

THE BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 23-23

**AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE TO INCREASE PARKS AND RECREATION IMPACT FEES BEYOND THE PHASE-IN LIMITATIONS IN SECTION 163.31801(6), FLORIDA STATUTES; AMENDING SECTION 1302.1 UNIFORM PROCEDURES AND PROVISIONS; SECTION 1302.4 PARKS AND RECREATION IMPACT FEES; APPENDIX A DEFINITIONS; AND OTHER SECTIONS, AS NECESSARY, FOR INTERNAL CONSISTENCY; PROVIDING FOR APPLICABILITY; REPEALER, SEVERABILITY; INCLUSION INTO THE LAND DEVELOPMENT CODE, AND AN EFFECTIVE DATE.**

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**WHEREAS**, on January 29, 2002, Pasco County adopted Ordinance No. 02-03 to implement a parks and recreation impact fee for each new single-family and multifamily dwelling unit in the amounts of \$891.92 and \$627.00, respectively, which have been codified into section 1302.4 of the Pasco County Land Development Code; and

**WHEREAS**, on Nov. 9, 2016, the BOCC adopted a Parks and Recreation Master Plan (Ordinance No. 16-37), which was developed by AECOM Technical Services based on public/stakeholder input; and,

**WHEREAS**, Appendix F of this Master Plan was a 2015 Impact Fee Study; and,

**WHEREAS**, an increase in the parks and recreation impact fee based on the 2015 Impact Fee Study was not implemented, and the parks and recreation impact fee has remained at the amount instituted in 2002 and remains the same today; and

**WHEREAS**, planned projects in the 2022-2045 Capital Plan – both new parks and expansions to existing parks – are needed as the population of the County continues to increase; and,

**WHEREAS**, the Parks, Recreation and Natural Resources Department (“PRNR”) oversees 36 parks on over 20,000 acres and the 2022-2045 Capital Plan includes more than 19 new or expanded parks spread throughout the county; and,

**WHEREAS**, in late 2021, PRNR contracted with Pritchett, Steinbeck, Group, Inc. to prepare an Impact Fee Study Update (“2022 Study”) to re-assess impact fees needed to pay for parks and recreation facilities to serve future population growth and fund a substantial portion of the 2022-2045 PRNR Capital Plan; and,

**WHEREAS**, on Sept. 20, 2022, the BOCC authorized PRNR to prepare and proceed with an amendment to the 2025 Comprehensive Plan to adopt the Level of Service Standards reflected in the 2022 PRNR Capital Plan (“Parks and Recreation Plan Amendment”), and to prepare and proceed with an amendment to the Pasco County Land Development Code increasing parks and recreation

impact fees to support the implementation of the 2022-2045 Capital Plan; and

**WHEREAS**, in 2021, the State Legislature adopted, and the Governor signed into law, House Bill 337, which became Chapter 2021-63, Laws of Florida (“HB 337”), which made substantial changes to the impact fee requirements in Section 163.31801, Florida Statutes, including limiting impact fee increases to once every four (4) years, and limiting impact fee increases to a maximum of 50 percent of the existing impact fee rate, which must be implemented in two (2) or four (4) equal annual installments (“Phase-In Limitations”); and

**WHEREAS**, HB 337 allows a local government to exceed the Phase-In Limitations if the local government demonstrates the extraordinary circumstances necessitating the need to exceed the Phase-In Limitations, and holds at least two publicly noticed workshops dedicated to these extraordinary circumstances (“Extraordinary Circumstances Workshop(s)”); and

**WHEREAS**, notice of this proposed ordinance amending the impact fee regulations, and notifying the public of proposed impact fee increases pursuant to Section 163.31801(3)(d), Florida Statutes, was published in the Tampa Bay Times on April 5, 2023; and

**WHEREAS**, on April 20, 2023, the Local Planning Agency conducted the first required Extraordinary Circumstances Workshop and a duly noticed public hearing and found the proposed amendments to the parks and recreation impact fee regulations consistent with the Pasco County Comprehensive Plan and recommended approval; and

**WHEREAS**, the Board of County Commissioners conducted the second Extraordinary Circumstances Workshop on May 23, 2023 and duly noticed public hearings on May 23, 2023 and July 11, 2023 where the Board of County Commissioners considered all oral and written comments, including staff reports and information received during said Extraordinary Circumstances Workshop and public hearings and declares (a) that the proposed parks and recreation increase beyond the Phase-In Limitations is necessitated by extraordinary circumstances, including, but not limited to, the extraordinary delay in any parks and recreation impact fee increase since 2002, and extraordinary increases in construction costs since 2002, and (b) that this Ordinance is consistent with the Pasco County Comprehensive Plan; and

**WHEREAS**, in exercise of the authority referenced above the Board of County Commissioners of Pasco County has determined it is necessary and desirable to amend the parks and recreation impact fee regulations in the Pasco County Land Development Code.

**WHEREAS**, in exercise of the authority referenced above the Board of County Commissioners of Pasco County has determined it is necessary and desirable to amend the parks and recreation impact fee regulations in the Pasco County Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Pasco County, Florida, as follows:

**Section 1. Authority**

This Ordinance is enacted pursuant to Chapter 125 and 163, Florida Statutes, and under the home rule powers of the County.

**Section 2. Recitals.**

The WHEREAS Clauses above are true and accurate and are incorporated herein by reference and made a part of this Ordinance.

**Section 3. Applicability.**

All provisions of this Ordinance shall apply to the unincorporated areas of Pasco County, Florida, and to those incorporated municipalities in Pasco County that have entered into an interlocal agreement with Pasco County providing for the collection of parks and recreation impact fees.

**Section 4. Amendments.**

The Pasco County Land Development Code is hereby amended as shown and described in Exhibit A.

**Section 5. Repealer.**

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

**Section 6. Severability.**

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

**Section 7. Inclusion into the Land Development Code.**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made part of the Pasco County Land Development Code and that the sections of this Ordinance may be renumbered or relettered.

**Section 8. Scrivener's Error.**

The County Attorney may correct scrivener's error found in this Ordinance by filing a corrected copy of this Ordinance with Board Records.

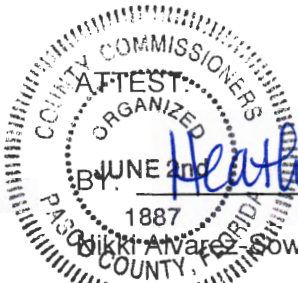
**Section 9. Effective Date.**

A certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk to the Board within ten (10) days after adoption and shall take effect upon such filing; provided, however, this ordinance shall not take effect until the Parks and Recreation Plan Amendment is effective.

**ADOPTED** with a quorum present and voting on this 11th day of July 2023.

*(Signatures on next page)*

BOARD OF COUNTY COMMISSIONERS OF  
PASCO COUNTY, FL



BY: Heather Brines, D.C.

Heather Brines, Esq.

Clerk & Comptroller

BCC 07/11/2023, P52 PRN 23-0154

BY: Jack Mariano

Jack Mariano, Chairman

APPROVED  
IN SESSION

JUL 11 2023

PASCO COUNTY  
BCC

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## EXHIBIT A

### 1302.1. Uniform Procedures and Provisions

#### A. *Legislative Findings and Intent.*

1. This section is intended to implement and be consistent with the Comprehensive Plan and is intended to be consistent with Section 163.31801, Florida Statutes (the Florida Impact Fee Act).
2. It is the further intent of this section that new development pay for its fair share of the cost of capital improvements required to accommodate new development through the imposition of impact and mitigation fees that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the County to construct or acquire capital improvements to accommodate that new development.
3. It is also the intent of this chapter to be consistent with the principles for allocating a fair share of the cost of new capital improvements to new users as established by the Florida Supreme Court and the District Courts of Appeal of Florida in the case of *Contractors and Builders Association of Pinellas County v. City of Dunedin*, 329 So.2d 314 (Fla. 1976), and other cases. This is accomplished by ensuring new development does not pay more than its proportionate share of the cost of these capital improvements; ensuring such proportionate share does not exceed the cost incurred by the County for such capital improvements to accommodate new development; and ensuring that new development receives sufficient benefit from the funds collected in the form of such capital improvements.
4. It is the further intent of this section to establish a system for the efficient and coordinated administration of mobility, impact, and mitigation fees authorized by this section, including the consistent administration of payments, expenditures, appeals, offsets, credits, refunds, and reviews of independent impact analysis.
5. It is not the intent of this chapter to collect any mobility, impact, and mitigation fees from any new development in excess of the actual amount necessary to offset new demands for capital improvements.
6. It is not the intent of this chapter that any monies collected from any mobility, impact, or mitigation fees deposited in a fee account ever be commingled with monies from a different fee account, ever be used for a type of capital improvement or equipment different from that for which the fees are paid, or ever be used to operated, repair, or maintain existing capital improvements.

#### B. *Mobility, Impact, and Mitigation Fees Adopted.*

1. School Impact Fees (Effective February 28, 2001). At the request of the Pasco County District School Board (School Board), the County adopts school impact fees. The County, by the adoption of this section, does not intend to explicitly or implicitly assume any portion of the responsibilities of the School Board and the State to provide for the school system, but only seeks to supplement funding of those growth-related capital improvements which have not been provided for by the State.
2. Mobility Fees (Effective July 20, 2011). The County adopts mobility fees to assist in providing increased capacity for the transportation system to accommodate the increased demand development activity will have on the transportation system.
3. Water and Wastewater Service Impact Fees (Effective April 27, 1999). The County adopts water and wastewater service impact fees in order to assist the County in attempting to maintain existing levels of water and wastewater service and to avoid future deficiencies in service.
4. Park and Recreation Impact Fees (Effective January 29, 2002). The County adopts park and recreation impact fees in order to defray all or a portion of the parks and recreation facilities required to accommodate the impact on those facilities imposed by new residential construction.

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5. Library Impact Fees (Effective September 4, 2002). The County adopts library impact fees in order to defray all or a portion of the library facilities required to accommodate the impact on those facilities imposed by new residential construction.
  6. Fire Combat and Rescue Service Impact Fees (Effective January 21, 2004). The County adopts fire combat and rescue service impact fees in order to defray all or a portion of the costs of the fire combat and rescue service facilities and equipment required to accommodate the impact on that system imposed by new building construction.
  7. Hurricane Preparedness Mitigation Fees (Effective September 21, 2004). The County adopts hurricane preparedness mitigation fees to address the impacts created by new development on hurricane shelter availability and evacuation capability in the County.
  8. This section shall not invalidate the provisions of any development order or development approval requiring the developer to contribute property as a part of the development approval process, unless the development order or development approval is specifically amended or modified by the Board of County Commissioners (BCC). The donation of land, recording of a plat, or other development approval prior to the effective date of an individual mobility, impact, or mitigation fee or any amendment, adjustment, or modification thereto shall not exempt or vest any person from the provisions of this section or any amendment thereto unless such person is exempt pursuant to the terms of this section.
  9. Effect of payment of mobility, impact, or mitigation fees on other applicable County and/or city land development regulations:
    - a. The payment of mobility, impact, or mitigation fees shall not entitle the applicant to a Building Permit, Certificate of Occupancy (CO), or a final inspection as such other requirements, standards, and conditions are independent of the requirements for payment of an impact fee.
    - b. Neither these procedures nor this section shall affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards, or other applicable standards or requirements of the Comprehensive Plan, this Code, the Pasco County Code of Ordinances, and the codes and ordinances of the municipalities in the County which shall be operative and remain in full force and effect without limitation.
  10. The payment of a mobility, impact, or mitigation fee shall be in addition to all other fees, charges, or assessments due for the issuance of a Building Permit, CO, and a final inspection.
  11. Where an impact fee, mobility fee, or mitigation fee is imposed, the fee shall be paid or it is a violation of this Code. The obligation for payment of mobility and impact fees shall run with the land.
- C. *Reductions of Mobility Fees and Waivers of School Impact Fees.* Mobility fees may be reduced and school impact fees waived on new residential construction within communities and subdivisions providing housing for persons who are 55 years of age or older. The reduced mobility fee is referred to as the "age restricted" rate in the mobility fee schedule. New residential construction within communities and subdivisions meeting the requirements of 42 U.S.C. § 3607 and Florida Statutes will not be presumed to be entitled to a reduction or a waiver. The County has created the following procedures in order for the mobility fee reduction and/or school impact fee waiver to be granted:
1. The County shall be informed as early as possible during the development review process, such as during the Pre-Application meeting for the project, that such community or subdivision is intended to provide housing for persons who are 55 years of age or older. Notice to the County of the intent to provide housing for persons who are 55 years of age or older may occur at the time of an MPUD rezoning but should be determined prior to platting. It is not necessary to label on the plat housing for persons who are 55 years of age or older; however, at platting, proof of compliance with Section 1302.1.D.2 shall be provided to the County. Where platting has already occurred and the developer still
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retains control over 100-percent of the platted lots, proof of compliance with Section 1302.1.D.2 may be provided to the County subsequent to platting in compliance with this Section.

2. Communitywide restrictions in compliance with Form 1302.1-A of this section incorporated herein, providing that no one under the age of 22 is permitted to permanently reside within the community must be adopted, recorded, and submitted to the County.
3. Prior to the issuance of a CO or where a CO is not required prior to the final inspection, a copy of a recorded deed or, if rental property a copy of the intended lease, containing age restrictive language as provided in Form 1302.1-B of this Section and incorporated herein shall be produced to the County in lieu of payment of the full mobility fee and/or the school impact fee.
4. If the property owner/developer is also the builder and no opportunity for addition of the language contained within Form 1302.1-B is available prior to closing, the following process shall apply:
  - a. The property owner/developer shall comply with Section 1302.1.D.2 in its entirety.
  - b. After construction of the dwelling unit(s) the property owner/developer shall obtain a temporary CO prior to closing.

The process provided for in this Subsection may be invoked for model homes, model mobile homes and other model dwelling units within proposed communities and subdivisions intending to provide housing for persons who are 55 years of age or older.

5. Proposed developments or subdivisions located within the incorporated municipalities of Pasco County that intend to provide housing for persons who are 55 years of age or older, shall be reviewed by the County for compliance with this Section for the purpose of reductions of mobility fees and waivers of school impact fees.

However, where a breach or dissolution of such a restriction occurs or the community that the waived dwelling units are located within ceases to be a 55 and older community, the full mobility fee and school impact fee shall be due pursuant to the fee schedules in place at the time that the breach or dissolution occurs. However, no mobility fee and/or school impact fees shall be due during the term of any litigation between the homeowners' association or similar entity responsible for the enforcement of the communitywide covenants and restrictions described in this Section and a unit/property owner for the enforcement of the restriction on permanent occupancy by persons under 22 years of age.

- D. *Independent Fee Calculations.* The following shall apply to all fees except for mobility fees and hurricane preparedness mitigation fees:
    1. Applicant Fee Study. If an applicant opts not to have an impact fee determined according to the applicable impact fee schedule(s), then the applicant shall prepare and submit to the County Administrator or designee an independent fee calculation study for the new construction for which a Building Permit(s) is sought for each impact fee schedule challenged.
    2. The independent fee calculation study shall follow the prescribed methodologies and formats used in the study as adopted by the County, as may be amended, that is relied upon by the County in the challenged fee schedule.
    3. The proposed independent fee calculation study shall be submitted to the County Administrator or designee who shall, after consultation and review of the independent fee study with any consultant if one has been retained, mail a written determination to the applicant within 60 calendar days of a completed submittal as to whether such calculation complies with the prescribed methodologies and formats. A CO shall not be issued or final inspection conducted in the interim, unless the applicant pays the impact fee based upon the impact fee schedule in effect.
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4. The County Administrator or designee shall consider the documentation submitted by the applicant, but is not required to accept such documentation if it is deemed to be incomplete, inaccurate, or unreliable. The County Administrator or designee may, in the alternative, require the applicant to submit additional or different documentation for consideration.
  5. If the independent fee calculation study is determined to be acceptable by the County Administrator or designee then the applicant shall pay the independent fee calculation impact fee amount in lieu of an amount based upon the challenged impact fee schedule.
  6. If the independent fee calculation study is determined to be unacceptable, then the independent fee calculation shall be rejected. Such rejection shall be in writing and set forth the reasons for the rejection and shall be provided to the applicant by certified mail. The applicant shall pay an impact fee based upon the impact fee schedule in effect at the time of rejection.
  7. The applicant shall have 30 calendar days from the receipt of written notification of rejection to request a hearing pursuant to this Code. A CO shall not be issued or a final inspection conducted in the interim, unless the applicant pays the impact fee based upon the impact fee schedule in effect.
- E. *Credits.* Unless a longer time period is specifically authorized by the BCC in a development approval, credit accounts for all mobility and impact fee credits shall expire 20 years after the date that the credit account was last utilized, which shall be the date that the County last received a written assignment of credits from the credit account. If the mobility/impact fee credit account has never been utilized, the credit account shall expire 20 years after the date that the credit account was established, unless a longer time period is specifically authorized by the BCC in a development approval.

The following shall apply to all park, school, and library impact fees. Any credit information for mobility fees, fire combat and rescue service impact fees, hurricane preparedness mitigation fees, and water and wastewater service impact fees is located in the individual section:

1. Any applicant or successor in interest that donates land or a facility may be entitled to a credit against the impact fees due provided:
    - a. The costs of such site or facility have been included in the applicable impact fee study; or
    - b. The land donated or facility provided is determined by the County Administrator or designee to be a reasonable substitute for the impact fee due. For a school site or school facility donation, the Superintendent shall determine whether the donation is a reasonable substitute for the school impact fee due.
  2. The credit shall be granted at such time as the land or facility, which is the subject of the donation, has been conveyed to and accepted by the County or School Board. The credit shall be granted in the name of the person conveying the land or facility. No CO shall be issued or, where a CO is not required, any final inspections conducted until such property is conveyed. To convey land, the following provisions shall be met, at no cost to the County or School Board, and all documents shall be in a form approved by the County or School Board attorney:
    - a. The delivery of a complete and current abstract of title or a title insurance commitment to insure the said property for the amount equal to the value of the credit;
    - b. The delivery of a deed, in appropriate form, with sufficient funds for recording same based upon the agreed value of the property;
    - c. The payment of taxes for the current year through the time of conveyance pursuant to Chapter 196, Florida Statutes;
    - d. The issuance of a title insurance policy subsequent to the recording of the deed and escrow of taxes; and
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- e. Any and all other documents reasonably required by the County or School Board attorney.
- 3. The value of the credit shall be calculated as follows:
    - a. If the land was donated, the value of the credit shall be based upon the value of the donated property at the time of conveyance, unless the person donating the property and the County Administrator or designee or the BCC agrees in a development approval to another valuation date. The amount of the credit shall be 115 percent of the assessed value of the conveyed land as determined by the County Property Appraiser unless the person and the County Administrator or designee or the BCC agrees in a development approval to another credit amount.
    - b. Credits issued for donated land may not be utilized or applied toward the facility portion of the impact fee.
    - c. The amount of a credit for facilities or equipment shall be established in a written agreement between the person constructing or donating the facilities or equipment and the BCC. Credits issued for donated or constructed facilities may not be utilized or applied toward the land or land acquisition portion of the impact fee.
    - d. Requests for credits shall be submitted to the County Administrator or designee. The request for a credit shall be accompanied by relevant documentary evidence establishing the eligibility of the applicant for the credit.
  - 4. Credits for donations of land and/or the provision of school facilities, where such land or facilities are located within the boundaries of the cities, shall not occur without the formal approval of the Superintendent and the County Administrator or designee.
  - 5. Credits may be sold, assigned, or conveyed to another person within the same development that received the credits or transferred to another project or development within the same impact fee expenditure district or within an adjoining impact fee district which receives benefits from the improvement or contribution that generated the credits. The extent of such benefits shall be determined by the County Administrator or designee taking into account the level of service standards in the Comprehensive Plan. To transfer credits, the applicant must submit to the County Administrator or designee a letter signed and notarized by the owner of the credits that specifies the name of the person receiving the transfer of the credits and the amount of the credit being transferred. Regardless of the date of transfer, the transfer of the credit shall not be effective until the transfer letter is received and accepted by the County Administrator or designee.
  - 6. Unused credits shall not be refunded.
- F. *Government Acquisition Credit.*
- 1. *Program Established.*
    - a. If the County, or another entity with eminent domain authority, acquires land by condemnation, by threat of condemnation, or otherwise purchases land with a building or structure located thereon that existed on or after the original effective date of an impact fee ordinance and intends to remove the said building or structure, and such land is either: (1) replaced with a use that precludes construction of any buildings; or (2) encumbered by a deed restriction that precludes construction of any buildings, the County shall create an impact fee credit, equivalent to the impact fee(s) that would be due for the said building or structure if rebuilt on the date that title transfers pursuant to an Order of Taking, the date of closing for other acquisitions, or some other date as approved by the BCC (government acquisition credit).
    - b. The County shall establish a separate government acquisition credit tracking system for each applicable impact fee.
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- c. Government acquisition credits may be appropriated to a property owner at the discretion of the County. Where a government acquisition credit is appropriated to a property owner:
    - (1) Language, including the amount of credit, granting the credit to the property owner must be included in the agreement for sale and purchase and approved by the BCC; or
    - (2) If a petition for eminent domain has been filed, the credit and credit amount must be included in the settlement agreement of the eminent domain proceeding and approved by the BCC.
  - d. The property owner who receives a credit may utilize the said credit for payment of the impact fees due upon relocation. If the credit amount is insufficient to pay the impact fees due at the new location at the time such fees are due, the property owner shall be responsible for payment of the difference between the credit amount and the impact fees due, unless the BCC specifically appropriates additional unused government acquisition credit from the applicable tracking system or another funding source to pay the difference between the credit amount and the impact fees due.
  - e. Unless otherwise approved by the BCC in the agreement for sale and purchase or the eminent domain settlement agreement, the property owner receiving the credit must utilize the government acquisition credit within three years from the date that the title transfers or the date of closing for other acquisitions.
  - f. Government acquisition credit shall not be available to property owners when the issue of compensation is determined by a jury, pursuant to Section 73.071, Florida Statutes.
- 2. *Calculation.* The amount of the governmental acquisition credit shall be calculated based on the fees in effect at the time that title transfers pursuant to an Order of Taking, the date of closing for other acquisitions, or other date as approved by the BCC. Government acquisition credits may not be available for impact fees adopted or increased after the date of the agreement for sale and purchase, the eminent domain settlement agreement, or some other agreement.
  - 3. *Estimates.* A person may request at any time a nonbinding estimate of the government acquisition credit for a particular property; however, such estimate is subject to change until the BCC approves the agreement for sale and purchase or the settlement agreement of an eminent domain proceeding.
  - 4. *Transfers and Appropriations.*
    - a. Any government acquisition credits not used within three years or created but not appropriated to an individual property owner shall remain within the applicable tracking system until used. The BCC or, subject to purchasing authority, the County Administrator or designee, may appropriate unused government acquisition credits within the applicable tracking system to pay impact fees on behalf of: (1) qualified businesses pursuant to the Economic Development Incentive Ordinance; (2) residences or developments eligible for the mobility affordable housing rate or other affordable housing fee payers; or (3) any other use permitted by law. The BCC's utilization or transfer of such credits is not subject to transfer restrictions.
    - b. Government acquisition credits are not transferable from property owners to other persons or nongovernmental entities unless otherwise approved by the BCC in the agreement for sale and purchase, the eminent domain settlement agreement, or some other agreement.
    - c. Government acquisition credits may not be refunded or exchanged for monies. No monies shall be payable where the amount of the said credit exceeds the impact fees due.
- G. *Refunds.*
- 1. The procedures in this section shall apply when:
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- a. A refund is required by a substantive provision of this chapter, any agreement, or other applicable law;
    - b. A refund is due because a final determination of eligibility for a waiver, credit, offset, or reduced impact fee pursuant to this chapter, any agreement, or applicable law was not made or available at the time the impact fee was paid; or
    - c. A refund is due if the development activity or new construction is canceled due to noncommencement of construction before the funds have been encumbered and expended pursuant to this section. For purposes of this section, noncommencement means either notice to the County of intent not to commence development or the date of expiration of a Building Permit following the application of any applicable Building Permit extensions. Refund requests shall be made within 90 days from the date of noncommencement. If a refund is granted, any applicable administration fee shall be retained by the County.
  2. Refunds shall be made in accordance with the following procedure: The present owner of the property for which the impact fee was paid or owner of the right to the refund pursuant to a contract, agreement, or letter must petition the County Administrator or designee for the refund. The written petition must be submitted to the County Administrator or designee and must contain:
    - a. The name, address, and telephone number of the petitioner.
    - b. A notarized, sworn statement that the petitioner is the current owner of the real property for which the fee was paid or the petitioner is the lawful owner of the right to the refund pursuant to a contract, agreement, ordinance, or letter.
    - c. A copy of the latest recorded deed, contract, agreement, or letter establishing the right to the refund.
    - d. A copy of the most recent ad valorem tax bill.
    - e. The name of the person to whom the refund shall be issued.
    - f. If applicable, the description and documentation of the County's nonuse of the impact fee.

Upon acceptance of a completed request for a refund, the County Administrator or designee shall review the request and documentary evidence submitted by the applicant as well as such other information and evidence as may be deemed relevant. After complete verification and satisfaction of the requirements, the County shall refund the mobility or impact fee.
  3. The right to a refund shall run with the land; accordingly, all refunds due pursuant to this chapter shall be issued to the current owner of the real property entitled to the refund, unless another person presents the County with a contract, agreement, or letter signed and notarized by the current owner, or an agreement or ordinance is approved by the BCC which assigns or allocates the current owner's right to such refund to the other person.
  4. Within 90 days from the date of acceptance of a complete petition for refund, the County Administrator or designee will issue a final determination on the refund request.
  5. Other than retained administration fees, no fee shall be charged for a refund and a refund received shall not include interest or investment income while on deposit in an impact fee fund.
  6. For the purpose of refund requests for failure to use impact fee funds, "budgeted" shall mean that the funds are allocated within the County's Capital Improvement Plan, Capital Improvements Element, or some other appropriate capital improvement plan. The County Administrator or designee may request that the BCC grant a one-year extension to the timeframe for budgeting or encumbering a specific fee type. Fees collected shall be deemed to be spent on the basis of "the first fee in shall be the first fee"
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out." For purposes of this section, all mobility and impact fees shall be deemed to be spent prior to the expenditure of any interest or investment income. The present owner shall request the refund within one year following the end of the calendar year immediately following eight years from the date on which the fee was received.

- H. *Appeals.* Unless otherwise provided for in this Code, a person who receives a final determination from the County Administrator or designee pursuant to this Section shall have the right to request an appeal hearing before the BCC in accordance with the procedures and rules in this Code.
- I. *Administration Fees.* Administration fees shall be set by separate resolution(s) or ordinances of the BCC and shall be based upon the actual cost of administering and implementing the County's mobility, impact, and fee programs including, but not limited to, establishing, reviewing, updating, calculating, and collecting impact fees; establishing and maintaining credit and other impact fee accounts; and processing refunds of impact fees. Administration fees shall be in addition to the impact fees due pursuant to this chapter and impact fee credits or offsets shall not apply to administration fees. Any administration fees collected to date on any of the County's impact fees may be used for funding administrative costs associated with any of the impact fees. Administration fees shall be nonrefundable unless the BCC or a court of law with jurisdiction determines that the administration fees exceed the County's actual cost of administering and implementing the County's mobility and impact fee programs or otherwise violate Florida law.

#### **FORM 1302.1-A**

To be acceptable to the County for waiver of the school impact fee or reduction of the mobility fee, transportation impact fee (TIF) or trip generation/transportation mitigation, community covenants, including, but not limited to, restrictive covenants, declaration of condominium, declaration of covenants, cooperative documents, prospectus or offering circulars, as applicable, must contain, at a minimum, the following language in its entirety.

1. The community described in these covenants is a housing facility or community operating under the exemption requirements of the Fair Housing Act, 42 U.S.C. § 3607, as amended, as housing for older persons [insert one of the following that applies, a or b] :
  - a. At least 80 percent (unless a more restrictive provision is provided for in the general applicable covenants) of the units are occupied by at least one person 55 years or older, and the housing facility or community complies with 24 C.F.R. §§ 100.305, 100.306, and 100.307, as amended.
  - b. All occupied units are solely occupied by persons 62 years of age or older.
2. No person under the age of 22 [Note: Age restrictions greater than 22 are also permissible; age restrictions less than 22 are not permissible] shall be allowed to permanently occupy any residential unit in [insert name of community]. Occupancy by the said individual(s) in any residential unit(s) for more than 90 days (replace with time period less than 90 days as applicable) shall constitute "permanent" occupancy.
3. The [insert developer, successor and assigns, and/or name of community property homeowners' association, as applicable] shall be responsible for enforcing the foregoing restrictions and shall be jointly and severally liable along with the owner(s) of the violating unit(s) to the County and the District School Board of Pasco County (School Board), for payment(s) of any school impact fees, mobility fees, TIFs, or transportation mitigation waived or reduced if such restrictions have been violated. Such payment(s) shall be calculated in accordance with the school impact fee, mobility fee, TIF, or the transportation mitigation rates or rules in effect at the time the violation(s) are discovered.
4. The foregoing restrictions are for the benefit of the County and the School Board who shall have the right to enforce violations of the foregoing restrictions by assessment of school impact fees, TIFs, mobility fees, or transportation mitigation by any means legally available to the [insert developer, successor and assigns, and/or name of the community property homeowners' association, as

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applicable], or by any other legal remedy, including injunctive relief. The County and the School Board shall be entitled to recover any attorney's fees expended to enforce violations of the foregoing restrictions or to collect school impact fees, TIFs, or transportation mitigation waived or reduced in violation of the foregoing restrictions.

