

Definition Comparison
Comp Plan, Zoning, & Surface Water Protection Ordinance

<p style="text-align: center;">BREVARD COUNTY COMPREHENSIVE PLAN GLOSSARY</p>	<p style="text-align: center;">BREVARD COUNTY ZONING Section 62-1102. Definitions and rules of construction.</p>	<p style="text-align: center;">BREVARD COUNTY NRMO CHAPTER 62, ARTICLE X, DIVISION 3 SURFACE WATER PROTECTION Section 62-3661. Definitions.</p>
<p>-----</p>	<p>-----</p> <p><i>Accessory building or use</i> means a building, structure or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, provided the building, structure or use shall be constructed after or concurrently with the principal structure.</p> <p>(1) Accessory buildings or structures include but are not limited to private garages, storage sheds, carports, greenhouses, gazebos, cabanas, utility buildings/rooms, verandas, glass rooms, porches, screened porches or awnings, swimming pools and screened enclosures, and private residential boat docks with up to two slips for use of the occupants of the principal residential structure. Buildings or structures secondary and incidental to agricultural uses include, but are not limited to stables, barns, paddock areas and storage areas. Accessory buildings or structures may have a full or half bath; but may not have living quarters or a kitchen,</p>	<p>For the purpose of this division, certain terms and words are defined as follows:</p> <p>-----</p> <p><i>Accessory use</i> means a building, structure or use as defined in, and consistent with, article VI of this chapter. Accessory uses shall include but not be limited to all impervious surfaces within the shoreline protection buffer requiring a county building permit.</p>

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	<p>unless such structure is a guesthouse consistent with section 62-1932.</p> <p>(2) Accessory uses include a child or adult day care center accessory to a church, a golf driving range accessory to a golf course, and the package sales of alcoholic beverages accessory to a convenience store. Pursuant to subsection 62-2100.5(1)(f), one single-family garage apartment is accessory to a single-family residence in multi-family zoning classifications. Pursuant to subsection 62-2100.5(2), horses and agricultural pursuits are accessory to a principal residence.</p> <p>(3) Except where otherwise provided in this section, an addition which is attached to a principal structure shall not be considered an accessory building, but shall be considered part of the principal structure. "Attached" for the purpose of this regulation means that the addition is integrated visually, structurally and architecturally with the principal structure, contains a common roof with similar design to the principal structure, and</p>	

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<hr style="border-top: 1px dashed black;"/>	<p>permits access between the principal structure and the addition either internally or under the common roof. If there is a connection between the addition and the principal structure which is not enclosed but is comprised solely of the common roof, then the addition shall be considered part of the principal structure if the length of the connection does not exceed the length of the addition by more than 50 percent (or 20 feet, whichever is less). Otherwise, the addition shall be considered a detached accessory structure. "Enclosed" for the purpose of this regulation means an area under a roof which has solid walls at least four feet in height around its entire circumference, or which is 100 percent screened from floor to ceiling, such that the enclosed inside space is clearly separated from the outside space.</p> <hr style="border-top: 1px dashed black;"/> <p>Alteration means any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in wiring, plumbing or heating and air conditioning systems.</p>	<hr style="border-top: 1px dashed black;"/> <p>Alteration of mangroves means the cutting, removing, defoliating, disturbing or otherwise damaging or destroying of mangroves.</p>

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<p><i>Aquatic Preserves</i> - those sovereignty lands established by the state of Florida and managed under the provisions set forth in Chapters 253 and 258 of the Florida Statutes.</p>		<p><i>Aquatic preserves</i> means those sovereignty lands established by the state and managed under the provisions set forth in F.S. chs. 253 and 258.</p>
<p><i>Best Public Interest</i> means public projects which clearly demonstrate a net benefit to the public, as determined by the Board of County Commissioners, and which adequately mitigate adverse environmental impacts.</p>		<p><i>Best public interest</i> means public projects which clearly demonstrate a net benefit to the public, as determined by the board of county commissioners, and which adequately mitigate adverse environmental impacts.</p>
<p><i>Boat Slip (Wet or dry slip)</i> - an area within a boating facility which is intended for the mooring or storage of a vessel.</p>		<p><i>Boat slip</i> means a space designed for the mooring of a single watercraft and usually projecting from a dock or shoreline.</p>
<p><i>Bulkhead</i> - a retaining wall built along a body of water behind which fill is placed.</p>		<p><i>Bulkhead and seawall</i> mean a manmade shoreline wall, breakwater or encroachment, excluding riprap, designed or positioned to break the force of waves or to hold back or protect the shoreline from erosion. Headwalls and other similar minor structures necessary for the implementation of permitted stormwater management systems shall not be considered bulkheads.</p>
		<p><i>Canal</i> means a manmade linear waterway constructed through uplands and designed for</p>

