

Brevard County Zoning Definitions

Sec. 62-1101. Short title.

This article shall be known and may be cited as the Brevard County Zoning Regulations.
(Code 1979, § 14-20.01)

Sec. 62-1102. Definitions and rules of construction.

For the purpose of this article, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

Accessory building or use means a building, structure or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, provided the building, structure or use shall be constructed after or concurrently with the principal structure.

- (1) Accessory buildings or structures include but are not limited to private garages, storage sheds, carports, greenhouses, gazebos, cabanas, utility buildings/rooms, verandas, glass rooms, porches, screened porches or awnings, swimming pools and screened enclosures, and private residential boat docks with up to two slips for use of the occupants of the principal residential structure. Buildings or structures secondary and incidental to agricultural uses include, but are not limited to stables, barns, paddock areas and storage areas. Accessory buildings or structures may have a full or half bath; but may not have living quarters or a kitchen, unless such structure is a guesthouse consistent with section 62-1932.
- (2) Accessory uses include a child or adult day care center accessory to a church, a golf driving range accessory to a golf course, and the package sales of alcoholic beverages accessory to a convenience store. Pursuant to subsection 62-2100.5(1)(f), one single-family garage apartment is accessory to a single-family residence in multi-family zoning classifications. Pursuant to subsection 62-2100.5(2), horses and agricultural pursuits are accessory to a principal residence.
- (3) Except where otherwise provided in this section, an addition which is attached to a principal structure shall not be considered an accessory building, but shall be considered part of the principal structure. "Attached" for the purpose of this regulation means that the addition is integrated visually, structurally and architecturally with the principal structure, contains a common roof with similar design to the principal structure, and permits access between the principal structure and the addition either internally or under the common roof. If there is a connection between the

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addition and the principal structure which is not enclosed but is comprised solely of the common roof, then the addition shall be considered part of the principal structure if the length of the connection does not exceed the length of the addition by more than 50 percent (or 20 feet, whichever is less). Otherwise, the addition shall be considered a detached accessory structure. "Enclosed" for the purpose of this regulation means an area under a roof which has solid walls at least four feet in height around its entire circumference, or which is 100 percent screened from floor to ceiling, such that the enclosed inside space is clearly separated from the outside space.

Air curtain incinerator (a type of solid waste management facility defined in chapter 94, article I of this Code) means a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

Alley means a public right-of-way or passageway, less than 30 feet in width, which usually abuts the rear of the premises, or upon which service entrances or buildings abut, not generally used as a thoroughfare or for general traffic and not otherwise officially designated as a street.

Alteration means any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in wiring, plumbing or heating and air conditioning systems.

Aquaculture means the cultivation, production, and raising of the natural products of water, including associated activities such as landing, processing and transporting of shellfish. For the purposes of this chapter, aquaculture shall be divided into three categories:

Case I. Product is brought on-shore (landed) from a lease and transferred from that point to an off-site market.

Case II. Product is grown on site (i.e., hatchery or nursery) and transferred to the property owner's lease. On parcels having a commercial or industrial zoning classification as described below, the product may also be sold to the customer directly from the site.

Case III. Product is brought on-shore and then is further processed on site (deuration) before being transferred off site.

Aquaculture Case I and Case III are permitted in BU-2 or industrial classifications. Aquaculture, Case II is permitted in BU-1, BU-2 or industrial zoning classifications. All cases are permitted in AU, PA and AGR classifications.

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Aquaculture operations means activities related to the hatchery, nursery and maintenance of the product, including tanks, sludge application areas, settling facilities wet storage areas of containers, culture containers, activities related to the cultivation and maintenance of marine algae or other food stocks. The setbacks for aquaculture operations shall not include intake and discharge structures.

Assigned resident means any person residing in a residential social service facility as a result of being elderly, handicapped or family deprived, and having been assigned to that facility in accordance with licensing restrictions of the state department of health and rehabilitative services. For purposes of this subsection, the term "family deprived" shall mean abused, neglected or abandoned children, dependent adults or adults who are incapable of living alone due to age or infirmity and who are unable to reside with family members. The following persons shall not be considered as assigned residents: any person meeting the criteria for involuntary placement under F.S. ch. 394; any person who has been convicted of a felony, or entered a plea of guilty or nolo contendere to, or has been found not guilty by reason of insanity under F.S. § 776.08; or any person who has been convicted of, or entered a plea of guilty or nolo contendere to, or been found not guilty by reason of insanity of any sex offense under F.S. § 917.012.

Assisted living facility (ALF) means a structure in which the owner or operators are subject to licensing and approval by the state, whether operated on a profit or nonprofit basis. Such facilities may provide lodging, food and one or more personal services for unrelated adults and shall not be regulated or operated by or associated with any jail, prison or correctional facility or system. Generally, such facilities shall have more than 14 clients and must be licensed by the state as an assisted living facility. If a facility is not licensed by the state, such facility must be approved by the county.

Automobile repair, major means repairs of a nature that usually cannot be done quickly and which will encompass more highly skilled work. Such repairs include removal of the engine head or pan, engine transmission or differential. Often this work is necessary as a result of a major component failure or an accident. These types of repairs cannot be done while the customer waits, and will often take more than one day to complete. Such repairs include but are not limited to:

Accident repairs.

Automotive machine shops.

Framework and frame straightening.

Grinding valves, cleaning carbon or removing the head of engines or crankcases.

Major engine repair, replacement, rebuilding or reconditioning.

Paint and body work.

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Radiator recoring and rebuilding.

Replacement of body parts and fenders.

Tire recapping.

Transmission and differential repair, replacement, or rebuilding.

Welding.

Automobile repair, minor means repairs of a nature that can usually be done quickly with minimum noise, odor or other negative impacts. This includes preventative maintenance or replacement of easily accessible parts that routinely wear out. This does not include removal of the engine head or pan, engine transmission or differential. These types of repairs can be often done while the customer waits, and usually will not take more than one day to complete. Such repairs include but are not limited to:

Air conditioning maintenance and refrigerant replacement.

