

CHAPTER 10. DEFINITIONS

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1 **Article 10.1 Usage**

2 For the purpose of this Code, certain terms shall be used, interpreted, and defined as set forth
3 in this Article. Unless the context clearly indicates the contrary, words used in the present
4 tense include the future tense and words used in the plural include the singular.

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1 **Article 10.2 Defined Terms**

2 **Abutting:** See "Adjacent".

3 **Access:** The principal means of vehicular and pedestrian ingress and egress to a lot from a public
4 right-of-way.

5 **Addition:** A structure added to the original structure after the certificate of occupancy has been
6 issued for the original structure.

7 **Adjacent:** Contiguous, next to. When determining whether one land use or zoning district is
8 adjacent to another, the existence of an intervening right-of-way in the form of alleys, roads,
9 easements, greenbelts, drainage ditches, etc., shall not be considered disjointed if the right-
10 of-way, or total distance, is 200 feet wide or less. The existence of an intervening manmade
11 or natural waterbody shall not be considered if it is 250 feet wide or less (measured between
12 high water lines or apparent high water lines).

13 **Adult Arcade:** A place to which the public is permitted or invited wherein coin-operated, slug-
14 operated, or token operated or electronically, electrically, or mechanically controlled still or
15 motion picture machines, projectors, or other image-producing devices are maintained to
16 show images to five or fewer persons per machine at any one time, and where the images so
17 displayed are distinguished or characterized by the depicting or describing of specified sexual
18 activities or specified anatomical areas, as defined in this Code.

19 **Adult Bookstore/Adult Video Store/Adult Novelty Store:** An establishment that sells or offers
20 adult material for sale or rent for commercial gain, unless the establishment demonstrates
21 that: (1) Admission to the establishment is not restricted pursuant to chapter 847, Florida
22 Statutes; and (2) The individual items of adult material offered for sale and/or rental comprise
23 less than 25 percent of the individual items publicly displayed in the establishment as stock in
24 trade and are not accessible to minors at the establishment.

25 **Adult Booth:** A separate enclosure inside an adult use establishment, accessible to any person,
26 regardless of whether a fee is charged for access. The term adult booth includes, but is not
27 limited to, a peep booth show, adult arcade booth, or other booth used to view adult material.
28 The term adult booth does not include a foyer through which any person can enter or exit the
29 establishment, or a restroom.

30 **Adult Dancing Establishment:** An establishment where employees display or expose specified
31 anatomical areas to others, regardless of whether the employees actually engage in dancing.

32 **Adult Material:** Any one or more of the following, regardless of whether it is new or used: (1) Books,
33 magazines, periodicals, or other printed matter, paintings, drawings, or other publications or
34 graphic media, or photographs, films, motion pictures, video cassettes or disks, slides, or
35 other visual representations, or recordings or other audio matter, which have as their primary
36 or dominant theme matter depicting, illustrating, describing, or relating to specified sexual
37 activities or specified anatomical areas; or (2) Instruments, novelties, devices, or
38 paraphernalia which are designed for use in connection with specified sexual activities.

39 **Adult Photographic or Modeling Studio:** Any business establishment which offers or advertises as
40 its primary business stock in trade the use of its premises for the purpose of photographing or
41 exhibiting specified sexual activities or specified anatomical areas or the modeling of apparel
42 that exhibits specified anatomical areas.

43 **Adult Theater:** An enclosed building or an enclosed space within a building, or an open air area used
44 for presenting either filmed or live plays, dances, or other performances, either by individuals
45 or groups, distinguished or characterized by an emphasis on specified sexual activities or
46 specified anatomical areas for observation by patrons therein. An establishment which has
47 adult booths or an adult arcade is considered to be an adult theater.

48 **Agriculture:** Those uses listed in Chapter 570.02, F.S., as amended.

49 **Aircraft Landing Strip:** A facility whose primary purpose is to accommodate the takeoff and landing
50 of noncommercial passenger aircraft.

51 **Airport Service Function Area:** The area of the airport located within the security fencing, and
52 where aircraft require access to runways, tarmac, or other air operation areas.

- 1 **Alley:** A right-of-way providing a secondary means of access and service to adjacent property and
2 not intended for general traffic circulation.
- 3 **Alteration:** Any change in size, shape, character, or use of a building or structure. Alteration does
4 not include customary maintenance or repairs.
- 5 **Amenity Center:**
- 6 **Animal:** Any non-human members of the animal kingdom including domestic, exotic, and livestock
7 species.
- 8 **Animal, Domestic:** Any animal customarily kept by humans for companionship.
- 9 **Animal, Exotic:** Any species of animal not considered domestic or livestock.
- 10 **Animal Boarding Facility:** A facility or establishment which regularly offers to the public the service
11 of boarding domestic animals for a fee.
- 12 **Animal Breeding:** The raising of more than one litter of non-livestock animals.
- 13 **Apartment:** See "Dwelling, Multi-family".
- 14 **Archaeological Site:** Any archaeologically significant site that appears on the National Register of
15 Historic Places or is National Register eligible, or is recognized by the Division of Historic
16 Resources, Florida Department of State in the Florida Master Site File, or appears in the
17 inventory of the "Survey of Historical Resources, Charlotte County, Florida," prepared in 2008.
- 18 **Assisted Living Facility:** A facility that provides full-time living arrangements in the least restrictive
19 and most home-like setting, and may include individual apartments or rooms that a resident
20 has alone or shares with another person. Basic services provided by the facility may include,
21 but are not limited to, housing, meals, assistance with the activities of daily life, medical or
22 health care service or aid, supervision of residents, and social or leisure activities.
- 23 **Automobile Wrecking and Salvage Yard:** The dismantling, crushing, shredding or disassembling
24 of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially
25 dismantled, obsolete, or wrecked vehicles or their parts.
- 26 **Backyard Composting:** The composting of organic solid waste, such as grass clippings, leaves, or
27 food waste, generated by a homeowner or tenant of a single- or multifamily dwelling unit,
28 where composting occurs at that dwelling unit.
- 29 **Bar:** Any establishment devoted primarily to the sale and on-premises drinking of alcoholic beverages
30 and where no more than ten percent of gross revenue is made from selling food consumed on-
31 premises. Also includes cocktail lounges, taverns, and nightclubs.
- 32 **Barrier Island:** A long, broad, sandy island lying parallel to a shore that is formed by humans or out
33 of natural phenomena by the action of waves, currents, and winds and that protects the shore
34 from the effects of the Gulf of Mexico.
- 35 **Beach Access Point:** A path through or over the dunes used by the general public or private
36 property owners for the purpose of gaining access to the beach.
- 37 **Beach:** The zone of unconsolidated material extending landward from the mean low water line to the
38 place where there is marked change in material or physiographic form, or to the first line of
39 permanent vegetation (usually the effective limit of storm waves).
- 40 **Bed and Breakfast:** A private residence, no more than six rooms of which are set aside for
41 overnight guests whose paid accommodations may include meals.
- 42 **Best Management Practices (BMPs):** Established and tested guidelines that specify through
43 extensive research and study, the most effective methods to promote sustainable landscapes
44 that do not contribute to soil erosion or water and air pollution and which are universally
45 accepted as trade and industry standards.
- 46 **Block:** A group of lots existing within well-defined and fixed boundaries, usually being an area
47 surrounded by streets or other physical barriers.
- 48 **Boarding House:** A residential building used or intended to be used as a place where sleeping
49 accommodations, housekeeping, and meal services are furnished or provided for by the week
50 or month.
- 51 **Boat Ramp:** A facility designed to launch and retrieve recreational boat or watercraft from a trailer.
- 52 **Boat Slip:** A space designed for the mooring of a single boat or watercraft.

