

CHAPTER 169 DEFINITIONS**169.01 DEFINITIONS**

The following definitions shall apply throughout this code unless the context clearly indicates or requires a different meaning or unless a different definition in this code is supplied in conjunction with the individual part of the code in which the definition is located: [See also relevant definitions for: Subdivisions at Section 166.02; Sea Turtle Protection at Section 161.19; Landscaping Standards at Section 163.03(A).]

"Attic." The space between the ceiling beams of the top habitable floor and the roof.

"Basement" That portion of a "building" which is partly or wholly below "grade," but so located that the vertical distance from the average "grade" to the floor is greater than the vertical distance from the average "grade" to the ceiling. A "basement" shall not be counted as a "story."

"Board of Appeals." The planning, zoning and variance board.

"Buffer Strip" A strip of land of definite width and location reserved for planting of shrubs and trees to serve as an obscuring screen.

"Building" Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosures of persons, animals, chattels, or property of any kind.

- (1) "Building, Accessory." A "building" subordinate to the main or "principal building" on the "lot" and used for the purposes customarily incidental to those of the main building.
- (2) "Building, Height of." Except for Oceanfront residences, the vertical distance to the intersection of the highest inside finished face of the exterior vertical wall and the highest ceiling, measured from the average natural grade or the minimum flood elevation, whichever is higher. The maximum height of the roof shall not exceed 10 ft. above the intersection point cited in this definition. (*Ord. 534, 5-25-17*)
- (3) "Building Line." A line parallel to the "front lot line" at the minimum required front setback line.
- (4) "Building, Principal." "Building" in which is conducted the primary use of the "lot" on which it situated.

"Cabana." A cabana is a shelter resembling a cabin usually with an open side facing a beach or swimming pool. A lightweight structure with limited living facilities, i.e. may include a bedroom, bathroom and associated closet. It may also include a one-piece kitchenette or a two-burner cook top, microwave and under-counter refrigerator.

"Community Residential Home." A dwelling unit licensed to serve clients of the Department of Children and Family 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 social needs of residents. The clients are limited to:

- (1) Children, the aged, physically disabled, handicapped, developmentally disabled, and mentally ill who do not constitute a direct threat to the health, property and safety of the neighborhood. State statutory requirements must be met, including a municipal review.
- (2) There shall be one thousand two hundred (1,200) feet of minimum spacing between such homes and their location must be at least five hundred (500) feet from a single-family district.

"Conditional Use." A use permitted when the facts and conditions specified in this chapter, as those upon which the exception is permitted, are found to exist by the appropriate administrative officer or body.

"Court." An open, unoccupied space other than a yard, and bounded on at least two sides by a "building." A court extending to the "front lot line" or "front yard," or the "rear lot line" or "rear yard" is an "outer court." Any other "court" is an "inner court."

"Development Area." A tract of land of five acres or more which may be subsequently subdivided into parcels of less than five (5) acres. The development area may be owned by or controlled by one or more parties who are acting with the single purpose of developing the contiguous parcels in accordance with the provisions of a single zoning district.

"Display Case." A case, cabinet, other device having a window of glass, other transparent material, or other opening, access to which is made from other than within a "structure" or "building."

"District." A portion of the incorporated area of the town within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

"Drive-In," "Carry-Out," and "Fast Food Service." Any establishment providing for the sale of foods, desserts, or beverages generally contained in a ready-to-consume state and whose design, method of operation, or any portion of whose business includes one or more of the following:

- (1) The restaurants are self-service, food is generally serviced in disposable containers, and customers generally do the bussing and clean-up for themselves; or foods, desserts, or beverages are served directly to the consumer in a motor vehicle.
- (2) The consumption of foods, desserts, or beverages within a motor vehicle parked upon the premises or consumption at other facilities on the premises is allowed, encouraged, or permitted.
- (3) Customers purchase food, desserts, or beverages prepared on the premises for carry-out.

"Dwelling."

- (1) "Complex, Attached Dwelling Unit." A building comprised of two or more "attached dwelling units."
- (2) "Dwelling, Multiple-Family." A "building," or portion thereof, designed exclusively for occupancy by two or more families, living independently of each other, and not more than three stories in height. "Multiple-family dwelling" does not include mobile homes, trailers, modular homes, or similar structures.
- (3) "Dwelling, One-Family." A "building" designed exclusively for and occupied exclusively by one family. "One-family dwelling" does not include mobile homes, trailers, and similar structures but does include group homes and family day care homes as defined herein.
- (4) "Dwelling Unit." A "building," or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities. "Dwelling unit" does not include mobile homes or trailers but does include manufactured housing that in appearance resembles houses constructed on-site.
- (5) "Dwelling Unit, Attached." A one-family dwelling attached to one or more one-family dwellings by common vertical walls.
- (6) "Dwelling Unit, Detached." A dwelling which is not attached to any other dwelling by any means. The "detached dwelling" does not have any roof, wall, or floor in common with any other dwelling unit.