5. The foregoing restrictions shall survive any expiration of the other applicable restrictions and shall not be removed or amended without the consent and written agreement of both the County and the School Board.

**FORM 1302.1-B**

To be acceptable to the County for waiver of the school impact fee or reduction of the mobility fee, transportation impact fee (TIF), or trip generation/transportation mitigation, individual deeds and lease agreements for real property/units within housing facilities or communities established pursuant to 42 U.S.C. § 3607 must contain the following language in its entirety:

1. The community of [insert name of community] is intended to be "housing for older persons" pursuant to the Fair Housing Act, 42 U.S.C. § 3607. No person under the age of 22 [Note: Age restrictions greater than 22 are also permissible; age restrictions of less than 22 are not permissible] shall be allowed to permanently occupy any residential unit in [insert the name of the community]. Occupancy by the said individual(s) in any residential unit(s) for more than 90 days (replace with time period less than 90 days, as applicable) shall constitute "permanent" occupancy.
2. The foregoing restrictions are for the benefit of the County and the District School Board of Pasco County (School Board) who shall have the right to enforce violations of the foregoing restrictions by assessment of school impact fees, mobility fees, TIFs, or transportation mitigation by any means legally available to the [insert name of the community property homeowners' association], or by any other legal remedy, including injunctive relief. The County and the School Board shall be entitled to recover any attorney's fees expended to enforce violations for the foregoing restrictions or to collect school impact fees, mobility fees, TIFs, or transportation mitigation waived or reduced in violation of the foregoing restrictions.
3. The foregoing restrictions shall not be removed or amended without the consent and written agreement of both the County and the School Board.
4. The foregoing restrictions shall run with the land and be binding and enforceable against the grantee, his heirs, assigns, and successor in interest.

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## 1302.4. Parks and Recreation Impact Fees

### A. *Intent and Purpose.*

1. To establish uniform parks and recreation impact fees throughout the County and establish procedures for the imposition, calculation, collection, administration, and expenditure of parks and recreation impact fees imposed on new residential construction.
2. To facilitate the implementation of the Goals, Objectives and Policies of the Comprehensive Plan, specifically Objective REC 1.3 and Policy REC 1.3.1 of the Recreation and Open Space Element relating to assuring that new residential construction contributes its fair share towards the costs of parks and recreation facilities necessitated by such new residential construction.
3. To ensure that new residential construction is reasonably benefited by the provision of the public parks and recreation facilities provided with the proceeds of parks and recreation impact fees.
4. To ensure that all applicable legal standards and criteria are properly incorporated in these procedures.

### B. *Parks and Recreation Impact Fee Study and Modifications.*

1. The Board of County Commissioners (BCC) hereby adopts and incorporates by reference the 2022-2045 Parks and Recreation Impact Fee Study by Pritchett Steinbeck Group, Inc. dated September 15, 2022 and the 2022-2045 Capital Plan as an attachment to the Impact Fee Study. The parks and recreation impact fee study calculates parks and recreation impact fees that equate to new residential construction's fair share of the costs of acquiring park land and constructing new parks and recreation facilities, consistent with the needs and costs identified in the 2022-2045 Parks and Recreation Impact Fee Study. There shall be one flat fee for single-family units, multi-family units, and mobile homes.
2. The boundaries of the fee districts were updated in 2022 to ensure new park facilities are accessible to and provide benefits for residents of the same geographic areas where the fees are collected.
3. The following changes can be made to the 2022-2045 Capital Plan without requiring an amendment to the impact fee structure in the LDC: (1) moving projects to different phases, (2) replacing existing facilities or projects in the 2022-2045 Capital Plan with new facilities or projects that are equal to or less than the cost of the existing facilities or projects, (3) adding facilities or projects to the 2022-2045 Capital Plan that are fully funded with non-impact fee revenue sources, (4) adding to or changing the scope of facilities or projects in the 2022-2045 Capital Plan where additional scope items are funded by non-impact fee revenue, and (5) fully funding facilities with impact fees where project costs exceed the 2022-2045 Capital Plan cost estimates by less than 20%. The above listed changes to the 2022-2045 Capital Plan shall be adopted by Board resolution.

### C. *Imposition.*

1. Parks and recreation impact fees shall be imposed on new residential construction occurring within the unincorporated area of the County not otherwise exempted in this section or waived by general or special law and those incorporated Pasco County municipalities that collect the County's parks and recreation impact fees. For purposes of parks and recreation impact fee expenditures, the County shall be divided into three districts (West, Central, and East), as indicated on Exhibit 1302.4-A. While the impact fee will continue to be the same across the county, the fees collected in each district will be accounted for separately and spent in the same district in which they are collected subject to the lending/borrowing requirements set forth in Section 1302.4.F.3.

For Building Permits or Mobile Home Tie-Down Permits for which a complete application is submitted on or prior to December 31, 2023, the parks and recreation impact fees shall be as follows:

	<b>Single Family Detached</b>	<b>Multi-Family/ Mobile Homes</b>
Land Acquisition	\$144.19	\$101.38

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Fields, Courts, Splashpads, and Centers	104.83	73.70
Water Access	24.84	17.47
Other (trails, parking, shelters, picnic tables, maintenance buildings, playgrounds, restrooms, landscaping, lighting, and other general park infrastructure and site preparation)	617.96	434.45
<b>Total Fee</b>	<b>\$891.82</b>	<b>\$627.00</b>

2. For Building Permits or Mobile Home Tie-Down Permits for which a complete application is submitted after December 31, 2023, the parks and recreation impact fees shall be as follows:

<b>Dwelling unit</b>	
Park Land	\$705.41
Parks and Recreation Facilities	\$2,744.74
<b>Total Per Dwelling Unit</b>	<b>\$3,450.15</b>

3. Exemptions. An exemption must be claimed by the applicant or it shall be waived. Payment of the parks and recreation impact fee shall not apply to the following situations if the applicant clearly demonstrates with competent substantial evidence to the County Administrator or designee one of the following:
- Other uses. No parks and recreation impact fee shall be imposed on a structure which cannot result in an increase in the demand for parks and recreation facilities.
  - Alterations or expansions. No parks and recreation impact fee shall be imposed for alterations or expansions of a dwelling unit that existed on January 29, 2002, or that a parks and recreation impact fee has been paid for the unit. However, where an alteration or expansion will create an additional dwelling unit; e.g., a single-family detached house altered to create two or more multifamily dwelling units, a parks and recreation impact fee equivalent to the difference between the parks and recreation impact fee amount for the existing use and the new use shall be due for each additional dwelling unit pursuant to the parks and recreation impact fee schedule in place at the time of the change in circumstances.
  - Accessory buildings. No parks and recreation impact fee shall be imposed for construction of accessory buildings or structures that cannot create additional dwelling units.
  - Replacement of dwelling unit. No parks and recreation impact fee shall be imposed for the replacement of a dwelling unit, in whole or in part, as long as the owner can demonstrate that the same use existed as of January 29, 2002, or that a parks and recreation impact fee has been paid for the unit.
  - Mobile homes. No parks and recreation impact fee shall be imposed for the issuance of a Tie-Down Permit for a mobile home where the applicant is able to demonstrate to the County Administrator or designee that a parks and recreation impact fee has previously been paid for the lot upon which the mobile home is to be situated.
4. Alternative form of payment. Nothing herein precludes the County from entering into agreements with affordable housing providers to subsidize the parks and recreation impact fee assessed by this section.
5. Any new residential construction which is determined to be exempt from the payment of parks and recreation impact fees but which, as a result of a change in circumstances, produces a dwelling unit is not exempt and shall pay the parks and recreation impact fee according to the impact fee schedule in effect at such time as the change in circumstances occurs.
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D. *Calculation.*

1. The applicable parks and recreation impact fee shall be calculated based upon the above table upon receipt of a complete application for a Building Permit. If an applicant has received a parks and recreation impact fee credit pursuant to this Code, Section 1301.2, that credit shall be subtracted from the applicable portion of the parks and recreation impact fee.
2. In the alternative, the applicable parks and recreation impact fee may be based upon an independent fee calculation as provided for in this chapter.
3. An applicant may request at any time a nonbinding estimate of parks and recreation impact fees due for a particular development; however, such estimate is subject to change when a complete application for a Building Permit for new residential construction is made.
4. Parks and recreation impact fees shall be calculated based on the parks and recreation impact fee schedule in effect at the time of the County's issuance of a Building Permit except where provided for in this section.

E. *Payment/Collection.*

1. The parks and recreation impact fee shall be paid prior to the issuance of a Certificate of Occupancy (CO) for the new residential construction. Where a CO is not required, the parks and recreation impact fee shall be paid prior to the final inspection.
2. Notwithstanding the foregoing, nothing in this section shall prevent the County from studying or adopting an alternate method of payment of the parks and recreation impact fee; e.g., payment over time through special assessments.

F. *Parks and Recreation Impact Fee Fund/Appropriation of Funds.*

1. The BCC shall establish and implement necessary accounting controls to ensure that all parks and recreation impact fees are properly deposited, accounted for, and appropriated in accordance with this section and any other applicable legal requirements.
2. The parks and recreation impact fees shall be segregated into separate accounts for each of the three parks and recreation impact fee districts consistent with the amounts in the Table in Section 1302.4.C.1.
3. The parks and recreation impact fees paid will be earmarked for each parks and recreation impact fee district and expended only in each parks and recreation impact fee district to acquire park land and develop parks and recreation facilities needed to accommodate growth resulting from new residential construction in such district. In addition, the County may lend parks and recreation impact fee funds from one district to another district, provided that (a) the district receiving the borrowed funds repays the lending district the full amount borrowed (not including interest), and (b) the borrowing district earmarks for repayment 100 percent of the applicable components of the new parks and recreation impact fee funds collected until the full amount borrowed from the lending district has been repaid.
4. Funds collected for each component of the parks and recreation impact fee (park land and parks and recreation facilities) shall only be expended on the applicable component for which the fee was collected, consistent with the definitions of each component in this Code, Appendix A. In addition, the County may lend monies from one component funding source to another component funding source, provided that (a) the component funding source receiving the borrowed funds repays the lending component funding source the full amount borrowed (not including interest), and (b) the borrowing component funding source earmarks for repayment 100 percent of its new funds collected until the full amount borrowed from the lending component funding source has been repaid.
5. Parks and recreation impact fees shall be appropriated for park land or parks and recreation facilities necessitated by new residential construction and for the payment of principal, interest, and other

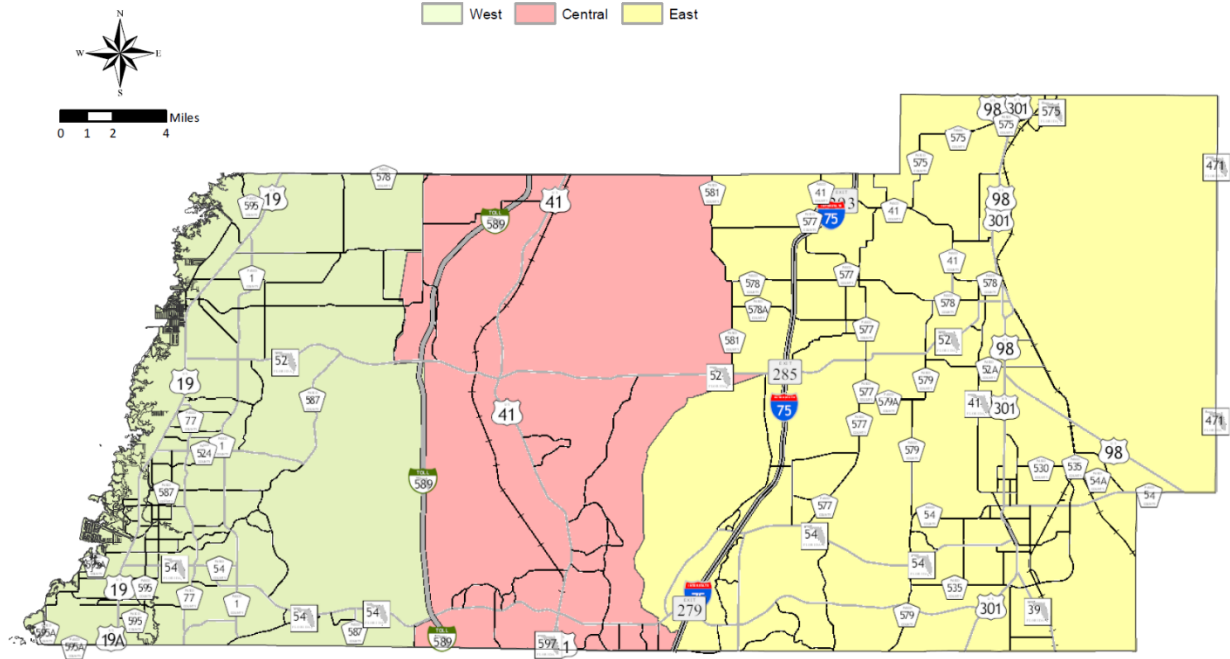


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- financing costs on contracts, bonds, notes, or other obligations issued by or on behalf of the County to finance such park land or parks and recreation facilities.
6. Within each parks and recreation impact fee district, all interest or investment income earned shall be available for appropriation or expenditure for park land or parks and recreation facilities regardless of the source of the interest or investment income.
  7. The BCC shall use parks and recreation impact fee fund monies for the following:
    - a. Planning (with specific BCC approval), design, permitting, and construction plan costs for park land and parks and recreation facilities;
    - b. Park land acquisition costs;
    - c. Construction costs of parks and recreation facilities;
    - d. Repayment of monies borrowed from any budgetary fund of the County subsequent to January 29, 2002, where such borrowed monies were used to fund growth necessitated capital improvements to parks and recreation facilities as provided herein; and
    - e. Payment of principal and interest, necessary reserves, and costs of issuance under any bonds or other indebtedness issued by the County to fund growth necessitated capital improvements to the parks and recreation facilities subsequent to January 29, 2002.
- G. *Effect of Change in Regulations.*
1. Parks and recreation impact fees collected prior to the adoption date of the amendments to this chapter, and the related amendments to Appendix A (July 11, 2023) (the "P & R Update Date") may be earmarked, budgeted, and/or expended either in accordance with the current regulations in this chapter, or in accordance with the parks and recreation impact fee regulations in effect prior to the P & R Update Date.

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**Exhibit 1302.4-A Parks and Recreation Districts**

**Parks and Recreation Impact Fee Zones**



## APPENDIX A DEFINITIONS

Terms not specifically defined below, in the Comprehensive Plan, in policies issued by the County to implement land development regulations, or specifically defined in a referenced standard, words, phrases, or used in this Code, shall be ascribed a meaning which they have in common usage and which gives this Code its most reasonable application.

*Adaptive Re-use.* The renovation and reuse of pre-existing structures (such as big box stores) for new purposes.

*Access.* The most direct method of travel from a public or private right-of-way to a private parcel of land.

*Accessory structure.*

*General.* A subordinate structure clearly incidental and related to the principal structure, building, or use of land and located on the same lot as that of the principal structure, building, or use including, but not limited to, swimming pools, pool decks, utility sheds, detached garages, and screened rooms.

*Accessory use.* A use on the same lot or within the same building and of a nature customarily or reasonably incidental and subordinate to the principal use.

*Addition (to an existing building).* Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

*Adjacent.* To have property lines or portions thereof in common or facing each other across a right-of-way, street, or water body of less than 100 feet in width.

*Adverse effect upon a natural community.* Direct contamination, destruction, or that which contributes to the contamination or destruction of a natural community or portion thereof to the degree that its environmental benefits are eliminated, reduced, impaired, or where there is a resultant threat to its present or future function.

*Agricultural district.* An agricultural district is any parcel or parcels of land or water zoned A-C Agricultural, AC-1 Agricultural, A-R Agricultural-Residential, AR-1 Agricultural-Residential, AR-5 Agricultural-Residential, or AR5-MH Agricultural-Mobile Home.

*Agricultural support uses.* Establishments primarily engaged in supplying soil-preparation services, crop services, horticultural services, sales and service of agricultural machinery, veterinary and other animal services, farm labor, and management services.

*Agriculture.* The cultivation of crops and livestock, including crop land, pasture land, orchards, vineyards, nurseries, ornamental horticulture, groves, feedlots, specialty farms, and silviculture.

*Airport approach surface.* That portion of the runway that is usable for takeoffs and landings due to obstructions lying outside the clear zone.

*Airport hazard area.* Any area of land or water upon which an airport hazard might be established, if not prevented, pursuant to Chapter 333, Florida Statutes.

*Airport transition surface.* That portion of the runway that is not usable by aircraft for operations due to obstructions outside the clear zone.

*Airport clear zone.* A designated area of land which is subject to peak aircraft noise and on which there is the highest potential of danger from airport operations.

*Airport facility.* Any area of land or water improved, maintained, or operated by a governmental agency for the landing and takeoff of aircraft or privately owned, paved runways of 4,000 or more feet in length and any appurtenant area that is used for airport buildings, other airport facilities, or on-site rights-of-way airport obstruction.

*Airport obstruction.* Any structure, object of natural growth, existing condition, or use of land that obstructs the airspace required for the flight of aircraft in landing and taking off at an airport or which otherwise increases the risk of danger to aircraft operations.

*Alcoholic beverage business establishment.* Subject to the exemptions set forth in this Code, Section 402.5.D, any commercial premises including, but not limited to, a golf course clubhouse, grocery store, drugstore, nightclub, hotel, motel, lounge, cafe, bar, restaurant, grill, or filling station:

1. Where, in the ordinary course of business, the proprietor of the premises or his employees sell, or otherwise provide in exchange for consideration, an alcoholic beverage for consumption on or off said premises.
2. Where, in the ordinary course of business, the proprietor of the premises or his employees charge an admission fee of any sort for the purpose, in whole or in part, of allowing persons to consume an alcoholic beverage on the said premises.

Provided, however, that this definition shall not apply to nonprofit establishments, including fraternal lodges, social, and recreational clubs subject to this Code, Article 500, charitable organizations and civic clubs.

*Alcoholic beverages.* As defined by Florida Statutes.

*Alley.* A right-of-way providing a primary or secondary means of vehicular access to property.

*Alterations.* Any construction, modification, or renovation to an existing structure other than repair or addition.

*Alteration of a watercourse.* A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

*American National Standards Institute (ANSI).* ANSI is a private, nonprofit organization that administers and coordinates the standardization and conformity assessment system. For the purposes of this Code, ANSI references relate to the American National Standard for Tree Care Operations, Trees, Shrubs, and Other Woody Plant Maintenance, Standard Practices (ANSI A300-2001, as amended), which is incorporated herein by reference.

*Amusement facilities.* A commercial facility providing recreational activities including, but not limited to, commercial or public swimming pools; public tennis clubs; public gymnasiums; amusement arcades; discotheques; bowling alleys; shuffleboard courts; baseball batting ranges; miniature golf courses; golf driving ranges; billiard or pool halls; dance schools, halls or classes; skating rinks; and indoor movie theaters.

*Amusement park.* A permanent commercial establishment which has as its principal business the entertainment of its patrons by a combination of activities, such as rides, games, shows, exhibitions, food, and drink. Single-purpose or single-event facilities, such as movie theaters or sports arenas, shall not be considered amusement parks.

*Animal hospital/Veterinary Clinic.* A building used for the treatment, housing, or boarding, for medical purposes, of domestic animals by a veterinarian.

*Animal unit.* As defined in Chapter 62-670, Florida Administrative Code (F.A.C.), a unit of measurement for an animal-feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

*Animal waste.* Offal, animal excrement other than human waste, poultry, hog, cow, or horse manure, or other discarded excrement material whether solid, liquid, or gaseous.

*Annual beds.* Any landscape where the majority of plants are replaced on a regular basis.

*Antenna.* A device used to send and/or receive electromagnetic waves which is usually constructed of metallic or fiberglass/metal materials and may also include rods, tubing, or wire. This definition shall only include the device or structure that actually is involved in the sending or receiving of such signals and shall exclude any primary antenna support structure. A whip (omnidirectional antenna or "omni"), panel (directional antenna or "dish"), disc (parabolic antenna), or similar device used for transmission and/or reception of radio frequency signals.

*Antenna array.* An antenna array is one or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antennas (whips), directional antennas (panels), and parabolic antennas (discs).

*Aquifer.* A water-bearing layer of rock or soil that will yield water in a usable quantity to a well or spring.

*Aquifer recharge area.* Portions of the earth's surface where rainwater rapidly percolates through the soil to the aquifer. The actual recharge is the depth of water that enters an aquifer per unit area of the aquifer.

*Area, building.* The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building if such areas are included within the horizontal projection of the roof or floor above.

*Area, lot.* The total square footage within the lot lines.

*Arterial, arterial road, or arterial roadway.* Those roadways classified as arterial roadways on the Future Traffic Circulation Map series or pursuant to the functional classification or reclassification procedures and criteria established, pursuant to the Comprehensive Plan.

*Artificial waterway.* A dredge canal created by man in upland or wetland areas.

*Art work.* Any drawings, symbols, paintings, or sculptures that do not identify a product or business, and which are not displayed in conjunction with a commercial, for-profit or nonprofit enterprise. Drawings, pictures, symbols, paintings, and sculptures which are noncommercial speech, protected by the United States Constitution, Amendment 1, and/or the Florida Constitution, Article 1, Section 4, shall fall within this definition and be considered artwork.

*ASCE 24.* A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, Virginia.

*Automatic irrigation controller.* A timer capable of operating valve stations to set days and length of time of a water application.

*Automotive service station.* An automotive service station is an establishment whose principal business is the retail dispensing of automotive fuel and oil and where grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, principally for automobiles and not for trucks, or in connection with a private operation where the general public is excluded from the use of the facilities, and where in addition, the following services may be rendered and sales made, and no other:

1. Sales and servicing of spark plugs, batteries, distributors, and distributor parts.
2. Tire servicing and repair, but not recapping or regrooving.
3. Replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, shock absorbers, mirrors, and the like.
4. Provision of water, antifreeze, and the like.

5. Washing and polishing and the sale of automotive-washing and polishing materials.
6. Providing and repairing fuel pumps and lines.
7. Minor servicing and repairs of carburetors.
8. Emergency wiring repairs.
9. Adjusting and emergency repairing of brakes.
10. Greasing and lubrication.
11. Sales of cold drinks, candies, tobacco, and similar convenience goods for service station customers, but only as accessory and incidental to the principal business operation.
12. Provision of road maps and other information material to customers, and restroom facilities.

Uses permissible at an automotive service station do not include body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, operation of a commercial parking lot or commercial garage as an accessory use, or other work involving undue noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in such stations. An automotive service station is not a repair garage or a body shop.

*Average daily flow.* The average quantity of water consumed and wastewater generated in gallons per day per equivalent residential dwelling unit.

*Base flood.* The flood having a one percent chance of being equaled or exceeded in any given year, a.k.a. the 100-year flood or "one percent annual chance flood."

*Base flood elevation.* The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

*Basement.* (1) General: That portion of a building having its floor subgrade (below ground level) on all sides. A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes, other than a game or recreation room. (2) As it pertains to Flood Damage Prevention, that portion of a building having its floor subgrade (below ground level) on all sides.

*Beach.* The zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach" is alternatively termed "shore."

*Beacon light.* Any light source, whether fixed or activated, that is designed to attract attention to a specific location, place, or thing.

*Bed and breakfast.* A dwelling unit occupied by its owner or the owner's agent which is made available for public lodging. A dwelling unit shall not be considered a bed and breakfast if its owner or the owner's agent does not live on the premises during a majority of the time guests are occupying the unit.

*Bench sign.* A bench whose primary purpose is collateral with providing transportation service to the public upon which a sign is indelibly drawn, painted, or printed.

*Best Management Practices (BMP).* Method or combination of methods determined after problem assessment, examination of alternative practices, and appropriate public participation to be the most effective and practicable means of reducing or preventing nonpoint source pollution to levels compatible with water-quality goals. These measures could include both structural; e.g., sediment/debris basins, wetland impoundment of agricultural runoff,

etc., and nonstructural; e.g., street vacuuming, deferred grazing systems, etc., approaches to abatement of nonpoint source pollution and would vary on a regional and local basis with the nature of the problems, climate, physical characteristics, land use, soil types and conditions, and other factors.

*Best possible technology.* Best possible technology means the most advanced technology that provides the maximum protection possible for the public health, safety, and welfare. In ascertaining the best possible technology, economic disadvantages shall only be considered relevant when analyzed in relation to other applicants conducting waste disposal, land spreading, or mining activities under the requirements of this Code.

*Bicycle and pedestrian ways.* Any road, path, or way that is open to bicycle travel and travel afoot, but which excludes motor vehicles. Bicycle lanes constructed as part of a roadway shall not be considered bicycle ways.

*Billboard.* For the purposes of Billboards, this Code, Section 406.2, the following words shall be defined as follows.

1. *"Billboard, or Static Billboard".* A type of off-site sign that is required to be registered with the County, pursuant to the criteria of this Code.
2. *"Registered Existing Billboard Structure; Lawfully Existing Registered Billboard Structure".* Those billboard structures currently existing and located within Pasco County that were registered with the County as of September 30, 1999. The structure consists of the entire structure, including faces, frames, lighting fixtures, supports, foundations, electrical, etc., manufactured and constructed for the purpose of outdoor advertising.
3. *"Tri-Vision Billboard".* A billboard composed of mechanically operated louvers or slats containing multiple separate messages, each of which becomes visible when the louvers are synchronically rotated to one of a multiple number of positions, providing up to three separate billboard faces.

*Biological treatment.* A water-quality treatment system that utilizes a design water pool in association with water-tolerant vegetation to remove pollutants through settling, absorption by soils, and nutrient uptake by the vegetation.

*Breakaway wall.* A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral-loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

*Buffer.* A strip of land separating adjacent land uses.

*Building frontage.* The linear length of a building facing a street right-of-way, exclusive of alleys, or the linear length of the street right-of-way which faces the building, whichever is smaller.

*Building, front line of.* The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include steps.

*Building, General.* Any structure having a roof and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind.

*Building, height of.*

1. The vertical distance measured from the average ground level at the sides of the building to the highest point of the coping in the case of flat roofs, to the point halfway up the roof in the case of pitched roofs, or to the deck line of a mansard roof.
2. The vertical distance measured from the level of the curb or the established street grade opposite the center of the front wall of the building to the highest point halfway up the roof in the case of pitched roofs or to the deck line of a mansard roof for building set 15 feet or more from the front lot line; the height may be measured from the finished ground surface at the center of the front wall of the building. Where the height is designated in terms of stories, it shall mean the designated number of

stories including the first story. Where a building is required to elevate its first habitable floor to or above the base flood elevations, building height shall be measured from the established base flood elevation level to the highest point of the coping in the case of flat roofs, to the point halfway up the roof in the case of pitched roofs, or to the deck line in the case of a mansard roof.

3. Chimneys, spires, towers, tanks, and similar projections shall not be included in calculating height.

*Building line.* An imaginary line located on the lot at a fixed distance from the street right-of-way line and interpreted as being the nearest point that a building may be constructed to the street right-of-way.

*Building Permit.* An official document or certificate issued by the authority having jurisdiction authorizing the construction of any building. The term shall also include Tie-Down Permits for those structures or buildings that do not require a Building Permit, such as a mobile home, in order to be occupied.

*Bulk electric transmission corridors.* Rights-of-way and associated easements used for the placement of an interconnected group of electric lines and associated equipment for the movement or transfer of electricity in bulk between points of delivery, where the bulk transmission voltage is 230 kv or above.

*Business services.* An establishment primarily offering services to the business community and to individuals. Such services include, but are not limited to, advertising agencies, blueprinting and photocopying services, interior cleaning services, computer and data processing services, detective agencies and security services, insurance agencies, management consulting and public relations services, news syndicates, personnel services, photofinishing laboratories, photography, art and graphics services, financial services (other than banks), and real estate.

*Bus stop.* A designated stop on an official bus route as designated and approved by the department for buses to stop for the purpose of loading and unloading passengers.

*Caliper.* Trunk caliper as measured at diameter at breast height.

*Canal use rights.* Those rights allowing usufructuary rights to the water for recreational and navigational purposes and to wharf out or moor vessels in a manner consistent with this Code, Section 1001.3.

*Carport.* An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

*Certificate of Occupancy.* A statement based on an inspection, signed by the Building Official, setting forth either that a building or structure complies with the Florida Building Code or that a building, structure, or parcel of land may lawfully be employed for specified use or both.

*Clean fill.* Soil, sand, or other naturally occurring, unconsolidated, or organic or inorganic solid matter.

*Clear-sight triangle.* The triangular area adjacent to the intersection of any street within which no obstruction may be placed that blocks the sight lines for vehicular traffic.

*Closed basin.* A watershed in which the runoff does not have a surface outfall up to and including, the 100-year, ten-day flood level, or an open basin with a severe discharge restriction.

*Clustering, cluster development.* A type of residential development approved in the 1980s in the R-4 High Density Residential Zoning District.

*Coastal area.* Those portions of the County which lie within Hurricane Evacuation Level A, as defined by the County Peacetime Emergency Plan. This area shall include water and submerged lands of oceanic or estuarine water bodies, shorelines adjacent to such water bodies, coastal barriers, living marine resources, main wetland, water-dependent or water-related facilities on oceanic or estuarine waters, public access facilities to oceanic beaches or



estuarine shorelines, all lands adjacent to such occurrences where development activities would impact the integrity of the above, and all other occurrences within the County jurisdiction of oceanic or estuarine waters.

