

Article 3 DEFINITIONS

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3.00.00. Purpose.

This article sets forth and maintains the definitions of terms for all of the Land Development Code of Escambia County.

(Ord. No. 2008-38, § 1, 6-5-2008)

3.01.00. General provisions.

A. For the purposes of the Land Development Code (hereinafter referred to as the "LDC"), certain words, numbers, abbreviations, terms, and phrases shall be used, interpreted or defined as set forth herein.

B. Unless the context clearly indicates otherwise, words used in the present tense include the future tense and words used in the plural include the singular. The words "shall" and "will" are mandatory and the word "may" is permissive.

C. The definitions contained herein are in general or customary use in the practice of growth management and/or land use planning, engineering, and zoning. Sources include, but are not limited to, standard dictionaries; the Florida Administrative Code and Florida Statutes, as amended; and: A Planner's Dictionary, The Practice of Local Government Planning, and Zoning, Development, and Planning Terms (American Planning Association); Development Definitions (Center for Urban Policy Research); and Florida Land Use and Growth Management Law and Florida Zoning Law (D & S Publishers).

(Ord. No. 2008-38, § 1, 6-5-2008)

3.02.00. Terms defined.

Absolute. As used in articles 6 and 11 pertaining to the density restrictions in some airport influence planning district areas, the minimum lot size allowed is established as the inverse of the maximum density. For example, when the maximum density is three dwelling units per acre, the minimum lot size is one-third acre per dwelling unit.

Abut/abutting. To physically touch or border upon, or share a common boundary line, but not overlap.

Access point. A driveway or other opening for vehicles into a public or private street.

Accessory. Of secondary or subordinate importance.

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Accessory building. A building that is secondary and/or subordinate to the principal building on the premises.

Accessory structure. A structure that is secondary and/or subordinate to the principal structure on the premises.

Accessory use. The use of land or structures secondary and/or subordinate to a principal use.

Accident potential zones (APZ). As applied to military airfields, an area identified as being significantly impacted by accident potential from aircraft.

Acre-foot. The volume of water contained by an acre of land, exactly one foot deep. The formula for acre-foot is: $N=(X/43,560) *Y$, where N is the number of acre-feet, X is the land area in square feet and Y is the depth in feet. Example: If the area of excavation is 180,000 square feet and the depth of excavation is 30 feet, the number of acre-feet is $(180,000/43,560) *30$ or $(4.13) *30$ which equals 123.97 acre-feet.

Addition. Any walled and roofed expansion of a building that increases the existing site coverage, height, length, width, or floor area. If an expansion is connected to a building by a firewall, or is separated by independent perimeter load-bearing walls, it is considered new construction.

Administrative appeal. A request for the board of adjustment to review and invalidate or modify an administrative decision.

Administrative decision. A determination made by an administrative official regarding the provisions of the LDC.

Administrative official. The county administrator or any staff member of the department authorized by the county administrator or by ordinance to administer the LDC.

Administrative variance. Deviation from the requirements and provisions of the LDC as may be allowed by the LDC, the application for which is reviewed, and a final determination is made, by the applicable department director or designee, and which does not require a quasi-judicial public hearing.

Adult congregate living facility. See "Assisted living facility."

Adult day care center. A facility providing care for the elderly and/or functionally impaired adults in a protective setting for only a portion of each day.

Adult entertainment. An adult use or activity, specific terms for which are provided for in section 18-386 of the Escambia County Code of Ordinances.

Affordable housing. Housing with costs, including monthly rents or mortgage payments, taxes, insurance, and utilities, not exceeding 30 percent of the amount that represents the percentage of the median adjusted gross annual income for the households as indicated in F.S. §§ 420.0004(3) and 420.602(3), as amended.

Agent. Any person with valid authority provided by a property owner, as evidenced by a notarized document authorizing the agent to represent the owner, and acting on behalf of the owner including, but not limited to: a contractor, developer, project engineer, project manager, and/or project representative.

Aggrieved party. Any person with proprietary interest in real property within the county, which property will suffer an adverse impact as the result of a county permitting or development approval decision.

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Agricultural-related activity. An activity customarily incidental, in support of, or accessory to agriculture.

Agriculture. The production, storage, harvesting, processing, maintenance, or keeping, for sale, lease or personal use, of plants, animals or their products, including but not limited to: forage, sod, timber, grain, and feed crops; dairy animals and dairy products; livestock, including dairy and beef cattle, poultry, sheep, swine, horses, and goats, including the breeding and grazing of all such animals; bees and apiary products; fruits of all kinds including grapes, nuts, and berries; vegetables; and nursery and greenhouse products.

Airport/airfield. Any area of land or water that is designated and properly permitted for the landing and taking off of aircraft, whether civilian or military, and utilized or to be utilized in the interest of the public for such purposes. All such federally owned areas are designated as airfields, and all others are airports.

Airport/airfield elevation. The highest point of an airport's/airfield's landing areas measured in feet above mean sea level (AMSL).

Airport/airfield environs. The area that has been identified as being significantly impacted by airport/airfield noise and accident potential around or within any airport or airfield in Escambia County. Additional terms specific to airport/airfield environs are defined in article 11 of this Code.

Airport/airfield hazard. Any structure or tree or use of land which would exceed the federal obstruction standards, as contained in Code of Federal Regulations (C.F.R.) §§ 77.21 (scope), 77.23 (standards), 77.25 (civil airports), 77.28 (military airports), 77.29 (helicopters), FAA Handbook 7400.2C (Procedures for Handling Airspace Matters), and FAA circular 1500/5300-4B (zoning and grants), which obstructs the airspace required for the flight of aircraft taking off, maneuvering, or landing and that has not previously obtained a permit or variance pursuant to F.S. § 333.07 or 333.025.

Airport/airfield hazard area. Any area of land or water upon which an airport hazard might be established if not prevented by this Ordinance and such shall be as designated by the Escambia County Zoning Map.

Airport/airfield land use administrator. The county administrator or his/her duly appointed designee.

Alcoholic beverage. A liquid brewed or distilled for human consumption containing more than one percent alcohol by weight, including beer, wine and liquors.

Alley. A public or private right-of-way that affords a secondary means of access to the back or the side of a building site otherwise abutting a larger street and is not intended or used for general traffic circulation.

All-weather surface. A road with a hard driving surface (compacted clay, gravel or shell or asphaltic materials) designed and constructed in such a way as to ensure adequate runoff of stormwater from the driving surface under normal rainfall conditions.

Alteration. Any change or modification that would result in a change in height or lateral dimensions of an existing structure, including, but not limited to, cosmetic improvements, repairs, remodeling, and structural support changes.

Animal, exotic. See "Exotic animal."

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Animal, farm. See "Farm animal."

Animal grooming service. A business where domestic animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged. Such use does not include the services provided by an animal hospital, kennel, or veterinary clinic.

Animal hospital. See "Veterinary clinic."

Animal husbandry. A branch of agriculture concerned with the production and care of animals.

Apartment. One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within a building and used exclusively for lease or rent as a residence.

Appliance repair shop. An establishment that provides repair services to household and office appliances used by individuals, that serves the general vicinity in which it is located and that excludes work, services, and parts distribution directed primarily toward nonlocal commercial, industrial, and institutional customers.

Applicant. Any person, firm, corporation or other entity that submits an application to the county requesting consideration under any of the review and approval processes provided for in this Code.

Architect. A person registered and currently licensed to practice architecture in the State of Florida.

Area of shallow flooding. A designated AO, AH or VO Zone on the flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. Land within a floodplain that is subject to a one percent or greater chance of flooding in any given year and designated as zones A, AE, AO, AH, V, or VE.

Artificial lake. A manmade body of water that is created by the purposeful obstruction of a flowing water body or by the excavation of soil. They are of such size and shape that the water temperature varies with the depth. Generally larger and deeper than ponds, sunlight does not penetrate enough to support rooted vegetation on the bottom. Larger artificial lakes may be used for recreational purposes such as boating, fishing, and/or skiing. Retention and detention ponds and other stormwater controls are excluded.

Artificial pond. A manmade residential or ornamental body of water that is shallow enough to have a uniform water temperature and to receive enough sunlight to support rooted vegetation on the bottom. They are typically created for use in landscaping applications and are not suitable for recreational purposes such as boating, fishing, and/or skiing. Retention and detention ponds and other stormwater controls are excluded.

Assisted living facility. As defined in F.S. § 400.402, any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. As applied here, personal services means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication but not the provision of medical, nursing, dental, or mental health services.

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Automobile rental agency. An establishment primarily engaged in renting or leasing passenger cars, vans, motorcycles, and light trucks, without drivers, for purposes of routine conveyance of passengers, generally for short periods of time. These establishments may include incidental storage or parking, and washing and servicing of vehicles for rent or lease. See also "Car rental agency."

Automobile repair and service. A business engaged in the service, repair, and restoration of motor vehicles.

Automobile sales. The use of any building, land area, or other premises for the display and sale of new or used motor vehicles and including any vehicle preparation, repair work, or rental/leasing conducted as accessory uses.

Average finished grade. The average finished elevation of the ground surface next to the structure.

Awning. A roof-like cover that projects from the wall or roof of a building that can either be constructed in-place with a rigid frame or constructed to retract against the face of a supporting building.

Bakery, retail. A business engaged in the over-the-counter sale of baked goods, prepared either on or off site, for off-premises consumption.

Bakery, wholesale. A commercial business engaged in the production and/or wholesaling of baked goods for off-premises distribution, and where no over-the-counter sales are allowed.

Bar. A commercial establishment licensed to sell alcoholic beverages for consumption on the premises and which may offer meals on an incidental basis.