"Essential Services." The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electricity, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by the public utilities or municipal departments or commissions or for the public health, safety, or general welfare.

"Family." One or more persons related by blood, adoption, or marriage living and cooking together as a single housekeeping unit, exclusive of household servants; and not more than two persons living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage.

"Family Day Care Home." An duly state-licensed day care center for five (5) or less children during school hours and ten (10) or less children during non-school hours.

"FDEP." Florida Department of Environmental Protection.

"Floor Area." The sum of the horizontal livable areas of each "story" of the "dwelling unit" measured from the exterior faces of the exterior walls. The "floor area" measurement is exclusive of areas of "basements," unfinished "attics," attached garages, breezeways, common halls, and stairways in multiple-family structures, and enclosed and unenclosed porches.

"Frontage." That portion of any property abutting a "street." A "corner lot" and a "through lot" having frontage on both abutting streets.

"Frontage Block." All land fronting on both sides of a "street" between the nearest "streets" intersecting the "street."

"FWC." Florida Fish and Wildlife Conservation Commission.

"Garage, Private." A "structure" for the storage principally of private passenger motor vehicles, or for the private use solely of

the owner or occupant of the "principal building" on a "lot" or of his "family" or domestic employees, and shall be not more than one "story." No service for profit may be conducted within the "structure."

"Gasoline Service Station." A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, with or without the sale of minor accessories and the servicing of and minor repair of motor vehicles.

"Grade." A ground elevation established for the purpose of regulating the number of stories and the height of a "building." The "building grade" shall be the level of the ground adjacent to the walls of the "building" if the finished "grade" is level. If the ground is not entirely level, the "grade" shall be determined by computing the average elevation of the ground for each face of the "building," and taking the average of the total averages. Provided, however, for oceanfront lots, the building elevations shall be determined as a measurement from mean sea level as otherwise provided in this code.

"Group Home." A dwelling unit licensed to serve clients of the Florida Department of Children and Family Services which provides a living environment for six (6) or less 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 social needs of residents. The clients are limited to: children (including foster children), the aged, physically disabled, handicapped, developmentally disabled and mentally ill who do not constitute a direct threat to the health, property and safety of the neighborhood. State statutory requirements must be met, including one thousand (1,000) foot (or more) spacing between such homes.

"Guest House." A guest house is an accessory structure to a main residence for the temporary housing of guests of the main residents or owners. The guest house may have living facilities consistent with the temporary nature of this use.

→ "Habitable Story." A space in a structure for living, sleeping, eating or cooking.

Ord. 534 5-25-17

"Inland Waters." All bodies of water lying west of the Atlantic Ocean within the town limits.

"Loading Space." An off-street space on the same lot with a "building" or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

"Lot." A parcel of land on which a "principal building" and its accessories may be placed together with the required open spaces.

- (1) "Lot, Corner" A "lot" of which at least two adjacent sides abut a street, provided, that the two (2) sides intersect at an angle of not more than one hundred thirty-five (135) degrees. A "lot" abutting upon a curved street or streets shall be considered a "corner lot" if the tangents to the curve at its points of beginning within the "lot" or at the points of intersection are not more than one hundred thirty-five (135) degrees. In the case of a "corner lot" with a curved street line, the corner shall be considered to be that point of the street and lot lines nearest to the point of intersection of the tangents herein described.
- (2) "Lot, Interior." A lot other than a "corner lot."
- (3) "Lot Line, Front." In the case of a "lot" abutting upon one street, the "front lot line" is the line separating the "lot" from the "street." In the case of any other "lot" one line shall be elected to be the "front lot line" for the purpose of this chapter provided, that it is so designated by the building plans filed for approval with the building official.
- (4) "Lot Line, Rear." That boundary which is opposite and most distant from the "front lot line." In the case of a lot pointed at the rear, the "rear lot line" shall be that assumed line parallel to the "front lot line," not less than thirty (30) feet long, lying farthest from the "front lot line" and wholly within the "lot." In the case of a lot fronting on a cul-de-sac, the "lot line" shall be the line opposite the line fronting the cul-de-sac.
- (5) "Lot Line, Side." Any lot boundary lines not a "front lot line" or a "rear lot line." A "side lot line" separating a "lot" from a "street" is a "side street lot line." A "side lot line" separating a lot from another "lot" or "lots" is an "interior lot line."
- (6) "Lot Of Record." A parcel of land delineated on a plat recorded with the County Registrar of Deeds.
- (7) "Lot, Through." A "lot" having "front and rear lot lines" abutting a "street."