1 **Boating Structure:** Any structure used for the docking or mooring of boats or watercraft, including
2 docks, boat ramps, boat slips, and pilings, but not including dry storage.

3 **Buffer:** A combination of physical space and vertical elements such as plants, berms, fences, or walls
4 used to separate and screen incompatible land uses.

5 **Buildable Area:** That area of a lot within which a structure may be constructed, bounded by the
6 required setback lines.

7 **Building:** Any structure having a roof supported by columns or walls and intended for the shelter,
8 housing, or enclosure of any individual, animal, process, equipment, goods, or materials of
9 any kind.

10 **Building, Accessory:** Any building that is customarily incidental and subordinate to a principal
11 building or to the principal use of the premises and located on the same premises.

12 **Building, Principal:** A building in which is conducted the principal use of the lot or parcel on which it
13 is located.

14 **Building Trades Contractor:** Establishments primarily engaged in the construction, reconstruction,
15 renovation, repair, expansion, or maintenance of buildings, structures, or sites on a fee or
16 contract basis. Such uses may include, but are not limited to, plumbing, carpentry, roofing,
17 electrical work, HVAC work, landscaping, and construction,

18 **Bulk Storage:** The storage of chemicals, petroleum products and other materials in above-ground
19 containers for subsequent resale to distributors or retail dealers or outlets.

20 **Business Services:** Establishments primarily engaged in rendering services to business
21 establishments on a fee or contract basis. Such uses may include, but are not limited to,
22 advertising and mailing, building maintenance, employment services, management and
23 consulting services, protective services, equipment rental and leasing, commercial research,
24 development and testing, photo finishing, and personal supply services.

25 **Caliper:** The diameter of a tree trunk.

26 **Campground, Developed:** A campground with two or more camping sites where sites are
27 substantially developed with roads and tables, refuse containers, flush toilets, bathing
28 facilities, and water are provided.

29 **Campground, Primitive:** A campground with two or more sites where locations are accessible by
30 canoe, boat, hiking, or horseback but not by motor vehicle. Campgrounds may have facilities
31 such as water supply, fire pits, and privies, or may have no facilities at all.

32 **Carport:** A freestanding or attached accessory structure, permanently attached to the ground,
33 consisting of a roof and supporting members such as columns or beams, unenclosed from the
34 ground to the roof on at least one side, and designed or used for the storage of motor-driven
35 vehicles owned and used by the occupants of the building to.

36 **Centerline:** A line bisecting and lying everywhere equidistant between the boundaries of an object.
37 For a road, the boundaries shall be construed as the right-of-way lines; for a body of water,
38 the boundaries shall be the mean high water lines or bulkhead lines.

39 **Channel Width, Navigable:** The area within a waterbody that will allow passage of a watercraft with
40 three feet of draft at low water.

41 **Club:** Associations and organizations of a civic, fraternal or social character to which public access or
42 use is restricted.

43 **Clubhouse:**

44 **Coastal Construction Control Line:** A line established on barrier islands to protect beach areas
45 from the adverse impacts of development, more fully described in Chapter 161.053, F.S., as
46 amended.

47 **Community Center:**

48 **Community Residential Home:** A dwelling unit licensed to serve residents who are clients of the
49 Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of
50 Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency
51 for Health Care Administration which provides a living environment for 7 to 14 unrelated
52 residents who operate as the functional equivalent of a family, including such supervision and
53 care by supportive staff as may be necessary to meet the physical, emotional, and social
54 needs of the residents.

