

Sec. 28-54. - Use Table.

	Agriculture and Public			Residential Districts										Commercial Districts								Industrial Districts				Mixed-Use														Standards	
Permitted Principal Use	GU	OR	P	RE	RR	R1A	R1B	R1C	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	IRC/N	See Noted Section for Use Specific Standards				
	Key: P = Permitted; L = Permitted subject to limitations; C = Condition; Blank Cell = Use Prohibited																							Downtown	Uptown	Midtown	Civic Waterfront			100	200	300	400	500		C		R			
Agricultural Uses																																									
Agricultural pursuits	L																																			28-61					
Horse boarding	L																																			28-62					
Processing, packaging, and sale of agricultural products and commodities produced on-site	P																																			28-63					
Residential																																									
Additional residential density																													C							28-71					
Assisted living facility (ALF)									L	L				L											C		C		C		L	L				28-72					
Live/work unit																									P		P		P		L						28-73				
Manufactured housing											P	P																								28-74					
Multifamily dwellings (duplex, triplex, quadplex, etc.)									P	P															P		P		P		C	P	P		P	L	28-75				
Neighborhood group home				P	P	P	P	P	P	P	P														P		P		P	C	C		P		P	28-76					
Patio homes																												P		P							28-77				
Residential/professional use				C	C	C	C	C	C	C																					C					28-78					
Residential treatment facilities										C				C																						28-79					
Single-family dwelling (detached)	L	C		P	P	P	P	P					P						P						C		C		P	P		P			L	P	28-80				
Tiny house									L	L	L	L																	L								28-80.5				
Tiny house on wheels (THOW)												C																	L								28-80.6				
Townhomes									L	L															L		L	L		P	L		C	P	P		L	L	28-81		
Commercial																																									
Advertising agency																P	P	P	P						P		P	P	P	P		P	P	P		P		28-91			
Animal kennel	P														L	C	L	L	C						L		C	L		L								28-92			
Animal shelter	P															C	C	L	C	C	L	L										L						28-93			
Arcade amusement center																		C																				28-94			
Art, craft, and hobby shop																P	P	P							P		P		P		P	P	P		P	P		28-95			
Art studio																P	P	P	P						P		P		P		P	P	P		P	P		28-96			
Automobile repair																	P	P		P	P	P					L					C	P			L		28-97			
Automobile/vehicle sales																	P	P							L			L		L			C	P		L	L		28-98		
Bakery, retail																P	P	P					L		P		P	P	P		P	P	P		P	L		28-99			
Barber/beauty															P	P	P	P	P						P		P	P	P		P	P	P		P	P		28-100			

[illegible]

[illegible]

[illegible]

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP
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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	IRC/N	
			D	U	M	C			100	200	300	400	500			
			P	P	P	P	P	P		P	P	P			P	

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 3, 11-14-17)

Sec. 28-92. - Animal kennel.

(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	C	L		L		C									
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRC/N	
			D	U	M	C			100	200	300	400	500			
P			L	C	L		L									

(b)

Definition. "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.

(c)

Standards for permitted uses with limitations.

(1)

In the Tourist (T), Community Commercial (CC), Regional Commercial (RC) and Downtown Mixed-Use (DMU), Downtown and Midtown sub-districts, zoning district, animal kennels:

a.

Shall have a minimum lot area of one-half (½) acre for each twenty-five (25) animals to be boarded.

b.

Shall have no buildings housing animals and exercise and confinement yards located closer than fifty (50) feet from any adjacent residential use.

c.

Shall conduct all activities, with the exception of animal exercise yards, within an enclosed building.

d.

Shall dispose of dead animals by means approved by the Department of Health and Rehabilitative Services. No facilities for cremation of animal remains shall be permitted on the site.

(2)

In the Urban Mixed-Use (UMU) zoning district, animal kennels:

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

b.

Shall conduct all activities within a completely enclosed structure and screened from view from adjoining properties.

(d)

Standards for conditional uses. These uses require public hearings.

(1)

In the Neighborhood Commercial (NC), Office Professional (OP) and Downtown Mixed-Use (DMU), Uptown sub-district, zoning district, animal kennels shall meet the same criteria in (c)(1) above and may be approved by obtaining a conditional use permit.

Sec. 28-93. - Animal shelter.

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

(b)

Definition. "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.

(c)

Standards for permitted uses with limitations.

(1)

In the Industrial (M-2) and Highway Industrial Infill (M-3) zoning districts, animal shelters:

a.

Shall have all facilities within an enclosed structure. No outside runs permitted.

b.

Shall have all facilities set back no less than seventy-five (75) feet from residentially zoned property or residential use.

(2)

In the Regional Mixed-Use 400 sub-district (RMU-400) zoning district, animal shelters

a.

Shall have all facilities within an enclosed structure. No outside runs permitted.

b.

Shall have all facilities set back no less than fifty (50) feet from residentially zoned property or residential use.

c.

Shall not have animal disposal facilities.

(d)

Standards for conditional uses. These uses require public hearings.

(1)

In the Neighborhood Commercial (NC) and Office Professional (OP) zoning districts, animal shelters:

a.

Shall have all facilities within an enclosed structure. No outside runs permitted.

b.

Shall have all facilities set back no less than seventy-five (75) feet from residentially zoned property or residential use.

c.

Shall not have animal disposal facilities.

(2)

In the Community Commercial (CC) zoning district, animal shelters:

a.

Shall have all facilities within an enclosed structure. No outside runs permitted.

b.

Shall have all facilities set back no less than fifty (50) feet from residentially zoned property or residential use.

c.

Shall not have animal disposal facilities.

(3)

In the Light Industrial Services and Warehousing (M-1) zoning district, animal shelters:

a.

Shall have all facilities within an enclosed structure. No outside runs permitted.

b.

Shall have all facilities set back no less than seventy-five (75) feet from residentially zoned property or residential use.

(Ord. No. 25-2020, § 5, 12-8-20)

Sec. 28-94. - Arcade amusement center.

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

(b)

Definition. "Arcade amusement center:" 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 Section 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.

(c)

Standards for conditional uses. These uses require public hearings.

(1)

Must comply with Section 849.161, Florida Statutes, as amended from time to time.

(2)

Any prizes or awards must be provided with on-site merchandise only, and shall not include cash, gift cards, or alcoholic beverages.

(3)

There shall be no sale or consumption of alcoholic beverages on the premises.

(4)

Parking requirements must be demonstrated in the conditional use permit application, including any locations within an existing building or shopping plaza. The requirements must be demonstrated with a survey of the parking lot indicating individual parking spaces and the applicant must provide the total square footage of the building the arcade will be occupying and the total number of machines or games to be located on the premises. If the arcade is applying to locate in an existing shopping plaza, the applicant must provide the total number of parking spaces in the plaza, the total square footage of each store space within the plaza, the total number of machines or games to be located on the premises and the types of uses that occupy each store space.

(5)

The facility (the arcade) shall be located no less than one hundred (100) feet, measured from the outer wall of the facility to the closest property line, of any residentially zoned land, as well as any land designated or utilized for park purposes.

(6)

The facility shall be located no less than one thousand (1,000) feet, measured from the outer wall of the facility to the closest property line of any school. Any school that is located in the future within the above distance shall execute a waiver of the distance restriction if any existing arcade amusement center already is in existence.

(7)

No two (2) facilities, operating pursuant to this subsection or subsection (8), shall be located closer than five hundred (500) feet from one another, measured from the closest outer wall of each facility. Nothing in this section shall be construed as to prevent a business from operating under both subsection (7) and subsection (8) in the same facility without the need for additional approval, provided the machines and business operations are kept separate and apart from one another, preventing comingling of usage, and do not otherwise violate the provisions of Chapter 849, Florida Statutes, or any regulation of the state.

(8)

The business location shall operate under the following management plan:

a.

The facility shall not have any reflective or other opaque material on the exterior windows which limits or restricts the visibility of the interior of the facility from the exterior of the facility under normal circumstances; however a portion of the exterior window may be covered with frosting or other materials when necessary to cut the sun glare in order to view operating machines and computer screens;

b.

Upon initially opening, and on June 1 of each calendar year thereafter, the business shall report to the Growth Management Director the number of machines being operated within the facility; and

c.

The business shall not operate in violation of county, state or federal law.

(9)

The business shall not operate between the hours of 1:00 a.m. and 9:00 a.m. on weekdays, Sunday night through Thursday night and 2:00 a.m. and 9:00 a.m. on the weekend, Friday night and Saturday night.

(10)

In the event an arcade amusement center is operating in a dual-capacity under subsection (8), patrons utilizing sweepstakes computers shall be made aware of the rules of the sweepstakes, as required by state law or the regulation of any appropriate state agency, and shall otherwise comply with the laws and regulations of the state in regard to such sweepstakes gaming.

(11)

The consumption, possession, dispensation, or sale of alcohol shall be prohibited.

(12)

Applicant shall prohibit minors (persons under the age of eighteen (18) within the facility.

(13)

In addition to the required materials for an application for a CUP, each applicant shall submit for the business:

a.

Articles of incorporation/sole proprietorship documents;

b.

Tax ID number;

c.