"Major Thoroughfare." Any "street" classified as an arterial in the Town Comprehensive Plan.

"Mean High Water." The average height of the high waters over a nineteen (19) year period. The mean high water line elevation along the shore line of the Indian River throughout the town is 0.75 mean sea level and the mean high water line

elevation in the man-made or natural lakes inside the town is 1.00 mean sea level.

"Mean High Water Line." The intersection of the tidal plane of mean high water with the shore.

"Medical Office." A "building" or "buildings" for the specific use by medical personnel in the care and treatment of out-patients.

"Nonconforming Building." A "building" or portion thereof existing at the effective date of this chapter, or amendments thereto, that does not conform to the provision of this chapter or the use regulations of the district in which it is located.

"Nonconforming Use." A use which lawfully occupied a "building" or land at the effective date of this chapter, or amendments thereto, that does not conform to the provisions of this chapter, nor to the use regulations of the district in which it is located.

"Parking Space." The area required for parking an automobile which shall be a minimum often (10) feet wide and twenty (20) feet long, but not including drives and aisles.

"Public Utility." Any person, firm, corporation, municipal department, or board or commission duly authorized to furnish, and furnishing to the public, under governmental regulations, electricity, gas, steam, telephone, telegraph, transportation, water, communication, or sewage disposal.

"PZ&V Board". The Planning, Zoning and Variance Board of the Town of Indian River Shores.

"Retail." A business location where tangible items or services are sold directly to the ultimate consumer. Similar to mercantile.

"Setback." The distance required to obtain the minimum front, side, and rear open space provisions of this chapter.

"Show Window." A window or opening in the walls of a structure or building used for commercial purposes, the area behind the window or opening being accessible only from within the structure or building of which it is a part or attached to.

"Sign." The use of any words, numerals, figures, devices, designs, trademarks by which anything is made known such as to show an individual, firm, profession, business, product, message and which is visible to the general public. "Sign" also includes any object, structure, symbol, display, banner, streamer, or other thing, with or without lettering, which is intended to or does identify or attract attention to any privately-owned property or premises, or is intended to inform the public of sales, rentals, leases, or other activities.

- (1) "Sign, Abandoned." A "sign" which no longer applies to the business, property, or site, due to the closing of a business, lack of a business license, or a change in business name, or for any other reason rendering the "sign" not applicable to the premises involved.
- (2) "Sign, Ground." A "sign" which is located separate from the building and is mounted on the ground but not on a pole.
- (3) "Sign, Illuminated." Any "sign" which radiates internal light and which is visible from any public property or right-of-way.
- (4) "Sign, Wall." A "sign" which is located on the facade of a "building" or "structure," and is intended to be visible from outside of the property or from any right-of-way open to the public. Such signs may be parallel to the wall, projecting at right angles to the wall or on an awning.
- (5) "Sign, Multi-faced." A "sign" which has more than two sign faces.
- (6) "Sign, Window." A sign mounted on the window or on the glass portion of the door.

"Story." That portion of a "building," but not including a "basement," between one floor level and the ceiling next above it and which portion meets the requirements of the building code for a habitable room.

"Street." Any thoroughfare or way, private or dedicated to the use of the public, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace, or any similar designation.

"Structure." Anything constructed or erected, the use of which required location on the ground or attachments to something having location on the ground.

"Usable Floor Area." That area measured to the exterior face of the exterior walls on the first "story" and any other "story"

which is connected by a fixed stairway or elevator, and which may be made usable for human habitation and includes the "usable floor area" of all "accessory buildings" measured similarly, but excludes the "floor area" of heater rooms, mechanical equipment rooms, "attics," unenclosed porches, light shafts, public corridors, public stairwells, and public toilets.

"Use, Accessory." A use subordinate to the "principal use" and for purposes clearly incidental to those of the "principal use."

"Use, Principal." The primary use to which the premises are devoted and the primary purpose for which the premises are used.

"Used" or "Occupied." Includes intended, designed, or arranged to be "used" or "occupied."

"Yard, Front." An open space extending the full width of a "lot" and of a uniform depth measured horizontally at right angles to the "front lot line," unoccupied from the ground upward.

"Yard, Rear." An open space extending the full width of a "lot" and of a uniform depth measured horizontally at right angles to the "rear lot line," unoccupied from the ground upward, except as specified.

"Yard, Side." An open space extending from the "front yard" to the "rear yard" and of a uniform width measured horizontally at right angles to the "side lot line" and unoccupied from the ground upward, except as specified.

"Zoning Variance." A modification of the literal provisions of this chapter granted when strict enforcement of this chapter would cause practical difficulty or undue hardship owing to the circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are practical difficulty, undue hardship, and unique circumstances applying to the specific property involved. A variance is not justified unless all elements are present in each case.