Audio installation and repairs.

Brake pads, shoes, rotors and drums replacement.

Chassis lubrication.

Electrical components repair and replacement.

Fuel injection systems and carburetor replacement.

Fuel pumps and fuel lines.

Ignition systems, sparkplugs, and batteries.

Motor oil, engine cooling and lubrication, brake fluid, transmission and other fluid replacement.

Mufflers, tailpipes, water hoses, fan belts, headlights and light bulbs, floor mats, seat covers, wipers and wiper blades, and replacement of grease retainers and wheel bearings.

Rustproofing.

Shock absorbers or other suspension systems replacement.

Tire replacement, repair and servicing, but no recapping.

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Tuning engines, with the exception of grinding valves, cleaning carbon or removing the head of engines or crankcases.

Washing, polishing and detailing.

Wheel balancing and alignment.

Windshield, window replacement.

Wiring repairs.

Automotive sales and service facilities means the site used for sale or storage of new and used automobiles, service stations, paint and body repair shops and automotive repair garages, including the sales and servicing of any automotive component. No storage of junk or wrecked motor vehicles, other than the temporary storage of those motor vehicles awaiting repair, shall be permitted. A minimum of 75 percent of the motor vehicles shall be operable and readily accessible to the public for inspection and operation. For purposes of this subsection, temporary storage of junk or wrecked motor vehicles shall mean that the vehicle may remain on the site for a length of time not to exceed 120 days in any calendar year.

Bar and cocktail lounge mean any place in the business of selling and dispensing alcoholic beverages of any type, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises.

Barn means a building for the housing of farm animals and storage of farm-related products, feed, equipment, machinery or fleets of vehicles or aircraft.

Biomedical waste incinerator (a type of solid waste management facility defined in chapter 94, article I of this Code) means a combustion apparatus, furnace or other device used for igniting, incinerating or burning biomedical waste to a temperature high enough and for a period long enough to ensure destruction of all pathogenic organisms and render such waste noninfectious and harmless.

Bluff line means an ambulatory line which shifts with shoreline changes signifying the edge of a marine cliff or bluff or a steep bank located beside a river, ravine, plain or ocean, or the broad, steep face of a bank or headland.

Board of adjustment. See article II, division 4, of this chapter.

Boardinghouse means a building, other than an apartment building, hotel, motel, motor lodge or restaurant, where meals, lodging, or lodging and meals are provided for fair compensation for three or more persons.

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Boatbuilding means the process of building, constructing, manufacturing or assembling water vessels within a substantial building.

Boundary of classification means the centerline of a street or right-of-way, or the centerline of the alleyway between the rear or side property lines, or, where no alley exists, the rear or side property lines of all lots, bordering on any zone limits or any zone boundary shown on the official zoning map.

Breezeway/visual corridor.

- (1) *Oceanfront breezeway/visual corridor* means a corridor across the full depth of oceanfront properties which shall be reserved to ensure unrestricted movement of ocean breezes and to provide visual access to the ocean. The corridor shall include all land from the mean low-water line to State Road A1A, or other dedicated public right-of-way running parallel to the ocean, whichever lies closer to the ocean, and shall include a minimum of 30 percent of subject property's width. The width of the corridor shall be measured as described in section 62-2105. Notwithstanding any other provision of this article to the contrary, this minimum 30 percent breezeway/visual corridor requirement shall include all oceanfront properties, except single-family residential. Single-family residential structures on the oceanfront shall continue to be subject to State of Florida Department of Environmental Protection guidelines establishing a 60 percent coverage of the shore-parallel width of the property, pursuant to F.S. ch. 161.053, "Coastal Construction and Excavation" and Florida Administrative Code Chapter 16B-33.008.
- (2) *Riverfront breezeway/visual corridor* means a corridor across the full depth of riverfront properties, which shall include all land from the mean low-water line to a distance of 250 feet, or the distance to the closest dedicated public right-of-way running parallel to the water, whichever distance is less, and shall include a minimum of 30 percent of the subject property's width. The width of the corridor shall be measured as described in section 62-2105. Notwithstanding any other provision of this article to the contrary, this minimum 30 percent breezeway/visual corridor requirement shall include all riverfront properties, except single-family residential.

Building means any structure constructed or used for residence, business, industry or other private or public purposes, including structures that are accessory to such uses, provided such structures are in compliance with the Standard Building Code. This shall include but not be limited to single-family dwellings, sheds, garages, carports, storerooms and other stationary structures.

Building height.

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- (1) Where a building or structure is constructed with a flat roof, the height of the building or structure shall be the vertical distance measured from the average elevation of the finished development grade of the building site to the finished elevation of the flat roof of the uppermost story, excluding elevator or mechanical equipment screens.
- (2) Where a building or structure is constructed with a hip roof or gabled roof, the height of the building or structure shall be the vertical distance measured from the average elevation of the finished development grade of the building site to the highest bearing point of the roof trusses or roof joists of an acceptable slope, which slope shall not exceed 45 degrees or 12-on-12, provided that any habitable space located within the confines of the acceptable slope shall be solely for the use of the occupants of the floor immediately below and not used as a separate occupancy. Church steeples, bell towers, or other similar features customarily used to identify a church shall be excluded from the height restriction, as long as the height at the top of the identifying feature as measured from finished development grade does not exceed 200 percent of the maximum height or height threshold.
- (3) Where one level of parking is provided under any principal building, excluding single family homes, building height shall be measured from the elevation of the lowest point of the structure of the first habitable floor to a point defined in either subsection (1) or (2) of this definition; provided, however, that setbacks, breezeway/visual corridor and fire protection requirements under this article shall be based on building height as measured from the average elevation of the finished development grade of the building site.