*Coastal high hazard area.* An area of Special Flood Hazard extending from offshore to the inland limit of a primary, frontal dune along an open coast, or any other area subject to high-velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on the FIRM as Zone V1-V30, VE, or V.

*Coastal protection structures.* Any hardening structure, such as seawalls, bulkheads, revetments, rubble mound structures, groins, breakwaters, aggregates of materials other than natural beach sand used for beach or shore protection, and other structures which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces, including beach and dune restoration.

*Coastal water bodies.* Surface waters and wetlands within the coastal area.

*Coastal zone.* Those portions of the County which lie within the hurricane vulnerability area (Evacuation Levels A, B, and C).

*Collector, collector road, or collector roadway.* Those roadways classified as collector roadways on the Future Traffic Circulation Map series, pursuant to the functional classification or reclassification procedures and criteria established, the Comprehensive Plan, major collector roadways required, or this Code, Section 901.1.

*Commercial.* Engaging in a business, enterprise, activity, or other undertaking for profit.

*Commercial District.* A commercial district is any parcel or parcels of land or water zoned C-1 Neighborhood Commercial, C-2 General Commercial, C-3 Commercial/Light Manufacturing, or any areas designated and used for commercial purposes within a PUD Planned Unit Development/MPUD Master Planned Unit Development District as defined in this Code.

*Commercial equipment.* Equipment utilized for commercial purposes, designed by the manufacturer to be used primarily for commercial purposes, or altered or converted for the purpose of being so used. Commercial equipment includes, but is not limited to, ladders, pressure washers, cement mixers, generators, mowers, and other lawn equipment used for commercial purposes, utility trailers, chemicals and spray equipment, PVC piping, window/door racks, and scaffolding.

*Commercial fertilizer applicator.* Any person who applies fertilizer on turf and/or landscape plants in the County in exchange for money, goods, services, or other valuable consideration.

*Commercial grower.* A grower producing plants, including trees, for resale at retail or wholesale value and registered with the State Department of Agriculture and Consumer Services, Division of Plant Industry.

*Commercial-related equipment.* Equipment including utility trailers, cement mixers, generators, and other types of trailers when the same are utilized in a commercial endeavor.

*Commercial use.* An activity carried out for pecuniary gain, excluding the rental or lease of any permanent residential dwelling unit or its equivalent, such as nursing homes, group homes, boarding houses, etc. The term shall include hotels, recreational vehicle (RV) parks, retail, wholesale, and office uses, but specifically exclude those uses described elsewhere in this appendix as agricultural, industrial, or residential.

*Commercial vehicle.* Any vehicle, whether motorized or not, equipped or utilized for commercial purposes or designed by the manufacturer to be used primarily for commercial purposes, or altered or converted for the purpose of being so used, but not including domestic vehicles as defined by this Code, law enforcement vehicles, or vehicles owned by a governmental entity. Commercial vehicles include, but are not limited to, taxicabs, telephone/cable company vans, airport transportation vans, box trucks, even if used solely for private transportation and tow trucks. "Wrapped" domestic vehicles or domestic vehicles displaying commercial lettering are not commercial vehicles if both owned and used solely for private transportation by the owner or occupant of

the residential lot on which they are stored, and provided the vehicle is not otherwise equipped for commercial purposes.

*Committed network.* Includes the existing network plus transportation system improvements under construction or scheduled to begin construction in the current fiscal year of the adopted work programs of the County, the Florida Department of Transportation (FDOT), or other agencies with authority and responsibility for providing transportation system capacity, or other Improvements that are guaranteed by a security instrument acceptable to the County that ensures construction will begin in the current fiscal year of such work programs.

*Common ownership dock.* A dock which may extend over side-use lines of adjacent landowners upland of a canal or shoreline that have entered into an agreement of joint access and ownership of the said dock.

*Community Development.* Community development is a process where community members come together to take collective action and generate solutions to common problems. Community wellbeing (economic, social, environmental and cultural) often evolves from this type of collective action being taken at a grassroots level. Community development ranges from small initiatives within a small group to large initiatives that involve the broader community.

*Community Garden.* A community garden is a garden used to grow and harvest food crops or ornamental plants (including flowers) with daily vehicle trips of greater than 14 vehicle trips per day and less than 100 vehicle trips per day, with limited use of heavy vehicles. Community gardens may be any size.

*Community Farm.* A community farm primarily grows produce, fruits, vegetables and other garden derived edibles primarily for distribution off-site with daily vehicle trips of 14 vehicle trips or more daily. Community farms may be any size.

*Community residential home.*

1. A dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative Services that provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.
2. Homes of six or fewer residents that otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents that otherwise meet the definition of a community residential home shall be allowed in single-family or multiple-family zoning without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents. Such homes with six or fewer residents shall not be required to comply with the notification provisions of this section, provided that the sponsoring agency or the department notifies the local government at the time of home occupancy that the home is licensed by the department.

*Community residential home, large.* A dwelling unit licensed to serve clients of the Florida Department of Children and Families (FDCF) that provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

*Community residential home, small.* A dwelling unit licensed to serve clients of the FDCF that provides a living environment for six or fewer unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

*Community water system.* As defined in Chapter 62-521, F.A.C., a community water system is a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-

round residents. For purposes of this section, this definition includes any regional water supply system that provides water at wholesale to the County for distribution to retail customers.

*Compatibility.* A condition in which the uses of land or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted, directly or indirectly, by another use or condition.

*Compatible Uses.* Those uses that are appropriate for a pedestrian scale environment and customarily generate foot traffic for the purpose of active ground floor use for self-storage.

*Comprehensive Plan.* The County Comprehensive Plan, inclusive of all its elements, goals, objective, policies, maps, and official amendments that have been adopted by the Board of County Commissioners (BCC), pursuant to Chapter 163.3184, Florida Statutes.

*Concentrated animal-feeding operation.* As defined in Chapter 62-670, F.A.C., a feeding operation where more animals are confined than are specified in the categories listed below:

1. 1,000 slaughter and feeder cattle.
2. 700 mature dairy cattle (whether milked or dry cows).
3. 2,500 swine weighing over 55 pounds each.
4. 500 horses.
5. 10,000 sheep or lambs.
6. 55,000 turkeys.
7. 100,000 laying hens or broilers (if the facility has continuous overflow watering).
8. 30,000 laying hens or broilers (if the facility has a liquid manure handling system).
9. 5,000 ducks.
10. 1,000 animal units.

*Concurrency.* The provision of public facilities necessary to accommodate the impacts of new development such that all adopted levels of service (LOS) are maintained during and following the development of all projects.

*Conditionally exempt, small-quantity generator.* A conditionally exempt, small quantity generator, as defined by the Resource Conservation and Recovery Act of 1976, Title 40, Code of Federal Regulations, Section 261, is one which in a calendar month generates no more than 100 kilograms (220 pounds or approximately 25 gallons) of hazardous waste or less than one kilogram of an acute hazardous waste. Additionally, the generator must never accumulate more than 1,000 kilograms (2,200 pounds or approximately 250 gallons) of hazardous waste at any time.

*Conditional use.* A public or private use that is not permitted as a matter of right in a zoning district, but which is permitted only where approved by the BCC, and where such use complies with the conditional use standards set forth in this Code.

*Cone of influence.* A depression in the potentiometric surface (drawdowns) around a pumping well caused by the withdrawal of water.

*Confining unit.* As defined in Chapter 40D-3, F.A.C., a body of relatively impermeable material stratigraphically adjacent to one or more aquifers in which hydraulic conductivity may range from nearly zero to some value distinctly lower than that of the aquifer.

*Conflict zoning.* A lot or parcel having a zoning classification that is not consistent with its Future Land Use (FLU) Classification.

*Conservation.* The management and use of natural resources to prevent exploitation, misuse, and neglect.

*Conservation area.* Lands which, due to the presence of nonrenewable natural resources or significant biological productivity, diversity, and scarcity, require special limitations upon development. Some examples include, but are not limited to, natural shoreline, freshwater marshes, alluvial wetlands, shallow grass ponds, freshwater swamps (bay and cypress), Class III waters, and sandpine scrub habitat. Generally, these areas are environmentally sensitive land that must not undergo development.

*Construction.* The building of or modification of any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

*Construction and demolition debris.* Nonhazardous material generally considered not to be water soluble, including but not limited to, steel, concrete, glass, brick, asphalt material, pipe, gypsum wallboard, and lumber from construction or demolition projects including, rocks, soils, tree remains, trees, and vegetation from land clearing for a construction project. Contamination of construction and demolition debris with any amount of other types of solid waste including material that is not from the actual construction or demolition of a structure, will cause it to be classified as other than construction and demolition debris.

*Construction and demolition debris disposal facility.* A properly permitted facility receiving construction and demolition debris for disposal.

*Control device.* The element of a discharge structure which allows the gradual release of water under controlled conditions. This is sometimes referred to as the bleed-down mechanism or "bleeder." Examples include orifices, notches, weirs, and effluent filtration systems.

*Control elevation.* The lowest elevation at which water can be released through the control device. This is sometimes referred to as the invert elevation.

*Controlled access, controlled access road, or controlled access roadway.* Those roadways classified as freeways or controlled access on the Future Traffic Circulation Map series or designated as a controlled-access roadway, pursuant to Section 901.3.

*Convenience goods.* Commercial establishments that generally serve day-to-day commercial needs of a residential neighborhood including, but not limited to, convenience stores, excluding gasoline sales; tobacco shops; newsstands; bakeries; candy; nut and confectionery stores; delicatessens; dairy products; and eating establishments.

*Convenience store.* Commercial establishments that serve day-to-day commercial needs of a residential neighborhood with or without gasoline sales.

*Cost of construction as it is used in Flood Damage Prevention.* The actual value, determined by using prevailing normal market values of all labor, materials, service, equipment, overhead, and profit that will be used to improve the structure or is required to fully repair the structure to its before-damaged condition. The County Administrator or designee shall review the said costs to ensure that the estimates are reasonably accurate and that the cost estimate reasonably reflects the actual costs to fully repair any damage and/or make the proposed improvements to the structure.

*County Engineer.* The appointed head of the County Engineering Services Department or his designee.

*Court.* An unoccupied open space, other than a yard, on the same lot with a building, that is bound on two or more sides by the walls of such buildings.

*Court, inner.* A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

*Court, outer.* A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard.

*Coverage, lot.* That portion or percentage of the plot or lot area covered by the building area.

*Critical facility.* A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

*Critical habitat.* Viable areas of habitation for endangered and threatened species as confirmed by appropriate jurisdictional agency documentation or by reports that may be submitted by an applicant requesting a development order on a site containing an area of such habitation by endangered or threatened species. The extent of these areas shall have a definitive boundary which may vary in extent based upon the individual species; e.g., bald eagle's nest or pond harboring a protected turtle.

*Critical road.* A road designated in the County's Comprehensive Plan as a hurricane evacuation route and is identified in the County's non-de minimis roadway list as having existing plus approved development volumes that exceed the service volume of the road or other Major County Roads that are similarly identified as having existing plus approved development volumes that exceed the service volume of the road by more than ten percent. Concurrency management refers to these roads as "110-percent roadways" and "hurricane evacuation roadways."

*Dam.* A barrier to the flow of liquids constructed of earth or other materials.

*Day-care facility.*

1. General. A residence or building in which children or adults are received for full-time or part-time care or training and shall include the terms prekindergartens, nursery schools, preschools, and adult care.
2. For purposes of sexually oriented business, "day-care facility" means any facility, whether operated for profit or nonprofit, that provides supervision and care for minors as its primary function.

*Density credit.* The additional number of dwelling units assigned to a parcel after the application of all density incentives.

*Design flood.* The flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a one percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

*Design flood elevation.* The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet.

*Detention.* The delay of storm runoff prior to discharge into receiving waters.

*Detention volume.* The volume of open-surface storage behind the discharge structure measured between the overflow elevation and control elevation.

*Developable acreage.* That portion of the total site that can be developed for uses inclusive of street and utility rights-of-way, parks, community facilities, etc., but does not include any acreage classified as wetlands, conservation lands, or water bodies.

*Developer.* As defined in Florida Statute 380.031, as amended.

*Development:*

Pasco County, Florida, Land Development Code  
APPENDIX A DEFINITIONS

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1. The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.  
"Development" includes but is not limited to the following activities or uses:
  - a. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
  - b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land, or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land; utilization of a previously undeveloped parcel for any purpose other than passive recreational use that does not alter the physical appearance of the land; a change in use from a passive use, such as storage, to a more intense use, such as a commercial or industrial use, or a use that is specifically regulated by this Code, such as a dealership.
  - c. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any coastal construction, as defined in Florida Statute 161.021.
  - d. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
  - e. Demolition of a structure.
  - f. Clearing of land as an adjunct of construction.
  - g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
  - h. Construction of a building.
  - i. Materially changing the elevation or contour of land, whether through the addition of fill, the on-site movement of earth, grading, tree removal, or otherwise.
2. As it pertains to Flood Damage Prevention: Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.
3. The following operations are not development as defined in this Code:
  - a. Work by a highway, road agency, or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
  - b. Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners, nor does it waive the requirements for a Right-of-Way Use Permit where otherwise required by this Code.
  - c. Work for the maintenance, renewal, improvement, or alteration of any structure if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
  - d. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
  - e. The use of or construction on any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, raising livestock, or for other agricultural purposes.

- f. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class, except where the new use is specifically regulated by this Code, such as dealerships.
- g. A change in the ownership or form of ownership of any parcel or structure.
- h. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.
- i. Fill or tree removal exempt from the permitting requirements of this Code.

Development, as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of the definition.

*Development of Regional Impact (DRI) application.* An application for development approval of a DRI submitted, pursuant to Chapter 380, Florida Statutes, as amended.

*Development order.* Any order granting, denying, or granting with conditions an application for a rezoning, or subdivision approval, Building Permit, certification, special exception, variance, or any other official action of County government having the effect of permitting the development of land.

*Development permit.* Any Building Permit, floodplain development permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

*Development site.* The total area of the lot, tract, or parcel that is the subject of an application for a development permit.

*Diameter at breast height (dbh).* The diameter, in inches, of a tree measured at 54 inches above the natural grade. The diameter of multiple-trunked tree(s) shall be added together for this measurement.

*Digital Billboard.* For the purposes of Digital Billboards, this Code, Section 406.7, the following words shall be defined as follows.

1. *"Digital Billboard"*. Any billboard structure that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. See also Billboard.
2. *"Consecutive Message"*. When a second message/slide displayed on a digital billboard or Tri-Vision billboard answers a question posed on the prior slide, continues or completes a sentence started on the prior slide, or continues or completes a story line started on the prior slide.
3. *"Digital display"*. The digital billboard advertising area or face.
4. *"Dwell Time"*. The minimum duration of a single display on a digital billboard.
5. *"Federal-Aid Primary (FAP)"*. A system of highways or portions thereof, which shall include the National Highway System designated as the federal-aid primary highway system by the Florida Department of Transportation and shall also include the federal interstate highways.
6. *"Foot-candles"*. A measure of illuminance (the amount of light falling onto a surface).
7. *"Glare"*. Any light, either direct or indirect, which is notably more intense than the average illumination of the majority of the field of vision that reduces the ability to see or produces a sensation of ocular

- discomfort. Glare can occur at any ambient light level, whether it be sunlight glinting off glass in the daytime or intense artificial light sources at night.
8. *"Luminance"*. A measure of the brightness of a surface which is emitting light. The unit of measurement most commonly used is candelas per square meter, often referred to as nits in the U.S. (1 nit = 1 cd/m<sup>2</sup>).
  9. *"Nit"*. Unit of measure of luminance.
  10. *"Registered Existing Billboard Structure; Lawfully Existing Registered Billboard Structure"*. Those billboard structures currently existing and located within Pasco County that were registered with the County as of September 30, 1999. The structure consists of the entire structure, including faces, frames, lighting fixtures, supports, foundations, electrical, etc., manufactured and constructed for the purpose of outdoor advertising.
  11. *"Structure Height"*. The total vertical distance from the crown of the main-traveled way to the top of the highest sign face, including any border or trim, excluding embellishments.

*Directly connected impervious areas*. Unless otherwise specifically stated in the basis, directly connected impervious areas as considered in the calculation of volumes for treatment systems are those impervious areas hydraulically connected to the treatment system directly or by pipes or ditches.

*Discharge* includes, but is not limited to, any release, spilling, leaking, seeping, pouring, emitting, emptying, or dumping of any substance or material.

*Discharge structure*. A structural device, usually of concrete, metal, etc., through which water is discharged from a project to the receiving water.

*Disposal*. Disposal means the discharging, depositing, spreading, injection, dumping, spilling, leaking, land application, or placing of any liquid, solid, or semisolid waste material into or upon any land or water, or so that any constituent thereof may enter other lands, be emitted into the air, discharged into any waters, including groundwaters, or otherwise enter the environment.

*District or zoning district*. All areas of land or water whose boundaries are identified on the official zoning map within which all properties and/or land uses are regulated by the County Zoning Ordinance as enacted November 19, 1975, and as subsequently amended, along with specific regulations of the individual districts.

*Disturbed lands*. The surface area of the land that is mined and all other land area in which the natural land surface has been disturbed as a result of or incidental to mining activities.

*Ditch irrigation*. Method of crop irrigation whereby water is applied in small furrows made by cultivation implements.

*Dock*. A fixed or floating structure including, but not limited to, moorings, piers, wharves, stand-alone pilings and boat-lifting equipment, over or alongside water, which may be used for but not limited to, the purpose of berthing buoyant vessels, fishing, or swimming.

*Domestic septage*. Domestic septage means all solid wastes containing human feces or residuals of such, which have not been stabilized or disinfected. Not included are food service sludges and industrial wastes.

*Domestic vehicle*. Any vehicle, other than commercial vehicles and recreational vehicles as defined by this Code, licensed by any state of the United States, Mexico, or province or territory of Canada, as a private vehicle for operation on streets. Provided the vehicle is not equipped or utilized for commercial purposes, domestic vehicles include private passenger vans and automobiles which are designed primarily for the transport of no more than nine passengers including the driver, and private pickup trucks designed for the transport of no more than five passengers including the driver.



*Donation Bin (or Box).* Any stationary or free-standing container, receptacle or similar device located on property and used for the solicitation and collection of donated items such as clothing, books, shoes or other non-perishable personal property. This term does not include the following: Bins used for the solicitation and collection of donated items associated with a special event, provided the bin is removed when the special event ends, but in no event later than 48 hours after being placed at the special event site.

*Drainage basin.* The area defined by topographic boundaries which contributes stormwater to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

*Drainage basin of special concern.* Drainage basins or subbasins with either inadequate conveyance capacity or excessive ponding.

*Drainage facility.* A system of man-made structures designed to collect, convey, hold, divert, or discharge stormwater and includes stormwater sewers, canals, detention structures, and retention structures.

*Dredge and fill.* Dredging is the excavation by any means in the waters of the State or United States. Filling is the deposition, by any means, of materials in waters of the State or United States. The landward extent of waters of the State and United States dredge and fill jurisdictional purposes shall be determined as provided in Section 17-4.022, F.A.C., and the Clean Water Act, Section 404, respectively. Dredge and fill jurisdiction shall be prescribed in Sections 17-4.028 and 17-12.030, F.A.C., and Section 373.414, Florida Statutes, for waters of the State; and in the Clean Water Act, Section 404, for waters of the United States, as amended.

*Drip irrigation.* Method of irrigation whereby water is applied slowly and under low pressure to the surface of the soil or into the soil through such applicators as emitters, porous tubing, or perforated pipe.

*Drought-tolerant plants.* Established plants that survive on natural rainfall with occasional irrigation during dry periods.

*Dumpster.* Portable containers (typically open on top), compactors, roll-offs, and recycling containers used on a temporary basis for the collection and storage of construction waste from ongoing permitted construction projects, house cleans, or temporary uses in residentially zoned districts, but shall not include any portable, nonabsorbent, enclosed container with a close-fitting cover or doors, which is capable of being serviced by mechanical equipment, used on a permanent basis to store large volumes of refuse, serves as the primary method of garbage collection and disposal for a residence and is eight cubic yards or less.

*Dwelling, a.k.a. dwelling unit.* One or more rooms providing complete living facilities for one family, including kitchen facilities or equipment for cooking or provisions for same and including a room or multiple rooms for living, sleeping, bathing, and eating. The term "dwelling" does not include recreational vehicles or park trailers.

*Dwelling type:*

1. Dwelling, single-family.
  - a. Single-family detached residence. A site-built dwelling unit designed for a single family or household. Site-built homes can be of modular construction.
  - b. Mobile home. Any dwelling unit constructed to standards promulgated by the United States Department of Housing and Urban Development (HUD) which is a minimum of 12 feet wide and 40 feet in length and having the HUD insignia.
2. Dwelling, duplex. A building containing two dwelling units.
3. Dwelling, multiple-family. A building containing two or more dwelling units.
4. Dwelling, townhouses. Two or more dwelling units which are attached side by side through the use of common party walls.

*Dwelling unit.* A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Easement.* A retained or acquired right to use that land for a specific purpose, but which does not convey fee-simple title to that real property.

*Effluent.* Nonpotable water discharged as waste from domestic or industrial sources.

*Electric substation.* An assemblage of equipment for purposes other than generation or utilization through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public.

*Elevation.* The measurement of height above sea level. Also above-mean sea level.

*Emitter.* A device that applies irrigation water. This term is primarily used to refer to the low-flow-rate devices used in microirrigation systems.

*Encroachment.* The advancement or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain which may impede or alter the flow capacity of a floodplain.

*Encumber.* An irrevocable commitment through an agreement, purchase order, or contract.

*Encumbered.* Monies committed by contract or purchase order in a manner that obligates the County, the District School Board of Pasco County (School Board), or the cities to expend the encumbered amount upon delivery of goods, the rendering of services, or the conveyance of real property by a vendor, supplier, contractor, or owner.

*Environmentally sensitive.* Lands which, because some qualifying environmental characteristics are regulated by either the Florida Department of Environmental Protection (FDEP), the Southwest Florida Water Management District (SWFWMD), or any other governmental agency empowered by law for such regulation.

*Equivalent residential connection.* A unit of measurement representing the average amount of water consumed and/or the amount of wastewater produced by a single-family dwelling unit.

*Equivalent residential unit (ERU) or unit for purposes of hurricane hazard mitigation.* A single-dwelling unit; mobile home; manufactured home; space or lot in a trailer, mobile home, or RV park; individual guest room in a hotel, motel, or rooming house; or a tourist cabin.

*Evacuation routes.* Routes designated by the County civil defense authorities or the regional evacuation plan for the movement of persons to safety in the event of a hurricane.

*Existing building and existing structure (as it pertains to Flood Damage Prevention).* Any buildings and structures for which the "start of construction" commenced before November 8, 1981, the effective date of the floodplain management regulations adopted by the County.

*Existing manufactured home park or subdivision (as it pertains to Flood Damage Prevention).* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed before the effective date, November 18, 1981, of the floodplain management regulations adopted by the County.

*Existing network.* Includes major roads that exist in the field and are open to use by the public.

*Expansion to an existing manufactured home park or subdivision (as it pertains to Flood Damage Prevention).* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*External trip.* Any trip which either has its origins from or its destination to the development site and which impacts the major road network system.

*Facade.* The face(s) of a building that is/are visible to the public.

*Facility.* All buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person or by any person who controls, is controlled by, or under common control with, such person.

*Family.* May consist of a single person or of two or more persons, whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests.

*Family, child-care home.* A residence licensed by the applicable State and local agencies in which child care is regularly provided for children from at least two unrelated families.

*Farm.* The land, buildings, and support facilities used in the production of farm or aquaculture products.

*Farm operation.* All activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm products.

*Farm product.* Any plant or animal useful to humans including, but not limited to, any product derived there from.

*Fast-food restaurant with drive-through.* A land use including fast-food restaurant with drive-through windows. This type of restaurant is characterized by a large carry-out clientele; long hours of service (some are open for breakfast; all are open for lunch and dinner; some are open late at night or 24 hours); and high turnover rate for eat-in customers.

*Fertilize, fertilizing, or fertilization.* The act of applying fertilizer to turf, specialized turf, or landscape plant.

*Fertilizer.* Any substance or mixture of substances, except pesticide/fertilizer mixtures, such as "weed and feed" products, that contain one or more recognized plant nutrients and promotes plant growth, controls soil acidity or alkalinity, provides other soil enrichment, or provides other corrective measures to the soil.

*Fill.* Off-site, imported material deposited in or on real property by artificial means. "Fill" does not include material composed entirely of clean organic mulch.

*Final cover.* Clean fill used to cover the top of a solid waste disposal site when fill operations cease.

*Final inspection.* The last inspection performed by the County, or a city where applicable, for structures or site improvements to ensure that all improvements were completed in accordance with the applicable conditions of a permit for development.

*Final local development order.* The final approval issued by the County prior to the permit which allows commencement of construction of physical activity on the land and/or an order or permit which allows commencement of construction or physical activity on the land, so long as the project has commenced and is continuing in good faith.

*Fire combat and rescue service facilities and equipment.* Those facilities and equipment owned or operated by the County which a need is created for by new building construction. The fire combat and rescue service facilities and equipment include, but are not limited to:

1. Fire/Rescue Stations.
2. Fire Combat Stations.
3. Rescue Stations.
4. Operations Center.
5. Training Center.

6. Supply Center.
7. Communications/Dispatch Center.
8. All other capital equipment including, but not limited to, vehicles, fire combat equipment, rescue equipment, and communications.

*Fire combat and rescue service impact fee.* An impact fee which is imposed on new building construction in connection with and as a condition of the issuance of a Certificate of Occupancy or final inspection and which is calculated to defray all or a portion of the costs of the fire combat and rescue service facilities and equipment required to accommodate the impact to the fire combat and rescue service system of that new building construction, and which fee is applied to fire combat and rescue service facilities and equipment which reasonably benefit the new building construction.

*Fire combat and rescue service system.* The fire combat or rescue service land and fire combat or rescue service facilities and equipment owned or operated by the County that are used to provide fire combat and emergency medical services.

*Fire combat land or rescue service land.* The fire combat or rescue service land owned or operated by the County required for the development or expansion of fire combat and rescue service facilities and equipment identified in the Fire Combat and Rescue Service Impact Fee Study.

*Fire flow.* The rate of water flow from a hydrant, expressed in gallons per minute, needed to extinguish fires.

*Fire protection water system.* A water distribution system with fire hydrants for the purpose of supplying water for fire protection use, including both publicly and privately owned utility systems.

*Fitness center.* Recreational facilities that may include, but are not limited to, swimming pools, whirlpools, saunas, exercise classes, racquetball, handball and tennis courts, and weightlifting and cardiovascular equipment. Locker rooms and/or a snack bar may also be available.

*Fixed boundary.* A line separating two or more land use categories that is geographically fixed as represented on the official FLU Map and not subject to administrative modification.

*Flag.* A sign made of material secured on one side from a flagpole such that the sign material hangs when not set in motion by the movement of the air.

*Flagpole.* A freestanding, ground-mounted structure or a structure mounted to a building or to the roof of a building and used for the sole purpose of displaying a flag.

*Flood damage-resistant materials.* Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

*Flood Hazard Area.* The greater of the following two areas:

1. The area within a floodplain subject to a one percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

*Flood Insurance Rate Map (FIRM).* An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of Special Flood Hazard and the risk-premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

*Flood Insurance Study.* The official report provided by FEMA that contains the FIRM, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

*Flood or flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

*Floodplain.* Any land area susceptible to flooding (see definition of flood or flooding).

*Floodplain; 25-year; 100-year.* Land elevations which would become inundated by a storm that occurs with a frequency of once every 25 years and 100 years, respectively.

*Floodplain development permit or approval.* An official document or certificate issued by the County, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this Code.

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Floodway encroachment analysis.* An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations. The evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

*Floor.* The top surface of an enclosed area in a building, including the basement; i.e., top of slab in concrete slab construction or top of wood flooring in wood-frame construction. The term does not include the floor of a garage used solely for parking vehicles.

*Floor area.* The sum of the gross horizontal areas of all floors of a structure, including interior balconies and mezzanines, measured from the exterior face of exterior walls or from the centerline of a wall separating two structures; shall include the area of roofed porches having more than one wall and of accessory structures on the same lot. Stairwells and elevator shafts shall be excluded.

*Floor area ratio (FAR).* A formula for determining permitted building area as a multiple of the area of the lot. For example, a floor area ratio of one applied to a 20,000-square-foot lot would permit a single-story building of 20,000 square feet (20K/20K = 1) or a building of any number of floors whose cumulative square footage does not exceed 20,000 square feet.

*Florida Building Code.* The family of codes adopted and amended by the Florida Building Commission, including Florida Building Code, Building; Residential; Existing Building; Mechanical; Plumbing; Fuel Gas.

*Floridan aquifer.* The specific geologic formation of water bearing layers of rock, also known as the upper Floridan aquifer which is the principal source of water supply in most of north and central Florida, including the County, and the source of many springs.

*Food.* A raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

*Food service sludge.* Food service sludge means oils, greases, and grease trap pumpings generated in the food service industry.

*Foster care facility.* A facility which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents and serving either children or adult foster residents.

*Free-Standing Recreational Vehicle/Boat Storage.* Open Covered, Semi-enclosed, or Fully enclosed storage of recreational vehicles, travel trailers, other vehicles, and un-stacked dry, storage of pleasure boats of the type customarily maintained by persons for their personal uses.

*Frontage.* The length of the property line for a single parcel which runs parallel to and along each right-of-way, exclusive of alleys, it borders.