Barrier island. A geological feature located above mean high water, generally comprised of quartz sand, that is typically surrounded by marine waters and fronts upon the open waters of the Gulf of Mexico.

Base flood. A flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Base flood elevation. The water-surface elevation associated with the base flood, as established by the flood insurance rate map (FIRM) or the flood insurance study (FIS), as applicable.

Basement. A story, whether or not suitable for living purposes, with more than one-half of its clear floor-to-ceiling height below the mean grade.

Beach. The area of unconsolidated geologic material that extends landward from the mean low waterline to the place where there is a marked change in physiographic form or material, or to the line of permanent vegetation or to the waterward toe of the primary dune, whichever is most waterward when not coterminous. The term is limited to gulf, bay, sound and/or estuarine shorelines.

Bed and breakfast inn. A family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a lodging establishment offering only breakfast and minimal amenities to overnight guests for compensation. Evidence shall include a check-in area, advertising signage, and licensure by the state pursuant to F.S. § 509.241.

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Block. A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical limits and having an assigned number, letter or other name by which it may be identified.

Board of Adjustment (BOA). The board appointed by the board of county commissioners to conduct any required quasi-judicial public hearings as prescribed in the LDC.

Board of County Commissioners (BCC). The legislative body of the unincorporated area of Escambia County, Florida.

Boarding house. A residential dwelling used for the commercial purpose of providing meals or lodging or both to persons other than members of the family occupying such dwelling.

Boardwalk. An elevated pedestrian walkway typically constructed over or along a waterfront, beach, or environmentally sensitive land, and not extending past the mean high water line.

Bond. Any form of a security in an amount, or surety in a form, satisfactory to the BCC.

Borrow pit. A site or parcel of property where soils, clays, gravel or similar materials are removed, or have been removed for use elsewhere. May also be referred to as a mining, mineral, or resource excavation and/or extraction site.

Breakway 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 designated area with natural and/or manmade features functioning to minimize or eliminate adverse impacts on adjoining land uses.

Buildable area. The unsubmerged area within a lot or parcel not otherwise restricted for building placement by easements, minimum yards, setbacks, or other limits established by governmental regulatory authorities.

Buildable lot. One that meets all minimum requirements set forth in the LDC, such as landscaping, lot coverage, minimum yard, open space, and setbacks, and not otherwise restricted for development by any floodplain, wetland, or similarly designated unbuildable land.

Building. Any structure having a roof supported by columns or walls.

Building coverage. The total horizontal area measured at mean grade level within the outside of the exterior walls or columns of the ground floor of all principal and accessory buildings.

Building height. See "Height."

Building height (Pensacola Beach). See "Height."

Building line. The innermost edge of any required yard or setback.

Building official. The representative of the county building inspections department designated by the county administrator or his designee to administer all applicable codes.

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Building permit. Written evidence of building construction plan compliance with all applicable codes, issued by the county building inspections department and granting the right to construct, repair, alter or add to a building or structure.

Building, noncomplying. See "Noncomplying building or structure."

Building, principal. See "Principal building."

Building setback. See "Setback."

Bulk regulations. Provisions of this Code that govern the size of buildings and other structures and their relationships to each other and lot lines. Bulk regulations include: regulations relative to height limitations, required yards, limitations on floor area, building coverage, location of exterior walls with respect to lot lines, streets or other buildings, or other structural components and other similar development characteristics.

Bulk storage. Large capacity storage, as in warehouses, silos, and tanks, for massed quantities typically not divided into parts or packaged in separate units.

Bus leasing/rental facility. A structure or site for the transient parking, storing, repairs, servicing, leasing, and/or rental of passenger buses or motor coaches.

Business day. See "Working day/workday."

Campground. A place where buildings or sites for recreational vehicles or tents are provided for use as temporary living quarters for commercial recreational purposes or as temporary living quarters (recreational vehicles or mobile homes) due to a declared natural disaster such as hurricanes, floods, tornados, etc. See also "Recreational vehicle park."

Canopy tree. See "Tree, canopy."

Capacity. The maximum demand that can be accommodated by a public facility or service at the adopted level of service standard (LOS), as it pertains to concurrency.

Capital improvement program/plan (CIP). A proposed schedule of all future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project where appropriate. Such programs or schedules are promulgated by the Escambia County government, the Pensacola MPO, local governments in or adjacent to Escambia County, the ECUA, the SRIA, the FDOT, and other local, regional, state or federal agencies with operational or maintenance responsibilities within Escambia County, Florida.

Caregiver. As defined in F.S. § 415.102, a person who has been entrusted with or has assumed the responsibility for frequent and regular care of or services to a vulnerable adult on a temporary or permanent basis and who has a commitment, agreement, or understanding with that person or that person's guardian that a caregiver role exists. The term includes, but is not limited to, relatives, household members, guardians, neighbors, and employees and volunteers of facilities such as nursing homes, assisted living facilities, adult day care centers, and group homes, but does not include childcare personnel.

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Carport. A structure made of canvas, aluminum, wood, concrete, or similar materials, or any combination thereof, used to offer limited protection to motor vehicles, boats, recreational vehicles, etc. from the elements. The structure can either be freestanding or attached to the principal dwelling in a manner consistent with the local building codes.

Car rental agency/rental car agency. An establishment primarily engaged in renting or leasing passenger vehicles.

Cemetery. Land used or dedicated to the interment of the deceased. May include a burial park for earth interments, a crematorium and columbarium for cinerary interments, a mausoleum for vault or crypt interments, or a combination thereof, and necessary sales and maintenance facilities. Mortuaries may be included when operated within the boundary of such cemetery and if allowed in the same zoning district as the cemetery.

Cemetery, family. A private, nonprofit cemetery owned for the benefit of and devoted to the interment of members of a family, or relatives bound by family or similar personal ties, to the exclusion of the public. Note: Per F.S. § 497.003(g), if the land area for this use is less than two acres in size, the use is exempt from state licensing.

Certificate of Concurrency. An official, formal certification by the county that all required tests for concurrency have been met for a particular development project.

Champion tree. See "Tree, champion."

Change of use. Any use of a structure or land that substantially differs from the previous use Note: A change of ownership or tenants (i.e., restaurant to restaurant) shall not be construed as a change of use unless accompanied by a change in the type of use (i.e., single-family dwelling to restaurant).

Childcare center/service. A facility, other than a private residence, licensed by the State of Florida to provide child care for six or more children unrelated to the operator and which receives a payment, fee, or grant, whether or not operated for profit, for any of the children receiving care, excluding the integral programs of public and nonpublic schools, summer camps having children in full-time residence, summer day camps, Bible schools normally conducted during vacation periods, and transient establishments such as hotels.

Clearing. The removal of trees, brush, and/or other vegetation from land, not including mowing or other routine landscaping or lawn maintenance activities.

Clinic. A medical facility where human patients are examined and treated on an outpatient basis by one or a group of physicians, dentists, or other health care professionals practicing any form of healing or health-related services that are lawful in the State of Florida.

Club. An establishment where activities are typically performed by a group of persons for social, civic or recreational purposes not operated for profit.

Cluster development/clustering. A development design technique that centers on the groupings of dwellings in a development, provided that the overall density of the parcel does not exceed the density allowed by that parcel's zoning.

Coastal construction control line (CCCL). The line for regulation of construction established by the Florida Department of Environmental Protection (DEP) pursuant to F.S. § 161.053.

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Coastal high hazard area (CHHA). Pursuant to F.S. 163.3178(2)(h), the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Coastal management. See article 12 of this LDC for terms specific to coastal management.

Coastal property. Real property bounded by any of the following water bodies of Escambia County, Florida: the Gulf of Mexico, Escambia Bay, Pensacola Bay, Santa Rosa Sound, Old River, Perdido Bay, all major bayous, the Intracoastal Waterway, and those adjacent water bodies under daily tidal influence.

Cocktail lounge. See "Bar."

Commercial food freezer. A building containing refrigerator or freezer space for storage of goods at a specific low temperature to maintain the quality of the product(s).

Commercial use. Any nonresidential use that is typically carried out for the purpose of monetary gain, including, but not limited to, any business use or activity at a scale greater than a home occupation.

Common ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association.

Community residential home. As defined in F.S. § 419.001, an occupied residence, licensed by the State of Florida to serve clients of the department of children and family services. Providing a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by support staff as may be necessary to meet the physical, emotional and social needs of residents. Residents are limited to children, frail elders, physically disabled or handicapped persons, developmentally disabled persons, or nonviolent mentally ill persons.

Comprehensive Plan. The Comprehensive Plan of Escambia County (Part II of the Escambia County Code of Ordinances, Ordinance No. 93-20, as amended), prepared by the local planning agency and adopted by the board of county commissioners, pursuant to F.S. ch. 163, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Concurrency. The condition or circumstance that public facilities meet or exceed the adopted level of service (LOS) standards established by the Comprehensive Plan.

Conditional Use. Any use not otherwise permitted but, because of special requirements or characteristics, may be allowed in a particular zoning district only after a site-specific review by the board of adjustment according to the provisions of article 2.

Condominium. That form of ownership of real property, created pursuant to F.S. ch. 718, which is comprised entirely of units that may be owned by one or more persons, and in which there are jointly owned and shared areas and facilities. See also "Dwelling, multifamily."

