GENERAL STATEMENT: A PORTION OF THE STRUCTURE IS TO BE USED AS A CONVENIENCE STORE WITH SELF SERVICE GAS PUMPS. THE STORE AREA TO BE ENLARGED AT A LATER DATE WITH AN ADDITION. THE ADDITION WILL BE LOCATED ADJACENT TO AND WITHIN THE EXISTING BUILDING AREA. A PORTION OF THE EXISTING STRUCTURE IS TO BE USED AS RETAIL / OFFICE SPACE.
ZONING: BU-1
SITE AREA: 53,600 SF OR 1.23 ACRES
PERCENT COVERED BY STRUCTURE: 8.3%
PERCENT IMPERVIOUS: 74.4%
TOTAL PAVED AREA: 24,750 SF + 1800 SF = 44,550 SF
PARKING REQ'D: 1 SPACE / 250 SF = 44,550 / 250 = 178 SPACES
PARKING PROVIDED: 24 SPACES (INCLUDES 1 HANDICAP SPACE)
RETENTION REQUIRED: 53,600 SF x ½ FT = 44,550 CF
RETENTION PROVIDED: 116,180 CF

NOTE! A 15 FT EASEMENT OVER THE 24" R.C.C. WATERLINE IS TO BE DEDICATED TO THE CITY OF TITUSVILLE UTILITIES DEPARTMENT

CONSTRUCTION NOTES

CONTRACTOR TO VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION
ALL UTILITIES TO BE CONSTRUCTED IN ACCORDANCE WITH CITY OF TITUSVILLE SPECIFICATIONS
ALL PARKING LINES TO BE TRAFFIC STRIPED
ALL LANDSCAPED AREAS TO BE SODDED
GREASE TRAP TO MEET BREVARD COUNTY HEALTH DEPARTMENT SPECIFICATIONS

100 PARNELL STREET, MERRITT ISLAND, FLA.
PH. NO. 305 453-0010, ZIP CODE 32953
600 SOUTH HOPKINS AVENUE, TITUSVILLE, FLA.
PH. NO. 305 268-4717, ZIP CODE 32796
BUSSEN ENGINEERING GROUP INC.

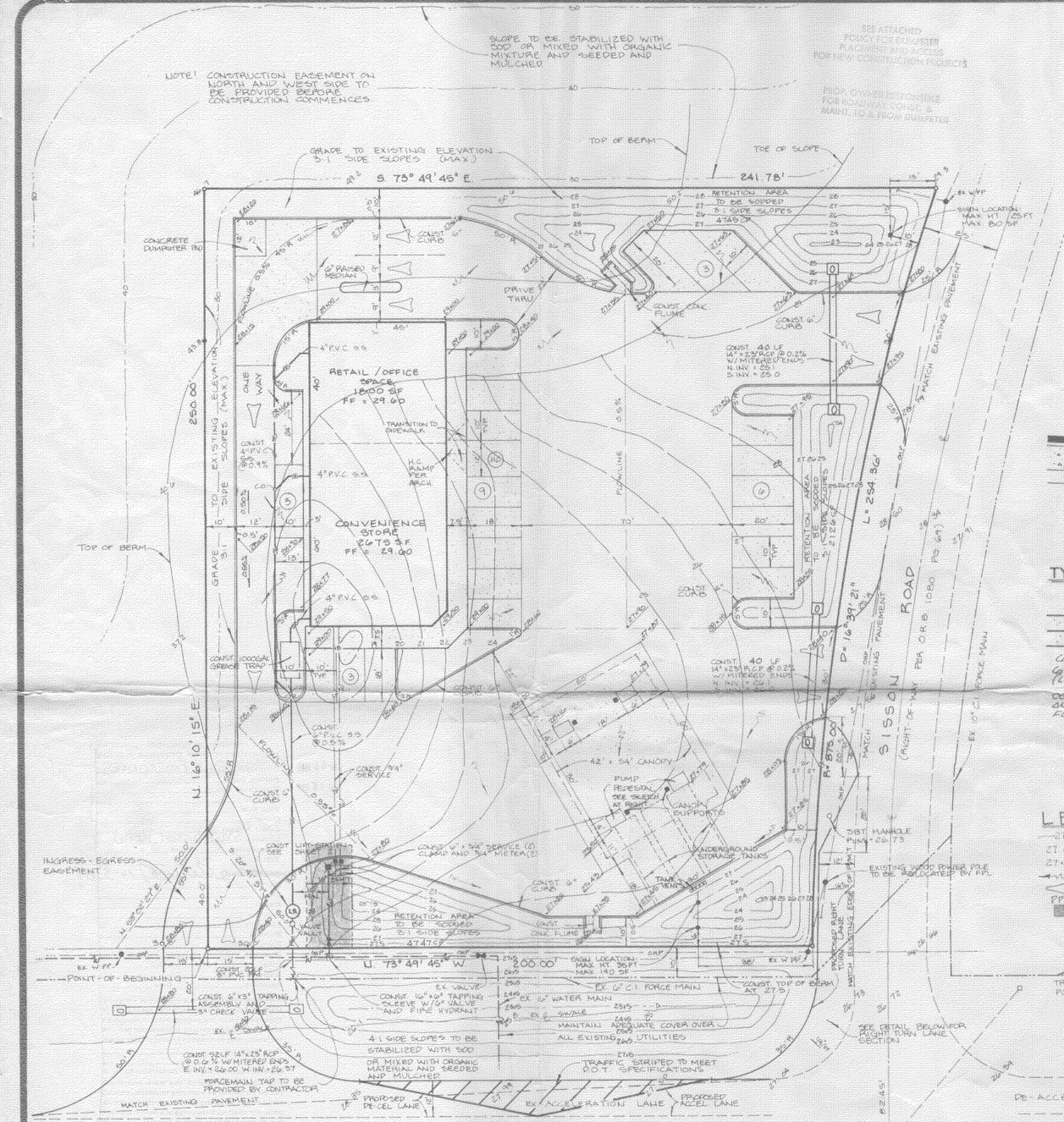
SITE PLAN
FOR
STEP SAVER #15
TITUSVILLE FLORIDA

Sec. 34 Twp. 22 S Rg. 35 E.
Scale: 1" = 20' Drn. By: KF Sheet 1
Date: 5/23/85 Job No.: 474-A
9/5/85
DAVID R. MCCOY P.E. No. 31140 3

Rev.	
Rev.	
Rev.	
Rev.	
Rev.	

SEP 03 1985

SHATZER SERVICE & SUPPLY, INC.



N

DESCRIPTION AS FURNISHED:

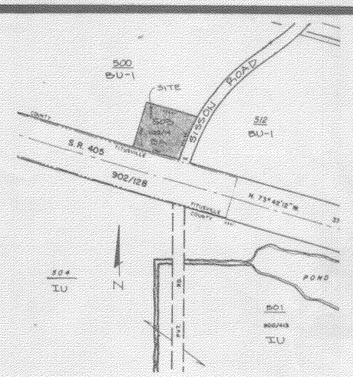
A parcel of land lying in Section 34, Township 22 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 34 and run N.00°01'56"E., along the West line of said Section, a distance of 1565.21 feet to a point on the North right of way of State Road No. 405 (a 200 foot right of way); thence S.73°49'45"E., along said North right of way line, a distance of 1223.02 feet to the Point of Beginning; thence N.16°10'15"E., perpendicular to said right of way line and along the West line of lands per O.R. 1120, Page 14, a distance of 250.0 feet; thence S.73°49'45"E., parallel with said right of way line, a distance of 241.78 feet to a point on the Westerly right of way line of Sisson Road (a 50 foot right of way), said point being on an 875.0 foot radius curve to the left; thence Southwesterly, along the arc of said curve and along said right-of-way line, thru a central angle of 16°39'21" a distance of 254.36 feet to an intersection with said North right of way line of State Road No. 405; thence N.73°49'45"W., along said North right of way line, a distance of 200.0 feet to the Point of Beginning; containing 1.23 acres.

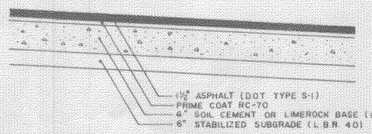
Subject to and together with an Ingress-Egress easement being more particularly described as follows:

From the Point of Beginning of the above described parcel, run N.73°49'45"W., along said North right of way line, a distance of 30.0 feet; thence N.53°02'27"E., 50.0 feet to a point on said West line of lands per O.R. 1120, Page 14; thence S.20°41'57"E., 50.0 feet to a point on said North right of way line; thence N.73°49'45"W., along said right of way line, 30.0 feet to the Point of Beginning.

Subject to all other easements and rights of way of record.

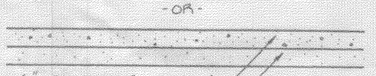


LOCATION MAP
N.T.S.



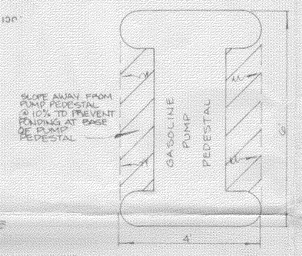
TYPICAL ASPHALT PAVEMENT SECTION

-OR-



CONCRETE PAVEMENT TO CONFORM WITH STANDARDS AND RECOMMENDATIONS SET FORTH BY THE FLORIDA CONCRETE PROMOTIONAL COUNCIL.

CONC. PAVEMENT SECTION



PUMP PEDESTAL SKETCH
PUMP PEDESTAL TO BE DESIGNED BY OTHERS

GENERAL NOTES

OWNER: B.W. SIMPKINS / F.A. SHERIFF (TRUSTEES)
P.O. BOX 730
COCOA, FL 32926
(305) 636-9393

GENERAL STATEMENT: A PORTION OF THE STRUCTURE IS TO BE USED AS A CONVENIENCE STORE WITH SELF-SERVE GAS PUMPS. THE STORE SELLS PREPAKED FOODS WITH NO SEATING ACCOMMODATIONS. ANOTHER PORTION OF THE STRUCTURE IS TO BE USED AS RETAIL / OFFICE SPACE.

ZONING: BA
SITE AREA: 53626 SF OR 1.23 ACRES
PERCENT COVERED BY STRUCTURE: 8.5%
PERCENT IMPERVIOUS: 74.4%
TOTAL FLOOR AREA: 2675 SF + 1800 SF = 4475 SF
PARKING REQUIRED: 1 SPACE / 250 SF = 4475 / 250 = 18 SPACES
PARKING PROPOSED: 24 SPACES (INCLUDES 1 HANDICAP SPACE)
RETENTION REQUIRED: 53626 SF x ½ FT = 4472 CF
RETENTION PROPOSED: 11618 CF

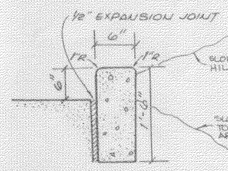
NOTE! A 15 FT. EASEMENT OVER THE 6" P.V.C. WATERLINE IS TO BE DEDICATED TO THE CITY OF TITUSVILLE UTILITIES DEPARTMENT.

CONSTRUCTION NOTES

CONTRACTOR TO VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
ALL UTILITIES TO BE CONSTRUCTED IN ACCORDANCE WITH CITY OF TITUSVILLE SPECIFICATIONS
ALL PARKING SPACES TO BE TRAFFIC STRIPED
ALL LANDSCAPED AREAS TO BE SODDED
GREASE TRAP TO MEET BREVARD COUNTY HEALTH DEPARTMENT SPECIFICATIONS.

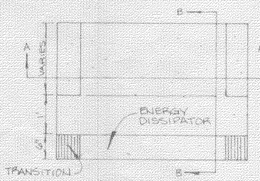
LEGEND

-27-	CONTOUR
27.00	EXISTING ELEVATION
27.00	PROPOSED ELEVATION
	DRAINAGE FLOW
	TRAFFIC FLOW
PP	POWER POLE
	EASEMENT TO BE PROVIDED



CONC. CURB DETAIL

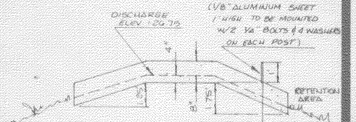
SECTION A-A



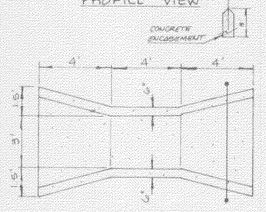
PLAN VIEW

SECTION B-B

CONC. FLUME DETAIL

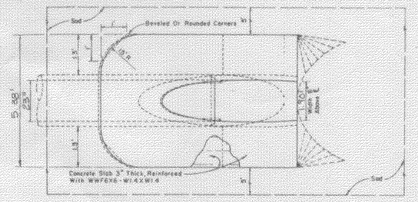


PROFILE VIEW

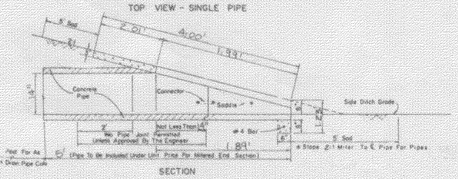


PLAN VIEW

CONC. OVERFLOW STRUCTURE
N.T.S.

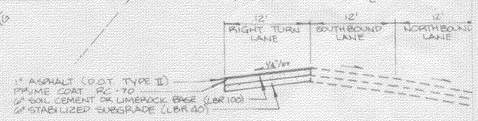


TOP VIEW - SINGLE PIPE



SECTION

MITERED END DETAIL



RIGHT TURN LANE SECTION

100 PARNELL STREET, MERRITT ISLAND, FLA.
PH. NO. (305) 453-0010, ZIP CODE 32953
600 SOUTH HOPKINS AVENUE, TITUSVILLE, FLA.
PH. NO. (305) 268-4717 ZIP CODE 32796
BUSSEN ENGINEERING GROUP INC.

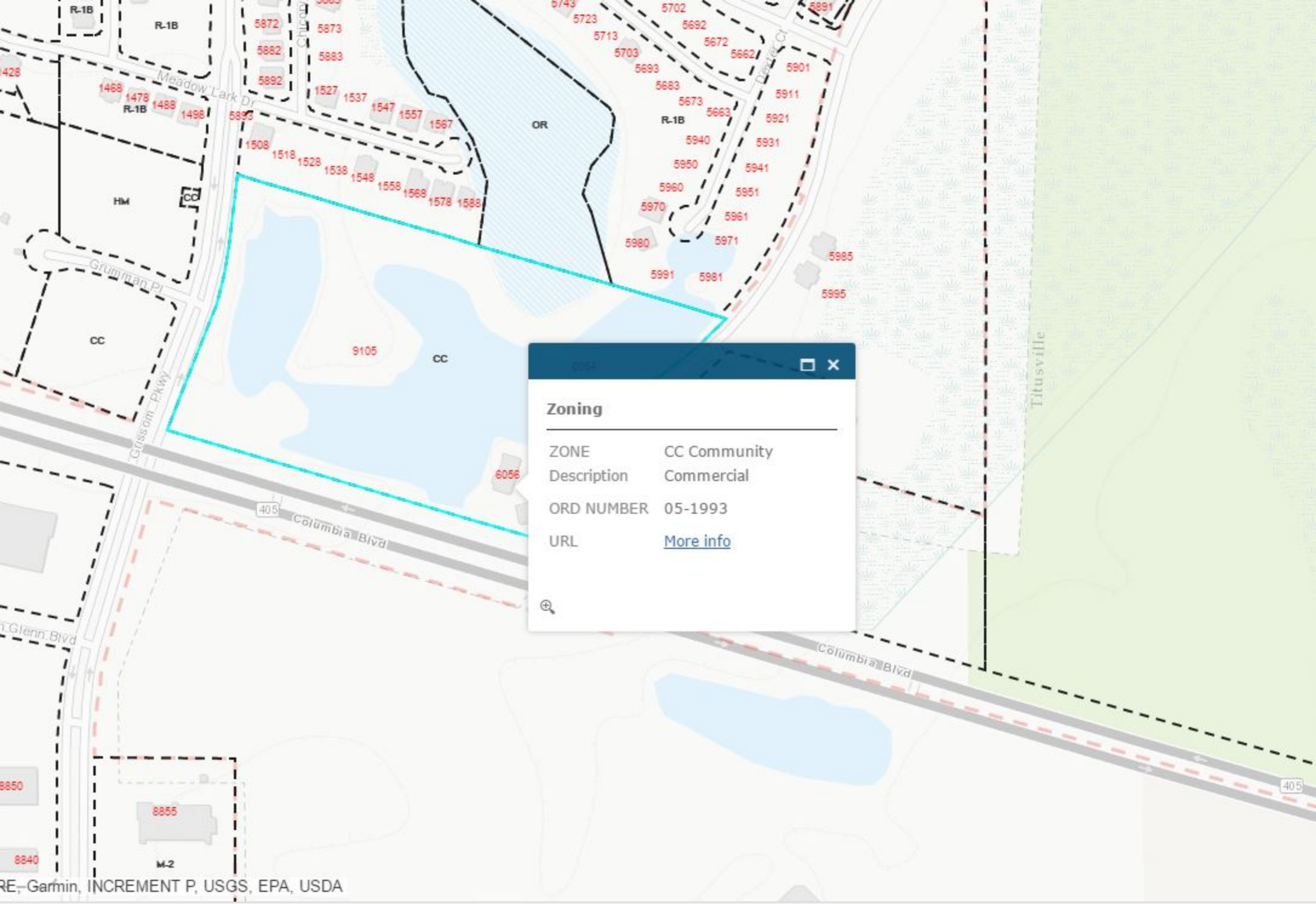
SITE PLAN
FOR
STEP SAVER #15
TITUSVILLE FLORIDA

Sec. 34 Twp. 22 S. Rg. 35 E.
Scale: 1" = 30' Drn. By: KF
Date: 5/18/85 Job No.: 474-A
Sheets 1 / 3
P.E. No. 31140

Rev.	
Rev.	6-5-85 GRADES
Rev.	7-10-85 SKIMMER / PARKING
Rev.	8-1-85 RETENTION / OVERFLOW
Rev.	8-24-85 D.O.T. R/W / RIGHT TURN

REV. (1, 2, 3, 4) BY: CRM, LCM

STATLER SERVICES SUPPLY, INC.
SEP 03 1985



Zoning-Map 190 F....pdf

4. Certificates of Occupancy

Millman National Land Services
Zoning and Planning Department

Subject: Certificate of Occupancy

Prior Certificates of Occupancy/Completion are no longer available due to records retention policies, construction predating Certificate of Occupancy/Completion requirements, or some other mitigating factor. Generally, the absence of a Certificate of Occupancy does not give rise as an actionable violation.

