

# ACCESSORY USE

## DEFINITIONS

### **Code Definition**

*Accessory use* means a building, structure or use as defined in, and consistent with, article VI of this chapter. Accessory uses shall include but not be limited to all impervious surfaces within the shoreline protection buffer requiring a county building permit.

### **Comp Plan Definition**

None

### **Zoning Definition**

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

(1) Accessory buildings or structures include but are not limited to private garages, storage sheds, carports, greenhouses, gazebos, cabanas, utility buildings/rooms, verandas, glass rooms, porches, screened porches or awnings, swimming pools and screened enclosures, and private residential boat docks with up to two slips for use of the occupants of the principal residential structure. Buildings or structures secondary and incidental to agricultural uses include, but are not limited to stables, barns, paddock areas and storage areas. Accessory buildings or structures may have a full or half bath; but may not have living quarters or a kitchen, unless such structure is a guesthouse consistent with section 62-1932.

(2) Accessory uses include a child or adult day care center accessory to a church, a golf driving range accessory to a golf course, and the package sales of alcoholic beverages accessory to a convenience store. Pursuant to subsection 62-2100.5(1)(f), one single-family garage apartment is accessory to a single-family residence in multi-family zoning classifications. Pursuant to subsection 62-2100.5(2), horses and agricultural pursuits are accessory to a principal residence.

(3) Except where otherwise provided in this section, an addition which is attached to a principal structure shall not be considered an accessory building, but shall be considered part of the principal structure. "Attached" for the purpose of this regulation means that the addition is integrated visually, structurally and architecturally with the principal structure, contains a common roof with similar design to the principal structure, and permits access between the principal structure and the addition either internally or under the common roof. If there is a connection between the addition and the principal structure which is not enclosed but is comprised solely of the common roof, then the addition shall be considered part of the principal structure if the length of the connection does not exceed the length of the addition by more than 50 percent (or 20 feet, whichever is less). Otherwise, the addition shall be considered a detached accessory structure. "Enclosed" for the purpose of this regulation means an area under a roof which has solid walls at least four feet in height around its entire circumference, or which is 100 percent screened from floor to ceiling, such that the enclosed inside space is clearly separated from the outside space.

**SJRWMD Chapter 40C-400, F.A.C. Definition**

None

**FDEP 1996 Mangrove Trimming & Preservation Act**

None

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**USES**

**Use in County Code**

Sec. 62-3668. Class II waters, Outstanding Florida Waters, aquatic preserves, conditionally approved Class III shellfishing waters and Class III waters.

(5) Development within the shoreline protection buffer is limited to fences, docks, boat ramps, pervious walkways and elevated walkways. In addition, approved accessory uses are permitted in nonvegetated bulkheaded canals adjacent to class II and class III waters which utilize approved stormwater management techniques.

(8) For residential lots platted or established by deed on the official record books of the county prior to September 8, 1988, the following shall apply: Structures may be built within the shoreline protection buffer only if it can be shown that there is insufficient lot depth to allow the development of primary and accessory structures permitted and defined by the existing zoning classification of the property, and if all other alternatives and remedies are not applicable.

- a. Within class II waters, Outstanding Florida Waters, aquatic preserves and conditionally approved class III shellfishing waters, structures may be built within the landward 25 feet of the shoreline protection buffer if all other requirements of this division are met.
- b. Within class III waters, structures may be built within the landward ten feet of the shoreline protection buffer if all other requirements of this division are met.
- c. In the case where there is insufficient lot depth to construct a pool with its associated decking and features, an encroachment up to 720 square feet within the shoreline protection buffer shall be permitted if additional measures are taken to preserve water quality and natural habitat within the adjacent water body. These additional measures shall, at a minimum, be consistent with Chapters 17-25 and 17.302 F.A.C., as may be amended, and shall include but are not limited:(1) to the provision of a stormwater system which is capable of preventing the first inch of runoff from a 25 year, 24 hour storm from entering the surface waters, and (2) revegetation with native shoreline vegetation.

**Use in Comp Plan**

**Policy 3.3.B (Class II Waters)**

No more than twenty (20) percent of the lot width or twenty-five (25) linear feet, whichever is greater, of any shoreline protection buffer of a project or parcel, or the offshore emergent vegetation associated with a project or parcel may be altered for reasonable access or for

allowable development. Within the shoreline protection buffer, allowable development shall be limited to docks, boat ramps, pervious walkways, elevated walkways, and approved accessory uses, as set forth by the County land development regulations. Accessory uses shall be allowable only on existing bulkheaded lots utilizing required stormwater management techniques.

The remainder of the shoreline protection buffer shall be maintained in unaltered vegetation, except for noxious species, as permanent open space. This shall not preclude mitigation projects or the planting of native species. Provisions for the alteration and/or removal of non-native noxious vegetation shall be established by the Brevard County Natural Resources Management Division.

**Use by State**

SJRWMD Chapter 40C-400

None

FDEP 1996 Mangrove Trimming & Preservation Act

None