- 1 **Concurrency:** The ability to provide the necessary public facilities and services required to maintain
2 the adopted Level of Service (LOS) standards at the time the impacts of development occur.
- 3 **Concurrency Capacity:** The availability of a public service or facility to accommodate users,
4 according to the Level of Service expressed in an appropriate unit of measure as established
5 for that service in the Comprehensive Plan.
- 6 **Conservation Easement:** A right or interest in real property more fully described in Chapter 704.06,
7 F.S., as amended.
- 8 **Contiguous:** See "Adjacent".
- 9 **Convenience Store:** A small-scale store 5,000 square feet in area or less, which specializes in
10 convenience products and other commodities and which may sell gasoline but does not include
11 vehicle repair shops.
- 12 **Cul-de-sac:** A road open at one end and terminated at the other end by a vehicular turnaround.
- 13 **Day Care Center:** A facility that provides programs and services for children, or for elderly or
14 disabled adults, unrelated to the operator, during certain hours of the day and which receives
15 payment, whether or not operated for profit.
- 16 **Day Care Home, Family:** A day care center operated in a single-family dwelling occupied by the
17 operator and which has a capacity of no more than 12 children.
- 18 **Decorative Perimeter Landscaping:** The planted space between the right-of-way and that part of
19 the perimeter of the property not used as a parking area.
- 20 **Density:** The number of residential dwelling units permitted per gross acre of land determined by
21 dividing the number of units by the total area of land within the boundaries of a lot. In the
22 determination of the number of residential dwelling units to be permitted on a specific parcel
23 of land, a fractional unit shall not entitle the applicant to an additional unit.
- 24 **Density Unit:** A development right equal to one dwelling unit.
- 25 **Development:** Any activity intended to modify or improve site conditions, including but not limited to
26 building, clearing, construction, filling, reconstruction, redevelopment, conversion, structural
27 alteration, relocation, earthmoving, or the making of any material change in the size or use of
28 any structure.
- 29 **Development of Regional Impact (DRI):** Any development as defined in Chapter 380.06, F.S., as
30 amended.
- 31 **Development Order:** Any order granting, denying, or granting with conditions an application for a
32 development permit.
- 33 **Development Permit:** Any building permit, zoning permit, plat approval, rezoning, certification,
34 variance, special exception, or other action having the effect of permitting development.
- 35 **Development Plan:** A type of plan that becomes part of the zoning for a property. The plan depicts
36 site characteristics and development information and provides guidance for site plans.
- 37 **Development Site:** Land holdings under common ownership or control which are part of a
38 development plan. All lands used to calculate densities, manage stormwater before the point
39 of discharge, or meet minimum dimensional requirements of the zoning regulations will be
40 considered part of a development site.
- 41 **Distribution Center:**
- 42 **Drip Line:** The outermost perimeter of the crown of a tree as projected vertically to the ground.
- 43 **Drive-Through Facility:** An establishment where a patron is provided products or services without
44 departing the vehicle. Also includes facilities that are labeled "drive-thru," "drive-in," and
45 "drive-up."
- 46 **Dune:** A mound, bluff, or ridge of loose sediment, usually sand-size sediment, lying upland of the
47 beach and deposited by any natural or artificial mechanism, which may be bare or covered
48 with vegetation and is subject to fluctuations in configuration and location.
- 49 **Dwelling Unit:** A structure or portion thereof that is used exclusively for human habitation including
50 living, cooking, and sanitary facilities.
- 51 **Dwelling, Multifamily:** A building containing three or more dwelling units and where each dwelling
52 unit may be individually owned or leased but the land on which the building is located is under
53 common or single ownership.

- 1 **Dwelling. Single-family Detached:** A building containing one dwelling unit and that is not attached
2 to any other dwelling by any means.
- 3 **Dwelling, Single-family Attached:** A building on a single lot containing two dwelling units, each of
4 which is totally separated from the other by an unpierced wall extending from ground to roof
5 or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a
6 common stairwell exterior to both dwelling units.
- 7 **Economic Industrial Development:** Any development with greater than 250,000 square feet of
8 industrial or distribution center floor area.
- 9 **Educational Facility, Outdoor:** An outdoor facility associated with an educational institution
10 including schools, colleges, universities, and research institutions, the primary purpose of
11 which is to conduct or present the results of research related to the site or similar sites, and
12 which may or may not be open to the public. Enclosed buildings may be constructed as part
13 of the facility, but the majority of the site shall remain as open space.
- 14 **Emergency Services:** Police, fire, rescue, or ambulance services.
- 15 **Environmental Professional, Qualified:** An individual, acceptable to the Florida Fish and Wildlife
16 Conservation Commission, United States Fish and Wildlife Service, or to the County who can
17 show demonstrated expertise in conducting local, State or Federally protected/listed species
18 surveys and habitat delineation.
- 19 **Essential Services:** Services and utilities needed for the health, safety, and welfare of the
20 community, such as underground, surface, or overhead electrical, gas, telephone, steam,
21 water, sewerage, and other utilities and the equipment and appurtenances necessary for such
22 systems to furnish an adequate Level of Service for the area in which they are located.
23 Individual water wells and septic tanks are not considered to be essential services.
- 24 **Establishment Period:** The time between planting and new root growth. During the establishment
25 period, regular supplemental watering to the root zone is required.
- 26 **Family:** A group of individuals, not necessarily related by blood, marriage, or legal adoption, living
27 together as a single housekeeping unit.
- 28 **Farm Labor Housing:** One or more buildings or structures, or any portion thereof, together with the
29 land appertaining thereto, established, operated, or used as living quarters for seasonal,
30 temporary, or migrant agricultural workers.
- 31 **Fence:** An unroofed structure, supported by posts or columns, erected to enclose, screen, or
32 separate areas.
- 33 **Fence, Open:** A fence not more than one inch thick in width or depth, excluding posts and rails, that
34 is at least 50 percent open when viewed from an angle perpendicular to the fence.
- 35 **Fill:** The installation or deposition of deposits of earth by humans to increase the vertical or horizontal
36 extent of land or to build embankments.
- 37 **Fish and Wildlife Management Area:** Publicly-owned lands set aside for the purpose of habitat
38 preservation and public outdoor recreational activities including hunting, trapping, fishing,
39 camping, canoeing, kayaking, and hiking.
- 40 **Flag Lot:** A lot that has access to a public right-of-way by means of a narrow strip of land.
- 41 **Floor Area, Gross:** The total floor area of all floors within the inside perimeter of the exterior walls of
42 a structure, exclusive of vent shafts and courts, without deduction for corridors, stairways,
43 closets, the thickness of interior walls, columns or other features. The floor area of a building,
44 or portion thereof, not provided with surrounding exterior walls shall be the usable area under
45 the horizontal projection of the roof or floor above.
- 46 **Floor Area, Net:** The actual occupied area not including unoccupied accessory areas such as
47 corridors, stairways, toilet rooms, mechanical rooms, and closets.
- 48 **Floor Area Ratio:** The ratio of gross floor area of all structures on a lot to total lot area.
- 49 **Florida Friendly:** An integrated and environmentally-sustainable approach to landscaping that uses
50 plants that thrive with minimal maintenance, supplemental watering, or the use of fertilizers
51 and pesticides after the establishment period.
- 52 **Frontage, Building:** The length of the building which directly faces a road or, for a commercial
53 multi-tenant building exceeding 100,000 square feet, an off-street parking area located on the
54 development site, as measured by the distance between the outermost points of the building

1 parallel to the right-of-way. Where a business may not face a road or off-street parking area,
2 the building frontage shall be the main face or front of the business.