Kindest Regards,

Brandynne Gillium
National Planning & Zoning Analyst
Millman National Land Services
30650 Pinetree Road, Suite 14
Pepper Pike, OH 44124
Ph: (234) 380-8619
Fax: (330) 342-0834

5. Zoning Ordinance/ Land Development Code

City of Titusville, Florida Code of Ordinance, Volume II Land Development Regulations, Chapter 27 General Provisions

ARTICLE I. – PREFACE

Sec. 27-1. - Short title.

This ordinance shall be known as the "Land Development Regulations" or the "LDR's" of the City of Titusville.

Sec. 27-2. - Authority.

(a) These land development regulations are adopted pursuant to the provisions of the Constitution of the State of Florida and Chapters 163 and 166 of the Florida Statutes and pursuant to the Charter of the City of Titusville.

(b) Whenever any provision of this Ordinance refers to or cites a section of the Florida Statutes and that section is later amended or superseded, this ordinance shall be deemed amended and refer to the amended section or the section that superseded the original section.

Sec. 27-3. - Jurisdiction.

(a) These regulations are applicable within the corporate limits and planning jurisdiction of the City of Titusville, as generally shown on the Future Land Use Map (FLUM) adopted as part of the Comprehensive Plan of the City of Titusville, as most recently amended. A copy of the FLUM is available for public inspection in the Community Development Department located in City Hall.

(b) These regulations shall be applicable to all development within the City of Titusville. These regulations shall apply to all applications submitted to the City by an applicant pursuant to securing approval of any development order within the corporate limits as now and hereafter established by the City of Titusville, Florida, which shall include, but not be limited to, industrial parks, planned developments, subdivisions, mobile home parks, travel trailer parks, townhouses, multifamily or motel hotel units, or any other development projects of any kind and nature whatsoever, except those that are specifically excluded herein from any or part of these regulations.

Sec. 27-4. - Miscellaneous.

(a) As used in this ordinance, words denoting the masculine gender include the feminine and neuter.

(b) Words used in the singular in this ordinance include the plural and words used in the plural include the singular.

Sec. 27-5. - Remedies.

Any person found to have violated any provision of this Code may:

(a) Be punished as provided in Section 1-8 of the Code of Ordinances (original volume).

(b) Be prosecuted before the Code Enforcement Board (see Chapter 31, Article 5 of these regulations).

(c) Be enjoined by the City from violating these regulations.

(d) Be denied future permits until Code compliance is achieved by the violator.

(e) Be denied a certificate of occupancy or permit reasonably related to the violation.

(f) Be issued a citation by the Code Enforcement Officer (see Chapter 34, Article VI).

The above remedies are in the alternative and the City Manager through his Code Enforcement Officer shall have the authority to determine which remedy or remedies shall be pursued by the City. In the event litigation is filed by the City against said violator, the City shall be entitled to assess its reasonable attorney's fees and costs against said violator.

Secs 27-6 – 27-10. – Reserved.

6. Applicable Zoning District

(7) Sales and/or service of Household Appliances, Gasoline-Powered Mowers, Garden Tillers, Outboard Engines, Motor Scooters, Motor Bikes, or Motorcycles

(8) Outdoor Sales Display or Storage of Merchandise

(j) Additional uses may be prohibited on property within any overlay district. Overlay districts are established in Chapter 29 of these regulations.

Sec. 28-53. – Use Table Key.

(a) In the event of a conflict between the use table contained in Sec. 28-54 and any other use table listed in Article V – Zoning Use Standards, the use table contained in Sec. 28-54 shall prevail.

(b) Types of Use.

(1) Uses Permitted By Right "P". A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of these regulations.

(2) Uses Permitted with Limitations "L". An "L" indicates a use that will be permitted subject to the use limitations in Chapter 28, Article V – Zoning Use Standards). Such uses are subject to all other applicable requirements of these regulations.

(3) Conditional Use "C". A "C" indicates a use that is allowed only where approved as a Conditional Use by the City Council and require public hearings. Such uses are subject to the use limitations in Chapter 28, Article V – Zoning Use Standards) and all other applicable requirements of these regulations.

(c) Uses Not Allowed. A blank cell in the use table indicates that a use is not allowed in the respective district.

(d) Standards. The "Standards" column on the use table is a cross-reference to any limited or conditional use standards in Chapter 28, Article V - Zoning Use Standards. All uses are also required to comply with the appropriate dimensional standards in Chapter 28, Article VI – Zoning District Standards.

SEC. 28-54 USE TABLE

	Agriculture and Public			Residential Districts										Commercial Districts						Ind
Permitted Principal Uses	GU	OR	P	RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP	HM	T	NC	CC	RC	OP	M-1
	Key: P = Permitted L = Permitted subject to limitations C = Conditional Blank Cell = Use Prohibited																			
Agricultural Uses																				
Agricultural pursuits	L																			
Horse boarding	L																			
Processing, packaging, and sale of agricultural products and commodities produced on-site	P																			
Residential																				
Additional Residential Density																				
Assisted living facility (ALF)									L	L				L						
Live/work unit																				
Manufactured housing											P	P								
Multifamily dwellings (Duplex, Triplex, Quadplex, Etc.)									P	P										
Neighborhood group home				P	P	P	P	P	P	P	P	P								
Patio homes																				
Residential/professional use				C	C	C	C	C	C	C										
Residential treatment facilities										C				C						
Single-family dwellings (detached)	L	C		P	P	P	P	P					P						P	
Townhomes									L	L										
Commercial																				
Advertising agency																P	P	P	P	
Animal kennel	P														L	C	L	L	C	
Animal shelter	P															C	C	L	C	C
Arcade Amusement Center																		C		
Art, crafts, and hobby shop																P	P	P		
Art studio																P	P	P	P	
Automobile repair																	P	P		P
Automobile sales																	P	P		
Bakery, retail																P	P	P		
Barber/Beauty Shop/Salon															P	P	P	P	P	
Bed and breakfast inns	L	L		L	L	L	L	L	L	L										
Billboard (Principal Use)	L														L		L	L		L
Billiards/pool hall																	C	C		
Boat sales																	P	P		
Boosk store																P	P	P		
Buildings over sixty (60) feet in height																				
Car rental agencies															P		P	P		
Car wash															L		L	L		L
Ceramic shop																P	P	P		
Child care facility	C			C	C	C	C	C	C	C	C	C				L	L	L	L	
Clothing and shoe stores																P	P	P		
Convenience store (without Retail Gasoline Sales)															C	C	C	L		
Copy center															P	P	P	P	P	
Crematory services														C			C	C		C
Delicatessens															P	P	P	P		
Docks (Principal Use)																				
Drinking establishments (Bar, Tavern, Lounge)															P		P	P		
Dry cleaner															P		P	P		P
Electronic gaming establishment																		C		
Emergency clinics														P	P	P	P	P		
Farmers market/food stand																				
Financial institutions (Bank)															P	P	P	P	P	
Fitness center														C		C	P	P	C	
Florists																P	P	P		
Funeral home (without crematory)														P			P	P	P	
Furniture store																P	P	P		
Gift shops															P	P	P	P		
Graphic printing and copying services																	P	P		P
Grocery store																P	P	P		
Hardware store																P	P	P		
Hospitals														P						
Hotel /Motel															P					
Ice cream parlors															P	P	P	P		
Ice vending buildings																				L
Insurance office																P	P	P	P	
Jewelers																P	P	P		
Laboratory (Medical)														P						
Laundromat											P	P			P	P	P	P		
Legal office																P	P	P	P	
Liquor store																C	P	P		
Lumber and building supplies sales																		L		
Lumber yard																				
Marina and Yacht Basin															C					
Medical equipment and supplies sales														P			P	P		
Medical office/clinic														P		P	P	P	P	
Mobile vendor																	L	L		L
Movie theatre																		C		
Newsstands															P	P	P	P		
Off-street parking lots															P	C	C	C		
Open-air market																				

SEC. 28-54 USE TABLE

	Agriculture and Public			Residential Districts										Commercial Districts						Ind
Permitted Principal Uses	GU	OR	P	RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP	HM	T	NC	CC	RC	OP	M-1
	Key: P = Permitted L = Permitted subject to limitations C = Conditional Blank Cell = Use Prohibited																			
Outdoor storage															C	C				L
Package and parcel delivery services																				P
Pain management clinic/cash only pharmacy														C						
Parking structures																				
Passive commercial uses									C	C										
Personal services															P	P	P	P	P	
Pet grooming services																	P	P		
Pet stores																	P	P		
Pharmacies														P			P	P	L	
Photographic shops															P	P	P	P		
Postal and mailing services															P	P	P	P	P	
Printing and copying stores																P	P	P		
Private club				C	C	C	C	C	C	C	C	C			C	C	C	C	C	
Professional offices																P	P	P	P	
Radio and television sales																P	P	P		
Repair and service for small equipment items																		P		P
Restaurants															P	L	P	P		L
Retail gasoline sales															C	C	L	L		
Retail sales and service (See Sec. 28-51)																P	P	P		
Screen printing shops																P	P	P		P
Shoe repair															P	P	P	P		
Spa														C		C	P	P	C	
Sporting goods store																P	P	P		
Tailor services															P	P	P	P		
Temporary labor agency																				
Transient accomodations															C					
Travel agencies															P	P	P	P	P	
Travel trailer park												C			C					
Truck stop plaza															C			C		
Upholstery shops																	P	P		P
Veterinarian	P															L	L	L	L	P
Videogame arcades															P			C		
Industrial																				
Bakeries and confectioneries																				P
Bottling plants																				P
Building trades services																				P
Craft brewery/craft distillery																		P		P
Dry-cleaning plants																				P
Freight distribution																				P
Heavy industrial use																				
Heavy manufacturing																				
Laboratory (Research and Testing)														C						C
Light manufacturing																				L
Machine shop																				P
Mechanical service and repair																				P
Microbrewery																				
Mini-warehouse																		L		C
Plant nursery																				P
Production print shops, printing, engraving																				
Recycling and mulching/composting																				
Retail or wholesale sale of products manufactured on site																				L
Transportation facilities																				
Transmission tower																				C
Vehicle-for-Hire establishments																				P
Warehousing/wholesale																				L
Welding, metal working, fabrication																				P
Civic, Public and Institutional																				
Airpark			C	C	C	C	C	C	C	C	C	C								
Airports			C	C	C	C	C	C	C	C	C	C								
Ambulance service														P						
Art centers																P	P	P		
Cemeteries	P																			
Churches	C			C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	
College/university														P			P	P		
Community centers																				
Community service	P			C	C	C	C	C	C	C	C	C		P	P	L	L	L	C	
Convention center																				
Domestic violence shelter																				
Family day care homes				P	P	P	P	P	P	P	P	P								
Government facilities			P	C	C	C	C	C	C	C	C	C								
Heliports or landing pads																				
Incinerators			C																	
Landfill			C																	
Library			P	C	C	C	C	C	C	C	C	C								
Nursing homes, convalescent homes and extended care facilities									C	C				P						
Passenger terminal facilities																				
Performing arts theater																P	P	P		
Post office			P																	

SEC. 28-54 USE TABLE

	Agriculture and Public			Residential Districts										Commercial Districts						Ind	
Permitted Principal Uses	GU	OR	P	RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP	HM	T	NC	CC	RC	OP	M-1	
	Key: P = Permitted L = Permitted subject to limitations C = Conditional Blank Cell = Use Prohibited																				
Prison, detention facilities and work camps			C																		
Public utility		C	P																		
Recovery/halfway house																					
Schools (public or private)	C		L	C	C	C	C	C	C	C			C			C	C	C	C		
vocational school														L		L	L	L	L	L	
Recreation																					
Community gardens				L	L	L	L	L	L	L	L	L	L				L				
Golf course	P	P																			
Park (private)	P	P		P	P	P	P	P	P	P	P	P	C								
Parks (public or non-profit)	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	
Recreational and commercial amusement (indoor)																	C	C			
Recreational and commercial amusement (outdoor)															C		C	C			
Tennis clubs		P																			

Sec. 28-314. – Community Commercial (CC).

Sec. 28-314 - Community Commercial (CC)

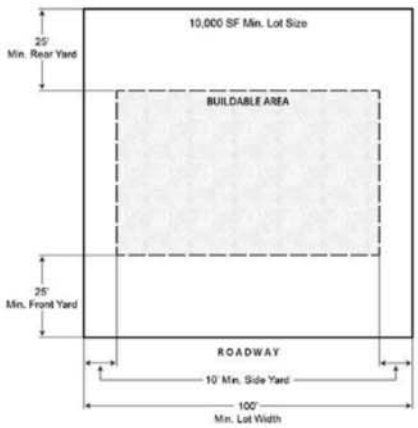
(a) Purpose

The Community Commercial (CC) district is established for general commercial activity. This district is designed to provide for a wide range of permitted uses and conditional uses that offer goods and services of both a convenience and desirable nature to shoppers. This district will serve a group of neighborhoods and larger trade areas. Development within this district requires larger land areas and is primarily located along arterial thoroughfares and major street intersections. It is not the intent of this district that it shall be used to encourage the extension of strip commercial areas and the development of intersections is preferable to linear development.

(b) Use Standards

See Chapter 28 – Article IV and Article V

Typical Lot Pattern

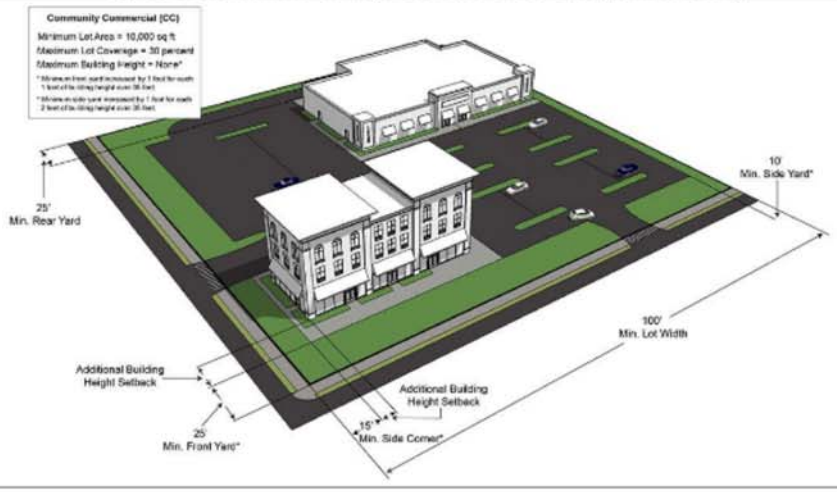


(c) Intensity and Dimensional Standards

Lot area, minimum (sq ft)	10,000[1]
Lot width, minimum (ft)	100[2,3]
Density, maximum (du/ac)	NA
Floor area per dwelling unit, minimum (sq ft)	NA
Building coverage, maximum (% of lot area)	30
Lot Coverage, maximum (% of lot area)	NA
Height, maximum (ft)	None
Front yard setback, minimum (ft)	25[4]
Side corner yard setback, minimum (ft)	15[5]
Interior side yard setback, minimum (ft)	10[5]
Rear yard setback, minimum (ft)	25[5]
Accessory Use Development Standards	See Chapter 28 – Article VII

NOTES: [1] Minimum seven-thousand five-hundred 7,500 square feet for properties the Low Intensity Commercial or Downtown Mixed Use future land use designations.
[2] Must have frontage on a collector or higher classification thoroughfare.
[3] Minimum seventy-five (75) feet in the Low Intensity Commercial or Downtown Mixed Use future land use designations.
[4] Plus one (1) foot for each foot of building height over thirty-five (35) feet.
[5] Plus one (1) foot for every two (2) feet of building height over thirty-five (35) feet.

Typical Development Configuration (For illustrative purposes only)



(c) Standards

(1) Reserved

Sec. 28-167. – Restaurants.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID
	P	L	P	P		L	L		L

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
			P	P	P	C	L	P		P	P	P		P	L	

(b) Definition

Restaurants: An establishment where food and beverages are ordered, prepared and served for pay.

(c) Standards for Permitted Uses with Limitations

(1) In the *Neighborhood Commercial (NC)* zoning district, the sale of distilled spirits shall be prohibited within restaurants.

(2) In the *Light Industrial Services and Warehousing (M-1)* and *Industrial (M-2)* zoning districts, Restaurants and Bars or Brewpubs is an accessory use with a craft brewery or craft distillery manufacturing use.

(3) In the *Planned Industrial Development (PID)* zoning district, restaurants must cater to commerce and industry.

(4) In the *Urban Mixed Use (UMU)* zoning district, Restaurants:

a. Shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

b. Shall only allow any outdoor seating to operate during the hours of 6:00 a.m. to 10:00 p.m.

c. Shall require a conditional use permit if alcohol consumption is being requested in conjunction with the restaurant.

(5) In the *Indian River City Neighborhood-Commercial (IRCN-C)* zoning district, any outdoor seating may only operate during the hours of 6:00 a.m. to 11:00 p.m. and shall not be located within 50 feet of a residential property line.

Sec. 28-168. – Retail Gasoline Sales.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID
	C	C	L	L					

GU	OR	DMU				UMU	SMU	P	RMU					UV	IRCN	
		D	U	M	C				100	200	300	400	500		C	R
		L	L	C	C					C	L	L			C	

(b) Reserved

(c) Standards for Permitted Uses with Limitations

(1) In the *Community Commercial (CC), Regional Commercial (RC), Downtown Mixed Use (DMU) Downtown and Uptown sub-districts,* and *Regional Mixed Use 300 and 400 sub-districts (RMU-300, RMU-400)* zoning districts, Retail Gasoline Sales:

a. Shall require all gasoline pumps, tanks, vents, pump islands, and pump island canopies to conform to setback requirements for the district except that no such pumps, tanks, vents, pump islands or pump island canopies shall be located closer than twenty-five (25) feet to any side property line.

b. Shall prohibit all outdoor display of merchandise.

c. Shall require off-street loading spaces which are provided for the delivery of materials, merchandise, fuel oils or any similar accessory or product to be located in such a manner on the site in order to completely separate these off-street loading areas from customer parking areas and access lanes and aisles thereto.

