

ARTICLE II - RULES OF INTERPRETATION AND DEFINITIONS

SECTION 2.1 RULES OF INTERPRETATION

2.1.1 Generally

In the interpretation and application of these regulations all provisions shall be liberally construed in favor of the objectives and purposes of the Town and deemed neither to limit nor repeal any other powers granted under state statutes.

2.1.2 Responsibility for Interpretation

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of these regulations, the Development Regulations Administrator shall be responsible for interpretation and shall look to the Town's Comprehensive Plan for guidance. Responsibility for interpretation by the Development Regulations Administrator shall be limited to standards, regulations and requirements of these regulations, but shall not be construed to include interpretation of any technical codes adopted by reference in these regulations, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of these regulations.

2.1.3 Computation of Time

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

2.1.4 Delegation of Authority

Whenever a provision appears requiring the head of a department or some other Town officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

2.1.5 Gender

Words signifying the masculine gender shall be construed to include the feminine and neuter.

2.1.6 Number

Words in the singular shall include the plural and words in the plural shall include the singular.

2.1.7 Shall, May

The word "shall" is mandatory; "may" is permissive.

2.1.8 Written or in Writing

The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

2.1.9 Year

The word "year" shall mean a calendar year, unless otherwise indicated.

2.1.10 Day

The word "day" shall mean a calendar day, unless a working day is indicated.

2.1.11 Zoning District Boundaries

The rules set forth in Section 5.2.2 shall be used to interpret the exact location of the Zoning District boundaries reflected on the Official Zoning Map:

2.1.12 Relationship of Specific to General Provisions

More specific provisions of these regulations shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

2.1.13 Words not Defined

Webster's New Collegiate Dictionary (G. & C. Merriam Co. 9th Ed. 1983) shall be used for the definition of any words not defined in these regulations.

SECTION 2.2 DEFINITIONS

AASHTO - American Association of State Highway and Transportation Officials.

Abandon - Any cessation of an existing use of land or of any structure thereon for a period greater than that specified by these regulations, other than a cessation necessarily incident to probate or mortgage foreclosure proceedings, or to the temporary absences of part-time residents.

Abut - To physically touch or border upon, or to share a common property line.

Accessory Sign - A permanent ground or building sign that is permitted under these regulations as incidental to an existing or proposed use of land.

Accessory Use or Structure - Any use or structure, clearly incidental, subordinate and related to the principal use or structure and located on the same lot with such principal use or structure. The term shall include, but not be limited to, satellite dish antennae, windmills, solar energy equipment, detached garages and carports, above-grade swimming pools and utility sheds.

Adjacent to A Protected Environmentally Sensitive Area - Any location within five hundred (500) feet of the boundary of any Protected Environmentally Sensitive Area, whether the location is on or off the development site.

Adult Congregate Living Facilities - A premises in which the owners or operators are subject to licensing and approval by the Florida Department of Health and Rehabilitative Services, which is operated as a facility to provide room and board and one or more personal services to unrelated adults, as authorized under Chapter 400, Florida Statutes, and Chapter 10A-5, et seq. Florida Administrative Code.

Adverse Effects - Any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Adversely Affected Person - Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Advertising - Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Alley - A right-of-way providing a secondary means of access and services to abutting property.

Alteration - Any changes in structural parts; type of construction; kind or class of occupancy. The word alteration shall include the words alter, or reconstruct.

Altered Wetland - Wetlands which have been substantially affected by man, but which continue to be dominated by wetland or transitional vegetation.

Animals - Includes, but is not limited to, both household pets and farm animals.

Aquifer - An underground formation, group of formations, or part of a formation that is permeable enough to transmit, store or yield usable quantities of water.

Artificial Drainage System - Any canal, ditch, culvert, dike, storm sewer or other man-made facility which tends to control the surface flow of water.

As-built plans - Revised construction plans reflecting the public improvements as they were actually constructed and as they actually exist in the subdivision.

Associated Wetland - Any wetland that is adjacent or contiguous to waters, or which has a direct hydrologic connection to waters.

Automobile Dismantling and Salvage Yard - (See "Motor Vehicle Dismantling and Salvage Yard".)

Automobile Sales Lot or Area - An outdoor area, other than a public right-of-way used for the display, sale or rental of new or used motor vehicles in operable condition and where no repair work is done.

Automobile Service Station -

Type A: Any premises used for the servicing of motor vehicles, including engine tune-ups and repair, wheel balancing, alignment, brake service; the retail sale of fuel, lubricants, and other products necessary to the operation and maintenance of motor vehicles, and the installation of such products; the sale of refreshments; but excluding the rebuilding or reconditioning of engines, and body repair.

Type B: In addition to Type A uses, any repair, rebuilding or reconditioning of any motor vehicle.

Type C: Any premises used or designed to be used for the sale of gasoline in conjunction with another principal retail use.

Bar - A premises devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any other premises where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises. The word "bar" shall be considered synonymous with the words, "saloon", "tavern", "pub", "barroom", "cocktail lounge", and "cabaret".

Basement - That portion of a building having its floor below ground level on all sides.

Bed and Breakfast Homestay - A single-family residential dwelling unit, personally and physically operated and occupied by the owner or manager, in which not more than three overnight sleeping rooms and only breakfast are provided to transient guests, in return for payment. The provision of these guest services is incidental and subordinate to the use of the premises as a single family dwelling unit.¹

¹As amended by Ordinance 96-1 on February 13, 1996.

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Bed and Breakfast Inn - A commercially licensed business operated in a building which is used primarily for providing overnight accommodations to the public even though the owner may live on the premises. The number of guest rooms in a B&B Inn ranges from a minimum of four to a maximum of twenty. Breakfast is the only meal served and is included in the charge for the room. The business is licensed, is an entity that is salable to a new owner, and is subject to all local, state and federal regulations.²

Beneficial Functions of a Protected Environmentally Sensitive Area - Those functions, described in the Coastal Management/Conservation Element of the Comprehensive Plan, that justify designating an area as environmentally sensitive.

Best Management Practices (BMP) - Management practices as found in "Silviculture Best Management Practices Manual", Florida Department of Agriculture and Consumer Services, Division of Forestry.

Block - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, shorelines of waterways, or other definite barriers.

Board of Adjustments - The Board established in Article III of these regulations.

Boarding House - A premises other than a hotel, restaurant, or congregate living facility where meals and lodging are furnished for compensation to five or more persons unrelated to the owner of the premises by marriage, birth or legal adoption.

Boathouse - An accessory structure designed solely for the protection or storage of watercraft.

Bond - Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Town Council. All bonds shall be approved by the Town Council upon advice of the Town Attorney whenever a bond is required by these regulations. The surety company executing the bond shall be listed by the U.S. Treasury Department as being approved for writing bonds for federal projects on its current list in an amount not less than the amount of the bond tendered to the Town of Pierson.

Boulevard - A street in which a landscaped median may be included within the right-of-way to separate opposing traffic lanes.