Condotel or condo-hotel. Any hotel or motel, as defined in this section, whereby the individual hotel/motel units are under a condominium form of ownership. However, the common elements shall not be subject to the control of the individual unit owners, owners' association or board of directors but rather the person or corporation that

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operates the hotel/motel. In addition to meeting the general requirements of the definitions of hotel or motel set forth in this section, a condotel must also satisfy the following additional requirements:

- A. Be permanently dedicated in its entirety to the complete control and management of a single person or corporation that operates hotel or motel;
- B. Contain no dwelling units and contain only individual hotel/motel units (one or more rooms designed, occupied or intended for sleeping purposes by a transient guest or guests) that are permanently and wholly dedicated to rental to the public for transient occupancy on a full time basis by the hotel/motel operator; provided, however, that an owner of an individual unit in a condotel may be permitted to occupy the unit without rental charge for up to 12 weeks in any calendar year; provided further, that when not owner-occupied, the unit(s) shall be made available to the public by the operator, for short-term transient rentals of less than 30 days;
- C. Be advertised and appropriately marked with signage appropriately identifying the condotel as a hotel or motel;
- D. Be served by singly metered utility services with a central telephone system and a central television system serving all individual units;
- E. Be created, sold and maintained under documentation in compliance with State of Florida requirements relating to condominium declaration, bylaws, sales brochures, and preconstruction agreements;
- F. The operator shall be directed by the owners' association or board of directors to make the guest register available for inspection during business hours by Escambia County and its authorized agents, officers and employees to verify compliance;
- G. The operator shall be directed by the owners' association or the board of directors to provide access to all rental records, tax receipts or other documents and records necessary to allow Escambia County and its authorized agents, officers and employees to verify compliance with the requirements of this provision;
- H. The operator shall be directed by the owners' association or board of directors to retain the records referred to above, for a minimum of five years.
- I. Condotel units that are offered in fractional shares must have all unoccupied units available for daily transient rental by the operator or an exchange company.

Conflict points. Any location on a roadway where there is merging traffic, i.e. intersections, interchanges, driveways, etc.; or other conflicts such as traffic control devices.

Conforming use. Any use that complies with all the regulations of the LDC and the Comprehensive Plan.

Construction. The act of building, filling, excavation or substantial improvement in the size of any structure or the appearance of any land. When appropriate to the context, it refers to the act of construction or the result of construction and may include vertical or horizontal improvements to land or structures.

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Construction and demolition debris. As defined in F.A.C. Rule 62-701.200, nonhazardous material generally considered not to be water-soluble including, but not limited to, steel, concrete, glass, brick, asphalt, roofing material or lumber from a construction or demolition project. Construction and demolition debris contaminated with any other type of solid waste is not classified as construction and demolition debris. Reference also Escambia County Code of Ordinances, Part I, section 82-225(i).

Construction plan. As pertains to subdivision infrastructure, the drawings and technical specifications accompanying a plat and showing the specific location and design of improvements to be installed in the subdivision according to all the relevant provisions of the LDC.

Contract construction service. A business or enterprise providing support services related to the building trades but with no outside work, storage of supplies, or work equipment on site.

Contiguous property. Two or more abutting properties.

Convenience store. A retail establishment that sells a limited line of convenience goods, such as prepackaged food products, household items, newspapers and magazines, and/or ready-to-eat sandwiches and salads, typically for off-site consumption, and which may also include the sale of gasoline but does not include motor vehicle repair.

County. Escambia County, Florida.

County attorney. The attorney, licensed to practice law in the State of Florida, who has been appointed by the board of county commissioners to serve as the attorney for Escambia County.

Cul-de-sac. The circular vehicular turnaround at the closed end of a local street with only one outlet and that provides for the safe and convenient reversal of vehicular movement.

Cultural or civic events, resources, or uses. Activities typically performed by public or not-for-profit private entities for the promotion of a common cultural or civic objective such as literature, science, music, drama, art or similar objectives.

Day care center. See "Child care center."

Day care facility, adult. See "Adult day care center."

Day-night average sound level (Ldn). A basic measure for quantifying noise exposure. See also definition for "Ldn."

dBA. The unit of corrected noise level measured in accordance with the A-weighted scale that replicates the response characteristics of the ear.

Decibel (dB). A unit for measuring the relative loudness of sound, or sound pressure equal approximately to the smallest degree of difference of loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 decibels on a scale beginning with one for the faintest audible sound.

De minimis development. See "Development, de minimis."

Density. The number of dwelling units per acre and expressed in terms of gross or net or buildable acreage.

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Developer. A person, or agent thereof, who undertakes development or related activities covered by the LDC, including, but not limited to: applicant, builder, contractor, owner, and/or subdivider.

Development. 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. Specific activities or uses involving or excluded from development are defined in F.S. § 380.04.

Development agreement. An agreement entered into by a developer and the county for development approval, or any other purpose, pursuant to Florida Statutes, the LDC or the Comprehensive Plan and on a form and in a format approved by the county.

Development approval. The written authorization from the county allowing development, subsequent to a demonstration by an applicant of compliance with the provisions of the LDC and the Comprehensive Plan.

Development, de minimis. A project of low intensity or density that has no, or an insignificant, impact upon the level of service (LOS) standards set forth in the Escambia County Comprehensive Plan. Since de minimis developments are deemed to have no impact on LOS standards and do not degrade such standards, they are considered concurrent. If a development meets the provisions of section 5.12.03, it is de minimis in regard to traffic. If a development is as described in A. or B., below, it is de minimis in regard to stormwater. A development is considered de minimis for all concurrency requirements if it meets the provisions of section 5.12.02 and is as described in A. or B., below:

- A. Residential accessory buildings or structures and additions to primary residences that meet appropriate codes, including height, area, bulk and locational restrictions included within the LDC, and if the impervious area associated with said buildings, structures, or additions does not exceed 1,500 square feet; or
- B. Nonresidential accessory buildings or structures or additions thereto and additions to primary structures that meet appropriate codes, including height, area, bulk, and locational restrictions included within the LDC, and if the impervious area associated with said buildings, structures, or additions does not exceed 1,000 square feet.

Development, major. Development that is neither minor nor exempt from the requirement of development plan review and approval through the development review committee (DRC) as described herein.

Development, minor. Development that is not exempt from the requirement of development plan review and approval through the development review committee (DRC), but is eligible for an abbreviated DRC review process as described in article 4.

Development of regional impact (DRI). A development undertaken, or proposed to be undertaken, pursuant to F.S. § 380.06.

Development order. A written order issued by or through the development review committee documenting the final approval, approval with conditions, or denial of a development plan application.

Development permit. Any written authorization issued by the appropriate approving authority allowing the commencement of site-specific development activity.

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Development review committee (DRC). A committee composed of the bureau chief of the development services bureau, or designee thereof, and any ex officio members or special subject matter members as provided by the Code, as established in article 2 of this Land Development Code, with administrative authority to review development plan applications for compliance with the requirements of the Code and the Comprehensive Plan, and to determine or recommend final approval, approval with conditions, or denial of such applications.

Diameter at breast height (DBH). A standard measure of tree trunk diameter in inches that is taken four and one-half feet above the surface of the ground at the base of the tree. For multitrunk trees, DBH is reported for each trunk.

Disposal facility. A site where solid waste or debris is disposed of, whether by sanitary landfilling, incineration, treatment, recovery, or recycling.

Disposal facility, construction and demolition debris. A disposal facility for construction and demolition debris only, requiring state and local permits and groundwater monitoring wells.

Disposal facility, land clearing debris. A disposal facility for land clearing debris only, requiring state and local permits, with no environmental protection system or quality monitoring.

Disposal facility, solid waste. See "Landfill."

Division manager, development services (DMDS). A position within the development services bureau, or other county employee as designed by the bureau chief of the development services bureau, requiring a professional engineering license in Florida and who is responsible for review of construction plans, technical specifications and such other duties as set forth in this Code and who reports to the county engineer.

Dock. A fixed or floating structure waterward of the mean high water line, including moorings and boatlifts, used for water access and/or as a berthing place for boats. May also be referred to as a wharf or pier.

Dormitory. A building, or portion thereof, containing sleeping accommodations for the use of students enrolled in an educational institution.

Drip line. The outermost perimeter of the crown of a plant as projected vertically to the ground.

Dry cleaner. A facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion or agitation in volatile organic solvents including, but not limited to, petroleum distillates, and/or chlorinated hydrocarbons, and the processes incidental thereto, which may include the dyeing of clothes or fabrics.

Dune. A mound or ridge of loose sediments, such as quartz sand, located on Santa Rosa Island or Perdido Key. Dunes are typically vegetated, and may be deposited by natural or artificial mechanism. Does not include temporary stockpiles.

Dune, primary. The first natural or manmade dune located landward of the beach with sufficient vegetation, height, continuity, and configuration to offer protective value. The landward extent occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Duplex. See "Dwelling, two-family."

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Dwelling, four-family, quadruplex. A detached building designed for four dwelling units.

Dwelling, multifamily. A building containing three or more dwelling units on a single parcel, including, but not limited to, triplex, quadruplex, condominium, apartment structure, or building.

Dwelling, single-family. A detached building designed as a single dwelling unit.

Dwelling, three-family, triplex. A detached building designed for three dwelling units.

Dwelling, two-family, duplex. A detached building designed for two dwelling units.

Dwelling unit (DU). One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling for the exclusive use of a single household.

Easement. An area of land defined for limited public or private use (e.g., conservation, drainage, ingress-egress, utility), the title to which shall remain in the name of the property owner, subject to the designated right of use.

Educational facility. An institution primarily for academic instruction, public, parochial or private, including child care centers and kindergartens.

Elevated building. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Elevation. The height above mean sea level (MSL) measured from certified benchmarks. Note: A list of benchmarks for Pensacola Beach is available in the Santa Rosa Island Authority office.

Enclosed living area. The area measured from the outside of all exterior walls of a building, excluding garages, patios, screened porches, and closets not opening to the interior of the structure.