(2) In addition to the standards in (3)(a) above, retail gasoline sales in the *Downtown Mixed Use (DMU)* zoning district shall have all fuel pumps supported by a dedicated standby generator to ensure continuity of service after sever weather events, or acts of God, subject to approval by the City.

(d) Standards for Conditional Uses – these uses require public hearings

(1) In the *Tourist (T), Neighborhood Commercial (NC), Regional Mixed Use 200 sub-district (RMU-200)* and *Indian River City Neighborhood-Commercial (IRCN-C)* zoning districts, Retail Gasoline Sales shall be required to meet the standards in (3)(a) above, and may be approved by obtaining a conditional use permit.

(2) In the Downtown Mixed Use (DMU) Midtown and Civic Waterfront sub-districts, retail gasoline sales shall be required to meet the standards in (3)(a) and (3)(b) above, and may be approved by obtaining a conditional use permit.

Sec. 28-169. – Retail Sales and Service.

(a) Districts where permitted

RE	*RR*	*R-1A*	*R-1B*	*R-1C*	*R-2*	*R-3*	*RMH-1*	*RMH-2*	*RHP*

HM	*T*	*NC*	*CC*	*RC*	*OP*	*M-1*	*M-2*	*M-3*	*PID*
		P	P	P					

GU	*OR*	*DMU*				*UMU*	*SMU*	*P*	*RMU*					*UV*	*IRCN*	
		D	*U*	*M*	*C*				*100*	*200*	*300*	*400*	*500*		*C*	*R*
		P	P	P	P		P				C	P		P		

(b) Definition

Retail Sales and Service: Those business activities that customarily provide retail convenience goods. Such uses may include: department stores, variety stores, including retail pharmacies, however, excluding cash-only pharmacies, restaurants, delicatessens, cafeteria, grocery and markets, gift shops, wearing apparel, home and auto supply, furniture and appliances, hardware, package stores, cocktail lounges, taverns, newsstands, book and stationery stores, shoe repair shops, luggage shops, bakeries and candy shops (provided that products made on the premises are sold on the premises), camera and photo supply shops, radio and television sales and services, floor coverings, sporting goods, florists, jewelers, music and piano sales and services, art shops, pawnshops, electrical and lighting, laundry and dry cleaning pickup stations, coin-operated or self-

service laundry, farm and garden supplies excluding farm machinery and equipment, pet shops, and similar uses.

(c) Standards for Permitted Uses with Limitations

a. Reserved

Sec. 28-170. – Screen Printing Shops.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID
		P	P	P		P	P	P	P

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
			P	P	P		L				P	P	P	P	L	

(b) Reserved

(c) Standards for Permitted Uses with Limitations

(1) In the *Urban Mixed Use (UMU)* zoning district, Screen Printing Shops:

a. Shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

b. Shall have buildings and/or lease space/unit gross floor area be less than 3,000 square feet.

(2) In the *Indian River City Neighborhood-Commercial (IRCN-C)* zoning district, Screen Printing Shops shall have buildings and/or lease space/unit gross floor area less than 3,000 square feet.

Sec. 28-171. – Shoe Repair.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID
	P	P	P	P					

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
			P	P	P					P	P	P		P		

(b) Reserved

(c) Standards

(1) Reserved

Sec. 28-172. – Spa.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP

ARTICLE VII. – ACCESSORY USE TABLE

The following regulations apply only to those uses that are accessory in nature to the principal use of a property.

Sec. 28-341. – Use Table Key.

(a) In the event of a conflict between the use table contained in Sec. 28-342 and any other use table listed in Article VII – Accessory Use Standards, the use table contained in Sec. 28-342 shall prevail.

(b) Types of Use.

(1) Accessory Uses Permitted By Right "P". A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of these regulations.

(2) Accessory Uses Permitted with Limitations "L". An "L" indicates a use that will be permitted subject to the use limitations in Ch. 28, Article VII (Accessory Use Standards). Such uses are subject to all other applicable requirements of these regulations.

(3) Accessory Conditional Use "C". A "C" indicates a use that is allowed only where approved as a Conditional Use by the City Council and require public hearings. Such uses are subject to the use limitations in Ch. 28, Article VI (Accessory Use Standards) and all other applicable requirements of these regulations.

(4) Temporary Uses "T". A "T" indicates a use that is permitted on a temporary basis subject to the limitation in Ch. 28, Article VII (Accessory Use Standards). Such uses are subject to all other applicable requirements of these regulations.

(c) Uses Not Allowed. A blank cell in the use table indicates that a use is not allowed in the respective district.

(d) Standards. The "Standards" column on the use table is a cross-reference to any limited or temporary use standards in Ch. 28, Article VII (Accessory Use Standards). All accessory uses are also required to comply with the appropriate dimensional standards in Article VIII.

Sec. 28-242. – Accessory Use Table.

Sec. 28-343 – 28-350. – Reserved.

ACCESSORY USE TABLE

	Agriculture and Public			Residential Districts										Commercial Districts						Industrial Districts				Mixed Use												Standards
Permitted Principal Uses	GU	OR	P	RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP	HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID	DMU				UMU	SMU	RMU					UV	IRON	
	Key: P = Permitted Accessory Use L = Permitted Accessory Use with Limitations C = Conditional Accessory Use T = Temporary Use Blank Cell = Use Prohibited																							Downtown	Uptown	Midtown	Civic Waterfront			100	200	300	400	500		C	R	See Noted Section for Use Specific Standards
Accessory Uses																																					
Accessory Dwelling Unit	L	L		L	L	L	L	L					L						L					L	L	L		L	L		L					L	28-351
Arbor	L	L		L	L	L	L	L	L	L	L	L	L						L									L	L		L					L	28-352
Attached Screen Porch	L	L		L	L	L	L	L	L	L	L	L	L						L					L	L	L		L	L		L					L	28-353
Automated Teller Machine (ATM)														L	L	L	L	L	L					L	C	L	L	L	L			L			L		28-354
Automatic Vending and Transaction Machines														L	L	L	L	L	L					L	C	L	L	L	L			L			L		28-355
Clubhouse				L	L	L	L	L	L	L	L	L												L	L	L					L	L						28-356
Detached Accessory Building/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	28-357
Dock													P											P	P		P		P		P	P						28-358
Dormitory (as accessory to education use)														P			P	P											P				P					28-359
Home based business	L	L		L	L	L	L	L	L	L	L	L	L						L					L	L	L		L	L		L	L	L		L		L	28-360
Outdoor areas of seating																								L	L	L	L											28-361
Outdoor areas of seating with Entertainment																								C	C	C	C											28-362
Outdoor display of merchandise															L	L	L	L	L					L	C	L	L								L			28-363
Outdoor storage (as an accessory use)																							L															28-364
Parking or storage of motor vehicles, recreational vehicles, boats, airboats, or trailers in residential districts	L	L		L	L	L	L	L	L	L	L	L	L															L	L		L	L				L	28-365
Real Estate Office				T	T	T	T	T	T	T	T	T																									28-366
Recreation Court	P	P		P	P	P	P	P	P	P	P	P	P						P					P	P	P		P	P		P	P			P		P	28-367
Retail sales (as accessory use)														L						L	L	L	L															28-368
Security Dwelling Unit																				L	L	L	L															28-369
Screened enclosures with screened roof	P	P		P	P	P	P	P	P	P	P	P	P						P					P	P	P		P	P		P	P					P	28-370
Skateboard Ramp				L	L	L	L	L	L	L	L	L																										28-371
Swimming pool or spa or hot tub	P	P		P	P	P	P	P	P	P	P	P	P						P					P	P	P	P	P	P		P	P	P		P		P	28-372
Temporary Storage Units	T	T		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	28-373

ARTICLE VIII. – ACCESSORY USE STANDARDS

The following regulations apply only to those uses that are accessory in nature to the principal use of a property.

Sec. 28-351. – Accessory Dwelling Unit.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP
L	L	L	L	L					L

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID
					L				

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
L	L		L	L	L		L	L							L	L

(b) Definition

Accessory Dwelling Unit: An ancillary or secondary living unit to a single-family dwelling use that has a separate entrance, kitchen, bathroom, and sleeping area existing either within the same structure, or on the same lot, as the primary dwelling unit.

(c) Standards for Permitted Accessory Uses with Limitations

(1) In the *Residential Estate (RE), Rural Residential (RR), Single Family Low Density (R-1A), Single Family Medium Density (R-1B), Single Family High Density (R-1C), Residential Historic Properties (RHP), Office Professional (OP), General Use (GU), Open Space and Recreation (OR), Urban Mixed Use (UMU), Shoreline Mixed Use (SMU), and Indian River City Neighborhood-Residential (IRCN-R):*

a. An accessory dwelling unit shall be permitted only as accessory to, and on the same lot as, a single-family dwelling, and are not permitted as accessory to a two-family dwelling, multifamily dwelling, or mobile home dwelling.

b. Not more than one accessory dwelling unit per lot is permitted.

c. An accessory dwelling unit may be within or attached to the principal dwelling (e.g., a downstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse). An accessory dwelling unit attached to the principal dwelling shall have an operative interconnecting door with the principal dwelling, and shall have a principal access only from the side or rear yard of the principal dwelling.

d. The use of a mobile home, recreational vehicle, or a similar vehicle as an accessory dwelling unit is prohibited.

e. The floor area of an accessory dwelling unit shall not exceed twenty-five (25) percent of the entire floor area of the primary dwelling (exclusive of porches or basements) and shall be a minimum of four-hundred (400) square feet and a maximum of six-hundred (600) square feet in gross floor area.

f. The construction or addition of an accessory dwelling unit shall not cause the maximum lot coverage established by the zoning district to be exceeded.

g. At least one, but no more than two, off-street parking spaces shall be provided for an accessory dwelling unit (in addition to the off-street parking required for the principal use).

h. A Certificate of Occupancy shall be required for all accessory dwelling units.

i. The owner of the property shall reside in either the principal dwelling or the accessory dwelling unit.

(2) In the *Downtown Mixed Use (DMU)* zoning district, accessory dwelling units are limited to the upper floors of buildings.

(3) In the *Indian River City Neighborhood-Commercial (IRCN-C)* zoning district, accessory dwelling units:

a. Shall be limited to one ADU per commercial lot.

b. Shall have a minimum living area of six-hundred (600) square feet plus one-hundred (100) square feet per each additional bedroom.

c. Shall be one residential unit intended to be occupied by the owner or proprietor of the business, and shall not be rented or otherwise used as a separate dwelling, leased or otherwise made available for compensation of any kind.

d. Shall share a common wall (including the roof) of the commercial structure.

Sec. 28-352. – Arbor.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP
L	L	L	L	L	L	L	L	L	L

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID
					L				

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
L	L						L	L		L						L

(b) Reserved

(c) Standards for Permitted Accessory Uses with Limitations.

(1) In all zoning districts, arbors:

a. Shall not exceed one-hundred twenty (120) square feet.

b. Shall not exceed twelve (12) feet in height.

c. Shall be set back a minimum of five (5) feet from all property lines.

d. Shall not be located in the sight distance triangle.

e. Shall not be used for storage, including vehicular storage.

Sec. 28-353. – Attached Screen Porch.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP
L	L	L	L	L	L	L	L	L	L

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID
					L				

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
L	L						L	L		L						L

(b) Reserved

(c) Standards

(1) Reserved

Sec. 28-354. – Automated Teller Machine (ATM).

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID
L	L	L	L	L	L				

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
			L	C	L	L	L	L				L			L	

(b) Definition

Automated Teller Machine: An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

(c) Standards for Permitted Accessory Uses with Limitations.

(1) Placement must be outside required landscape islands and stormwater management systems.

(2) Anchoring to trees, traffic signs, fire hydrants, fire connectors, lift stations or other site infrastructure is prohibited.

(3) Dispensers and service machines placed in parking lots shall have a finished exterior of brick, stucco, stone, stained wood, or similar materials and shall not contain windmills, nor be shaped to resemble objects (animate and inanimate).

(4) A sloped roof with a peak or parapet roof is required to be affixed to dispensers placed in parking lots with shingle, tile or other roof material in accordance with Florida Building Codes.

(5) Advertising, other than signage with the logo and name of the item being dispensed or service provided, is prohibited.

(6) Parking for at least one space per each unmanned paid dispenser unit shall be provided unless otherwise specified in the Land Development Regulations. Required parking for the commercial accessory use cannot occupy required parking for the principal use.

Sec. 28-355. – Automatic Vending and Transaction Machines.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID
L	L	L	L	L	L				

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
			L	C	L	L	L	L				L			L	

(b) Definition

Detached Automatic Vending and Transaction Machines: Any unattended self-service device that, upon insertion of coin(s), token(s), or by similar means, dispenses any item or conducts a

transaction. These self-service devices may be attached, contained within, or adjacent to another structure or detached (freestanding and not adjacent to another building or structure).

(c) Standards for Permitted Accessory Uses with Limitations.

(1) Placement must be outside required landscape islands and stormwater management systems.

(2) Anchoring to trees, traffic signs, fire hydrants, fire connectors, lift stations or other site infrastructure is prohibited.

(3) Dispensers and service machines placed in parking lots shall have a finished exterior of brick, stucco, stone, stained wood, or similar materials and shall not contain windmills, nor be shaped to resemble objects (animate and inanimate).

(4) A sloped roof with a peak or parapet roof is required to be affixed to dispensers placed in parking lots with shingle, tile or other roof material in accordance with Florida Building Codes.

(5) Advertising, other than signage with the logo and name of the item being dispensed or service provided, is prohibited.

(6) Parking for at least one space per each unmanned paid dispenser unit shall be provided unless otherwise specified in the Land Development Regulations. Required parking for the commercial accessory use cannot occupy required parking for the principal use.

Sec. 28-356. – Clubhouse.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP
L	L	L	L	L	L	L	L	L	

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
	L		L	L	L					L	L					

(b) Definition

Clubhouse: A building or room used for social or recreational activities by members of a club (e.g. golf course clubhouse) or occupants of a residential or other development.

(c) Standards for Permitted Accessory Uses with Limitations.

(1) A clubhouse is allowed as an accessory use to a membership club or a multifamily development in any district in which those uses are permitted. They are also allowed as an accessory use to a residential subdivision development. Clubhouses:

a. Shall limit food and alcoholic beverages sales to members and their guests, and patrons actually using the club facilities.

b. Shall require a clubhouse, that is accessory to a residential subdivision or multifamily development, be proposed, reviewed, and developed in conjunction with the subdivision, or approved phase thereof.

Sec. 28-357. – Detached Accessory Building/Structure.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP
P	P	P	P	P	P	P	P	P	P

HM	T	NC	CC		RC		OP	M-1	M-2		M-3		PID		
P	P	P	P		P		P	P	P		P		P		
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P

(b) Definition

Detached Building/Structure: A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith. Examples of detached accessory building/structure are: a garage, shed, carport or similar detached accessory building/structure.

(c) Standards

(1) For all districts, a covered walkway open at least two (2) sides may be attached to the principal structure. The required separation shall be the distance measured between the vertical planes established from the eaves to the ground. Principal and accessory structures shall not be connected by any type of enclosed passageway or room addition unless all structures meet principal structure setbacks. If this walkway is enclosed between the accessory structure will be deemed attached to the principal structure and shall meet the minimum principal structure setbacks.

(2) Regulations for nonconforming detached metal carports are established in Sec. 34-315.

Sec. 28-358. – Dock.

(a) Districts where permitted

RE	RR	R-1A	R-1B		R-1C		R-2	R-3	RMH-1		RMH-2		RHP		
													P		
HM	T	NC	CC		RC		OP	M-1	M-2		M-3		PID		
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
			P	P		P		P	P	P						

(b) Definition

Dock: A structure consisting of a fixed or floating platform extending from the shore over the water.

(c) Standards

(1) Reserved

Sec. 28-359. – Dormitory (as an accessory to educational use).

(a) Districts where permitted

RE	RR	R-1A	R-1B		R-1C		R-2	R-3	RMH-1		RMH-2		RHP		
HM	T	NC	CC		RC		OP	M-1	M-2		M-3		PID		
P			P		P										
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
								P				P				

(b) Definition

Dormitory: A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution.

(c) Standards

(1) Reserved

Sec. 28-360. – Home Based Business.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP
L	L	L	L	L	L	L	L	L	L

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID
					L				

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
L	L		L	L	L		L	L		L	L	L		L		L

(b) Definition

Home Based Business: A work activity carried on for profit or for nonprofit purposes, where all or part of the activity takes place within a structure where the principal use is for residential purposes.

(c) Standards for Permitted Accessory Uses with Limitations.

(1) Home occupations shall only be permitted to exist in those particular instances whereby the residential character and integrity of the neighborhood are not disturbed. The occupational activity at the home shall not be noticeable. Home occupations which are characterized by a high intensity of use, only appropriate to a commercial zoning district, shall not be allowed as home occupations within residential districts.

(2) Home occupations shall be permitted for purposes of regulation and protection of residential neighborhoods. Home occupations which do not involve client business visits to the home shall be permitted. This type of home occupation is typified where business transactions with clients are conducted by telephone, mail or off the premises of the license holder.

(3) The following uses by the nature of the business investment and/or conduct or the environmental and social impacts, have a pronounced tendency to exceed the performance limits placed upon home occupations allowed under this section, and ultimately have a detrimental effect on the residential character of a neighborhood. Therefore, the uses listed below and others similar in nature shall not be permitted as home occupations when the specified activity is carried on at the home premises.

- Auto mechanical/body repairs, painting of vehicles, trailers or boats.
- Beauty salons and barber hair styling shops.
- Carpentry, cabinet makers, furniture refinishing or upholstery.
- Contractor's equipment storage yards.
- Escort services and massage parlors.
- Marijuana cultivation.
- Professional offices of medical doctors, dentists, chiropractors, ophthalmologists and optometrists and other health care professions.
- Restaurants and taverns.

- Retail/wholesale merchandising with in-person sales.
- Tow truck services.
- Veterinary uses.

In addition to these enumerated, any work activity held illegal by other applicable civil or criminal statutes shall be prohibited as a home occupation.