Boundary Survey - a survey, the primary purpose of which includes, but is not limited to, the determining of the perimeters of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines for the purpose of describing, locating of fixed improvements, or platting or dividing the parcel. Such survey shall be certified by the registered surveyor in charge as meeting the Minimum Technical Standards set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027, Florida Statutes. In addition to any other features required by the Minimum Technical Standards, the boundary survey shall show the boundaries of the parcel, section lines, location of all existing streets, buildings, bulkhead lines, coastal construction control line, easements, and foundations and structures either on or adjacent to the parcel.

Buffer - Upland areas adjacent to wetlands which are necessary to protect the wetlands and wetland species from the detrimental impacts of development or alteration. The buffer shall include canopy, understory and groundcover which consists of preserved existing vegetation or planted native species.

Building - Any relatively permanent, immobile structure with an impervious roof built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof".

Building, Accessory - Any building other than the principal building.

² As amended by Ordinance 96-1 on February 13, 1996.

Building Area - That area within and bounded by the building lines established by required yards and setbacks.

Building, Principal - A building in which is conducted the principal use of the lot on which it is situated. In a residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated. Any attached carport, shed, garage or any other structure with one or more walls or a part of one wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent garage, carport or other structure which may be attached to the principal building by an open breezeway in excess of six (6) feet and/or enclosed on one (1) or both sides, including louvers, lattice or screening, shall cause the entire structure to be construed as the principal building and shall be subject to the regulations applicable to the principal building.

Building Height - The vertical distance measured in feet from the finished grade, along the front of the structure, to the highest point of a roof, or if no roof, to the highest point of any structure.

Building Line - The line established by minimum yard requirements outside of which no principal structure may be erected.

Building Requirements - Lot and building requirements, as used in these regulations, do not imply reference to building requirements set forth in the Building Codes of the Town of Pierson.

Building Setback Line - That line parallel to and of the same configuration as the lot line, and which is located behind the front lot line, the minimum distance required by the front yard requirements of these regulations, in front of which no structure shall be permitted, erected, or placed, unless otherwise expressly permitted by Section 5.4 of these regulations. (See the definition of "yard").

Building Sign - A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

Business Office, Family - Refer to Family Business Office.

Business Services - Any commercial activity primarily conducted in an office, not involving the sale of goods or commodities available in the office, and not dispensing personal services, and including such businesses as real estate broker, insurance, accountants, financial institutions, or any similar use.

Cafeteria - A premises where a variety of foods and beverages are prepared in advance and then selected by customers from a buffet for consumption on the premises.

Caliper - The trunk diameter of a tree measured three (3) feet above the average ground level at the base of the tree. Provided however, if the tree forks above three and one-half (3-1/2) feet above ground level, it is measured below the swell resulting from a double stem.

Camper - (See "Travel Trailer".)

Campground - (See "Recreational Vehicle Park".)

Carwash Facility - A business which has as its principal use the washing, cleaning, and polishing of motor vehicles, and which may include the sale of gasoline to its customers as an accessory use.

Chief Building Official - The Chief Building Official of the Town of Pierson, Florida or his duly authorized representative. The term Development Regulations Administrator is synonymous.

Child Care Center - A premises where 5 or more children, other than members of the immediate family occupying the premises, are kept under supervision. The term "child care center" includes day nurseries, kindergartens, day-care services, day-care center, day-care agency, nursery school, play school, pre-school or any other terms indicating that children are under day-care control.

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Church - (See "House of Worship".)

Clearing - The removal of trees and brush from the land, not including the ordinary mowing of grass.

Clearing - The removal of any trees or brush from the land, but shall not include mowing or grubbing, except as provided in Article IX of these regulations.

Clinic, Medical or Dental - A premises where patients who are not lodged overnight are admitted for examination and treatment by one or more persons practicing any form of the human healing arts, whether they are medical doctors, chiropractors, osteopaths, chiropractists, optometrists, dentists, or any similar professional licensed by the State of Florida. The term does not include a veterinarian clinic.

Club, Private - Non-profit associations and organizations of a fraternal, social, leisure or recreational character. Also, a building or premises primarily designed for the gathering of its membership for entertainment and pleasure to include facilities and services for providing entertainment, in addition to food and drink, for consumption of members and their invited guests.

Club, Night - A commercial premises where food, alcoholic beverages, or other refreshments may be obtained for consumption on the premises and where floor shows or other forms of entertainment may be provided for customers.

Code Enforcement Board - The Code Enforcement Board of the Town of Pierson, Florida.

Commercially Developed Parcel - A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Commission - The Planning Commission of the Town of Pierson.

Common Open Space - A commonly owned area of land reserved primarily for the leisure or recreational use of the owners of a residential development.

Community Residential Home - a dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative Services, which provides a living environment of 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Any home of six or fewer residents which otherwise meets the definition of a community residential home shall be deemed a "family" and a non-commercial, residential use for the purpose of these regulations. Any home of six or fewer residents which otherwise meets the definition of a community residential home shall be allowed in single family or multi-family zoning districts without approval by the Town, provided such homes shall not be located within a radius of one-thousand (1,000) feet of another existing such home with six or fewer residents.

Comprehensive Plan - The long-range planning guide prepared and adopted by the Town of Pierson pursuant to the requirements of Chapter 163.3161, Fla. Stat., et seq., known as the Local Government Comprehensive Planning and Land Development Regulations Act (LGCPDLRA).

Concurrency - A condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development project.

Construction, Start of - The duly-permitted permanent placing or erection of construction materials into position. When excavation or removal of an existing structure has commenced in preparation for new construction, such excavation or removal shall be deemed to be the start of construction provided that work continues thereafter, uninterrupted for a period longer than thirty (30) days, until the new construction is completed. The term includes built, constructed, reconstructed, moved upon or any physical operation on the premises required for building.

Convenience Store - A premises from which is offered for sale food, drugs, and sundries commonly used for the day-to-day living needs of the residents of the immediate neighborhood.

Copy, Sign - The linguistic or graphic content of a sign.

Crosswalk - That portion of the right-of-way within a roadway dedicated to, and intended primarily for pedestrian use.

Crown, Tree - The main mass of branching of a plant above the ground.

Cul-de-sac - A local street with only one outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

Cultural Resource - A site, object, structure, building or district listed on the Town's Survey of Cultural Resources or in the Historic Preservation Element of the Town Comprehensive Plan or on the local register of historic places.

DBH - Diameter at breast height. "Breast height" is defined to be fifty-four (54) inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

Demolition - The tearing down or razing of twenty-five (25) percent or more of a structure's external walls.

Density - The total number of dwellings per gross acre of usable land. For purposes of applying a specified density regulation a fractional part of an acre will permit that fractional part of the number of dwellings allowed for a full acre; calculations resulting in a fractional part of a dwelling shall be rounded up to the next whole number of dwellings whenever the fractional part of a dwelling is five-tenths (0.5) or greater. Usable land is that land which is clearly suitable for development, and not excluded from development by act of law or nature. Submerged lands and lands designated as "environmentally sensitive" by local, state or federal law shall not be considered usable land, and shall be excluded from density calculations.