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<p>-----</p> <p><i>Class I Waters</i> - waters utilized as a source of potable water supply as determined by the Florida Department of Environmental Regulations and defined within Chapter 17-3, F.A.C.</p> <p>-----</p> <p><i>Class II Waters</i> - waters utilized for shellfish propagation and harvesting as determined by the Florida Department of Environmental Regulations and defined within Chapter 17-3, F.A.C.</p> <p>-----</p> <p><i>Class III Waters</i> - all waters within Brevard County except those designated by the Florida Department of Environmental Regulation as Class I or Class II; those which are part of a designated stormwater management system; or those that are man-made waterbodies that do not have a direct surface water connection to open water.</p>	<p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>	<p>navigation of vessels excluding those linear waterways whose primary purpose is conveyance of drainage.</p> <p>-----</p> <p><i>Class I waters</i> means waters designated by the state as a source of potable water supply and defined within F.A.C. ch.17-3.</p> <p>-----</p> <p><i>Class II waters</i> means waters designated by the state for shellfish propagation and harvesting as determined by the state department of environmental regulation and defined within F.A.C. ch.17-3.</p> <p>-----</p> <p><i>Class III shellfishing areas</i> means those areas within class III waters designated suitable for shellfish harvesting by the state department of natural resources under F.A.C. ch. 16R-7.</p> <p><i>Class III waters</i> means waters designated by the state for recreation, and propagation and maintenance of a healthy, well-balanced population of fish and wildlife. This includes all waters within the county, except:</p>

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		<p>(1) Those designated as class I or class II waters, class III shellfish areas, Outstanding Florida Waters and aquatic preserves as described in this section;</p> <p>(2) Those waters which are part of a designated stormwater management system, which are utilized only for stormwater management and are not considered class III waters by the state department of environmental regulation;</p> <p>(3) Those waters that are manmade water bodies that do not have a direct surface water connection to natural water bodies;</p> <p>(4) Existing manmade water bodies not connected to the Indian River lagoon system which are incidental to bona fide agricultural operations utilizing best management practices (BMP's), on lands having been granted an agricultural tax exemption; and</p> <p>(5) Those existing manmade water bodies defined in subsection (4) of this definition which are undergoing conversion during</p>

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		<p>development, as evidenced by an approved development order, to approved designated stormwater management systems not designed to outfall to waters of the state, and which do not increase sediment or pollutant loading to the receiving water body during construction.</p> <hr/> <p><i>Degrade</i> means to discharge or release, through direct or specific manmade activities or events, any substance into the waters within the county which reduces, lowers or contaminates existing receiving water quality.</p> <hr/> <p><i>Designated stormwater management system</i> means the manmade features of the property which collect, convey, channel, store, inhibit or divert the movement of stormwater and are identified as drainage easements or stormwater facilities on plats or subdivision plans and site plans. Common features include retention and detention basins.</p> <hr/> <p><i>Direct surface water connection</i> means a situation where the single point of connection of a water body to class I, II or III waters is 35 square feet or greater in cross sectional area</p>