(4) Performance standards. In order for any home to be permitted or continue to be permitted, the following performance standards shall be agreed to in writing by the applicant and be maintained for the duration of the permit.

a. The home occupation shall be clearly incidental and subordinate to the residential use, and shall under no circumstances change the residential character of the dwelling unit.

b. Number of occupations. Multiple home occupational licenses may be permitted subject to the following restrictions:

1. All multiple licenses shall only be for residents of that dwelling unit

2. The total floor area for all licenses shall be subject to the requirements noted in Section 28-360(4)(d).

c. The home occupation shall be conducted at the permitted address only by residents of that dwelling unit.

d. The home occupation shall only be conducted within the living area of the dwelling unit and shall not occupy more than twenty-five (25) percent and up to a maximum of four hundred (400) square feet. The living area is that part of the dwelling unit which is enclosed and which is protected from the elements and heated, including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, unenclosed and unheated areas. In the event a residence has multiple licenses, the maximum floor area for all licenses shall not exceed the above noted maximum square footage.

e. No activity of a home occupation including the storage and outdoor storage or window display of merchandise is permitted.

f. There shall be no change in the outside appearance of the premises nor the installation of any sign to give indication that a home occupation is being conducted.

g. No supplies or equipment shall be used in the home occupation which create fire or explosion hazards, electrical interference, noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling unit or mobile home or residential coach. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

h. In the conduct of the home occupation, the use of commercial vehicles by the home occupation personnel shall be limited to no more than one (1) vehicle which shall be no greater in size than one (1) ton, and shall be parked in an adequate off-street parking area. No auxiliary equipment or trailers shall be stored on site unless they are enclosed in a garage or screened from view. In the event a residence has multiple licenses, the maximum number and size of commercial vehicles for all licenses shall not exceed the above noted requirements.

i. No advertising in the public media shall include the residential address of the home occupation. Telephone numbers may be included in such advertising.

(5) Through the conditional use permit process the City Council may modify the foregoing requirements of this section to accommodate the special needs of handicapped individuals

applying for home occupation permits, provided that the public welfare would not be adversely affected.

(6) A home occupation shall be subject to all applicable City occupational licenses and other permits and approvals as necessary.

Sec. 28-361. – Outdoor Areas of Seating.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP
HM	**T**	**NC**	**CC**	**RC**	**OP**	**M-1**	**M-2**	**M-3**	**PID**

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
			L	L	L	L										

(b) Reserved

(c) Standards for Accessory Uses Permitted with Limitations

(1) In the *Downtown Mixed Use (DMU)* zoning district, outdoor areas of seating:

a. Shall require a conditional use permit if music or other entertainment is proposed with the outdoor area of seating. The conditional use permit shall meet the same requirements as Outdoor areas of seating below.

b. Shall have outdoor food service and music or other entertainment terminate no later than 10:00 p.m. on weekdays (Monday – Thursday) and 11:00 p.m. on weekends (Friday – Sunday) when the outdoor area is located within fifty (50) feet of the Residential Historic Preservation zoning district.

c. Shall include the number of outdoor seats provided by a restaurant as part of the restaurant's total permitted seating allotment and shall be shown on an approved site plan and/or survey of the property with a drawing indicating the seating area and compliance with parking requirements and all other conditions of this Section.

d. Shall not cause a licensed restaurant's required parking to become inadequate.

e. Shall not encroach upon public rights-of-way, or public easements except public sidewalks, civic spaces or public plazas.

f. Shall be restricted to the sidewalk or building frontage of the subject licensed restaurant, the rear yard or a side yard if the side yard is abutted by a nonresidential use or zone unless otherwise specified in a binding development plan.

g. Shall be clearly delineated with planters, decorative fencing, and/or hedges to distinguish such area from the parking area serving the restaurant. When such seating areas are permitted to locate on elevated walkways, piers or docks, this condition does not apply.

h. Shall comply with all city performance standards.

i. Shall not encroach upon surface water/stormwater areas except as permitted by the City.

j. Shall maintain either a five-foot wide clear pedestrian path or fifty (50) percent of the sidewalk width, whichever is greater when outdoor seating is provided within a public or private sidewalk area. Such clear pedestrian paths shall be maintained at all times.

k. Shall not place tables and chairs within five (5) feet of bus stops, fire hydrants, aboveground public utilities, bike racks or any type of public street furniture.

l. Shall be maintained in a neat and orderly appearance at all times and must be cleared of all debris on a periodic basis during the day and at the close of each business day.

m. If found to be necessary for the protection of the health, safety and welfare of the public, the city manager or his/her designee may require the subject property to immediately remove or relocate all or part of the tables, chairs, etc. of the outdoor seating area.

n. Serving or consumption of alcoholic beverages within an outdoor seating area shall comply with the regulations of applicable government agencies.

o. Shall not allow advertising signs or business identification signs within the outside seating area unless permitted by the city sign regulations.

Sec. 28-362. – Outdoor Areas of Seating with Entertainment.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
			C	C	C	C										

(b) Reserved

(c) Standards for Accessory Uses Permitted with Limitations

(1) In the *Downtown Mixed Use (DMU)* zoning district, outdoor areas of seating with entertainment:

a. Shall have outdoor food service and music or other entertainment terminate no later than 10:00 p.m. on weekdays (Monday – Thursday) and 11:00 p.m. on weekends (Friday – Sunday) when the outdoor area is located within fifty (50) feet of the Residential Historic Preservation zoning district.

b. Shall include the number of outdoor seats provided by a restaurant as part of the restaurant's total permitted seating allotment and shall be shown on an approved site plan and/or survey of the property with a drawing indicating the seating area and compliance with parking requirements and all other conditions of this Section.

c. Shall not cause a licensed restaurant's required parking to become inadequate.

d. Shall not encroach upon public rights-of-way, or public easements except public sidewalks, civic spaces or public plazas.

e. Shall be restricted to the sidewalk or building frontage of the subject licensed restaurant, the rear yard or a side yard if the side yard is abutted by a nonresidential use or zone unless otherwise specified in a binding development plan.

f. Shall be clearly delineated with planters, decorative fencing, and/or hedges to distinguish such area from the parking area serving the restaurant. When such seating areas are permitted to locate on elevated walkways, piers or docks, this condition does not apply.

g. Shall comply with all city performance standards.

h. Shall not encroach upon surface water/stormwater areas except as permitted by the City.

i. Shall maintain either a five-foot wide clear pedestrian path or fifty (50) percent of the sidewalk width, whichever is greater when outdoor seating is provided within a public or private sidewalk area. Such clear pedestrian paths shall be maintained at all times.

j. Shall not place tables and chairs within five (5) feet of bus stops, fire hydrants, aboveground public utilities, bike racks or any type of public street furniture.

k. Shall be maintained in a neat and orderly appearance at all times and must be cleared of all debris on a periodic basis during the day and at the close of each business day.

l. If found to be necessary for the protection of the health, safety and welfare of the public, the city manager or his/her designee may require the subject property to immediately remove or relocate all or part of the tables, chairs, etc. of the outdoor seating area.

m. Serving or consumption of alcoholic beverages within an outdoor seating area shall comply with the regulations of applicable government agencies.

n. Shall not allow advertising signs or business identification signs within the outside seating area unless permitted by the city sign regulations.

Sec. 28-363. – Outdoor Display of Merchandise.

(a) Districts where permitted

RE	*RR*	*R-1A*	*R-1B*	*R-1C*	*R-2*	*R-3*	*RMH-1*	*RMH-2*	*RHP*

HM	*T*	*NC*	*CC*	*RC*	*OP*	*M-1*	*M-2*	*M-3*	*PID*
	L	L	L	L					

GU	*OR*	*P*	*DMU*				*UMU*	*SMU*	*RMU*					*UV*	*IRCN*	
			D	*U*	*M*	*C*			*100*	*200*	*300*	*400*	*500*		*C*	*R*
			L	L	L	L								L		

(b) Definition

Outdoor Display of Merchandize: The display of retail goods in parking areas, sidewalks, and other locations outside of an enclosed building. This section does not apply to farmers' markets or produce stands where permitted by the applicable zoning district.

(c) Standards for Accessory Uses with Limitations

(1) In the *Regional Commercial (RC)*, *Community Commercial (CC)*, *Neighborhood Commercial (NC)*, *Tourist (T)*, *Urban Village (UV)*, and *Downtown Mixed Use (DMU)* zoning districts, outdoor display of merchandise:

a. Shall be located adjacent to the principal building and shall not impede pedestrian or traffic flow and shall not encroach into designated parking areas. The defined areas shall be well maintained, provide for walking and accessibility, be free of debris, and have proper lighting, seating, and trash receptacles. All other areas of the site shall be free of merchandise.

b. Shall be limited only to merchandise from the retail establishment to which it abuts.

c. Shall be located entirely under an awning or canopy that complies with the Code of Ordinances and Land Development Regulations. If no awning or canopy is present, the goods shall be displayed on an area abutting and not more than 3 feet from the storefront.

d. Shall not be located within fifteen (15) feet of any street intersection or pedestrian crosswalk.

e. Shall not be located within five (5) feet of a primary roadway access into a parcel.

f. Shall not be located within five (5) feet of another outside vending location.

g. Shall not be located within five (5) feet of a building exit.

h. Shall not be located within fifteen (15) feet of a fire hydrant

i. Shall not be located within an area that abuts the display windows of a permanent business location not owned by the outside vendor

j. Shall not be located where in the opinion of the Administrator it represents an obstruction to traffic safety or endangers the public welfare.

k. Shall not allow the display of vehicles, auto parts, tires, heavy equipment of any kind, fireworks, or any hazardous products.

l. Second-hand dealers shall meet all requirements established in § 823.07, Florida Statute.

m. Shall only be utilized during the hours of operation of the associated business. Goods displayed outdoors shall not be left outdoors when the associated business is not operating.

n. In the *Regional Commercial (RC)* zoning district, an outdoor storage display plan may be submitted and reviewed by the Administrator if the business operator wishes to deviate from these regulations.

Sec. 28-364. – Outdoor Storage (as an accessory use).

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP
HM	**T**	**NC**	**CC**	**RC**	**OP**	**M-1**	**M-2**	**M-3**	**PID**
									L

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R

(b) Definition

Outdoor Storage: The exterior depository, stockpiling, or safekeeping of materials, products, merchandise, vehicles, trailers, and the like on commercial or industrial properties. Outdoor storage may be enclosed by a structure that includes a roof, but no side walls, in which case the structure shall be deemed outdoor storage; outdoor storage may involve fencing or screening without a roof in which case fencing or screening shall be deemed outdoor storage. Parking lots do not qualify for outdoor storage. Outdoor storage does not involve any product representation or signage except for those emergency or safety-related signs specifically approved by the city. Automatic vending or transaction machines accessory to allowable uses do not constitute outdoor storage. The parking or storage of vehicles, equipment, and merchandise for a period of less than twenty-four (24) hours does not constitute outdoor storage.

(c) Standards for Permitted Accessory Uses with Limitations.

(1) Outdoor storage areas shall not be allowed in the front yard of the building and shall not be allowed within the minimum building setback areas of the side and rear yards. All storage areas shall be enclosed by a solid masonry wall or chain link fence (provided it is screened

with landscape). Storage of materials shall not be stacked so as to exceed the height of the enclosure.

Sec. 28-365. – Parking or Storage of Motor Vehicles, Recreational Vehicles, Boats, Airboats, or Trailers in Residential Districts.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP
L	L	L	L	L	L	L	L	L	L

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
L	L						L	L		L	L					L

(b) Reserved

(c) Standards for Permitted Accessory Uses with Limitations.

(1) Parking or storage of motor vehicles, recreation vehicles, boats, airboats, or trailers in residential districts shall adhere to the regulations in Section 20-58 of the Code of Ordinances.

Sec. 28-366. – Real Estate Office.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP
T	T	T	T	T	T	T	T	T	

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R

(b) Reserved

(c) Standards for Temporary Accessory Uses

(1) Within the *Rural Residential (RR), Residential Estate (RE), Single Family Low Density (R-1A), Single Family Medium Density (R-1B), Single Family High Density (R-1C), Multifamily Medium Density Residential (R-2), Multifamily High Density Residential (R3), Residential Manufactured Housing (RMH-1)* and *Residential Manufactured Housing Park (RMH-2)* zoning districts, real estate sales offices:

a. Shall be permitted provided that there is only one (1) such sales office for each subdivision or unit in the process of being developed.

b. May be in a temporary structure within the development area for a period not to exceed one (1) year, or may be located within a model home or dwelling being offered for sale for a period not to exceed two (2) years.

c. Shall be limited to only for the sale of dwellings within the development or project in which the sales office exist.

Sec. 28-367. – Recreation Court.

City of Titusville, Florida Code of Ordinance, Volume II Land Development Regulations, Chapter 28 Zoning

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP
P	P	P	P	P	P	P	P	P	P

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID
					P				

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
P	P		P	P	P		P	P		P	P			P		P

(b) Definition

Recreation Court: An improved surface, typically concrete or asphalt, that is used for accessory outdoor recreation uses such as tennis, basketball, and other similar uses.

(c) Standards

(1) Reserved

Sec. 28-368. – Retail Sales (as an accessory use).

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID
L						L	L	L	L

GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R

(b) Definition

Retail Sales: As specifically permitted in Chapter 28 and shall include those business activities which customarily provide retail convenience goods. Such uses may include: department stores, variety stores, including retail pharmacies, however, excluding cash-only pharmacies, restaurants, delicatessens, cafeteria, grocery and markets, gift shops, wearing apparel, home and auto supply, furniture and appliances, hardware, package stores, cocktail lounges, taverns, newsstands, book and stationery stores, shoe repair shops, luggage shops, bakeries and candy shops (provided that products made on the premises are sold on the premises), camera and photo supply shops, radio and television sales and services, floor coverings, sporting goods, florists, jewelers, music and piano sales and services, art shops, pawnshops, electrical and lighting, laundry and dry cleaning pickup stations, coin-operated or self-service laundry, farm and garden supplies excluding farm machinery and equipment, pet shops, and similar uses.

(c) Standards

(1) Reserved

Sec. 28-369. – Security Dwelling Unit.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP

HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID

							L	L			L		L				
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN		
			D	U	M	C			100	200	300	400	500		C	R	

(b) Definition

Security Dwelling Unit: A dwelling unit associated with non-residential uses for the purposes of security.

(c) Standards

(1) The use of a trailer, mobile home or residential coach requires a Conditional Use Permit per Sec. 28-8.

Sec. 28-370. – Screen Enclosure with Screened Roof (including pool enclosures).

(a) Districts where permitted

RE	RR	R-1A	R-1B		R-1C		R-2	R-3	RMH-1			RMH-2		RHP		
P	P	P	P		P		P	P	P			P		P		
HM	T	NC	CC		RC		OP	M-1	M-2			M-3		PID		
							P									
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
P	P		P	P	P		P	P		P	P					P

(b) Definition

Screen Enclosure with Screened Roof: An enclosure, at least one (1) wall of which is a common wall to the principal building, the remaining wall surface area consisting of screen mesh with no more than a 32-inch splash wall. All walls, except those common to the principal building, shall provide for the free flow of air between the outside and the interior of the enclosure.

(c) Standards

(1) Reserved

Sec. 28-371. – Skateboard Ramp.

(a) Districts where permitted

RE	RR	R-1A	R-1B		R-1C		R-2	R-3	RMH-1			RMH-2		RHP		
L	L	L	L		L		L	L	L			L				
HM	T	NC	CC		RC		OP	M-1	M-2			M-3		PID		
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R

(b) Definition

Skateboard Ramp: An outdoor structure whether or not permanently affixed to the ground that has a semi-circular, or semi-oval shape, or more than one (1) surface and that is intended or used to permit persons on skateboards or roller skates to move continuously from one (1) side to another.

(c) Standards for Permitted Accessory Uses with Limitations.

(1) All skateboard ramps in excess of six (6) feet in height are prohibited within all residential districts.

(2) Skateboard ramps less than six (6) feet in height may be permitted as an accessory structure provided a permit is obtained for the erection of said ramp and full compliance with applicable lot and building requirements, noise ordinance, and other applicable codes.

Sec. 28-372. – Swimming Pool or Spa or Hot Tub.

(a) Districts where permitted

RE	*RR*	*R-1A*	*R-1B*	*R-1C*	*R-2*	*R-3*	*RMH-1*	*RMH-2*	*RHP*
P	P	P	P	P	P	P	P	P	P

HM	*T*	*NC*	*CC*	*RC*	*OP*	*M-1*	*M-2*	*M-3*	*PID*
	P				P				

GU	*OR*	*P*	*DMU*				*UMU*	*SMU*	*RMU*					*UV*	*IRCN*	
			D	*U*	*M*	*C*			*100*	*200*	*300*	*400*	*500*		*C*	*R*
P	P		P	P	P	P	P	P		P	P	P		P		P

(b) Reserved

(c) Standards

(1) Reserved

Sec. 28-373. – Temporary Storage Units.

(a) Districts where permitted

RE	*RR*	*R-1A*	*R-1B*	*R-1C*	*R-2*	*R-3*	*RMH-1*	*RMH-2*	*RHP*
T	T	T	T	T	T	T	T	T	T

HM	*T*	*NC*	*CC*	*RC*	*OP*	*M-1*	*M-2*	*M-3*	*PID*
T	T	T	T	T	T	T	T	T	T

GU	*OR*	*P*	*DMU*				*UMU*	*SMU*	*RMU*					*UV*	*IRCN*	
			D	*U*	*M*	*C*			*100*	*200*	*300*	*400*	*500*		*C*	*R*
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T

(b) Definition

Temporary Storage Units: Transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential and commercial properties. This definition does not include storage units authorized by the Florida Building Code pursuant to § 553.73, F.S. Truck bodies and semi-trailers are prohibited.

(c) Standards for Temporary Accessory Uses

(1) Temporary Storage Units are permitted provided the following criteria are met:

a. A maximum of one (1) temporary storage unit is permitted per lot with a maximum of one (1) placement permitted per year. Additional units may be placed in Special and Commercial zoning districts provided they are approved by the administrator and criteria items below are met. In the event that additional units are permitted, they will not exceed two (2) placements per year;

b. The maximum size of the temporary storage unit is eight (8) feet wide, twenty-four (24) feet long, and nine (9) feet high;

c. The maximum time a temporary storage unit is permitted to remain on the lot is thirty (30) consecutive days;

d. The temporary storage unit shall not be placed in any right-of-way or easement and shall not create a sight obstruction for any vehicular or pedestrian traffic;

e. The temporary storage unit shall not be utilized for the storage of live animals, hazardous or flammable materials, or human habitation;

f. Advertising is prohibited on the temporary storage unit with the exception of the name and phone number of the vendor of the unit;

g. The exterior of the temporary storage unit shall be maintained in good repair, structurally sound and sanitary. Peeling, flaking and chipped paint shall be prohibited;

h. The applicant must affix a placard, issued at the time of permitting and clearly visible from the nearest roadway, to the temporary storage unit which provides information identifying the placement date, date of required removal, and the number to report violations to the Code Enforcement Department which shall impose a $35 a day fine for expired temporary storage permits.

i. For storage units associated with commercial, multifamily, and office uses, the units shall not be located on required parking spaces.

j. Stacking of temporary storage unis shall be prohibited.