License or permits from the Department of Agriculture and Consumer Services;

d.

Software compliance documents showing compliance with state regulations;

e.

Rules and regulations governing the drawing by chance, sweepstakes or game promotion which includes the odds of winning and the prize table and rules showing that no purchase is required to enter sweepstakes;

f.

Probability chart;

g.

Lease or ownership of location information;

h.

Product/service list;

i.

Proposed security plan designed to protect employees, patrons and the general public;

j.

Number of machines.

Sec. 28-95. - Arts, crafts and hobby shop.

(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					
			P	P	P		P			P	P	P		P	P			

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 4, 11-14-17)

Sec. 28-96. - Art studio.

(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			
			P	P	P		P	P		P	P	P		P	P	

(b)

Definition. "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.

(c)

Reserved.

(Ord. No. 37-2017, § 5, 11-14-17)

Sec. 28-97. - Automobile 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			P				
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500			
					L						C	P			L	

(b)

Definition. "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.

(c)

Standards for permitted uses with limitations.

(1)

In the Downtown Mixed-Use (DMU) Midtown sub-district, zoning district, automobile repair:

a.

Shall have no driveway of an automobile service station or automobile repair shop located within thirty (30) feet of a street intersection.

Shall have no gasoline or other fuel pump located within thirty (30) feet of a street line or of an adjoining property line.

c.

Shall have all minor vehicle repairs take place within an enclosed building.

d.

Shall have no motor vehicle parked or stored out of doors on the premises for more than sixty (60) days. Vehicles parked or stored out of doors on the premises shall be located within an area screened by a minimum six-foot privacy fence located to the rear of the principle structure.

e.

Shall have the entire premises on which there is an automobile service station or an automobile repair shop be kept clean and free of debris such as used auto parts, tires, oil cans or drums, rags, papers or any other used or discarded materials.

f.

Shall have all hydraulic hoists, pits, lubrication, repair and service work conducted entirely within a building.

g.

Shall have all merchandise and material for sale displayed within an enclosed building.

h.

Shall require the property owner to remove or treat in a safe manner approved by the E.P.A. (Environmental Protection Agency) all flammable materials or storage tanks on the site when a service station dispensing flammable materials becomes vacant for a period exceeding ninety (90) days.

i.

Shall have all gasoline or other fuel pumps supported by a dedicated standby generator to ensure continuity of service after severe weather events, or acts of God, subject to approval by the City.

(2)

In the Indian River City Neighborhood-Commercial (IRCN-C) zoning district, new automobile repair:

a.

Shall be located on the west side of Hopkins Avenue.

b.

Shall have all outside repair screened from street view and from adjoining properties with fencing and landscaping to provide an opaque visual barrier.

Sec. 28-98. - Automobile/vehicle 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		
			P		P												
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN		
			D	U	M	C			100	200	300	400	500				
			L		L		L				C	P		L	L		

(b)

Definition. "Automobile sales:" The use of any building or portion thereof for the display, sale, rental, or lease of motor vehicles (including, but not limited to, automobiles, trucks, boats, and motorcycles) and any warranty repair work and other repair service conducted as an accessory use.

(c)

Standards for permitted uses with limitations.

(1)

In the Downtown Mixed-Use (DMU), Downtown and Midtown sub-districts, zoning district, automobile sales:

a.

Shall have all sales from a permanent structure, and the parking area must meet the requirements of the site plan and landscaping regulations.

b.

Shall have no outside storage other than vehicles for sale or rent, and all repairs must be in an enclosed structure with no bay door openings located in the front face of the building.

c.

Shall meet all DMU requirements when the use of a parcel of property is changed to allow automobile sales and storage.

d.

Shall have all gasoline or other fuel pumps supported by a dedicated standby generator to ensure continuity of service after severe weather events, or acts of God, subject to approval by the City.

(2)

In the Urban Mixed-Use (UMU) zoning district, automobile sales:

a.

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

b.

Shall have a maximum lot size of fifteen thousand (15,000) square feet.

(3)

In the Indian River City Neighborhood (IRCN-C) zoning district, automobile sales:

a.

Minimum lot size of one (1) acre.

b.

Must be located with frontage on South Washington Avenue.

(4)

In the Urban Village (UV) zoning district, only automobile/vehicle sales:

a.

Shall be limited only to the sales and accessory service of motorcycles as defined by Chapter 320, Florida Statutes.

b.

Motorcycle sales shall be located in proximity to the principal building and shall not impede pedestrian or traffic flow and shall not encroach into designated parking areas unless designated on a proposed plot plan approved by the Community Development Engineer and included with a Business Tax Receipt application. The designated 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.

d.

Shall limit outdoor motorcycle sales to an area less than or equal to fifteen (15) percent of the gross floor area of the building or unit in which the use is conducted.

f.

Shall have all outdoor motorcycle sales meet the following locational requirements:

1.

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

2.

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

3.

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

4.

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

5.

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

g.

Shall limit outdoor motorcycle sales to only during the hours of operation of the associated business. Goods displayed outdoor shall not be left outdoors when the associated business is not operating.

h.

Shall conduct all service and repair of motorcycles within an enclosed building.

i.

Shall not have bay or service doors oriented towards a public right-of-way.

j.

Shall not include paint booths.

k.

Shall not have any outdoor storage

l.

Shall not include as part of operations riding lessons or motorcycle license classes/testing.

(Ord. No. 19-2017, § 2, 8-8-17)

Editor's note— The language in subsection (c)(3)a. of this section has been corrected to read "Minimum lot size of one (1) acre." The language had been inadvertently codified as "Maximum lot size of one (1) acre." Ord. No. 1-2014, which previously amended section 59-813 (now section 28-98), changed "maximum lot size" to "minimum lot size." A subsequent amendment by Ord. No. 19-2017 also read "minimum lot size."

Sec. 28-99. - Bakery, retail.

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

(b)

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

(c)

Standards for permitted uses with limitations.

(1)

In the Planned Industrial Development (PID) zoning district, bakeries, retail shall only be permitted as part of a Master Development Plan that designates a "commerce component" and designates the associated area on the Master Plan.

(Ord. No. 37-2017, § 6, 11-14-17; Ord. No. 25-2020, § 6, 12-8-20)

Sec. 28-100. - Barber/beauty shop/salon.

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

(b)

Reserved.

(c)

Standards for permitted uses with limitations.

(1)

In the Planned Industrial Development (PID) zoning district, barber shops shall only be permitted as part of a Master Development Plan that designates a "commerce component" and designates the associated area on the Master Plan.

(Ord. No. 37-2017, § 7, 11-14-17)

Sec. 28-101. - Bed and breakfast inns.

(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		
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		
L	L		L	L	L	C	L	L		C	C	L		L	L	

(b)

Definition. "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.

(c)

Standards for permitted uses with limitations.

(1)

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), Multifamily Medium Density Residential (R-2), Multifamily High Density Residential (R-3), Residential Historic Preservation (RHP), General Use (GU), Open Space and Recreation (OR), Urban Mixed-Use (UMU), Shoreline Mixed-Use (SMU), Regional Mixed Use (RMU) 400, Indian River City Neighborhood-Commercial (IRCN-C) and Indian River City Neighborhood-Residential (IRCN-R) zoning districts, bed and breakfast inns:

a.

Shall be limited to the density limitation of the zoning classification. Where an existing single-family house is being utilized as a bed and breakfast or boardinghouse facility, the guest accommodations shall not exceed fifty (50) percent of the floor area of the principal residence.

b.

Shall provide a minimum of one (1) on-site parking space per guestroom and an additional two (2) on-site parking spaces for the resident manager or innkeeper. No parking shall be permitted in the front yard in residential zoning classifications. All parking spaces shall adhere to the City of Titusville Land Development Regulations. Properties within the UMU zoning district shall be exempt from this requirement, but shall provide parking pursuant to [Chapter 30 - Development Standards, Article III - Improvements, Division 9 - Parking/Loading/Storage](#).

c.

In multiple-family and special district zoning classifications, only wall-mounted signs up to eight (8) square feet in size and a maximum of six (6) feet in height shall be permitted.

d.

Shall have common kitchen and dining facilities, and individual rooms that are rented shall not contain cooking facilities. Meals shall be provided to overnight guests only.

e.

Shall require an occupational license.

f.

Shall not be located closer than five hundred (500) feet to any previously approved and established bed and breakfast inn in single-family zoning classifications. The Residential Historic Preservation (RHP) and Urban Mixed Use (UMU) zoning districts shall be exempt from the aforementioned distance regulation.

(2)

In the Downtown Mixed-Use (DMU) Downtown, Uptown and Midtown sub-districts, zoning district, bed and breakfast inns:

a.

Shall be no more than five (5) rooms used as guest rooms;

b.

The owner/operator of the facility must physically reside on-site during all periods that the facility is open to the public and that guests are housed on-site;

c.

Adjacent to residential homes must be separated by a visual screen consistent with the visual screen standards set forth in [Section 30-340](#);

d.

Shall maintain the residential character of the area by adopting a residential scale and style of construction and conform to the Urban Design Manual for the Downtown Mixed-Use District;

e.