Detention - The collection and storage of surface water for subsequent gradual discharge.

Deteriorated (tree) - Degenerated or damaged to the point where death of the tree is imminent or to the point where the tree poses a significant hazard.

Developer - Any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

Development or Development Activity - Any of the following activities:

1. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
2. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.
3. Subdividing land into two or more parcels.
4. A tree removal for which authorization is required under these regulations.
5. Erection of a permanent sign unless expressly exempted by Subsection 5.4.13 of these regulations.
6. Alteration of a historic property for which authorization is required under these regulations.
7. Changing the use of a site so that the need for parking is increased.
8. Construction, elimination or alteration of a driveway onto a public street.

Development Plan - A graphic presentation or map drawn to approximate scale depicting a proposed method of land development or land subdivision. Also, the combination of documents and exhibits

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required in Article III. Concept Plans, Preliminary Development Plans, Final Development Plans, and Subdivision Plats are types of Development Plans. The term "Site Plan" is synonymous with Development Plan.

Developer - Any person engaged in developing or improving a project, a lot or group of lots for use, or occupancy, or sale.

Development Regulations Administrator - An employee of the Town designated by the Town Council to be responsible for administering these Unified Land Development Regulations. The term Chief Building Official is synonymous.

Development Order - An order granting, denying, or granting with conditions an application for a building permit, zoning permit, subdivision approval, rezoning certification, special exception, variance, or any other official action of the Town having the effect of permitting the development, use or occupancy of land or structure. A distinction is made between development order, which encompasses all orders and permits, and three distinct types of development orders: preliminary development order, final development order, and development permit. See sub-paragraphs below:

Preliminary Development Order - Any preliminary approval which does not authorize actual construction, mining, or alterations to land and/or structures. A preliminary development order may authorize a change in the allowable use of land or a building, and may include conceptual and conditional approvals where a series of sequential approvals are required before action authorizes commencement of construction or land alteration. For purposes of these regulations preliminary development orders include Future Land Use Map amendments, Comprehensive Plan amendments which affect land use or development standards, preliminary development plan approval, and master plan approval.

Final Development Order - The final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of these regulations. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of these regulations the final development plan approval is the final development order.

Development Permit - For purposes of these regulations a development permit is that official Town document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, etc.

Discharge or Discharge Point - The outflow of water from a project site, aquifer, drainage basin or facility.

Direct Hydrologic Connection - A surface water connection which, under normal hydrological conditions, occurs on an average of thirty (30) or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of wetlands may be used to establish a direct hydrologic connection.

Dock - A structure extending into a waterbody for use as a landing place for the loading or unloading of passengers or cargo, a promenade or to protect or form a harbor. The term shall include pier and wharf.

Dredging - Excavation by any means in water or wetland. It also means the excavation or creation of a water body which is, or is to be connected to waters, directly or via excavated water bodies or a series of excavated water bodies.

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

Driveway - An area of land which provides vehicular access from the street to the off-street parking space of a premise.

Due Public Notice - As used in regard to the phrase "public hearing", due public notice shall have one of the meanings described as follows, depending on the context in which the term is used:

A. For public hearings before the Town Council:

1. Notice regarding comprehensive plan amendments (by ordinance) shall be in accordance with applicable provisions of ss. 163.3184 and 163.3187, F.S.
2. Notice regarding DRI approvals and amendments shall be in accordance with applicable provisions of s. 380.06, F.S.
3. Notice regarding any change in the actual zoning map designation of a parcel or parcels shall be in accordance with applicable provisions of s. 166.041; F.S., and a notice setting forth the date, time, place, and purpose of such hearing shall be mailed at least fifteen (15) days in advance of the hearing by the applicant to the last known address of the owners of contiguous property.
4. Notice regarding adoption of any other ordinances shall be in accordance with applicable provisions of ss. 166.041, F.S.
5. Notice regarding all other actions requiring a public hearing pursuant to the Town's Land development Regulations shall be by publication of a legal notice in a newspaper of General circulation at least seven (7) days prior to the public hearing. The notice shall state the date, time, place and purpose of the meeting and that interested persons will have an opportunity to be heard.

In addition, except where the action potentially affects all the properties with the same zoning map designation, a similar notice shall also be posted in a conspicuous place or places on or around the particular parcel or parcels involved in or directly affected by the action.

- B. For public hearings before the Planning Commission - Notice regarding any action shall be by publication of a legal notice in a newspaper of general circulation at least seven (7) days prior to the public hearing. The notice shall state the date, time, place, and purpose of the meeting and that interested persons will have an opportunity to be heard. In addition, except where the action potentially affects all the properties with the same zoning map designation, a similar notice shall also be posted in a conspicuous place or places on or around the particular parcel or parcels involved in or directly affected by the action.
- C. For public hearings before the Board of Adjustment - Notice regarding any action shall be by publication of a legal notice in a newspaper of general circulation at least seven (7) days prior to the public hearing. The notice shall state the date, time, place and purpose of the meeting and that interested persons will have an opportunity to be heard. In addition, similar notices setting forth the time, place, and purpose of such hearing shall be mailed at least fifteen (15) days in advance of the hearing by the applicant to the last known address of the owners of contiguous property and shall also be posted in a conspicuous place or places on or around such lots, parcels, or tracts of land as may be involved in or directly affected by the hearing.
- D. For any public hearing required by an application submitted to the Town of Pierson, the applicant shall be responsible for paying all costs of advertising. Where notice by mail is required, the applicant shall be responsible for mailing all required notices, and affidavit proof of

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the required mailing shall be presented at the hearing.³

Dwelling - A room or rooms in a building forming a separate and independent housekeeping establishment, designed to be occupied by one family, and containing sleeping facilities, sanitary facilities and one kitchen. The term "dwelling" shall not include hotels, motels, tourist courts or other buildings intended for short-term occupancy by transients. The term "dwelling unit" is synonymous.

Dwelling, Attached - A dwelling attached to another dwelling's foundation, wall or roof.

Dwelling, Detached - A dwelling entirely surrounded by open space and not attached to another dwelling's foundation, wall or roof.

Dwelling, Manufactured - A mobile home fabricated 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 Standard Act. The term "manufactured home" is synonymous.

Dwelling, Mobile Home - A single family dwelling fabricated in a manufacturing facility, having a width of more than eight feet and a length of more than forty feet, and bearing a seal certifying it is constructed either to the Federal Manufactured Housing Construction and Safety Standards Code or to obsolete ANSI 119.1 Mobile Home Design and Construction Standards.

Dwelling, Multiple Family - A residential structure containing three (3) or more dwelling units, including what is commonly known as an "apartment building". The term does not include "townhouses", "quadraplexes", "triplexes" and similar groupings of dwellings, each of which has primary ground floor access to the outside and which are attached to each other by common walls without openings.

Dwelling, Single Family - A "standard dwelling" or "manufactured building" as defined herein containing only one dwelling. The terms "mobile home" and "manufactured home" are not included.