*Frontage road.* A collector public or private road which has as its specific function, the diversion of traffic from a parallel facility serving the same area.

*Front yard.* (See *yard, front.*)

*Functional classification.* The assignment of roads into a classification system by the FDOT or local government according to the character of the service they provide in relation to the total road network. Arterial, collector, and local streets are examples of functional class and may be further subdivided into principal, major, or minor levels and into urban or rural categories.

*Functionally dependent use (as it pertains to Flood Damage Prevention).* A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship-building and ship-repair facilities. The term does not include long-term storage or related manufacturing facilities.

*Future Traffic Circulation Map series.* The map series established pursuant to the County Comprehensive Plan, as it may be amended from time to time, consistent with Objective TRA 2.1, presently Future Number of Lanes (Map 7-22), Future Roadway Functional Classification (Map 7-24), Corridor Preservation (Map 7-35), and Highway Vision Plan (Map 7-36).

*Garage, private.* A fully enclosed structure for the storage of one or more motor vehicles by the resident of the premises.

*Garage, public.* A fully enclosed structure where motor vehicles can be temporarily stored or parked by the public.

*Garden Plan.* An informal readable plan that: a) shows the property size with readable dimensions; b) show existing streets (label), easements or land reservations within the site; c) includes proposed fencing and screening, if any; d) indicates any buildings to be removed or demolished; e) shows setbacks to all structures and from adjoining property lines; g) shows existing driveways and any changes proposed to said driveways; f) labels adjacent property owners; and h) identifies the source of water that will be used for irrigation purposes.

*Gardening.* (See *home gardening.*)

*General merchandise store.* Commercial establishments that supply personal consumer goods to the community and/or region.

*Geologic hazard.* A condition found to exist in the soil strata or underlying bedrock that renders the area incapable of providing adequate and reliable support for the type of improvement to be constructed upon it or that would otherwise render an area unsafe for public access due to an elevated unordinary/adverse risk of collapse or significant unacceptable ground settlement (subsidence).

*Geological hazardous area.* That portion of a site which a geotechnical/geological engineering report has concluded is impacted by a known or found geologic hazard(s).

*Geotechnical engineering.* The application of engineering principles and interpretation so that geological factors affecting planning, design, construction, and maintenance of engineered public and private works and buildings are properly recognized and adequately designed.

*Grade, establishing.* The elevation of the centerline of the streets as officially established by the governing authorities.

*Grade, finished.* The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

*Greenhouse.* A building made of glass, plastic, or fiberglass, etc. where plants are cultivated.

*Gross acreage, CS-MPUD Conservation Subdivision-Master Planned Unit Development (CS-MPUD).* The total number of acres on a site including, but not limited to, all internal streets, easements, rights-of-way, water and wetlands, environmental and conservation areas, open space, and stormwater facilities.

*Gross floor area.* The sum of the gross horizontal areas of the floors of a nonresidential-use building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings with a common wall, and including outside decks and/or patios used for commercial purposes, including waiting areas, but excluding covered parking areas. All accessory nonresidential-use buildings, not otherwise exempted by this division, shall be included in the calculation of the gross floor area.

*Gross residential acre.* Includes land committed to the explicit use of residential buildings or contributory uses and structures, such as streets, parks, or common accessible open space. However, sewer and water treatment plants, utility substations, solid waste facilities, or similar uses and structures may not be included in the calculation of gross residential acre.

*Ground cover.* Plants, other than turf grass, which reach a mature height of 24 inches or less.

*Groundwater.* Water beneath the surface of the ground within a zone of saturation, whether or not flowing through known and definite channels.

*Group home.* A facility that provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents. Adult congregate living facilities comparable in size to a dwelling unit are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

*Grubbing.* The removal of brush and vegetation where no tree ten inches dbh or greater shall be removed from the site. Grubbing does not include any cut and/or fill.

*Guaranteed analysis.* The percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

*Heavy vehicle.* A vehicle that has more than four tires touching the pavement, including trucks, buses, and RVs. Trucks cover a wide range of vehicles from lightly loaded vans and panel trucks to the most heavily loaded coal, timber, and gravel haulers. RVs also include a broad range, including campers, both self-propelled and towed, motor homes, and passenger cars or small trucks towing a variety of recreational equipment, such as boats, snowmobiles, and motorcycle trailers. Heavy vehicles adversely affect traffic, because they occupy more roadway space and have poorer operating capabilities than passenger cars, particularly with regard to acceleration, deceleration, and the ability to maintain speed on upgrades. Accordingly, for trip generation purposes, if heavy vehicles are ten percent or more of the trips generated by the proposed land use, the total estimated trips for heavy vehicles shall be multiplied by two, unless the Institute of Transportation Engineers (ITE) heavy-vehicle data or other County-approved, heavy vehicle, trip-generation data for the land use support a different multiplier; however, in no event shall the multiplier be less than one.

*Hazardous waste.* Wastes which have one or more of the following properties: ignitable, corrosive, reactive, or toxic.

*High-hazard hurricane evacuation area.* The areas identified in the most current regional hurricane evacuation study as requiring evacuation during a Category 1 hurricane event (Evacuation Level A).

*High-volume recharge.* Addition of water to the upper Floridan aquifer that is equal to ten inches per year per unit area of the aquifer.

*Highest adjacent grade (as it pertains to Flood Damage Prevention).* The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

*Historic basin storage.* The depression storage available on the site in the predevelopment condition. The volume of storage is that which exists up to the required design storm.

*Historic discharge.* The peak rate and/or amount of runoff that leaves a parcel of land from an undisturbed/existing site or the legally allowable discharge at the time of permit application.

*Historic resources or historic properties.* Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned watercraft, engineering works, treasure troves, artifacts, or other objects or features with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the State and the County.

*Historic structure (as it pertains to Flood Damage Prevention).* Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the interior.
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior.
  - b. Directly by the Secretary of the Interior in states without approved programs.

*Home Garden/Vegetable Garden.* Means a plot of ground where herbs, fruits, flowers, or vegetables are cultivated for human ingestion, in accordance with the definition in Chapter 604.71, Florida Statutes.

*Home occupation.* Any activity conducted by a resident within a dwelling unit which results in a product or service for financial gain. A home occupation is an incidental, accessory use to the primary residential use of the parcel and is categorized as either minor or major as defined below. (Please note that kennels and stables are not considered to be home occupations, but are individually reviewed as businesses, where applicable, per subject zoning district.) Supplemental regulations for home occupations are addressed in this Code, Section 530.21.

*Home Occupation - Minor:* A minor form of home occupation that is conducted as an accessory use in a dwelling unit or accessory building.

*Home Occupation - Major:* A major, more-intensive form of home occupation which may include nonresident employees, more floor area used for the business, or other signs of greater use of a dwelling unit or accessory building for business purposes.

*Hoophouse.* A structure made of PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop shape" that functions as a greenhouse.

*Hospital.* A building or group of buildings having facilities for overnight care of human patients, providing primary and urgent care treatment for injuries and trauma, services to inpatients, and medical care to the sick and injured. The term "hospital" may include related facilities, such as laboratories, outpatient services, training facilities, central service facilities, and staff facilities; provided that any related facility is incidental and subordinate to the



use and operation of the principal hospital. A hospital is an institutional use and does not refer to medical offices or clinics.

*Hotel.* A facility offering transient lodging accommodations normally on a daily rate to the general public and typically providing accessory uses, such as restaurants, meeting rooms, and recreational facilities. Entry to each room is gained through the interior of the building through a lobby.

*Housing cooperatives.* A form of housing ownership in which a cooperative association of leaseholders actually owns and manages all of the units.

*Hurricane evacuation clearance.* The amount of time specified in the County Hurricane Evacuation Plan Implementation Guide produced by the Tampa Bay Regional Planning Council (TBRPC) for the safe evacuation of hurricane-vulnerable areas.

*Hurricane evacuation routes.* The routes designated by the County Office of Emergency Management that have been identified with standardized, Statewide directional signs by the FDOT or are identified in the regional hurricane evacuation study for the movement of persons to safety in the event of a hurricane. Pursuant to Paragraph 9J-2.0255(4)(d), F.A.C., the former Florida Department of Community Affairs (n.k.a. FDEO) considers hurricane evacuation routes to be regionally significant roadways.

*Hurricane Preparedness Plan.* A document which specifies the safe and orderly evacuation of residents and employees when an evacuation order is issued including, the closing of all buildings for the duration of the hurricane evacuation order; prior identification of evacuation routes out of the area; appropriate on-site preparations; and coordination with the Office of Emergency Management for building closings, security, and safety measures.

*Hurricane vulnerability area.* An area delineated by the County Hurricane Evacuation Plan Implementation Guide produced by the TBRPC, which will require evacuation in the event of a Category 3 storm event.

*Hydric soil.* Soil that retains moisture for a sufficient amount of time to periodically produce anaerobic conditions and is conducive for the growth of hydrophytic vegetation as specifically listed in the publication, Hydric Soils of Florida, Florida Bulletin No. 430-6-2, published by the United States Department of Agriculture. Soil Conservation Service (1986).

*Idle speed zone.* A designated area within which it has been established that manatees frequently visit or reside and within which all motorboat operations shall exercise a high degree of care for manatee presence, and shall not, unless authorized by a valid Federal or State permit, either intentionally or negligently annoy, molest, harass, disturb, collide with, injure, or harm manatees, and shall proceed at the minimum speed that will maintain safe steerageway.

*Illicit connections.* Point source discharges to the County's municipal separate storm sewer system or to waters of the United States, that are not composed entirely of stormwater and are not authorized by a National Pollutant Discharge Elimination System (NPDES) Permit.

*Illicit discharge.* Any discharge to a municipal separate storm sewer system or to waters of the United States that is not composed entirely of stormwater with the exception of discharges which are exempt pursuant to this Code, Section 902.1.C.

*Impact fees.* Fees charged concurrent with new development and designated for infrastructure to serve the new development.

*Impervious.* Land surfaces that do not allow or minimally allow the penetration of water; examples are buildings, nonporous concrete and asphalt pavements, and some fine-grained soils, such as clays.

***Impervious surface.*** Surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including surfaces, such as compacted sand, limerock, shale, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

***Incompatible land use.*** The use of a parcel of land in a manner which interrupts, conflicts, or otherwise interferes with the use of a neighboring parcel of land, such that the neighboring land is impaired for its original intended use.

***Incorporation into the soil.*** Incorporation into the soil means either the injection of waste material beneath the surface of the soil or the mixture of waste material with the surface soil.

***Incubator.*** An organization designed to accelerate the growth and success of entrepreneurial, start-up companies through various business-support services.

***Industrial.*** The manufacturing, compounding, assembling, processing, packaging, or treatment of raw material or other products.

***Industrial district.*** An industrial district is any parcel or parcels of land or water zoned I-1 Light Industrial Park, I-2 General Industrial Park, or any areas designated and used for industrial purposes within a PUD Planned Unit Development/MPUD Master Planned Unit Development District as defined by the County Zoning Ordinance, enacted November 19, 1975, and as subsequently amended.

***Industrial flex space.*** Flex-type or incubator tenant space that lends itself to a variety of uses. The proportion of office versus light industrial/warehouse space in each tenant space is not determined until the user occupies the space. The space may subsequently be proportioned to accommodate the current occupant or a new occupant's changing needs. The space may include manufacturing, light industrial, or scientific research functions as well as accessory-type uses, such as office, wholesale stores, and warehousing.

***Industrial park.*** An industrial park is three or more parcels of land zoned I-1 Light Industrial Park, I-2 General Industrial Park, or designated for industrial purposes within an MPUD Master Planned Unit Development District as defined by the County Zoning Ordinance enacted November 19, 1975, as subsequently amended, and designed, structured, and located so as to result in an integrated industrial subdivision, development, or center. Areas containing a number of industrial facilities characterized by a mix of manufacturing, service, and warehouse facilities.

***Industrial service establishment.*** Any premises where the principal use is the provision of maintenance, cleaning, supply, repair or similar services, such as linen suppliers, or building maintenance where customer visits to the establishment are not commonly necessary.

***Industrial/technical or trade school.*** A school primarily devoted to giving instruction in vocational, technical, or industrial subjects. Offices and classroom facilities are permitted; however, laboratory or other specialized training facilities are required to be located and permitted in accordance with restrictions in zoning districts in which the underlying activities may be conducted.

***Industrial use.*** An activity carried out for pecuniary gain that involves the extraction, processing, manufacture, compounding, fabrication, packaging, or assembly of raw materials into finished goods and the temporary storage of such goods until sale.

***Infill development.*** The development of vacant parcels of land in an urbanized area with complementary land uses; that is, uses of like kind and character.

***Infrastructure.*** Those man-made structures that serve the common needs of the population, such as, but not limited to, sewage disposal systems, potable water systems, solid waste disposal systems, stormwater systems, utilities, causeways, bridges, streets, wells, piers, docks, breakwaters, bulkheads, seawalls, channels, and roadways.

*Inordinate burden, inordinately burdened.* An action of one or more governmental entities that has directly restricted or limited the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public, which, in fairness, should be borne by the public at large. Inordinate burden or inordinately burdened does not include temporary impacts to real property; impacts to real property occasioned by governmental abatement, prohibition, prevention, or remediation of a public nuisance at common law or a noxious use of private property; or impacts to real property caused by an action of a governmental entity taken to grant relief to a property owner. However, a temporary impact on development, as defined in Section 380.04, Florida Statutes, that is in effect for longer than one year may, depending upon the circumstances, constitute an "inordinate burden" as provided in this paragraph.

*Intensity.* The degree to which a parcel of land is developed based upon use, size, or trip (traffic) generation (see floor area ratio).

*Interceptor.* That part of a sanitary sewer system which forms the junction of branch lines and trunk lines.

*Interchange.* The intersection of two limited access highways in which a traveler is able to change from one highway to the other. An interchange may be "full" or "partial" depending upon whether the traveler is afforded the option to move freely from one highway to the other in either direction of only one way.

*Interim use.* A use of the land in the transportation corridor prior to the date of conveyance of such land to the County for right-of-way, whether such conveyance is by dedication, acquisition, or other means.

*Internal trip.* A trip that has both its origin and destination within the development site.

*Irrigation.* The controlled application of water to the soil for the purpose of sustaining agriculture, landscape plants, or vegetative ground cover.

*Irrigation system.* A permanent watering system designed to transport and distribute water to plants as a supplement to natural rainfall.

*Irrigation zone.* A control-valve circuit containing emitters and/or sprinklers with consistent application rates.

*Junk.* Any worn, cast-off, or discarded article or material that is ready for destruction or that has been collected or stored for sale, resale, salvage, or conversion to some other use. Any such article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

*Junkyard.* The use of more than 3,000 square feet of the area of any lot for the storage, keeping, or abandonment of junk, including scrap material from the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. A "junkyard" shall include an automobile graveyard or motor vehicle graveyard.

*Kennel.* Any building or land used for the boarding, breeding, housing, training, or care of more than nine dogs, cats, or other domestic animals kept for purposes of show, hunting, sale, or personal use. This definition does not include riding stables.

*Land application.* Land application means a process whereby waste material is spread mechanically across or incorporated into the soil or a specific area referred to as the land application area.

*Landfarming.* A process for treating contaminated soil by spreading the contaminated soil in a thin layer over an impermeable liner or surface. Contaminant reduction is achieved through a combination of volatilization, biodegradation, and photo-degradation.

*Landscape plant.* Any tree, shrub, or ground cover, excluding turf.

*Landscape plant zone.* A grouping of plants with similar water and cultural (sunlight, soil, etc.) needs. Plant groupings based on water use are as follows: drought-tolerant plants, natural plants, and oasis plants.

*Large-scale, commercial, retail building:* A commercial building whose total gross building area, including outdoor display and sales areas, is equal to or exceeds 25,000 square feet. For determining building area, buildings located closer than 20 feet apart shall be considered one building.

*Large scale, commercial retail, development project:* A commercial development project where the project is developed as a common plan of development and contains a large-scale, commercial-retail building.

*Launderette.* A business premises equipped with individual clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

*Leaching.* The removal of water-soluble compounds by the percolation of water.

*Level of Service (LOS).* The performance level of a public facility as determined by its use-capacity ratio.

*Level of Service standard.* The use-capacity ratio determined by the County to be the minimum acceptable standard of facility performance.

*Library facilities.* Those facilities owned or operated by the County which a need is created for by new residential construction. Library facilities include, but are not limited to:

1. Buildings and Associated Site Development.
2. Print/Audio/Video/Software Materials.
3. Library Equipment.
4. Computers/Technology.
5. Furniture.

*Library impact fee.* An impact fee imposed on new residential construction that is calculated to defray all or a portion of the costs of the library facilities required to accommodate the impact to the library system of that new residential construction and which fee is applied to library facilities that reasonably benefit the new residential construction.

*Library land.* The land owned or operated by the County necessary for the development or expansion of libraries.

*Library system.* The library land and library facilities owned or operated by the County that are used to provide library services.

*Lighting.*

1. *Diffused.* That form of lighting wherein the light passes from the source through a translucent cover or shade.
2. *Direct or flood.* That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
3. *Indirect.* That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.
4. *Full-cutoff, light fixture.* A light fixture designed such that no light is projected at or above a 90 degree plane running through the lowest point on the fixture where the light is emitted and less than ten percent of the rated lumens are projected between 90 degrees and 80 degrees.

5. *Outdoor, light fixtures.* All outdoor, illuminating devices, reflective surfaces, lamps, and other devices, either permanently installed or portable, that are used for illumination or advertisement.
6. *Semicutoff, light fixture.* A fixture that projects no more than five percent of the rated lumens above a 90 degree plane running through the lowest point on the fixture where the light is emitted and less than 20 percent of the rated lumens are projected between 90 degrees and 80 degrees.

*Lighting, outdoor.* (See *outdoor lighting*.)

*Line, building.* (See *building line*.)

*Line, building setback.* A building line that determines the location of a building or structure with respect to any street lot line.

*Listed species.* Those species of flora and fauna as identified in Rules 5B-40 and 68A-27, F.A.C., as endangered, threatened, or of special concern.

*Littoral zone.* The littoral zone is that part of a sea, lake, or river that is close to the shore. In coastal environments, the littoral zone extends from the high water mark, which is rarely inundated, to shoreline areas that are permanently submerged.

*Local Comprehensive Emergency Management Plan (CEMP).* Those plans developed by the County according to the provisions of Rules 9G-6 and G-7, F.A.C., as authorized by Section 252.38, Florida Statutes.

*Local development agreements.* An agreement pursuant to this Code, Section 406.3.

*Local road or local roadways.* Those roads in the County not defined as collector roads, arterial roads, or controlled-access roads.

*Lot.* Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Code and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a Building Permit for a building on such land.

*Lot area.* The area of a horizontal plane measured at grade and bounded by the front, side, and rear lot lines.

*Lot, corner.* A parcel of land at the junction of and abutting on two or more intersecting streets.

*Lot depth.* The average horizontal distance between the front and rear lot lines.

*Lot, double frontage.* A lot with frontage on two generally parallel streets.

*Lot, flag.* A lot having access from the building site to a street by means of a private right-of-way strip.

*Lot frontage.* The horizontal distance measured along the front lot line between the side lot lines.

*Lot, Interior.* A lot other than a corner lot.

*Lot lines.* Lines that mark the boundary of a lot.

*Lot, platted.* Tract or parcel of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified and having its principal frontage on a street or on such other means of access lawfully adequate to allow the issuance of a Building Permit.

*Lot width.* The width of a lot as measured horizontally along the front building line.

*Lot, zoning.* A lot or combination of lots shown on an application for a zoning compliance permit which together meet all applicable requirements for development.

*Lot of record.* Either a lot or contiguous lots that exist as a single ownership at the time of adoption of the Comprehensive Plan and that are part of a subdivision; the plat of which has been recorded in the Clerk &

Comptroller's Office; or any parcel of land not part of a subdivision that has been officially recorded by deed in the Clerk & Comptroller's Office, provided such platted lot or parcel was of a size which met the minimum lot area requirement in the zoning district in which the lot or parcel was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

*Low-moderate income household.* Households whose annual income is less than or equal to 80 percent of the median household income for the County as measured by the latest available decennial census.

*Lowest adjacent grade.* The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

*Lowest floor (as it pertains to Flood Damage Prevention).* The lowest floor of the lowest enclosed area of a building or structure, including the basement. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the nonelevation design standards of this Code, the Florida Building Code, or ASCE 24.

*Maintain.* Maintain shall include general servicing and upkeep in a safe, operable, and attractive condition.

*Major County Roads.*

1. Roadways classified as collector, arterial, controlled access, or freeway roadways on the Comprehensive Plan Future Traffic Circulation Map series, presently Maps 7-22, 7-24, 7-35, and 7-36.
2. Roadways classified as collector, arterial, controlled access, or freeway roadways pursuant to the functional classification or reclassification procedures and criteria established pursuant to the Comprehensive Plan.
3. Major collector roadways required, pursuant to this Code, Section 901.1.

*Major Public/Semipublic Facilities.* Those used to designate major existing and planned government owned (Federal, State, and Local, including public authorities) facilities. Power plants that are subject to the Power Plant Siting Act (generate 75 megawatts or more), sanitary landfills, wastewater treatment plants larger than 4,000,000 gallons per day, major utilities transmission corridors occupied by transmissions lines of 240 KV or more, other similarly scaled uses, and accessory uses that are customarily incidental.

*Mangrove stand.* An assemblage of mangrove trees that is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicenna nitida*), red mangrove (*Rhizophora mangle*), white mangrove (*Languncularia racemosa*), and buttonwood (*Conocarpus erecta*).

*Manufactured home (as it pertains to Flood Damage Prevention).* A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term refers to a manufactured home meeting the United States Department of Housing and Urban Development (HUD) standards (also defined in Section 15C-1.0101, F.A.C.) The term "manufactured home" does not include a "recreational vehicle," "park trailer," or "park model."

*Manufactured home, a.k.a. mobile home.* Those dwelling units a minimum of 12 feet wide and 40 feet long, fabricated in an off-site manufacturing facility and built to the Manufactured Home Construction and Safety Standards of the United States Department of Housing and Urban Development, which is evident by the display of a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis.

*Manufactured home park or subdivision (as it pertains to Flood Damage Prevention).* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Marina.* An establishment with a waterfront location which may provide for the refueling of watercraft used for recreation or commercial purposes and providing repair services for such craft. A marina may also provide covered or uncovered storage. A marina may include on-shore, as accessory service uses, a food service establishment, laundry or sanitary facilities, sundries store, boat sales, and other customary accessory facilities.

*Market Garden.* A market garden primarily sells and buys produce grown on-site or off-site including fruits, vegetables and other garden derived edibles with daily vehicle trips of 14 vehicle trips or more daily, and is less than five acres.

*Market value (as it pertains to Flood Damage Prevention).* The building value, excluding the land, as would be agreed to between a willing buyer and seller, as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

*Mass transit.* Passenger services such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, bus rapid transit, and local fixed-route bus.

*Master meter.* A single meter or series of meters that supply multiple units for a single customer.

*Master mining plan.* A description of proposed mining activities over the life of the mine, so to allow overall review of the applicant's mining activities.

*Master plan.* A conceptual plan of a proposed development delineating general locations for uses, such as streets; residential, single and multiple; commercial; industrial; and recreational.

*Material alteration or change.* A proposed alteration or change to a development approval shall be considered material when such change is cumulatively greater than five percent or the size of residential lots on the periphery of the site or if adjacent to platted lots under individual ownership are reduced from the size approved by the BCC.

*Mean annual flood.* A naturally occurring inundation of land along the periphery of water bodies or courses at a frequency of once every two and one-half years as defined by the United States Geological Survey (USGS).

*Mean high-water line.* The intersection of the tidal plane of mean high water with the shore. It shall also mean the ordinary high water line of non-tidal natural water bodies. The precise delineation of the ordinary high water line or mean high water line shall be determined through site specific studies and field determinations by the applicant and the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection, and/or the Army Corps of Engineers, as applicable, prior to construction plan approval.

*Medical Marijuana Treatment Center Dispensing Facility.* Means the retail sales component of a Medical Marijuana Treatment Center that has been licensed by the Florida Department of Health Office of Medical Marijuana Use pursuant to Section 381.986, Florida Statutes and is authorized by the State to dispense marijuana, but does not include the cultivation, processing or distribution facilities of the Medical Marijuana Treatment Center.

*Medical office.* Office space utilized for providing diagnoses and administering human medical and health-related services on a routine basis, including outpatient clinics, but is unable to provide prolonged inpatient medical and surgical care. Medical office uses shall include medical doctors, dentists, psychiatrists, optometrists, osteopaths, chiropractors, naturopaths, nurse practitioners, health maintenance organizations, and similar professional and group practices which are regulated by the State of Florida. Also included are diagnostic centers providing radiology, medical screening, and related testing services, outpatient surgery and endoscopy centers, oncology centers, outpatient laboratory centers, physical therapy practices, and other related ambulatory care services.

*Meter equivalents.* Those equivalents based on methodologies recommended by the American Water Works Association (AWWA) as follows:

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APPENDIX A DEFINITIONS

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Meter Size*	ERU Equivalent
5/8", 3/4"	1.00
1"	2.50
1.5"	5.00
2"	8.00
3"	15.00
4"	25.00
6"	50.00
8"	80.00
* Based on displacement type meters, using standard, maximum meter flows capacity ratios per AWWA standards.	

**Microirrigation.** An irrigation system with a maximum flow rate per emitter of 30 gallons per hour or less. These systems are not approved for turf grass applications.

**Mine.** An area of land on which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

**Mineral extraction.** Mineral extraction shall include all activity which removes from the surface or beneath the surface of the land, some material mineral resource, natural resource, or other element of economic value by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, topsoil, limestone, sandstone, clay, and oil.

**Mining.** All functions, work, facilities, and activities in connection with development extraction, whether primary or secondary (e.g. debris mining or reworking tailings), or processing of mineral deposits on land when the excavation will breach the aquitard, and all uses reasonably incident thereto, such as the construction of roads or other means of access, pipelines, waste disposal and storage, and recirculating water systems. The term "processing" shall not include rock drying or the processing of rock in a chemical processing plant.

**Mining unit.** A specified area of land from which minerals are extracted in a specified period of time.

**Minor land excavation.** Any land excavation within the unincorporated areas of the County where the excavation is equal to or less than 30,000 cubic yards and the excavation does not breach the aquitard.

**Minor Public/Semipublic Facilities.** Those facilities with frequent or regular use by residents of the community and have an essential purpose for the health, safety, and welfare of the community, particularly major health care and educational facilities. These facilities include, but are not limited to roads, sidewalks, libraries, parks, governmental office complexes, sports stadiums, parks, athletic fields, post offices, street lights, lift stations, transfer stations, pumping stations, fire stations, police/sheriffs' stations, places of religious assembly, cemeteries, essential services, electric substations, solar facilities), transportation corridors, public or private colleges and universities, public or private hospitals, or health care complexes including a hospital, which are subject to the requirements by the State of Florida including the issuance of a Certificate of Need, and other similar public or semi-public uses and schools, other similarly scaled uses, and accessory uses that are customarily incidental.

**MU (Mixed Use) development.** MU developments are a special class of MPUD Master Planned Unit Development in which two or more different land uses are physically and functionally integrated on the same site and which demonstrate conformance with a coherent overall development plan.

**Mobile Food Operations.** Mobile Food Service Operations and Mobile Food Sales Operations.



*Mobile Food Sales Operations.* The sale of products limited to live plants and produce that are conducted from a portable stand, vehicle or trailer. Each such stand, vehicle or trailer shall be considered a mobile food sales operation. Mobile food sales operations are often referred to as "veggie vans" or "produce trucks."

*Mobile Food Service Operations.* The preparation/cooking, serving and/or sale of food from a portable stand, vehicle or trailer. Each such stand, vehicle or trailer shall be considered a mobile food service operation. Some forms of Mobile Food Service Operations are commonly referred to as "food trucks." For the purposes of consistency with the Florida State Regulations, the term Mobile Food Service Operations shall encompass both mobile food establishments (MFEs) regulated by the Department of Agriculture and Consumer Services, Division of Food Safety and mobile food dispensing vehicles (MFDVs) regulated by the Department of Business and Professional Regulation, Division of Hotels and Restaurants.

*Mobile home park.* A mobile home development consisting of a parcel of land under single ownership which has been or is proposed to be planned and improved for the placement of mobile homes for nontransient use.

*Mobile home, subdivision.* A mobile home development consisting of a parcel of land not under single ownership which has been or is proposed to be divided into three or more parcels improved for placement of mobile homes for nontransient use. A mobile home subdivision may include a mobile home condominium.

*Mobility Fee Definitions.* For the purposes of this Code, Section 1302.2, Mobility Fees, the following words shall be defined as follows:

1. *"Accessory building or structure"* shall mean a subordinate building, or portion of a building, the use of which is clearly incidental and related to that of the principal building or use of the land and which is located on the same parcel, or in the same building, as that of the principal building or use. A building or portion of a building that is constructed prior to the principal building or use, or that has its own outdoor signage, shall not be considered an accessory building or structure, and shall be considered a freestanding independent building for purposes of Section 1302.2.
2. *"Accessory Dwelling Unit or ADU"* shall mean an ancillary or secondary living unit, not to exceed 900 square feet in size, that has a separate kitchen, bathroom and sleeping area, existing either within the same structure, or on the same lot as the primary dwelling unit.
3. *"Active Warehouse" (Fulfillment Center/Parcel Hub Warehouse)"* shall mean a building that serves as a regional or local freight forwarder facility for time-sensitive shipments, and local distribution of products to end-users.
4. *"Administration fee"* shall mean the fee for the administration and implementation of mobility fees as set forth in Section 1302.2.G.2(c),
5. *"Administrative Procedures Manual"* shall mean the Administrative Procedures Manual adopted by Resolution No. 07-226, and which may be amended in the future by resolution.
6. *"Age Restricted"* shall mean a community or subdivision providing housing for persons who are 55 years of age or older, and that has satisfied the requirements of Section 1302.1.D of the Land Development Code.
7. *"Airport Hangar"* shall mean routine maintenance and minor repair facilities specifically designed for servicing aircrafts.
8. *"Alteration"* shall mean the alteration, expansion, addition to, or replacement of a use, building or dwelling unit, or the construction of an accessory building or structure.
9. *"Assessment districts"* shall mean the urban, suburban, and rural districts utilized to calculate the mobility fee that a Building Permit or development permit is required to pay, as established in Section 1302.2.F.2.