Engineer. A person registered and currently licensed to practice professional engineering in the State of Florida.

Environmentally sensitive lands. Those areas of land or water that are determined by the BCC as being necessary to conserve or protect natural habitats and ecological systems. The following classifications are those that have been determined by Escambia County to be environmentally sensitive:

- A. Wetlands as defined herein, and wetlands as defined by the U.S. Army Corps of Engineers.
- B. Shoreline protection zone 1.
- C. Aquatic preserves and the Escambia River Management Area.
- D. Outstanding Florida waters.
- E. Habitats of threatened or endangered species as defined by the U.S. Fish and Wildlife Service (USFWS), the Florida Fish and Wildlife Conservation Commission (FWC) or other state or federal agencies.
- F. Essential fishery habitat (EFH), including seagrasses.

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- G. Floodplain areas, as defined (see article 10).
- H. Potable water wells, cones of influence, and potable water well fields.
- I. Areas identified by the Florida Natural Areas Inventory (FNAI.)

Emerald Coast Utilities Authority (ECUA). The independent special district created by Laws of Fla., ch. 92-248, for the purpose of operating and maintaining utilities previously owned or operated by political subdivisions, including Escambia County and the City of Pensacola, within the jurisdiction of Escambia County, and areas adjacent thereto. Note: Laws of Fla., ch. 2001-324; amended on June 17, 2004, to change the name from "Escambia County" Utilities Authority.

Escrow. A surety posted with a local government or escrow agent to secure the promise to perform required improvements.

Essential fishery habitat (EFH). Those waters and substrate necessary for fish to spawn, breed, feed, or grow to maturity. See Magnuson-Stevens Act, 16 U.S.C. 1802 (101).

Estuarine system. A semi-enclosed, coastal body of water in which saltwater is naturally diluted by freshwater including, but not limited to, bays, embayments, mouths of rivers, salt marshes, lagoons, and sounds.

Excavation. The action of making a cavity or hole, removing by digging or scooping out, or exposing or uncovering.

Exchange company. Any person owning or operating, or owning and operating, an exchange program as defined in F.S. § 721.05(16).

Exotic animal. Any member of a species of animal, reptile or bird, warm or cold blooded, that is not indigenous to the environs of the local area and/or is not classified or considered as wildlife or farm animals, including, but not limited to: camels, emus, llamas, ostriches, fur animals such as mink.

Family cemetery. See "Cemetery, family."

Family day care home. An occupied residence, licensed by the State of Florida, in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and providing care for one of four groups of children specified in F.S. § 402.302.

Family foster home. An occupied residence, licensed by the State of Florida, in which no more than five minor children, who are unattended by a parent or legal guardian, are placed by a licensed child placement agency and provided 24-hour care.

Farm animal. Any animal that customarily is raised and/or bred on farms and has the potential of causing a nuisance if not properly maintained, including, but not limited to: dairy animals, poultry, and livestock such as beef cattle, bison, goats, horses, sheep, and swine.

Fence. A structure functioning as a boundary or barrier usually made of posts, boards, or wire.

First floor level. The lowest habitable floor of a structure above ground level, not including parking facilities.

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Flood or *flooding*. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM). An official map of the community, issued by the Federal Emergency Management Agency (FEMA), showing floodprone areas.

Flood insurance rate map (FIRM). An official map on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community, a copy of which is available for public inspection at the department during normal business hours.

Flood insurance study (FIS). The official hydraulic and hydrologic report provided by FEMA. It contains an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. It may also contain flood profiles, as well as the FIRM, FHBM, where applicable, and other related data and information.

Floodplain management. See article 10 of this LDC for terms specific to floodplain management.

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.

Floor. The top surface of an enclosed area in a building (including 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 usable floor area of any dwelling unit, including outside walls, but exclusive of basements, garages or porches.

Floor area, gross. Total floor area of all stories of any structure including halls, stairways, elevator shafts, and other related uses, measured to outside faces of exterior walls.

Floor area ratio (FAR). A measure of the intensity of land use, calculated by dividing the total gross floor area of all structures on a site by the gross site area.

Food freezer, commercial. See "Commercial food freezer."

Footprint. The building area defined as the maximum combined area occupied by all principal and accessory buildings, taken on a horizontal plane at the mean grade level, but not including uncovered entrance platforms, terraces and steps, plus the outermost projections of any story or floor. Elevated, abovegrade parking facilities are hereby deemed to be buildings; however, uncovered groundlevel parking lots are not buildings as defined herein.

Forestry activity. See "Silviculture."

Foster care center. See "Family foster home."

Frontage. All of the property abutting any street, measured along the right-of-way.

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Garage. A detached accessory building, or portion of a principal building, typically used for the noncommercial parking or noncommercial storage of motor vehicles.

Garage, parking. A commercial building or structure solely for the off-street parking or storage of operable motor vehicles.

Golf courses. Acreage used to play golf, with customary accessory clubhouses and other related structures and uses. Miniature golf courses, driving ranges, and similar facilities not accessory to a golf course are excluded from this activity as defined.

Governmental use. Any use or activity owned and operated by a city, county, state or federal government or legally empowered special governmental district, necessary to the conduct of government or the furnishing of a public service, and over which such government exercises direct and complete control.

Grade. The level, contour, or slope of the finished or natural surface of the ground.

Grading. Changing the grade of land.

Grocery/food store. A retail establishment selling an extensive variety of prepackaged food products, staple foodstuffs, household supplies, and fresh food items such as meat, produce, and dairy products.

Gross density. The total number of dwelling units divided by the gross site area.

Gross site area. The total number of acres within the perimeter boundary of a parcel of land.

Ground floor. The lowest floor, including the basement.

Group home/group home facility. An occupied residence, licensed by the State of Florida, in which a family living environment is provided for six or fewer unrelated residents with developmental disabilities, as defined in F.S. § 393.063, including such supervision and care by support staff as may be necessary to meet the physical, emotional, and social needs of its residents.

Guest residence. A detached site-built dwelling located on the same tax parcel as the principal residence. Note: In those zoning districts where such use is allowed only as a conditional use, the specific conditional use criteria established in article 2 of this LDC shall apply.

Guest residence mobile home/manufactured home. A mobile home or manufactured home located on the same tax parcel as the primary residence. Note: In those zoning districts where such use is allowed only as a conditional use, the specific conditional use criteria established in article 2 of this LDC shall apply.

Habitable first floor. The first floor usable for living, working, sleeping, eating, cooking or recreation, or any combination thereof. A floor used only for storage purposes is not a habitable floor.

Hazardous waste. Material or a combination of materials that require special management techniques because of their acute and/or chronic effects on air and water quality; on fish, wildlife, or other biota; or on the health and welfare of the public. Such materials include, but are not limited to, volatile, chemical, biological, explosive, flammable, radioactive and toxic materials regulated pursuant to F.A.C. ch. 62-730.

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Height. The overall vertical dimension. It includes any appurtenance thereon, except as noted in the structure height modifications of section 2.10.00, and is measured from the average elevation of the finished grade, or from mean high water for structures over open water, to the mean roof height. In coastal high hazard areas, height is measured from three feet above the minimum required base flood elevation for the bottom of the lowest horizontal structural member of the lowest floor. In all other special flood hazard areas, height is measured from three feet above the minimum required base flood elevation for the lowest floor. Where FDEP minimum required elevations exceed three feet above FEMA base flood elevations, the FDEP elevations shall apply as the height measurement reference, except as noted in the overlay districts of section 6.07.00. Structures within airport/airfield environs and airfield zones and surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11. For buildings on Pensacola Beach, height is measured from the established mean grade at the front building line to the highest point of the building, unless modified by other provisions of this Code.

Heritage tree. See "Tree, heritage."

Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Holding pond. A stormwater facility that may be further characterized as:

A. *Detention pond.* A storage facility for the collection and temporary storage of stormwater runoff for treatment through physical, chemical or biological processes and for attenuating discharge with subsequent gradual controlled discharge.

B. *Retention pond.* A storage facility for the collection and prevention of discharge of stormwater runoff surface waters by complete on-site storage where the capacity to store the given volume must be provided by a decrease of stored water caused only by percolation through soil, evaporation or evapotranspiration. (Loss of water from soil both by evaporation and transpiration from the plants growing thereon.)

C. *Dry pond.* A storage facility designed to collect and store stormwater runoff in a normally dry basin in accordance with F.A.C. §§ 62-25.025 and 62.25.035.

D. *Wet pond.* A storage facility designed to collect and store stormwater runoff in a permanently wet impoundment in accordance with F.A.C. § 62-25.042 and with a gently sloping littoral zone shelf designed to support the growth of rooted aquatic plants. A wet pond provides for treatment through physical, chemical, and biological processes.

Home occupation. Any activity carried out for the purpose of gain by a resident conducted as an accessory use in the resident's dwelling unit or accessory structure.

Hospital. An institution, licensed as a hospital by the State of Florida pursuant to F.S. § 393.063, providing primary health services and medical or surgical care to persons, primarily inpatients, and including related facilities such as laboratories, outpatient services, training and rehabilitation facilities, and staff offices.

Hotel. Any state licensed public lodging establishment, recognized as a hotel in the community in which it is situated or by the hospitality industry, that contains sleeping units (room or suite) accommodations for 25 or more guests for public rental on a daily or weekly basis; has a central, internal lobby; contains and maintains standardized furniture,

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furnishings and decor in all individual sleeping units; provides daily room cleaning and linen changes on a daily or less frequent basis if agreed to by its guests; and may have the following: meeting rooms, incidental retail sales and commercial services, central kitchen facility, dining rooms, restaurants, lounges, office areas, swimming pools, recreational facilities, spas and fitness/exercise areas and other similar services and amenities intended principally as services for registered guests. Due to the unique characteristics of Pensacola Beach, the number of large rooms (defined as those greater than 850 square feet) is limited to no more than 726 additional hotel or motel units which is 30 percent of the remaining hotel/motel capacity, excluding projects currently under development, as of July 26, 2007, the date of adoption of Ordinance No. 2007-38.