Shall require a conditional use permit in the Civic Waterfront sub-district.

(3)

In the Indian River City Neighborhood—Residential (IRCN-R) zoning district, bed and breakfast inns shall be limited to existing licensed bed and breakfast establishments and expansion shall be limited to the existing licensed property as of August 16, 2012 (effective date of Ord. 25-2012).

(d)

Standards for conditional uses. These uses require public hearings.

(1)

In the Downtown Mixed-Use (DMU) Civic Waterfront sub-district, zoning district, bed and breakfast inns shall meet the requirements of (c)(2) above and may be approved by obtaining a conditional use permit.

(2)

In the Regional Mixed-Use 200 and 300 sub-district (RMU-200, RMU-300) zoning district, bed and breakfast inns shall me the same requirements of (c)(1) above and may be approved by obtaining a conditional use permit.

(Ord. No. 31-2017, § 12, 10-24-17; Ord. No. 37-2017, § 8, 11-14-17; Ord. No. 25-2020, § 7, 12-8-20)

Sec. 28-101.1. - Bicycle sales/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		P			L	L			L				
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRC	
			D	U	M	C			100	200	300	400	500			
			P	P	P		P							P		

(b)

Definition. "Bicycle sales/service:" An establishment engaged in the retail sales and associated service of bicycles. May also include retail sales of bicycling accessories and apparel.

(c)

Reserved.

(Ord. No. 37-2017, § 9, 11-14-17)

Sec. 28-102. - Billboard.

(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	IRC	
			D	U	M	C			100	200	300	400	500			
L																

(b)

Reserved.

(c)

Standards for permitted uses with limitations.

(1)

Billboard signs shall only be permitted on a lot or parcel where said billboard is the only use of said lot or parcel.

(2)

Billboards shall meet all applicable regulations within [Chapter 32](#), Signs.

Sec. 28-103. - Billiards/pool hall.

(a)

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

[illegible]

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	
			P	P	P	P				P	P	P		P	

(b)

Definition. "Book store": 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.

(c)

Standards.

(1)

Reserved.

Sec. 28-106. - Buildings over 60 feet in height, but not to exceed 100 feet.

(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			
			P	P	P	P							C		

(b)

Reserved.

(c)

Standards for conditional uses. These uses require hearings:

(1)

Every building over sixty (60) feet shall be setback from all property lines a distance equal to the height of the building.

(2)

At least one (1) of the following incentives shall be included within the project:

a.

A minimum thirty (30) percent common open space consistent with [Chapter 34](#), Article V, Urban Village and [Chapter 30](#), Article III, Division 3, Open Space. The open space shall include an increase in tree canopy of two (2) percent at maturity as calculated in [Section 30-31.5](#), Canopy area requirements.

b.

The conversion of open space equal to five (5) percent of the development to an equal area of impervious surfaces. The open space shall include an increase in tree canopy of two (2) percent at maturity as calculated in [Section 30-31.5](#), Canopy area requirements. In addition, each structure over sixty (60) feet shall provide two (2) electric vehicle charging stations.

c.

Low Impact Development (LID) techniques or facilities that increase stormwater treatment at least ten (10) percent more treatment volume than required by the land development regulations.

d. The construction of three (3) permanent free-standing shade structures at least twelve (12) feet by twelve (12) feet in area. In addition, twenty-five (25) percent of all overstory trees planted onsite shall have a minimum caliper of four (4) inches, and substitution of palms for overstory trees shall not be permitted.

(3)

The applicant submits a shading study that demonstrates that the proposed building height over sixty (60) feet does not cause any additional overshadowing and consequent loss of light to surrounding properties than an allowed sixty-foot tall building. For the shading study, the period between 8:00 a.m. and 4:00 p.m. is generally accepted as a measure of solar access even during the shortest daylight hours of winter.

(4)

The proposed building height increase must be consistent with the adopted U.S. 1 Corridor Master Plan.

(Ord. No. 10-2022, § 2, 4-12-22)

Sec. 28-107. - Car rental agencies.

(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							P				

(b)

Reserved.

(c)

Standards.

(1)

Reserved.

Sec. 28-108. - Car wash.

(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			
				L	L						C	C	L			

(b)

Definition. "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.

(1)

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.

(2)

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.

(3)

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.

(c)

Standards for permitted uses with limitations.

(1)

Self-service car washes shall be limited to the following activities:

a.

Self-service washing and drying of automobiles.

b.

Self-service waxing, polishing and vacuuming of automobiles.

c.

No equipment shall be permitted except as necessary to permit self-service car washes or drying directly and solely by the customer.

(2)

Full service car wash facility shall be limited to the following activities:

a.

Fully automated and/or manual washing, waxing, polishing, drying of automobiles by employees.

b.

Fully automated or manual vacuuming and cleaning of the interior of automobiles by employees.

(3)

Automatic exterior drive thru car wash shall be limited to the following activities:

a.

Fully automated self-service exterior cleaning and/or washing services provided on a drive thru roll over basis solely by the customer in which power drive or steam cleaning machinery is used to clean and/or wash automobiles and other motor vehicles.

b.

This use may be allowed as an accessory activity to a gas station, convenience store with gas pumps, or automotive dealership by obtaining a conditional use permit.

(4)

General design criteria:

a.

In zoning districts that list this use as a permitted use, said facility shall be required to proceed through conditional use permit approval process if any portion of the site abuts any residential zoning district or use. The conditional use permit process may be waived subject to a twenty-five-foot-wide landscape buffer being provided adjacent to the abutting residential zoning district or use. No development, circulation, parking or any car wash activity may be permitted in this buffer area.

b.

Said facility shall be required to proceed through conditional use permit approval process if the site is not fronting and have all ingress/egress from a principal or minor arterial roadway.

c.
In no case shall such a use be permitted or have ingress/egress on a roadway classification under major collector.

d.

There shall be no outside storage or display of goods offered for sale.

e.

All washing and waxing of automobiles shall be within a completely enclosed building, except for entrance and exit. Vacuuming and drying of automobiles may be outside the building but shall not encroach upon any setback and/or buffer areas.

f.

The above-mentioned entrance and exit shall not face any abutting property zoned for residential uses.

g.

All of the area of the site to be utilized by the washing, waxing, drying and vacuuming operation including all ingress and egress areas shall be paved with concrete, asphalt or asphalt concrete.

h.

A six-foot high masonry screening wall shall be required where the site abuts a residential zoning district or use.

(5)

Landscaping (the following landscaping regulation in addition to those required by [Chapter 30](#) of these [Land Development] Regulations shall be required to be met):

a.

Landscaping areas shall comprise not less than twenty (20) percent of the area of the entire site.

b.

Any required buffer area from a residential zoning district shall not be used to meet the required twenty (20) percent landscape area.

c.

In the Downtown Mixed-Use (DMU) zoning district, the Urban Design Manual shall regulate landscaping.

(6)

Access/circulation/parking:

a.

Self-service car wash: A minimum off-street stacking space/area to accommodate two (2) waiting automobiles (minimum forty (40) linear feet of stacking space/area) shall be provided per wash bay.

b.

Full service car wash facility: A minimum off-street stacking space/area to accommodate fifteen (15) waiting automobiles (minimum three hundred (300) linear feet of stacking space/area) shall be required per wash bay. A minimum of one (1) off-street parking space shall be provided for each employee on the largest shift.

c.

Automatic exterior drive thru car wash: A minimum off-street stacking space/area to accommodate five (5) waiting automobiles (minimum 100 linear feet of stacking space/area) shall be required per wash bay.

d.

The off-street stacking space/area shall not conflict with or interfere with on-site circulation patterns.

e.

When the service is offered for on-site final manual drying separate from the wash bay, said area shall be capable of accommodating a number of vehicles equaling one-half (½) of the required stacking space/area. Said area shall not conflict with or interfere with on-site circulation patterns.

(7)

Sewage/drainage effluent quality:

a. Only car wash facilities equipped with a self-contained water recycling system shall be approved. These facilities shall not back wash their filters but instead have their filter properly disposed (potentially as hazardous wastes). Disposal methods shall require approval by the City of Titusville Water Resources Department.

b.

All car wash shall have a disposal facility including sludge and grit removal. Disposal equipment shall be subject to the approval of the City Water Resources Department.

c.

Any wastewater discharge to the City of Titusville Sanitary Sewer System shall be required to meet all City of Titusville Sanitary Sewer Standards.

Sec. 28-109. - Ceramic shop.

(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	IRC	
			D	U	M	C			100	200	300	400	500			
			P	P	P	P	P			P	P	P			P	

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 10, 11-14-17)

Sec. 28-110. - Childcare facility.

(a)

Districts where permitted.

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

(b)

Definition. "Childcare facility:" As defined by Section 402.302, Florida Statutes, as may be amended.

(c)

Standards for permitted uses with limitations.