10. *"Auto Repair/Body Shop"* shall mean an establishment that houses a business or numerous businesses that provide automobile related services, such as repair and servicing, stereo installation, and seat covering/upholstering.
11. *"Bank/Savings (w/drive-in)"* shall mean banks, which provide banking facilities for the motorist while in a vehicle, and may also serve patrons who walk into the building. The drive-in lanes may or may not provide automatic teller machines. The mobility fee for a bank is charged on the gross floor area of the building.
12. *"Bicycle/pedestrian facilities"* shall mean transportation facilities that are primarily intended to be utilized by pedestrians and bicycles, including sidewalks, multiuse paths, and trails, as well as the necessary infrastructure to support the construction of such facilities, such as drainage areas, wetland/floodplain mitigation areas, boardwalks, landscaping, bike racks, shelters/kiosks, benches, and signage. For purposes of this division, a bicycle/pedestrian crossing area or bicycle lane constructed contiguous to or within a vehicular travel lane shall be considered a roadway facility and not a bicycle/pedestrian facility.
13. *"Bicycle/pedestrian mobility fee"* shall mean the portion of the mobility fee for bicycle/pedestrian facilities, which is in the "bike/ped share" column of the mobility fee schedule.
14. *"Bowling Alley"* shall mean recreational facilities that include bowling lanes. A small lounge and/or snack bar, video games, and pool tables may also be available.
15. *"Breakfast and Lunch Restaurant"* shall mean a restaurant that serves breakfast and lunch meals only, in a sit-down/order through wait-staff environment. A breakfast and lunch restaurant does not include drive-through service. Typical ordering hours are from 6:30 to 7:00 a.m. until 2:00 to 2:30 p.m.
16. *"Budgeted"* or *"budgeting"* shall mean that funds are allocated or appropriated within the Capital Improvement Plan (CIP).
17. *"Building"* shall mean any structure having a roof and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind for a period of time in excess of four weeks in any one calendar year. This term shall include tents, trailers, mobile homes, or any vehicles serving in any way the function of a building. This term shall also include outdoor patio seating provided as part of a restaurant or bar, whether such seating is covered by a roof or not.
18. *"Cemetery"* shall mean a place for burying the deceased, possibly including buildings used for funeral services, a mausoleum, and a crematorium.
19. *"Church"* shall mean an institution that people regularly attend to participate in or hold religious services and other related religious activities. Other religious activities that may be conducted by churches or places of religious worship include on-site child care for use during religious services, and studies involving religious instruction, but shall not include schools, temporary or permanent dwellings, or other activities not directly related to religious practices.
20. *"CIP"* shall mean a multiyear schedule of transportation capital improvements, including priorities and cost estimates, budgeted to fit the financial resources of the County. This plan is incorporated into the Comprehensive Plan as part of the Capital Improvements Element (CIE).
21. *"Collector and arterial roadways"* shall mean those roadways classified as collector, arterial, controlled access, or freeway roadways on the Comprehensive Plan Future Traffic Circulation Map series, presently Maps 7-22, 7-24, 7-35, and 7-36; or classified as a collector, arterial, controlled-access, or freeway roadway pursuant to the functional classification or reclassification procedures and criteria established, pursuant to the Comprehensive Plan.

22. *"Collection/benefit districts"* shall mean the mobility fee expenditure districts established in Section 1302.2.
23. *"Community Center/Gymnasium"* shall mean a stand-alone public facility similar to and including YMCAs. These facilities often include classes for adults and children, day care, meeting rooms, swimming pools, saunas, athletic courts, weightlifting and gymnastic equipment, lockers, and a restaurant or snack bar.
24. *"Condominium"* shall mean a single family ownership dwelling unit that has at least one other similar unit within the same building structure.
25. *"Connected City"* shall mean the Connected City Stewardship District, a dependent special district. The boundaries of the Connected City Stewardship District are established in this Code, Section 603.
26. *"Connected City Financial Plan"* shall mean the Financial Plan for Connected City adopted pursuant to Policy IIC 8.4 of the Connected City Comprehensive Plan Amendment (as such policy may be renumbered in the future).
27. *"Connected City Mobility Fees"* shall mean those roadway mobility fees and bicycles/pedestrian mobility fees collected within Connected City.
28. *"Convenience/Gasoline/Fast Food Store"* shall mean a convenience store which sells gasoline, convenience foods, newspapers, magazines, and often beer and wine. This land use includes convenience markets with gasoline pumps where the primary business is the selling of convenience items, not the fueling of motor vehicles. This includes a service station with a convenience store that sells gasoline and convenience store items, with or without a car wash.
29. *"Corporate Headquarters Building"* shall mean a building that contains offices, meeting rooms, and space for file storage and data processing of a single business or company, and possibly other service functions including a restaurant or cafeteria.
30. *"County"* shall mean the unincorporated area of Pasco County, a political subdivision of the State of Florida.
31. *"County Administrator"* shall mean the Pasco County Administrator or designee.
32. *"Dance Studio"* shall mean facilities offering professional instruction for all types of dances. They offer classes, workshops, private lessons and also host dance parties.
33. *"Day Care"* shall mean an establishment which provides for the care, protection, and supervision of at least three children for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his individual needs, and for which a payment, fee or grant is made for care. The facility generally includes classrooms, offices, eating areas, and a playground. The definition includes such terms as day nurseries, day care service, day care agency, nursery school, or play school. The term does not include summer camps or family day care homes.
34. *"Development"* shall mean the carrying out of any building activity or the making of any material change in the use or appearance of any structure or land that attracts or produces vehicular or person trip(s) over and above that produced by the existing use of the land.
35. *"Development approval"* shall mean a DRI Development Order, development agreement, PUD approval, MPUD approval, preliminary plan approval, or concurrency Certificate of Capacity.
36. *"Development permit"* shall mean an official document or certificate, other than a Building Permit, issued by the authority having jurisdiction, authorizing commencement of development. This term

- includes any Site Development Permit, Mining Permit, Land Filling Permit, or other final plan approval for development not involving construction of a building.
37. *"Dwelling Unit"* means a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
  38. *"Elementary School"* shall mean a school typically serving students attending kindergarten through the fifth or sixth grade. Elementary schools are usually centrally located in residential communities in order to facilitate student access, and they have no student drivers. This land use consists of public schools where bus service is usually provided to students living beyond a specified distance from the school.
  39. *"Encumber"* or *"encumbered"* shall mean an irrevocable commitment through an agreement, purchase order, or contract.
  40. *"External trip"* shall mean any vehicular or person trip which either has its origins from or its destination to the development site and which impacts transportation capital improvements.
  41. *"Fast-Casual Restaurant"* shall mean a sit-down restaurant with no wait staff or table service. Customers typically order off a menu board and seat themselves. The menu generally contains made to order food items with fewer frozen or processed ingredients than fast food restaurants. Unlike fast food restaurants, fast-casual restaurants are generally not open late at night, or 24 hours, and any drive-through service, if provided, is secondary to the primary dine-in service.
  42. *"Fast Food Restaurant w/Drive-Thru"* shall mean a land use including fast-food restaurants with drive-through windows. This type of restaurant is characterized by a large carryout clientele; long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours); and high turnover rate for eat-in customers.
  43. *"Free-Standing Recreational Vehicle/Boat Storage"* Shall mean Open, Covered, Semi-enclosed, or Fully enclosed storage of recreational vehicles, travel trailers, other vehicles, and un-stacked dry storage of pleasure boats of the type customarily maintained by persons for their personal uses.
  44. *"Furniture Store"* shall mean a store that specializes in the sale of furniture, and often carpeting. They are generally large and include storage areas.
  45. *"Gasoline Station"* shall mean a land use generally located near intersections or freeway interchanges and having facilities, such as gas pumps, for fueling motor vehicles. They may also have facilities for servicing and repairing motor vehicles. This land use includes service stations without convenience stores or car washes.
  46. *"Gas tax revenues"* shall mean the portion of the gas and fuel taxes expended by the County during a fiscal year for transportation capital expenses, excluding the portion of such taxes for which a revenue credit was given to the development paying a mobility fee.
  47. *"General Heavy Industrial"* shall mean industrial facilities that have a high number of employees and are limited to the manufacturing of large items.
  48. *"General Light Industrial"* shall mean industrial facilities that employ fewer than 500 employees and have an emphasis on activities other than manufacturing and typically have minimal office space. Typical light industrial activities include printing plants, material testing laboratories, assemblers of data processing equipment, and power stations.
  49. *"General Recreation"* shall mean a variety of recreational uses that are generally characterized by large sites with limited buildings. They may include county parks, amphitheaters, amusement parks, go-cart and other vehicle parks, drive-in mall theatres, outdoor facilities including swimming pools, tennis courts, racquetball facilities, among others.

50. *"Golf Course"* shall mean an area designed for playing the game of golf, including any clubhouse, with or without bar and banquet facilities.
51. *"Government buildings"* shall mean public schools, including charter schools; schools that receive 90 percent or more of their funding from the State or Federal government (as evidenced by yearly financial statements provided to the County); and buildings or developments leased or owned by the Federal government, the State of Florida, a State or Federal government agency, the County, or a participating municipality. For buildings or developments with multiple tenants or uses, only the portion of such buildings or developments owned or leased by a governmental entity shall be considered a government building.
52. *"Gross Floor Area"* shall mean the sum (in square feet) of the area of each floor level, including cellars, basements, mezzanines, penthouse, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls. If a ground-level area, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this gross floor area is considered part of the overall square footage of the building. Unroofed areas and unenclosed roofed over spaces, except those contained within the principal outside faces of exterior walls, should be excluded from the area calculations.
53. *"Hardware/Paint"* shall mean a free-standing building with off-street parking that sells paint and general hardware.
54. *"High School"* shall mean a school, which serves students who have completed middle or junior high school. The high schools are generally separated from other land uses and have exclusive access points and parking facilities.
55. *"High Turnover Restaurant"* shall mean a land use consisting of sit-down eating establishments with turnover rates of approximately one hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. Some facilities contained within this land use may also contain a bar for serving food and alcoholic drinks.
56. *"Home Improvement Superstore"* shall mean a freestanding warehouse type facility with off street parking. Home improvement superstores generally offer a variety of customer services and centralized cashiering, and they specialize in the sale of home improvement merchandise. They typically maintain long store hours seven days a week. Examples of items sold in these stores include lumber, tools, paint, lighting, wallpaper and paneling, kitchen and bathroom fixtures, lawn equipment, and garden plants and accessories. The stores included in this data are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center. Home improvement superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking. The buildings contained in this land use usually range in size from 25,000 to 150,000 square feet of gross floor area. Building materials and lumber store is a related field.
57. *"Hospital"* shall mean a building or group of buildings having facilities for overnight care of one or more human patients, providing primary and urgent care treatment for injuries and trauma, services to inpatients, and medical care to the sick and injured. The term "hospital" may include related facilities such as: laboratories, outpatient services, training facilities, central service facilities, and staff facilities; provided, however, that any related facility shall be incidental and subordinate to the use and operation of the principal hospital. A hospital is an institutional use under these zoning regulations. The term "hospital" does not refer to medical offices or clinics.
58. *"Hotel"* shall mean a facility offering transient lodging accommodations normally on a daily rate to the general public and typically providing accessory uses, such as: restaurants, meeting rooms and recreational facilities. Hotels are different than motels in that each room does not have a separate

entry directly from the outside of the building but rather entry is gained through the interior of the building through a lobby.

59. *"Independent mobility fee study or studies"* shall mean a study or studies conducted, pursuant to Section 1302.2.G.3, to calculate the mobility fee for a particular land use.
60. *"Industrial Park"* shall mean areas containing a number of industrial facilities. They are characterized by a mix of manufacturing, service, and warehouse facilities. Many industrial parks contain highly diversified facilities, some with a large number of small businesses and others with one or two dominant industries. All industrial land uses located within an identified industrial park are assessed at the rate under the industrial park land use in the mobility fee schedule.
61. *"Internal trip"* shall mean a vehicular or person trip that has both its origin and destination within the development site without impacting transportation capital improvements.
62. *"ITE Manual"* shall mean the most recent edition of the ITE Trip Generation Report.
63. *"Junior College"* shall mean two-year junior, community, or technical colleges, which are generally separated from other, land uses and have exclusive access points and parking facilities.
64. *"Living Area"* shall mean an area under roof, including but not limited to, bedrooms, bathrooms, dining rooms, dens and any other floor commonly used by occupants.
65. *"Long-Range Transportation Plan (LRTP)"* shall mean the County Metropolitan Planning Organization's most recently adopted LRTP adopted, pursuant to Section 339.175(7), Florida Statutes.
66. *"Manufacturing"* shall mean facilities where the primary activity is the conversion of raw materials or parts into finished products. In addition to the actual production of goods, manufacturing facilities generally also have office, warehouse, research, and associated functions.
67. *"Marina"* shall mean a boating facility, chiefly for recreational boating, located on navigable water frontage, and providing all or any combination of the following: boat slips or dockage, dry boat storage, small boat hauling or launching facilities, marine fuel and lubricants, marine supplies, bait and fishing equipment, restaurants, boat and boat motor sales, and rentals. Minor boat, rigging and motor repair which is incidental to the principal marina use is generally permitted, and no boat construction or reconstruction is permitted. A boat sales lot is not a marina.
68. *"Master developer"* shall mean the primary person responsible for the planning and implementation of a PD (Planned Development). If more than one person claims to be the master developer of a PD or the master developer for a PD cannot be easily determined, the master developer shall be the person that has taken the most of the following actions with regard to the PD:
  - a. Filed any required annual or biennial reports for the PD.
  - b. Requested the most recent modification, change, or amendment to the PD.
  - c. Established an impact fee credit account with the County for any required mitigation performed for the PD.
  - d. Paid the property taxes for the majority of the vacant land in the PD.
  - e. Exercised majority voting control of any Community Development District, property owners association, or other entity responsible for maintaining any common areas utilized by the entire PD.

If the master developer cannot be determined based on the actions set forth above, the master developer shall be the owner of the majority of the vacant land in the PD, as determined by the Property Appraiser's records.

69. *"Medical Office"* shall mean office space utilized for providing diagnoses and administering human medical and health related services on a routine basis, including outpatient clinics, but is unable to provide prolonged in-patient medical and surgical care. Medical office uses shall include medical doctors, dentists, psychiatrists, optometrists, osteopaths, chiropractors, naturopaths, nurse practitioners, health maintenance organizations and similar professional and group practices, which are regulated by the State of Florida. Also included are diagnostic centers providing radiology, medical screening and related testing services, outpatient surgery and endoscopy centers, oncology centers, outpatient laboratory centers, physical therapy practices and other related ambulatory care services. "Clinic" is a related land use.
70. *"Middle School"* shall mean a school serving students who have completed elementary school and have not yet entered high school.
71. *"Miniature Golf Course"* shall mean an area designed for playing the game of golf, consisting of one or more individual putting courses. This land use is a stand-alone facility and is not part of a larger multipurpose use.
72. *"Mixed-Use Trip Reduction Measures (MUTRM)"* or *"MUTRM Project"* shall mean the Compact Development Area portion of a Trip-Reducing Project (TRP) that adheres to the development standards in this Code, Section 901.13.
73. *"Mobile Home"* shall mean a detached dwelling unit with all of the following characteristics: (a) designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; (b) designed for transportation after fabrication on streets or highways on its own wheels; and (c) arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities and the like. A travel trailer/RV is not to be considered as a mobile home. For the purposes of computing the mobility fee, a mobile home on a single family lot (i.e., not located in a mobile home park) shall be considered a Single Family Detached House.
74. *"Mobility fee"* or *"mobility fees"* shall mean the multimodal impact fees adopted and required to be paid in accordance with Section 1302.2. The mobility fee is made up of three parts: (1) the roadway mobility fee; (2) the transit mobility fee; and (3) the bicycle/pedestrian mobility fee. Any reference to the mobility fee or mobility fees in this Code that does not specifically reference one of the parts shall be considered a reference to the total of all three parts.
75. *"Mobility fee funds"* shall mean the funds created pursuant to Section 1302.2.H.
76. *"Mobility fee schedule"* shall mean the fee schedule shown in Figure 1302.2-A.
77. *"Mobility fee study"* shall mean the study adopted, pursuant to Section 1302.2.D, that supports the imposition of mobility fees.
78. *"Mobility fee subsidy"* shall mean the amount of tax increment revenues to be transferred from the County Multimodal Transportation Fund into the mobility fee funds to ensure payment for the portion of the mobility fees that were subsidized or bought down with other revenue sources during the prior fiscal year. The mobility fee subsidy is calculated for each collection/benefit district as the difference between the total amount of all mobility fees collected in the collection/benefit district during the prior fiscal year, not including any administration fees, and the amount of mobility fees that would have been collected in the collection/benefit district during the prior fiscal year, not including any administration fees, had there not been any subsidy or buy down, plus the interest on such difference, less (1) the repayment of any bonds issued for transportation capital expenses in the collection/benefit

- district during the prior fiscal year, and (2) gas tax revenues and sales tax revenues expended in the collection/benefit district during the prior fiscal year.
79. *"Mobility fee subsidy deficiency" or "deficiency"* shall mean there are insufficient tax increment revenues in the Multimodal Transportation Fund during any fiscal year to make a mobility fee subsidy transfer to any of the mobility fee funds.
80. *"Motel"* shall mean a facility offering transient lodging accommodations normally on a daily basis and at a daily rate for automobile travelers and typically providing parking adjacent to each sleeping room. Accessory uses may be provided, such as: restaurants, meeting rooms and recreational facilities. Motels are different than hotels, in that each motel room has a separate entry directly from the outside of the building while hotel guests gain entry to their room through the interior of the building through a lobby.
81. *"Movie Theater"* shall mean a building with an area of audience seating, single or multiple screens and auditoriums, a lobby, and a refreshment stand.
82. *"Multimodal Tax Increment Ordinance"* shall mean the County ordinance, adopted concurrently with the ordinance adopting Section 1302.2, as it may be amended from time to time, which creates the Multimodal Transportation Fund, and which provides for the funding of such fund from tax increment revenues.
83. *"Multimodal Transportation Fund"* shall mean the fund created pursuant to the Multimodal Tax Increment Ordinance and which is funded from the tax increment revenues.
84. *"Multi-Use Building"* shall mean a development project in which more than one mobility fee land use category is contemplated to be constructed. For multi-use buildings, parcels, office/industrial parks and shopping centers, if one use occupies 35 percent or more of the total, gross square feet of the building, parcel, office/industrial park or shopping center or one use is 30,000 square feet or more, that use shall be assessed at its specific-use rate. All uses that do not exceed 35 percent or more of the total gross square feet of the building, parcel or shopping center and that do not exceed 30,000 square feet or more shall be assessed the applicable retail (ITE LUC 820 or 826) rate based on the gross square footage of the entire building, parcel, or shopping center. This rule does not apply to outparcels or residential uses, which shall be assessed the applicable rate for the specific single use, and which shall not be used in the calculation of the size of the entire building, parcel, office/industrial park or shopping center. This rule also does not apply to uses classified in the mobility fee schedule as Recreation, Institutions or Retail if the most predominate use of the remainder of the building, parcel or office/industrial park is Lodging, Office or Industrial; in such cases the Recreation, Institutions or Retail use shall be assessed at its specific-use rate, regardless of the size of such use, unless the use is an accessory building or structure.
85. *"Multi-Family Apartments"* shall mean a group of two or more Dwelling Units within a single conventional building, attached side by side or one above the other, or both, and wherein each Dwelling Unit may be individually owned or leased mutually on land, which is under common or single ownership. For purposes of determining whether a lot is in multi-family uses, the following considerations shall apply:
- a. Multi-Family Dwelling uses may involve Dwelling Units intended to be rented and maintained under central ownership and management, or cooperative apartments. It may include the fee ownership of land beneath each Dwelling Unit following development from a common base of ownership.



- b. Any Multi-Family Dwelling in which Dwelling Units are available for rental for periods of less than one week shall be considered a tourist home, a motel, motor hotel or hotel, as the case may be, and shall only be permitted in districts where specifically designated.
- 86. *"New/Used Autos Sales"* shall mean a land use providing for automobile mechanical services, automobile body repair, parts, and sales. Used car sales, leasing options and truck sales and servicing may also be available.
- 87. *"Non-Veterinary Kennels"* shall mean facilities that provide daily or longer-term pet boarding and grooming services ancillary to the boarding of pets, but do not provide veterinary or professional medical care of pets. This facility, which is commonly known as "doggy day-care" or "pet day-care", is similar to a day-care facility for human children, except pets sometimes stay for a multi-day period.
- 88. *"Nursing Home"* shall mean a facility whose primary function is to care for persons who are unable to care for themselves, including rest homes (primarily for the aged), chronic, and convalescent homes.
- 89. *"Office"* shall mean a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. It is a characteristic that retail or wholesale goods are not shown to or delivered from the premises to customers.
- 90. *"Office Park"* shall mean suburban subdivisions or planned unit developments containing general office buildings and support services such as banks, savings and loan institutions, restaurants, and service stations, arranged in a park or campus like atmosphere. All office land uses located within an identified office park are assessed at the rate under the office park land use in the mobility fee schedule.
- 91. *"Out-parcel"* shall mean a parcel that is separate from, but contiguous to, a primary commercial development. The parcel may or may not share common access and/or common parking areas with the primary commercial development. Mainly consisting of a single freestanding unit, an out-parcel often is considered secondary in nature to the primary commercial development. Out-parcels typically involve high convenience land uses, such as banks, high-turnover or fast-food restaurants, or gas stations. However, extensions of specific land uses already in existence within the primary commercial development would not be considered "out-parcels"; e.g., a freestanding Sears automotive repair shop located at a shopping mall that contains a Sears retail store.
- 92. *"Participating municipality"* shall mean those County municipalities that have opted into the County mobility fee program by (1) adopting a mobility fee ordinance, (2) repealing any inconsistent municipal ordinances, and (3) entering into an interlocal agreement with the County governing collection and expenditure of mobility fees and tax increment revenues.
- 93. *"Participating municipality mobility fees"* shall mean those mobility fees collected within a participating municipality.
- 94. *"Participating municipality tax increment revenues"* shall mean the portion of the tax increment revenues that is generated from the real property in the participating municipality, excluding any community redevelopment areas, and calculated in accordance with the Multimodal Tax Increment Ordinance.
- 95. *"Participating municipality transportation capital improvements"* shall mean transportation capital improvements that benefit the participating municipality, as determined by the Interlocal Agreement between the County and the participating municipality.
- 96. *"Passive Warehouse (Storage Warehouse)"* shall mean a building used primarily for the storage and/or consolidation manufactured foods or raw materials with infrequent distribution to other locations.
- 97. *"PD (Planned Development)"* shall mean a development under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an

- officially approved final master land use plan, including DRI, PUD Planned Unit Developments, MPUD Master Planned Unit Developments, PD Land Use Classifications or other land use classifications with subarea policies, and other planned developments under a common preliminary site plan (PSP) approval, plat, or unified plan of development. If a PD is part of a larger PD; e.g., a PSP approval or plat within a larger DRI, the term PD shall mean the larger PD.
98. *"PD (Planned Development) with credits"* shall mean a PD that owns or that is entitled to transportation impact fee credits or mobility fee credits based on a development approval.
99. *"Pharmacy/Drug Store with and without Drive-Thru"* shall mean retail facilities that primarily sell prescription and non-prescription drugs. These facilities may also sell cosmetics, toiletries, medications, stationary, personal care products, limited food products, and general merchandise. The drug stores in this category may contain drive-through windows.
100. *"Quality Restaurant"* shall mean eating establishments of high quality and with turnover rates usually of at least one hour or longer. Generally, quality restaurants do not serve breakfast, some do serve lunch, but all serve dinner. Often they do not belong to a chain of restaurants and generally require reservations.
101. *"Quick Lube"* shall mean a quick lubrication vehicle shop where the primary activity is to perform oil change services for vehicles. Other ancillary services provided may include preventative maintenance, such as fluid and filter changes. Automobile repair service is generally not provided.
102. *"Racquet Club"* shall mean privately-owned recreational facilities that include racquetball and handball courts, tennis courts, swimming pools and whirlpools, saunas, exercise classes, and weightlifting equipment.
103. *"Recreational Vehicle (RV)"* shall mean a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling.
104. *"Recreational Vehicle (RV) Park"* shall mean a facility for the temporary sitting of recreational vehicles and may have community facilities such as recreational rooms, swimming pools, and laundry facilities.
105. *"Regional transit facilities"* shall mean light rail, commuter rail, express bus, or bus rapid transit capital facilities included in the most recently adopted Tampa Bay Area Regional Transportation Authority Master Plan or LRTP.
106. *"Research and Development Center"* shall mean facilities or group of facilities devoted almost exclusively to research and development activities. They may contain office and light fabrication areas.
107. *"Resort Hotel"* shall mean a place providing a wide variety of recreational facilities/programs (golf courses, tennis courts, beach access, or other amenities) rather than convention and meeting business. Resort hotels are normally located in suburban or outlying locations on larger sites than conventional hotels. Resort hotels are similar to hotels in that they provide sleeping accommodations, restaurants, cocktail lounges, retail shops, and guest services. The primary difference is that resort hotels cater to the tourist and vacation industry.
108. *"Retail"* shall mean one or more establishments devoted to selling merchandise goods and products to consumers.
109. *"Right-of-way"* shall mean land, property, or interest therein that is necessary to accommodate all of the required elements for and to support the construction and/or improvement of transportation capital improvements.
110. *"Roadway facility"* or *"roadway facilities"* shall mean collector and arterial roadway through lanes, turn lanes, bridges, curbs, gutters, medians, and/or shoulders; the construction of drainage facilities and/or

- mitigation areas for collector and arterial roadways; and the installation of signage, advanced traffic management systems, and/or traffic signalization for collector and arterial roadways. For purposes of this division, the term roadway facilities shall not include bicycle/pedestrian facilities and transit facilities. However, bicycle/pedestrian crossing areas and bicycle lanes constructed contiguous to or within a vehicular travel lane shall be considered a roadway facility and not a bicycle/pedestrian facility.
111. *"Roadway mobility fee"* shall mean the portion of the mobility fee assessed for impacts to roadway facilities that is identified on the mobility fee schedule as "road share."
112. *"Sales tax revenues"* shall mean the portion of the local government infrastructure surtax, Penny for Pasco, expended by the County during a fiscal year for transportation capital expenses, excluding the portion of such taxes for which a revenue credit was given to development paying a mobility fee.
113. *"Self-Service Car Wash"* shall mean a land use that allows the manual cleaning of vehicles by providing stalls for the driver to park and wash the vehicle.
114. *"Self-Storage Facility"* shall mean a building or buildings consisting of individual, small, self-contained units that are leased for the storage of goods.
115. *"Single-Family (Detached)"* shall mean a home on an individual lot or parcel of land intended, designed, used and/or occupied by no more than one family, excludes duplex, triplex, and quadruplexes.
116. *"Site-access improvements"* shall mean roadway facility improvements at or near the development site which are necessary to interface the development's external trips with collector and arterial roadways or which are necessary to interface the development's internal trips with collector and arterial roadways where a portion of such roadways is included within the development, i.e., project drives, turn lanes, signalization, etc. It shall also include improvements designed to ensure safe and adequate ingress and egress to a development site. For purposes of this division, site-access improvements include, but are not limited to, improvements required by the County's access management regulations and any right-of-way dedications necessary to construct the first four lanes of collector and arterial roadways within the development site and design and construction of any portion of the first two lanes of collector and arterial roadways within the development site, including all roadway facilities necessary for the design and construction of collector and arterial roadways. Site-access improvements also include bicycle/pedestrian facilities and transit facilities at or near the development site that are necessary to interface the development's external trips or internal trips with bicycle/pedestrian facilities and transit facilities located outside the development site, including, but not limited to, sidewalks, multiuse paths, bike racks, and transit shelters/kiosks located internal or adjacent to the development site; however, park and ride lots and regional transit facilities shall not be considered site-access improvements.
117. *"Spa"* shall mean recreational facilities that include swimming pools, whirlpools, saunas, exercise classes, racquetball, handball and tennis courts, and weightlifting and gymnastics equipment. Locker rooms and a restaurant or snack bar may also be available.
118. *"Specialty Retail"* shall mean small high end clustered and/or strip center like retail stores of less than 5,000 square feet each and where the total square footage of the entire cluster and/or strip center is less than 50,000 square feet. Stores in the cluster and/or strip center might include, but not be limited to, jewelry, luggage, china and silverware, crystal, artwork, leather goods, and fine apparel.
119. *"Square feet" or "square footage"* shall mean the area of a parcel upon which a land use required to pay a mobility fee is proposed for occupancy or storage, and which is used to calculate the square footage of the building, including the gross area measured in square feet from the exterior faces or exterior walls or other exterior boundaries of the building, excluding areas within the interior of the

- building which are utilized for parking. With respect to dwelling units, the square footage shall be calculated as the living area under heat/air conditioning.
120. *"Strategic Intermodal System (SIS)"* shall mean those transportation facilities identified In the SIS Plan adopted, pursuant to Section 339.64, Florida Statutes, and located within the County.
121. *"Supermarket"* shall mean a departmentalized self-service retail market, which primarily sells food items, but also may sell household items, personal items and other merchandise. A supermarket is to be distinguished from a grocery store on the basis of scale, being usually 20,000 square feet or larger in size, and the broader mix of goods and services.
122. *"SIS mobility fee"* shall mean the portion of the roadway mobility fee assessed for impacts to interstate/freeway roadway facilities in the County, excluding freeways with tolls, and which has been reserved for transportation capital improvements that benefit the SIS. The SIS mobility fee is identified in the mobility fee schedule as the "interstate share." The SIS mobility fee shall be considered a component of the roadway mobility fee, except where this division specifically references the SIS mobility fee.
123. *"Tax increment revenues"* shall mean the tax increment revenues calculated, generated, and expended, pursuant to the Multimodal Tax Increment Ordinance.
124. *"Tire Store"* shall mean a land use primarily involved in the business of sales and marketing of tires for automotive vehicles. Services usually include tire installation and repair as well as other automotive maintenance or repair services.
125. *"TND (Traditional Neighborhood Design)"* shall mean development in accordance with this Code, Chapter 600. TND shall also include the TND portions of the Longleaf MPUD Master Planned Unit Development and any portion of a participating municipality that satisfies the traditional neighborhood development design principles in the TND Ordinance as determined by the County and participating municipality in the Interlocal Agreement between the County and participating municipality.
126. *"Transit facilities"* shall mean transit capital infrastructure including, but not limited to, buses, park and ride lots, bicycle racks, shelters/kiosks, and regional transit facilities, as well as the necessary infrastructure to support the construction of such facilities, such as drainage areas, wetland/floodplain mitigation areas, landscaping, benches, signage, and bicycle/pedestrian facilities constructed to provide direct access to a transit stop.
127. *"Transit mobility fee"* shall mean the portion of the mobility fee assessed for impacts to transit facilities, and which is identified in the mobility fee schedule as "transit share."
128. *"Transit-oriented development (TOD)"* shall mean development in areas identified in the Comprehensive Plan that are reserved for existing or planned regional transit facilities. These areas must be compact, have moderate to high density developments, be of MU (Mixed Use) character, interconnected, bicycle and pedestrian friendly, and designed to support frequent transit service operating through regional transit facilities.
129. *"Transportation capital expenses"* shall consist of the following expenditures for transportation capital improvements:
- a. The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness then outstanding.
  - b. Administrative and overhead expenses necessary or incidental to the implementation of the transportation capital improvements.