Building line. Compliance with setbacks shall be determined by measuring from any projection of the structure or any vertical support of a covered roof section to the nearest point of the lot line.

Building site means the ground area of a building or buildings together with all open spaces surrounded by said building or buildings under the same ownership.

Captive wildlife means animals of a species not usually domesticated in the United States, and requiring permitting or licensing for possession by the State of Florida Fish and Wildlife Conservation Commission as Class I or Class II wildlife or poisonous or venomous reptiles per F.S. §§ 372.86 or 372.922, or Rule 68A-6.002, F.A.C.

Certified survey. A survey, sketch, plan, map or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed and sealed by a registered surveyor licensed by the state.

Civic, philanthropic or fraternal organizations means:

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- (1) A group of people formally organized to pursue goals or activities for a common nonprofit interest or purpose, usually cultural, religious, or social, with regular meetings and usually characterized by certain membership qualifications, supported by the payment of regular periodic fees and dues, and a constitution and/or bylaws;
- (2) A nonprofit, humanitarian organization involved in an active effort to promote human welfare; or
- (3) An organization that promotes fellowship among its members and is devoted to the principle of volunteer community service.

Community center means a building used for recreational, social, educational, and cultural activities, usually owned by a nonprofit organization such as a homeowners association, located in the same neighborhood as and operated solely for the benefit of its resident membership.

Composting facility (defined in chapter 94, article I of this Code) means a solid waste management facility where solid waste is processed using composting technology. Processing shall be limited to vegetative debris generated from land clearing activities. The vegetative debris may be processed by physically turning, windrowing, aeration or other mechanical handling. Simple exposure of organic matter to the elements resulting in a natural decay, with little or no mechanical handling, is considered disposal and for the purpose of this chapter would not be considered a composting facility. Composting of other materials shall be performed under the conditional use requirements of the solid waste management facility.

Conditional use. See division 5 of this article.

Contractors. NAICS 235.

County means the unincorporated areas of Brevard County, Florida.

County zoning regulations means those regulations relating to land use and control adopted by ordinance by the board of county commissioners under the authority of various state and local laws.

Court. A street court is a concave lateral extension of the primary street pavement with a turning radius of not less than 35 feet and a depth which may range upward to a maximum of 70 feet.

Development rights means the number of residential dwelling units that a specific parcel of real property can generate or yield given a zoning classification's gross density provision.

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Duplex means a residential building designated for or occupied by two families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, multiple-family means a residential building designed for or occupied by more than two families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, single-family means a private residence building used or designed for use as a home or residence, in which the use and management of all sleeping quarters and all appliances for sanitation, cooking, ventilation, heating and lighting are designed primarily for the use of one family unit. All rooms within the building must have internal access, and the building shall have only one kitchen and one electrical meter, unless otherwise provided in this section. No other structure located on the lot may contain a kitchen except where otherwise provided in this section. Shelters that are not designed and constructed in compliance with Brevard County, State and other applicable development codes for a single-family dwelling, such as tents, lean-tos, and sheds, are prohibited from use as a residence on a temporary or permanent basis. A second electrical meter on a single-family zoned lot for detached accessory structures or docks shall be permitted where the accessory structure is located more than 100 feet from the residence or where the boat dock is located more than 100 feet from the residence or where the boat dock is separated from the residence by a public right-of-way.

Farmer's stand means a roadside stand operated by the landowner of agriculturally zoned property to sell produce grown on that site to the general public.

Fireworks means any combustible or explosive composition or substance or combinations of substances or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, or any article containing any explosives or flammable compound or any tablets or other device containing any explosives or flammable compound or any tablets or other device containing any explosive substance, as defined by Chapter 791.01(4)(a), Florida Statutes (2003). "Fireworks" does not include sparklers approved by the division of the state fire marshal of the Department of Financial Services pursuant to Chapter 791.013, Florida Statutes (2003), novelties, trick noisemakers, toy pistols, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound or mixture are used, as defined by Chapter 791.01(4)(b) and (c), Florida Statutes (2003). Wholesale fireworks sales shall require IU-1 zoning, whereas retail sales of items not so defined as fireworks shall be permitted in the BU-1 and BU-1-A classifications.

Fish camps are commercial activities located near adjacent water bodies for the purpose of supporting recreational activities. Fish camps provide immediate access to water bodies. Facilities provided at fish camps may include boat ramps supported by slips and piers extending into the water body. Fish camps may also sell items normally bought at convenience stores, examples are such items as prepackaged food and beverages together with specialty items associated with fishing or other water-type recreational

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uses. Fish camps may have other accessory uses which provide services to boaters and/or fishermen which may include bait and tackle shops and accessory restaurants as limited by section 62-1835.4.5.

Floor area means the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two attached buildings. The required minimum floor area within each classification shall not apply to accessory structures.

Floor area ratio (FAR) is computed by dividing the gross floor area of all buildings on a lot by the area of that lot.

Foster home means a dwelling unit in which the owners or operators are subject to licensing and approval by state department of health and rehabilitative services, and where the owners or operators live permanently and provide full-time care and supervision to a maximum of five assigned residents who are unrelated to the owners or operators. The maximum number of assigned residents shall be reduced by one for each minor child, natural or adopted, of the foster parents.

Frontage means the distance measured along a road right-of-way which provides access to the property, or the distance measured along a major water body. If a lot fronts both on a road right-of-way and a major water body, the definition set out under *Lot, double-frontage* shall apply.

Garage, private means a structure not larger than 600 square feet in area, unless otherwise provided in this article, for the private use of the owner or occupant of the principal building on a lot or for the use of his family or domestic employees for the storage of noncommercial motor vehicles, and which has no public shop or mechanical service in connection therewith.