(2) Exemptions. The above regulations shall not apply to temporary storage units that are placed for construction purposes (truck bodies and semi-trailers are prohibited from use as construction offices on project sites) in connection with a valid building permit or during any period of declared emergency by federal, state or local official action.

Sec. 28-374 – 28-390. – Reserved.

Porches												
Swimming Pools	23	18	18	13	13	13	13	10.5	18	13	8	8
Pool Enclosures	20	15	15	10	10	10	10	7.5	15	10	5	5

DIVISION II. – Commercial

The regulations in this section apply only to the development of accessory uses within the commercial zoning districts (HM, T, NC, CC, RC, OP, and CM) within the City.

Sec. 28-392. – Accessory Buildings and Structures.

(a) In no instance shall the total floor area of all detached accessory buildings exceed three hundred square feet on lots less than one acre, or six hundred (600) square feet on lots larger than one acre.

(b) Detached accessory structures shall adhere to the front and side corner yard setbacks of the zoning district and shall be placed at least one hundred (100) feet from the nearest residentially zoned property.

(c) Accessory structures placed in the front or side corner yard of commercially zoned properties shall adhere to the landscape code at the property line or close to the building.

(d) The use shall be clearly incidental to the use of the principal building, and shall comply with all other city regulations. No accessory structure shall be used for activities not permitted in the zoning district.

(e) Sanitary Facilities and/or human habitation shall be prohibited in accessory structures.

(f) Structures shall not be placed in any public drainage and utility easement.

(g) Erection of tents as permanent accessory structures is prohibited.

(h) Accessory structures shall not exceed twenty-four (24) feet in height nor the height of the principal structure, whichever is the lesser

(i) All detached accessory structures shall conform to the following minimum setbacks:

Structure Size	Structure Height	Rear Setback (in feet)	Side Setback (in feet)
300 s.f. or less	<8 ft.	5	5
300 s.f. or less	>8 ft.	10	7
301 – 600 s.f.	<8 ft.	12	10
301 – 600 s.f.	>8 ft.	15	10

7. Off-Street Parking Requirements

9.13.7. Minimum vertical clearance for a bike path shall be eight (8) feet.

9.13.8. Bicycle paths may be waived by the Administrator when the proposed development is an infill lot and more than seventy-five (75) percent of the existing developed properties do not have established bicycle paths.

9.14. PEDESTRIAN/BICYCLE SYSTEM.

9.14.1. A combined pedestrian/bicycle system may be provided within the required right-of-way, or in an easement on each side of the roadway, not less than ten (10) feet wide, in lieu of any required bike lane. Said pedestrian/bicycle system shall be required where the Administrator deems it essential to provide transportation, circulation, or access to schools, playgrounds, shopping centers, and other community facilities.

9.15. GENERAL PARKING REQUIREMENTS.

9.15.1. Satellite parking regulations can be found in the Land Development Regulations, Section 30-278.

9.15.2. Joint use parking regulations can be found in the Land Development Regulations, Section 30-277.

9.15.3. All developments shall provide a sufficient number of paved parking spaces to accommodate the number of vehicles that are likely to be attracted to the development in question.

9.16. NUMBER OF REQUIRED PARKING SPACES.

Development in the City shall adhere to the following parking standards of these sections 9.16. Development in the Downtown Mixed Use (DMU) zoning district shall follow the parking standards of section 9.21.

9.16.1. All developments shall provide a minimum of two (2) spaces or an amount equal to five (5) percent of the vehicular spaces for bicycles.

9.16.2. Motorcycle spaces may comprise up to fifty (50) percent of the required bicycle spaces. Said motorcycle spaces may be counted toward the required vehicular spaces.

9.16.3. Buildings/developments with mixed uses shall be calculated as the sum of their component uses, per Table 9.16.4 of minimum parking requirements.

9.16.4. Table 9.16.4 establishes the minimum parking requirements for development within the City.

Table 9.16.4 – Minimum Parking Requirements

Use	Spaces Required	Min Per Unit	Max Per Unit
ACLF's, Convalescent Homes, Nursing Homes, and Rest Homes	1 1	Every 2 patient beds, and Each Employee on largest shift	125 % of the minimum
Arcade Amusement Centers/ Electronic Gaming Establishment If located in shopping center or shared parking area	1	For each 2 games or machines Maximum allowed 10% of total spaces in shared parking area	
Assembly Areas, Auditoriums	1	150 s.f. of GFA	
Boating Wet Slip Dry Dock/Storage	 1 1	 Every 2 slips Every 3 storage spaces	
Churches, temples, places of worship	1	150 S.f. of GFA	
Country Clubs, Golf Courses	3	hole	
Funeral Homes	1	150 s.f. of GFA	
Hospitals	1	Each patient bed	

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Use	Spaces Required	Min Per Unit	Max Per Unit
Hotels and Motels Rental Unit and Accessory Uses	1 75%	Each rental unit, and Each accessory require parking	125 % of the minimum
Manufacturing/Industrial First 10,000 s.f. of GFA Each additional 10,000 s.f. of GFA	 1 1	 500 s.f. of GFA 10,000 s.f. of GFA	
Medical/Dental Clinics and Offices	1	200 s.f. of GFA	
Multi-Family (R-2, R-3) and RMH (1&2) Developments. *See additional standards below.	2	Unit	
*R-2 - Townhouses	2	With direct access to a public street	
*R-3 - Townhouses	2	Two spaces on the same lot as the dwelling unit or one (1) on site space and one (1) remote guest parking space within three (300) hundred feet of the unit.	
*Duplex, triplex, quadraplex and other multifamily units	2	(1) Separate parking—two (2) spaces with direct access to a public street. (2) Common parking—two (2) spaces per dwelling unit plus one-half (0.5) guest parking spaces per dwelling unit.	
*RMH-2	2	Off-street parking shall be provided at a rate of two(2) spaces per unit, one of which shall be on a site of the manufactured housing unit plus one (1) additional parking space for each four (4) units for common parking that shall be evenly distributed throughout the park.	
Museums	1	300 s.f. of GFA	
Parks	1	10,000 s.f. of land	
Personal Services	1	300 s.f. of GFA	
Private Child Care Center	1	300 s.f. of GFA	
Private Clubs, Fraternities, Lodges	1	75 s.f. of GFA	
Professional Offices	1	300 s.f. of GFA	
Public Use and Community Services	1	200 s.f. of GFA	

Use	Spaces Required	Min Per Unit	Max Per Unit
Restaurants (eating places)	1	150 s.f. of GFA	125 % of the minimum
Retail Sales and Services	1	250 s.f. of GFA	
Schools - Preschools	1	300 s.f. of GFA	
Schools – Elementary and Junior/Middle	2 1	Each classroom, and 300 s.f. of office GFA	
Schools - High Schools	5 1	Each classroom, and 300 s.f. of office GFA	
Single Family Detached Dwelling RE, RR, R-1A, R-1B and R-1C	2	Each dwelling	
Theaters	1	150 s.f. of GFA	
Warehouse First 5,000 s.f. Each additional 10,000 s.f.	 1 1	 1,000 s.f. of GFA 10,000 s.f. of GFA	
GFA = Gross Floor Area s.f. = square foot			

9.16.5. For any use not listed above, the number of parking spaces may be determined by a parking analysis using ITE parking generation rates, other data and the Urban Land Institute. The Administrator must approve all parking studies prior to acceptance.

9.16.6. Change of Use. At the time of the erection of any building or structure or at the time other property undergoes a change in use, increased in intensity (which includes, but not limited to the addition of dwelling units, guest rooms, square footage, floor area, seats) then the minimum off-street automobile parking spaces with adequate provisions for ingress and egress by automobiles of standard size shall be provided in accordance with following requirements found in section 9.6 Parking Requirements of this technical manual. These requirements should be considered the minimum requirements.

9.16.7. All areas used for sales display of any types of motor vehicles, boats, trailers or heavy construction equipment shall be paved. The paved display area requirement may be waived for uses located in the Area of Critical Concern.

9.17. PARKING DESIGN STANDARDS.

9.17.1. Parking Stall Dimensions.

9.17.1.1. Parking spaces shall meet the standards established in table 9.17.1.1 below. Handicap and Van Accessible parking spaces shall meet all ADA parking space requirements.

Table 9.17.1.1 – Parking Space Dimensions

Parking Space Description	Width (feet)	Length (feet)
Regular Space	10	20
Regular Space abutting a minimum Landscape buffer	10	18
Parallel Space	10	22
Motorcycle Space	5	10

9.17.2. Parking Aisle Dimensions.

9.17.2.1. Parking area aisle widths shall conform Table 9.17.2.1, which varies the width requirement according to the angle of parking and shall include directional markings as necessary:

8. Provisions for Noncompliance/Nonconformities

ARTICLE VII NONCONFORMING USES, STRUCTURES/VESTED RIGHTS

DIVISION 1 Nonconforming Uses and Structures

Sec. 34-341. - Nonconforming uses—Continuation.

(a) Unless specifically prohibited elsewhere in these regulations, nonconforming uses that were otherwise lawful on the effective date of these regulations may be continued.

(b) All nonconforming uses of land without principal buildings, including open storage; building supplies; vehicle, implement or machinery storage, not on the same lot with a plant, factory, or sales facility; signs; billboards; junk yards; and commercial animal yards, and similar uses, shall comply with these regulations pertaining to uses permitted within one (1) year from the effective date of these regulations unless otherwise prohibited by law.

Sec. 34-342. - Same—Extension, enlargement, or expansion.

(a) A use not in conformance with these regulations shall not be extended, enlarged or expanded where such activity will result in:

(1) An increase in the amount of space devoted to the nonconforming use.

(2) An increase in the number of required parking spaces.

(3) An increase in the provision of public services (i.e. method and frequency of solid waste collection, a larger sized water meter, or similar demand for public facilities or service).

Sec. 34-343. - Same—Discontinuance.

A use not in conformance with these regulations shall not be changed to another nonconforming use or reestablished after discontinuance for a period of six (6) months. For the purposes of this section, this six (6) month period may be determined by a failure to maintain a valid occupational license, the cessation of water and or electric services, or any other method as may be deemed appropriate by the Administrator.

Sec. 34-344. - Nonconforming structures—In general.

Nonconforming structures that were otherwise lawful on the effective date of these regulations may be maintained and repaired except as provided in Sections 34-345 and 34-346 below.

Sec. 34-345. - Same—Extension, enlargement, or expansion.

A structure not in conformance with these regulations shall not be extended, enlarged or expanded where such activity will result in a greater nonconformity with respect to such standards as setback, height, lot coverage, or density.

Sec. 34-346. - Same—Rebuild and repair.

(a) A structure not in conformance with these regulations shall not be rebuilt or repaired after damage exceeding fifty percent (50%) of the assessed value of the structure on the date of the damage, as determined and maintained by the Brevard County Property Appraiser's Office.

(b) Notwithstanding the above, a single-family or multi-family residential structure which is nonconforming in that said structure does not meet the necessary minimum square footage requirements or lot and building or setback requirements may be rebuilt or repaired in the same configuration as before damaged even if the damage is in excess of fifty percent (50%) of the assessed value of the single-family or multi-family residential structure. A single-family or multi-family residential structure which is a nonconforming use which is destroyed by more than fifty percent (50%) of the assessed value of the structure may not be rebuilt or repaired.

Sec. 34-347.- Nonconforming lots.

(a) Lots made nonconforming by the adoption of these regulations shall comply with the following:

9. Definitions

City of Titusville, Florida Code of Ordinance, Volume II Land Development Regulations, Chapter 37 Definitions

Sec. 37-1. - Definitions.

Unless otherwise specifically provided, or unless clearly defined within the context of these regulations, the following definitions shall apply to the words and phrases in the Land Development Regulations:

A-weighted sound level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, designated dbA.

Abandoned well: A well which does not have a properly functioning valve; the use of which has been permanently discontinued; that does not meet current well construction standards; that is discharging water containing greater than five hundred (500) milligrams per liter of chlorides into a drinking water aquifer; that is in such a state of disrepair that it cannot be used for its intended purpose without having an adverse impact upon an aquifer which serves as a source of drinking water or which is likely to be such a source in the future; or that does not have proper flow control on or below the land surface.

Access: The principal means of ingress and egress to a parcel from a public right-of-way, private roadway/right-of-way, or common parking area.

Accessory building/accessory structure: A subordinate detached building or structure, the use of which is incidental to that of the principal building on the same lot or parcel.

Accessory Use: A use on the same lot with and of a nature customarily incidental and subordinate to, the principle use of a structure.

Accessway: See Street.

Accident potential hazard area (Airport Clear Zone): An area within five thousand (5,000) feet of a runway or in a defined proximity to an airport in which aircraft may maneuver after takeoff or before landing, which is subject to the greatest crash potential.

Accommodations: Any hotel, motel, tourist court rooming house, rental or time share unit intended to be used for transient persons or tourists.

Adjacent: That which lies near or close to and may be separated by adjoining streets, easements, pipelines, power lines, conduits, railroads or rights-of-way under ownership of the applicant or a governmental agency, subdivision, public or private utility. The adjacent parcel in question shall be located no more than one hundred (100) feet and be easily accessible.

Adjoining: That which is joined, united, or actually touching.

Administrator: The City Manager or their designee.

Adult Congregate Living Facility (ACLF): An establishment, institution, building or buildings, residence, private home, boarding house, home for the elderly, or other place, whether operated for profit or not, which through its operation provides one (1) or more personal services for four (4) or more persons not related by blood or marriage to the owner or operator, for a period exceeding twenty-four (24) hours. Personal services are in addition to housing and food service and include, but are not limited to: personal assistance with bathing, dressing, housekeeping, supervision, eating, supervision of self-administered medication, and assistance in securing health care from appropriate sources.

Agency or *Community Redevelopment Agency:* A public agency created by Section 163.356 or Section 163.357, Florida Statutes.

Agricultural lands: A tract or parcel of land in agricultural use that has been or is eligible for an agricultural tax exemption.

Airpark: A tract of leveled land where aircraft can take off and land, usually equipped with hard surfaced landing strips, hangars, aircraft maintenance and refueling facilities, which are predominantly used for recreational purposes.

City of Titusville, Florida Code of Ordinance, Volume II Land Development Regulations, Chapter 37 Definitions

Airport: A tract of leveled land where aircraft can take off and land, usually equipped with hard-surfaced landing strips, a control tower, hangars, aircraft maintenance and refueling facilities, and accommodations for passengers and cargo. The Space Coast Regional Airport is the airport in the city limits.

Airport Authority: The Titusville-Cocoa Airport Authority.

Airport Elevation: The highest point of an airport's usable landing area measured in feet from above mean sea level (MSL).

Airport Height Notification Zone: The area surrounding each Licensed Public Use Airport extending outward twenty thousand (20,000) feet from the ends and each side of all runways depicted on an approved Airport Layout Plan.

Airport Obstruction: Any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR Part 77 or which obstruct the airspace required for the flight of aircraft in taking-off, maneuvering or landing at an airport or may otherwise interfere with the taking-off, maneuvering or landing of aircraft.

Airport Noise Impact Zone: An area defined by the Florida Department of Transportation for airports not having an official Federal Aviation Regulation, Part 150 Study as being impacted by aircraft related noise. This zone is contiguous to a publicly licensed airport and measures one-half (½) the length of the longest runways depicted on an approved Airport Layout Plan along either side of, and off the ends of each runway depicted on an approved Airport Layout Plan centerline including future runways approved per Chapter 333 FL. Statutes and pursuant to FAA regulations. For land use control purposes, this boundary is considered to be consistent with the sixty-five (65) to seventy (70) DNL zone determined by an official Part 150 noise study.

Airport Runway Protection Zone: An area at ground level which begins at the end of a primary surface (as defined in 14 CFR part 77) and extends with the width of each approach surface (as defined in 14 CFR part 77) to terminate directly below each approach surface slope at the point, or points, where the slope reaches a height of fifty (50) feet above the elevation of the runway or fifty (50) feet above the terrain at the out extremity of the protection zone, whichever distance is shorter. This area is depicted on the Airport Layout Plan drawings of the respective airports.

Alternate (Boards and Commissions): [Reserved.]

Animal Kennel: An establishment where pet animals owned by another person are temporarily boarded for pay; provided, however, this definition shall not apply to animal hospitals operated by veterinarians duly licensed under the law.

Animal shelter: A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the applicable approach zone height limitation slope set for in Section 59-972 of these Land Development Regulations.

Arcade: A place or facility where pinball or other similar electronic games are played for amusement only. Shall not be construed so as to include bingo games nor shall it be construed so as to include gambling devices or any other devices prohibited by law.

Arcade Amusement Centers: Adult Arcade Amusement Centers are any place of business having at least fifty (50) coin-operated amusement games or machines on premises which are operated for the entertainment of the general public and tourists that are over eighteen (18) years of age as a bona fide amusement facility, and comply with § 849.161, Florida Statutes, as amended from time to time. This definition shall include those Arcade Amusement Centers which seek to restrict admission to persons eighteen (18) years of age or older.

Art Studio: A building or portion of a building used as a place of work by artisans engaged in any visual and performing arts, including, but not limited to, dance, music, photography, and painting.

City of Titusville, Florida Code of Ordinance, Volume II Land Development Regulations, Chapter 37 Definitions

Assisted Living Facility (ALF): An, institution, building or buildings, or other place, whether operated for profit or not, which through its operation provides one (1) or more personal services for four (4) or more persons not related by blood or marriage to the owner or operator, for a period exceeding twenty-four (24) hours for primary purpose of elderly care. Personal services are in addition to housing and food service and include, but are not limited to: personal assistance with bathing, dressing, housekeeping, supervision, eating, supervision of self-administered medication, and assistance in securing health care from appropriate sources. ALF's shall be licensed by the Agency for Healthcare Administration and under Chapter 408, Part II, Florida Statutes, Chapter 429, Part I, Florida Statutes, Chapter 58A-5, Florida Administrative Code.