(1)

In the Neighborhood Commercial (NC), Community Commercial (CC), Regional Commercial (RC), Office Professional (OP), and Urban Mixed-Use (UMU) zoning districts, childcare facilities:

- a. Shall be required to proceed through the conditional use permit process when located on a local street, or abutting property with a single-family zoning or use.
- b. Shall not be issued a business tax receipt until a license has first been obtained from the Florida Agency for Healthcare Administration and any other permitting agency as required by law including the provisions of these regulations.
- c. Shall provide a landscape buffer in accordance with [Chapter 31](#), Article III, [Division 10](#) on non-street property lines. Properties in the DMU zoning district shall provide landscaping pursuant to [Chapter 31](#), Article III, [Division 10](#).
- d. Shall set back all structures, playgrounds, and outdoor recreation areas a minimum of fifty (50) feet from any abutting residential zoning district or residential use, except mixed residential-commercial uses.
- e. Shall provide a passenger drop-off zone adjacent to the facility providing clear ingress and egress from parking and other areas.

(2)
In the Indian River City-Commercial (IRCNC) zoning district, childcare facilities:

- a. Shall not be issued a business tax receipt until a license has first been obtained from the Florida Agency for Healthcare Administration and any other permitting agency as required by law including the provisions of these regulations.
- b. Shall provide a passenger drop-off zone adjacent to the facility providing clear ingress and egress from parking and other areas.
- c. Shall set back all structures, playgrounds, and outdoor recreation areas a minimum of fifty (50) feet from any abutting residential zoning district or residential use, except mixed residential-commercial uses.

(d)
Standards for conditional uses. These uses require public hearings.

(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), Multifamily Medium Density (R-2), Multifamily High Density (R-3), Residential Manufactured Housing (RMH-1), Residential Manufactured Housing Park (RMH-2), Planned Industrial Development (PID), General Use (GU), Downtown Mixed-Use (DMU), Downtown, Uptown, and Midtown sub-districts, Regional Mixed-Use 200 and 300 (RMU-200, RMU-300), and Urban Village (UV) zoning districts, childcare facilities may be approved by meeting the standards in (c)(1) above, and by obtaining a conditional use permit.

(2)
In addition to the requirements in (c)(1) above, childcare facilities in the Urban Mixed-Use (UMU) zoning district shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

(3)
In addition to the requirements in (c)(1) above, in the Indian River City Neighborhood-Residential (IRCNR) zoning district, childcare facilities shall be on property adjacent to, and with access to, Knox McRae Drive and shall be on property that has a principal use of a church.

Sec. 28-111. - Clothing and shoe stores.

(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	IRCNC
			D	U	M	C			100	200	300	400	500		

			P	P	P	P	P			P	P	P		P	P	
--	--	--	---	---	---	---	---	--	--	---	---	---	--	---	---	--

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 11, 11-14-17; Ord. No. 25-2020, § 8, 12-8-20)

Sec. 28-112. - Convenience store (without 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	C		L											
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500			
			L	L	C	C	L			C	L	L			C	

(b)

Definition. "Convenience stores:" As defined by Section 500.03, Florida Statutes, as may be amended.

(c)

Standards for permitted uses with limitations.

(1)

Convenience stores, in any zoning district:

a.

Shall be free of all obstructions of view from the adjacent street to the main store windows giving a clear and unobstructed view of the cashier's station including obstructions of landscaping and gasoline service islands.

b.

Shall be subject to all special requirements for retail gasoline sales establishments if the proposed store is to include such use as set forth per [Section 28-168](#) - Retail gasoline sales, of this Article.

c.

Shall have appropriate security systems to include, but not be limited to, the following: convenience store shall be equipped with cameras with video retrieval capabilities. This requirement shall be exempted if the convenience store employs two (2) or more employees at the same time between the hours of 11:00 p.m. and 7:00 a.m. or if the convenience store closes on a permanent basis by 11:00 p.m.

d.

Shall not have as a part of its operation coin operational amusement devices.

(2)

In addition to the regulations in (c)(1) above, in the Downtown Mixed-Use (DMU) zoning district, convenience stores:

a.

Shall not allow any outdoor display of merchandise.

b.

Shall have all gasoline or other fuel pumps supported by a dedicated standby generator to ensure continuity of service after severe weather events, or acts of God, subject to approval by the City.

(3)

In addition to the regulations in (c)(1) above, in the Urban Mixed-Use (UMU) zoning district, convenience stores:

a.

Shall have hours of operation limited to 6:00 a.m. to 10:00 p.m.

(d)

Standards for conditional uses. These uses require public hearings.

(1)

In the Tourist (T), Neighborhood Commercial (NC), Community Commercial (CC), Downtown Mixed-Use (DMU) Midtown and Civic Waterfront sub-districts, Regional Mixed-Use 200 sub-district (RMU-200), and Indian River City Neighborhood-Commercial (IRCNC) zoning districts, Convenience Stores may be approved by meeting all applicable regulations in (c)(1), and where applicable in (c)(2), or (3) above by obtaining a conditional use permit.

(Ord. No. 31-2017, § 13, 10-24-17; Ord. No. 37-2017, § 12, 11-14-17)

Sec. 28-113. - Copy center.

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

(b)

Reserved.

(c)

Standards.

(1)

Reserved.

Sec. 28-114. - Crematory services.

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

(b)

Reserved.

(c)

Standards.

(1)

Reserved.

Sec. 28-115. - Delicatessens.

(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			
			P	P	P	P	P	P		P	P	P		P	P	

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 14, 11-14-17)

Sec. 28-116. - Docks.

(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			
								P								

(b)

Reserved.

(c)

Standards.

(1)

Reserved.

Sec. 28-117. - Drinking establishments (bar, tavern, lounge).

(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				
			P	P	P	C	L				C	P		P	L		

(b)

Definition. "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.

(c)

Standards for permitted uses with limitations.

(1)

In the Indian River City Neighborhood-Commercial (IRCN-C) zoning district, drinking establishments (bar, tavern, lounge) with 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 fifty (50) feet of a residential property line.

(2)

In the Urban Mixed Use (UMU) zoning district, drinking establishments (bar, tavern, lounge):

a.

Shall only allow on-site consumption within a completely enclosed structure.

b.

Shall limit the hours of operation of any business with on-site consumption to the hours of 12:00 p.m. to 10:00 p.m.

(d)

Standards for conditional uses. These uses require public hearings.

(1)

In the Downtown Mixed-Use (DMU) Civic Waterfront sub-district, Urban Mixed-Use (UMU) and Regional Mixed-Use 300 sub-district (RMU-300) zoning districts, drinking establishments may be approved by obtaining a conditional use permit.

(Ord. No. 37-2017, § 14, 11-14-17; Ord. No. 25-2020, § 9, 12-8-20)

Sec. 28-118. - Dry cleaner.

(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				
			P	P	P		L					C	P	P	P	P	

(b)

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

(c)

Standards for permitted uses with limitations.

(1)

In the Urban Mixed-Use (UMU) district, dry cleaners must be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

(Ord. No. 25-2020, § 10, 12-8-20

Sec. 28-119. - Electronic gaming establishment.

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

(b)

Definition. "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 caf  s, cybercaf  s, sweepstakes cafes, or arcade amusement centers.

(c)

Standards for conditional uses These uses require public hearings.

(1)

The facility (electronic gaming establishment) shall be located no less than one hundred (100) feet, measured from the outer wall of the facility to the closest property line, of any residentially zoned land, as well as any land designated or utilized for park purposes.

(2)

The facility shall be located no less than one thousand (1,000) feet, measured from the outer wall of the facility to the closest property line, of any school. Any school that is located in the future within the above restricted distance shall execute a waiver of the distance restriction.

(3)

No two (2) facilities, operating pursuant to this subsection or subsection (g), shall be located closer than five hundred (500) feet from one another, measured from the closest outer wall of each facility. Nothing in this section shall be construed as to prevent a business from operating under both subsection (g) and subsection (h) in the same facility without the need for additional approval, provided the machines and business operations are kept separate and apart from one another, preventing comingling of usage, and do not otherwise violate the provisions of Chapter 849, Florida Statutes, or any regulation of the state.

(4)

If the facility is placed within a freestanding building the site must contain a parking ratio of one (1) parking space per two (2) game machines, regardless of whether the building is new or existing.

(5)

If the facility is located in a shopping center, or other building with shared parking, it shall not utilize more than ten (10) percent of the overall parking, based upon the ratio above.

(6)

The number of devices within the facility shall be governed by the Land Development Regulations of the City of Titusville as well as Florida Statutes and laws.

(7)

The consumption, possession, dispensation, or sale of alcohol, shall be prohibited.

(8)

Applicant shall prohibit minors (persons under the age of eighteen (18) within the facility.

(9)

The business location shall operate under the following management plan:

a.

The facility shall not have any reflective or other opaque material on the exterior windows which limits or restricts the visibility of the interior of the facility from the exterior of the facility under normal circumstances, however a portion of the exterior window may be covered with frosting or other materials when necessary to cut the sun glare in order to view operating machines and computer screens;

b.

Upon initially opening and on June 1 of each calendar year thereafter, the business shall report to the Growth Management Director the number of machines being operated within the facility; and

c.

The business shall not operate in violation of county, state or federal law.

(10)

The business shall not operate between the hours of 1:00 a.m. and 9:00 a.m. on weekdays, Sunday night through Thursday night and 2:00 a.m. and 9:00 a.m. on the weekend, Friday night and Saturday night.