Group home means a facility in which the owners or operators are subject to licensing and approval by the state department of children and families, and where the owners or operators provide basic care, personal services and supervision necessary to meet the physical, emotional and social needs of assigned residents. A group home shall house no more than 14 assigned residents. Group homes shall be categorized by levels, according to the number of assigned residents residing on the premises, as follows:

- (1) Level I: No more than six assigned residents.
- (2) Level II: Seven to 14 assigned residents.

Guesthouse means living quarters within a detached accessory building located on the same premises as the main building, to be used for housing members of the family occupying the main building or their temporary guests. Such quarters shall be subject to the provisions of section 62-1932, shall have no separate utility meters, and shall not be rented or otherwise used as a separate dwelling.

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Hazardous waste facility means any building, site, structure, or equipment at or by which hazardous waste, which is generated off-site, is transferred to, disposed of, stored, or treated and required to obtain an operating permit for a hazardous waste treatment, storage and/or disposal facility by the Florida Department of Environmental Protection.

Heavy industry means the manufacture of goods under the following NAICS codes: 21-Mining, 322-Paper Manufacturing, 324-Petroleum and Coal Products, 325-Chemical Manufacturing, 311611, 311615-Slaughtering of Animals or Poultry, 31611-Leather Tanning, 3221-Pulp or Paper Mills, 32531-Fertilizer, 32732-Ready-mix Concrete, 336-Transportation Equipment, outdoors, and 2211-Electric Power Generation.

Hotel and motel mean a building designed or used to provide lodging, or boarding and lodging, to the public, for transients, tourists or persons of shortterm residence, in which there are six or more guestrooms, with limited or no kitchen facilities being offered, and with the building being open to the general traveling public, as opposed to the customary purpose and use of a boardinghouse or lodginghouse, apartment building or multiple-family dwelling.

Independent living facility (ILF) means a residential structure having at least 16 living units designed and operated to house adults over 55 years of age and their spouses, while providing meals, transportation, and 24-hour security, and other personal services, but not on-site medical services. Such facilities may not be subject to state licensing and may be operated either on a profit or nonprofit basis. Such facilities shall not be regulated or operated by or associated with any jail, prison or correctional facility or system.

Industry means the manufacture of goods under the following NAICS codes: 311-Food (except 311611 and 311615), 312-Beverages, 313-Textile Mills, 314-Textile Product Mills, 315-Apparel Manufacturing, 316-Leather and Allied Products (except 31611), 321-Wood Products, 323-Printing and Related Support Activities, 326-Plastics and Rubber, 327-Nonmetallic Mineral Production (except Ready-mix Concrete 32732), 331-Primary Metals, 332-Fabricated Metals Products, 333-Machinery, 334-Computer and Electronic Products, 335-Electrical Equipment, 336-Transportation Equipment indoor manufacture, 337-Furniture and Related Equipment, 339-Miscellaneous Manufacturing. Utilities; 2212-Natural Gas Distribution above ground facilities, 2213-Water, Sewer, and other Utilities. Underground utilities or overhead distribution lines for power are not considered a land use.

Junkyard means an open area where any waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term includes the activity commonly known as an auto wrecking yard.

Kennel, pet means the keeping of any pet or pets, regardless of number, for sale, breeding, boarding or treatment purposes, except in an animal hospital, animal grooming

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parlor or pet shop, as permitted by this article.

Kitchen means a room or area within a room whose primary purpose is to store, prepare and cook food. A kitchen will have a refrigerator to store food, counter space and a sink to prepare food, and a stove and/or range to cook food.

Land alteration means any land alteration, excavation or private lake as defined in article XIII, division 4 or 5, of this chapter.

Landfill means a solid waste disposal facility, which is an area of land or an excavation where wastes are or have been placed for disposal for which a permit issued by the Florida Department of Environmental Protection is required. This term does not include:

- (a) Land application sites where reclaimed water, effluents or wastewater residuals are applied to the land through spray irrigation, land spreading, or other methods;
- (b) A surface impoundment for the treatment and disposal of stormwater or wastewater; or
- (c) An injection well into which fluids are injected, by gravity flow or under pressure.

Learning center means a private organization that provides personalized instructional services to students of any age, where the student/teacher ratio does not exceed 3:1.

Living area means the minimum internal area of a residential building as measured by its outside dimensions, exclusive of carports, porches, sheds and attached garages. However, living area may include up to 25 percent of an enclosed garage or screened porch under the primary roof, but not to exceed ten percent of the minimum living area requirement of the applicable residential zoning classification. Living area shall be usable and shall have a minimum ceiling height of seven feet.

Lot means a parcel of land shown on a recorded plat, or any piece of land described by a deed recorded in the official records book of the county. The mean high-water line of major natural water bodies will be used in computing lot size and density and the establishment of setbacks for waterfront property in tidal areas. The ordinary high-water level shall be utilized in nontidal areas.

Lot, corner means any lot situated at the junction of and abutting on two or more intersecting streets. If the angle of intersection of the centerlines of two streets is more than 135 degrees, the lot fronting on the intersection is not a corner lot. A lot fronting only one named street curving around it (as described in Figure 1) is considered a corner lot if the street abuts two adjacent lot lines and if the intersection of the centerlines of the

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street is 135 degrees or less.

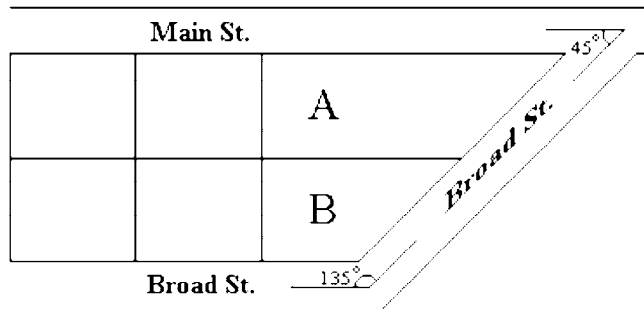


Figure 1 Both lots A and B are corner lots

Lot coverage means that portion of any lot, parcel or tract of land which is covered by all structures.