Automatic vending or transaction machine: Any unattended self-service device that upon insertion of coin(s), token(s), or by similar means dispenses any item or conducts a transaction. These self-service devices may be attached, contained within, or adjacent to another structure or detached (freestanding and not adjacent to another building or structure).

Automobile Repair: Any building, structure, or improvements used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, or installation of automobile electronics, but excludes dismantling or salvage.

Automobile Sales: The use of any building or portion thereof for the display, sale, rental, or lease of motor vehicles and any warranty repair work and other repair service conducted as an accessory use.

Bakery, Retail: A place for preparing, cooking, baking, and selling of products on the premises.

Bar: A structure or part of a structure used primarily for the sale or dispensing of alcoholic beverage by the drink.

Base Flood Elevation: The flood having a one-percent chance of being equaled or exceeded in any given year. Also known as the 100-Year Floodplain as set forth in the Federal Emergency Management Administration (FEMA), Flood Insurance Rate Maps, as most recently amended.

Bed and Breakfast Inns: A bed and breakfast inn is a structure originally built as a single-family residence, or a new structure, which is designed as and appears externally as a single-family residence, where short-term lodging rooms and meals (usually breakfast only) are provided to overnight guests. The use is an accessory use to the primary use as a single-family residence of the operator who shall live on the premises.

Billboard: See "Signs."

Blighted area: Either:

(a) An area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions which endanger life or property by fire or other causes or one (1) of [or] more of the following factors which substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use:

1. Predominance of defective or inadequate street layout;
2. Faulty lot layout in relation to size, delicacy, accessibility, or usefulness;
3. Unsanitary, unsightly, or unsafe conditions;
4. Deterioration of site or other improvements;
5. Tax or special assessment delinquency exceeding the fair value of the land;
6. Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
7. Economic or functional obsolescence of structures.

(b) An area in which there exists faulty or inadequate street layout; inadequate parking facilities; or roadways, bridges, or public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed construction.

Block: All of the property lying within and abutting upon and being completely enclosed by existing or proposed street or public rights-of-way, or upon easements, waterways, or natural physical barriers.

Board of Adjustment: The Board of Adjustment of the City of Titusville.

Boardinghouse: A building other than a hotel, and/or motel where for compensation pursuant to previous arrangement, lodging, or lodging and meals are provided for three (3) or more boarders.

Bookstore: A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, or computer software.

Brackish water: Water with "total dissolved solids" greater than one thousand (1,000) ppm.

Breezeway: An unobstructed corridor, excluding fences or signs under four (4) feet and landscaping, across the full depth of properties located in the Titusville Shoreline Area Overlay District, which shall include all land from the mean low-water line to the closest dedicated public right-of-way running parallel to the water.

Buffer: A visual break in the landscape of approximately thirty (30) inches in height. Said buffer may be attained through the use of earth berms, planters, hedges, fences, or any combination thereof.

Building: Any manmade structure required to be affixed to the ground and constructed or used for residence, business, industry or other public or private purposes or accessory thereto and including tents, lunch wagons, dining cars, sheds, garages, carports, animal kennels, storerooms, billboards, signs, gasoline pumps, and similar structures whether stationary or movable. The above is not all inclusive, only representative of type of structure.

Building Area: The area within and bounded by the building lines established by required setbacks.

Building Inspector: The administrative officer with the city who will inspect the acoustical design of building constructed within noise zones to ensure that they meet the requirements of this subchapter.

Building Line: The line established by setback requirements outside of which no building may be erected.

Building Official: The person or persons duly authorized by the City Manager of the City of Titusville responsible for the administration and enforcement of Building Codes.

Building Trades Services: Building trades services include: construction, plumbing, electrical, heating and air-conditioning, landscaping, well drilling, and similar services.

Bulkhead: A permanent structure which serves as a retaining wall for land at the water's edge and prevents the deposition of fill materials beyond the bulkhead line.

Bulkhead Line: A fixed line along the shoreline beyond which fill cannot occur; solid fill construction may be permitted shoreward.

Business service: A commercial activity, primarily conducted in an office, not involving the sale of goods or commodities and not dispensing a personal service and including but not limited to such businesses as real estate brokers, insurance agents, accountants, consultants, financial institutions, or a similar use.

Camper Trailer: A movable living unit or similar portable structure having no foundation other than wheels, or jacks, designed to be moved from one location to another by passenger automobile, may be collapsible and customarily used for recreational and camping pursuits, not in excess of fourteen (14) feet in length.

Campground: A place on which sites for recreational vehicles and tents are rented for use as temporary living quarters.

Capital Improvement: Includes the acquisition and/or construction costs of a capital item and the costs of planning, engineering, inspecting, administration, legal fees and supervising the acquisition or construction.

City of Titusville, Florida Code of Ordinance, Volume II Land Development Regulations, Chapter 37 Definitions

Car Wash: A structure or portion thereof, containing facilities for washing automobiles. This activity may consist of using production line method with a conveyor, blower, or other mechanical devices and may employ some hand labor. This activity may also include automated or semi-automated methods for washing, cleaning, polishing, or waxing of automobiles whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices.

(a) *Self-Service Car Wash:* A car wash where equipment and/or facilities are provided for the self-service cleaning and/or washing of automobiles solely by the customer.

(b) *Full Service Car Wash:* A car wash where equipment and/or facilities and employees are providing fully automated exterior and interior washing and cleaning service for automobiles.

(c) *Automatic Exterior Drive Thru Car Wash:* A self-service car wash where only exterior cleaning and/or washing services are provided on a drive thru or roll over basis by the customer in which power driven or steam cleaning machinery is used to clean and/or wash automobiles.

Cargo Trailers: A two (2) or four (4) wheel trailer designed to be towed by a motor vehicle for the purpose of hauling or moving cargo.

Cemetery: Any one (1) (or a combination) of the following places designated for disposition of human or pet remains:

(a) Burial park for earth interment.

(b) A mausoleum: A structure or building substantially exposed above ground intended to be used for the entombment of remains of a deceased person(s).

(c) A columbarium: A structure or building substantially exposed above ground intended to be used for the inurnment of the cremated remains of a deceased person(s).

Central Business District: That portion of the City of Titusville that encompasses the Community Redevelopment Area created per Ordinance 66-1982 and further refined under Section 59-66(b) of these regulations.

Certificate of Occupancy: Document issued by the City to allow the use of a structure which has been fully inspected and approved by the City.

Child Care Facility: As defined by Florida Statutes §402.302 as may be amended.

Church: A building or groups of building that people regularly attend to participate in or hold religious services, meetings and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Circulation area: That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking spaces) comprise the circulation area.

City: The City of Titusville, Florida.

City Council: The governing body of the City.

City Attorney: The City Attorney of the City of Titusville, Florida as appointed by the City Council.

City Manager: The City Manager of the City of Titusville, Florida as appointed by the City Council.

City Staff: The administrative officers and agencies responsible for administering the policies and legislation enacted by the City Council.

Clearing: The removal of trees and other vegetation from the land but shall not include mowing.

Cluster Development: A design technique that concentrates buildings in specific areas of the site to allow the remaining land to be used for stormwater management, recreation, common open space, and preservation of environmentally sensitive features.

Collector Street: See "Street."

College/University: See "School."

Commercial: Includes all business services, professional services, personal services, retail sales and services, automotive service stations, hotels and motels.

Commercial accessory structure and use: Any structure with a use that is incidental and subordinate to the principal use, and located in a commercial zoning district listed in Article IV, Chapter 59 or the CBD district. Commercial accessory structures can be either detached structures or structures attached or adjacent to the principal structure(s). Examples of commercial accessory structures include ticket booths, automatic teller machines, water, ice (fifty (50) square feet or less) and other vending and transaction machines, and permanent storage containers.

Commercial Advertising Sign: See "Signs."

Commercial Area: Any area zoned commercial, tourist, office, business or professional, including commercial areas in approved PD districts.

Common Area: Those areas available for common use by all tenants, groups of tenants and their invitees.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a site designated or planned as open space and intended for the use or enjoyment of residents of the development and/or the general public. Such common open space may be in the form of active or passive recreational area, including, but not limited to playgrounds, golf courses, nature trails and lakes. A common open space shall be improved to the extent necessary to complement the residential, commercial, industrial or other uses and may contain compatible structures for the benefit and enjoyment of the users. Parking areas, road rights-of-way, or minimum yards and spacing between dwelling units shall not be included in determining common open space.

Community Garden: any portion of a lot or parcel managed and maintained by a group of people to grow and harvest food crops and/or non-food ornamental crops for personal or group use, consumption or donation. Community gardens do not include portions of lots or parcels utilized to grow food crops and/or non-food ornamental crops for the purpose of commercial wholesaling.

Community Redevelopment Area: An area which the City Council designates as appropriate for a community redevelopment project.

Community Redevelopment Plan: A plan, as it exists from time to time, for a community redevelopment plan.

Community Redevelopment Project: Undertakings and activities of the Community Redevelopment Agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight and may include slum clearance and redevelopment in a community redevelopment area, rehabilitation or conservation in a community redevelopment area, or any combination or part thereof in accordance with the Community Redevelopment Plan.

Community Residential Home: A dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative Services, which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and special needs of the residents.

Community service: Uses of public, nonprofit, or charitable nature providing ongoing education, training counseling to the general public on a regular basis, without a residential component. Facilities used for recreational, social, education, library, meetings and cultural activities, open to the public. Activities which include, but are not limited to, museums, gallery exhibitions or works of art, or library collections of books, manuscripts, etc., for preservation, study and reading. Community service activities do not include commercial galleries. Accessory uses include recreation facilities, meeting rooms, and offices and storage facilities used by staff.

Conditional use: A use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood would promote the

public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare is permissible. Such uses may be permissible in such zoning districts as conditional uses as outlined in the applicable zoning district.

Condominium: A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Cone of depression: An area of reduced water levels which results from the withdrawal of groundwater from a point of collective source such as a well, wellfield, dewatering site or quarry. The areal extent and depth of the cone of depression is a function of the hydraulic properties of the aquifer, the pumpage rates, and recharge rates.

Contaminant: Any physical, chemical, biological, or radiological substance or matter in the water.

Contamination: The presence of any harmful or deleterious substances in the water supply.

Convenience store: As defined by Florida Statutes §500.03 as may be amended.

Corner Lot: See "Lot."

Courtyard: An uncovered area partly or wholly enclosed by buildings or walls and used primarily for supplying access, light, and air to abutting buildings.

Craft Brewery: A small brewery in which less than twenty-five (25) percent of the brewery is owned or controlled (or equivalent economic interest) by an alcoholic beverage industry member that is not itself a craft brewer. Craft brewers have a majority of its total beverage alcohol volume in beers whose flavor derives from traditional or innovative brewing ingredients and their fermentation. Craft breweries may operate a tasting room which allows for the sales of beer and wine as defined in Florida Statutes.

Craft Distillery: A licensed distillery as defined by Section 565.03, Florida Statutes.

Critical Habitat: Threatened or endangered species (stated function).

Cul-de-sac: See "Streets."

Cybercafé: See "Electronic Gaming Establishment."

Decibel (dB): See "Sound Level."

Dedication: The deliberate gift or donation of land by its owner to the City for any public purpose and acceptance thereof by the City.

Density: The number of residential dwelling units permitted per gross acre of land. In the determination of the number of residential dwelling units to be permitted on a specific parcel of land, a fractional unit shall not entitle the developer to an additional unit or units.

Detention or *to Detain:* The collection and temporary storage of stormwater in such a manner as to provide for treatment through physical, chemical or biological processes with subsequent gradual release of the stormwater.

Developer: Any person, firm, association, syndicate, partnership or corporation, who owns or has a proprietary interest in land which is subject to a development activity and who is actually involved in the construction and/or creation of a development project.

Development or *Development Activity:* Any land use activity which generates traffic or provides a need for public facilities and services. Also included as a "development" under this definition:

(a) The construction, installation, demolition or removal of a structure, impervious surface or drainage facility;

(b) Clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site; and

(c) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise significantly disturbing the soil, mud, sand or rock of a site.

City of Titusville, Florida Code of Ordinance, Volume II Land Development Regulations, Chapter 37 Definitions

Development Schedule: A comprehensive statement showing the type and extent of development to be completed within the various practicable time limits and the order in which development is to be undertaken. A development schedule shall contain an exact description of the specific buildings, facilities, common open space and other improvements to be developed at the end of each time period.

Dimensional Nonconformity: A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Discharge Point: The approved point, location or structure where storm water runoff exits from a storm sewer to a receiving conveyance facility or body of water (receiving body).

Distribution Center: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Drainage System: The system through which water flows, including water courses, water bodies and wetlands, including artificial drainage systems.

Dredging: A process of extracting soil from a river or lake bottom.

Drinking Establishment: A drinking establishment is a business whose primary function is the serving of alcoholic beverages for consumption on the premises, which may include bars, taverns, and lounges. Some establishments may also serve food, or have entertainment, but their main purpose is to serve alcoholic beverages.

Drive-in Establishments: Includes drive-in restaurants, or any retail sales or services facilities in which persons received goods, or services in the automobile for consumption or use outside the confines of the principal building, or in vehicles parked upon the premises

Drive-through: An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

Driveway: A private vehicular access, stabilized to prevent soil erosion, which is used to provide access for vehicles to a parking space, garage, carport, dwelling or structure. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Dry Cleaner: An establishment that cleans or renovates fabrics, textiles, or other material on the premises with solvents other than water.

Dry-cleaning Plants: A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

Dwelling: A house, apartment, or building, used primarily for human habitation.

Easement: A grant of land reserved for public utilities, drainage, or other public facilities or services, the title to which shall remain in the name of the property owners, subject to the right of use designated in the reservation of servitude.

Eaves: The extension or overhang of a roof, measured from the outer face of the supporting wall or column to the farthest point of the overhanging structure.

Economic Opportunity District: A type of conditional use intended to address the transitional need of a new or expanding business within the City. The Economic Opportunity District will permit the temporary use of large, vacant buildings while permanent facilities are being constructed or remodeled to meet the needs of an economic development project.

Educational Facility: For purposes of the Airport Zoning Ordinance, a building, equipment, structure, or special educational use area built, installed, or established to serve primarily for educational purposes and which is lawfully authorized by the Brevard County School District Board, a community college board of trustees, a

university board of trustees or the Board of Trustees for the Florida School for the Deaf and the Blind as defined in Chapter 1013 Florida Statutes. No other use shall be deemed an educational facility for purposes of the Airport Zoning Ordinance.

Electronic Gaming Establishment: A business operation, whether a principal use or accessory use, where persons utilize electronic machines or devices, including, but not limited to, computers and gaming terminals, to conduct games of chance and/or a game promotion pursuant to Section 849.094 Florida Statutes, including sweepstakes, and where cash, prizes, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such redeemed or distributed items are determined by the electronic games played or by predetermined odds. This term includes, but is not limited to, internet cafes, internet sweepstakes cafés, cybercafés, sweepstakes cafes, or Arcade Amusement Centers.

Emergency Clinic: A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. The term "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

Emergency Hazardous Situation: Exists whenever there is an immediate and substantial danger to human health, safety or welfare or to the environment.

Emergency Works: Activities required for the purpose of preventing or alleviating physical trauma or property damage or to mitigate an existing or imminent peril.

Enforcement Officer: The Administrator or his designee as further defined under Chapter 31, Article II of these regulations.

Erect: To build, construct, attach, hang, place, suspend or affix and shall also include the painting of wall signs.

Erosion: Is the wearing or washing away of soil by the action of wind or water.

Existing: The average condition immediately before development or redevelopment commences.

Existing Use: Any (i) existing residential or non-residential development, structure, or use; or (ii) any subsequent modification to an existing development, structure, or use that does not cause a permitted use under the comprehensive plan land use or zoning designation in effect prior to the effective date of this Ordinance to become a non-permitted use under the same comprehensive plan land use or zoning designation; or (iii) any subsequent development, construction, use of land that is a permitted use under the comprehensive plan land use or zoning designation in effect prior to the effective date of this Ordinance. (This definition applies to the Airport Zoning regulations).

Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

Extended Care Facility: A long-term care facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged or a governmental medical institution.

Extremely Hazardous Substances: Those hazardous substances of equal to or greater than the Threshold Planning Quantity as defined in the List of Extremely Hazardous Substances, Title 40 CFR 353 (Section 302 and 304), as amended from time to time.

FAA: Federal Aviation Administration.

Façade: The entire area of a building facing or side extending from the roof or parapet to the ground and from one corner of the building to another but does not include any structural or nonstructural elements which extend beyond the roof of a building.

Family: One (1) or more individuals living as a single housekeeping unit.

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Family Day Care Home: An occupied residence in which child care is regularly provided for children and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. A "family day care home" shall be allowed to provide care for one (1) of the following groups of children:

(1) A family day care home may care for a maximum of five (5) preschool children from more than one (1) unrelated family and a maximum of five (5) elementary school siblings of the preschool children in care after school hours. The maximum number of five (5) preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident care giver. The total number of children in the home may not exceed ten (10).

(2) When the home is licensed and provisions are made for substitute care, a family day care home may care for a maximum of five (5) preschool children from more than one (1) unrelated family, a maximum of three (3) elementary school siblings of the preschool children in care after school hours, and a maximum of two (2) elementary school children unrelated to the preschool children in care after school hours. The maximum number of five (5) preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident care giver. The total number of children in the home may not exceed ten (10).

(3) When the home is licensed and provisions are made for substitute care, a family day [care] home may care for a maximum number of seven (7) elementary school children from more than one (1) unrelated family in care after school hours. Preschool children shall not be in care in the home. The total number of elementary school children in the home may not exceed seven (7).

Farmers' Market: Involves the sale of farm, horticultural, floricultural and grove products offered for sale by the farmers or growers of said produce, or offered for sale by dealers in said products. It is contemplated that each farmer, or dealer, will rent stalls in said market for the sale of the products within the confines of a central market area.

Fence: An artificially constructed barrier of materials or combination of materials erected to enclose or screen areas of land.

Final Development Plan: The development plan approved by the City Council and recorded with the Clerk of the Circuit Court of Brevard County according to the provisions of Chapter 51, Article IV of these regulations.