Impervious surface. Any surface that does not allow, or minimally allows, the penetration of water, and is highly resistant to infiltration by water. Such surfaces include, but are not limited to, building and structure roofs, normal concrete and asphaltic pavements, and some fine-grain compacted soils such as compacted clay or shell. Gravel and other material surfaces may be considered pervious, semi-impervious or impervious depending upon the material and compaction specification. Compacted gravels such as nonuniform graded crushed lime rock or limestone, concrete "washout" and recycle asphalt materials allow insignificant infiltration and are considered impervious. Other semi-impervious surface materials such as porous concrete, paver stones, and shell, which allow moderate percolation, are treated as impervious surfaces for the purpose of stormwater review.

Improvement. Any manmade, permanent item, fixture or facility that becomes part of, is placed upon, or is affixed to real property, including but not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water supply mains, sanitary sewers, storm sewers or drains, permanent signs, landscaping, permanent reference monuments (P.R.M.s), or permanent control points (P.C.P.s).

Inspection, final (subdivision). An on-site inspection conducted by appropriate county departments and their staff upon completion of subdivision improvements. This inspection is made to determine if the improvements have been constructed in accordance with the plans and specifications, as approved or amended, by the appropriate county departments and their staff. This inspection precedes acceptance of the public streets and drainage improvements by the board of county commissioners.

Inspection, warranty. An on-site inspection for all constructed subdivision improvements conducted by appropriate county departments and their staff. This inspection is made to determine if there are design or construction deficiencies that require correction before the developer's surety is released.

Intensity. An objective measurement of the extent to which land may be developed or used, including the consumption or use of space above, on or below the ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities or services (F.A.C. Rule 9.J5).

Junkyard. A structure or site used for collection, storage, and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging, or sale of parts, machinery, or vehicles not in running condition.

Kennel. Any structure or premises in which domestic animals are housed, boarded, bred, or trained typically for commercial gain, including incidental grooming. However, an animal grooming service, as defined herein, is not included in this definition.

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Kindergarten. An educational facility that provides academic instruction in preparation for admittance to elementary school to children who have attained the age of five years on or before September 1 of the school year (F.S. § 1003.21).

Lake, artificial. See "Artificial lake."

Land area. The total land area within the property lines of a lot.

Land clearing debris. Rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project. Excludes yard trash from commercial or residential landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or any other sources not directly related to a construction project.

Land Development Code (LDC). The Land Development Code of Escambia County (Part III of the Escambia County Code of Ordinances, Ordinance 96-3, as amended); prepared by the local planning agency and adopted by the board of county commissioners, pursuant to F.S. ch. 163; and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Land development regulations. The contents of the LDC and any duly authorized amendments thereto.

Land disturbing activity. Any construction or excavation that alters land topography or vegetative cover. The term does not include routine maintenance on agriculturally zoned land.

Landfill. A disposal facility for the placement of wastes that requires permits per F.S. § 403.707 and engineered environmental protection systems. The term does not include a land-spreading site, surface impoundment, injection well defined under and subject to the provisions of F.A.C. ch. 62-528, construction and demolition debris, or land clearing debris disposal facilities with separate permitting requirements. Landfills are further categorized and permitted by the state as Class I, II, or III landfills and regulated accordingly.

Land surveyor. A person currently licensed by the State of Florida to survey and map land.

Land use certificate. A certificate issued by Escambia County indicating that a proposed use of land is in conformity with the LDC and the Comprehensive Plan.

Landscaping. Allocated and maintained pervious areas of trees, shrubs, groundcover, grass, or other preserved and/or installed plants, exclusive of vehicular use and those stormwater management uses specified in article 7. Such plants may be supplemented with mulch, bark, decorative rock, timbers, brickwork and similar nonliving materials. The term may also refer to the activity of installing plants and other landscape components.

Laundromat/laundry, self-service. A business that provides self-operated clothes washers and dryers for on-site customer use.

Ldn. A day/night average sound level obtained by averaging the 24-hour sound level, in decibels, after the addition of a ten-decibel penalty to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.

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Level of service (LOS). An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility, with respect to the demand on the infrastructures. LOS standards are established in the Escambia County Comprehensive Plan and in Florida Statutes.

Loading area/facility. A space intended for the loading or unloading of trucks or other vehicles on the lot or parcel.

Local planning agency (LPA). The Escambia County Planning Board.

Lodging establishment. Pursuant to F.S. § 509.013, a building(s) in which rental sleeping accommodations are provided for a fee. Evidence shall include a check-in counter, display of advertising signage, and licensure by the state pursuant to F.S. § 509.241.

Lodging units. Units in public lodging establishments that are rented to the public on a daily or weekly basis, including those in hotels, motels, and condotels.

Lot. The least fractional part of subdivided lands having limited fixed boundaries and assigned a letter or number by which it may be identified. The word "lot" shall include the words "plot", "parcel", or "tract".

Lot, buildable. See "Buildable lot."

Lot, corner. A lot having frontage on two or more streets at their intersection.

Lot line, front. That part of any lot line abutting an established or proposed street right-of-way line, other than an alley, unless modified by other provisions of the LDC.

Lot line, rear. The lot line opposite the established front line, unless modified by other provisions of the LDC.

Lot line, side. Any lot line that is not a front or rear lot line.

Lot lines. The lines bounding a lot.

Lot of record. A lot that is part of a subdivision that has been recorded in the official records of Escambia County or a lot or parcel described by metes and bounds, the description of which has been so recorded or accepted on or before February 8, 1996. In article 11, airport/airfield environs, a lot of record for the purpose of constructing one single-family dwelling shall be a parcel recorded on or prior to August 21, 2001, the effective date of adoption of the airfield/airport environs zoning map overlay zones.

Lot, waterfront. A lot abutting a navigable water body that is under daily tidal influence. Along any part of the boundary, the lot may be separated from the water body by encroachments that include, but are not limited to, easements, rights-of-way, public shoreline access, and railroad tracks. The lot may not be separated from the water body by a dedicated road or by more than ten feet of land under different ownership.

Lounge. See "Nightclub."

Manufactured building. A closed structure, building assembly or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not be limited to residential, commercial, institutional, storage or industrial structures, and bearing

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a State of Florida Department of Community Affairs (DCA) insignia typically located on or near the electrical panel. May also be referred to as a modular home as defined herein. However, this definition does not include mobile homes or manufactured homes.

Manufactured home. Factory-built, single-family structures manufactured on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards Act, commonly known as the United States Department of Housing and Urban Development (HUD) Code. This program is administered in Florida by the Department of Highway Safety and Motor Vehicles and is not affiliated with the manufactured buildings program. These structures bear a HUD certification label typically located on the rear roadside corner. Although this definition does not include a mobile home as defined herein, pursuant to the Act the terms "manufactured home" and "mobile home" are deemed to include each term respectively, except that the term "manufactured home" applies only to those units constructed on or after June 15, 1976, and may also be referred to as manufactured housing.

Manufacturing. The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Marina. A facility for the mooring, berthing, storing, or securing of watercraft and other related uses as defined herein.

Marina, industrial. A facility for the mooring, berthing, storing, or securing of watercraft and located adjacent to a public navigable waterway, which provides slips and/or moorings for major repairs such as construction or rebuilding of boats, installations of new bottoms, substantial structural additions, or alterations.

Marina, private. A facility for the mooring, berthing, storing, or securing of watercraft and associated with a private residential development, such as a subdivision or multifamily development, as an amenity and not for public use.

Marina, recreational and commercial. A facility for the mooring, berthing, storing, or securing of watercraft for public use and located adjacent to a public navigable waterway, which provides slips and/or moorings, and which may include upland marina support facilities such as the servicing or repairing of watercraft, but does not include industrial marinas or related industrial activities.

Marine system. The Gulf of Mexico and its associated high-energy coastline. The landward extent of a marine system is defined by a set elevation above mean sea level.

Mean high water (MHW). As defined in F.S. § 177.27, the average height of the high waters over a 19-year period; or for shorter periods of observation, the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

Mean high water line (MHWL). As defined in F.S. § 177.27, the intersection of the tidal plane of mean high water with the shore.

Mean roof height. The average of the roof eave height and the height to the highest point on the roof surface, except that eave height shall be used for roof angle of less than or equal to ten degrees (0.18 rad).

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Mean sea level (MSL). The average height of the surface of the Gulf for all stages of the tide, or the mean between high and low tides as established by the North American Vertical Datum (NAVD) of 1988.

Medical clinic. See "Clinic, medical."

Medical hardship. A condition of health, certified in writing by a Florida-licensed physician, whereby a person requires in-house medical care and assistance by another but where circumstances make it difficult or impossible for the caregiver and the person in need of such care to reside in the same dwelling.

Mining. Extraction of minerals or ore from the earth, including any materials overlying the mineral ore deposit, for the purpose of reaching underlying ore. Includes all associated clearing, grading, construction, processing, transportation and reclamation on the mine property.

Mini-warehouse. A building or group of buildings containing separate, individual, and private storage spaces of varying sizes, leased or rented on an individual basis for varying periods of time for storage only. Also known as a "self-service storage facility."

Mixed use. Any use that includes both residential and nonresidential uses.