3 **Frontage, Lot:** The property line of a lot adjacent to a road or roads.

4 **Garage, Private:** A freestanding or attached accessory building for the storage of vehicles used by
5 the occupants of the principal building, with no facilities for mechanical services or repair of a
6 commercial or public nature.

7 **Garage, Public:** A building or portion thereof designed or used for commercial parking of motor
8 vehicles.

9 **Greenbelt:** An open area surrounding development or used as a buffer between land uses or to mark
10 the edge of an urban or developed area which may be landscaped, cultivated, or maintained in
11 a natural state.

12 **Gross Acreage:** Total land area, in acres, of a lot.

13 **Ground Cover:** Low growing plants normally reaching an average maximum height of not more than
14 24 inches at maturity, planted in such a manner as to form a continuous cover over the
15 ground.

16 **Groundwater:** Water beneath the surface of the ground.

17 **Group Home Facility:** A residential facility that provides a family living environment including
18 supervision and care necessary to meet the physical, emotional, and social needs of its
19 unrelated residents. The capacity of such a facility shall be at least four but not more than 15
20 residents, and shall include any facility licensed under Chapter 393.063, F.S., as amended.

21 **Hardship:** An exceptional circumstance unique to property lot which is not shared by lots in that
22 area, such as peculiar physical characteristics. Hardships shall not include personal or
23 financial hardships, nor any hardship that is self-imposed.

24 **Hedge:** A row of closely planted shrubs intended and designed to form an interlocking, continuous
25 boundary or screen.

26 **Height, Building or Structure:** The vertical distance from the lowest minimum habitable floor
27 elevation for which a building permit may be issued, to the highest point of a flat roof, to the
28 deck line of a mansard roof, and to the mean level between the eaves and the ridge of a
29 gable, hip or gambrel roof. Within the Manasota and Sandpiper Key Overlay District, building
30 height shall be measured from 0 feet NAVD.

31 **Heliport:** An area, either at ground level or elevated on a structure, licensed or approved for the
32 loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting
33 room, fueling, and maintenance equipment.

34 **Helistop:** A heliport, but without auxiliary facilities.

35 **Historic or Archaeological Resource:** Any prehistoric, historic, or archaeological district, site,
36 building, structure, or object included in the National Register of Historic Places, Florida Master
37 Site File, or Local Historic Register, or which may be deemed to be a prehistoric, historic, or
38 archaeological district, site, building, structure, or object by an archaeologist registered with
39 the Society of Professional Archaeologists. Includes mounds, artifacts, records, and remains
40 which are related to such a district, site, building, structure, object, or culture.

41 **Home Occupation:** An accessory use carried out for gain by a resident and conducted in the
42 resident's dwelling unit.

43 **Hotel:** A building or group of buildings offering transient accommodations to the general public and
44 which may include additional facilities and services such as restaurants, meeting rooms,
45 entertainment, personal services, and recreational facilities. Includes facilities that are labeled
46 "Inn," "Motel," "Motor Hotel," or "Motor Lodge."

47 **Houseboat:** A boat containing a dwelling unit.

48 **Household:** A single individual or a family occupying a dwelling unit.

49 **Impervious Surface:** A surface which has been compacted or covered with a layer of material so
50 that it is highly resistant to infiltration by water and increases both the amount and rate of
51 stormwater runoff. The term includes streets, driveways, roofs, awnings, sidewalks, parking
52 lots, patios, sheds, swimming pools, ponds with man-made linings, compacted aggregate, and
53 similar surfaces.

1 **Incineration:** The controlled process by which solid, liquid, or gaseous combustible wastes are
2 burned and changed into gases and residue containing little or no combustible material.

3 **Intensity:** A measurement of the degree of customarily nonresidential uses based on use, size,
4 impact, bulk, shape, height, coverage, sewage generation, water demand, traffic generation,
5 or floor area ratios.

6 **Invasive Species:** Any non-native species of flora or fauna whose introduction does or is likely to
7 cause economic or environmental harm or harm to human health.

8 **Junk:** Scrap or waste material of any kind or nature.

9 **Land Use:** A description of how land is occupied or used.

10 **Landscaping:** Grass, ground cover, mulch, shrubs, vines, hedges, trees, berms, and complementary
11 structural landscape features such as rock, foundations, sculpture, decorative walls and tree
12 wells.

13 **Level of Service (LOS):** Standards to ensure public facilities and services are available to serve
14 existing and future development as defined at the appropriate level.

15 **Listed Species:** Species that are listed by the Federal government as endangered and threatened
16 wildlife or plants, or by the State of Florida as endangered, threatened, and species of special
17 concern for animals or endangered, threatened, and commercially exploited for plants.

18 **Littoral Zone:** That portion of a water body which contains rooted emergent aquatic plants.

19 **Livestock:** Any animal customarily kept for humans for the purpose of providing food, clothing, or
20 work, including but not limited to equine, bovine, ovine, caprine, porcine, and fowl.

21 **Loading Space, Off-Street:** A space logically and conveniently located for pickups, deliveries,
22 loading or unloading, scaled to delivery vehicles expected to be used and accessible to such
23 vehicles separate from any other off-street parking spaces.

24 **Local Historic Register:** A listing of buildings, structures, objects, sites, and districts that have been
25 designated as historically significant to and within the County.

26 **Lot:** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise
27 permitted by law, and recorded in the public records of Charlotte County, Florida, to be
28 separately owned, used, developed, or built upon. For the purpose of this Code, a lot is
29 created on such date that one of the following conditions occur:

30 (1) The date that a deed for the lot is lawfully first recorded in the public records of the
31 County.

32 (2) The date that a plat has been lawfully recorded in the public records of the County and the
33 lot is a part of the plat.

34 **Lot Area:** The horizontal land area contained within the lot lines, including any non-sovereign
35 submerged lands.