Financial Institution: A facility providing financial and banking services to consumers. Walk-in and/or drive-thru services are generally provided on-site. Typical uses include banks, savings and loan associations, credit unions, and automated teller machines (ATM's)

Fitness Center: A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also, a place or building that provides massage, exercise, and/or related activities with or without such equipment.

Flag Lot: See "Lot."

Flea Market: Is defined as an open or enclosed market involving the sale of used or secondhand merchandise or other products sold by various tenants within the market.

Florist: Retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

Frontage: Linear distance measured along abutting public rights-of-way.

Front Yard: See Yard, Front

Funeral Establishment: As defined in Florida Statutes §497.005 as may be amended.

Green: An open space available for unobstructed recreation, its landscaping consisting of grassy areas and trees.

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Greenbelt: A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas.

Greenway: A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas.

Gross Floor Area (GFA): The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Ground Cover: Low growing plants planted in such a manner as to form a low, continuous cover over the ground, such as English Ivy, low growing varieties of honeysuckle, confederate jasmine, etc.

Guest Room: Any room, with a private bath, and a private entrance from the outside, hall, corridor, or lobby, which may be rented as a single rental unit.

Groundwater: Water that fills all the unblocked voids of materials below and water table, which is the upper limit of the zone of saturation. Groundwater below the zone of saturation is under greater than atmospheric pressure.

Handicapped Person: Any person with permanent mobility problems who has been issued an exemption entitlement parking permit pursuant to Section 320.0844, Florida Statutes—vision, hearing, etc.

Hazardous Substances: Including, but not limited to, a substance that has one (1) or more of the following characteristics: ignitability, corrosivity, reactivity, or toxicity:

Heavy Industrial Use: Uses not enumerated elsewhere in the Land Development Regulations that use unique materials, processes, or equipment for specialized materials. These uses may be newly created processes that have not been incorporated into the Land Development Regulations.

Heavy Manufacturing: The fabrication of products from raw materials; for example: pharmaceuticals, vehicle parts, and musical instruments.

Highways: See "Streets."

Home Improvement Center: Lumberyards, paint, glass and wallpaper retail stores.

Home Occupations: A work activity carried on for profit or for nonprofit purposes, where all or part of the activity takes place within a structure where the principal use is for residential purposes.

Hotel/Motel: A facility offering short-term lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

Hydrograph: A graph illustrating the level of water in water courses or aquifers or the rate of flow of water during a period of time.

Ice Vending Building: An unmanned retail vending building, larger than fifty (50) square feet in size, that automatically dispenses ice to customers at any time.

Impervious Surface: A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semipervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar surfaces.

Industry: Any activity involving the manufacturing or treatment of any commodity including the assembly, packaging, canning, bottling or processing of any item. To change any commodity in composition, form, size, shape, texture, or appearance is deemed to be an industrial process.

Laboratory (Medical): A laboratory where examinations are performed on materials or specimens taken from the human body to provide information or materials for use in the diagnosis, prevention or treatment of a disease or the assessment of a medical condition.

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Laboratory (Research and Testing): A building or group of buildings in which are located facilities for scientific research, investigations, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. All activities shall be conducted within an enclosed building.

Landscaping Materials: Consist of any of the following or combination thereof: Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms; and nonliving durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, mulch walls or fences, but excluding paving.

Landscape yard: landscaped area measured from the property line to a depth as prescribed in the code. The term includes landscape strip, landscape buffer, buffer yard, and landscape screen.

Laundromat: An establishment providing washing and drying machines for clothing on the premises for rental use to the general public.

Legal Positive Outfall: Stormwater discharge into a publicly accepted and maintained drainage system or directly to the Indian River Lagoon, St. Johns River, South Lake or Fox Lake. Wetlands and other water bodies that are connected to a publicly accepted and maintained drainage system or one of the water bodies named above may be used as a positive outfall when it can be demonstrated that there will not be any unreasonable impact to down stream private property by such surface water or the diversion on water for storm events up to and including the 100-year storm.

Light Manufacturing: Establishments engaged in the design, assembly, finishing, processing, and packaging of products without the processing of raw materials; for example: bottling plants, welding shops, and vehicle assembly establishments.

Liquid Waste: Sludge, septic, or other liquid waste from wastewater treatment plants, septic tanks, grease traps or sediment traps.

Live-Work Unit: Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Living Area: That area of a dwelling unit, enclosed, which is protected from the elements and heated and/or cooled, including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, unenclosed and unheated and/or cooled areas.

Living Unit: A room or rooms comprising the essential elements of a single housekeeping unit. Facilities for the preparation, storage and keeping of food for consumption within the premises shall cause a unit to be construed as a living unit.

Loading and Unloading area: That portion of the vehicle accommodation area used to satisfy the requirements of Chapter 39, Article III and designed for the transfer of materials from vehicle to building.

Local Street: See "Streets."

Lot: A portion of a subdivision or any other parcel of land intended as a legal unit for transfer of ownership or for development, or both. Includes the terms "plot" or "parcel," and is further defined as follows:

(a) *Corner Lot:* Any lot situated at the intersection of two (2) streets and abutting such streets.

(b) *Double Frontage Lot:* A lot of the same depth as the width of a block and which is accessible from both of the streets upon which it abuts. Also includes the term "reverse frontage lot."

(c) *Interior Lot:* Any lot bound on both sides by other lots.

(d) *Lot Depth:* The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear. For concave shaped lots located on a curve, lot depth shall be measured from the midpoint of a straight line drawn tangent to the curved right-of-way line and connecting the side lot lines to a midpoint of a straight line connecting the rear most points of the side lot lines in the rear.

(e) *Lot Line:* Any line defining the exact location and boundary of a lot.

(f) *Lot Width:* The distance between straight lines connecting the front and rear lot lines at each side of the lot, measured across the front building line.

(g) *Reverse Frontage Lot:* See "Double Frontage Lot."

(h) *Single Tier Lot:* A lot which backs upon a limited access highway, a physical barrier such as a canal or waterway, or a nonresidential use and to which vehicular access from the rear is usually prohibited.

(i) *Flag Lot:* Any lot, plot, tract or parcel of land having a relatively narrow, deeded, strip of land connecting the main body of said lot, plot, tract or parcel to a dedicated and accepted road. For such lots, the lot width, lot depth, and front, side and rear lot lines shall be established by the boundaries of the main body of such lot exclusive of the narrow connector strip of land.

Lot Coverage: That portion of the area of a lot expressed as a percentage, occupied by all buildings or structures which are roofed or otherwise covered.

Lot Split: Is the simple division of a single parcel of land into two (2) parcels meeting the requirements of Section 51-31.

Lumber and Building Supplies Sales: Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, fixtures, nursery stock, and lawn and garden supplies. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales.

Lumber Yard: Manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

Machine Shop: Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tin-smith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

Major Arterials: See "Streets."

Manufactured Housing Unit (MHU): Designed and built in accordance with the Department of Housing and Urban Development Standards. A mobile structure manufactured upon a chassis or undercarriage which is an integral part of the structure and which is transported to the site on wheels; comes fully equipped with flush toilet, tub or shower and kitchen facilities; is ready for immediate occupancy upon its arrival to the site and its connection with utilities; and is designed for long-term use as a single-family residence.

Manufactured Housing Unit (MHU), Park: Any plot or parcel of land, under single ownership, which has been improved for purposes of locating MHUs as dwellings.

Manufactured Housing Unit (MHU), Site: A parcel of land within an MHU park designed and improved for the accommodation of not more than one (1) MHU as a single-family residence.

Manufacturing of Boat Parts and Equipment: Building boats and equipment using closed mold (fiberglass) manufacturing, within an enclosed building with no long-term outdoor storage.

Marginal Access Streets: See "Streets."

Marijuana: All parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin and as may be amended from time to time.

Marijuana cultivation: The planting, growing, harvesting, drying, processing, or storage of one (1) or more marijuana plants or any part thereof in any location.

Marina: A water-oriented commercial facility which provides facilities for berthing, supplying, and servicing all types of recreational and/or commercial watercraft.

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Mechanical Service and Repair: Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

Medical Office/Clinic: A facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis

Mini-Warehouse: An enclosed building or buildings having individual compartmentalized units, stalls or lockers, not exceeding five hundred (500) square feet which are to be rented for storage use.

Minor Arterials: See "Streets."

Mixed Use: The development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mobile Vendor: A person, corporation, company or business that sells or offers for sale goods, wares, merchandise, beverages or foodstuffs of any kind or nature whatsoever from a vehicle capable of movement.

Monitor Well: A well used primarily to monitor hydrologic parameters such as water levels or water quality.

Mulch: Nonliving, small, aggregate material such as wood chips or bark.

Multifamily: Any area zoned or used as residential for more than single-family development.

Multifamily Dwellings: A building containing two or more dwelling units.

Native Vegetation: Plants that are indigenous to the local ecosystem, including trees, shrubs, herbs and grasses.

Natural Buffer Yard: Landscaping that uses existing native vegetation to obstruct the view of an adjacent property.

Natural Flow Pattern: The rate, volume and direction of the surface, or ground water flow occurring under natural condition for any given site or area.

Neighborhood Business: Those businesses providing a limited commercial facility of a convenience nature, intended to service residential neighborhoods within a one-half-mile radius, and located on at least a collector street as defined under "streets" and in the Future Traffic Circulation Map of the City of Titusville.

Neighborhood Group Home: A community residential home of six (6) or fewer residents as further defined in Chapter 419, Florida Statutes.

New Development:

(1) Any construction which did not receive a building permit prior to the effective date of these regulations;

(2) The alteration, repair, modification or change in use of an existing development which did not obtain a building permit prior to the effective date of these regulations;

(3) Annexations of improved property, which improvements were permitted after the effective date of these regulations.

Noise Level Reduction (NLR): Reduction in sound level decibels between two designated locations or rooms for a stated frequency or band, also known as Sound Level Reduction (SLR).

Noise Zones: Noise Zones are established as shown on the Airport Noise Impact Zone Map at Attachment 3 [2] as follows:[.]

Nonconforming Situation: A situation that occurs when, on the effective date of these regulations, an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum size requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and

setback requirements) is not in conformity with these regulations, or because land or buildings are used for purposes made unlawful by these regulations. Also includes signs that are in nonconformity with these regulations.

Nonconforming Lot: A lot that, at the time of its establishment, met the minimum lot size requirements for the zone in which it is located but which, because of subsequent changes to the minimum lot size applicable to that zone, is not smaller than that minimum lot size.

Nonconforming Sign: A sign that was lawfully established but, because of changes to any ordinance regulating signs, no longer fully complies.

Nonconforming Structure: A structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations.

Nonconforming Use: Any existing structure, object or object of natural growth or use of land that is inconsistent with the provisions of Sections 59-972, 59-973, or 59-974 of these regulations as of the effective date of this Ordinance.

Nonpotable Water Supply: Any water supply not included in Potable Water Supply. This includes aesthetic, agricultural, commercial, industrial and recreational use.

Nonresidential Land Use or Activity: Any land use or activity regulated by this code which occurs in any building, structure, or open area which is not used primarily as a private residence or dwelling. Any land use or activity which produces, stores, uses or handles more than one hundred ten (110) gallons or one thousand one hundred (1,100) pounds of a hazardous substance is presumed to be a nonresidential land use or activity.

Nursing homes: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advance age, chronic illness or infirmity, are unable to care for themselves.

Off-street parking area: Any area excepting public rights-of-way used for the purpose of parking, storing or display of vehicles, boats, trailers and mobile homes, including car lots, but not including parking structure or garages.

One Hundred-Year Storm: That storm which has a one-in-one-hundred probability (or a one-percent chance) of occurring in any given year.

Open-air Market: A business including the sales or display of retail merchandise or services outside of a permanent structure.

Open Space Area: Any unencumbered space, park, or public or private spaces otherwise committed to preservation or recreation (active or passive) but not including areas required for stormwater management (retention or detention) unless expressly permitted herein.

Other vehicular use areas: All land upon which vehicles traverse the property as a function of the primary use(s).

Outbuilding: A separate building or accessory structure not physically connected to the principal building(s).

Outdoor storage: The exterior depository, stockpiling, or safekeeping of materials, products, merchandise, vehicles, trailers, and the like on commercial or industrial properties. Outdoor storage may be enclosed by a structure that includes a roof, but no side walls, in which case the structure shall be deemed outdoor storage; outdoor storage may involve fencing or screening without a roof in which case fencing or screening shall be deemed outdoor storage. Parking lots do not qualify for outdoor storage. Outdoor storage does not involve any product representation or signage except for those emergency or safety-related signs specifically approved by the city. Automatic vending or transaction machines accessory to allowable uses do not constitute outdoor storage. The parking or storage of vehicles, equipment, and merchandise for a period of less than twenty-four (24) hours does not constitute outdoor storage.

Outparcel: A tract of land of any size or dimension which is not included in a land development proposal or site plan and is specifically indicated as such on the proposal or plan.

Overlay District: A set of zoning district requirements that is described by a purpose and intent statement, is mapped and is imposed in addition to those of the underlying district. Development within the overlay district must conform to the requirements of the underlying and overlay zone or the more restricted of the two (2).

Owner: Any person, including, but not limited to a lessee, sublessee, assignee, manager or agent, having the authority to sell or lease any building or parcel of land.

Pain Management Clinic: As defined by Florida Statutes §458.3265, as may be amended.

Parcel: Any legally described piece of land designated by the owner or developer as land to be used or developed as a unit, or that has been developed as a unit.

Park (Private): A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc. for active and/or passive recreation. These include commercial recreation premises consisting of woodlands, watercourses, and fields used for active recreational activities that do not require modifying the existing setting, including paintball, lasertag, and orienteering.

Park (Public): A tract of land, designated and used by the public for active and passive recreation.

Parking Area Aisles: That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Structures: A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking, and underground or underbuilding parking areas.

Parking Space: A portion of the vehicle accommodation area set for the parking or storage of one (1) vehicle.

Patio Home: A one-family dwelling on a separate lot with setbacks on three (3) sides.

Personal Service: A commercial activity providing services involving the care of a person or his apparel. Such services may include, but are not be limited to: spas, salons, beauty or barber shops, tattoo parlors, or any similar use and which may involve the sale of associated retail products as an accessory use.

Persons: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns.

Pervious concrete pavement: A cast-in-place, Portland cement based concrete pavement surface designed to permit the percolation of a percentage of stormwater through its surface.

Pharmacy: A business substantially devoted only to the sale of pharmaceutical items, supplies, and equipment such as prescription drugs.

Planned Office Park: A development which contains a number of of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed and maintained on a coordinated basis.

Planned Unit Development (PUD): An area of land developed as a single entity, or in approved stages in conformity with a final development plan which is planned to provide for a variety of residential environments and compatible uses, and common open space.

Planting area: A designated landscape area on a site plan or subdivision plat.

Plat: A plan or map drawn to scale of a parcel of land, pursuant to Ch. 177, F.S.

Playground: An outdoor area provided for recreational use primarily by children.

Plaza: An open space, which may be improved and landscaped; usually surrounded by streets or buildings.

Principal Building: A building in which is conducted the principal use of the lot on which it is situated. In a residence district any dwelling shall be deemed to be the principal building on the lot on which same is situated.

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An attached carport, shed, garage or any other structure shall comprise a part of the building and be subject to all regulations applicable to the principal building. A detached and structurally independent carport, garage, or other accessory building, if attached in any way to the principal building shall cause the entire structures to be considered as part of the principal building and shall be subject to the regulations applicable to the principal building.

Private Road or Driveway: Any privately owned way or place used for vehicular travel by the owner of such way or place and those having express or implied permission from the owner of such way or place, but not by other persons, and not accepted by the City for repair or maintenance.

Private Club: A building or facilities owned or operated by a corporation, association, person or persons for a social, fraternal, civic, religious or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Professional Offices: A commercial activity involving the conduct of business in any of the following related categories: architecture, engineering, law, medicine, excluding pain management clinics and cash-only pharmacies, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investment and any similar profession.

Prohibited Use: A use that is not specifically listed as a permitted or permissible use in any zoning district.

Protected Trees: Any tree which does not fit the criteria for removal in Sec. 35-2.

Portable Sign: See "Signs."

Potable Water Supply: Sources of water that meet county, state or federal drinking water standards and are limited for drinking, culinary and domestic purposes.

Public Body: Any government or governmental agency of the City of Titusville, Florida, Brevard County, State of Florida, or of the United States government.

Public Use: The use of any land, water, or buildings by a municipality, public body or board, council or authority, or the state or federal government, or any agency thereof for a public service or purpose.

Public Utility: A privately owned, municipally owned or county owned system providing water or wastewater service to the public which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily.

Rear Yard: See Yard, Rear

Recovery/Halfway House: A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment.

Recreation and Commercial Amusement (Indoor): A recreational land use conducted entirely within a building, including areas, art galleries, arts center, assembly hall, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, movie theater, museum, performance theater, skating rink, swimming pool, and tennis courts.

Recreation and Commercial Amusement (Outdoor): A recreational land use conducted outside of a building, characterized by potentially moderate impacts on traffic, the natural environment, and the surrounding neighborhood, including athletic fields, miniature golf, skateboard park, swimming, batch, wading and other therapeutic facilities, tennis handball, basketball courts, batting cages and trampoline facilities.

Recycling and Mulching/Composting Facility: Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, scrap metals, paper, rags, tires, bottles, and other such materials.

Regulated Substance: Those deleterious substances and contaminants, including degradation and interaction products which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity,

bioaccumulative effect, persistence (nondegradability) in nature, or any other characteristic, may cause significant harm to human health and environment (including surface and ground water, plants, and animals).

Regulated Substances: Shall include, but are not limited to, those substances set forth in the lists, as amended from time to time, entitled, Lists of Hazardous Wastes (40 CFR Part 261, Subpart D), 40 CFR, Part 261, Appendix VIII Hazardous Constituents, and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA (40 CFR 302, effective July 3, 1986).

Repair and Service for Small Equipment Items: Repair and Service for Small Equipment Items: An establishment whose primary activity is the repair and service of household appliances, lawn maintenance equipment and other similar items.

Residential Coach or Motor Home: See "Mobile Home."