Lot depth means that distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the front and the rearmost points of the side lot lines in the rear. To determine the rearmost points of side lot lines for irregular lots, see the definition for rear lot line set forth in this section.

Lot, double-frontage. A double-frontage or through lot is defined as a lot that has frontage on two streets. The applicable front setback requirement shall apply to both frontages, regardless of which line the landowner elects as the front line, except as provided for within subsection 62-2109(d). (See also *Lot line, front.*)

Lot, interior means any lot which is not a corner lot.

Lot, key means an interior lot so subdivided or situated as to have its side lines coincide with the rear lot lines of adjacent lots on either or both of its sides.

Lot line, front. In the case of a lot abutting upon only one street, the front lot line is the line separating such lot from the right-of-way line of the street. In the case of double-frontage lots, easement lots, and flag lots, one such line shall be elected by the owner to be the front lot line for the purpose of this article. The front lot line may be the frontage along a major water body.

Lot line, rear. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a rear lot line in which such lot line is more than 20 degrees from parallel to the front lot line, the rear lot line shall be that assumed line parallel to the front lot line, the length of which shall not be less than 50 percent of the required lot width.

Lot line, side. A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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Lot width means the distance between straight lines connecting the front and rear lot lines at each side of the lot, drawn perpendicular to parallel side lot lines, or, if not parallel, measured across the rear of the minimum required front yard as established by the front setback. The following exceptions apply:

- (1) The width between side lot lines at the front lot line shall not be less than 72 percent of the required lot width.
- (2) In the case of lots on the turning circle of culs-de-sac or courts, the distance as measured using the chord length between the side lot lines at the intersection with the front lot line shall not be less than 67 percent of the required lot width. If the lot is one-half acre or greater in size, the lot width on culs-de-sac or courts shall not be required to exceed 60 feet and shall not be required to have the minimum lot width at the building setback line.
- (3) In appropriate circumstances as provided in this article, lot width may be measured on the basis of actual frontage on a road right-of-way or street rather than perpendicular to the side lot lines as provided in this definition, when the property abuts a road right-of-way or street existing prior to the adoption of the ordinance from which this article is derived. In order for lot width to be determined based on actual frontage within the confines of the lot, the acute angle created by the front property line and the parallel side lot lines shall be no less than 60 degrees and the obtuse angle created shall be no greater than 120 degrees. In these instances, the front property line shall be determined by drawing a straight line between the front most points of the side lot lines where they intersect the road right-of-way or street.

Marina means a facility or structure which provides mooring, docking, anchorage, fueling, repairs or other services for watercraft. Docks accessory to single-family uses are exempt from this definition.

- (1) *Residential/recreational marina* means community docks serving subdivisions, condominiums or private organizations having three to 30 slips, inclusive. No fueling, wastewater pumpout or repair facilities are associated with these marinas.
- (2) *Commercial/recreational marina* means facilities having greater than 30 slips or any marina which has fueling, wastewater pumpout or repair facilities serving recreational interests.
- (3) *Commercial/industrial marina* means facilities serving largely commercial interests. Fueling facilities, repair, wastewater pumpout facilities and commercial sale of fish, including loading and shipping activities, are

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permitted within this category.

Materials recovery facility (defined in F.S. § 403.703 [1997]) means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Medical clinic means medical facilities for the diagnosis and treatment of outpatients.

Mining and smelting operations.

- (1) Mining involves the excavation of solid minerals, including but not limited to clay, gravel, phosphate, lime, shell and shells (excluding live shellfish), stone and sand, from any mine, quarry, pit or other real property, when the mine, quarry, pit or other real property is under common ownership involving a minimum size of 50 acres; except the definition of mining does not include the following:
 - a. Earth-moving operations which are incidental to agricultural pursuits.
 - b. Site preparation and finish grading for permitted uses.
 - c. Dredging activity under necessary approved permits.
 - d. Construction and maintenance of drainage canals when such activities are approved by the county engineer.
 - e. Earth-moving operations which are a part of county-approved construction, such as subdivision improvements or excavations for a structure approved under a valid building permit.
 - f. Installation of utilities.
 - g. Excavation relating to the accessory use of land and drainage when the excavation is to be refilled upon completion of the excavation, such as excavation relating to the placement of septic tanks and drainfields and grave-digging operations.
 - h. Construction of swimming pools under a valid building permit.
 - i. Excavation related to foundations of any building or structure done under a valid building permit.
 - j. Excavation where no excavated materials are sold, whether

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directly or indirectly, or transferred from one parcel of land to any noncontinuous parcel of land.

- k. Land alterations.
 - (2) Smelting operations include activities relating to the processing, by any means, of any materials excavated from any real property located within or outside of the county. This definition shall apply notwithstanding the fact that the materials are transported to the site of the smelting operations from another noncontiguous parcel of property.

Mobile home means a modular unit which is designed for temporary or permanent single-family residential use and which is mobile as defined by F.S. ch. 320, and is built on an integral chassis with an attached running gear. A mobile home shall be constructed to comply with federal mobile home construction and safety standards promulgated by the United States Department of Housing and Urban Development. All mobile homes used for residential purposes shall have a license from the state division of motor vehicles pursuant to F.S. ch. 320. Further, all regulations contained in F.S. ch. 319 shall apply. If a mobile home is no longer eligible for a title certificate under F.S. ch. 319, the structure shall no longer be considered a mobile home. This definition does not include modular units defined as travel trailers in this section.

Modular coach means a modular unit residential building, either a mobile home as defined in F.S. ch. 320, or a modular factory-built mobile housing unit that falls under the jurisdiction of the state department of community affairs under the Housing Act of 1971. The unit may have parts and sections fabricated and assembled as a complete unit at a central plant and moved to a permanent site, or component parts may be fabricated in one area and assembled as a complete structure permanently upon a site. Units may have wheels and axles when transported to the site but are intended to remain permanent structures once located or assembled on a site.