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<p>-----</p> <p><i>Dock</i> means a fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels either temporarily or indefinitely.</p> <p>-----</p> <p><i>Erosion</i> means the gradual and imperceptible wearing away of riparian or littoral land due to natural causes. Artificial erosion refers to erosion caused by man-made projects and operations.</p> <p>-----</p>	<p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>	<p>and normally has a water depth of three feet or greater.</p> <p>-----</p> <p><i>Dock, private</i> means a fixed or floating structure, including moorings, used for berthing buoyant vessels or for shoreline access or water-oriented recreation. A private dock shall contain no more than two boat slips, and shall not be utilized for the purpose of producing or as an inducement to producing income.</p> <p>-----</p> <p><i>Elevated</i> means those structures designed, constructed and located above the ground surface so as to not impede the natural flow of water on the ground surface.</p> <p>-----</p> <p><i>Erosion</i> means the wearing away of a shoreline or side slopes through the operation of currents, boat wakes, tides or the natural activity of rainfall.</p> <p>-----</p> <p><i>Hardening</i> means alteration of the shoreline from its natural state utilizing riprap material, interlocking brick systems, rock revetments, seawalls and bulkheads or similar structures.</p>

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<p><i>Hazardous Material</i> - any material which, because of its physical, chemical, or infectious characteristics, can pose a substantial or potential hazard to human health or safety or the environment when improperly used, treated, stored, transported, or disposed of. A hazardous material generally exhibits one of four characteristics: toxic, ignitable, corrosive, or reactive. Reactive means a material may react violently and/or produce hazardous vapors or gases when exposed to water. A hazardous material can be a liquid, a solid, or a gas, or can exist in different forms dependent on the temperature and pressure of its surroundings.</p> <hr/> <p><i>Hazardous Substance</i> - can be used interchangeably with hazardous material.</p>	<hr/>	<p><i>Hazardous material</i> means any material which is either a hazardous substance or hazardous waste as defined in this section. A hazardous material includes any solution, mixture or formulation containing such material.</p> <hr/> <p><i>Hazardous substance</i> means any material defined, listed or classified as a hazardous substance or toxic substance according to any of the following state or federal codes or regulations:</p> <ol style="list-style-type: none"> (1) F.A.C. ch.38F-41 (the Florida Substance List); or (2) Title 40 of the Code of Federal Regulations part 302.4 (Designation of Hazardous Substances).

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<p><i>Hazardous Waste</i> - hazardous materials which have outlived their originally intended purpose, and are ready to be disposed of, recycled, regenerated, or otherwise treated or altered.</p> <hr/> <p><i>Impervious Surface Area</i> - the aerial extent of any material that prevents or resists penetration by fluids and absorption of stormwater into the ground.</p> <hr/> <p><i>Indian River Lagoon</i> - the area including the Indian River, the Banana River, Sykes Creek, and Newfound Harbor. Unless specifically excluded, the Indian River Lagoon shall also include the tributaries of these waters. The terms Indian River Lagoon system and Indian River Lagoon may be used interchangeably.</p>		<p><i>Hazardous waste</i> means any material defined, listed or classified as a hazardous waste according to the following state or federal codes or regulations:</p> <ol style="list-style-type: none"> (1) Title 40 of the Code of Federal Regulations part 261 (Identification and Listing of Hazardous Substances); or (2) F.A.C. ch.17-30 (Hazardous Waste). <hr/> <p><i>Impervious surface</i> means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. This shall include but not be limited to semi-impervious surfaces such as compacted clay, as well as most surfaced areas, roofs, sidewalks and other similar structures.</p> <hr/> <p><i>Indian River lagoon system</i> includes the Indian River, the Banana River, Mosquito Lagoon, Newfound Harbor and Sykes Creek, and their tributaries.</p>

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<p><i>Indian River Lagoon System</i> - see Indian River Lagoon.</p> <hr/>	<hr/> <p><i>Marina</i> means a facility or structure which provides mooring, docking, anchorage, fueling, repairs or other services for watercraft. Docks accessory to single-family uses are exempt from this definition.</p> <p>(1) <i>Residential/recreational marina</i> means community docks serving subdivisions, condominiums or private organizations having three to 30 slips, inclusive. No fueling, wastewater pumpout or repair facilities are associated with these marinas.</p> <p>(2) <i>Commercial/recreational marina</i> means facilities having greater than 30 slips or any marina which has fueling, wastewater</p>	<hr/> <p><i>Mangrove</i> means any specimen, or any portion of any specimen, living or dead, of the species <i>Avicennia germinans</i> (black mangrove), <i>Laguncularia racemosa</i> (white mangrove), <i>Rhizophora mangle</i> (red mangrove) or <i>Conocarpus erectus</i> (buttonwood).</p> <hr/> <p><i>Marina</i> means a facility or structure which provides mooring, docking, anchorage, fueling, repairs or other services for watercraft. Docks accessory to single-family uses are exempt from this definition.</p> <p>1. <i>Residential/recreational marina</i> means community docks serving subdivisions, condominiums or private organizations having three to 30 slips, inclusive. No fueling, wastewater pumpout or repair facilities are associated with these marinas.</p> <p>2. <i>Commercial/recreational marina</i> means facilities having greater than 30 slips or any marina which has fueling, wastewater</p>

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<p>-----</p> <p>Mitigation - methods used to alleviate or lessen the impact of development.</p> <p>-----</p> <p>Native Vegetation - plant species that naturally occur in and are indigenous to a specified geographic area.</p>	<p>pumpout or repair facilities serving recreational interests.</p> <p>(3) <i>Commercial/industrial marina</i> means facilities serving largely commercial interests. Fueling facilities, repair, wastewater pumpout facilities and commercial sale of fish, including loading and shipping activities, are permitted within this category.</p> <p>-----</p> <p>-----</p>	<p>pumpout or repair facilities serving recreational interests.</p> <p>3. <i>Commercial/industrial marina</i> means facilities serving largely commercial interests. Fueling facilities, repair, wastewater pumpout facilities and commercial sale of fish, including loading and shipping activities, are permitted within this category.</p> <p>-----</p> <p>Minor structures means non-habitable structures such as storage sheds, pump houses and gazebos, and which do not exceed 400 square feet in total area.</p> <p>-----</p> <p>Mitigation means restoration, reclamation or compensation for manmade or man-induced environmental damage or adverse conditions. All mitigations for environmental impacts shall be reviewed and approved by the natural resources management division as subject to section 62-3662.</p> <p>-----</p> <p>Native vegetation means vegetation originating, found or usually occurring within a particular region, area, climate or ecosystem. Native vegetation shall not</p>

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<p>-----</p> <p><i>Outstanding Florida Waters</i> - those water bodies afforded special protection and described within Rule 17-3.041, F.A.C. and designated under the authority of Chapter 403 of the Florida Statutes.</p> <p>-----</p>	<p>-----</p> <p><i>Overriding public benefit</i> means the result of a development action by a private propertyowner that substantially preserves, restores or enhances those natural functions which define and make up the Conservation/Environmental Area I classification provided for by the conservation and coastal zone protection elements of the county comprehensive plan. An overriding public benefit shall include but not be limited to proposals which preserve, restore or</p>	<p>include non-native, noxious or nuisance species such as Brazilian pepper (<i>Schinus terebinthifolius</i>), Australian pine (<i>Casuarinaceae</i> spp.), <i>Melaleuca</i> (<i>Melaleuca</i> spp.) or other similarly recognized species. In addition, ornamental, landscape or typical crop vegetation, including sod and lawn grasses, shall not be included as native vegetation.</p> <p>-----</p> <p><i>Outstanding Florida Waters</i> means those water bodies afforded special protection and described within F.A.C. 17-3.041, and designated under the authority of F.S. ch. 403.</p> <p>-----</p> <p><i>Overriding public benefit</i> means the result of a development action by a private property owner that substantially preserves, restores or enhances those natural functions which define areas of critical concern, environmentally sensitive areas, shorelines or water bodies, identified by the county comprehensive plan, the natural resources management division or state or federal agencies. An overriding public benefit shall include but not be limited to proposals which preserve, restore or enhance</p>