36 **Lot Coverage:** The amount of lot area covered by impervious surfaces.

37 **Lot Line:** A line which designates the boundary of a lot.

38 **Lot Line, Front:** A lot line common with the road right-of-way. In lots having frontage on two or
39 more roads the front lot line shall be considered to be that lot line facing the road with the
40 least frontage.

41 **Lot Line, Rear:** A lot line most nearly opposite and generally running parallel to the front lot line.
42 For lots where the rear lot line extends to or beyond the bulkhead line or mean high water
43 line, that line shall be considered the rear lot line.

44 **Lot Line, Side:** A lot line other than the front or rear lot line. For lots where the side lot line extends
45 to or beyond the bulkhead line or mean high water line, that line shall be considered the side
46 lot line.

47 **Lot Width:** The horizontal distance between the side lot lines, measured at the minimum required
48 front setback line.

49 **Maintenance Dredging:** The excavation of sediments or other materials from presently existing and
50 functional channels, ditches, canals, lakes, impoundments or other waterways of artificial
51 construction to original design elevations.

- 1 **Major Plat:** A plat including five or more lots, or including construction bonding or a developer's
2 agreement.
- 3 **Manufactured Home:** A factory-built single-family structure that meets standards of the Federal
4 Manufactured Home Construction and Safety Standards Act (42 U.S.C. Section 5401).
- 5 **Manufacturing:** The creation of any commodity, including assembly, fabrication, packaging, canning,
6 bottling, or processing. The production of foodstuffs for retail sale primarily on-site shall not
7 be considered manufacturing.
- 8 **Marina, Commercial:** A waterfront establishment for the mooring, berthing, storing, or securing of
9 watercraft engaged in the commercial harvesting of sea life, the transport of goods, and
10 including facilities for storage, fueling, and small repairs. The manufacture of watercraft or
11 the use of drydock facilities is not considered a commercial marina.
- 12 **Marina, Industrial:** A waterfront establishment for the purpose of manufacturing and repair of
13 watercraft and watercraft accessories, including engines and sails, and including facilities for
14 storage and fueling.
- 15 **Marina, Sport:** A waterfront establishment for the mooring, berthing, storing, or securing of
16 watercraft not engaged in commercial activities, except fishing charters, tours, and water
17 taxis, and which may include facilities for houseboats, fueling, small repairs, retail sales, rental
18 of watercraft, and dining.
- 19 **Mean High Water:** The average height of the high waters over a 19-year period. For shorter periods
20 of observation, "mean high water" means the average height of the high waters after
21 corrections are applied to eliminate known variations and to reduce the result to the
22 equivalent of a mean 19-year value.
- 23 **Mean High-Water Line:** The intersection of the tidal plane of mean high water with the shore as
24 determined and approved by the Florida Department of Environmental Protection.
- 25 **Mean Low Water:** The average height of the low waters over a 19-year period. For shorter periods
26 of observation, "mean low water" means the average height of low waters after corrections
27 are applied to eliminate known variations and to reduce the result to the equivalent of mean
28 19-year value.
- 29 **Mean Low-Water Line:** The intersection of the tidal plane of mean low water with the shore as
30 determined and approved by the Florida Department of Environmental Protection.
- 31 **Mini Transfer Station:** A facility owned and operated by a local government that serves as a drop-
32 off location for household waste, provided that the facility accepts only household waste,
33 which may include yard trash, that all putrescible waste, household garbage, yard trash, or
34 other waste which may produce leachate is containerized, and that the facility does not accept
35 waste from commercial waste haulers that collect municipal solid waste from multiple
36 generators. May contain a Residential Household Hazardous Waste Collection Center.
- 37 **Minor Plat:** A a plat including four or fewer lots, fronting on an existing public or private street, and
38 having no construction, bonding or developer's agreement required.
- 39 **Minor Yard Trash Processing Facility:** A facility at which yard trash is processed into a size-
40 reduced, usable material but which is not used for the disposal of yard trash. Composting
41 may occur at such a facility, provided that there is no more than 300 total cubic yards of solid
42 waste waiting to be composted, undergoing the composting process, or finished compost
43 stored on-site.
- 44 **Mixed Use Development:** A lot, building, or structure developed for two or more different uses such
45 as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a
46 compact urban form.
- 47 **Mobile Home:** A factory-built single-family structure built prior to the enactment of the Federal
48 Manufactured Home Construction and Safety Standards Act (42 U.S.C. Section 5401).
- 49 **Model Residential Unit:** A residential structure used for demonstration and sales purposes, not
50 occupied as a dwelling unit, and open to the public for inspection. Includes "Model home."
- 51 **Modification:** A relaxation of the platting, site design, or architectural design standards of this Code.
52 This is a legislative decision.
- 53 **Modular Home:** A factory-built single-family structure that meets the standards of the Florida
54 Building Commission and the Florida Department of Business and Professional Regulation.