Mobile home. A structure transportable in one or more sections that is eight body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Pursuant to the National Manufactured Home Construction and Safety Standards Act (HUD Code), the terms "mobile home" and "manufactured home" are deemed to include each term respectively, except that the term "mobile home" applies only to those units constructed prior to June 15, 1976.

Mobile home/manufactured home park. An area designed, constructed, equipped, operated and maintained for either direct or indirect remuneration of the owner, lessor, or operator of such place to provide space for the parking, accommodation, or rental of five or more mobile homes, manufactured homes, and/or recreational vehicles intended to be used as permanent living facilities.

Mobile home/manufactured home subdivision. A subdivision designed and/or intended for the sale of lots for sitting mobile homes or manufactured homes.

Model home. A dwelling unit used initially for display purposes as an example of the homes that will be constructed in a specific subdivision and which will not be permanently occupied as a residence until the final plat is approved and recorded.

Mobile vending unit. A portable structure, either motorized or non-motorized, that is used to store, prepare, or serve food and/or beverages to the public, or to store, distribute, or sell merchandise, good, or wares to the public. A mobile vending unit is not deemed to be a temporary structure as defined by this Land Development Code.

Modular home. A dwelling constructed on-site in accordance with the building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular dwelling bearing a department of community affairs (DCA) insignia (typically located on or near the electrical panel) can be installed in a subdivision of conventionally constructed homes,

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provided it is compatible with the existing, conventional dwellings. May also be referred to as a manufactured residential building as defined herein.

Motel. Any public lodging establishment which offers rental units with an exit to the outside (outdoors) from each rental unit; offers daily or weekly rates; has off-street parking for each unit; has a central office on the property with specified hours of operation; contains a bathroom or connecting bathroom for each rental unit; has a minimum of six rental units; and which is recognized as a motel in the community in which it is situated or by the hospitality industry. Due to the unique characteristics of Pensacola Beach, the number of large rooms (defined as those greater than 850 square feet) is limited to no more than 726 additional hotel or motel units which is 30 percent of the remaining hotel/motel capacity, excluding projects currently under development, as of the date of this ordinance.

Motorcycle sales. The use of any building, land area, or other premises for the display and sale of new or used motorcycles, and including any maintenance, repair work, and/or rental/leasing conducted as accessory uses.

Mylar TM . A trademark used for a thin, strong polyester film used for photo-reproducing a final recorded plat.

North American Vertical Datum (NAVD) of 1988. A vertical control used as a reference for establishing varying elevations with the floodplain.

New construction. Structures or substantial improvements for which the start of construction commenced on or after the effective date of the LDC.

Nightclub. A commercial establishment licensed to sell alcoholic beverages for consumption on the premises, typically operated as a place of entertainment offering live, recorded, or televised music and dancing.

Noncomplying building or structure. Any building or other structure which was lawful (permitted or nonconforming) prior to the effective date of the LDC, but which does not comply with all applicable provisions herein including bulk regulations, performance standards, or other requirements, either on or after the effective date of the LDC or as a result of any subsequent amendment.

Nonconforming use. Any lawfully established use of a structure, land, or water, in any combination, which does not conform to the land use regulations of the zoning district or future land use category in which the use is located. Refer also to noncomplying buildings or structures.

Nursery/garden shop. An indoor or outdoor establishment that conducts the retail and/or wholesale growth, display, and/or sale of plants, shrubs, trees, and accessory materials, such as packaged fertilizers, soils, hardware, and the like.

Nursing, retirement, or convalescent home. As defined in F.S. § 400.021, a facility licensed by the State of Florida pursuant to, established for profit or nonprofit, to provide nursing care and related medical services on a 24-hour per day basis to three or more individuals due to illness, disease, or physical or mental infirmity. This activity shall not include adult foster care homes, group homes, community care homes, or services for those persons in need of hospital care.

Off-site. Located outside the lot or parcel boundary of the primary/principal use.

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Off-site parking. Parking provided for a specific use that is located on a site not abutting or contiguous with the property on which the primary/principal use is located. Includes parking separated by roads or streets from the property upon which the primary use is located.

Off-street parking. Parking provided for a specific use that is directly accessible to a drive aisle and is not located within the right-of-way of a dedicated street.

On-site sewage treatment and disposal (OSTD) system. A septic tank or other wastewater disposal and treatment device located on site and serving a single lot.

Open space. Land or portions of land preserved and protected, whether public or privately owned and perpetually maintained and retained for active or passive recreation, for resource protection, or to meet lot coverage requirements. The term includes, but is not limited to, required yards, developed recreation areas and improved recreation facilities, natural and landscaped areas, and common areas.

Outdoor/outside storage. Storage outside the principal or accessory building(s) of a site.

Owner. Any person(s), firm(s), corporation(s), or any other legal entity(ies) having legal or equitable title to or sufficient proprietary interest in or to any property.

Parcel. A unit of land within legally established property lines, or a lot, zone lot, or contiguous group of lots in single ownership or under single control, and considered a unit for purposes of development.

Parks and recreation facilities. Pursuant to Policy 12.A.4.7 of the Comprehensive Plan, areas in Escambia County open to or available for use by the general public for recreation, amusement, relaxation, play or other activity or passive leisure time activities. These include any dedicated or functioning parks and those public parks and/or recreation facilities operated or maintained by Escambia County, a list of which is maintained by the Escambia County Parks and Recreation Department.

Parking lot (off-street public or private). An open area at ground level providing parking spaces, excluding residential driveways and vehicle sales lots.

Parking space. An area used for and sufficient in size to park one motor vehicle.

Permitted use. Any use authorized or of right in a particular zoning district or land use category.

Personal service. A business or enterprise providing individual services generally related to personal needs, including, but not limited to, barber shops, beauty and tanning salons, shoe repair, and tailor shops.

Pervious surface. Any surface that will accommodate the percolation of water. Such surfaces may also be known as permeable, penetrable, porous or pregnable.

Pier. A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

Place of worship. A property or building used for religious worship and/or assembly, including terms such as cathedral, chapel, church, mosque, religious institution, synagogue, temple, and the like.

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Planned business development (PBD). An area of a minimum contiguous size to be planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, or office uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominant uses.

Planned neighborhood center (PNC). A land area 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 site development plan to accommodate more than one commercial use of a neighborhood convenience type, such as offices, public buildings, parks, playgrounds, libraries, and others as allowed by this Code.

Planned unit development (PUD). A land area 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 development plan that permits and encourages more efficient and creative development, consistent with the Comprehensive Plan.

Planning Board. The advisory authority appointed by the board of county commissioners (BCC) to serve as the local planning agency (LPA) for Escambia County; and whose scope of authority and specific duties are established in article 2 of the Land Development Code and chapter 2 of the Comprehensive Plan.

Plat or replat. A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and including other information in compliance with the requirements of all applicable sections of F.S. ch. 177 and the LDC.

Plat, final. The completed plat of a proposed subdivision of land that is submitted for consideration and approval according to all relevant provisions of the LDC.

Plat, preliminary. A provisional plat of a proposed subdivision of land that is submitted for consideration and approval according to all relevant provisions of the LDC.

Political subdivision. A county, municipality, commission, department, district, board or other public agency or public body, whether corporate or otherwise, which is created by or under state law.

Pond, artificial. See "Artificial pond."

Porch. A roofed structure attached to a building and open on two or more sides, which may be screened, and with direct access to or from a building.

Portable storage container. See "Storage container, portable."

Positive drainage outfall. A conveyance system which contains, controls and transmits stormwater runoff to a creek, stream, river, bay, gulf, ocean, or other waters of the state, or waters of the United States, or to any approved Escambia County or Florida Department of Transportation drainage system.

Premises. Any parcel together with any improvements thereon.

Preserved tree. See "Tree, preserved."

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Principal building. The building(s) in which the principal use of the premises is conducted.

Principal structure. The primary structure that defines the use on a premises.

Principal use. The primary use of land or structures.

Prohibited use. Any use not listed as a permitted or conditional use in a zoning district.

Property line. The recorded boundaries of a lot or tract of land.

Protected tree. See "Tree, protected."

Pruning. The act of removing branches, limbs, or portions of tree canopy in accordance with standard practices such as those outlined in the American National Standards Institute Inc., ANSI A300 Part 1-2001, "Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices".

Public facilities. Major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, government buildings, and health systems.

Public hearing. A meeting of the Escambia County Board of County Commissioners, the Escambia County Planning Board, the Escambia County Board of Adjustment, or other administrative or policy boards of the county that has been advertised with a public notice as defined herein.

Public notice or due public notice/notification. Advertisement of notice of the time and purpose of a meeting or public hearing, consistent with the requirements specified in F.S. §§ 125.66 and 163.3184/87, article 2 of the LDC, and chapter 4 of the Comprehensive Plan.

Public utility. Any public or private utility, including but not limited to surface water management, wastewater collection and treatment, electric power, water supply, gas service, or telephone lines, whether underground or overhead. Also includes use of land customary and necessary to the maintenance and operation of essential public services, such as electricity and gas transmission systems; water distribution, collection and disposal; communication; and similar services and facilities. See article 7 of the LDC for information regarding wellhead protection.

Public utility and service structures. Structures or equipment required for public utilities and services, excluding buildings for general administrative, executive, or studio functions, or for general warehousing or maintenance operations. Public utility and service structures include, but are not limited to, those necessary for: electrical, gas, petroleum, steam, and potable water distribution; stormwater and sanitary sewer collection; communication services; fire and police protection; and railroads, mass transportation, and streets and highways. Also included are public buildings that provide a service essential to the public health, safety and general welfare, including, but not limited to, fire and police stations.

Quadruplex. See "Dwelling, four-family, quadruplex."