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<hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/>	<p>enhance the floodplain, wetland or prime aquifer recharge functions and provide for dedication of associated lands to the county or other acceptable public entity or agency.</p> <hr style="border-top: 1px dashed black;"/> <p><i>Public benefit</i> means the result of a development action by a private property owner that preserves, restores or enhances the floodplain, wetland or aquifer recharge functions; or a proposal that substantially enhances the compatibility of land uses or alleviates the public's burden regarding capital expenditures for essential services in the area of a transfer district.</p>	<p>floodplain, wetland, shoreline or prime aquifer recharge functions and provide for the dedication of associated lands to the county or other acceptable public entity or agency.</p> <hr style="border-top: 1px dashed black;"/> <p><i>Petroleum</i> means oil of any kind and in any form and derivatives thereof, to include but not be limited to crude petroleum or liquid products that are derived from crude petroleum by distillation, cracking, hydroforming or other petroleum refinery processes, including gasoline.</p> <hr style="border-top: 1px dashed black;"/> <p><i>Public Interest</i> means demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social, and economic costs of the proposed action. In determining the public interest in a request for use, sale, lease, or transfer of interest in sovereignty lands or severance of materials from sovereignty lands, the board shall consider the ultimate project and purpose to be served by said use, sale, lease, or transfer of lands or materials.</p>

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<hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/>	<hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/>	<p><i>Reinforced rock revetment habitat</i> means an approved bulkhead or seawall established between existing seawalls on each immediately adjacent shoreline, with a required rock revetment adjoining the structure on the seaward (waterward) side, designed to allow for aquatic habitat and additional shoreline benefits.</p> <hr style="border-top: 1px dashed black;"/> <p><i>Release</i> means any sudden or gradual spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping or disposing of substances or wastes, including the abandonment or discarding of barrels, containers and other receptacles containing any substances or wastes, into the environment, in such a manner as to endanger the public health, safety, aesthetics or welfare or the environment, or in violation of any federal, state or local law, rule or regulation.</p> <hr style="border-top: 1px dashed black;"/> <p><i>Riprap</i> means any shoreline hardening, revetment or structural alteration utilizing rock, concrete or other similar material, which alters the naturally occurring shoreline for the purpose of stabilization or erosion protection.</p>

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<p>-----</p> <p>-----</p> <p><i>Seawall</i> means a vertical structure built along a portion of a coast, retaining earth against its landward face and designed to prevent erosion and other damage by wave action.</p> <p>-----</p> <p><i>Shoreline Protection Buffer</i> - a setback established from the mean or ordinary high water line or safe upland line whichever the applicant chooses. Within the shoreline protection buffer, passive recreation, hunting, fish and wildlife management open space,</p>	<p>-----</p> <p>-----</p> <p>-----</p>	<p>Riprap shall not include bulkheads, seawalls or approved reinforced rock revetment habitats.</p> <p>-----</p> <p><i>Safe upland line</i> means a boundary line determined by the state department of natural resources (FDNR), bureau of survey and mapping, in consultation with the applicant. The safe upland line is normally located landward of either the mean or ordinary high-water line and is based upon the location of known or approximated mean high-water lines, ordinary high-water lines and mature upland vegetative communities, whichever is applicable.</p> <p>-----</p> <p><i>Seawall.</i> See <i>Bulkhead</i>.</p> <p>-----</p> <p><i>Shoreline protection buffer</i> means the protected area adjacent to and landward of the surface waters of the county as established by this division. On nonbulkheaded lots, the waterward extent of the shoreline protection buffer shall be the mean high-water line or the</p>

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<p>nature trails and limited amounts and types of shoreline access facilities shall be allowed. The amounts and types of development allowed within the shoreline protection buffer and other development restrictions are found in Conservation Element Policies 3.3, 3.4, and 3.5.</p> <hr/> <p>Structure - anything constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground.</p>	<hr/> <p>Structure means anything constructed or erected, the use of which requires rigid location on the ground, or attachment to something having permanent location on the ground, including but not limited to supporting walls, signs, covered screened enclosures and any other covered area; provided, however, neither a fence, nor a non-supporting wall acting as a screen or fence, nor an elevated boardwalk shall be considered a structure for the purpose of setbacks.</p>	<p>safe upland line, as agreed upon by the applicant. On bulkheaded lots, the waterward extension of the shoreline protection buffer shall be the established or existing bulkhead line.</p> <hr/> <p>Structure means anything constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground, including but not limited to supporting walls, signs, covered screened enclosures and any other covered area; provided, however, neither a fence, a permitted stormwater management system nor an elevated boardwalk shall be considered a structure for the purposes of this division.</p>