- 1 **Native Vegetation:** Any plant species with a geographic distribution indigenous to the Southwest
2 region of Florida.
- 3 **Natural Grade:** The elevation and grade of the land that existed prior to development.
- 4 **Nonconforming:**
- 5 **Open Space:** Property under public or private ownership which is unoccupied or predominately
6 unoccupied by buildings or other impervious surfaces used for parks, recreation, agriculture,
7 conservation, reservation of native habitat and other natural resources, surface water
8 impoundment, or scenic purposes.
- 9 **Open Water Span:** The distance measured from seawall to seawall or mean high waterline to mean
10 high waterline, or combination thereof.
- 11 **Outdoor Market or Exhibition Space:** An open or roofed area, not within a building, where groups
12 or individuals offer goods for sale, display, or demonstration.
- 13 **Outdoor Retail Sales:** The display and sale of merchandise outside of an existing retail
14 establishment. This is always an accessory use.
- 15 **Outdoor Storage:** The storage of items such as boats, vehicles, recreational vehicles, contractor
16 supplies, construction materials, and other similar items outside of a completely enclosed
17 building.
- 18 **Pain Management Clinic:** A privately-owned clinic, facility, or office that exhibits at least one of the
19 following characteristics:
- 20 (1) It employs one or more persons who in a single day issue more than 20 prescriptions of a
21 controlled substance for the treatment of pain, whether acute pain or chronic pain.
- 22 (2) It holds itself out through advertising as being in business to prescribe or dispense
23 controlled substances for the treatment of pain, whether acute pain or chronic pain.
- 24 (3) It holds itself out through advertising as being in business to provide services for the
25 treatment of pain wherein the services are accompanied by prescription of or dispensing of a
26 controlled substance for the treatment of pain, whether acute pain or chronic pain.
- 27 (4) It meets the definition of pain management clinic in Chapter 458.3265, F.S., as amended.
- 28 **Palm Tree:** A non-woody flowering plant of the Arcaceae family.
- 29 **Parking Area:** The total area designated for the off-street parking of vehicles and includes
30 driveways, ingress and egress lanes, specialized vehicular use areas, walkways, and aisles.
- 31 **Parking Lot:** An improved area of land used for the temporary parking of motor vehicles.
- 32 **Perimeter Landscape Strip:** An area of at least ten feet wide located immediately adjacent and
33 parallel to the lot line consisting of green, open areas without surfaces, driveways, or private
34 roads. It may contain a driveway crossover provided that crossover is the only vehicular
35 access permitted for the lot. Perimeter landscape strips include vegetation that screens new
36 development from existing development.
- 37 **Performance Assurance:** A surety bond, irrevocable letter of credit or other collateral acceptable to
38 the County Attorney provided by the permittee as security for the permittee's performance of
39 its obligations in the permit and the developer's agreement.
- 40 **Permit:** Any official document or certificate required or issued by the County authorizing
41 development.
- 42 **Personal Services:** Establishments primarily engaged in providing services involving the care of a
43 person or his or her personal goods or apparel. Such uses may include, but are not limited to,
44 barbershops and beauty salons, funeral homes, gyms and spas, tailors and shoe repair, and
45 animal grooming.
- 46 **Pervious Surface:** Any material that permits absorption of stormwater into the ground.
- 47 **Place of Worship:** Any building used for the primary purpose of conducting formal religious services.
- 48 **Plan Amendment:** Any change to the adopted comprehensive plan, including any change to any
49 adopted map of the Future Land Use Map series of the comprehensive plan.
- 50 **Plant Nursery:** The use of land and buildings for the purpose of growing various ornamental plants,
51 grasses, shrubs, flowers, and horticultural specialties for sale on-site, and which may include

1 the sale of landscaping accessories such as lawn ornaments, fertilizer, tools, and similar
2 commodities as accessory to the propagation and growth of plants.

3 **Plat:** A map representing a tract of land, showing the boundaries and location of individual properties
4 and rights-of-way, and meeting the requirements of this Code and Chapter 177, F.S., as
5 amended.

6 **Premises:** Any lot together with any buildings or structures thereon.

7 **Preserve, Game:** An area where animals are allowed to live safely or hunted in a controlled way for
8 sport.

9 **Preserve, Nature:** An area where human activities are very limited and where the natural
10 environment is protected from human changes.

11 **Preserved Tree:** A tree that is protected and retained during and after development and which will
12 count toward a development's minimum tree requirement.

13 **Professional Services:** Establishments primarily engaged in providing infrequent, technical, or
14 unique functions on a fee or contract basis. Such uses may include, but are not limited to,
15 certified public accountancy, engineering, architecture, law, medical and dental offices
16 (excluding clinics and laboratories), and real estate.

17 **Public Building:** Any building owned by a public agency.

18 **Qualified Agricultural Assistance Program:** A National, State, or local government program that
19 provides assistance to agricultural operators to reduce point and nonpoint source pollution,
20 such as nutrients, sediment, pesticides, or excess salinity in impaired watersheds consistent
21 with Total Daily Maximum Loads (TMDLs), where available, reduce Floridian aquifer
22 withdrawals, and/or conserve, restore, or augment the area's water resources and ecology by
23 promoting surface water and groundwater resource sustainability.

24 **Reclamation Plan:** A plan which describes the manner in which an excavation site will be
25 restructured, reshaped, re-vegetated, and otherwise restored.

26 **Recovered Materials Processing Facility:** A facility engaged solely in the processing, resale, or
27 reuse of recovered materials that meet the conditions of Section 62-701.220(c)(2) F.A.C., as
28 may be amended.

29 **Recreational Vehicle Park:** A development site engaged in providing for the parking of recreational
30 vehicles to be used for temporary living quarters including customary accessory uses such as
31 the owner's or manager's living quarters, restrooms, laundry facilities, utility areas, and open
32 space.

33 **Regulated Activity:** Any activity which may potentially have an impact when conducted within
34 wetlands or surface waters, and which requires a permit from the Florida Department of
35 Environmental Protection, the Southwest Florida Water Management District, the South Florida
36 Water Management District, or the U.S. Army Corps of Engineers.

37 **Relatively Unaltered Surface Waters:** Natural surface water features that, in spite of minor
38 development activities, still function with hydroperiod, flow, and water quality similar to the
39 undeveloped condition.

40 **Residential Household Hazardous Waste Collection Center:** A facility operated by or exclusively
41 on behalf of a local government that accepts non-commercial hazardous waste for collection
42 and processing. May be combined with a Mini Transfer Station.

43 **Rezoning:** Any amendment to the Zoning Atlas.

44 **Right-of-Way:** Land dedicated to a governmental entity to be used for a road, alley, drainage
45 facility, or access.

46 **Right-of-Way Line:** The line which bounds a right-of-way at its outermost edge. "Right-of-way line"
47 is typically synonymous with "lot line."

48 **Road:** Any public or private thoroughfare set aside for travel, excluding alleys. The word "road" shall
49 also include the words "street," "avenue," "lane," "boulevard," "thoroughfare," "parkway,"
50 "court," "way," "place," "terrace," "circle," and "highway."

51 **Road, Arterial:** Roads that provide the highest level of mobility at the greatest vehicular speeds for
52 the longest uninterrupted distances. These roads serve as the primary connectors between
53 cities, regions, and other regional-scale developments serving high volumes of traffic.

- 1 **Road, Collector:** Roads that provide an intra-regional level of mobility, connecting the arterial road
2 network with the local road network. These roads provide service to areas not serviced by
3 arterial roads and service land uses of a regional importance. These roads collect traffic from
4 the local road network and distribute it to the arterial road network.
- 5 **Road, Local:** Roads that provide the lowest level of mobility by accessing the adjacent land uses,
6 serving local trip purposes, and connecting to higher level road networks.
- 7 **Road, Private:** Any right-of-way that has not been dedicated to the public, but which meets the
8 design requirements of this Code.
- 9 **Road, Public:** Any right-of-way that has been dedicated to the public and which meets the design
10 requirements of this Code.
- 11 **Seawall:** A wall or embankment that acts as a breakwater and is used to prevent erosion.
- 12 **Sediment Barrier:** A physical barrier through which water readily passes and that functions to trap
13 or prevent the passage of sediments suspended within the transmitted water.
- 14 **Self-Storage Facility:** A building or group of buildings containing separate, individual, and private
15 storage spaces of varying sizes available for lease or rent for varying periods of time.
- 16 **Service Station:** An establishment the principal business of which is the retail dispensing of
17 automotive fuels.
- 18 **Setback:** The distance between a structure and any lot line.
- 19 **Setback Line:** That line that is the required minimum distance from any lot line and which
20 establishes the buildable area of a lot.
- 21 **Sexually Oriented Business:** (1) An adult arcade, adult bookstore/adult video store/adult novelty
22 store, adult dancing establishment, adult photographic or modeling studio, adult theater, and
23 establishments operated for commercial gain where an employee, operator, or owner exposes
24 his or her specified anatomical areas for viewing by patrons, including massage
25 establishments, whether or not licensed pursuant to Chapter 480, F.S., tanning salons, and
26 establishments whose primary business stock in trade is dependent upon the activities relating
27 to specified sexual activities or specified anatomical areas. (2) Excluded from this definition
28 are educational institutions where the exposure of specified anatomical areas is associated
29 with a curriculum or program. For the purposes of this section, an educational institution
30 means the site or premises upon which there is an institution of learning, whether public or
31 private, which conducts regular classes, courses of study, or both, required for accreditation
32 by or membership in the State Department of Education of Florida, Southern Association of
33 Colleges and Secondary Schools, or the Florida Council of Independent Schools. The term
34 educational institution includes libraries, art galleries and museums open to the public. (3) An
35 establishment that possesses a sexually oriented business license is presumed to be a sexually
36 oriented business.
- 37 **Shoreline:** A straight or smoothly curved line which, on tidal waters, follows the general
38 configuration of the mean high-water line; and which, on nontidal waters, is determined by
39 the annual average waterline. Boat basins and other man-made or minor indentations shall
40 be construed as lying landward of the shoreline and are considered upland when computing lot
41 area or setbacks of waterfront property.
- 42 **Shrub:** A woody plant with a mature height generally between two and 15 feet and having several
43 stems rather than a single trunk.
- 44 **Sign:** Any outdoor advertising display comprehensible from a right-of-way using letters, words,
45 figures, symbols, pictures, designs, or any combination thereof to advertise, attract attention,
46 indicate direction, announce the purpose of, or identify the purpose of a person or entity, or to
47 communicate information of any kind to the public.
- 48 **Sign, Additional:** A sign that is not permanently attached to the ground or a building or structure.
49 Such signs are temporary in nature inasmuch as they do not require an individual sign permit
50 and may be removed easily in the event of an approaching tropical storm or hurricane. These
51 signs include, but are not limited to, banners, pennants, streamers, wind-powered signs,
52 window signs, wind socks, flags, and yard signs.
- 53 **Sign, Nonconforming:** Any sign lawfully in existence prior to the adoption of this Code.

- 1 **Sign, Primary:** Any permanent freestanding or building sign which, due to its nature or design,
2 requires a building permit for construction. Examples include signs that require the laying of a
3 foundation, are electrified, or must meet applicable wind-load requirements.
- 4 **Sign, Vehicle:** Any sign used for advertising that is attached, painted, or placed onto or inside a
5 parked motor vehicle.
- 6 **Sign, Window:** Any sign attached to or visible through any window.
- 7 **Sign, Yard:** Any freestanding sign placed along a lot frontage.
- 8 **Site Plan:** The plan for a development site on which is shown the existing and proposed conditions of
9 the lot, including topography, vegetation, drainage, floodplins, waterways, open spaces,
10 walkways, means of ingress and egress, utility services, landscaping, structures and signs,
11 lighting, screening devices, and any other information that reasonably may be required in
12 order for the approving authority to make an informed decision.
- 13 **Solar Farm:**
- 14 **Specialized Vehicular Use Area:** An area used for new or used motor vehicles, equipment, boats,
15 local and inter-urban passenger bus terminals and service facilities, and motor freight
16 terminals and loading docks. The term does not include areas set aside for access, employee
17 parking, or areas open to public parking.
- 18 **Specified Anatomical Areas:** (1) Less than completely or opaquely covered: a. Human genitals or
19 pubic region; b. Cleavage of the nates of the human buttocks; c. That portion of the human
20 female breast directly or laterally below a point immediately above the top of the areola; this
21 definition shall include the entire lower portion of the human female breast, but shall not
22 include the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard,
23 bathing suit, or other wearing apparel, provided the areola is not so exposed. (2) Human
24 genitals in a discernible turgid state, even if completely and opaquely covered. (3) Any
25 covering, tape, pastie, latex spray or paint or other device which simulates or otherwise gives
26 the appearance of the display or exposure of any of the specified anatomical areas listed in
27 subsections (1) and (2) of this definition.
- 28 **Spiking:** The use of any metal gaff device to aid in tree-climbing in order to remove branches, limbs
29 or leaves, from a tree. Includes the term "spurring."
- 30 **Story:** That portion of a building included between the upper surface of a floor or average grade,
31 finished, open or enclosed, and the upper surface of the floor or roof next above and having a
32 minimum ceiling height of seven feet or more.
- 33 **Structure:** That which is built or constructed.
- 34 **Top of Bank:** The first major change in the slope of the incline from the mean high water line of a
35 waterbody or watercourse. A major change is a change of ten degrees or more. If there is no
36 major change within a distance of 50 feet from the mean high water line, then the top of bank
37 will be the elevation two feet above the mean high water line.
- 38 **Topping:** The trimming of trees to such a degree as to remove the normal canopy and disfigure the
39 tree. Includes the terms "stubbing," "heading," "hatracking," "heading-back," "stubbing off,"
40 "tipping," "topping-off," "dehorning," "lopping," "roundover," "and cutover".
- 41 **Transitional Housing:** Housing that is intended to provide homeless individuals and families with
42 housing for a limited amount of time while providing the support needed for occupants to
43 move into long-term housing. Programs may be offered that help occupants become
44 independent through counseling, job training, child care, skills training, and health care
45 assistance.
- 46 **Tree:** A self-supporting woody plant of a species usually having a single stem and normally growing
47 to a mature height of at least 15 feet.
- 48 **Tree, Accent:** A small tree planted primarily for its ornamental value or screening ability and usually
49 having a mature height of 15 to 30 feet.
- 50 **Tree, Canopy:** A tree with a canopy that provides shade to adjacent ground areas and having a
51 mature height of at least 30 feet.
- 52 **Tree, Damaged:** A tree that has been wounded by having its bark scraped or removed, its limbs
53 removed or shattered, its roots cut or crushed, or other similar damage to an extent that its
54 survival is unlikely.