(11)

All patrons of the business shall be made aware that they are participating in a computer-based sweepstakes, including the rules of the sweepstakes, as required by state law or the regulation of any appropriate state agency.

(12)

Each applicant for conditional use shall show proof of permit or license to operate a game promotion or sweepstakes from the Department of Agriculture and Consumer Services and other applicable state and federal permits and that the electronic game promotion software:

a.

Operates only games with a preconfigured finite pool of entries;

b.

Provides an entrant with the ability to participate in the absence of a purchase;

c.

Does not distinguish an entrant who has made a purchase from one who has not, with respect to all advertised prizes; and uses video displays that do not determine the result.

(13)

Each applicant shall provide proof that it has established a trust account in accordance with Chapter [Section] 849.094, Florida Statutes.

(14)

A conditional use shall not be construed to authorize any game or machine that may be construed as a gambling device under Florida law.

(15)

In addition to the required materials for an application for a CUP, each applicant shall submit for the business:

a.

Articles of incorporation/sole proprietorship documents;

b.

Tax ID number;

c.

License or permits from the Department of Agriculture and Consumer Services;

d.

Software compliance documents showing compliance with state regulations;

e.

Rules and regulations governing the drawing by chance, sweepstakes or game promotion which includes the odds of winning and the prize table and rules showing that no purchase is required to enter sweepstakes;

f.

Probability chart;

g.

Lease or ownership of location information;

h.

Product/service list;

i.

Proposed security plan designed to protect employees, patrons and the general public;

j.

Number of devices.

Sec. 28-120. - Emergency clinics.

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

(b)

Definition. "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.

(c)

Standards.

(1)

Reserved.

Sec. 28-121. - Farmers market/food stand.

(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			
							L								P	

(b)

Definition. "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.

(c)

Standards for permitted uses with limitations.

(1)

In the Urban Mixed-Use (UMU) district, farmer markets shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

Sec. 28-122. - Financial institutions (banks).

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

(b)

Definition. "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 (ATMs).

(c)

Standards for permitted uses with limitations.

(1)

In the Urban Mixed-Use (UMU) zoning district, financial institutions shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

(Ord. No. 25-2020, § 11, 12-8-20)

Sec. 28-123. - Fitness center.

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

(b)

Definition. "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.

(c)

Standards for permitted uses with limitations.

(1)

In the Urban Mixed-Use (UMU) zoning districts, fitness centers shall have building and/or lease space/unit gross floor area be less than three thousand (3,000) square feet.

(Ord. No. 37-2017, § 15, 11-14-17)

Sec. 28-124. - Florist.

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

(b)

Definition. "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.

(c)

Standards for permitted uses with limitations.

(1)

In the Planned Industrial Development (PID) zoning district, florists shall only be permitted as part of a Master Development Plan that designates a "commerce component" and designates the associated area on the Master Plan.

(Ord. No. 37-2017, § 16, 11-14-17)

Sec. 28-125. - Funeral establishment (without crematory).

(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	IRC	
			D	U	M	C			100	200	300	400	500			
							L					P			P	

(b)

Definition. "Funeral establishment (without crematory):" As defined in Section 497.005, Florida Statutes, as may be amended.

Standards for permitted uses with limitations.

(1)

In the Urban Mixed-Use (UMU) zoning district, funeral establishments shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

(Ord. No. 25-2020, § 12, 12-8-20)

Sec. 28-126. - Furniture store.

(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					
			P	P	P		L	P			P	P		P	P			

(b)

Reserved.

(c)

Standards.

(1)

In the Urban Mixed-Use (UMU) zoning district, furniture stores shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

(Ord. No. 25-2020, § 13, 12-8-20)

Sec. 28-127. - Gift 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													
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN			
			D	U	M	C			100	200	300	400	500					
			P	P	P	P	P				P	P		P	P			

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 17, 11-14-17)

Sec. 28-128. - Graphic printing and copying services.

(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	IRC		N
			D	U	M	C			100	200	300	400	500				
			P	P	P							P	P	P			

(b)
Reserved.

(c)
Standards for permitted uses with limitations.

(1)
In the River City Neighborhood - Commercial (IRCNC) zoning district, graphic printing and copying services shall have a maximum building and/or lease space/unit gross floor areas of less than three thousand (3,000) square feet.
(Ord. No. 31-2017, § 14, 10-24-17)

Sec. 28-129. - Grocery store.

(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	IRC		
			D	U	M	C			100	200	300	400	500				
			P	P	P		L				C	P		L	P		

(b)
Reserved.

(c)
Standards for permitted uses with limitations.

(1)
In the Urban Village (UV) zoning district, grocery stores:

a.
Shall not be located closer than twenty-five (25) feet to any side property lines.

b.
Shall not have as a part of its operation, coin-operated amusement devices nor gas pumps.

6. Gas pumps and associated payment kiosk ONLY may be permitted as an accessory use to a retail food market or supermarket greater than twenty thousand (20,000) square feet in size.

1.

Gas pumps, tanks, vents, pump islands and canopies shall not be located closer than twenty-five (25) feet to any side property lines.

2.

Signage on the canopy facing offsite land uses shall be limited to one (1) face. Signage shall be limited to no more than thirty-two (32) square feet per side. Total signage on all four (4) sides of the canopy shall not exceed sixty-four (64) square feet.

3.

All canopies and associated payment kiosk shall be architecturally consistent with the principal use.

4.

Six (6) gas pumps (up to twelve (12) vehicle fueling stations) are permitted without additional landscaping. Additional gas pumps/fueling stations are permitted if required buffers adjacent to the gas pumps, tanks, vents, pump islands and canopies include vegetation that reduces the visual impact of the pumps and pump islands for offsite land uses.

5.

Repairs, wreckers or storage of automobiles is prohibited.

6.

Outdoor storage and display is prohibited.

(2)

In the Urban Mixed-Use (UMU) zoning district, grocery stores shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

(Ord. No. 25-2020, § 14, 12-8-20)

Sec. 28-130. - Hardware store.

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

(b)

Reserved.

(c)

Standards for permitted uses with limitations.

(1)

In the Urban Mixed-Use (UMU) zoning districts, hardware stores:

a.

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

Shall screen all outside storage from view from adjoining properties with fencing and landscaping to provide an opaque visual barrier.

(2)

In the Indian River City Neighborhood-Commercial (IRCNC) zoning district, hardware stores:

a.

Shall screen all outside storage from view from adjoining properties with fencing and landscaping to provide an opaque visual barrier.

(3)

In the Planned Industrial Development (PID) zoning district, hardware stores shall only be permitted as part of a Master Development Plan that designates a "commerce component" and designates the associated area on the Master Plan.

Sec. 28-131. - Hospitals.

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

(b)

Reserved.

(c)

Standards.

(1)

Reserved.

(Ord. No. 25-2020, § 15, 12-8-20)

Sec. 28-132. - Hotel/motel.

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

(b)

Definition. "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.

Standards.

(1)

Any hotel or other tourist accommodation containing fifty (50) rental units or more shall be permitted to establish accessory uses within the principal building designed to primarily serve the guests of the facility, such as: drug and sundry shops, florists, gift and souvenir shops, confectionery stores, newsstands, personal services, etc.

(Ord. No. 25-2020, § 16, 12-8-20)

Sec. 28-133. - Ice cream parlor.

(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			
			P	P	P	P	P	P		P	P	P		P	P	

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 18, 11-14-17)

Sec. 28-134. - Ice vending building.

(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			

(b)

Definition. "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.

(c)

Standards for permitted uses with limitations.

(1)

In the Light Industrial Services and Warehousing (M-1) zoning district, ice vending buildings:

a.

Shall not be placed less than one hundred (100) feet from the closest residential structure.

b.

Shall provide parking for the ice vending building in accordance with the City's Transportation Technical Manual of the Land Development Regulations.

c.

Shall have all loading, unloading, or servicing of said ice vending building occur on private premises.

d.

Shall not use blinking, unshaded or colored lights to illuminate or advertise the ice vending building.

e.

Shall drain condensate water in accordance with the Florida Building Code.

Sec. 28-135. - Insurance office.

(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			
			P	P	P	P	P			P	P	P		P	P	

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 19, 11-14-17)

Sec. 28-136. - Jewelers.

(a)

Districts where permitted.

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

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 20, 11-14-17)

Sec. 28-137. - Laboratory (medical).

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

(b)

Definition. "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.

(c)

Standards.

(1)

Reserved.

Sec. 28-138. - Laundromat.

(a)

Districts where permitted.

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

(b)

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

(c)

Standards for permitted uses with limitations.

(1)

In the Downtown Mixed-Use (DMU) Civic Waterfront sub-district zoning district, laundromats may only be permitted in conjunction with a marina.

(2)

In the Urban Mixed-Use (UMU) zoning district, laundromats must be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

Sec. 28-139. - Legal office.

(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					
			P	P	P	P	P				P	P		P	P			

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 21, 11-14-17)

Sec. 28-140. - Liquor store.

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

(b)

Reserved.

(c)

Standards for conditional uses. These uses require public hearings.

(1)

In the Neighborhood Commercial (NC) zoning district, only the sale of non-distilled alcoholic beverages for off-site consumption may be granted by conditional use. The sales of distilled alcoholic beverages for off-site consumption are prohibited.

(2)

In the Urban Mixed-Use (UMU) zoning district, liquor stores:

a.

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

b.

Shall only allow on-site consumption within a completely enclosed structure.

c.

Shall limit the hours of operation of any business with on-site consumption to the hours of 12:00 p.m. to 10:00 p.m.

Sec. 28-141. - Lumber and building supplies 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		
					L											
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500			
												C				

(b)

Definition. "Lumber and building supplies:" 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.

(c)

Standards for permitted uses with limitations.

(1)

In the Regional Commercial (RC) zoning district, lumber and building supplies:

a.

Shall screen all open air outdoor storage/display areas from view.

b.

Shall require outdoor storage/display areas facing any road right-of-way shall to be architecturally compatible with the principal building so as to retain a continuous architectural appearance.

c.

Shall prohibit items within the open air outdoor storage area to be visible from surrounding properties.

(d)

Standards for conditional uses. These uses require public hearings.

(1)

In the Regional Mixed-Use 400 sub-district (RMU-400) zoning district, lumber and building supplies, shall meet the criteria in (c)(1) above and may be approved by obtaining a conditional use permit.

Sec. 28-142. - Lumber yard.

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

			D	U	M	C							100	200	300	400	500		
													P						

(b)

Reserved.

(c)

Standards.

(1)

Reserved.

Sec. 28-144.7. - Medical marijuana dispensing facility.

(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			
			L	L	L	L	L				C	L		L	L	

(b)

Definition.

"Medical marijuana dispensing facility:" A facility licensed by the State of Florida Department of Health to dispense medical marijuana and medical marijuana delivery devices, as defined by F.S. § 381.986.

(c)

Standards for permitted uses with limitations.

(1)

Except as provided in this article, medical marijuana dispensing facilities shall be subject to all regulations, restrictions and permitting applicable to pharmacies under the Code of Ordinances and the City's Land Development Regulations.

(2)

A medical marijuana dispensing facility may not be located within five hundred (500) feet of the real property that comprises a public or private elementary school, middle school or secondary school unless the City Council approves the location at a public hearing at which the City Council determines that the location promotes the public health, safety, and general welfare of the community.

(3)

To the extent not otherwise regulated by the Florida law, all such dispensaries may only dispense medical marijuana or medical marijuana delivery devices between the hours of 7:00 a.m. and 9:00 p.m.

(d)

No city liability; indemnification; no defense.

(1)

By accepting any development permit or order to operate a medical marijuana treatment center or medical marijuana dispensing facility, any person owning, operating or engaging in the business of any such center or facility, waives any claim concerning, and releases the City, its elected and appointed officials, officers, employees, agents, attorneys, representatives, volunteers and independent contractors, both in their official and individual/personal capacities, and their respective sureties, insurers, successors, assigns and legal representatives from, any liability or injuries or damages of any kind that result from any arrests or prosecutions of principals, officers, directors, owners, managers of any kind, members, employees, operators, or similar persons, or any clients or customers of the center or facility for any violation of state or federal laws, rules or regulations.

(2)

By accepting any development permit or development order to operate a medical marijuana dispensing facility, such facility shall indemnify, defend and hold harmless the City, its elected and appointed officials, officers, employees, agents, attorneys, representatives, volunteers and independent contractors, both in their official and individual/personal capacities, and their respective sureties, insurers, successors, assigns and legal representatives, from and against any and all claims, actions, liabilities, causes of action, demands, penalties, fines, fees, judgments, damages, losses, and expenses, including any regulatory actions (whether or not a lawsuit or administrative proceeding is filed), including, but not limited to, costs, expenses, attorneys' and paralegals' fees, expert witness fees, and any other court, regulatory and witness fees (whether in litigation, regulatory proceeding or appeal or as a part of settlement negotiations), on account of any injury, loss or damages, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, arising out of, in any manner connected with or resulting from the operation of such center or facility that is subject to any development permit or development order.

(3)

The issuance of a development permit or development order pursuant to this chapter shall not be deemed to create an exception, defense, or immunity for any person related to any potential or actual criminal liability any person may have under state or federal law for the acquisition, cultivation, possession, processing, transferring, transportation, sale, distribution, dispensing or administration of marijuana, medical marijuana or products containing marijuana, as such items remain Schedule 1 drugs under state and federal law.

(Ord. No. 5-2018, § 2, 2-13-18)

Sec. 28-145. - Medical office/clinic.

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

(b)

Definition. "Medical office/clinic:" A facility operated by one (1) 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.

(c)

Standards for permitted uses with limitations.

(1)

In the Planned Industrial Development (PID) zoning district, medical office/clinics are permitted only in connection with permitted industrial activity.

(2)

In the Urban Mixed-Use (UMU) zoning district, medical office/clinics shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

Sec. 28-146. - Mobile vendor.

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

(b)

Definition. "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.

(c)

Standards for permitted uses with limitations.

(1)

Mobile vendors shall meet all requirements in Section 11-332 of the Code of Ordinances.

Sec. 28-147. - Movie theater.

(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												
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRC	N	
			D	U	M	C			100	200	300	400	500				
														C			

(b)

Reserved.

(c)

Standards.

(1)

Reserved.

Sec. 28-148. - Newsstand.

(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	IRC		
			D	U	M	C			100	200	300	400	500				
			P	P	P	P					P	P		P	P		

(b)

Reserved.

(c)

Standards.

(1)

Reserved.

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	IRC�	
			D	U	M	C			100	200	300	400	500			
			L	C	L	L	L								L	

(b)

Definition. "Open-air market." A business including the sales or display of retail merchandise or services outside of a permanent structure.

(c)

Standards for permitted uses with limitations.

(1)

In the Downtown Mixed-Use (DMU) zoning district, open air markets:

a.

Shall require any special conditions, restrictions, and requirements for any uses listed in this section that will be within the open-air market to comply with those regulations specific to that use.

b.

Shall provide on-site permanent restroom facilities to serve the patrons of the market.

c.

Shall provide a seating area to accommodate any food service and restaurant uses.

d.

Shall meet the requirements of outdoor display established in [Section 28-363](#).

(2)

In the Urban Mixed-Use (UMU) zoning district, open-air markets:

a.

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

b.

Shall require any special conditions, restrictions, and requirements for any uses listed in this section that will be within the open-air market to comply with those regulations specific to that use.

c.

Shall provide on-site permanent restroom facilities to serve the patrons of the market.

d.

Shall provide a seating area to accommodate any food service and restaurant uses.

(3)

In the Indian River City Neighborhood-Commercial (IRC�-C) zoning district, open-air markets:

a.

Shall require any use within the open-air market that requires special conditions, restrictions, and requirements listed in this section to comply with those regulations specific to that use.

b.

Shall provide on-site permanent restroom facilities to serve the patrons of the market.

c.

Shall provide a seating area to accommodate any food service and restaurant uses.

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

(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 sidewalls, 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 uses with limitations.

(1)

In the Industrial (M-2) zoning district, outdoor storage:

a.

Shall be screened along the front building line, in addition to the requirements of [Chapter 30](#) - Development Standards, Article III - Improvements, [Division 10](#) - Landscaping.

b.

Outdoor storage is a conditional use when the Comprehensive Plan Future Land Use designation is not industrial. If the outdoor storage is joined with a required conditional use specified in the Industrial (M-2) zoning district, the uses shall be deemed one (1) particular use.

(d)

Standards for conditional uses. These uses require public hearings.

(1)

In the Downtown Mixed-Use (DMU) zoning district, outdoor storage:

a.

Shall not allow junkyards, concrete plants, automobile wrecking yards and gasoline or oil storage depots in any DMU sub-district.

b.

Shall not be located within three hundred (300) feet of any residential zoning district.

c.

Shall not allow the storage of flammable or explosive liquids, solids or gases in bulk above ground, except at duly licensed sales or service locations of such products.

d.

Tanks or drums of fuel directly connecting with a heating device or appliance located on the same lot as the tanks or drums of fuel are excluded from this provision.

e.

Shall be enclosed by a solid fence or wall eight (8) feet in height to conceal such facilities and the contents thereof from adjacent properties. Such fences or walls shall be setback ten (10) feet from a side or rear property line.

f. Shall not be permitted in any required front or side yards.

g.

Shall have no materials or wastes be placed or deposited on any premises in such form or manner that they may be transferred or carried off such premises by natural causes or forces.

h.

Shall require all materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects be stored outdoors only in closed containers.

(Ord. No. 31-2017, § 15, 11-14-17; Ord. No. 25-2020, § 18, 12-8-20)

Sec. 28-152. - Package and parcel delivery services.

(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			
													P			

(b)

Reserved.

(c)

Standards.

(1)

Reserved.

(Ord. No. 25-2020, § 19, 12-8-20)

Sec. 28-153. - Pain management clinic/cash-only pharmacies.

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

(b)

Reserved.

(c)

Standards for conditional uses. These uses require public hearings.

- (1)
- In the Hospital Medical (HM) zoning district, pain management clinics/cash-only pharmacies:
- a.
- A pain management clinic and/or a cash-only pharmacy as defined in Section 11-651 of the Code of Ordinances may be permitted as a conditional use.
- b.
- Shall be required to furnish the information required in Sections 11-653, 11-654, and 11-655 of the Code of Ordinances relating to said uses.
- c.
- Shall not be located within one thousand (1,000) feet of a public or private school, a public playground or park.
- d.
- Shall provide a security plan to include unobstructed windows and lighting and information reflecting the management of patients or clients to said facilities to ensure the public safety of individuals residing adjacent to said parcel.
- e.
- Each pain management clinic or cash-only pharmacy shall provide appropriate buffers between said facilities, its parking lot and adjacent uses. Such buffering shall consist of either a screen or an opaque fence, concrete wall or vegetative buffer at least fifty (50) feet in width.

Sec. 28-154. - Parking structures.

- (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			
			L	L	L	L								P		

- (b)
- Definition. "Parking structures:" A stand-alone 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.

- (c)
- Standards.

- (1)
- In the Downtown Mixed-Use (DMU) zoning district, parking structures:

- a.
- On main thoroughfares shall have liner buildings lining the first and second stories. All parking lots, garages, and parking structures shall be located behind liner shops on the ground floor, or in a separate parking structure.
- b.
- Shall not have vehicular entrances to parking lots, garages, and parking structures wider than twenty-four (24) feet at the frontage.

Sec. 28-155. - Passive commercial uses.

- (a)
- Districts where permitted.

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

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

(b)

Reserved.

(c)

Standards for permitted uses with limitations.

(1)

In the Indian River City Neighborhood-Residential (IRCN-R) zoning district, passive commercial uses:

- a.
- Shall consist only of stormwater retention areas and landscape buffer areas.
- b.
- Shall require that all minimum lot area, lot width, lot coverage, and setback requirement be met on the commercially zoned properties. The properties in the residential sub-district shall not be used to meet any of these requirements of the commercial development.
- c.
- Shall not allow re-platting or further subdivision of an existing platted lot in the residential sub-district shall be permitted to provide for passive commercial uses.
- d.
- Shall be the only use of this site, no other permitted or conditional uses of the IRCN zoning district shall be allowed.
- e.
- Shall require all of the property, commercially zoned and IRCN zoned, to be combined under a unity of title. This document (unity of title) shall be recorded in the office of the Clerk of the Circuit Court of Brevard County. The Unit of Title shall stipulate that all of the property 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.

(d)

Standards for conditional uses. These uses require public hearings.

(1)

In the Multifamily Medium Density Residential (R-2) and Multifamily High Density Residential (R-3) zoning districts, passive commercial uses:

- a.
- Shall consist of only stormwater retention areas and landscape buffer areas.
- b.
- Shall have no building area, driveway circulation area, loading area, parking area, signage or any other activity of the commercial uses.
- c.
- Shall require all minimum site area, minimum lot size, minimum lot width, maximum lot coverage, and setback requirements to be met on the commercial zoned sites. The residential area shall not be used to meet any of these requirements of the commercial development.
- d.
- Shall require a minimum width of the passive commercial use of one hundred (100) feet.
- e.

Shall be the only use of this site, no other permitted or conditional uses of the zoning district shall be allowed.

f.

Shall require all of the property, commercial zoned and residential zoned property, to be combined under a unity of title. This document (unity of title) shall be recorded in the office of the Clerk of the Circuit Court of Brevard County. The unity of title shall stipulate that all of the property (commercial zoned and residential zoned property) 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.

Sec. 28-156. - Personal services.

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

(b)

Definition. "Personal services:" 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.

(c)

Standards.

(1)

Reserved.

(Ord. No. 25-2020, § 20, 12-8-20)

Sec. 28-157. - Pet grooming services.

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

(b)

Reserved.

(c)

Standards for permitted uses with limitations.

(1)

In the Urban Mixed-Use (UMU) zoning district, pet grooming services:

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

b.

Shall conduct all activities within a completely enclosed structure and screened from view from adjoining properties.

(2)

In the Indian River City Neighborhood-Commercial (IRCN-C) zoning district, pet grooming services:

a.

Shall conduct all activities within a completely enclosed structure and screened from view from adjoining properties.

b.

Shall only allow boarding as an accessory use.

Sec. 28-158. - Pet stores.

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

(b)

Reserved.

(c)

Standards.

(1)

Reserved.

Sec. 28-159. - Pharmacies.

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

(b)

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

(c)

Standards for permitted uses with limitations.

(1)

In the Office Professional (OP) zoning district, pharmacies products are sold only at retail and accessory retail products are less than fifty (50) percent of the gross floor area.

(2)

In the Urban Mixed-Use (UMU) zoning district, pharmacies:

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 three thousand (3,000) square feet.

(3)

In the Indian River City Neighborhood-Commercial (IRCN-C) zoning district, pharmacies shall have buildings and/or lease space/unit gross floor area be less than three thousand (3,000) square feet.

Sec. 28-160. - Photographic 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												
GU	OR	P	DMU				UMU	SMU	RMU					UV			IRCN
			D	U	M	C			100	200	300	400	500				
			P	P	P		P			P	P	P		P	P		

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 22, 11-14-17)

Sec. 28-161. - Postal and mailing services.

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

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 22, 11-14-17; Ord. No. 25-2020, § 21, 12-8-20)

Sec. 28-162. - Printing and copying stores.

(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			
			P	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, printing and copying stores shall be limited to a maximum building and/or lease space/unit gross floor area of three thousand (3,000) square feet.

(2)

In the Indian River City Neighborhood-Commercial (IRCN-C) zoning district, printing and copying stores shall be limited to a maximum building and/or lease space/unit gross floor area of three thousand (3,000) square feet.

(Ord. No. 37-2017, § 23, 11-14-17)

Sec. 28-163. - Private club.

(a)

Districts where permitted.

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

(b)

Definition. "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.

(c)

Standards for permitted uses with limitations.

(1)

In the Downtown Mixed-Use (DMU) Midtown and Civic Waterfront sub-district zoning district, private clubs:

a.

Shall require all buildings be set back fifty (50) feet from all lot lines.

b.

Shall require direct access to a collector road.

c.

Shall require one (1) parking space be provided on site for each three hundred (300) square feet of gross floor area.

d.

Shall not be located on the ground floor in the Downtown sub-district of the Community Redevelopment Area.

e.

Shall adhere to the City's alcoholic beverage and hours of operation requirements.

f.

Should there be three (3) or more valid complaints requiring public safety personnel intervention within a two-month period, the City Council shall reserve the right to review the use for action, which may include suspension or termination of a business tax receipt.

(d)

Standards for conditional uses. These uses require public hearings.

(1)

Private clubs shall be operated for the benefit of members only and not as a business entity.

(2)

Private clubs shall prohibit sleeping facilities.

(3)

In the Residential Estate (RE) and Multifamily Medium Density Residential (R-2) zoning districts, private clubs:

a.

Shall require all buildings be set back fifty (50) feet from any street and one hundred (100) feet from all other lot lines.

(4)

In the Rural Residential (RR), Single-Family Low Density (R-1A), Single-Family Medium Density (R-1B), Single-Family High Density (R-1C), Multifamily High Density Residential (R-3), Residential Manufactured Housing (RMH-1), Residential Manufactured Housing Park (RMH-2), and Regional Mixed-Use (RMU) zoning districts, private clubs:

a.

Shall require all buildings be set back fifty (50) feet from all lot lines.

(5)

In the Downtown Mixed-Use (DMU) Downtown sub-district zoning district, private clubs shall meet the conditions in (c)(1) above, and may be approved by obtaining a conditional use permit.

Sec. 28-164. - Professional offices.

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

(b)
Definition. "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.

(c)
Standards for permitted uses with limitations.
(1)
Master planned office developments on parcels five (5) acres or larger shall adhere to the standards for a planned office park specified in [Chapter 33](#), Article III.
(Ord. No. 37-2017, § 24, 11-14-17)

Sec. 28-165. - Radio and television 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		
		P	P		P											
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500			
			P	P	P				P	P	P		P			

(b)
Reserved.
(c)
Standards.

(1)
Reserved.
(Ord. No. 25-2020, § 22, 12-8-20)
Sec. 28-166. - Repair and service for small equipment items.

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

(b)

Definition. "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. This use does not include the repair and service of automobiles or other vehicles including heavy equipment.

(c)

Standards.

(1)

Reserved.

(Ord. No. 25-2020, § 23, 12-8-20)

Sec. 28-167. - Restaurants/caterers.

(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/C		
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRC	
			D	U	M	C			100	200	300	400	500			
			P	P	P	C	L	P		P	P	P		P	L	

(b)

Definitions.

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

"Caterer:" Food or drink is prepared in a licensed kitchen and served at another location.

"Take-out/non-seating restaurant." An establishment that offers take-out or delivery of food or beverages but does not permit customers to dine in.

(c)

Standards for permitted uses with limitations.

(1)

Outdoor areas of seating is an accessory use as set forth in Article VII, Accessory use table, and Article VIII, Accessory use standards,[Section 28-361](#), Outdoor area of seating.

(2)

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

(3)

In the Light Industrial Services and Warehousing (M-1) zoning district, restaurants and bars or brewpubs is an accessory use with a craft brewery or craft distillery manufacturing use. Caterers and take-out restaurants (as defined herein) are permitted without the need to be accessory to a craft-brewery or craft distillery manufacturing use.

(4)
In the Industrial (M-2) zoning district, restaurants and bars or brewpubs is an accessory use with a craft brewery or craft distillery manufacturing use. Caterers and take-out restaurants are not permitted.
(5)

In the Planned Industrial Development (PID) zoning district, restaurants must be accessory to permitted uses within the district, except as described in (d), standards for conditional uses as provided below.
(6)

In the Urban Mixed-Use (UMU) zoning district, restaurants:
a.

Shall only allow any outdoor seating to operate during the hours of 6:00 a.m. to 10:00 p.m. Outdoor areas of seating shall also meet the standards established in [Chapter 28](#), Zoning, Article VIII, Accessory use standards, [Section 28-361](#).
Outdoor areas of seating.
(d)
Standards for conditional uses. These uses require public hearings.

(1)
In the Planned Industrial Development (PID) zoning district, caterers and take-out restaurants (as defined herein) may be approved as a primary use by obtaining a conditional use permit.
(Ord. No. 30-2017, § 1, 10-24-17; Ord. No. 31-2017, § 16, 10-24-17; Ord. No. 37-2017, § 25, 11-14-17; Ord. No. 17-2018, § 2, 3-13-18)

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	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500			
			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 (c)(1) 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 (c)(1) 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 (c)(1) and (c)(2) 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	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500			
			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.

(1)

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			
			P	P	P		L				P	P	P	P	L	

[illegible]

			P	P	P		P	C				P		P	P	
--	--	--	---	---	---	--	---	---	--	--	--	---	--	---	---	--

(b)

Reserved.

(c)

Reserved.

(Ord. No. 37-2017, § 27, 11-14-17)

Sec. 28-173. - Sporting goods store.

(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			
											P	P		P	P	

(b)

Reserved.

(c)

Standards.

(1)

Reserved.

Sec. 28-174. - Tailor services.

(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			
							P				P	P		P	P	

(b)

Reserved.

(c)

Reserved.

Sec. 28-175. - Temporary labor agency.

(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											

(b)

Reserved.

(c)

Standards for conditional uses. These uses require public hearings.

(1)

In the Downtown Mixed-Use (DMU) Midtown sub-district, temporary labor agencies:

a.

Shall provide a lighted gathering area, screened from public view to the greatest extent possible without limiting police visibility into the area. This area shall only be occupied between the hours of 5:00 a.m. and 8:00 p.m.

b.

Shall provide sanitary facilities available to the gathering area (one (1) unisex bathroom) in addition to the minimum sanitary facilities required by the plumbing code for the occupancy. Portable toilet facilities are prohibited.

c.

Shall provide garbage and cigarette disposal receptacles in the gathering area.

d.

Shall provide secured bicycle parking per City Code.

e.

Shall provide a pick-up area on the site, which does not impede traffic on public streets.

f.

Shall prohibit laborers loitering around the area by providing transportation away from the agency location for those not receiving employment for that day as well as for those returning to the agency at the end of the day following employment.

g.

Shall require payphone facilities to be within the office, and/or enclosed building. No payphones shall be available in the gathering area.

h.

Shall maintain all gathering areas in a clean and orderly manner at all times.

i.

Shall require a full site inspection prior to the opening and operation of the facility.

(2)

the Planned Industrial Development (PID) zoning district, temporary labor agencies shall only be permitted as part of a Master Development Plan that designates a "commerce component" and designates the associated area on the Master Plan.

Sec. 28-176. - Transient accommodations.

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

(b)

Definition. "Transient accommodations:" 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 one (1) 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.

(c)

Standards.

(1)

Reserved.

(Ord. No. 25-2020, § 25, 12-8-20)

Sec. 28-177. - Travel agencies.

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

(b)

Reserved.

(c)

Standards for permitted uses with limitations.

(1)

In the Planned Industrial Development (PID) zoning district, travel agencies shall only be permitted as part of a Master Development Plan that designates a "commerce component" and designates the associated area on the Master Plan.

(Ord. No. 37-2017, § 29, 11-14-17)

Sec. 28-178. - Travel trailer park.

Districts where permitted.

[illegible]

Definition. "Travel trailer park:" A place in which sites are rented for the placement of travel trailers, camper trailers, tiny house on wheels (THOW), or other recreation vehicles (including tents) for use as temporary living quarters.

Standards for conditional uses. These uses require public hearings.

In the Residential Manufactured Housing Park (RMH-2) and Tourist (T) zoning districts, travel trailer parks:

Shall have a minimum size of five (5) acres.

Shall have a maximum density of twelve (12) travel trailer spaces per acre.

Shall have a minimum of two thousand five hundred (2,500) square feet for each individual travel trailer space.

Shall set aside a minimum of ten (10) percent of the gross site area of the travel trailer park for common use area, recreation and open space.

Shall provide parking at a rate of one (1) parking space per travel trailer plus one (1) additional space for every two (2) travel trailers.

In the Residential Manufactured Housing Park (RMH-2) zoning district, park offices, clubhouse facilities and the like shall not be located closer than fifty (50) feet from any public street and one hundred (100) feet from all other lot lines.

(Ord. No. 4-2021, § 4, 2-9-21)

Sec. 28-179. - Truck stop plaza.

Districts where permitted.

[illegible]

Definition. "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.

(c)

Standards for conditional uses. These uses require public hearings.

(1)

In the Tourist (T) and Regional Commercial (RC) zoning district, truck stop plazas:

a.

Shall be located on a minimum ten-acre parcel.

b.

Shall have adequate access as determined by the City in coordination with the Florida Department of Transportation.

c.

Shall require the parcel on which the truck stop plaza is located to be within two thousand (2,000) feet of the centerline of the nearest interstate highway exit/entry ramp.

d.

Shall be limited to one (1) truck stop plaza having primary access from any interstate highway interchange.

e.

Shall require the separation of fueling areas for automobiles and fueling areas for trucks with appropriate signage provided.

f.

Shall meet all criteria for a convenience store and retail gasoline sales.

g.

Shall provide mitigation measures to ensure that noise levels at the boundary of the property do not exceed levels specified in Chapter 13 of the Code of Ordinances.

h.

Shall require the installation of electrified parking space (EPS), also known as truck stop electrification, for each space to accommodate overnight parking to power necessary systems, such as heating, air conditioning, or appliances, without idling the engine.

i.

Shall require a minimum twenty-foot perimeter landscape buffer consistent with the landscape standards of [Chapter 30](#), Article III, [Division 10](#).

Sec. 28-180. - Upholstery 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								
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRC	
			D	U	M	C			100	200	300	400	500			
					P		L					P	P		P	

(b)
Reserved.

(c)

Standards for permitted uses with limitations.

(1)

In the Urban Mixed-Use (UMU) zoning district, upholstery shops shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

Sec. 28-181. - Veterinarian.

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

(b)

Definition. "Veterinarian:" As defined in Section 474.303, Florida Statute, as may be amended.

(c)

Standards for permitted uses with limitations.

(1)

In the Neighborhood Commercial (NC), Community Commercial (CC), Regional Commercial (RC), Office Professional (OP), Urban Mixed-Use (UMU), Regional Mixed-Use 400 sub-district (RMU-400), and Indian River City Neighborhood-Commercial (IRC�-C) zoning districts, all activities shall be contained within an enclosed, air-conditioned building.

(2)

In the Urban Mixed-Use (UMU) zoning district, veterinarians shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.

(3)

In the Urban Mixed-Use (UMU) and Indian River City Neighborhood-Commercial (IRC�-C) zoning districts, veterinarians must be screened from view from adjoining properties.

(4)

In the Indian River City Neighborhood-Commercial (IRC�-C) zoning district, boarding allowed as accessory use only.

(5)

In the Downtown Mixed-Use (DMU) Midtown sub-district zoning district, veterinarians:

a.

Shall keep no animals on the premises overnight except in the case of continuing treatment or an emergency. The primary purpose of a veterinary clinic is for the care and treatment of domestic animals and not for keeping or boarding animals (may include dog grooming).

b.

Shall keep all animals in an enclosed building at all times. There shall be no outdoor runs or pens, except on property that is a minimum of one-quarter acre.

c.

Shall dispose of dead animals by means approved by the Department of Health and Rehabilitative Services. No facilities for cremation of animal remains shall be permitted on the site.

(d)

Standards for permitted uses with limitations.

(1)

In the Downtown Mixed-Use (DMU) Downtown and Uptown sub-districts, veterinarians must meet the standards in (c)(5) above, and may be approved by obtaining a conditional use permit.

(Ord. No. 25-2020, § 26, 12-8-20)

Sec. 28-182. - Videogame arcades.

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

(b)

Definition. "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.

(c)

Reserved.

(Ord. No. 37-2017, § 30, 11-14-17)

Secs. 28-183—28-200. - Reserved.