Modular factory-built home means a modular unit residential building comprised of one or more dwelling units, or habitable rooms or component parts thereof, which is either wholly manufactured or is in substantial part constructed in central manufacturing facilities and bears the approval of the state department of community affairs under the provisions of the Housing Act of 1971. However, this term does not apply to mobile homes as defined by F.S. ch. 320.

Motel. See Hotel.

Mulching facility means a facility where landclearing debris is mechanically chipped or ground for landscaping material, landfill cover or fuel.

NAICS codes means classifications established by the North American Industrial Classification System (NAICS). Some uses will be defined only by their NAICS classification.

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Nonconforming use. See division 2, subdivision II, section 62-1181, of this article.

Non-governmental organization (NGO) means a non-profit organization conducting life science, ocean, coastal and marine research, or environmental science research in partnership with a government entity.

Office and research means office buildings and research facilities (NAICS 5417, 54138).

Open space, usable common.

- (1) Usable common open space means a total amount of improved usable area including outdoor space permanently set aside and designated on a site development plan as recreational or open space for use by the landowners or residents of a development. Such usable space may be in the form of active or passive recreational areas, including but not limited to playgrounds or tot lots, golf courses, beach frontage, nature trails, lakes, bikeways or community recreational facilities with such amenities as a swimming pool, tennis courts and shuffleboard courts. The usable common open space shall be improved to the extent necessary to complement the residential uses, meet the minimum needs of the residents, and contain compatible and complimentary structures for the benefit and enjoyment of the landowners or residents. For the designation of usable common open space per the percentage-of-site requirement of an applicable zoning classification, the following shall be excluded (except under certain conditions defined in this definition), but exclusions are not necessarily limited only to these areas and facilities:
 - a. All easements and drainage facilities.
 - b. Parking areas, including all pavement areas, grassed median strips or areas, and parking space grassed island separators.
 - c. Rights-of-way.
 - d. Private streets, roads and driveways.
 - e. Minimum setback areas.
 - f. Spacing between all structures.
 - g. A structure's space envelope, defined as an area lying within 7 1/2 feet of any exterior wall of the structure. The structure space envelope shall be shown by dotted lines on the site development plan.

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h. Open space areas having a width of less than 40 feet or a size of less than 4,000 square feet, unless such areas are specifically improved for recreational use as set forth in this subsection.

(2) The zoning division director may, however, accept all or portions of easements, setback areas and spacings between structures (in excess of minimums) as active usable common open space, provided the following conditions are met:

- a. All proposed facilities to be located in such areas shall be compatible with the active and passive recreational facilities examples stated in this subsection;
- b. Facilities shall not represent an inordinate, unjustifiable amount of superficial low-cost facilities such as picnic tables and nature trails which are placed indiscriminately and have little definable function within the context of the site's natural amenities or recreational and open space needs of the development's future residents;
- c. The proposed facilities or activities shall not interfere with the primary function of the easements, setbacks or structure spacings; and
- d. No facility shall lie within the space envelope of any proposed structure.

(3) The zoning division director may also accept areas located within designated parking areas, provided each area has a minimum size of 2,000 square feet and a minimum width of 30 feet for a trapezoidal or trapezium shape, or either a minimum 25-foot base or a 50-foot height for a triangular shape.

(4) In any residential project requiring common recreation and open space, active recreation shall be provided at a rate that varies with the density of the project according to the following table. The remainder of the required total common usable recreation and open space requirement may be devoted to passive recreation.

Density (units per acre)	Active Recreation (acres per 100 units)
Less than or equal to 10	1.5
More than 10 and less than or equal to 15	1.0
More than 15	0.5

(5) The exclusion of water bodies which are in whole or part drainage easements may be waived by the board of county commissioners after

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adequate measures are provided which guarantee in perpetuity a level of water quality acceptable for recreational purposes. Private navigable canals shall not be utilized in fulfilling the common open space requirement beyond that which is allowed for water bodies as provided in this definition.

- (6) In the PUD zoning classification, if golf courses are used to partially fulfill common open space requirements, such areas may not exceed 60 percent of the required open space. Where a golf course is utilized to partially fulfill the open space requirement, other facilities to meet the active residential needs of children and adults shall be provided. All water areas included as part of the open space requirement, other than private canals, shall be permanent water bodies and shall be improved with docks or piers and shall have a three to one minimum sloped edge extending at least 20 feet into the water areas and planted with grass and maintained around all sides so not to harbor mosquitoes, insects and rodents, unless it is determined by an environmental review of the water body that such slope or improvements would be detrimental to the ecology of such water body site. A slope of three to one shall be utilized with seawalls.

Orphanage means one or more buildings used for the semipermanent 24-hour care of orphans or other children deprived of parental care, operated by a public agency or a philanthropic or charitable organization, but shall not include a foster home or correctional institution, or commercial enterprises operated by such organization or any party acting on its behalf.

Overriding public benefit means the result of a development action by a private propertyowner that substantially preserves, restores or enhances those natural functions which define and make up the Conservation/Environmental Area I classification provided for by the conservation and coastal zone protection elements of the county comprehensive plan. An overriding public benefit shall include but not be limited to proposals which preserve, restore or enhance the floodplain, wetland or prime aquifer recharge functions and provide for dedication of associated lands to the county or other acceptable public entity or agency.

Parking lot means an area or plot of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.

Passive recreation. Recreation uses are considered passive where very minimum alteration of vegetation, topography or other native features is necessary, and the actual use and enjoyment of the site amenities requires only a small amount of physical effort by an individual. Activities which are considered passive include but are not limited to hiking, nature observation, primitive camping, nonmotorized boating, shelling, swimming, picnicking, archeological or historic preservation, and hunting or fishing as provided for by the state fish and game laws. Site alterations which are considered

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acceptable for passive activities are exemplified by boardwalks, picnic areas, wildlife feeding areas, outdoor educational displays, observation stations, archaeological or historic markers, and paths and trails for walking or hiking. Areas which may be considered for passive recreation areas include wetlands and associated uplands, wildlife habitats, floodplains, vegetative communities including native vegetation to meet landscaping requirements, water bodies and aquifer recharge areas.

Performance Overlay District means a geographically defined area that encompasses one or more underlying zones and that imposes additional requirements above that required by these underlying zones. "Performance Overlay District (POD)" shall impose additional requirements upon any industrial use seeking to locate within the POD. These additional requirements would surpass the underlying zoning classification requirements and any other regulation that was less stringent than those listed in the POD.

Pets means those animals and fowl normally domesticated in the United States, typically obtained at pet shops, and kept in or around the home for pleasure rather than utility, e.g., dogs, cats, canaries, mynahs, parrots, parakeets, fish, rabbits and rodents and excluding animals defined by the state as class I or class II wildlife, as set forth in Rule 68A-6.0022(2), F.A.C. Pets are permitted in any GU or residential zoning classification unless otherwise prohibited in section 62-2108, pertaining to farm animals and fowl.

Plant nursery means a full service retail sales establishment which sells plants that are purchased wholesale from off site. Accessory items can include packaged fertilizer, seed, mulch, and topsoil, as well as other packaged items commonly associated with a retail plant nursery, as long as such items are stored inside of a solid or screened structure. However, the sale or outside storage of bulk items, and/or the on-site storage of commercial vehicles or heavy equipment, shall be prohibited in the BU-1 or agricultural zoning classifications, except with a conditional use permit for "plant nursery (with outside bulk storage of mulch, topsoil, etc.)" in BU-1 as provided in section 62-1942, or a "landscaping business" in the agricultural classifications as provided in section 62-1837. A BU-2 or Industrial zoning classification is otherwise required for such use.

Private heliports shall apply to all sites used or intended to be used for the landing and take-off of private helicopters for residential purposes.

Professional office means a building providing office space for use by a person or persons engaged in an occupation generally classified as being professional in nature, including but not limited to the following: appraisers, architects, attorneys, accountants, engineers, doctors, dentists, osteopaths, chiropractors, optometrists, realtors and other similar or related professions. Specifically excluded from such use is the display, sale, storage and delivery of goods and merchandise.

Public benefit means the result of a development action by a private property owner that preserves, restores or enhances the floodplain, wetland or aquifer recharge functions; or a proposal that substantially enhances the compatibility of land uses or

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alleviates the public's burden regarding capital expenditures for essential services in the area of a transfer district.

Public building means a structure owned and operated by a municipality, county, state or federal government or any agency thereof and utilized for a public service or purpose.

Recovered materials (defined in F.S. § 403.703 [1997]) means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

Recovered materials processing facility (defined in F.S. § 403.703) means a facility engaged solely in the storage, processing, resale or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of F.S. § 403.7045(1)(F).

Residential social service facility (RSSF) means a governmental, nongovernmental, nonprofit or for-profit facility providing an alternative to institutional placement, in which a caretaker provides 24-hour-a-day care to assigned residents at a location separate and apart from the assigned resident's own parents, relatives or guardians, and assists such assigned residents to the extent necessary for them to participate in normal activities and to meet the demands of daily living. Residential social service facilities shall include foster homes, family shelter homes, group homes, adult congregate living facilities, and treatment and recovery facilities, as defined in this section.

Resort dwelling means any single family dwelling or multifamily dwelling unit which is rented for periods of less than 90 days or three calendar months, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 90 days or three calendar months, whichever is less. For the purposes of this chapter, a resort dwelling is a commercial use. For the purposes of this definition, subleases for less than 90 days are to be considered separate rental periods. This definition does not include month-to-month hold-over leases from a previous lease longer than 90 days.

Right-of-way line. The right-of-way line shall be considered a property line, and all front setback requirements provided in this article shall be measured from the right-of-way line. Side and rear yard depths shall be measured from property lines, except that the depth for corner lots shall be controlled by the right-of-way of the side street.

Roadside stand means any motor vehicle, stall, building, tent, counter or other method or device which is being utilized for the temporary display, storage or sale of any type of goods or services and which shall not exceed 30 feet.

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Screened porch (as used in subsections 62-1340(5), 62-1341(5), 62-1342(5), and 62-1446(d)) means non-conventionally built screened rooms, typically with aluminum frames and roofs, which cannot be enclosed into living area. The reduced rear setback provision in these sections is not intended to apply to conventionally built screened rooms, having permanent roofs and supporting posts and beams that are structurally similar to the residence, which could later be enclosed to permanent living spaces.

Self storage mini-warehouse means a fully enclosed building having individual compartmentalized units, bays or lockers which are to be used only as storage space for customer's personal property.

Setback means the minimum horizontal distance between the lot line and the building line. When two or more lots under one ownership are used, the exterior property lines shall be used in determining setbacks.

Shipyard means the use of property for the building, constructing, manufacturing, assembling, repairing, maintaining or overhauling of water vessels outside of a substantial structure.

Shopping center (as used in section 62-1906(4)) means a community commercial shopping center in a BU-1 or BU-2 zoning classification, having at least 21,800 square feet of floor area, an anchor retail tenant, and space for other retail users. The complex shall be used primarily for retail uses as opposed to professional, medical, office, warehouse or other use.

Sign. See article IX of this chapter.

Single-family attached residential means a multiple residential unit structure that is architecturally and characteristically compatible with single-family detached residential lifestyles. These residential characteristics include architectural styles which share a common wall. Each residential unit shall be contiguous to and have direct access to a designated yard, and have its own entrance separate from any other unit within the same structure.

Skateboard ramp means a curved or flat surface, elevated on one or more sides, for the use of skateboards, bikes or other nonpowered wheeled vehicles in the performance of various maneuvers.

Solid waste disposal facility means any solid waste management facility which is the final resting place for solid waste including landfills, incineration facilities that produce ash from the process of incinerating municipal solid waste.

Solid waste management facility (defined in F.S. § 403.703 [1997]) means any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal,

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recycling, processing or storage of solid waste, including biomedical waste and construction and demolition debris. The term does not include recovered materials processing facilities which meet the requirements of F.S. § 403.7046, except the portion of such facilities, if any, that is used for the management of solid waste.

Special use means a special use permit previously issued by the board of county commissioners under section 25 of the county zoning regulations between October 1, 1967, and August 2, 1973. Existing uses that were established under special use permits shall be considered non-conforming uses, unless they are listed as permitted uses in the zoning classification within which they are located. If the use permitted by a special use permit has not been established, or has been discontinued or abandoned pursuant to sections 62-1182 and 62-1183, the special use permit shall be considered invalid.

Story means that portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and ceiling next above it.

Structure means anything constructed or erected, the use of which requires rigid location on the ground, or attachment to something having permanent location on the ground, including but not limited to supporting walls, signs, covered screened enclosures and any other covered area; provided, however, neither a fence, nor a non-supporting wall acting as a screen or fence, nor an elevated boardwalk shall be considered a structure for the purpose of setbacks.

Telephone switching facilities. Telephone switching facilities utilizing a standardized unmanned building requiring only one parking space and occupying less than 300 square feet are exempt from site plan requirements and minimum square footage requirements in all zoning classifications.

Tenant dwelling means a single-family dwelling to be used by yearround employees, on the basis of one dwelling unit per five acres of land, provided such dwellings are accessory to the principal use of the land. A tenant dwelling may be a mobile home pursuant to the requirements of section 62-1843.

Townhouse means a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

Transfer of development rights (TDR) is used to describe the severing of development rights from a specific parcel of real property and transferring the development rights to another separate and specific parcel of real property, or to another portion of the same parcel of real property.

Transfer station (defined in F.S. § 403.703 [1997]) means a site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility.

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Transportation means the facilities for land, air, or water transportation NAICS codes: 481-Air, 482-Rail, 483-Water, 485-Transit and ground passenger, 486-Pipelines, 485-Transit and ground passenger is not an industrial use and is regulated by the applicable zoning classification where permitted.

Treatment and recovery facility means a secure or nonsecure facility which provides residential rehabilitation services, including room and board, personal care and intensive supervision in casework with emphasis on treatment and counseling services. Such facility may include an outpatient component, and shall include but not be limited to psychiatric residential treatment programs, drug and alcoholic rehabilitation programs, group treatment centers, and group treatment centers for status offenders. Such facility shall be licensed by the state department of health and rehabilitative services as a treatment and recovery facility. If such facility is not licensed by the state department of health and rehabilitative services, it must be approved by the county division of health and social services.

Trucking. NAICS 484.

Unincorporated areas means any land in the county not lying within the boundaries of a duly incorporated village, town or municipality.

Variance. See article II, division 5, section 62-251, of this chapter.

Volume reduction plant means a solid waste management facility which incinerates, pulverizes, compacts, shreds, and bales, composts, or otherwise accepts and processes solid waste for recycling or disposal.

Waste disposal. NAICS 562.

Waterfront. Any site shall be considered as waterfront property provided any or all of its lot lines abut on or are contiguous to any body of water, including a creek, canal, bay, ocean, river or any other body of water, natural or artificial, not including a swimming pool, whether the lot line is a front lot line, a rear lot line or a side lot line.

Worship, place of means a building that by design and construction is primarily intended for conducting organized religious services, including associated accessory uses such as schools, day care facilities, recreational facilities, meeting halls, and counseling.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. (Code 1979, § 14-20.04; Ord. No. 93-26, § 1, 11-10-93; Ord. No. 95-03, § 1, 1-26-95; Ord. No. 96-46, § 7, 10-22-96; Ord. No. 97-46, § 2, 12-2-97; Ord. No. 98-03, § 2, 1-29-98; Ord. No. 98-11, § 1, 2-26-98; Ord. No. 98-28, § 1, 4-30-98; Ord. No. 99-07, § 5, 1-28-99; Ord. No. 99-33, § 1, 5-6-99; Ord. No. 99-45, § 1, 8-12-99; Ord. No. 2000-03, § 1, 1-11-00; Ord. No. 2000-07, § 1, 1-25-00; Ord. No. 2000-30, § 1, 5-9-00; Ord. No. 2000-50, § 2, 10-31-00; Ord. No. 00-51, § 2, 10-31-00; Ord. No. 01-07, § 5, 2-20-01; Ord. No.

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01-020, § 1, 4-24-01; Ord. No. 01-63, § 1, 10-2-01; Ord. No. 2001-71, § 1, 11-1-01; Ord. No. 02-014, § 1, 3-19-02; Ord. No. 2002-42, § 1, 8-27-02; Ord. No. 2002-49, § 1, 9-17-02; Ord. No. 2002-58, § 1, 11-12-02; Ord. No. 02-62, § 1, 12-17-02; Ord. No. 2003-03, § 2, 1-14-03; Ord. No. 03-30, § 1, 7-22-03; Ord. No. 03-39, § 1, 8-12-03; Ord. No. 04-17, § 2, 5-6-04; Ord. No. 04-29, § 1, 8-5-04; Ord. No. 2005-25, §§ 1, 2, 5-19-05; Ord. No. 05-27, § 1, 5-19-05; Ord. No. 06-003, § 1, 1-10-06; Ord. No. 06-21, § 1, 4-25-06; Ord. No. 06-26, § 1, 5-4-06; Ord. No. 06-36, § 1, 5-24-06; Ord. No. 06-37, § 1, 7-11-06)