Residential/Professional Uses: Business services and professional services (excluding the general retail sales of goods and commodities. However, incidental retail sales directly related to the business or primary professional use shall be allowed. Examples of such accessory retail sales and their primary uses shall include, but not be limited to: hairdresser/beautician—hair care products; optometrists/opticians—eye care products; dentists/oral hygienists—dental care products, etc.).

Residential Treatment Centers for Children and Adolescents: These centers shall provide 24-hour residential programs, including therapeutic group homes, under contract with the Department of Children and Families (DCF) or the Agency for Health Care Administration (AHCA). These centers are designed to provide mental health treatment and services to children under the age of eighteen (18) who have been diagnosed as having mental, emotional, or behavioral disorders. These facilities shall meet the regulations in Chapter 394 Part IV, F.S., Chapter 65E-9, F.A.C. and Chapter 408, Part II, F.S.

Residential Treatment Facilities (RTF): A facility providing residential care and treatment to individuals exhibiting symptoms of mental illness who are in need of a 24-hour per day, seven-day-a-week structured living environment, respite care, or long term community placement, and are licensed by the Agency for Healthcare Administration and under Chapter 394, Part IV, F.S., Chapter 408, Part II, Florida Statutes, and Chapters 65E-4.016, Florida Administrative Code. Such facility is provided for developments of licensed fifteen (15) beds or more and do not meet the definition of a Neighborhood Group Home or a Community Residential Home as defined in Chapter 27 of the Land Development Regulations.

Residential Use: For purposes of the Airport Zoning Ordinance, single-family dwellings, condominiums, townhouses, multifamily dwellings, including mobile homes, but not including hotels, motels, timeshares, transient lodgings, or employer-owned dwellings or other facilities primarily used by the employer's employees or contractors.

Restaurant: An establishment where food and beverages are ordered, prepared and served for pay.

Retail Sales and Services: Those business activities that customarily provide retail convenience goods. Such uses may include: department stores, variety stores, including retail pharmacies, however, excluding cash-only pharmacies, restaurants, delicatessens, cafeteria, grocery and markets, gift shops, wearing apparel, home and auto supply, furniture and appliances, hardware, package stores, cocktail lounges, taverns, newsstands, book and stationery stores, shoe repair shops, luggage shops, bakeries and candy shops (provided that products made on the premises are sold on the premises), camera and photo supply shops, radio and television sales and services, floor coverings, sporting goods, florists, jewelers, music and piano sales and services, art shops, pawnshops, electrical and lighting, laundry and dry cleaning pickup stations, coin-operated or self-service laundry, farm and garden supplies excluding farm machinery and equipment, pet shops, and similar uses.

Retention, Stormwater: Facilities that prevent the discharge of a given volume of stormwater runoff into surface waters or the act of preventing same, by complete on-site storage of the given volume, which may only be reduced by a decrease of stored water caused only by percolation through soil, evaporation or evapotranspiration.

Right-of-Way: Land reserved, used or to be used for a street, alley, walkway, drainage facility or other public use or service purpose and the title to which is in public ownership.

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Roadway: That portion of a right-of-way improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a right-of-way includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways collectively.

Road Tractor: Any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as to any part to the weight of a vehicle or load so drawn.

School: Any building or group of buildings or part thereof which is designed, constructed or used for educational or instruction of any branch of knowledge.

(a) *School; College/University:* An educational institution authorized by the State of Florida, to award baccalaureate or higher degrees.

(b) *School; Elementary:* Any school licensed by the State of Florida and which meets the State of Florida requirements for elementary education. Elementary school shall be from kindergarten to sixth grade.

(c) *School; High School and/or Secondary:* Any school licensed by the State of Florida, which is authorized to award diplomas for high school and/or secondary education. High School and/or Secondary school shall be from ninth to 12th grades.

(d) *School; Jr. High and/or Middle:* Any school licensed by the State of Florida and which meets the State of Florida requirements for Jr. High and/or Middle school education. Jr. High and/or Middle school shall be from sixth to ninth grades.

(e) *School; Parochial:* A private school supported and controlled by a church or religious organization.

(f) *School; Private:* Any building or group of buildings the use of which meets State of Florida requirements for elementary, Jr. High and/or middle, High/secondary school or higher education and which does not secure the major part of its funding from any government agency.

(g) *School; Vocational, Trade and Business:* A higher educational facility above secondary school, teaching usable skills that prepare students for jobs in a trade and meeting the State of Florida requirements as a vocational facility. Such schools shall also include Adult educational schools, business schools or professional schools

Screen: A visual barrier which is one hundred (100) percent opaque to a height of at least six (6) feet. Said screen may be attained through the use of earth berms, hedges, fences, walls or any combination thereof.

Screened Porch: An enclosure, at least one (1) wall of which is a common wall to the principal building, the remaining wall surface area consisting of screen mesh with no more than a 32-inch splash wall. All walls, except those common to the principal building, shall provide for the free flow of air between the outside and the interior of the enclosure.

Seasonal High Groundwater Table: The highest level to which groundwater is expected to rise during the wet season. This level usually occurs between August and September and is often identified in the subsurface by soil staining.

Self-Propelled Mobile Home: A self-propelled vehicle containing living facilities and includes the term "house-car" or "motor home."

Setback: The open space existing on the same lot with a principal building unoccupied and unobstructed by buildings from the ground to the sky, between the lot line and building line.

Specific yard definitions as contained in these regulations are defined as follows:

(a) *Front Setback:* The area measured from the front lot line extending across the entire width of the lot. The lot line of a lot abutting a public street shall be deemed the front lot line. The front setback of a corner lot shall be that yard abutting the street with the least frontage, unless otherwise determined on a recorded plat or in a recorded deed. The front setback of a lot existing between two (2) streets not intersecting at a corner of the lot shall be that area abutting the street on which adjoining properties face, unless determined on a recorded plat or in a recorded deed.

(b) *Rear Setback:* The area measured from the rear lot line extending across the entire width of the lot. The rear lot line shall be the lot line farthest removed from the front lot line.

(c) *Side Setback:* The area measured from the side lot line extending from the front setback to the rear lot line.

(d) *Corner Setback:* The side yard area abutting a public or private street and extending from the front setback line to the rear lot line.

Setback Line: The line established by setback requirements outside of which no building may be erected.

Shrub: Any low, self-supporting woody plant as normally grown in Brevard County, Florida.

Side Yard: See Yard, Side

Sign: See Chapter 32 Signs, Article I General Sign Regulations, Division 1 General Provisions, Section 32-2 Definitions. [The following sign definitions are inconsistent with the definitions in Section 39-152 of the Current Code]

Single-family residential area: Any portion of the city divided into lots intended to contain a single dwelling unit designed for occupancy by one (1) family.

Single-family Dwelling (Detached): A detached building on a single lot containing one dwelling unit, or a factory assembled structure constructed to state building code standards.

Site Plan: The plan required to acquire a development, construction, building or stormwater permit or development order which shows the means by which the developer will conform with these regulations.

Site-Related Improvements: Capital improvements, landscaping, grading and roadway improvements to the development in question. Direct access improvements, including, but not limited to, the following:

(1) Site driveways and internal roads;

(2) Right and left turn lanes leading to those driveways or internal roads;

(3) Traffic-control measures and devices for those driveways and internal roads;

(4) Median cuts and landscaping;

(5) Drainage and stormwater management systems; and

(6) Other improvements in the public right-of-way necessitated by the development to facilitate direct access to the development and compliance with these regulations.

Skateboard Ramps: An outdoor structure whether or not permanently affixed to the ground that has a semi circular, or semi oval shape, or more than one (1) surface and that is intended or used to permit persons on skateboards or roller skates to move continuously from one (1) side to another.

Sketch Plat: A rough sketch map of a proposed subdivision of sufficient accuracy to be used for the purpose of discussion and classification, meeting the requirements of Chapter 51, Article III, Division 2: "Sketch Plat Requirements and Exhibits".

Small Scale Plat: The division of a single parcel of land into three (3) but less than ten (10) lots meeting the requirements of Section 51-32. Per Florida Statue Chapter 177 the division of land into three (3) or more lots requires the subdivider to follow the platting process.

Solid Wastes: Garbage, rubbish, refuse, bulky items and other discarded materials, including materials resulting from residential habitation, industrial, commercial and/or agricultural operations, and from community activities. The term "waste" shall be synonymous with "solid waste," and shall include recyclable materials.

Sound Level: The weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B or C, as specified in American National Standards Institute (ANSI) specification for sound level

meters, and measured in decibels (db) (ANSI 551.4-1979). If not indicated, the A-weighting shall apply. (Also includes sound pressure level.)

Stormwater Management System: Refers to all public facilities, manmade structures, and all natural watercourses which collect, convey, store, constrain or divert the movement of stormwater to reduce flooding and water quality degradation.

Stage: A specified portion of the planned unit development that may be developed as an independent entity that is delineated in the preliminary master density plan and final master development plan and specified within the development schedule.

Street: Any public or private right-of-way set aside for public travel thirty (30) feet or more in width. The word "street" shall also include the words "road, avenue, boulevard, lane, drive, circle, court, way, arterial and highway." For the purpose of this definition the word "street" shall also include "Street System" a group of public rights-of-way functionally classified on the Future Traffic Circulation Map as follows:

(a) *Accessway:* An improved area intended to provide ingress and egress of vehicular traffic between a public street and required off-street parking areas serving more than one (1) residential unit.

(b) *Alley:* Any public or private right-of-way set aside for public travel less than thirty (30) feet in width.

(c) *Cul-de-sac:* A dead-end street, terminated by a turnaround, which provides access only to abutting properties.

(d) *Highways:* Those traffic routes officially designated as federal or state highway routes.

(e) *Local Streets:* Those streets which function primarily to provide access and service to abutting properties. This includes access and service to residential, business, industrial and public uses.

(f) *Major Arterials:* Those routes intended to carry relatively heavy volumes of traffic for major distances through the Titusville area. Also includes the term "principal arterial" and are generally state and federal numbered roadways.

(g) *Major Collectors:* Those streets designed to carry medium volumes of traffic, provide access to major and minor arterials, and collect traffic from intersecting local streets.

(h) *Marginal access streets:* Those streets parallel to and adjacent to limited access highways and arterials which provide access to abutting properties. These streets are designed to protect the abutting properties from the danger of rapid arterial traffic and to protect the arterials and highways from the danger created by numerous points of conflict created by driveways and individual access to abutting properties.

(i) *Minor arterials:* Those routes intended to carry relatively heavy volumes of local traffic for intermediate distances.

(j) *Minor collectors:* Those streets designed to carry lower volumes of traffic and provide access to other streets as well as some access to abutting properties.

(k) *Private streets:* Those streets not located in a public right-of-way and not accepted by the city for repair or maintenance, as may be permitted by these regulations.

Street Furniture: Any manmade, above-ground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters and phone booths.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and required to be affixed to the ground; but shall not include fences or signs.

Subdivider: Any person, firm, association, syndicate, partnership, or corporation who owns land which is divided or developed into a subdivision as herein defined. The term "subdivider" shall include the term "developer," his duly authorized agent or representative, and shall include the word "person" as defined herein.

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Subdivision: All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions of land. The term "subdivision" includes re-subdivision (minor adjustment or vacation of property lines which reallocates or consolidates land area of contiguous lots or parcels), and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, provided, however, that the following shall not be included within this definition nor be subject to these regulations:

(a) The combination (consolidation into fewer number) or recombination (new configuration or consolidation) of previously platted lots where the total number of lots is not increased, the resultant lots are equal to or exceed the standards of the City as required by these regulations and necessary adjustments in utilities and site improvements meet the approval of the public works official.

(b) The public acquisition of strips of land for the widening or opening of streets.

Major Subdivision: The division of land (parcels or tracts) into three (3) or more lots in conformity with the requirements of the zoning district applicable to the lots created. This shall also include the creation, opening or dedication of public streets, or any change in an existing public street.

The following shall not be considered subdivisions:

(a) Lot Split.

(b) The combination or recombination of lots or parcels, when the total number of lots is not increased and the resultant lots are equal to or exceed the requirements of the zoning district in which they are located.

(c) The public acquisition of strips of land for the widening or opening of streets pursuant to official action of the City Council.

Submerged Lands: Any naturally occurring or manmade water bodies, including rivers, streams, lakes, ponds, and canals, generally characterized as any area within a clearly defined literal [littoral] zone containing water on a year round basis.

Temporary (or Portable) Storage Units: Transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential and commercial properties. This definition does not include storage sheds ~~units~~ authorized by the Florida Building Code pursuant to § 553.73, F.S. Truck bodies and semi-trailers are prohibited.

Temporary Use: A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of the time period.

Tree: Any self-supporting, woody plant or palm having at least one (1) well-defined stem of a minimum dbh caliper of two (2) inches.

Townhomes: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located above or below another unit.

Toxic Substances: Hazardous wastes as defined in Chapter 17-730, F.A.C., hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L, No. 96-510, 94-510, 94 Stat. 2767; a pollutant as defined in Chapter 376, Florida Statutes; a substance which is or is suspected to be carcinogenic, mutagenic, teratogenic, or toxic to human beings, or to be acutely toxic as described in Rule 17-3.021(1) F.A.C.; or a substance which poses a serious danger to the public health, safety or welfare.

Trailers: Any portable or movable structure or vehicle including trailers designated for living quarters, offices, storage or for moving or hauling freight, equipment, or merchandise of any kind.

Transient Accommodation: A dwelling unit or other accommodation used as a dwelling unit or other place of human habitation with sleeping accommodation which is rented, leased or subleased for less than monthly periods or which is subject to time sharing pursuant to applicable law for less than monthly time share periods. Transient accommodations shall include hotels, motels and similar uses if used as dwelling units and/or residence for more

than a one-month. A transient accommodation shall be considered a residential use. An accommodation is not a transient accommodation if it is rented, leased or subleased for periods longer than one (1) month.

Transitional Area: A setback area which acts as a buffer between two (2) land uses of different intensity.

Transit Oriented Development: Mixed-use villages and centers that promote pedestrian and transit travel being located within walking distance of a transit stop and core commercial area.

Travel Trailers: A vehicular, portable structure having no foundation other than wheels, or jacks, designed to be used as a temporary dwelling unit for travel, recreational and vacation uses, which:

(1) Is identified on the unit or classified by the manufacturer as a travel trailer; and

(2) Is not more than eight (8) feet in body width; and

(3) Is of any weight provided its body length does not exceed thirty-two (32) feet; or

(4) Is of any length provided its gross weight, factory equipped for the road, does not exceed five thousand (5,000) pounds; and

(5) Also, see "camper trailer."

Travel Trailer Park: A place in which sites are rented for the placement of travel trailers, camper trailers, or other recreation vehicles (including tents) for use as temporary living quarters.

Tree Caliper: A measurement used in purchasing or planting trees which is the diameter of a tree measured 12 inches above the ground.

Truck Stop Plaza: A site oriented to the service of trucks, including the sale of fuel to truck drivers, and provision for support facilities for truck drivers. They may also be utilized by non-truck traffic and the interstate traveler. Business activities which are customarily accessory and clearly incidental and subordinate to the truck stop or travel plaza, may include, but not be limited to: scales, truck wash, tire repair and sales, barber shop, restaurant with or without alcohol service, shower facility, convenience store, truckers lounge (for services such as television, exercise, internet access, et cetra), laundry, and vehicle fuel. The facility may allow for overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles which are en-route to or from a destination along an interstate freeway system, for free or a fee that may be independent of any other use on the premises. The term "truck" shall mean a commercial vehicle driven by an operator who is required to have a Class "A" CDL (Commercial Driver's License) or equivalent.

Twenty-five-Year Storm: That storm which has a one-in-twenty-five probability or a four-percent chance of occurring in any year.

Unity of Title: A document recorded in the office of the Clerk of the Circuit Court of the county, stipulating that a lot, lots, or parcel of land shall be held under single ownership, shall not be eligible for further subdivision, and shall not be transferred, conveyed, sold, or divided, in any unit other than in its entirety.

Urban Plazas: An area used for passive recreational activities and relaxation. Plazas may be improved, landscaped, or paved areas typically provided with amenities, such as seating, drinking, ornamental fountains, art, trees, and landscaping for use by pedestrians.

Vacant: A building or parcel of land shall be deemed vacant when it is neither occupied nor used, or when it is in a nonoperative status.

Variance: A relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardships.

Vehicle Accommodation Area: That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

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Vehicle-for-Hire Establishments: An establishment where vehicles-for-hire are stored and maintained. These establishments may include administrative and dispatch offices and areas for vehicle repair and maintenance.

Vehicle Sales: The use of any building, land area or other premise for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles, as defined in F.S. Section 320.01.

Vehicle Service and Repair: Any building, structure, improvements, or land used for the repair and maintenance of vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, and installation of car alarms or stereo equipment.*:*

Veterinarian: As defined by Florida Statutes §474.202.

Videogame Arcades: Any electric or electronic machine (e.g. pinball, videogames) which provides amusement, enjoyment, or entertainment and which may be operated upon the insertion of a coin or token. This shall not include Arcade Amusement Centers or Electronic Gaming Establishments.

Vine: Any group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or tendrils, or which may simply sprawl over the ground.

Vocational School: See School.

Warehousing/Wholesale: The display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck terminal or bus servicing facilities, motor freight transportation, moving and storage facilities, warehousing, and storage activities.

Water Detention Structure/Water Management Structure: A facility which provides for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Water Table Aquifer: An aquifer with an unconfined upper surface, that is, a free surface where the fluid pressure equals atmospheric pressure or zero gage pressure; also known as a phreatic or unconfined aquifer, it is the uppermost aquifer and can receive direct recharge by infiltration from the ground surface.

Well: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct ground water from a source bed to the surface, by pumping or natural flow, when ground water from such excavation is used or to be used in a public utility potable water supply wellfield.

Wetlands: Land with either, fresh or salt water marshes, swamps, bogs, and wet woodlands, whether flooded at all times, flooded only seasonally, or having a water table within six (6) inches of the ground surface for at least (3) months of the year. Also defined as areas which support a dominance of wetland vegetation type listed in the rules of the Florida Department of Environmental Protection, Chapter 17-4.02(17) and (19) and the U.S. Fish and Wildlife Wetland Maps.

Yard, Front: A space extending the full width of the lot between the principal building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

Zoning Map: Shall mean the official zoning map of the City of Titusville, Florida.

Secs 37-2 – 37-10. – Reserved.