Dwelling, Standard - A dwelling built on the site where it is to be occupied and constructed to the Standard Building Code as promulgated by the Southern Building Code Congress and as adopted by the Town Council of the Town of Pierson.

Dwelling, Two-Family - A building containing only 2 dwellings. The term "duplex" is synonymous.

Dwelling Unit - A room or rooms in a building forming a separate and independent housekeeping establishment, designed to be occupied by one family, and containing sleeping facilities, sanitary facilities and one kitchen. The term "dwelling" shall not include hotels, motels, tourist courts or other buildings intended for short-term occupancy by transients. The term "dwelling" is synonymous.

Easement - Any area dedicated for public or private utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Efficiency Unit - A dwelling consisting of not more than one room in addition to kitchen and bath. It is synonymous with studio unit.

Electric Sign - Any sign containing electric wiring.

Enclosed Storage Area - An area that is surrounded on all sides by a continuously connected fence or wall except where it is necessary to provide for pedestrian or vehicle openings.

Enforcement Official - The Development Regulations Administrator of the Town of Pierson or his duly authorized representative.

³ As amended by Ordinance 99-3, February 24, 1999.

Engineer - A professional engineer currently registered under Chapter 471, Florida Statutes, as amended or hereafter amended.

Erect a Sign - To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Erected - (See "Construction, Start of".)

Erosion - The wearing or washing away of soil by the action of wind or water.

Essential Utility Services - Publicly owned or regulated utility distribution systems for gas, water, sewer, telephone, television, radio or electricity of two hundred thirty (230) kilovolts or less including poles, wires, mains, drains, sewers, pipes, conduits, cable towers, and antennas seventy (70) feet or less in height, and other similar equipment and accessories which are necessary for furnishing of service by such public utilities, but not including electric power plants, substations, water tanks, gas transfer stations, and water and sewage treatment plants, buildings, lift stations and municipal water supply wells.

Existing - The average condition immediately before development or redevelopment commences.

Family - One or more persons living together, inter-related by marriage, birth or legal adoption, and occupying one dwelling. A family may also include up to four (4) unrelated persons living together as a single housekeeping unit occupying one dwelling unit. (See the definition of "Community Residential Home").

Family Business Office - A limited business operation consisting solely of an office for a business operation of the residence owner, or a bona fide residential lessee, who is actually residing in said residence at the time, for a business operation that is conducted elsewhere. The operations permitted to be conducted on the premises shall be limited solely to bookkeeping, telephone answering (or solicitation, subject to other ordinances of the Town), and a mailing address. There shall be no employees present other than the proprietor and his immediate family who reside on the premises. No outside advertising shall be permitted on the premises or elsewhere when such advertising shall reasonably be designed to attract customers to the residential premises. No stock-in-trade, parts or other materials used in the business may be kept, stored, sold, loaded or unloaded or otherwise transferred to or from the residential premises. No business equipment or vehicles may be used, stored or parked on the residential premises except as may be otherwise provided in these regulations. No goods or services may be dispensed from the residential premises.

Federal Manufactured Housing Construction and Safety Standard Codes - Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq.), as amended (previously known as the federal Mobile Home Construction and Safety Standards), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Florida Department of Highway Safety and Motor Vehicles Bureau of Mobile Home Construction; all of which became effective for mobile/manufactured home construction on June 15, 1976.

Fern Packing House - A premises on which ferns and other ornamental horticultural products are received, washed, graded and packed for shipment.

Filling - The deposit or burial of materials, such as land clearing debris, soil, rock or other solid minerals, onto any land, water or wetlands. Does not include landfilling with garbage or other similar waste matter; landfilling.

Flea Markets - The retail sale of merchandise from individually rented spaces or temporary structures on a lot. The term is not intended to apply to similar activities by churches or other non-profit organizations,

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or to a homeowner's garage sale, if no more than two such garage sales are held in any twelve-month period.

Flood or Flooding - A temporary partial or complete inundation of normally dry land from the overflow of inland or tidal waters, or from the unusual and rapid accumulation of run-off or surface waters from any source.

Floodplain - Land which will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of run-off of surface waters from rainfall.

Floodway - The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

Floor Area - The sum of the gross horizontal areas of the several floors of a dwelling, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but excluding:

1. attic areas with a headroom of less than 7 feet;
2. unenclosed stairs or fire escape;
3. elevator structures;
4. cooling towers;
5. vehicle parking structures;
6. basement space not devoted to residential use;
7. porches, patios, breezeways, sun porches or other similar structural additions that are unenclosed or are enclosed with screening.

Frontage - The length of the property line of any one parcel along a street on which it borders.

General Office - A premises on which the administrative, managerial or professional services of a business, professional person, government, etc. are carried out in a room, a series of rooms or in a building solely devoted to such use.

Golf Course - A relatively large premises designed and constructed to accommodate the sport of golf. The term is not intended to include independent driving ranges or miniature golf courses.

Grade - The slope of improvements, specified in percent (%), (feet per 100 feet expressed as a decimal). Also, the horizontal location of the ground surface.

Existing Grade - The natural grade of the land prior to alteration by the holder of a current grading, clearing, or building permit.

Rough Grade - The stage at which the grade approximately conforms to an approved building plan or subdivision requirement.

Finish Grade - The final grade of the site which conforms to an approved building plan or subdivision requirement.

Gross Density or Density - The total number of dwelling units divided by the total site area, less public right-of-way.

Gross Floor Area - The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Ground Sign - A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

Groundwater - Water beneath the surface of the ground whether or not flowing through known or definite channels.

Harmful to Minors - with regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

1. predominately appeals to the prurient, shameful, or morbid interest of minors in sex, and
2. is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors, and
3. taken as a whole, lacks serious literary, artistic, political, or scientific value.

The term "harmful to minors" shall also include any non-erotic word or picture when it:

1. is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable for viewing by minors, and
2. taken as a whole, lacks serious literary, artistic, political, or scientific value.

Highest Adjacent Grade - The highest natural elevation of the ground surface adjacent to the proposed walls of a structure.

Home Occupation - an occupation, licensed by the Town, conducted entirely within a residential dwelling unit, subject to the provisions of Section 5.6.6, Paragraph N.

Hospital - A premises with overnight facilities providing medical or surgical care for sick or injured persons.

Hospital, Animal - A premises with overnight facilities for the medical or surgical care of sick or injured animals.

Hotel/Motel - A premises in which sleeping accommodations are offered for rental primarily to transients. It is synonymous with motel, boatel, and tourist homes or cabins.

House of Worship - A premises used for worship and permitted customary accessory uses by an organization of religious believers.

Hydrograph - A graph of discharge versus time for a selected outfall period.

Hydrologic Cycle - The movement of water through the environment on, above or below the surface of the earth.

Hydroperiod - A measure of the time (usually in days per year) that water is at or above soil surface under normal hydrologic conditions.

Illuminated Sign - A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Impervious Surface - A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks parking lots and other similar structures.