1 **Tree, Heritage:** Any tree of exceptional height and caliper, meeting the requirements of this Code.

2 **Truck Stop:** An establishment where the principal use is the refueling and servicing of trucks and
3 tractor-trailer rigs. Such establishments may have restaurants or snack bars and sleeping
4 accommodations for the drivers of such over-the-road equipment and may provide facilities for
5 the repair and maintenance of such equipment.

6 **Unit:** Any subdivided or otherwise legally created and definable tract of land, including individual
7 storefront units in non-residential multi-tenant structures, which is able to be legally
8 developed in accordance with the provisions of this Code.

9 **Use:** The purpose or activity for which land, buildings, or structures may be designed, arranged,
10 maintained, or occupied.

11 **Use, Accessory:** A use which is customarily incidental and subordinate to the principal use of a
12 parcel or structure.

13 **Use, Conditional:** A use that is allowed within a specific zoning district provided all applicable
14 regulations of that zoning district are met, as well as all specific regulations related to the use
15 in question.

16 **Use, Permitted:** A use that is allowed within a specific zoning district provided all applicable
17 regulations of that zoning district are met.

18 **Use, Principal:** The primary or predominant purpose for which land or a structure or building is
19 used.

20 **Use, Special Exception:** A use that generally requires a more in-depth study prior to approval than
21 other permitted or conditional uses within a given zoning district. The process of review and
22 approval ensures that all proposed special exception uses will be harmonious with and in
23 accordance with the objectives of this Code and the comprehensive plan.

24 **Use, Temporary:** A use established for a limited duration, outside of the normal scope of activity
25 associated with the site.

26 **Variance:** A relaxation of the dimensional standards of the zoning districts of this Code.

27 **Vehicle, Motor:** Any self-propelled vehicle or conveyance designed to transport persons, animals,
28 freight, merchandise, or any substance. Tractors, construction equipment, machinery, and
29 motorcycles are considered motor vehicles but mopeds and motorized bicycles are not.

30 **Vehicle, Large Off-Road:** Any motor vehicle designed for use on unimproved surfaces and which
31 has a fixed chassis and which may be licensed for use on public roads. Large off-road vehicles
32 include, but are not limited to, SUVs, dune buggies, swamp buggies, and similar vehicles.

33 **Vehicle, Leisure:** Any vehicle not licensed to travel on the roads, which is used for recreational
34 activities. Leisure vehicles include, but are not limited to, bicycles, boats, personal watercraft,
35 and golf carts.

36 **Vehicle, Recreational:** A vehicular-like portable structure without permanent foundation that can be
37 towed, hauled, or driven and is primarily designed as a temporary living accommodation for
38 recreational and camping purposes.

39 **Vehicle, Small Off-Road:** Any vehicle designed for use on unimproved surfaces and which does not
40 have a fixed chassis and which is not licensed for use on public roads. Small off-road vehicles
41 include, but are not limited to, quad all terrain vehicles, motorcross motorcycles, and similar
42 vehicles.

43 **Vine:** Any of a group of woody or herbaceous plants which may climb by twining, by means of aerial
44 rootlets, or by means of tendrils, or which may simply sprawl over the ground or other plants.

45 **Wall:** An unroofed structure, supported by a continuous footer, erected to enclose, screen or separate
46 areas.

47 **Warehouse:** A building used primarily for the storage of goods and materials, not generally
48 accessible to the public.

49 **Waste Tire Collection Center:** A site where no more than 1,500 waste tires are collected from the
50 public before recycling or disposal.

51 **Waterbody:** Any natural or man-made pond, lake, reservoir, or other area which ordinarily contains
52 water and which has a discernible shoreline.

1 **Watercourse:** Any river, stream, creek, channel, ditch, canal, gully, ravine, or wash in which water
2 flows.

3 **Waterfront:** Property that physically abuts any waterbody or watercourse.

4 **Wetland:** Any area inundated by surface water or groundwater with a frequency sufficient to
5 support, and under normal circumstance does support, a prevalence of vegetative species that
6 require saturated or seasonally saturated soil conditions, including swamps, sloughs, marshes,
7 wet prairies, and bayheads.

8 **Wholesale Trade:** Establishments or places of business primarily engaged in selling merchandise to
9 other businesses and not the general public.

10 **Wind Farms:**

11 **Yard:** An open space that lies between the principal structure or structures and the nearest lot line.

12 **Yard, Required:** The open space that lies between the setback line and the nearest lot line.

13 **Zoning Official:** The person duly authorized by the Board of County Commissioners and delegated
14 the responsibility for the administration and enforcement of the county's zoning regulations.

15 **Zoning Atlas:** A collection of half-section maps depicting the boundaries of the various zoning
16 districts, as the same may be amended.

17