Quasi-judicial hearing. A meeting where any administrative or policy board of the county adjudicates specific cases (i.e., administrative appeal, conditional use, planned unit developments, rezoning, variance) involving the

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application of policy to a particular set of facts. Hearings are subject to notice requirements and judicial review, and decisions must be based on competent substantial evidence.

Radio broadcasting and telecasting station. An establishment engaged in receiving oral and visual programs and transmitting to the public, including, but not limited to, studios, transmitters, towers, antennas, satellite dishes, and related offices.

Reclamation. The restoration of land made barren through processes such as erosion, mining, or land clearing to useful purposes with protection of the natural resources of the surrounding area. In some instances, reclamation may include land clearing debris as part of the ultimate reclamation process. While the type and degree of such restoration may vary in any specific instance, the objective is to establish vegetative cover, soil stability, water conditions and safety conditions appropriate to the area.

Reclamation plan. The operator's written proposal, as required and approved by Escambia County, for reclamation of affected mined-out land.

Record drawings. A set of drawings certified by the engineer of record and provided to the county for the purpose of documenting improvements that were actually constructed.

Recorded subdivision. See "Subdivision, recorded."

Recreational vehicle. As defined in F.S. § 513.01, a vehicular-type portable structure without a permanent foundation, which has been or can be reasonably equipped with wheels and can be towed, hauled, or driven and primarily designed as temporary living quarters for recreational, camping, and travel use, and including, but not limited to, camping and travel trailers, truck campers, self-propelled motor homes, and converted vehicles.

Recreational vehicle park. As defined in F.S. § 513.01, a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents, used as seasonal or temporary living quarters for six months or less. See also "Campground."

Redevelopment. Demolition and reconstruction or substantial renovation exceeding 60% of the fair market value of existing buildings, sites or infrastructure within urbanized areas.

Residential dock or pier. See "Dock or pier."

Residential use. Any use for residences, domiciles, or dwellings, including, but not limited to, single-family houses, townhouses, condominiums, and apartments.

Restaurant. An establishment where food is prepared and served for profit, typically for consumption on the premises in a completely enclosed building and may include an outside seating area(s) designed for such purpose. See also "Restaurant, drive-in/drive-thru."

Restaurant, drive-in/drive-thru. A fast-food establishment furnishing rapidly prepared food for consumption on or off-premises by one or more of the following methods: by order from and service to vehicular passengers outside the confines of the principal building, typically with limited outside seating and limited or no inside seating; by order

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and service from an inside walk-up counter; or by order and service from an outside menu board and window designed to accommodate motor vehicle traffic.

Restrictive covenants. Private restrictions recorded with the final plat or deed, which limit or otherwise govern the use, intensity and development patterns of the land within a subdivision or parcel of land for a specified time.

Rezone/rezoning. An amendment to the map and/or text of a zoning ordinance to effect a change in the adopted zoning district of a designated parcel or land area and which typically involves a single property owner. The decision involving an applicant-initiated rezoning is typically considered quasi-judicial in nature, since it is contingent upon facts arrived at from distinct alternatives presented at a hearing and can be functionally viewed as policy application. However, it is possible to have a county-initiated quasi-judicial rezoning.

Rezoning, legislative. An amendment to the map and/or text of a zoning ordinance to effect a change in the adopted zoning district of designated parcels or land areas of substantial size and which involves numerous property owners. The decision involving a county-initiated rezoning is typically considered legislative in nature, since it is a comprehensive rezoning of multiple parcels affecting a large portion of the public and can be functionally viewed as policy setting. However, it is possible to have an applicant-initiated quasi-judicial rezoning.

Right-of-way (R-O-W). A strip of land, separate and distinct from adjoining lots or parcels, occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water supply main, sanitary sewer, storm drain, or any other special use. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to public use.

Riverine system. A generally linear aquatic community of non-tidal waters, with a discrete channel, including, but not limited to, rivers, tributaries, creeks, and intermittent streams. The landward extent is defined by ordinary high water.

Road. See "Street."

Roofline. The uppermost line of the roof, including mansard roofs, the uppermost line of building with a flat roof, the uppermost height of an extended facade, or the lowest edge of a slanted or A-frame roof.

Sale or lease. Any transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, in testate succession or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

Salvage yard. A site, or part thereof, where the primary use is the storage, sale, accumulation, exchange, packaging, disassembly, and/or handling of waste or scrap materials including, but not limited to, scrap metals, paper, rags, tires, and bottles.

Santa Rosa Island Authority (SRIA). The initial development approval authority for all development and redevelopment of property on Pensacola Beach under its jurisdiction.

School. See "Educational facility."

Screened/screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, and/or vegetation.

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Seawall. A wall or an embankment designed to halt the encroachment of a waterbody.

Security. The letter of credit or cash escrow or any other security arrangement acceptable to the county provided by the applicant to secure the provision of required improvements. See article 4 of the LDC for specific forms of security.

Sediment. Mineral or organic particulates that have been transported from their origin by wind or water and deposited at another location.

Sedimentation. The deposition of sediment.

Self-service storage facility. See "Mini-warehouse."

Service station. An establishment primarily dispensing motor fuels and related products at retail, but which may offer minor automobile, car, and/or motorcycle repair and service on an incidental basis.

Setback. The required minimum distance from the street right-of-way line and any other lot line that establishes the area within which a structure is allowed to be erected or placed.

Shopping center. A group of commercial, nonindustrial establishments planned, constructed and managed as an entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, and designed to serve a community or neighborhood.

Sidewalk. An improved walkway intended primarily for pedestrians.

Sight distance. The extent of unobstructed vision in a horizontal and vertical plane along a street located at any given point on the street.

Sign. Any object, device, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Corporate flags are a sign and are allowed as part of the allowed square footage for a zone lot. National or state flags, window displays, graffiti, athletic scoreboards, and official government announcements or signs are excluded. Specific sign types are defined in article 8 of the LDC.

Silviculture. The art and science of harvesting and controlling the establishment, growth, composition, health, and quality of forests to meet the diverse needs of landowners and society on a sustainable basis.

Site plan. A scaled plan depicting the proposed development or redevelopment of a parcel, which shows existing uses, structures, and features and meets the requirements specified in article 4 of the LDC.

Solid waste. Material, including sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid waste disposal facility. See "Landfill."

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Solid waste transfer station or collection point. A facility with the primary purpose of storing, holding, or collecting solid waste for transport to a processing or disposal facility.

Special flood hazard area. See "Area of special flood hazard".

Start of construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including 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 the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and 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 structure. This definition does not apply to new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348).

Storage. The act of placement or accumulation, or the condition of things placed or accumulated, in a specific location for preservation, future use, or disposal.

Storage container, portable. A unit that includes, but is not limited to, a trailer, box or other shipping container that is typically rented or obtained by a property's owners or occupants for their storage use and which is delivered and/or removed by truck or trailer. Those items commonly considered to be dumpsters or tool sheds are not portable storage containers.

Storage, outdoor/outside. See "Outdoor/outside storage."

Stormwater management. Any technique, apparatus, or facility that controls or manages the path, storage, or rate of release of stormwater runoff, including, but not limited to, storm sewers, retention or detention ponds, drainage channels or swales, and inlet or outlet structures.

Story (habitable or uninhabitable). That portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above it, then the space between such floor and the ceiling next above it. In computing the number of stories in a building, a basement shall not be considered a story if more than one-half of its height is below the mean grade. For areas governed by FDEP or FEMA elevation requirements, the number of stories in a building will be counted from the minimum required elevation for the habitable first floor, which has been interpreted to be the elevation as established by FEMA or FDEP, whichever is higher.

Street. A public or private avenue, boulevard, drive, highway, road or other thoroughfare, which must be paved and approved by the county, and which affords a principal means of access to the abutting property.

Street, collector. A street providing service that is of relatively moderate traffic volume, moderate trip length, and moderate operating speed, and which distributes traffic between local streets or arterial streets.

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

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Street, local. A street providing service that is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

Street, major arterial. A street that provides service that is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. Note: Every United States numbered highway is an arterial street.

Street, minor arterial. A street providing connections between major activity centers of the county, which augments the major arterial system for local and inter-county traffic by feeding traffic from collector and local street systems onto major arterials.

Structural alterations. Any change in the supporting members of a building, such as bearing walls, bearing partitions, columns, beams or girders, or any complete rebuilding of the roof, exterior walls or any other change which results in increased or decreased height of a structure.

Structure. Anything constructed, assembled, or erected, the use of which requires location on or in the ground, or attachment to something having location on or in the ground. The term does not include unroofed paved surfaces, such as sidewalks, driveways, parking lots, and/or other paved areas used for sports activities.

Structure, noncomplying. See "Noncomplying building or structure."

Subdivision. The division of a parcel of land, whether improved or unimproved, into three or more contiguous lots or parcels of land or, if the establishment of a new street is involved, any division of the parcel.

Subdivision, nonresidential. A subdivision for other than residential uses, such as commercial or industrial.

Subdivision, recorded. Pursuant to F.S. Ch. 177, the plat of an approved subdivision as recorded in the office of the Escambia County Clerk of the Court.

Subdivision, unplatted. See article 4 of the LDC.

Substantial damage. For National Flood Insurance Program (NFIP) purposes, 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. For increased cost of compliance (ICC) eligibility, damage caused by flood only must equal or exceed 50 percent of the market value of the structure. Flood damage, which exceeds 25 percent of market value twice within any ten-year period, shall be deemed a repetitive flood loss qualifying the property owner for ICC benefits. Note: Substantial damage determinations are made by the county building official.