- c. Expenses of planning, corridor and alternatives analysis, route studies and pond-siting analysis reports, soil borings, tests, surveys, construction plans, and legal and other professional advice or financial analysis relating to transportation capital improvements, including the reimbursement of the County for such expenses incurred before the transportation capital improvements were approved and adopted into the CIP.
  - d. The acquisition of right-of-way for the transportation capital improvements, including the costs incurred in connection with the exercise of eminent domain.
  - e. The clearance and preparation of any transportation capital improvement site, including the demolition of structures on the site.
  - f. All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.
  - g. Costs of design and construction, including maintenance of traffic during construction.
130. *"Transportation capital improvements"* shall mean roadway facilities, transit facilities, and bicycle/pedestrian facilities.
131. *"Transportation impact fee" or "transportation impact fees"* shall mean the transportation impact fees in effect prior to the adoption of the Mobility Fee Ordinance, and which were adopted, pursuant to the Transportation impact Fee Ordinance.
132. *"Transportation impact fee credits"* shall mean credits against transportation impact fees issued by the County, pursuant to the Transportation Impact Fee Ordinance.
133. *"Transportation Impact Fee Ordinance"* shall mean Ordinance No. 07-09, as it existed prior to the adoption of Ordinance No. 11-08, the Mobility Fee Ordinance.
134. *"Transportation operation and maintenance expenses"* shall mean expenses associated with the operation and maintenance of transportation capital improvements, including cleaning, repairs, mowing, landscape maintenance, resurfacing that does not expand transportation capacity, and fuel and salary costs for the operation of transit systems.
135. *"University"* shall include four-year universities that may or may not offer graduate programs.
136. *"Veterinarian Clinic"* shall mean facilities where diagnosis and treatment of sick, deceased or ailing animals, primarily domestic pets, are performed. Veterinarian clinics do not include non-veterinary kennels.
137. *"Villages of Pasadena Hills (VOPH)"* shall mean the J. "Ben" Harrill Villages of Pasadena Hills Stewardship District, a dependent special district. The boundaries of the VOPH District are established in this Code, Section 602.
138. *"VOPH Financial Plan"* shall mean the Financial Plan for the Villages of Pasadena Hills adopted pursuant to Policy FLU 6.5.10 of the Comprehensive Plan, as amended.
139. *"VOPH Mobility Fees"* shall mean those roadway mobility fees and bicycle/pedestrian mobility fees collected within the VOPH.
140. *"VOPH Tax Increment Revenues"* shall mean the portion of the Tax Increment Revenues that is generated from the real property in the VOPH, and calculated in accordance with the Multimodal Tax Increment Ordinance.

141. "VOPH Transportation Capital Improvements" shall mean transportation capital Improvements that benefit the VOPH, as determined by the VOPH Financial Plan.

*Modular homes.* Those dwelling units that consist of multiple modules or sections that are manufactured in a remote facility and then delivered to their intended site for use where they are assembled on a permanent, fixed foundation and constructed to the same Florida, local, or regional building codes as site-built homes.

*Monitor.* To inspect, review, or supervise on a regular periodic basis.

*Motel.* A facility offering transient lodging accommodations normally on a daily basis and at a daily rate and typically providing parking adjacent to each sleeping room. Accessory uses such as restaurant, meeting rooms, and recreational facilities may be provided. Motels are different from hotels in that each motel room has a separate entry directly from the outside of the building.

*Mulch.* Any material applied to the soil surface to retain soil moisture, control erosion, inhibit weeds, and/or regulate soil temperatures.

*Multimodal transportation.* Pertaining to several modes of transportation including, but not limited to, travel by single-occupant car, car or van pools, demand-response paratransit, and fixed-route and fixed-schedule mass transit.

*Multiple-occupancy parcel.* Any parcel of property, or parcels of contiguous property, existing as a unified or coordinated project, with a multitenant structure or structures, proposed or existing, or multiple structures, proposed or existing, on the property.

*Multitenant structure.* A building used, designed, or constructed for occupation by more than one tenant, business, or entity, including multistory buildings with a residential component.

*Municipal-separate storm sewer system.* A conveyance or system of conveyances including, but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, owned or operated by a local government that discharges to waters of the United States or connects to other municipal-separate storm sewer systems that is designed solely for collecting or conveying stormwater, and that is not part of a publicly owned treatment works as defined by 40 CFR 122.2 or any amendment thereto.

*Musical entertainment festival.* Any overnight gathering of groups or individuals exceeding 500 people on private property for the purpose of listening to, watching, or participating in entertainment which consists primarily of musical renditions conducted in open space not within an enclosed building.

*MUTRM (Mixed-Use Trip Reduction Measures) Definitions.* For the purposes of this Code, Section 901.13, Mixed-Use Trip Reduction Measures (MUTRM), the following words shall be defined as follows:

1. *Block Size* - The linear distance that coincides with the perimeter of a development block. When measuring block size, the edge of right-of-way shall be used, when public streets are planned. When private streets are proposed, the measurement shall coincide with the residential property line, exclusive of any easement provided for roadway purposes.
2. *Block Structure* - The combination of the size, configuration, and general layout of blocks located within a specified area, generally within a grid, radial, or organic form or pattern.
3. *Civic Use Open Space Area* - An open space area designed for public gatherings or functions.
4. *Civic/Public Serving Land Use* - A land use specifically designed for locating buildings or spaces for civic or public uses. Examples of civic/public serving land uses include: schools, libraries, civic or cultural assembly buildings, places of worship, or other similar recreational, educational, or public/semi-public uses. HOA/POA neighborhood amenity centers, which provide these uses, qualify as a required civic use.

5. *Complete Streets* - A transportation policy and design approach that requires streets to be planned, designed, operated, and maintained to enable safe, convenient and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation. Complete Streets create an interconnected street system that prioritizes pedestrian and bicycle movement to allow for the safe travel by those walking, bicycling, driving automobiles, riding public transportation, or delivering goods. Implementation is achieved through the incorporation of roadway standards for compact development as specified in Chapter 19 of the FDOT "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways;
6. *Compact Development Area (CDA)* - A specifically designated area in which established development standards shall apply to ensure that the area functions as a walkable place, as determined by area, street dimensions, block sizes, and the inclusion of a comprehensive pedestrian network of sidewalks, bikeways, and trails throughout, and the inclusion of one or more neighborhood centers.
7. *Connectivity* - The provision of direct links among all project areas, where feasible, through accessibility and easy, safe movement for pedestrians, bicyclists, and motorists, from one area to another.
8. *Gross Leasable Area (GLA)* - The total floor area designed for tenant occupancy and exclusive use.
9. *Local-Serving Commercial Uses* - Land uses primarily comprised of retail and personal service businesses that directly serve the day-to-day needs of local residents. These uses include those businesses that typically serve as satellite uses located within grocery-anchored neighborhoods and community-scale shopping centers. The most common of these businesses include restaurants; ethnic food sales; liquor stores; card and gift shops; ice cream shops; dry cleaners; small fitness facilities; hair, nail and beauty salons; real estate agents; insurance agents; dentists; pool supply sales; and other similar uses.
10. *Mixed Use Trip-Reduction Measures (MUTRM)* - An optional land development regulatory procedure by which an applicant may be permitted to apply a higher Vehicle to Capacity Ratio (V/C Ratio), (a less stringent standard), during the preparation of a traffic analysis for a development project, or solely to obtain an adopted mobility fee reduction (as applied to the Compact Development Area only) even if a higher V/C Ratio is not sought, for that applicant's commitment to adhere to development standards, in accordance with Section 901.13, that result in a Trip Reducing Project (TRP).  
  
These standards have been identified in the County's mobility fee study and supporting appendices, which are based on jobs to housing ratios, availability of locally serving commercial, intersection density or maximum block size, and the availability of a complete streets including sidewalk and bicycle facility networks.  
  
Any portion of a MUTRM Project that meets the Traditional Neighborhood Development Standards (TND) as per this Code, Section 601, or approved Transit-Oriented Development (TOD) standards will also be eligible for the applicable Mobility Fee rate.
11. *Multimodal (or multi-modal)* - A connected transportation system that supports several modes of transportation including, but not limited to, travel by single-occupant car, car or van pools, demand-response par transit, and fixed-route and fixed-schedule mass transit, bicycles, and pedestrians.
12. *Multi-purpose Path (a.k.a Shared Path, Multiuse Path)* - A paved, linear surface intended for the combined use of both pedestrians and bicyclists.
13. *MUTRM Master Plan* - A plan that graphically depicts the overall MUTRM project area, including the project's Compact Development Area and associated neighborhood center(s), providing general block configuration, location and mix of uses, residential density, square footage and location of commercial uses and other CDA-required uses. This plan shall include the step-by-step calculations for the required

- CDA area (including any employment adjustment credits), the minimum number of CDA residential units, and the minimum neighborhood-serving commercial square footage.
14. *Neighborhood Center* - A designated area comprising a minimum amount of required park area and some combination of local-serving commercial/retail, office, and civic/public serving land uses (i.e. public school, community park, library, civic or cultural assembly building or programmed areas, place of worship, or other similar recreational, educational, or public/semi-public uses) in accordance with Section 901.13.E.1.a.(8); and the inclusion of transit-friendly design features to support and encourage the use of existing and future transit opportunities to provide an alternative to automobile use.
  15. *Neighborhood Plan* - A required plan that graphically depicts a designated CDA and demonstrates compliance with Section X4.A.1, in accordance with Section X5.B.
  16. *Pedestrian Scale (a.k.a Human Scale)* - Pertaining to the relationship between pedestrians and the structures and objects that they encounter within an urban environment. Achieving a desirable pedestrian scale is accomplished through the varied massing and interplay of solid and void spaces within architectural structures at the pedestrian or street level. The incorporation of street furnishings, as defined below, within the "public" areas of sidewalks, plazas, galleries, and courts is strongly encouraged.
  17. *Street Furnishings* - A collective term for objects and pieces of equipment installed on streets and roads for various purposes. It includes benches, traffic barriers, bollards, kiosks, streetlights, traffic lights, traffic signs, bus stops, taxi stands, fountains, memorials, public sculptures, and trash receptacles.
  18. *Street Type* - The classification of a vehicular travelway designed as either an: "Alley", "Yield Street", "Slow Street", or "Low Street", as specified in Chapter 19 of the FDOT "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways", Chapter 19; and collector and arterial streets designed in accordance with the Land Development Code, or as otherwise approved by the Board of County Commissioners. Street types shall be consistent with the anticipated traffic volumes, design speed, and adjacent land uses associated with each street.
  19. *Transit-Friendly Design Feature* - Any design element or land use that encourages the use of public transit; the most common being frequent bus stops with adequate permanent structures that provide shelter from inclement weather.
  20. *Trip Reducing Project (TRP)* - A development project determined by the County to comply with Comprehensive Plan Policy TRA 2.4.1, and Section 901.12 of this Code. TRP Level of Service Standards are as set forth in Policy TRA 2.4.1.
  21. *Urban Park* - A public open space within an urban area that provides either active or passive recreational opportunities for local residents and shoppers. Urban parks may range from treed and landscaped areas with seating for quiet thought (passive) to areas designed for structured play (active).
  22. *Walkability* - A measure of how convenient and appealing an area is to support pedestrian activity. Factors influencing walkability include the presence and quality of footpaths; sidewalks or other pedestrian rights-of-way; traffic and road conditions; land use patterns; building accessibility; safety (real or perceived); etc.

*National Ambient Air Quality Standards (NAAQS)*. Restriction established by the United States Environmental Protection Agency (USEPA), pursuant to the Clean Air Act, Section 109, to limit the quantity or concentration of an air pollutant that may be allowed to exist in the ambient air for any specific period of time. Those air pollutants for which standards exist are carbon monoxide, lead, nitrogen dioxide, ozone, sulfur dioxide, and total suspended particulate.



*National Pollutant Discharge Elimination System (NPDES).* The Federal program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act, Sections 307, 402, 318, and 405.

*Native plants.* A plant species that was present in the State in 1513 when Europeans arrived, or if the plant species arrived after 1513 by nonhuman means, such as air, animal, or sea drift.

*Native vegetation.* Established native plants that survive on natural rainfall without irrigation.

*Natural ground.* The surface of the earth as it exists prior to the commencement of mining or land excavation, including the surface of any land previously mined by earlier operators, whether reclaimed or not.

*Navigable water body.* A water body in which a small pleasure craft with an outboard motor can be piloted. This definition does not include man-made stormwater ponds not platted as lakes.

*Near-Critical Road, a.k.a. 90 Percent Roadway.* A Major County Road that is identified in the County's de minimis road list as having existing, but approved development volumes that exceed 90 percent of the service volume of the road.

*Neighborhood park.* A park designed to serve the population of a single neighborhood and generally accessible by bicycle or by foot.

*New construction (as it pertains to Flood Damage Prevention and the flood resistant construction requirements of the Florida Building Code).* Any structure for which the "start of construction" commenced on or after November 8, 1981, the effective date, of the floodplain management regulations adopted by the County. The term also includes any subsequent Improvements to such structures.

*New manufactured home park or subdivision (as it pertains to Flood Damage Prevention).* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 18, 1981.

*Nonattainment.* Any area not meeting ambient air quality standards and designated as a nonattainment area under Section 17-2.410, F.A.C., for any of the National Ambient Air Quality Standards (NAAQS) listed pollutants.

*Noncommencement.* Notice to the County of intent not to commence development or the date of expiration of a Building Permit.

*Nonconforming structure.* A structure meeting the standards in this Code, Chapter 1200.

*Nonconforming use.* The use of land in a nonconforming manner as described in this Code, Chapter 1200.

*Nonhabitable major structure.* Includes but is not limited to, swimming pools, parking garages, pipelines, piers, canals, lakes, ditches, drainage structures, and other water-retention structures; water and sewage treatment plants; electrical power plants; transmission and distribution lines; transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.

*Nonpoint source pollution.* Any source of air or water pollution that is not attributable to a discernible, confined, or discrete conveyance.

*Nonresidential district.* A nonresidential district is any parcel or parcels of land or water zoned other than E-R Estate-Residential, ER-2 Estate-Residential, R-MH Mobile Home, R-1MH Single-Family/Mobile Home, R-2MH Rural Density Mobile Home, R-1 Rural Density Residential, R-2 Low Density Residential, R-3 Medium Density Residential, R-4 High Density Residential, MF-1 Multiple Family Medium Density, MF-2 Multiple Family High Density, MF-3 Multiple Family High Density, or any areas designated and used within a PUD Planned Unit Development/MPUD Master Planned Unit Development District for residential purposes.

*Nonresidential use.* Any use of property other than a residential use as defined by this Code. Nonresidential uses include, but are not limited to, commercial, office, institutional, and industrial uses.

*Normal water level.* The design starting water elevation used when determining stage/storage design computations in a retention or detention area. A retention or detention system may have two designated "normal water levels" associated with it if the system is designed for both water quality and water quantity.

*North American Vertical Datum of 1988 (NAVD88).* The NAVD88 is the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the general adjustment of the North American Datum of 1988.

*Nuisance.* A violation of the provisions of this Code that becomes detrimental to health or threatens danger to the safety of persons or property; or gives offense to, is injurious to, or endangers the public health and welfare; or prevents the reasonable and comfortable use and enjoyment of property by the public.

*Oasis plants.* Established plants that require frequent irrigation.

*Obstruction.* Includes but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across, or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

*Odor.* Odor means that property of a substance which materially offends the sense of smell.

*Office park.* Developments containing general office buildings for professional and medical offices and support services, such as banks, savings and loan institutions, restaurants, and service stations arranged in a park or campus-like setting.

*Off-line treatment system.* A system only for water-quality treatment that collects project runoff and has no direct discharge capability other than percolation and evaporation. A system utilizing detention with effluent filtration is not an off-line treatment system.

*On-line treatment system.* A dual-purpose system that collects project runoff for both water-quality and water-quantity requirements. Water-quality volumes are recovered through percolation and evaporation while water-quantity volumes are recovered through a combination of percolation, evaporation, and surface discharge.

*One-hundred year storm or 100-year storm.* A shore-incident hurricane or any other storm with accompanying wind, wave, and storm surge intensity having a one percent chance of being equaled or exceeded in any given year during any 100-year interval.

*Open drainage basin.* Open drainage basins are all watersheds not meeting the definition of closed drainage basin.

*Open space.* Land or water body that provides for physical movement, free of structures and equipment. Open space can be of any size, treed, or open grassland. Functions include the providing of flood protection, creating a sense of spatial separation for incompatible land uses, the provision of passive recreation or conservation uses, and historical site preservation.

*Open space, CS-MPUD Conservation Subdivision-Master Planned Unit Development.* The open space that is created as a part of a rural-residential development where 50 percent or more of the land is designated as undivided, permanent, open space, and the remaining developable land is subdivided into buildable lots. Permitted uses may include the following: active recreation areas that do not exceed ten percent of the required minimum open space or five acres, whichever is less; equestrian facilities utilizing best management practices; bike paths and trails; equestrian trails; agricultural uses, including accessory uses; stormwater-management systems serving the CS-MPUD, provided the stormwater systems are unfenced and are surrounded by or adjoin areas that are improved for use as a recreation area for use by the CS-MPUD residents; and any required landscape buffers.

*Open space, PD (Planned Development) land use.* Undeveloped land within an MPUD Master Planned Unit Development developed as a requirement of the PD land use that consists of common area under common ownership designated, dedicated, reserved, or restricted in perpetuity from further development. Open space associated with the PD land use may not include water bodies or Category I wetlands or wetland buffers. When residential is used as part of the MU (Mixed Use) component, the open space shall be contiguous where practical. This definition shall not apply to commercial MPUDs that do not have a residential component.

*Open space, rural land use classifications.* Includes land designated AG/R (Agricultural/Rural) and RES-1 (Residential - 1 du/ga) with less than 300 acres. Consists of undeveloped land, wetlands, or water body which is free of structures and equipment, except that incidental to the land's open-space uses. Open space can be any size, treed, open, grassland, or water bodies. Functions include the providing of flood protection; creating a sense of spatial separation for incompatible land uses: the provision of passive recreation, active recreation, or conservation uses; historical site preservation; and areas for agricultural operations. Such open space may be part of an individual residential lot and is not required to be under common ownership. Open space easements and/or buffers will be required and count toward the open-space requirement. These easements shall restrict and reserve, in perpetuity, the open space from further development.

*Open space, urban land use classifications.* Includes lands designated RES-3 (Residential - 3 du/ga) and higher, TC (Town Center), nonresidential land use classifications, MU (Mixed Use) Land Use Classification, and RES-1 (Residential - 1 du/ga) Land Use Classification; and where acreage is greater than 300 and is developed as a cluster residential subdivision MPUD Master Planned Unit Development). Undeveloped land or water body that is free of structures and equipment, except that incidental to the land's open space uses. Open space must be common area under common ownership that may include flood protection; creating a sense of spatial separation for incompatible land uses; the provision of passive recreation, active recreation, or conservation uses; historical-site preservation; archaeological sites; and areas for agricultural operations. (Also see "open space, PD [Planned Development] land use" for projects utilizing the PD (Planned Development) provisions of the Comprehensive Plan and this Code.)

*Operating Permit.* Written authorization to commence specified minor land excavation, land excavation, mining, land spreading, construction and demolition debris disposal, and yard trash-processing activities for a specified period of time, and generally requiring information and analysis.

*Operator.* A person or business entity engaged or seeking to be engaged in a minor land excavation, mining, land excavation, construction and demolition debris disposal, land spreading, or yard trash-processing operation.

*Ordinary Repair and Maintenance.* Means any work to maintain, or minor repairs of a non-structural nature, or repairs necessary to meet the Florida Building Code. Adding square-footage shall not be deemed to be ordinary repair and maintenance. Structures in the flood zone shall meet all requirements in Section 1104, Flood Damage Prevention.

*Outdoor Lighting.* The nighttime illumination of an outside area or object by any fixed luminaire. Vehicle lights and flashlights are not included in this definition.

1. *Foot-candle.* The unit for measurement of illumination received by a surface located at a distance from a source of visible light. Typically calculated for a lighting plan and measured with a light meter.
2. *Full Oblique Shielding.* A design for a fixture that does not emit light above the line of sight to the light source when viewed from protected property. The shield blocks direct illumination of protected property. The fixture completely conceals and recesses the light source from all viewing positions except those positions permitted to receive illumination.

An observer can establish a sight line at any location where the observer can see only a small part of the fixture until the light source no longer appears, the observer will cross the sight line. Where the observer's eyes coincide with the sight line, the observer can project the sight line to the ground. The

sight line coincides with the oblique line along the bottom of the shielding angle. If the sight line falls on protected property, then the fixture does not provide adequate full oblique shielding.

3. *Light fixtures.* All outdoor, illuminating devices, reflective surfaces, lamps, and other devices, either permanently installed or portable, that are used for illumination or advertisement.
4. *Light Source.* The medium producing the visible light or changing the direction of the light. Such media may include bulbs, lenses, refractors, reflectors, diffusers, or any emitter of visible light either directly from the material discharging the visible radiant energy or indirectly from material that redirects the illuminating light.
5. *Lumen.* The unit of measurement of the total visible light produced by a light source. Typically published in specifications by the manufacturer.
6. *Protected Area.* An area intended for protection from outdoor lighting including any property: 1) in residential use, 2) in a residential district, or in a public street right-of-way.

*Out-parcel.* A parcel that is separate from, but contiguous to, a multioccupancy parcel or a large-scale commercial retail building. The out-parcel may or may not share common access and common parking areas with the multioccupancy parcel or a large-scale, commercial, retail building. However, for locating a multioccupancy or large-scale commercial retail building sign on an out-parcel, the out-parcel must be associated with the multioccupancy parcel or the large-scale commercial retail building, as evidenced by shared common access.

*Overburden.* The collective term for all earth materials overlying the area to be mined.

*Overflow elevation.* The design elevation of a discharge structure at or below which water is contained behind the structure, except for that which leaks or bleeds out, through a control device down to the control elevation.

*Overspray.* Water that is delivered beyond the landscape area; wetting pavements, walks, structures, or other nonlandscaped areas.

*Package plant.* A small, usually temporary, wastewater treatment facility.

*Parcel.* Any quantity of land capable of being described with such definiteness that its location and boundaries may be established and which is designated by its owner or developer as land to be used or developed as a unit.

*Parent parcel.* A parent parcel is:

1. Any unplatted parcel of land recorded by deed as of June 16, 1989.
2. Any parcel recorded by plat prior to May 1, 1974.
3. Any lot of unrecorded plat that existed as of June 16, 1989.

*Parking lot.* An open area or plot of land used exclusively for the temporary storage or parking of motor vehicles. Does not include an area used exclusively for the display of motor vehicles for sale as part of a vehicle dealership.

*Parking space.* A paved or unpaved area for the storage of a single motor vehicle.

*Park land.* The land owned or operated by the County required for the development or expansion of County parks as identified in the Parks and Recreation 2022-2045 Capital Plan. The term "park land" specifically excludes land for neighborhood parks required by this Code, Section 905.1.

*Park land acquisition.* The portion of the parks and recreation impact fee that is earmarked for acquiring real property, or interest therein, for park land, including the purchase price, closing costs, title or survey costs, appraisal costs, due diligence costs, and, where applicable, eminent domain or condemnation related costs.

**Parks.** Areas dedicated for passive and active recreational use, that are characterized by natural and landscape features. They may provide user-oriented and resource-based recreation depending on size, site characteristics, and use.

**Parks and recreation facilities.** The following facilities on or adjacent to park land: baseball, softball, soccer, football and multi-purpose fields, and tennis, basketball, volleyball, and other outdoor courts, including ground covering (natural or artificial turf), goals/uprights, nets, seating, fencing, lighting, scoreboxes, scoreboards, shade structures, and any other amenities directly associated with fields, multi-purpose rooms, gymnasium(s), fitness equipment, kitchens, office, storage facilities and restrooms/locker rooms, and any other amenities directly associated with recreation centers, park pavilions and shelters, storage facilities, concession buildings, maintenance buildings, restrooms, splashpads, playgrounds, bike parks, skate parks, dog park space, landscaping and hardscaping, signage, seating, picnic tables, trash/recycling receptacles, boat ramps, motor boat launch lanes, docking facilities, piers, ingress/egress traffic lanes, canoe/kayak launches, parking, site security residences, campgrounds, RV sites, cabins, wells, bird blinds, bath houses, amphitheaters, trails, walking paths, and any other amenities that support the parks and recreation facilities identified above. The term "parks and recreation facilities" specifically excludes facilities placed on neighborhood parks required by this Code, Section 905.1. Additional facilities may be added pursuant to section 1302.4.B.3.

**Parks and recreation impact fee study.** The 2022 study updating the parks and recreation impact fee.

**Parks and recreation impact fee.** An impact fee that is imposed on new residential construction which is calculated to defray all or a portion of the costs of the parks and recreation facilities required to accommodate the impact to the parks and recreation system of that new residential construction and which fee is applied to parks and recreation facilities that reasonably benefit the residents of the new residential construction.

**Permanent control point.** A secondary horizontal control monument consisting of a metal pin or pipe not less than three-fourths-inch diameter and at least 24 inches in length, or a concrete monument four inches by four inches at a minimum of 24 inches long. The point of reference and the registration number of the surveyor filing the plat of record shall be marked thereon.

**Permanent reference monument.** A monument consisting of a metal rod of one and one-half inches minimum diameter, metal pipe at a minimum of 24 inches long, encased in a solid block of concrete or set in natural bedrock at a minimum of 18 inches below the top of the monument, or a concrete monument four inches by four inches, a minimum of 24 inches long, with the point of reference marked thereon. A metal cap marker, with the point of reference, the registration number of the surveyor certifying the plat of record, and the letters "PRM" marked thereon shall be placed on the top of the monument as required by Chapter 177, Florida Statutes, as amended.

**Person.** A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, state, all political subdivisions of a state, or any agency or instrumentality thereof, whether singular or plural, as the context may require.

**Personal services.** An establishment that primarily provides services generally involving the care of a person or a person's apparel including, but not limited to, barber shops, beauty salons, seamstress shops, shoe-repair shops, dry cleaning, and laundry-pickup facilities.

**Physical contact establishment.** A site or premises or portion thereof, upon which any person who is an owner, proprietor, employee, or independent contractor in exchange for payment manipulates the superficial tissues of the body of another person with any portion of the torso, hand, foot, leg, arm, or elbow, whether or not aided by any device. The definition of physical contact establishment does not include the following:

1. Licensed health-care facilities.
2. Licensed physicians or nurses engaged in the practice of their profession.
3. Educational or professional athletic facilities, if massage is a normal and usual practice in such facility.

4. Establishments exempted under Section 480.034, Florida Statutes.
5. Massage establishments licensed under Chapter 480, Florida Statutes.