Improvement - Any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate.

----- Article II - Rules of Interpretation and Definitions -----

Improvement, Public, and/or Private - Is, but is not limited to, any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, bike path, pedestrian way, planting strip, off-street parking area, permanent reference monuments ("PRMs"), permanent control points ("PCPs"), or any other improvements required by the Town, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

Industry - Any activity involving the manufacture, assembly, packaging, canning, bottling or processing of any item.

Isolated Wetlands - Wetlands that have no hydrological or vegetative connections with "waters of the State" as defined in Section 403.032(3), Florida Statutes.

Junk Yard - A premises where junk materials such as scrapped metal, rubber tires, appliances, construction materials and paper are bought, sold, exchanged, stored, baled, packaged, packed, disassembled or handled. It is synonymous with automobile wrecking yard and salvage yard operations.

Kennel - A premises where five or more domesticated house pets over six months of age are harbored, whether for profit or for personal use.

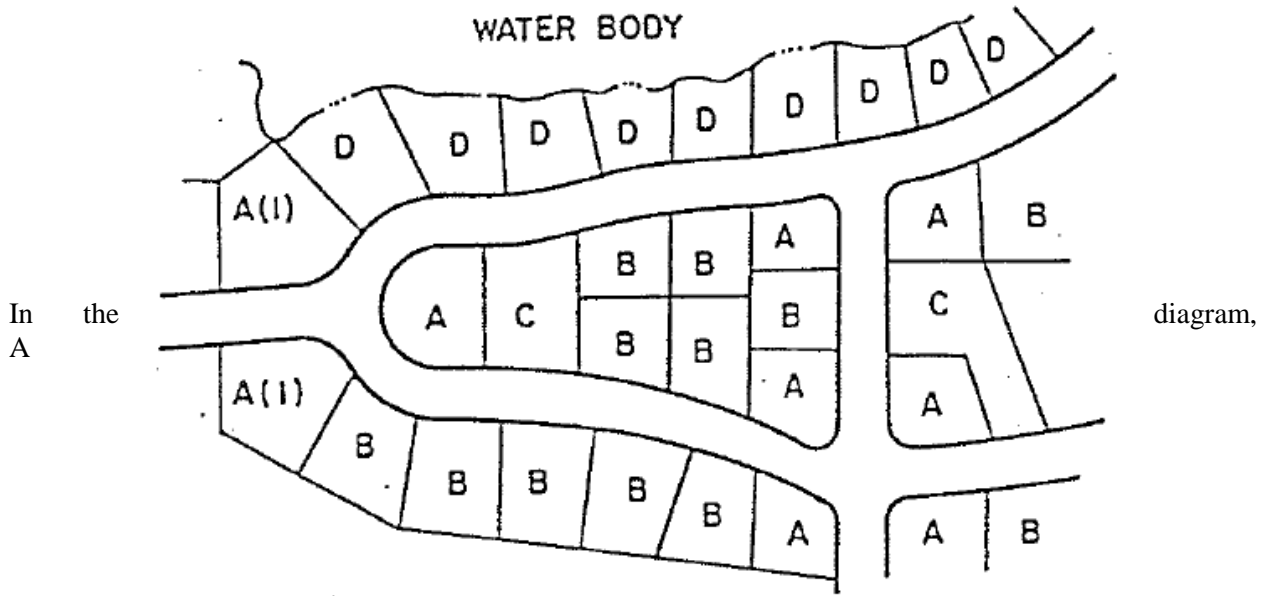
Land - Land is intended to refer to water, marsh or swamp as well as to the solid surface of the earth.

Lot - A piece, parcel, tract or plot of land occupied or intended to be occupied by one (1) principal building and its accessory buildings, and being of sufficient size to meet the minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces required by these regulations. Such lot shall have frontage on an improved public street, or an approved private street. Also, the least fractional part of subdivided lands having limited fixed boundaries, having an assigned number, letter, or other name by which it may be identified and which is intended as a unit for building development or transfer of ownership or both.

Lot Coverage - That area of a lot from the ground up, which is occupied by principal and accessory buildings.

Lot Classifications - Lots shall be classified as corner lots, interior lots, through lots, and atypical lots. The following diagram illustrates these lot types.

Figure II-1



In the diagram, A designates corner lots. Corner lots are defined as lots located at the intersection of two or more streets. A

lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the front-most points of the side lot lines to the front-most point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lots marked A(1) in the diagram. B designates interior lots. Interior lots are defined as lots with only one frontage on a street. C designates through lots. Through lots are defined as lots other than corner lots with frontage on more than one street. Through lots abutting two streets may also be referred to as double-frontage lots. D designates atypical lots. Atypical lots are defined as lots within a subdivision where, as a result of subdivision design, the lots abut a street at one end and any of the following at the opposite end: (a) A waterway or body either of which are one hundred (100) feet or more in width; (b) A golf course fairway or green; (c) An open space area which by itself, or when combined with other open space areas within the same subdivision comprises at least fifteen (15) percent of the total land area in said subdivision, and in which an undivided interest is conveyed with each lot.

Lot Depth - The average horizontal distance between the front and rear lot lines.

Lot Lines - The perimeter property lines around the lot or the space line of a rental space.

Lot Line, Front - The property line abutting any street right-of-way, or for arterial streets with less than sixty (60) feet of dedicated right-of-way, an imaginary line located thirty (30) feet from and parallel to the centerline of the existing right-of-way.

Lot Line, Rear - The property line most distant from and most nearly parallel to the front lot line, with the exception that on corner lots, the property line most distant from and parallel to the front lot lines shall be considered side lot lines.

Lot Line, Side - Any property line that is not a front or rear property line.

Lot Width - The horizontal distance between the side lot lines, measured along the front building setback line.

Lowest Floor - The lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in these regulations.

Manufactured Building - A closed construction building assembly, or system of sub-assemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection, with or without specified components, as a finished building or as part of a finished building, and shall include but not be limited to residential, commercial, institutional, storage, and industrial structures. This part does not apply to "mobile homes", "manufactured homes" or manufactured housing, as defined by the United States Department of Housing and Urban Development (HUD). This part does apply to mobile offices or other units not insigniaed by HUD or otherwise inspected by the Florida Department of Motor Vehicles, except for mobile offices at construction sites and mobile homes used as temporary offices. Manufactured buildings are expressly excluded from the federal standards for mobile or manufactured homes and are in fact not the same as mobile homes.

Marquee - A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Mean Sea Level - The average height of the sea for all stages of the tide. For purposes of these regulations the term is synonymous with National Geodetic Vertical Datum (NGVD).

Mini-Warehouse - An enclosed storage area containing individually rented or owned compartments or stalls for storage only.

Minor Replat - (a) the division of a single lot or parcel of land into two (2) lots or parcels, (b) the realignment of a lot line common to two lots or parcels, or (c) the subdivision of a parcel into two (2) or

----- Article II - Rules of Interpretation and Definitions -----

more lots solely for the purpose of increasing the area of two (2) or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of these regulations.

Mitigation - Actions including, but not limited to, restoration, enhancement, or creation of wetlands, required to be taken by a person to off-set environmental impacts of permitted activities.

Mobile Home - (See "Dwelling, Mobile Home".)

Motor Vehicle Dismantling and Salvage Yard - The dismantling or wrecking of used motor vehicles or trailers, or the storage or sale of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile dismantling and salvage yard. See also "Junk Yard".

Multi-Family Dwelling - (See "Dwelling, Multiple Family".)

Multiple Occupancy Complex - A commercial use, i.e. any use other than residential or agricultural, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Natural Flow Pattern - The rate, volume and direction of the surface or groundwater flow occurring under natural conditions for any given area.

Natural Systems - Systems which predominantly consist of or are used by those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

New Construction - Structures or substantial improvements for which the "start of construction" occurred on or after the effective date of these regulations.

Non-Conforming Lot - Any lot which lawfully existed before these Regulations were adopted or amended, which would not now meet the minimum dimensions, area or other regulations of the zoning district in which it is located.

Non-Conforming Structure - Any structure or part of a structure which lawfully existed before these Regulations were enacted or amended, which by virtue of its size, configuration or location on a given lot or parcel, would not now meet the requirements for setback, building coverage, or height regulations applicable in the zoning district in which it is located.

Non-Conforming Use - Any use of a premises which lawfully existed before these Regulations were adopted or amended, which would be prohibited, regulated or restricted under the terms of these Regulations.

Nursing Home - A premises where meals, lodging, nursing care and related medical services are furnished for compensation to five (5) or more persons unrelated by marriage, birth or legal adoption. It does not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Occupant (Occupancy) - The person, persons, family, corporation or other legal entity in actual possession of the premises regardless of ownership of the premises.

Official Zoning Map - A graphic illustration of zoning district boundaries and classifications drawn and approved as part of the records of the Town of Pierson.

Off-Street Loading Space - A permanently located off-street space for the temporary parking of vehicles which pick up, deliver, load or unload goods, supplies and merchandise.

Off-Street Parking Space - A permanently located off-street space for the temporary parking of vehicles.

One Hundred Year Frequency Storm - The rainfall event which has a one (1) percent chance of being equaled or exceeded during any one given year.

Open Space - That portion of land or water not used for buildings, street rights-of-way or off-street parking and loading areas.

Ordinance - An official, legislative, policy-making action of a governing body.

Ordinary Maintenance - Work which does not require a construction permit and is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.

Outdoor Advertising Sign - A permanent ground sign supported by a single metallic pole attached to which is a sign face the bottom of which is at least twenty (20) feet above the ground and which is at least two hundred (200) square feet in size.

Out-parcel - Any area of land lying within the boundary of a proposed subdivision, but which is not included for purposes of these regulations as part of the proposed subdivision.

Owner - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to any specific lands in question.

Parcel - A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of these regulations or lead to absurd results, a "parcel" may be as designated for a particular site by the Development Regulations Administrator.

Permanent - Designed, constructed and intended for more than short term use.

Person - An individual, firm, association, organization, whether social, fraternal or business partnership, joint venture, trust, company, corporation, receiver, syndicate, business trust or other group or combination acting as a unit.

Person Aggrieved - A person aggrieved is one whose legal right is invaded by a decision complained of, or whose pecuniary interest is directly affected by a decision. The person's interest must be specific and personal; not common to all members of the community. When the decision affects any public recreation area, however, the phrase shall include any user of that area.

Person, Interested - Any person who presents evidence, testimony or argument at any public hearings, whether oral or written, in person or by representative, and who provides his name and address to the hearing body.

Personal Service - Any retail service in which a practitioner, licensed by the Florida Department of Professional Regulations, provides to persons a service specifically relating to the physical or mental well-being, physical appearance or physical hygiene of those persons. Personal services include, but are not limited to the following: acupuncture, barbering, chiropractic, cosmetology, dietetics, marriage and family therapy, massage therapy, opticianry and optometry, physical therapy, psychotherapy, and speech-language therapy. The following, whether licensed or not, are specifically excluded from the definition of "personal services": tattooing, and any sexual conduct as defined in s. 847.001, Florida Statutes, as may be amended.

Planning Commission - The Planning Commission of the Town of Pierson.

Plat - A map or drawing depicting the division of land into lots, blocks, parcels, tracts, sites or other divisions, being a complete, exact representation of the subdivision and containing other information in compliance with the requirements of applicable sections of these regulations and Chapter 177, Florida Statutes as amended or as hereafter amended, and may include the terms "replat," "amended plat" or "revised plat".

----- *Article II - Rules of Interpretation and Definitions* -----

Pollutant - Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Portable Sign - Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an "A" or "T" frame sign and attached temporarily or permanently to the ground.

Premises - A lot, together with all buildings and structures thereon.

Principal Structure - Any structure occupied by the principal use.

Principal Use - The primary purpose for which the premises is intended to be used.

PRM - Permanent Reference Monument, as defined in Chapter 177, Florida Statutes.

Profession - A calling requiring specialized knowledge, often long and intensive academic preparation, and involving mental rather than manual labor.

Project - Any area of land that is planned, designed, and developed in an integral and unified arrangement. It includes all structures, improvements, and equipment of every kind, nature or description incident to the development.

Project Initiation - All acts antecedent to actual construction activities and includes, but is not limited to, land clearing, utility construction, subdivision plat approval, and the like.

Protected Environmentally Sensitive Area - An environmentally sensitive area designated for protection in the Conservation Element of the Town's Comprehensive Plan.

Public Use - A use of any premises by a public body, board, commission or authority, such as a municipal, county, state or federal government, or any agency or department thereof for a governmental or proprietary purpose.

Public utility - Any publicly owned or privately owned utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, telephone lines, and other cable communication lines such as television cable systems, whether underground or overhead, which serves the general public.

Public Utility Uses and Structures - Publicly owned or regulated electrical substations, water tanks, gas transfer stations, water and sewage treatment plants, municipal water supply wells, lift stations and other buildings and uses not defined as "Essential Utility Services" not including electrical power generating plants.

Rate - Volume per unit of time.

Recharge - The inflow of water into a project site, aquifer, drainage basin or facility.

Recreation Vehicle - A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor home.

Recovery Homes - A group residential facility with one or more supervisors residing on the premises, with professional staff service as needed, providing board, lodging, supervision, medication and other treatment and counseling for persons progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction, or similar conditions, to full normal participation in community life, or persons otherwise in need of a structured environment to deal with such conditions.

Remove - To relocate, cut down, damage, poison, or in any manner destroy or cause to be destroyed, a tree.

Rendition - The filing of a signed, written decision with the Enforcement Official. If a timely petition for rehearing has been filed, the decision shall not be deemed rendered until its disposition.

Replacement Stock - Any immature tree having an overall height of at least six (6) feet but does not include any tree listed as exempt in Section 8.3.2, C. In addition, replacement stock shall have a minimum diameter of one and one-half (1-1/2) inches, measured at the caliper.

Restaurant - A premises where meals or prepared food, including beverages or confections, are served to customers. Restaurants are classified as:

Type A: Restaurants where the customers normally order from individual menus while seated at a table. The order is then normally served by a restaurant employee to the same table and there consumed by the customer. This group also includes cafeterias.

Type B: Any restaurant other than Type A.

Retail Sales and Services - The duly licensed selling of general or specialized merchandise directly to the consumer from a store, shop, or similar building. The repair, installation, servicing and making of that merchandise is allowed as an accessory use to the permitted sales. This definition does not include a flea market or curb market.

Retail Specialty Shops - The duly licensed selling of specialized merchandise from a store, shop, or similar building. The repair, installation, servicing and making of that merchandise is allowed as an accessory use to the permitted sales. This definition does not include a flea market or curb market.

Retention - The collection and storage of run-off without subsequent discharge to surface waters.

Right-of-way - An area of land occupied or intended to be occupied by a street, electric transmission line, oil or gas pipeline water main, sanitary or storm sewer main, or for another special use of public purpose. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, water mains, sanitary sewers, storm drains, or any other use involving maintenance by the city shall be dedicated to public use by the subdivider and shown on the plat on which such right-of-way is established.

Roadway - That portion of the street available for vehicular traffic.

Rooming House - See Boarding House.

Roof Line - A horizontal line intersecting the highest point or points of a roof.

Roof Sign - A sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

Run-off - Only that part of rainfall which, as surface water, flows off the land without infiltration into the ground.

Run-off Coefficient - Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which run-off can be calculated.

Sediment - The mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

Self-Service Laundry - A premises where equipment for washing and drying laundry is made available to retail customers for a charge. It is synonymous with laundromat.

----- *Article II - Rules of Interpretation and Definitions* -----

Sewage Disposal System, Individual - A septic tank, seepage tile sewage disposal system or any other sewage treatment device approved by the Town engineer and the Volusia County Health Department and/or Department of Environmental Regulation of the State of Florida.

Shopping Center - A premises containing a group of commercial establishments planned, developed and organized as a unit.

Sidewalk - That portion of the public and/or private right-of-way paved or otherwise improved and intended primarily for pedestrian traffic.

Sign - Any structure that displays letters, numbers, symbols, pictures, illustrations, announcements, cut-outs, insignia, trademarks or demonstrations, designed to advertise, inform, identify or to attract the attention of persons not on the premises on which the device or display is located.

Sign Face - The part of a sign that is or may be used for copy.

Sign Face Area - The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Significant Adverse Effect - Any modification, alteration, or effect upon a Protected Environmentally Sensitive Area which measurably reduces the Area's beneficial functions as delineated in the Conservation Element of the Town Comprehensive Plan.

Sign, Off-Site - Any sign relating in its subject matter to the commodities, accommodations, services, or activities on premises other than the premises on which the sign is located.

Site - The location of a significant event, activity, building, structure, or archaeological resource where the significance of the location and any archaeological resource where the significance of the location and any archaeological remains outweighs the significance of any existing structures.

Site Plan - A graphic presentation or map drawn to approximate scale depicting a proposed method of land development or land subdivision. Also, the combination of documents and exhibits required in Article III. Concept Plans, Preliminary Development Plans, Final Development Plans, and Subdivision Plats are types of Site Plans. The term "Development Plan" is synonymous with Site Plan.

Special Exception, Permitted - A use expressly so designated that it would not be appropriate generally or without restriction throughout a particular zoning classification but that would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals or general welfare, if controlled in number, area, location, relation to the neighborhood, or in other appropriate respects. The term "conditional use" is synonymous.

Specimen or Historic Tree - A tree which is determined by the Town Council of Pierson to be of such unique and intrinsic value to the general public because of its size, age, historic association, or ecological value as to justify this classification.

Start of Construction - The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure 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 of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of appurtenant structures. This definition does not apply to new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348).

Storm Water - The flow of water which results from, and that occurs immediately following, a rainfall.

Storm Water Conveyance System - Any natural or man-made system which transports excess rainfall from the land to a point of discharge; the term shall include, but is not limited to, retention, or detention; drainage canal, drainage ditch, culvert, storm sewer, and gutter.

Storm Water Management System - The system, or combination of systems, designed to treat storm water, or collect, convey, channel, hold, inhibit, or divert the movement of storm water on, through and from a site.

Storm Water Run-off - That portion of the storm water that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy between the top most floor and the roof. A basement or cellar not used for human occupancy shall not be counted as a story.

Street - Any access way which affords a primary means of vehicular access to abutting properties whether designated a street, road, lane, highway, avenue, boulevard, parkway, circle, court, terrace, place, or cul-de-sac. It also includes all the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved, but shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines or drainage and sanitary sewers, easements of ingress and egress, and driveways to buildings.

Street, Arterial - A major, high-capacity street designed primarily to carry large volumes of inter-city traffic, and so designated by the Town's Comprehensive Plan.

Street, Collector - A street which carries traffic from local streets to the arterial street system, and so designated by the Town's Comprehensive Plan.

Street, Local (or minor) - A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood, and so designated by the Town's Comprehensive Plan.

Street, Sub-Collector - A street which carries traffic from local streets to the collector and arterial street system, and so designated by the Town's Comprehensive Plan.

Street, Marginal Access - A minor street which parallels and is adjacent to a major street or highway and which provides access to abutting properties and protection from through traffic.

Street Centerline - The line midway between the street right-of-way lines or the surveyed and platted centerline of a street which may or may not be the line midway between the existing right-of-way lines.

Street, Private - An easement intended for vehicular access to abutting lots or spaces, which has not been dedicated to the public and not accepted by the Town for maintenance. When such easement is created, the easement shall be over the boundaries of the underlying lots, unless otherwise authorized by the Town Council.

Street Right-of-Way Line - The line which bounds the right-of-way set aside for use as a street.

Structure - Anything constructed or erected on the ground or attached to anything constructed or erected on the ground.

Subdivider - (See "Developer".)

Subdivision - Any division of a parcel of land, whether improved or unimproved, into two (2) or more lots, or parcels of land for the purpose, whether immediate or future, of transfer of ownership or building development where the subdivider advocates, proposes, suggests or exhibits a proposed plan, map, or plat of development of the land. "Subdivision" includes a resubdivision and replatting and, when appropriate to the context, shall refer to the act of subdividing or to the land subdivided.

----- Article II - Rules of Interpretation and Definitions -----

The following shall be exempt and not subject to the regulations prescribed by these regulations:

(1) The combination or recombination of portions of previously platted lots where no new parcels or residual parcels result in lots of less area, width, or depth than the original lots of record and where the resultant lots are equal to or exceed the standards of the Town as required by the current land development regulations of the Town of Pierson.

Subdivision, Cluster - A subdivision of land into lots smaller than otherwise permitted in its zoning classification in order to provide common open space equal to the area by which the lot size was reduced.

Substantial Improvement - Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure is the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the occurrence of the damage. For the purposes of this definition, "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement of a structure to comply with existing health, sanitary, or safety codes, or any alteration of a structure listed on the National Register of Historic Places, the Local Register of Historic Places, or a State Inventory of Historic Places, unless that alteration will cause the structure to lose its historical designation.

Surface Water - Water above the surface of the ground whether or not flowing through definite channels, including the following:

1. Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or
2. Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed or banks; or
3. Any wetland.

Surveyor - A land surveyor registered under Chapter 472, Florida Statutes, who is in good standing with the Florida State Board of Land Surveyors.

Temporary - Designed, constructed, and intended to be used on a short-term basis.

Task Force - The Technical Review Board of the Town of Pierson comprised of the Development Code Administrator and others designated by the Town Council.

To plat - In whatever tense used, to divide or subdivide lands into lots, blocks, parcels, tracts, sites, or other divisions, however the same may be designated and the recording of the plat in the office of the Clerk of the Circuit Court of Volusia County.

Topographic Survey - A survey of the natural and selected man-made features of a part of the earth's surface by remote sensing and/or ground measurements to determine horizontal and vertical spatial relations. Such survey shall be certified by the registered surveyor in charge as meeting the Minimum Technical Standards set forth in Section 472.027, Florida Statutes. In addition to any other features required by the Minimum Technical Standards, the topographic survey shall show wooded areas, wetland areas, 100-year flood plain areas, natural or man-made drainage courses, ponds, and topography, based on National Geodetic Vertical Datum (NGVD), at a minimum contour interval of two (2) feet.

Town - The Town of Pierson, Florida.

Town Council - The governing body of the Town of Pierson.

Town Engineer - A professional engineer, or engineering firm, registered in the State of Florida, whether employed or retained by the Town, authorized by the Town Council to perform the duties of that office.

Townhouse - A single family dwelling constructed as a group of 3 or more attached single family dwellings each occupying the total space between the ground and roof and having an entrance separate and apart from the entrance to any other dwelling. Townhouses shall be located only in multi-family zoning districts.

Trailer - A vehicle without motor power of its own, designed for carrying passengers or property, and drawn by an automobile, motor truck, or tractor. It is intended to include the terms tractor-trailer and semi-trailer, but not to include mobile home or mobile recreational shelters or vehicles.

Travel Trailer or Mobile Camper - A self-powered or non-self-powered hard-shell or non-collapsible conveyance less than eight (8) feet in width capable of being towed by an ordinary automobile or by the self-powered vehicle upon which it is constructed, whose primary use is temporary lodging while traveling or camping, and is not used for habitation except in designated camp sites while in the corporation limits of Pierson. These vehicles are excluded from the definition of "Mobile Homes" unless used for habitation in locations other than designated camp sites.

Tree - Shall mean any self-supporting woody plant of a species which normally grows, or is capable of growing, to an overall minimum height of fifteen (15) feet in the coastal portion of the state and which has a trunk diameter of not less than four (4) inches as measured three (3) feet above the average ground level at the base of the tree.

Twenty-Five Year Frequency Storm - The rainfall event which has a four (4) percent chance of being equaled or exceeded during any one given year.

Unit - That part of a multiple occupancy complex housing one occupant.

Use - (1) Any purpose for which a premises may be designed, arranged, intended, maintained, or occupied; or (2) any activity, occupation, business, or operation conducted or intended to be conducted on the premises.

Utilities - Includes, but is not limited to, water systems, electrical power, gas systems, sanitary sewer systems, storm drainage systems, and telephone and other cable communication lines such as television cable systems.

Utility Building - A building whose principal use is that of storage for yard maintenance equipment and/or tools.

Volume - Occupied space measured in cubic units.

Variance - "Variance" means a modification of the zoning ordinance regulations when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Code would result in unnecessary and undue hardship. A variance is authorized only for area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district or in adjoining zoning districts. No variance shall be granted as to "height".

Vehicle - Any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance on land, and shall include passenger cars, trucks, buses, motorcycles, scooters, but shall not include tractors, construction equipment, or machinery, or any device used in performing a job as stated above.

Veterinary Clinic - A premises for the medical and surgical care of sick or injured animals, with limited overnight facilities.

----- Article II - Rules of Interpretation and Definitions -----

Vehicle Sign - Any sign affixed to a vehicle.

Vehicle Use Area - An area used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

Water or Waters - Includes, but is not limited to, water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

Water Body - Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline which ordinarily or intermittently contains water.

Water Detention Structure or Water Management Structure - A facility which provides for storage of storm water run-off and the controlled release of such run-off during and after a flood or storm.

Water Retention Structure - A facility which provides for storage of storm water run-off.

Water's Edge and Wetland's Edge - The water's or wetland's edge shall be determined by whichever of the following indices yields the most landward extent of waters or wetlands:

1. the boundary established by the average annual high water mark;
2. the landward boundary of hydric soils; or
3. the landward boundary of wetland vegetation, based on the wetland vegetation index.

Watercourse - Any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks, or other discernible boundary.

Wetlands - Lands which are identified by being 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 soil conditions. The definition includes all contiguous and non-contiguous or isolated wetlands to waters, water bodies, and watercourses. Wetlands include, but are not limited to, swamp hammocks, hardwood hydric hammocks, riverine cypress, cypress ponds, bayheads, bogs, wet prairies, and freshwater marshes. Dominant wetland vegetation shall be determined as provided in Rule 17-3.022, Florida Administrative Code.

Wetland Vegetation - As defined in Rule 17-3.022, Florida Administrative Code.

Yard - That minimum area of land required by these regulations, within which no structure or portion thereof shall be erected from the ground up unless otherwise expressly permitted by these regulations. The various types of yards are illustrated in the Yard Diagrams on page 38.

Yard, Front - A yard extending across the front of a lot. It is bounded on the front by the front lot line, on the side by the side lot lines and on the rear by a line parallel to and located the minimum distance from the front lot line permitted by the applicable classification.

Yard, Rear - A yard extending across the rear of a lot. It is bounded on the rear by the rear lot line, on the side by the side lot lines and on the front by a line parallel to and located the minimum distance from the rear lot line permitted by the applicable classification.

Yard, Side - A yard between the side lot line and a line parallel to and located the minimum distance from the side lot line permitted by the applicable classification.

Yard, Waterfront - A yard abutting a body of water. The line determining the edge of the waterfront yard shall be the mean high water mark.

----- *Town of Pierson Unified Land Development Regulations* -----

Zoning District - An area identified on the zoning map, assigned a zoning classification as indicated on said map, consisting of any one (1) of several zoning districts as set forth and established in Article V of these regulations. Reference to the word "district" or "zone" shall mean zoning district.

Zoning Map - The official zoning map of the Town of Pierson, Florida, as amended.

Zoning Code - The portion of these regulations that pertains to zoning districts, including the zoning map, the zoning district regulations and all amendments to such zoning map and zoning district regulations. The term is synonymous with the terms "zoning ordinance" and "zoning regulations".