Substantial improvement. For floodplain purposes, refer to article 10 of the LDC. For building code purposes, refer to F.S. § 161.54 and C.F.R. (Code of Federal Regulations) § 59.2.

Substantial property right. The ability to use or improve land in such a manner as would be lawful except for the special circumstance or condition applicable to the building or land; the particular land development regulation that prohibits such use or improvement; and if it involves a use or improvement of real worth and importance that is or may be enjoyed by other similarly situated landowners in the vicinity.

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Surety. The warranty of subdivision improvements by an applicant's submittal of one of the acceptable forms specified in article 4 of the LDC.

Taxicab/limousine company. A service that offers transportation in passenger automobiles, limousines, and/or vans to persons, including those who are handicapped, in return for a fee. The business may include facilities for servicing, repairing, and fueling the taxicabs, limousines, or vans.

Temporary structure. A structure that is designed, constructed, and intended to be used for a period of time and that will be removed after the expiration of such time. The period of time must run consecutively and may not exceed nine (9) months in duration.

Threatened and endangered species habitat. An area that contains, or shows factual evidence of, a species that is listed by a federal or state agency as "threatened", "endangered", or "species of special concern", including all such areas that are classified as "critical habitat" by the Florida Fish and Wildlife Conservation Commission (FWC).

Townhouse. A building, not exceeding three stories in height, which is constructed in a series or group of attached single-family units that share common walls along the property lines separating each unit.

Tree. A woody perennial plant generally having one well-defined stem or trunk branching to form a crown, and normally attaining a mature height of at least 12 feet with a trunk at least three inches in diameter at breast height (DBH).

Tree, canopy. A living tree that is, or is anticipated to reach, a mature height of 30 feet or greater.

Tree, champion. A living tree measured to be the largest specimen of its species in the state, as recorded in the champion tree registry of the University of Florida and the Division of Forestry, Florida Department of Agriculture and Consumer Services.

Tree, heritage. A living tree of special status, 60 inches in diameter at breast height (DBH) or greater.

Tree, preserved. A living tree 24 inches or larger in diameter at breast height (DBH). See article 7 for exemptions.

Tree, protected. A living tree 12 inches or larger in diameter at breast height (DBH), unless it is otherwise classified a champion tree. See article 7 for exemptions.

Tree, understory. A living tree that is anticipated to reach a mature height of less than 30 feet.

Triplex. See "Dwelling, three-family."

Truck, utility trailer, and recreational vehicle (RV) rental service or facility. An establishment engaged in the renting, leasing, or sale of trucks, truck tractors, buses, utility trailers, or RVs (recreational vehicles) without drivers, for purposes other than the routine conveyance of passengers.

Understory tree. See "Tree, understory."

Unified control. Two or more tracts of land in combined ownership wherein the owners have agreed to allow their tracts to be used and developed as a single lot under the provisions of the LDC.

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Use. The purpose for which lands and/or structures are arranged, designed, occupied or maintained.

Use, accessory. See "Accessory use."

Use, conforming. See "Conforming use."

Use, mixed. See "Mixed use."

Use, permitted. See "Permitted use."

Use, residential. See "Residential use."

Variance. Deviation from the requirements and provisions of the LDC as may be allowed by article 2, the application for which is reviewed, and a final determination is made, by the board of adjustment at a quasi-judicial public hearing. Note: Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be used to expand or enlarge upon a nonconforming use, lot or structure if such variance would result in an increase in the level of nonconformity.

Variance, administrative. See "Administrative variance."

Vegetation line. The semi-continuous line of perennial vegetation that marks the normal landward limit of high tide/storm waves.

Vested rights for land use. The right to use and/or develop land, subject to the vested rights for land use review process established in article 2.

Veterinary clinic. A business designed or used for the care, observation, or treatment of domestic animals, which may include medical or surgical treatment and care during the time of such treatment and grooming. The term includes animal hospitals. Use as a kennel shall be limited to short-term care incidental to the clinic use.

Walkway. A covered or uncovered passage for pedestrians.

Warehouse. A building providing long-term or short-term storage only of goods and materials and where no retail sales, manufacturing, assembly, or product processing occurs.

Warehouse, distribution. A facility warehouse providing short-term storage for commercial establishments, where goods are received, stored, and/or repackaged for distribution to customers at off-site locations.

Warehouse, mini. See "Mini-warehouse."

Warehouse, wholesale. A facility providing storage of goods for sale only to other businesses, including retailers, industrial, commercial, institutional, or professional business users, or other wholesalers.

Warranty deed. A legal form or conveyance in which the grantor warrants good, clear title.

Waste-tire processing facility. A site, permitted by state and local agencies having jurisdiction, where equipment is used to recapture reusable byproducts from waste tires or to cut, burn, or otherwise alter waste tires so that they are no longer whole.

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Water body. Any bay, bayou, lagoon, inlet, pond, lake, reservoir or other area with a discernable shoreline that ordinarily or intermittently contains water, or a river, stream, or creek with permanent flow. The term does not include stormwater detention or retention facilities.

Waterfront lot. See "Lot, waterfront."

Wellhead protection area (WHPA). Land within an established boundary around a public potable water well. The level of protection is based upon the capacity of the well and an evaluation of the risk to human health and the environment. Additional terms specific to wellhead protection are defined in article 7 of the LDC.

Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include, but are not limited to, swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Also, F.S. § 373.019(22) reads: Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The term includes those lands meeting the definition of wetlands as promulgated by the Florida Department of Environmental Protection in Rule 62-340.200(19). State of Florida delineation methods are set forth in F.S. § 373.042 and F.A.C. § 62-340.300.

Wharf. See "Dock."

Working day/workday. Any day not including Saturdays, Sundays, or legal holidays observed by the county, on which the offices of the county are open for regular business.

Xeriscape. A set of design and landscape maintenance principles that promote good horticultural practices and efficient use of water with drought-tolerant, water-conserving landscaping.

Yard. An open space on a lot, between a structure and the adjoining lot lines, unoccupied and unobstructed from its lowest point to the sky, except as may be occupied by landscaping, the ordinary and permitted placement of nonstructural unroofed surfaces, and/or encroachments otherwise allowed by the LDC.

Yard, front. A yard with full width and length of the lot extending from the nearest point of a principal building or structure, excluding permitted encroachments, to any front line of the lot.

Yard, rear. A yard extending across the rear of the lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections other than permitted encroachments. For lots with four sides, the rear yard shall be the area of the parcel opposite the front. For all other lots, the rear yard shall be determined by the director or designee.

Yard, required. The open space between a lot line and the setback line within which no structure shall be located except as provided in the LDC.

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Yard, side. A yard that is not a front or rear yard.

Yard trash. Vegetative matter resulting from landscaping maintenance, such as tree and shrub trimmings, grass clippings, and palm fronds.

Zero lot line. A development technique in which a detached dwelling unit is sited adjacent to one or more lot lines, according to the requirements listed in article 7 of the LDC.

Zone lot. A parcel of land in single ownership, or parcel of contiguous properties, existing as a unified or coordinated project, that is of sufficient size to meet minimum zoning requirements for area, coverage, and uses, and that can provide such yards and other open spaces as required by the LDC.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 99-44, § 2, 9-16-1999; Ord. No. 2000-4, § 1, 2-10-2000; Ord. No. 2000-28, § 2, 7-6-2000; Ord. No. 2000-30, § 1, 7-6-2000; Ord. No. 2000-46, § 1, 10-19-2000; Ord. No. 2000-50, § 1, 11-2-2000; Ord. No. 2000-52, § 1, 11-2-2000; Ord. No. 2001-11, § 1, 3-1-2001; Ord. No. 2001-12, § 1, 3-1-2001; Ord. No. 2001-20, § 1, 4-5-2001; Ord. No. 2001-40, § 1, 8-2-2001; Ord. No. 2001-52, § 1, 9-20-2001; Ord. No. 2002-23, § 1, 6-6-2002; Ord. No. 2002-30, § 1, 7-2-2002; Ord. No. 2002-36, § 1, 8-1-2002; Ord. No. 2002-46, § 3, 10-17-2002; Ord. No. 2002-54, § 1, 12-12-2002; Ord. No. 2003-4, § 1, 2-6-2003; Ord. No. 2003-9, § 1, 3-20-2003; Ord. No. 2003-38, § 1, 8-7-2003; Ord. No. 2003-39, § 1, 8-7-2003; Ord. No. 2003-53, § 1, 11-6-2003; Ord. No. 2004-21, § 3, 5-6-2004; Ord. No. 2004-32, § 1, 6-3-2004; Ord. No. 2004-68, § 1, 11-4-2004; Ord. No. 2005-12, § 1, 5-5-2005; Ord. No. 2005-23, § 1, 7-7-2005; Ord. No. 2005-45, § 2, 10-6-2005; Ord. No. 2006-4, § 1, 1-5-2006; Ord. No. 2006-64, § 1, 8-3-2006; Ord. No. 2006-70, § 1, 9-7-2006; Ord. No. 2006-72, § 1, 9-7-2006; Ord. No. 2007-3, § 1, 1-4-2007; Ord. No. 2007-25, § 1, 5-1-2007; Ord. No. 2007-36, § 1, 7-19-2007; Ord. No. 2007-38, § 1, 7-19-2007; Ord. No. 2007-44, § 2, 8-16-2007; Ord. No. 2007-60, § 2, 10-4-2007; Ord. No. 2007-68, § 1, 11-1-2007; Ord. No. 2008-38, § 1, 6-5-2008; Ord. No. 2008-39, § 1(3.00.01), 6-5-2008; Ord. No. 2009-34, § 1, 10-1-2009; Ord. No. 2009-35, § 2, 10-1-2009)

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