*Place of religious worship.* Any building or structure used primarily and regularly for religious services or education of any denomination, and the title, lease, or rental agreement of such building or structure is owned or held by a nonprofit organization devoted to religious services or education.

*Planned Unit Development (PUD).* An inactive zoning district.

*Plat.* As defined in Chapter 177, Florida Statutes, as amended.

*Point source discharge.* Release of degraded water through a discernible, confined, or discrete conveyance including, but not limited to, pipes, ditches, channels, tunnels, conduits, or wells. This term does not include return flows from irrigated agriculture.

*Pollutant.* Any dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sewage sludge; munition; chemical wastes; biological materials; radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended, 42 (U.S.C. 2011 et. seq.); heat; wrecked or discharged equipment; rock; sand; and industrial, municipal, and agricultural waste discharged into water.

*Pollution.* The presence of contaminants in the air, water, or soil that is known to be harmful or potentially harmful to the health of living beings.

*Porch or stoop.* A covered or uncovered area with floor at a front, side, or rear door.

*Portable storage unit.* Any container designed or is used for the outdoor storage of personal property, including those which are typically rented to owners or occupants of property for their temporary use, and which is typically delivered and removed by vehicle. Containers that are less than 500 cubic feet are not portable storage units within the meaning of this definition. Shipping containers or semi-trailers, shipping containers, or semi-trailer boxes shall not be considered "portable storage containers" in locations and/or zoning districts that otherwise prohibit commercial vehicles or equipment.

*Potable water.* Water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the FDEP.

*Potbellied pig.* Commonly referred to as the Vietnamese, Oriental, or Chinese potbellied pig (*sus scrofa vittatus*) or (*sus scrofa domestica*).

*Potentiometric surface.* The elevation to which water will rise in a tightly cased well.

*Premises.* Any lot, parcel, or tract of land, and any building constructed thereon.

*Primary tributaries.* Water bodies shown on the most recent United States Geological Survey quadrangle sheets as having perennial flow which eventually drain into any permanent open water body.

*Principal building.* A building in which is conducted the dominant use of the lot on which it is situated.

*Principal use.* The major dominant use of the lot on which it is located.

*Private water system.* A well, spring, cistern, or other similar source of water and appurtenances of piped water for human consumption and other domestic purposes used only by individual family living units, including private homes, duplexes, or multiple-family dwellings.

*Processing.* Processing means the transporting, washing, sizing, flotation, storage, drying, grinding, and shipping of mined material and all activities reasonably related thereto. Processing also includes activities such as washing, packaging, chopping, drying, freezing, or otherwise preparing food.

*Professional Office District.* A Professional Office District is any parcel or parcels of land or water zoned PO-1 Professional Office, PO-2 Professional Office, or any areas designated and used for professional office purposes within a PUD Planned Unit Development/MPUD Master Planned Unit Development District, as defined by the County Zoning Ordinance enacted November 19, 1975, and as subsequently amended.

*Professional offices or services.* Office uses principally dedicated to the provision of professional services including, but not limited to, accounting, medical, legal, dental, engineering, land surveying, clerical/bookkeeping, consultant, drafting, research, real estate, investment, tax and financial, title and abstract, stock brokerage, bonding, and other similar services not principally involving the wholesale or retail sale of personal property stored or displayed on the premises.

*Programmed.* A facility which has been officially scheduled for construction in the CIP and budget.

*Project.* For purposes of the definition of "project," the term shall include any development, parcel of land, lot, and tract, any contiguous or nearby (within one-quarter mile) developments, parcels, lots, or tracts that are (1) developed by the same or related development or landowner; or (2) developed as part of the same zoning plan, preliminary development plan, PSP, plat, or other unified plan of development as determined by the County Administrator or designee. However, parcels of land, lots, or tracts legally subdivided, or that filed a complete application to legally subdivide prior to June 4, 2004; or that are otherwise exempt from Section 901 and not presently owned by a related developer or landowner shall not be aggregated as a "single development" for purposes of transportation-related requirements of this Code. For purposes of this definition, a related developer or landowner shall include a partnership in which any of the same persons or entities are partners and a corporation in which any of the same persons are officers or directors. If an applicant is in doubt as to whether a particular development, parcel of land, lot, or tract will be aggregated with another development, parcel, lot, or tract pursuant to this definition, the applicant may request a written determination from the County Administrator or designee. The term "project" shall be liberally construed in favor of the applicable requirements of this Code to all development within the County.

*Public park.* A park, playground, swimming pool, reservoir, golf course, or athletic field within the County that is under the control, operation, or management of the County or any other governmental entity.

*Public place.* Public rights-of-way, any river, channel, lake, bay, body of water, public park, or any adjacent parcel under separate ownership.

*Public school.* Public school shall consist of kindergarten classes, elementary, and secondary school grades, university and community colleges, and special classes authorized by law to be operated under the control of the State system of public education.

*Public/semipublic facilities.* Those traditional, essential facilities and municipal services which may or may not be provided by the government including, but not limited to, fire protections; law enforcement; recreation service and facilities; utilities including electric and gas; water supplies including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems; garbage and trash collection and disposal; waste and sewage collection and disposal; drainage; transportation; education; and healthcare services. Uses that are conducted entirely by the public sector shall be considered public; uses not entirely public shall be considered semipublic. Public/semipublic facilities are classified as either major or minor depending upon scale and intensity. See definition of Major Public/Semipublic Facilities and Minor Public/Semipublic Facilities.

*Public service.* Services provided by the County which may or may not be associated with capital infrastructure, such as but not limited to, police, fire, health, education, library, and social service.

*Public water system.* A system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves at least 25 individuals daily for at least 60 days out of the year.

*Pump stations.* Generally, those components of a water and/or sanitary sewer system that place pipe contents (water or wastewater) under pressure in order to facilitate its travel.

*Radial point.* The center point within the dead end or bend of a canal, equally distant from the shoreline or upland within the dead end or bend.

*Rain sensor device.* A calibrated device that is designed to measure rainfall and override the irrigation cycle of the irrigation system when a predetermined amount of rainfall has occurred. The suggested setting of the rain sensor device for shutoff, per the University of Florida's Institute of Food and Agricultural Sciences, is one-half to three-quarters inch.

*Rational nexus test.* The legal test established by the Florida Supreme Court upon which all impact fee ordinances in the State are based. This complex test of constitutionality, which has been explained in greater detail by various court opinions, requires in summary that in order to be constitutional, an impact fee ordinance must provide that:

1. The amount of impact fees charged bears a reasonable relationship to the cost of providing public facilities necessitated by new development; and
2. The impact fees collected are earmarked and spent to construct public facilities reasonably benefiting the new development paying the fee.

*Raw.* Any unprocessed natural product in a natural, unrefined state not yet changed by process, by manufacture, or by preparation for consumption.

*Reasonable access.* The minimum number of connections, direct or indirect, necessary to provide safe ingress and egress to the collector and arterial roadway system based on projected connection and roadway traffic volumes and the type and intensity of the land use.

*Reasonable, beneficial use.* The use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner that is both reasonable and consistent with the public interest.

*Receiving water.* The surface water area into which an industrial, domestic, or stormwater pollution-point source enters after appropriate water quality treatment.

*Recharge area.* Any area of porous, permeable geologic deposits, such as deposits of stratified sand and gravel, and sinkhole areas, through which water from any source drains into an aquifer, and including wetlands or water bodies, together with the watershed.

*Reclaimed water.* Water that has received at least secondary treatment, basic disinfection, and is reused after flowing out of a domestic wastewater treatment facility as defined in Rule 62-610, F.A.C., as amended.

*Reclamation.* Reclamation is the restructuring, reshaping, and restoration of mined or excavated lands to a form in which the lands are able to be put to a beneficial use as provided within this Code.

*Recorded, County-observed, flooding elevation.* A flooding elevation surveyed by the County and adopted as a standard by the BCC by resolution.

*Recreation.* Leisure activities or pursuits, especially those that are conducted outdoors.

*Recreational vehicle.* A noncommercial transportation structure or device, self-propelled or towed, that is used or designed to be used for recreational purposes. Vehicles are recreational vehicles when designed or constructed to be towed, or are towable by passenger cars, station wagons, or light pickup or panel trucks, or similar motor vehicles, and are used or intended to be used for recreational purposes. Recreational vehicles include, but are not limited to, the following vehicles: utility-type trailers; boat trailers; trailer coaches; camping trailers; motor homes; pickup (slide-in) campers; chassis mounts; converted vans; chopped vans; minimotor homes; fifth-wheel trailers of recreational vehicle construction, design, and intent; utility trailers; carry-on trailers, with and without a structure mounted thereon; boats, jet skis, airboats, swamp buggies; unlicensed or unregistered dune buggies, racing cars



and stock cars; park trailers; and motorized vehicles converted from their original intended use and presently designed and used for recreational purposes. The requirements of this section apply to such vehicles whether or not such vehicles are motorized, operable, licensed, or otherwise usable, or in use for a different purpose for which they were designed; i.e., a "nonrecreational" use.

1. A camping trailer is a portable vehicular unit mounted on wheels and constructed with collapsible partial sidewalls which fold or collapse for towing by another vehicle to provide temporary living quarters for recreational, camping, or travel use.
2. Pickup (slide-in) campers are recreational vehicles when designed to be mounted temporarily or permanently in the beds of light trucks or in trucks having either single- or double-rear wheels and with or without an assisting, extra tag axle, and wheels mounted either on the camper chassis or the truck chassis behind the truck's rear wheels and is used or intended to be used for recreational purposes. These campers can be readily demountable from truck beds. When removed from their respective truck beds, pickup campers are called unmounted campers.
3. Chassis mounts, motor homes, and minimotor homes are vehicular units built upon a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use. The chassis may have single- or double-rear wheels.
4. Converted and chopped vans are recreational vehicles when created by altering or changing an existing auto van for recreational purposes.
5. A carry-on trailer is a recreational vehicle when constructed in such a manner as to place thereon a boat, airboat, swamp buggy, dune buggy, racing cars or stock cars, aircraft, golf carts, or vehicles converted for recreational storage or transportation, and which is towable by a passenger car, station wagon, pickup truck, or other mobile recreational vehicle as defined herein.
6. A park trailer is a vehicle having a body width not exceeding 14 feet, built upon a single chassis design to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

As it pertains to Flood Damage Prevention, a vehicle that is:

1. Built on a single chassis.
2. Four hundred square feet or less when measured at the largest horizontal projection.
3. Designed to be self-propelled or permanently towable by a light-duty truck.
4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Regional Attractor.* An existing facility, public or private, located within the unincorporated area of Pasco County having all of the following characteristics and meeting the applicable criteria of Section 406.1 of this Code: (a) is a tourist destination as evidenced by the facility or events at the facility being promoted to tourists as defined by Section 125.0104(2)(b)2., Florida Statutes; and (b) the use of the facility is programmed to host a large variety of uniquely different events throughout the calendar year.

*Regional shopping center.* A commercial center providing shopping goods, general merchandise, apparel, furniture, and home furnishings in full depth and variety. Such center shall contain 30 or more acres and a minimum gross, leasable area of 400,000 square feet.

*Regulated substance.* Any substance, including petroleum or derivatives thereof, or combination of substances which, because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive, or toxic characteristics, may cause or significantly contribute to a present or potential risk to human

health, safety, welfare, to groundwater resources or to the natural environment that are regulated by Federal, State, or local law.

*Regulatory floodway (see floodway).*

*Repeat violation.* A violation of a provision of a code or ordinance by a person whom was previously found to have violated the same provision within five years prior to the violation.

*Residential District.* A residential district is any parcel or parcels of land or water zoned E-R Estate-Residential, ER-2 Estate-Residential, R-MH Mobile Home, R-1MH Single-Family/Mobile Home, R-2MH Rural Density Mobile Home, R-1 Rural Density Residential, R-2 Low Density Residential, R-3 Medium Density Residential, R-4 High Density Residential, MF-1 Multiple Family Medium Density, MF-2 Multiple Family High Density, MF-3 Multiple Family High Density, or any areas designated and used within a PUD Planned Unit Development/MPUD Master Planned Unit Development District for residential purposes as defined by this Code, Chapter 500, and as subsequently amended.

*Residential treatment and care facilities.* Any nongovernmentally owned and operated building, residence, private home, boarding home, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide for a period exceeding 24 hours, housing and food services, personal services, and physical or mental health-care services for seven or more persons who require such services and who are not related to the owner or operator by blood, marriage, or adoption. Where consistent with this definition, residential treatment and care facilities shall include, but not be limited to, group homes; adult congregate-living facilities; homes for the physically, developmentally, emotionally, or mentally disabled; homes for abused children or spouses; runaway shelters; foster-care facilities; residential centers for drug or alcohol treatment or rehabilitation; orphanages; and juvenile detention centers.

*Residential Street Tree.* Those trees planted in accordance with a subdivision development plan and to single- and two-family residential lots along streets and roadways, which are located within the designated right-of-way.

*Residential use.* Any occupied structure or part thereof which is designed exclusively for human habitation on a continuous basis; i.e. having hot and cold running water and adequate facilities for heating, cooking, sleeping, and the sanitary elimination of waste. Hotels, motels, and temporary lodging facilities are specifically excluded.

*Resort condominiums.* A dwelling group of units that may consist of multiple-family or attached dwelling units where each unit is owned individually in fee simple or as a condominium and may be rented out for less than six days at a time. This definition does not prohibit rental periods of a longer duration.

*Retention.* The prevention of direct discharge of storm runoff into receiving waters; included as examples are systems that discharge through percolation, exfiltration, and evaporation processes and that generally have residence times less than three days.

*Right-of-way.* Means land in which the state, the Florida Department of Transportation (FDOT), a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility and includes the land, air space over the land, and area below the land to the extent the entity holds a property interest therein.

*Roof line.* The top edge of the roof or parapet that forms the top line of the building silhouette when viewed from ground level.

*Runoff.* Water that is not absorbed by the soil and flows from the area.

*Sand dunes.* Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

*Sanitary landfill.* Any solid waste land-disposal area for which a permit other than a general permit is required by Section 403.707, Florida Statutes, and which receives solid waste for disposal in or upon land. The term does not include a land-spreading site, an injection well, a surface impoundment, or a facility for the disposal of construction and demolition debris.

*Sawmills or planing mills.* Mills intended for the primary processing of timber or saw logs into lumber and shall exclude any secondary processing of the lumber thus produced.

*School, General.* Any use, building, or structure, that is held, used, or controlled exclusively for (1) public educational purposes by the School Board or other governmental entity; (2) a "charter school" as defined by the Florida K-20 Education Code as it may be amended with a valid charter; or (3) a private school, authorized by the Board of Education, which is defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations that designates itself as an educational center that includes kindergarten, elementary, or secondary schooling below college level and that provides instructional services that meet the intent of Sections 1003.01(13)(a-d) and 1003.21 of the Florida K-20 Education Code, as it may be amended. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school.

*School facilities.* Those facilities of the school system, including auxiliary facilities, educational facilities, core facilities, educational facilities, and educational plants as defined in Section 1013.01, Florida Statutes, as amended, which a need is created for by new residential construction.

*School Impact fee.* An impact fee that is imposed on new residential construction that is calculated to defray all or a portion of the costs of the school facilities, school sites and school buses required to accommodate the impact to the school system of that new residential construction and which fee is applied to school facilities, school sites, and school buses that reasonably benefit the new residential construction.

*School system.* The school facilities, school sites and school buses that are used to provide instruction within, or transport to and from, the public schools operated by law under control of the School Board.

*Screen.* Fences, walls, berms, trees, shrubs, or a combination of these located within a buffer to serve as a visual barrier.

*Season high-water level.* The elevation to which the ground or surface water can be expected to rise due to a normal wet season.

*Seasonal high-water line.* The line formed by the intersection of the rising shore and the elevation of 150 percent of the local tidal range above-mean high water.

*Seawall.* Man-made wall or embankment, except riprap, that is made to break the force of waves and to protect the shore from erosion.

*Self-Storage Facility.* A building or buildings consisting of individual, small, self-contained units that are leased for the storage of goods.

*Septage.* Domestic septage which has been properly stabilized.

*Septic tank.* A watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil-absorption system.

*Setback.* Physical distance which serves to minimize the effects of development activity from a structure or natural resource and for which it may be necessary to restrict activities for the area; or the physical distance between structure and the property line or edge of ingress/egress easement as applicable.

*Sewerage system.* A network of drains and sewers used to collect liquid and solid wastes for subsequent treatment or disposal.

*Sewerage system, central.* Includes pipe, pumps, tanks, treatment plants, and all other appurtenances which serve three or more lots, or which serve any multiple-family, commercial, industrial, instructional, or other use where the total sewage flow exceeds 2,000 gallons per day.

*Sewerage system, individual.* A system of piping, tanks, or other facilities serving only one lot.

*Sexually oriented business:*

1. Any physical contact establishment.
2. Any premises where members of the public or any person for consideration are offered any live or recorded performance, or any visual images tangibly fixed in any medium, which performance, image, or recording has as its primary or dominant theme, subject matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
3. Any premises where the presentation or distribution of any performance, recording, or visual image requires the exclusion of minors from the premises, pursuant to Chapter 847, Florida Statutes.
4. Any premise where a member of the public or any person for consideration, including a membership or entry fee, is permitted to view or engage in sexual acts.

*Shellfish-harvesting area.* Coastal waters classified, pursuant to Rule 5L-1, F.A.C., based upon bacteriological and sanitary surveys which define levels of bacteriological pollution and document all possible sources of pollution, both actual and potential.

*Shooting range or firing range.* A specialized indoor or outdoor facility designed for firearms practice.

*Shoreline.* Interface of land and water in oceanic and estuarine conditions that follows the general configuration of the mean high-water line (tidal water) and the ordinary high-water mark (freshwater).

*Side-use lines.* Lines extending into the water from the property lines of upland owners adjacent to the water. Side-use lines begin at the waterfront property corner and generally extend out perpendicular to the canal centerline, except that side-use lines extend to the radial point at dead ends and bends of canals. Along with the waterward-use line, side-use lines mark the area, the "canal-use zone," where upland property owners may exercise canal-use rights in a manner consistent with this Code.

*Sight triangle (see clear-sight triangle).*

*Sign.* For the purposes of Signs, this Code, Section 406.1, the following words shall be defined as follows.

1. *"Sign."* Any visual representation intended to advertise, identify, or communicate information to attract the attention of the public for any purpose and includes any symbols, letters, figures, illustrations, graphics, or other forms painted or otherwise affixed to any structure or device. Specifically excluded from this definition is any mural or painting or other artistic creation etched or painted on the wall of any structure, provided that the mural, painting, or artistic creation contains only noncommercial speech or art work.
2. *"Activated sign."* Any sign that contains or uses for illumination any light, lighting device, or lights that change color, flash, or alternate or change appearance of the said sign or any part thereof automatically; any sign that contains moving parts as part of its normal operation, such as rotating signs, shall be considered an activated sign. Additionally, a sign that depicts or contains copy that moves or appears to be moving; emits audible sound, vapor, smoke, odor particles, or gaseous matter; or electronic message center(s) or similar technology.
3. *"Advertiser."* Any person who is a lessee or owner of a sign, an agent of the same, or anyone who has beneficial use of a sign.
4. *"Advertising balloon."* A sign constructed from nonporous material that is inflated and is designed to rise and float in the atmosphere. Included in this definition are those advertising balloons that represent the form of a person, place, or thing. Aircraft that may meet this definition are not considered advertising balloons. Advertising balloons may be tethered or tied to the ground or may be designed to float freely in the atmosphere.

5. *"Architectural feature."* Any construction attending to but not an integral part of a sign, such as, by way of example not limitation, landscape, building, or structural forms that enhance the site in general; it also includes graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a sign, provided such treatment does not include lettering, logos, or pictures.
6. *"Awning sign."* A shelter supported entirely from the exterior wall of a building and composed of nonrigid materials, except for the supporting framework, upon which a sign is indelibly drawn, painted, or printed.
7. *"Banner sign."* Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. "Banner" does not include ground signs or pole signs regardless of whether the ground signs or pole signs are on-site or off-site.
8. *"Canopy sign."* A roof-like cover, attached or unattached, extending from the exterior wall of a building and composed of supporting framework of rigid materials upon which a sign is indelibly drawn, painted, or printed.
9. *"Changeable copy sign."* Any framed sign, illuminated or not, that is principally devoted to and designed for changeable text and graphics. This definition shall not include activated signs.
10. *"Colonnade sign."* A sign suspended below the roof of a covered walkway, perpendicular to the facade of the structure, oriented to pedestrians, and identifying the premises adjacent to it.
11. *"Construction sign."* A temporary sign erected on a premises currently undergoing some type of building or construction activity.
12. *"Copy."* The letters, colors, text, or other graphics that comprise the message displayed upon the sign copy area.
13. *"Copy area."* The area on a sign containing the copy. The copy area of a sign shall be measured from the outside edges of the copy area frame should such a frame be used.
14. *"Digital Display."* A portion of a sign face emitting an illuminated message created electronically by a light source.
15. *"Double-faced sign."* A sign having two display surfaces not necessarily displaying the same copy, which are parallel, back-to-back, and not more than 48 inches apart.
16. *"Entrance sign."* A sign located at the entrance to a residential or nonresidential development.
17. *"Exempt sign."* A sign for which a permit is not required, but which must conform to the requirements of this Code.
18. *"Festoon."* Fabric, paper, plastic, or foil draped and bound at intervals.
19. *"Ground sign/monument sign."* Any sign other than a pole sign that is placed upon or supported by structures, or supports in or upon the ground and independent of support from any building that has the vertical structural supports concealed within an enclosed base. The width of such enclosed base shall be equal to at least two-thirds of the width of the sign structure measured at its widest point. The finish shall be consistent with materials used on the building that the sign serves. "Ground signs" shall include monument signs.
20. *"Illegal sign."* Any sign erected prior to the adoption of the Zoning Ordinance in 1975 and not conforming to this Code; any sign erected without a permit subsequent to the enactment of the Zoning

Ordinance in 1975; and signs erected prior to or subsequent to the enactment of the Zoning Ordinance in 1975, in violation of the County, State, or Federal regulations shall be considered illegal signs.

21. *"Illuminated sign."* An illuminated sign is one which either:
  - a. Provides artificial light through exposed bulbs, lamps, or luminous tubes on the sign surface;
  - b. Emits light through transparent or translucent material from a source within the sign; or
  - c. Reflects light from a source intentionally directed upon it.
22. *"Interior sign."* A sign that is located in the interior of a structure or is located outside a structure but, because of the sign's placement, design, or orientation, is not readily visible to passersby.
23. *"Marquee sign."* Any sign that is attached to or hung from a permanent, roof-like structure or marquee that is supported by a building wall and that projects out from the building line usually, but not necessarily over a public right-of-way, such as a sidewalk.
24. *"Multioccupancy sign."* A ground sign/monument sign on a multioccupancy parcel or an out-parcel that is part of a common plan of development.
25. *"Multiprism sign."* Signs made with a series of triangular vertical sections that turn and stop to show three pictures or messages in the sign surface area.
26. *"Nonconforming sign."* Any sign lawfully in existence within the County on December 10, 2002, that does not conform to the requirements of this Code. This definition shall not be construed to include an illegal sign.
27. *"Off-site sign."* A sign that is displayed for a building, structure, or use that is located on another premise. A registered billboard is an off-site sign.
28. *"On-site sign, a.k.a. on-premises sign."* A sign displayed on a premises, or in the case of a multioccupancy parcel, on a contiguous parcel or on another parcel located in the area covered by an approved Uniform Sign Plan and specified within that plan. Any sign containing noncommercial speech is an on-site sign.
29. *"Pennant."* Any flag-like or streamer-like piece of cloth, plastic, foil, or paper attached to any staff, cord, building, or other structure at only one or two edges with the remainder hanging loosely.
30. *"Permanent sign."* A permanent sign is one that is affixed to a building or the ground in accordance with the requirements of this Code and any other applicable Federal, State, or local laws, and in such a manner as to be immobile without the use of extraordinary means, such as disassembly.
31. *"Pole sign."* A sign independent of support from any building that is mounted on freestanding poles or other supports.
32. *"Portable sign."* Any sign other than a sandwich sign, double- or single-faced, that is not permanently erected on the site and which may readily be moved from place to place; except that this definition shall not apply to signs painted directly on vehicles or signs displayed through but not on windows.
33. *"Projecting sign."* Any sign that is attached to and that projects from the outside wall of any building or structure, excluding wall signs as defined herein.
34. *"Real estate sign."* A temporary sign erected on a premise for sale, lease, or exchange.
35. *"Revolving sign, a.k.a. rotating sign."* Any sign so erected or constructed as to periodically or continuously change the direction toward which any plane containing the display surface area is oriented.

36. *"Roof sign."* Any sign erected, constructed, or maintained on the roof of any building, above the eaves or above mansards, parapets, or other similar architectural features of buildings or structures that are capable of supporting signs.
37. *"Rotating sign"* (see *"revolving sign"*).
38. *"Sandwich board/sidewalk sign."* A sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of the letter "A" when viewed from the side.
39. *"Sign face."* The part of a sign on which the copy or message is or could be placed.
40. *"Sign structure."* Any structure that is designed specifically for the purpose of supporting a sign, has supported, or is capable of supporting a sign and/or its copy area. This definition shall include any architectural features, decorative covers, braces, wires, supports, or components attached to or placed around the copy area. This definition shall not include a building or buffer wall to which a sign is attached.
41. *"Sign structure area."* The entire area of the sign including the copy area, the sign surface area, and the sign structure. The structure area of the sign shall be measured from the outside edges of the sign structure.
42. *"Sign surface area."* The surface area of a sign is the entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but not including the sign structure bearing no copy. The surface area of the sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater. The sign surface area shall include the aggregate sign area upon which copy could be placed and shall include the total of a single side of a sign surface upon which copy could be placed.
43. *"Snipe sign."* A sign made of any material when such sign is tacked, nailed, posted, glued, or otherwise attached to any pole, tree, or other natural feature, fence, fence post, bench, stakes, other sign, or other similar objects located on public or private property.
44. *"Temporary sign."* A sign which is not designed, constructed, or intended to be permanent. This definition shall not include prohibited signs.
45. *"Vehicle signs."* Any commercial sign attached to or placed on a vehicle, including automobiles, trucks, boats, campers, and trailers, that is parked on or otherwise utilizing a public right-of-way, public property, or on private property so as to be intended to be viewed from a vehicular right-of-way. This definition is not to be construed to include those signs within the normal unaltered lines of the vehicle, when and during that period of time such vehicle is traversing the public highways during the normal course of business.
46. *"Wall sign."* A sign which is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane to the plane of the building facade or wall and which does not project more than 18 inches from such building.
47. *"Window sign."* A window sign is one which is painted on, attached to, or visible through a window excluding displays of merchandise.

*Significant habitat of listed species.* Areas, which due to its function and character, provide viable nesting, foraging, or other critical component of a listed species lifecycle.

*Silviculture.* Forestry agriculture, tree farming, or harvesting activities that are conducted for commercial use or conservation management.

*Single boat-docking facility.* Structure for the uncovered storage of watercraft that serves a single, residential building containing only one dwelling unit on a single building lot.

*Single-family detached house (as it pertains to school impact fee).* A detached dwelling unit and which is not considered to be a mobile home as mobile home is defined by the State.

*Single-family dwelling unit.* A structure designed for occupancy by a single family or household. Single-family dwelling units may be attached to one another as in a row or townhouses or detached from one another as by side yards. All single-family units are characterized by a ground-floor entrance, except where flood regulations specify otherwise, and the absence of another dwelling unit above.

*Single occupancy parcel.* Any parcel that is occupied by a single establishment.

*Site.* Land and all structures and articles appurtenant or attached thereto that are owned, leased, occupied, or controlled by a person.

*Site area.* The total area of a lot, tract, or parcel that is developed or intended for development for a specific, integrated purpose and shall include all streets and other public rights-of-way and common open space.

*SLOSH (Sea, Lake, and Overland Surges from Hurricane [Program]).* The storm-surge heights resulting from tropical storms and hurricanes.

*Small-quantity generator (SQG).* As defined by the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations 260, is one which generates less than 1,000 kilograms (2,200 pounds or approximately 250 gallons) of hazardous waste in a calendar month.

*Solar Facility (Solar Electric Power Collection Facility or Solar Farm).* Means a production facility for power which a) uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily off site; b) consists primarily of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components; c) may include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.

*Solid waste:*

1. As it pertains to waste spreading, sludge from a waste treatment works; water supply treatment plant; air pollution-control facility; or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Solid waste does not include scrap or new or used material separated at the point of generation and held for purposes of recycling.
2. As it pertains to groundwater protection, solid waste includes garbage, refuse, white goods, special waste, ashes, wastewater residuals, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. For purposes of this Code, solid waste does not include:
  - a. Disposal by persons of solid waste resulting from their own activities on their own property, provided such waste is either from their residential property and is not a regulated substance or is rocks, soils, trees, tree remains, and other vegetative matter which normally result from land-development operations.
  - b. Storage of solid waste in containers by persons where such solid waste results from their own activities on their property, leased or rented property, or property subject to a homeowners' or maintenance association for which the person contributes association assessments, if the solid waste in such containers is collected at least once a week.



*Solid waste facility.* Structures or systems designed for the collection, processing, or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

*Special exception.* An approval pursuant to this Code, Section 402.4.

*Special Flood Hazard Area.* An area in the floodplain subject to one percent or greater chance of flooding in a given year. An area having Special Flood Hazard and shown on an FHBM or FIRM as Zone "A," "AO," "A1—A30," "AE," "A99," "AH," "V1—30," "VE," or "V."

*Special protection areas.* Zones delineated around vulnerable features, such as sinkholes, excavations, or caves within which land uses are regulated to protect the quality of the groundwater resource.

*Specialty school.* A school primarily devoted to giving instruction in musical, dancing, dramatic, artistic, linguistic, athletic, or other similar special subjects.

*Specified anatomical area.* Any of the following, alone, or in combination:

1. Any less than completely or opaquely covered portion of:
  - a. The human genitals or the pubic region.
  - b. The cleavage of the nates.
  - c. That portion of the human female breast directly or laterally below a point immediately above the top of the areola; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed.
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
3. Any covering, tape, pastie, latex spray or paint, or other device that simulates or otherwise gives the appearance of the display or exposure of any of the specified anatomical areas listed in Subsections 1. and 2. of this definition.

*Specified sexual activity.* Any of the following:

1. Human genitals in a state of sexual stimulation, arousal, or tumescence.
2. Acts of anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, fetishism, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia, or zoerasty.
3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast.
4. Excretory functions as part of or in connection with any of the activities set forth in Subsections 1. through 3. of this definition.

*Specimen tree.* A tree which has been determined by the judgment of a professional forester, horticulturist, or other professional plantsman of high value, because of its type, size, age, or other professional criteria, and has been officially made and promulgated as part of the official records of the County.

*Spill.* The unpermitted release or escape of a regulated substance directly or indirectly to the ground surface, soils, surface waters, or groundwater.

*Square feet or square footage.* The area under roof used for occupancy or storage that is used to calculate the square footage of the development, including the gross area measured in square feet from the exterior faces or exterior walls or other exterior boundaries of the building, excluding areas within the interior of the building which

are utilized for parking. With respect to dwelling units, the square footage shall be calculated as the living area under heat/air conditioning.

*Stabilization, sludge.* Stabilization means the use of a treatment to render sludge or septage less odorous and putrescible and to reduce the pathogenic content as described in Chapter 6 of EPA 625/1-79-011, Process Design Manual for Sludge Treatment and Disposal.

*Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act, Public Law 97-348).* Includes substantial improvement and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or improvement was within 180 days of the permit issuance date. The actual start means the first placement of permanent construction of a building, including a manufactured home, on a site such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Stormwater.* Surface runoff and drainage of water resulting from rainfall.

*Stormwater management system.* All natural and artificial drainage facilities which convey, store, or control the flow of stormwater runoff from one or more drainage basins.

*Stormwater runoff.* That portion of precipitation which is not passed into the soil by infiltration, evaporated into the atmosphere, or entrapped by small surface depressions and vegetation, and which flows over the land surface during and for a short duration following any rainfall.

*Story.* A complete horizontal section of a building having one continuous floor and ceiling, including a basement, but not including a cellar and including an attic, if habitable.

*Story, half.* A story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area immediately below it.

*Story, height of.* The vertical distance from top to top of two successive tiers of beams or finished floor surfaces, and for the topmost story, from the top of the floor finish to the top of the ceiling joists or where there is no ceiling, to the top of the roof rafters.

*Street.* A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, freeway, road, avenue, boulevard, lane, place, court, or easement for purposes of vehicular traffic or traffic circulation, or however designated, when any part thereof is used for purposes of vehicular traffic and traffic circulation. The term "street" as defined above, shall include streets created by physical improvement to or alteration of land and shall include streets which are or may be reasonably construed as having been created by any instrument reciting a conveyance, dedication, reservation, limitation, or other means of establishing a street. However, the term street shall not include easements, private driveways, or parking lots; the sole function of which is to provide off-street access and parking. The term "street" shall also not include limited-purpose easements designed to provide access for maintenance functions, such as, but not limited to, the cleaning of drainage ditches.

*Street frontage.* The length of the property line for a single parcel that runs parallel to and along each public right-of-way, exclusive of alleys, it borders.

*Street grade.* The official established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

*Street line.* A dividing line between a lot, tract, or parcel of land and a contiguous street.

*Street, marginal access.* A frontage road parallel and adjacent to an arterial street which serves primarily to provide access to abutting property.

*Structure.*

1. That which is built or constructed.
2. As it pertains to Flood Damage Prevention. A walled and roofed building, including a gas or liquid storage tank, and manufactured homes that are principally above ground.

*Subdivision.* The division of a parent parcel into three or more parcels, or any division of lands platted on or after May 1, 1974, or any division of lands previously divided in accordance with a local development order, for the purpose, whether immediate or future, of transfer of ownership or building development. Subdivision, when appropriate to the context, shall mean the process of subdivision or the land subdivided. When appropriate to the context, subdivision shall include the creation of a street, right-of-way, or public easement.

*Substantial damage.*

1. As it pertains to Flood Damage Prevention: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
2. As it pertains to Dock Construction: Damage of any origin sustained by a dock whereby the cost of restoring the dock to its predamaged condition would equal or exceed 50 percent of the market value of the dock before the damage occurred.

*Substantial improvement.*

1. As it pertains to Flood Damage Prevention: Any one or more, or any combination thereof, of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds, over a one-year period, a cumulative total of 50 percent of the market value of the structure before the "start of construction" of the improvement.

This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not, however, include either.

- a. Any project for improvement of a building required to comply with existing health, sanitary, or safety code violations which have been identified prior to permit issuance by the County Administrator or designee, and which are solely necessary to ensure safe living conditions; or
  - b. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."
2. As it pertains to Dock Construction: The replacement of more than 50 percent of the structure, or the lateral or lineal extension of any dock.

*Supermarket.* A retail store and whose primary business is the retail sale of food products, apart from alcoholic beverages, where such business is located in a building, or portion thereof, greater than 20,000 square feet in size.

*Supercenter.* A physically large retail establishment in excess of 100,000 square feet in size, typically part of a chain. Examples include large home improvement centers, such as a Lowe's or Home Depot or Department Stores, such as Wal-Mart, Costco, or Target.

*Support commercial/office uses.* Retail and professional office uses that are designed to support the primary businesses and residential that are located within an EC-MPUD Employment Center Master Planned Unit Development. Commercial and retail uses that serve as regional scale uses, such as department stores, theaters, home improvement centers, and automobile sales, are expressly prohibited in an EC-MPUD; shall not be permitted as support office/commercial uses; and are subject to the restrictions in this Code.

*Surface water.*

1. General: A recognizable permanent body of water, including swamp or marsh areas, contained within a discernible boundary or bank created naturally or artificially. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.
2. As it pertains to water supply: Fresh water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

*Swimming pool, private.* Any reasonably permanent pool or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than 1.5 feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

*Ten-year storm.* As defined in the FDOT Drainage Manual, Second Edition, for the Tampa Bay Area.

*Theater.* A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

*Theater, outdoor drive-in.* An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

*To plat.* In whatever tense used, to divide or subdivide lands into lots, blocks, parcels, tracts, sites, or other divisions, however designated, and the recording of the plat in the office of the Clerk & Comptroller's Office in the manner authorized by Chapter 177, Florida Statutes, and the land development regulations of the County and other laws regulating the platting of land in the County.

*Topping.* The cutting back of tree branches to stubs or lateral branches that are not large enough to assume the terminal role. Other names for topping include heading, tipping, hat-racking, and rounding over.

*Tourist home.* A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

*Transmissivity.* The rate at which water of the prevailing kinematic viscosity is transmitted through a unit width of the aquifer under a unit hydraulic gradient.

*Transfer station.* A site where used or waste materials are collected and stored for relocation or sale on another site.

*Transportation analysis.* For purposes of transportation analysis and access management, the following definitions shall apply:

1. *Exempt Uses.* Uses in the EC-MPUD Employment Center Master Planned Unit Development, PO-1 Professional Office, I-1 Light Industrial Park, and I-2 General Industrial Park Zoning Districts. Uses in MPUDs located in the following land use classifications: OF (Office), EC (Employment Center), IL (Industrial - Light) and IH (Industrial - Heavy). Portions of MPUDs which are government buildings, offices, corporate business parks, hotel, industrial or transit-oriented design.
2. *Existing Entitlements.*
  - a. *For a new rezoning, DRI, special exception, or conditional use:* The number of units and/or square feet as expressed in gross p.m. peak-hour trips permitted by the existing zoning, after the application of the reduction factors, pursuant to Section 901.12.
  - b. *For a previously approved MPUD or DRI:* The number of units and/or square feet permitted by any unexpired PSP approval, construction plan approval, Building Permit, final plat, Certificate of Occupancy, or the number of units and/or square feet for which transportation mitigation has already been provided or for which no transportation mitigation (other than payment of transportation impact or mobility fees) was required.
  - c. *For a FLU Map Amendment:* The number of units and or square feet as expressed in gross p.m. peak-hour trips permitted, pursuant to the existing FLU Map classification, after the application of the reduction factors, pursuant to Section 901.12.
3. *Existing Network.* Major County Roads in existence and open to use by the public.
4. *Existing Scenario.* Analysis of existing traffic on the existing network.
5. *Future Scenario.* Analysis of existing traffic, plus reasonable background traffic, plus project traffic on the committed network.
6. *Major Intersection.* All signalized and/or unsignalized intersections formed by two or more Major County Roads.
7. *Mixed-Use Trip-Reduction Measures (MUTRM).* The MU (Mixed Use), street-network density and sidewalk/bicycle network completeness trip-reduction measures initially identified in the County's mobility fee study and supporting appendices, which are quantified based on jobs to housing ratios, availability of locally serving retail, intersection density or maximum block size, and the availability of a complete sidewalk and bicycle facility network.
8. *Nonexempt Uses.* Those uses not qualifying as exempt.
9. *Project Traffic.* Trips generated by nonexempt uses in a proposed development.
10. *Road Facility.* The minimum length of road for which LOS analysis is undertaken. For interrupted flow facilities, it will often consist of several contiguous road segments.
11. *Road Segment.* In an interrupted flow facility, a road segment is the piece of road from one traffic signal to the next traffic signal, and is usually considered to include the traffic signal at the "downstream" end of the segment.
12. *Trip-Reducing Projects (TRP).* Projects incorporating Traditional Neighborhood Design (TND), TC (Town Centers) meeting the design requirements of the TND ordinance and projects using Mixed-Use Trip-Reduction Measures (MUTRM).
13. *Volume/Capacity (v/c) Ratio.* The traffic demand volume divided by the physical capacity of the road, including the intersection.

*Transportation corridors.* All land occupied or used or intended to be occupied or used as a street or roadway and shown on the County Comprehensive Plan, Transportation Element, Transportation Corridor Preservation Map and

Table, as amended, which may include areas for medians, shoulders, frontage roads, drainage, buffers, landscaping, sidewalks, bike paths, utilities, and other roadway-related improvements.

*Transportation facility.* Means any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place.

*Travel time.* The time required for groundwater to move from a specific point to the well.

*Travel trailer park/recreational campground.* A tract of land developed under single ownership for the purpose of short-term or temporary use by individually owned recreational vehicles.

*Travel trailer/recreational vehicle subdivision.* A tract of land divided into three parcels or more, or individual lots or parcels that are developed for the purpose of sales or leasing in excess of one year, allowing the placement of park trailers and RVs for long-term or seasonal occupancy.

*Treatment.* Treatment means the process of altering the character, physical, or chemical condition of waste to prevent pollution of the water, air, or soil to safeguard the public health or to enable the waste to be recycled.

*Tree.* A perennial, woody plant.

*Residential Street Tree.* Those trees planted in accordance with a subdivision development plan and to single- and two-family residential lots along streets and roadways which are located within the designated right-of-way.

*Tree location inventory.* A readable, scale drawing or accurate sketch that provides at a minimum, the following information: the approximate location of trees, identifying species, size measured by dbh, and whether a tree is to remain or is proposed for removal.

*Trip.* A one-way movement of vehicular travel from an origin, one trip end, to a destination, the other trip end. For the purpose of this Code, trip shall have the meaning that it has in commonly accepted, traffic engineering practice and which is substantially the same as that definition in the previous sentence.

*Trip generation.* The attraction or production of trips caused by a given type of land development.

*Truck.* Any motor vehicle designed or used principally for the carriage of goods and includes a motor vehicle to which has been added a cabinet box, platform, rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers. This definition is adopted from Section 320.01(9), Florida Statutes. Any subsequent changes or amendments to the definition of truck found in Section 320.01, Florida Statutes, are hereby incorporated into this definition.

*Truck tractor.* A motor vehicle that has four or more wheels and is designed and equipped with a fifth wheel for the primary purpose of drawing a semitrailer that is attached or coupled thereto by means of such fifth wheel and which has no provision for carrying loads independently. This definition is adopted from Section 320.01(11), Florida Statutes. Any subsequent amendments or changes to the definition of truck tractor found in Section 320.01, Florida Statutes, are hereby incorporated.

*Turf and/or turf grass.* Continuous plant coverage consisting of grass species appropriately suited to the site where it is planted.

*Turf, sod, or lawn.* A piece of grass-covered soil held together by the roots of the grass.

*24-hour/25-year storm.* A storm of 24 hours duration which has a probability of occurring at least once in a 25-year period.

*Unconfined aquifer.* An aquifer that has the water table as its upper boundary and a confining unit as a lower boundary. It is also an aquifer under atmospheric conditions at the water table.

*Unity of title.* A document recorded in the official records with the Clerk & Comptroller's Office that combines the use of two or more lots, parcels, or portions thereof, in conjunction with each other as if they consisted of one overall parcel of land under the County land use regulations so that the development can be reviewed for compliance under and be subject to, regulation as if the same were a single-combined parcel, rather than separate lots or parts thereof.

*Upland.* Land at a higher elevation in general than the alluvial plain or stream terrace; land above the lowlands along streams; land absent of wetlands.

*Use.* The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

*Use development, mixed.* MU (Mixed Use) developments are a special class of PUD Planned Unit Development in which two or more different land uses are physically and functionally integrated on the same site and which demonstrate conformance with a coherent overall development plan. Such districts provide the ultimate in flexibility and design.

*Utilities, major.* Facilities such as electric generation plants, high-power transmission lines and substations, major gas-distribution lines, water-purification plants, water treatment plants, and sewage treatment and disposal plants that service multiple developments.

*Utilities, minor.* Facilities, such as pumping and switching stations.

*Utility structure.* Telephone poles, utility distribution and transmission poles, streetlights, and traffic signal stanchions.

*Veterinary Clinic.* See Animal Hospital.

*Vacation rental.* A dwelling unit that has been advertised as available more than three times per year for periods of fewer than 30 days at a time for use, occupancy, or possession by persons other than the owner, regardless of the form of ownership of the unit. Dwelling units commonly referred to as timeshares, vacation rentals, and holiday rentals which possess the above characteristics are included within this definition. Bed and breakfast establishments are excluded from the definition and shall not be required to comply with Section 1103. Also excluded from the definition are multiple-family dwellings, other than condominiums, the individual units of which are offered exclusively for rent. The exemption of multiple-family dwellings from the definition of vacation rental shall not be construed as authorizing multiple-family dwellings to be operated as hotels, motels, or other transient-lodging establishments.

*Vacation rental management company.* Any person, firm, partnership, corporation, or other entity that manages or is otherwise responsible for the local operation and maintenance of a vacation rental. This definition shall include the owner of a vacation rental if the owner does not contract with another for the operation and maintenance of the rental.

*Variance:*

1. (as it pertains to Flood Damage Prevention). A grant of relief from all or some of the requirements of this Code, Section 1104 or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this Code, Section 1104, and/or the Florida Building Code.
2. A request for relief from the strict requirements of this Code.

*Vegetable Garden/Home Garden.* Means a plot of ground where herbs, fruits, flowers, or vegetables are cultivated for human ingestion, in accordance with the definition in Chapter 604.71, Florida Statutes, with less than 14 vehicle trips daily, with limited heavy vehicle use.

*Vehicle dealerships.* A land use providing for automobile mechanical services, automobile body repair, parts, and sales. Used car sales, leasing options, and truck sales and servicing may also be available.

*Vehicular use area.* All areas used for the circulation, parking, and/or display of any and all types of vehicles, boats, or heavy construction equipment, whether self-propelled or not, and all land upon which vehicles traverse, including parking lot driveways. This shall include, but is not limited to, areas used to accommodate drive-through service. Only driveways and parking spaces serving single- and two-family uses shall be an exception to this definition.

*Vulnerable feature.* A natural or man-made feature of the land that has the potential to discharge directly to the Floridan aquifer. These features include excavations and solution features such as sinkholes, caves, and mine pits that expose the top of the Floridan aquifer.

*Warehouse.* Any premises where the principal use is the storage of merchandise, products, or materials in bulk for a fee or charge or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesale sales, but shall not be deemed to include retail sales establishments, miniwarehouses, Self-Storage Facilities, or bulk storage of flammable, explosive, toxic, or noxious materials as a principal use.

*Waste material.* Waste material means sludge, septage, or animal waste material, whether solid, liquid, semisolid, or contained gaseous material, resulting from domestic, industrial, commercial, mining, or agricultural operations.

*Wastewater service facilities.* Those facilities owned or operated by the County which a need is created for by new service connections. The wastewater service facilities include, but are not limited to:

1. Wastewater treatment facilities that generally consist of treatment, reclaimed water, production effluent disposal, associated equipment, and the land on which the facilities are located.
2. Wastewater transmission facilities that consist of interceptor (trunk) gravity lines, pumping stations, and selected force mains serving as the backbone piping transferring wastewater from localized collection facilities to the treatment facilities.

*Water and wastewater service facilities.* Both wastewater service facilities and water service facilities. These facilities do not include the distribution/collection facilities, such as the localized piping and equipment that serve as a conduit for water and wastewater services between the customer's point of connection and the County's transmission facilities.

*Water and/or wastewater service connection fees.* Connection fees which are imposed on new service connections and which are calculated to defray all or a portion of the costs of the water and/or wastewater service facilities required to provide capacity in water and/or wastewater service systems to serve those new service connections, and which fee is applied to water and/or wastewater service facilities which reasonably benefit the new service connections.

*Water body.* For the purpose of determining permitted density, these shall be defined as those naturally occurring water covered lands shown and described in the official soil survey of the County as perennial streams, or those waters listed in Appendix A of the Conservation Element section of the technical support document. The water-covered areas listed above shall extend to the ordinary high-water line. This definition shall not apply to coastal shoreline areas because, in these areas only, those areas above the mean high-water-tide line are considered for density purposes. In those cases where a question arises regarding the accuracy of the soil survey or any other water boundary, the question shall be referred to the SWFWMD for final resolution.

*Watercourse.* Hydrologic connections including, but not limited to, water bodies shown on the most recent USGS quadrangle sheets as having perennial flow.



*Water dependent.* Activities that can be carried out only on, in, or adjacent to water bodies, because the use requires access to the water for waterborne transportation, including ports or marinas, recreation, electrical-generating facilities, or water supply.

*Water enhanced.* Uses that are not water-dependent, but whose value is increased due to location along the water, unrelated to increased property values of waterfront property.

*Water features.* Features of a site that hold water temporarily or permanently. These may include both natural features; i.e., lakes, wetlands, rivers, creeks, etc., and artificial features; i.e., retention and detention ponds, fountains, ditches, and canals.

*Waterfront property.* Property that abuts a "navigable water body" as that term is defined in this Code.

*Water pollution.* The presence of any substance or condition in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

*Water quality.* The physical, chemical, and biological characteristics of water which interrelate with the propagation of fish, wildlife, and all aquatic life.

*Water related.* Activities that are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses.

*Water resource.* Any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

*Waters of the United States.* As defined by the United States Environmental Protection Agency (USEPA) in Title 40, Section 122 of the Code of Federal Regulations, or any amendments thereto.

*Water-service facilities.* Those facilities owned or operated by the County which a need is created for by new service connections. The water facilities include, but are not limited to:

1. Water treatment facilities that generally consist of source of supply, raw water transmission, treatment, storage, and high-service pumping, associated equipment, and the land on which the facilities are located.
2. Water-transmission facilities that consist of selected water mains serving as the backbone piping providing services to the localized distribution facilities.
3. Reclaimed water storage facilities and reservoirs and transmission facilities that consist of selected reclaimed water mains serving as the backbone piping providing services to the localized distribution facilities

*Water-shortage condition.* Sufficient water is not available to meet present or anticipated needs of persons using the water resource or conditions are such as to require temporary reduction in total water usage within a particular area to protect the water resource from serious harm. A water shortage usually occurs due to drought.

*Water supply.* Any and all fresh water on or beneath the surface of the earth, including fresh water in natural or artificial watercourses, lakes, ponds, and fresh water percolating, standing, or flowing beneath the surface of the ground.

*Water supply well.* Water-supply well means a potable water well which pumps water from an unconfined water table aquifer.

*Water surface elevation.* The height in relation to the NGVD of 1929, or other datum where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

*Water system.* Within the framework of this Code, water system shall mean public or municipal water facilities or a commonly or cooperatively owned central water facility.

*Water system, central.* Includes the water source, pumps, treatment plants, distribution pipes, and other appurtenances that serve three or more lots or that serve any multiple-family, commercial, industrial, institutional, or other use.

*Water system, individual.* A water source, distribution system, and other appurtenances supplying only one lot.

*Watershed.* The land area which contributes to the flow of water into a receiving body of water.

*Waterward-use line.* A line generally parallel to the shoreline located a distance of one-third of the total width of the canal as measured, pursuant to Section 1001.5.B.1. Waterward-use lines shall not extend beyond side-use lines. Waterward-use lines and side-use lines shall be referred to collectively as canal-use lines and together create the canal-use zone for an upland owner.

*Wellhead Protection Areas (WPA).* Zones delineated around a supply well, group of supply wells, and/or wellfields within which land uses are regulated to protect the quality of the groundwater resource.

*Wet detention system.* A water-quality treatment system that utilizes a design water pool in association with water-tolerant vegetation to remove pollutants through settling, absorption by soils, and nutrient uptake by the vegetation. The bottom elevation of the pond must be at least one foot below the control elevation.

*Wetland survey.* Approximate delineation of the extent of wetlands as approved by the appropriate jurisdictional government agency.

*Wetlands.* Those areas defined as Class I, II, or III wetlands in the Comprehensive Plan. Lands that are transitional between terrestrial (upland) and aquatic (open water) systems where the water table is usually at or near the surface, or where the land is covered by shallow water; lands which are predominately characterized by hydrophytic vegetation identified in Section 17-4.022, F.A.C.

*Window.* An opening to the outside other than a door that provides all or part of the required natural light, natural ventilation, or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to the provision of natural light.

*Wireless Communications Facilities (WCF).* For the purposes of this Code, Section 1002, wireless facilities are physical structures, equipment, and antennas associated with the provision of wireless communications. This definition of wireless facility does not include personal wireless facilities as defined in Section 1002.17.A. Placing a wireless facility on a structure/building built primarily for a purpose other than supporting antennas does not cause the structure/building to become a wireless facility. Wireless facility related definitions are as follows:

1. *"Antenna."* A device used for the transmission and/or reception of wireless communications, which may include objects commonly known as a whip (omni-directional antenna, "omni"), panel, or disc (directional antennas).
2. *"Antenna array."* A collection of antenna devices used for a single purpose.
3. *"Coapplicant."* Any person and/or entity joining with an applicant for a permit for a wireless communications facility (WCF), including the owners(s) of the PWCF, owner(s) of the subject property, and any proposed tenants for the WCF.
4. *"Close-mount antenna."* An antenna that is mounted flat against or within 18 inches or less of the surface of a tower.
5. *"Collocation or Collocate or Attach."* Means the placement or attachment of a Wireless Communications Facility on any Existing Structure or Authority Utility Pole, regardless of whether or not there is an existing Communications Facility located upon the Existing Structure or Authority Utility

- Pole. Collocating or Attaching a Wireless Communications Facility onto an Existing Structure or Authority Utility Pole does not automatically transform the Existing Structure or Authority Utility Pole into a Wireless Support Structure. The term Collocation includes the ground or platform installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and any other equipment association with the location and operation of the Wireless Communications Facility.
6. *"Collocation of Tier Two and Tier Three."* The sharing of a tower or other structure by two or more communications providers.
  7. *"Communications provider."* For purposes of Tier Two and Tier Three, a communications provider is a communications service provider, authorized by the Federal Communications Commission (FCC) to provide commercial wireless communications, such as broadcasting, mobile, paging, cellular, WiMax, and other such uses or a communications facilities provider based upon the context in which the term is used in this Code.
  8. *"Design."* The appearance of wireless communications facilities (WCF), such as their materials, colors, and shape.
  9. *"Designed service."* The configuration and manner of deployment of the service the communications provider has designed for an area as part of its network. The type and LOS to be provided is not part of "designed service" and is not part of the County's review of the WCF.
  10. *"Equipment building/equipment shelter/equipment facility."* An enclosed structure or cabinet within which houses the equipment for the WCF.
  11. *"FCC."* Means the Federal Communications Commission.
  12. *"Guyed tower."* A type of mount tower that is anchored to the ground or to another surface and stabilized by diagonal cables.
  13. *"Height or Height AGL (above ground level) of Wireless Facility."* The distance measured from ground level to the highest point of the wireless facility, primary antenna support structure, or utility structure, including the antenna array. For purposes of measuring height, all antennas, lightning rods, or other attachments mounted on a structure shall be included in the measurements to determine overall (i.e. combined) height.
  14. *"Lattice tower."* A type of mount tower that consists of multiple legs and cross bracing.
  15. *"Location."* The area where a WCF is located or proposed to be located.
  16. *"Mitigation" or "Mitigated."* The reduction or elimination of adverse visual impacts of a WCF by:
    - a. Enclosing, obscuring, or blocking the view or character of the WCF within a natural or man-made feature, object, or device (concealing).
    - b. Creating the effect that the WCF is part of or similar to its surroundings (camouflaging).
    - c. Designing the WCF to appear to be something other than a WCF (disguising), such that the WCF is not readily identifiable as a WCF or is not aesthetically incompatible with nearby uses. Mitigated WCFs can be mitigated towers, with the antennas hidden or obscured, which include, but are not limited to, structures that are or look like a church steeple, bell tower, spire, religious symbol, clock tower, light standard, windmill, wind turbine, silo, flagpole with or without a flag or a tree; and mitigated antennas that are located wholly within the structure so as not to be visible, located behind screening, or otherwise located in such a manner that the antenna and ancillary appurtenances are not readily identifiable as such.

17. *"Monopole."* One type of self-supporting tower consisting of a single shaft of wood, steel, or concrete and unmitigated external antennas at the top and/or along the outside of the shaft.
18. *"Radius."* The maximum distance from the center of a tower to a circumference line set by the farthest point of any attachment(s) or antenna array, not including peripheral anchors and guy wires.
19. *"Search Ring."* The geographic area in which and the height at which the communications provider's antennas are to be located to provide the communications provider's designed service.
20. *"Site, WCF."* That portion of a subject property where a WCF is to be placed, and which contains all associated towers, equipment, equipment buildings and shelters, security fencing, landscaping, access and utility easements, and any guy wires and anchors.
21. *"Siting."* The method and form of placement of WCFs on a specific area of a subject property.
22. *"Standards."* Guidelines or measures provided in this section by which acceptability of a WF application is determined. WCFs are measured by standards measuring visual impact or safety. Wireless planning generally regulates WCFs on three levels: location (where the WCF site can go), siting (how the WCF is placed within its setting), and design (what the WCF looks like).
23. *"Subject property."* The parcel of land within which the site is located.
24. *"Tower."* A structure constructed for the primary purpose of supporting antennas and other WCF components.
25. *"Wireless communications."* The transferring of data and information through the air using wireless facilities.
26. *"Unlicensed wireless services."* Commercial mobile services that operate on frequencies that require no FCC license.

*Withdrawal.* Any and all methods of taking water from a water supply.

*Xeriscape or Florida-friendly landscape (as provided for in Section 373.185, Florida Statutes).* Quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis (which may include the use of solid waste compost), efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

*Yard.* A required open space, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences and walls and accessory structures and buildings may be permitted in any side- or rear-yard subject to height limitations and setbacks as allowed by this Code.

*Yard, front.* The required open space extending across the entire width of the lot between the front-building line and the street right-of-way line. Where double-frontage lots exist, the required front yard shall be provided on both streets.

*Yard, rear.* The required open space extending from the rear of the main building to the rear lot line throughout the entire width of the lot.

*Yard, side.* The required open space extending from the side of any building to the side lot line throughout the entire depth of the building.

*Yard trash facility.* A facility for the processing of vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including materials, such as tree and shrub trimming, grass clippings, palm fronds, trees, and tree stumps.

Pasco County, Florida, Land Development Code  
APPENDIX A DEFINITIONS

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*Zero lot line.* A development in which one or more sides of each structure rests directly upon the property line.

*Zone.* Those geographical areas as identified by the applicable map.

( Ord. No. 19-43 , § 8, 12-10-19; Ord. No. 20-39 , § 5(Att. A), 12-8-20; Ord. No. 21-22 , § 4, 9-28-21; Ord. No. 21-23 , § 5(Att. A), 10-12-21; Ord. No. 21-24 , § 5(Exh. A), 10-12-21; Ord. No. 21-36 , § 5(Att. A), 12-7-21)



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

July 14, 2023

Nikki Alvarez-Sowles, Esq.  
Pasco County Clerk and Comptroller  
The East Pasco Governmental Center  
14236 6<sup>th</sup> Street, Suite 201  
Dade City, Florida 33523

Attention: Jessica Popplewell

Dear Nikki Alvarez-Sowles:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pasco County Ordinance No. 23-23, which was filed in this office on July 14, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh