

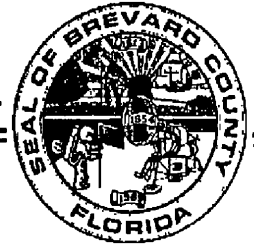
ORIGINAL

**BREVARD** County  
BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST

OFFICE OF THE COUNTY ATTORNEY, 2725 Judge Fran Jamieson Way, Viera, Florida 32940

(321)633-2000  
FAX (321)633-2098



August 21, 2003

Blanca Bayo, Director  
Division of Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
03 AUG 22 AM 9:41  
COMMISSION  
CLERK

Re: In Re: Application for Certificate  
To Provide Water Service in Volusia and  
Brevard County By Farmton Water Resources, LLC.  
Docket No. 021256-WU

Dear Ms. Bayo:

In accordance with the requirements of Order No. PSC-03-0370-PCO-WU, I have enclosed an original and fifteen copies of the Direct Testimonies and Exhibits of the following witnesses filed on behalf of Brevard County, Florida, in the above-referenced docket:

Mel W. Scott and Richard H. Martens  
07809-03 & 07810-03

Sincerely,

Scott L. Knox  
County Attorney

DISTRIBUTION CENTER  
03 AUG 22 AM 9:05

:md  
Enclosures

cc: Jennifer A. Rodan, Esquire  
Edward P. de la Parte, Jr., Esquire  
The Honorable Donald A. Schmidt  
Frank Roberts, City Manager  
William J. Bosch, III, County Attorney  
F. Marshall Deterding, Esquire

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1                   **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**  
2                   **APPLICATION OF FARMTON WATER RESOURCES, LLC**  
3                   **FOR AN ORIGINAL WATER CERTIFICATE**  
4                   **DOCKET NO. 021256-WU**  
5                   **ON BEHALF OF BREVARD COUNTY, FLORIDA**  
6                   **DIRECT TESTIMONY OF MEL W. SCOTT**

7           Q.     Please state your name and occupation.

8           A.     Mel Scott. I am the Director of the Planning and Zoning Office of the Brevard  
9           County Community Development Group.

10          Q.     How long have you held that position?

11          A.     About seven years.

12          Q.     What academic degrees and professional designations do you have?

13          A.     I hold an undergraduate Bachelor of Arts degree in political science from the  
14           University of Tampa obtained in 1988, and in 1991 I obtained a Masters in  
15           Urban and Regional Planning from Florida Atlantic University. I have been a  
16           member of the American Institute of Certified Planners since 1997 as well as a  
17           member of Florida American Planning Association and have been since 1991.

18          Q.     How long have you been a planner?

19          A.     Since 1991.

20          Q.     Do your duties with Brevard County include the any responsibilities in  
21           connection with the Brevard County Comprehensive Plan?

22          A.     I am responsible for interpreting the comprehensive plan and overseeing the  
23           preparation of amendments and updates of the comprehensive plan, as well as  
24           the implementation of the comprehensive plan through the preparation,  
25           administration and oversight of the county's land development regulations.

1 Q. I would like to show you Exhibit MWS-1 and ask if you can identify that  
2 document?

3 A. Yes I can. Exhibit MWS-1 is a true copy of written excerpts from the Future  
4 Land Use Element of the Brevard County Comprehensive Plan.

5 Q. Would you read Future Land Use Objective 1.A., B and C into the record  
6 please?

7 A. Residential Land Uses, Objective 1. Brevard County shall facilitate the  
8 development of residential neighborhoods that offer the highest quality of life  
9 to the citizenry through the implementation of policies that accomplish the  
10 following:

11 Criteria:

12 A. Ensure the compatibility of new development with its surroundings;

13 B. Ensure the delivery of services that meet or exceed established levels  
14 of service;

15 C. Discourage the occurrence of inefficiencies inherent in urban sprawl as  
16 defined by Florida Statutes.

17 Q. I would now like you to show you Exhibit MWS-2 and ask you if you can  
18 identify that document?

19 A. Exhibit MWS-2 is a copy of the Future Land Use Map that covers the area  
20 identified in the Farmton application for a certificated service area.

21 Q. What land use designation does Exhibit MWS-2 depict for Farmton's  
22 proposed service area?

23 A. Agricultural.

24 Q. I would like to draw your attention to Exhibit MWS-1 again. Which, if any,  
25 objectives or policies in that exhibit are specifically applicable to lands

1 designated as Agricultural on the Future Land Use Map?

2 A. Specific objectives and policies governing Agricultural Land Uses are set forth

3 under Objective 4 of that exhibit, although technically all of the policies in the

4 Future Land Use Element are potentially applicable to Farmton's proposed

5 service area to the extent that any future use other than agricultural uses are

6 proposed for that area.

7 Q. Would you please read Objective 4 into the record.?

8 A. Objective 4. Brevard County recognizes the importance of agricultural lands to

9 the community as the industry benefits the economy, reduces the extent of

10 urban sprawl, and the costs of providing public facilities and services, provides

11 environmental benefits, and provides open space and visual beauty. The

12 County shall enhance and protect agricultural lands, and provide for the

13 continuing viability of the agricultural industry in the County's economy.

14 Q. Does the Brevard County Comprehensive Plan provide a definition of the term

15 "urban sprawl"?

16 A. Yes. That definition is found in the glossary to the comprehensive plan.

17 Q. I will now show you Exhibit MWS-3 and ask if that is the glossary that you

18 have just referred to?

19 A. Yes, it is.

20 Q. Is the definition of the term "urban sprawl" contained in that glossary?

21 A. Yes, it is.

22 Q. Will you please read the definition of the term "urban sprawl" as it appears in

23 the glossary?

24 A. Urban Sprawl - a land development pattern characterized by the location of

25 development in areas where public facilities and services cannot be provided

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efficiently.

Q. Would facilities, such as wells and distribution lines, constructed to provide potable water to retail customers constitute public facilities and services within the meaning of the urban sprawl definition you just read?

A. Yes.

Q. In your opinion as an expert in land use planning, does the area comprising Farmton's proposed certificated territory in any way create an issue of urban sprawl as defined in the comprehensive plan glossary?

A. Yes, the area within Farmton's proposed certificated territory is an extensive area of undeveloped, primarily agricultural and forested area of the county with virtually no residential, commercial or industrial development. There are no public facilities and services available within that area at this time, to my knowledge, including road infrastructure and central water or sewer service. Moreover, the area is designated as agricultural. In my experience as a planner, it is inefficient to attempt to provide centralized potable water service in an area that can only be used for agricultural purposes.

Q. Do you have an opinion as to whether the Farmton proposal to establish a certificated area for the provision of central potable water service is consistent with the Brevard County Comprehensive Plan?

A. In my opinion, the Farmton proposal is inconsistent with Brevard County's comprehensive plan.

Q. Would you give the reasons for your opinion?

A. First, Farmton has not applied for the approval of either the County Commission in either its capacity as governing body of the County or of the Brevard County Water and Sewer District. That approval is required under

1 Policy 3.4 of the Potable Water Element of the Comprehensive Plan. Second,  
2 the area embraced by the proposed service area is designated as agricultural on  
3 the Future Land Use Map component of the comprehensive plan. A potable  
4 water system would typically be proposed to serve retail residential and  
5 commercial land uses, not agriculture land use. Therefore, a land use  
6 amendment would be required to support the types of uses necessary to support  
7 a potable water system. Those amendments and land uses do not exist at this  
8 time. Third, the County, in Objective 4 of the Future Land Use Element text,  
9 seeks to preserve agricultural uses that work to reduce the extent of urban  
10 sprawl. There is currently no existing or planned residential or commercial  
11 development proposed in the certificated area applied for by Farmton. Since a  
12 potable water system is typically designed to serve residential and commercial  
13 development, in my experience as a planner, the grant of a certificated area to  
14 provide water services in an agricultural area could set up an attempt at  
15 leapfrog development unless the system were limited to providing bulk raw  
16 water to other retail water providers in areas outside of the proposed  
17 certificated area. That is precisely the type of urban sprawl that the Brevard  
18 County Comprehensive Plan land use policies and implementing land  
19 development regulations are designed to discourage.

20 Q. No further questions.  
21  
22  
23  
24  
25

**Exhibit MWS-1**

**Excerpts from Text of Future Land Use Element of the  
Brevard County Comprehensive Plan**

**FUTURE LAND USE ELEMENT  
CHAPTER 11**

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## GOAL, OBJECTIVES AND POLICIES

### GOAL

TO MANAGE GROWTH IN BREVARD COUNTY IN A MANNER THAT ENHANCES NATURAL AND MAN-MADE SYSTEMS AND MEETS THE PUBLIC'S SOCIAL AND ECONOMIC NEEDS.

### RESIDENTIAL LAND USES

#### **Objective 1**

Brevard County shall facilitate the development of residential neighborhoods that offer the highest quality of life to the citizenry through the implementation of policies that accomplish the following:

#### **Criteria:**

- A. Ensure the compatibility of new development with its surroundings;
- B. Ensure the delivery of services that meet or exceed established levels of service;
- C. Discourage the occurrence of inefficiencies inherent in urban sprawl as defined by Florida Statutes;
- D. Strive to decrease identified hurricane evacuation deficiencies;
- E. Produce neighborhoods that complement adjacent land uses;
- F. Permit mixed use developments which, through the application of appropriate performance standards, juxtaposes neighborhood services and employment centers with residential uses in order to promote efficient use of land; and
- G. Encourage open space within residential developments and promote interconnectivity with surrounding land uses through innovative land regulations and bonus incentives.

### **Residential Land Use Designations**

#### **Policy 1.1**

The residential land use designations adopted as part of the Future Land Use Map represent maximum density thresholds. Approved densities may be lower than the maximum allowed by a residential land use designation as a result of one or more of the following:

#### **Criteria:**

- A. Environmental constraints identified in applicable objectives and policies of the Conservation Element which impose more stringent density guidelines;
- B. Land use compatibility pursuant to Administrative Policy 3;
- C. Unavailability or inadequacy of public facilities and services to accommodate adopted density allowances, as set forth in Policy 1.2 and the policies found in the 'Service Delivery, Concurrency and Growth' section of this Element as well as related objectives and policies in the Capital Improvements Element; \_
- D. Character of the general area, pursuant to Administrative Policy 4;
- E. Hurricane evacuation capabilities; and
- F. Policies established in specialized plans as may be adopted by the Board of County Commissioners.

## **Public Facilities and Services Requirements**

### **Policy 1.2**

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

#### **Criteria:**

- A. Adequate roadways, solid waste disposal, drainage and recreation facilities to serve the needs of associated development shall be available concurrent with development in all residential land use designations.
- B. Fire and police protection and emergency medical services to serve the needs of associated development shall be available concurrent with development in all residential land use designations in accordance with policies set forth in the 'Service Delivery, Concurrency and Growth' section of this Future Land Use Element.
- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.
- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.
- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

**Residential 30 (maximum of 30 dwelling units per acre)**

**Policy 1.3**

The Residential 30 land use designation affords the highest density allowance, permitting a maximum density of up to thirty (30) units per acre, except as otherwise may be provided for within this element. Parameters for this future land use designation include:

**Criteria:**

- A. The Residential 30 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.
  - 1. Areas located east of Interstate-95; and
  - 2. Unincorporated enclaves located within or adjacent to incorporated areas which permit similar or greater density allowance; or
  - 3. Areas adjacent to existing Residential 30 land use designation; and
  - 4. Areas with direct access to an arterial or collector roadway, without impacting existing or designated lower density/intensity areas.
- B. In the Merritt Island Redevelopment Area, Brevard County should encourage high density development in clustered patterns that maximize the provision of open space to avoid the impacts of "strip" or "checkerboard" land use patterns and to assist in the development of an urban atmosphere. The Residential 30 land use designation may permit development in excess of 30 units per acre, provided that one of the following applies:
  - 1. Residential density of up to 37.5 dwelling units per acre, may be considered if approved as part of a redevelopment plan; or

## **Water-Related and Water-Dependent Industrial Uses**

### **Policy 3.9**

Waterfront parcels may be designated for Heavy/Light Industrial land use to satisfy unique locational needs for water-dependent and water-related industrial activities, provided that such activity is compatible with surrounding existing and programmed development and is consistent with these Industrial land use policies. Appropriate locations for water-dependent and water-related industrial land uses shall be based upon the following minimum criteria:

#### **Criteria:**

- A. Only water-dependent industrial land uses, which must be carried out only on, in or adjacent to water areas, may be considered for location along the Indian River lagoon system.
- B. Water-related industrial land uses shall be considered only on the uplands adjacent to Class III waters of the Indian River lagoon system. Water-related uses are those which are not directly dependent upon access to a waterbody but which provide goods and services to uses which are water-dependent.
- C. Directives, policies and criteria in the Coastal Management and Conservation elements of this Comprehensive Plan which address water-dependent and water-related land uses shall be utilized in the location of industrial uses adjacent to waterbodies.

## **AGRICULTURAL LAND USES**

### **Objective 4**

Brevard County recognizes the importance of agricultural lands to the community as the industry benefits the economy, reduces the extent of urban sprawl, and the costs of providing public facilities and services, provides environmental benefits, and provides open space and visual beauty. The County shall enhance and protect agricultural lands, and provide for the continuing viability of the agricultural industry in the County's economy.

### **Permitted Uses in Agricultural Land Use Designation**

#### **Policy 4.1**

Appropriate and adequate lands shall be designated Agricultural on the Future Land Use Map. Agricultural activities include, but are not limited to, row, vegetable and fruit crop production, dairy, poultry and livestock production, aquaculture, silviculture, horticulture, and apiariculture. Large lot residential development which does not impede the use of lands for agricultural purposes shall be permitted in this land use

designation. The following minimum criteria shall govern activities in this land use designation:

**Criteria:**

- A. Residential densities shall not exceed one dwelling unit per five (5) acres.
- B. The County shall not extend public utilities and services outside of the service areas to Agricultural areas for new development, unless there is an overriding public benefit which accrues to an area larger than the specific Agricultural area. However, the County will accept facilities through dedication, and provide services and utilities through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

**Maintenance of Agricultural Designated Lands**

**Policy 4.2**

Brevard County shall support voluntary federal, state and private acquisition and incentive programs for the maintenance of agricultural lands as opposed to eminent domain procedures.

**Policy 4.3**

Agricultural lands which are unique to Brevard County should be identified and programs for the protection of such lands should be evaluated as part of each Evaluation and Appraisal Report.

**Criteria:**

- A. Unique agricultural lands would be those lands in Brevard County which possess the physical and chemical conditions for a high level of production with a low level of input. Other factors to be used in defining these lands would include the location, growing season, climate, moisture supply, or technique utilized.
- B. Programs to be considered for protection of these agricultural lands should include, but not be limited to voluntary agricultural districts, time-certain dedications, purchase or transfer of development rights, and voluntary fee simple purchase of agricultural lands.

**Policy 4.4**

Brevard County shall support the Florida Greenbelt Law, Chapter 193, Florida Statutes, in an effort to provide incentives for agricultural property owners to maintain their lands in agriculture.

**Policy 4.5**

Brevard County shall encourage the use of cost-sharing programs and technical assistance offered through agencies such as the Soil & Water Conservation District to assist in the application of technology to conserve water and land resources.

**CONSERVATION LAND USES**

**Objective 5**

Brevard County shall protect the natural and historic resources in the County from the adverse impacts of development, and coordinate development with appropriate topography and soil conditions.

**Conservation Future Land Use Designations**

**Policy 5.1**

The following two (2) conservation land use designations are adopted as part of the Future Land Use Map:

- Public Conservation
- Private Conservation

**Public Conservation Lands**

**Policy 5.2**

The Future Land Use Map shall designate lands as Public Conservation to provide for the protection of publicly held environmentally sensitive areas. The Public Conservation future land use designation is intended to accommodate lands and facilities which are managed by federal, state and local governments. Such uses shall conform with the following minimum criteria:

**Criteria:**

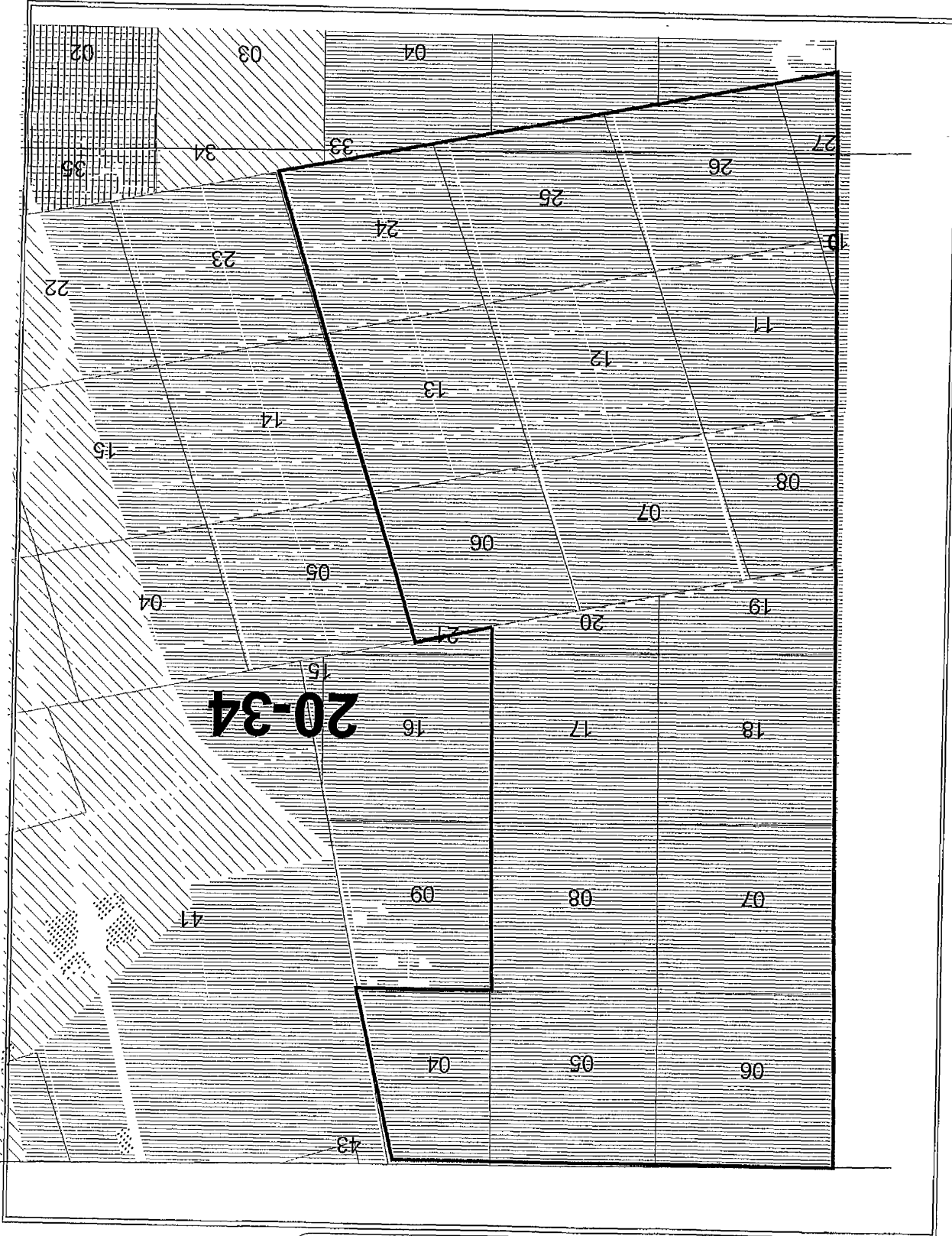
- A. The Public Conservation land use designation should include lands under the ownership of Brevard County, the St. Johns River Water Management District, or other such agencies, for the purpose of environmental protection, publicly owned lands within the Environmental Area (EA) zoning classification, and publicly owned areas in which it is demonstrated that the preservation of environmentally sensitive resources will provide an overriding public benefit.
- B. Development activities within lands designated as Public Conservation shall be consistent with the specific policies in the Conservation Element related to natural resources, and the intent of this Comprehensive Plan.

Exhibit MWS-2

Future Land Use Map Covering Area Identified in the  
Farmton Application

FUTURE LAND USE DESIGNATIONS			
RES 6	RES 1	PRIV-CONS	DRI
RES 4	REC	PLNIP	CC
RES 2	PUB-CONS	NC	AGRIC
RES 1.2.5	PUB	IND	DIRECTIVE
RES 10			
RES 15			

SCALE: 1" = 3000 Feet  
 SUBJECT PROPERTY BOUNDARY



**20-34**



FARMTON  
 FUTURE LAND USE MAP  
 Townships 20 and 21, Range 34



Exhibit MWS-3

Brevard County Comprehensive Plan

## BREVARD COUNTY COMPREHENSIVE PLAN GLOSSARY

**Acceptable Level of Service** - the minimum standard adopted in this Comprehensive Plan for a service level on public facilities and services such as roadways, sanitary sewer, potable water, drainage, solid waste and parks.

**Access** - the physical attributes of a site/facility which enable a person and his attendant means of transportation, to enter a site/facility; See Public Access.

**Acquire** - to come into possession or control of.

**Acre-foot (acre-feet)** - the quantity which is equal to one acre of land covered by one foot of water.

**Active Recreation** - are those recreational uses which require a greater degree of physical exertion and involvement, and which contribute to the physical and mental well-being of an individual. Active recreation facilities typically require the alteration of land, vegetation, topography, or other natural features unless developed on a previously impacted site. Includes, but is not limited to, activities such as tennis, baseball, golf, football, etc.

**Adequate** - able to satisfy a requirement.

**Adequate Housing** - a housing unit which is suitable for human occupancy, which has working indoor plumbing, an adequate heating system, and is in safe structural condition. May have some housing code violations consisting of minor repairs and upkeep which can be corrected by relatively inexpensive means.

**Affordable Housing** - a dwelling unit is considered to be affordable when a household spends no more than 30 percent of its gross income on housing costs. Rental housing costs include contract rent and utilities. Owner occupied housing costs include mortgage principal and interest, property taxes, insurance, and where applicable, homeowner's association fees.

**Agriculture** - activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland, pastureland, orchards, vineyards, nurseries, ornamental horticulture areas, groves, confined feeding operations, specialty farms, and silviculture areas.

**Ambient (water or air) Quality** - the background quality or condition of water or air.

**Amenities** - attractive or positive natural, historical or cultural features such as the beaches, riverfronts, historic landmarks, museums, etc.

**Aquaculture** - the culturing of aquatic plants and animals for human use.

**Aquatic Preserves** - 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.

**Attain** - to reach an end; to arrive by effort.

**Average Weekday Volume** - average 24-hour traffic volume based upon a minimum of 48 hours of continuous counting between 12:01 a.m. Monday to 12:01 a.m. Friday.

**Backlogged Facilities** - infrastructure that is deficient and for which there are no planned or programmed improvements in the Capital Improvements Element.

**Balanced Housing Market** - a market situation where housing opportunities are equally distributed across an area according to the cost, size, type, location, and density of housing units.

**Base Flood Elevation** -- the height, expressed in feet above sea level, of the highest level of floodwaters occurring in the regulatory base flood.

**Berm** -- a mound of sand piled by wind and waves just above the ordinary limit of waves at high tide or a manmade structure used to isolate or contain surface waters. A berm can also be defined as a man-made mound of earth, in excess of two feet in vertical height, used to shield or buffer properties from adjoining uses, highways, or noise, or to control the direction of surface water flow.

**Best Evaluation Practices** - the best practices relating to procedures, processes, data and information, that are feasible but dependent upon the availability of resources, personnel, professional expertise, state-of-the-art equipment, and other similar components contributing to the accuracy of analytical efforts.

**Best Management Practices** - erosion control methods such as those described in "Stormwater Management Manual" (1981), the "Florida Development Manual: A Guide to Good Land and Water Management" (June, 1988), manuals adopted by the Environmental Regulation Commission pursuant to rule 1725.050 F.A.C.

**Billboard Sign** - any permanently affixed sign that is erected and maintained for the purpose of advertising services, accommodation, products, or activities that are not available on the premises on which the sign is located. Size limitations for billboards are contained in the zoning code.

**Biological Diversity** - the millions of plants, animals, microorganisms, and the intricate ecosystems they help build into the living environment and which is typically considered at three levels: 1 - species diversity; 2 - genetic diversity; 3 - community diversity.

**Blowout** -- a natural or man-made hollow or pass eroded from a sand dune.

**Boat Slip (Wet or dry slip)** - an area within a boating facility which is intended for the mooring or storage of a vessel.

**BrevCEMP** - Brevard County Emergency Management Plan; mandated by Chapter 252, Florida Statutes (State Emergency Management Act), serves to integrate and coordinate comprehensive emergency management plans and programs of the state and federal governments. This document establishes a framework through which Brevard County may prepare for, respond to, recover from, and mitigate impacts resulting from a wide variety of disasters and emergency events that could adversely affect the health, safety and/or general welfare of the visitors and citizens located in Brevard County.

**Buffer** -- open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use of property from another so as to visually separate, ameliorate, reduce, mitigate, shield, or block the adverse impacts of noise, lights, or other nuisances.

**Bulkhead** -- a retaining wall built along a body of water behind which fill is placed.

**Building** - any structure that encloses a space used for sheltering any occupancy, such as residential, business, industry, or other private or public services.

**CCL** - Brevard County Coastal Construction Control Line; the FDEP's old Coastal Control Line (CCCL) which was recorded by the State of Florida in 1975 and adopted by Brevard County Ordinance (Ord. 85-17). This line was adopted by Brevard County so that the Brevard County Coastal Setback Line (CSL) could be established.

**CCCL** - FDEP's old Coastal Construction Control Line as recorded by the State of Florida on March 21, 1975.

**CSL** - the Brevard County Coastal Construction Setback Line; a line 25 foot landward of the established Brevard County Coastal Control Line (CCL or CCCL).

**Canaveral Port Authority** - a distinct entity whose governing body of five elected Commissioners is responsible for the administration, development, and operation of the seaport and its supporting uplands. The Port Authority also may issue bonds and levy property taxes; they also publish their own tariffs, building regulations, and land use controls.

**Capital Budget, Annual** - the first year of the Capital Improvements Program serves as the current year's capital budget.

**Capital Improvement** - any construction, land acquisition, equipment purchase, or rental proposal that costs \$25,000 or more and has a five (5) year or longer expected service life. Projects which may cost less than \$25,000 which are considered necessary for the implementation of any long-term improvement, including implementation of the adopted Comprehensive Plan, shall also be considered a capital improvement.

**Capital Improvements Program** - a five (5) year program for the construction and financing of new public facilities. The Brevard County Capital Improvements Program shall be consistent with the Schedule of Improvements and Funding in the Capital Improvements and Programs Element of the Brevard County Comprehensive Plan. A Capital Improvement Program may also be the capital improvement program of a governing body that provides either roadway, solid waste, potable water, sanitary sewer, parks and stormwater management services to the unincorporated area of Brevard County, such as the Metropolitan Planning Organizations Transportation Improvement Program.

**Centralized Sewer System** - any collection, treatment and disposal sewer system that is not a septic tank (i.e. package plants and public sewer systems), and requires FDER permits as opposed to HRS permits.

**Class I Waters** - 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.

**Class II Waters** - 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.

**Class III Waters** - 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.

**Coastal Floodplain** - the area susceptible to being inundated by waters from the Atlantic Ocean from a given storm event.

**Coastal High Hazard Area (Zone)** - those areas that are defined as category 1 evacuation zones.

**Coastal Zone** - the area within the watershed of the Atlantic Ocean and the Indian River Lagoon system. It also includes the barrier islands, Merritt Island (a remnant barrier island) and that portion of the mainland which drains into the lagoon.

**Commercial Development Node** - terminology for a Neighborhood Commercial (NC) activity area (see Commercial Land Use Designations). A commercial development node should not exceed one acre at each corner of an intersection of collector/arterial or collector/collector roadways.

**Commercial Land Use Designations** - Land use designations which permit commercial development activities of varying intensity and service radii. These are based upon factors which consider locational standards, accessibility, potential service areas for activities, compatibility with surrounding land uses, the availability of public facilities and services, and environmental constraints. These land use designations include:

**Neighborhood Commercial (NC)** - a classification providing for low impact commercial development nodes serving the needs of the immediate residential area. These activities include convenience stores and personal service establishments and are appropriately located at intersections of collector/arterial or collector/collector roadways.

**Community Commercial (CC)** - a classification providing for commercial development activities which are intended to serve several neighborhoods and sub-regional areas. These activities include an array of retail, personal services and professional uses and are appropriately located at intersections of principal/minor arterial intersections. Collector/arterial intersections are acceptable locations provided that the said roadways serve multiple residential areas.

**Community Commercial Cluster** - an agglomeration of Community Commercial (CC) development activities of up to 10 acres in size.

**Community Park** - a large natural and/or landscaped area preferably with a minimum of two (2) acres provided per one thousand (1,000) individuals in a planning area.

**Concurrency** - the established minimum acceptable levels of services are available and are sufficient to accommodate a proposed development.

**Conservation Area** - an area established to preserve significant ecological systems, and natural resources.

**Conservation Land Use Designation** - land use designation intended to accommodate lands and facilities which are managed by federal, state and local governments. Residential uses to accommodate park rangers or other authorized personnel to manage or protect conservation lands are permitted at a maximum density not to exceed 1 dwelling unit per 50 acres.

**Conserve** - to keep in a safe or sound state, to avoid wasteful or destructive use of.

**Consistent** - compatible with; not in conflict with.

**Continuing Florida Aviation System Planning Process (CFASPP)** - updates the Florida Aviation System Plan, inventories existing facilities, provides an area aviation system plan describing short- medium- and long-term aviation system needs for nine statewide regions.

**Coordinate** - to work together in a common action or effort; to meet talk, and discuss in pursuit of a shared goal.

**Covenant** - a contractual agreement between private parties that run with the land, thereby restricting uses that may be made of the property.

**Criteria** - principles, guidelines, or standards which further describe the intent of an objective or a policy.

**Critical Habitat** - Designated by the U.S. Fish and Wildlife Service as an area where management is required to protect endangered and threatened species, or to prevent long-term damage to their habitat.

**Crucial Habitat** - Habitat that is essential to ensure long-term conservation and survival of a viable population of listed species. Critical habitat may include sites for breeding, foraging, and roosting; sites that provide appropriate cover and shelter; and enough surrounding suitable habitat to allow for normal behavior and to maintain the population dynamics of a listed species. Critical habitat may be one or more geographic areas or one distinct area depending upon the distribution, home range, size and dispersal abilities of a listed species.

**Cultural Resources** - are those resources which are expressive forms that reflect the living dimensions of an area's heritage. May be of historical or contemporary nature and would include folk crafts or skills, dance, music, visual arts, etc.

**Current Weekday Volume** - determined by the Brevard County Office of Traffic Management and adjusted for seasonal fluctuations prior to April, 1990.

**Data and Analysis** - information accumulated and evaluated to form the basis of conclusions regarding all subjects of the comprehensive plan. It shall be considered best available, unless new research using acceptable research methodology was conducted during the planning period to generate more current information. Data and analysis do not represent goals, objectives, policies, or criteria, and unless stated otherwise, represent best available data only.

**Defer** - to postpone; to not grant a development order or permit until a public facility or service is available at its established minimum acceptable level of service to support the impact of the development order or permits.

**Deficiency** - the measured impact of a development proposal which will quantitatively exceed the existing established minimum acceptable level of service for a public facility or service.

**Deficient Facilities** - infrastructure operating below the adopted acceptable level of service.

**Demonstrated Good Cause** - good cause shall be demonstrated by the existence of special conditions and circumstances preventing timely performance by the applicant, where such special conditions and circumstances occurred during a required review and comment procedure involving a governing body or agency with jurisdiction, but were not the result of any action or inaction by the applicant. The determination of whether good cause has been demonstrated shall be by the applicable permitting official or authority.

**Desirable Level of Service** - the preferred level of service for public facilities and services that may or may not be attainable even though pursued.

**Develop** - to set forth, to evolve the possibilities of.

**Development** - the term "development" means the carrying out of any building activity, the renovation, rehabilitation or remodeling of any structure, the alteration of land, the dividing of land into three or more parcels, or the establishment of flag lots or access easements. The following activities or uses shall be taken for purposes of this Plan to involve "development" as defined:

1. A reconstruction or alteration of the size of a structure on the land.
2. A change in the intensity of use of land, such as the increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
3. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in S.161.021, Florida Statutes.
4. Commencement of drilling, except to obtain soil samples; mining; or excavating on a parcel of land.
5. Demolition of a structure
6. Clearing of land as an adjunct of construction.
7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

**Development Deferral Zone** - includes those areas in which the issuance of development orders impacts the level of service on a deficient roadway.

**Development of Regional Impact (DRI) Land Use Designation** - land use designation required for projects which meet or exceed the threshold requirements established by Chapter 380, Florida Statutes and Chapter 28-24, Florida Administrative Code.



**Development Order** - means any order granting, denying, granting with conditions or deferring, an application for a development permit.

**Development Permit** - includes any building permit, zoning permit, subdivision approval, rezoning, site development plan approval, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

**Development Permit, Conditional** - the following constitute conditional development permits. For conditional development permits, Brevard County retains authority to initiate the appropriate administrative action, such as an administrative rezoning or permit denial or deferral, considered necessary by the Board of County Commissioners, or its designee, to alleviate or prevent deficiencies on roadway, solid waste, drainage, potable water, sanitary sewer, or park facilities or services.

1. Existing zoning or a rezoning.
2. Any development permit, whose measured impacts would cause a deficiency to occur to a roadway, solid waste, drainage, potable water, sanitary sewer, or park facility or service.
3. Any development permit where specific conditions, standards or criteria are required by the Comprehensive Plan or element thereof, or the Land Development Regulations.

**Development Permit, Final** - *see Land Development Regulations.*

**Development, Cultural** - cultural development shall mean any activity or development which improves or enhances the social, educational or cultural goals of Brevard County.

**Development, Economic** - economic development shall mean any activity or development which furthers or enhances the economic goals of Brevard County.

**Direct** - to regulate the activities of, to dominate and determine the course of.

**Directives** - principals or guidelines that provide the general philosophical outlook of Brevard County with regard to the respective elements of the Comprehensive Plan. Directives do not necessarily require specific actions for implementation. However, the level of significance given to directives is commensurate with that for the goals, objectives and policies of the Comprehensive Plan.

**Distressed Roadway** - a roadway segment which is operating at or above 85 percent of the maximum acceptable volume of the acceptable level of service, but which has not exceeded the acceptable level of service.

**Diversify** - to give variety; to balance; to engage in a variety of operations.

**Easement** - an acquired interest in property owned by another, and may be for overall conservation, exterior or facade, or interior preservation.

**Effective** - producing the desired result.

**Efficient** - cost effective and not wasteful of resources.

**Encourage** - to stimulate, spur on, inspire, advocate, give help or patronage.

**Endangered Species** - Species of animals and plants federally listed under the jurisdiction of the U.S. Fish and Wildlife Service, Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), or the Florida Fish and Wildlife Conservation Commission, Chapter 39 and 46, Florida Administrative Code (F.A.C), or the Florida Department of Agricultural and Consumer Services, Preservation of Native Flora of Florida Act (s. 581.185-187, Florida Statutes). These are generally any species, subspecies, or isolated population, which is in danger of extinction or extirpation from the State of Florida, throughout all or a significant portion of its range.

**Enhance** - to improve, to make better (in value, desirability, attractiveness).

**Ensure** - to make sure, certain; to guarantee.

**Environmentally Sound** - not contrary to the continued viability of the natural environment or detrimental to public health, safety, and welfare.

**Estuarine Floodplain** - the area susceptible to being inundated by waters from the Indian River Lagoon System from a given storm event.

**Evaluate** - to determine the significance or worth of by careful appraisal and study.

**Fair Housing Market** - a market situation where there is no housing discrimination based on race, sex, marital status, religion, national origin, age, or physical handicap.

**Farm** - an agricultural enterprise that produces \$2,500 of gross product a year.

**Finding** - a conclusion based upon analyses of the best available data and information regarding the relationship between the use intensity of a development order or permit proposal and the availability of public facilities or services having established minimum acceptable levels of service, to support the proposed use intensity.

**Fishery Industry** - an industry which produces, harvests, processes, or markets food and other products from ocean or brackish waters.

**Floodplains** - any area susceptible to being inundated by water from any source; including areas which may or may not have a direct hydrological connection to a surface water body.

**Forestry** - the art, application, and practice of controlling forest establishment, composition, and growth through sound management techniques, based on the owners management objectives. *See Silviculture.*

**G1** - Critically imperiled globally because of extreme rarity (5 or fewer occurrences or very little remaining area, i.e., <2,000 acres) or because of some factor(s) making it especially vulnerable to extinction.

**G2** - Imperiled globally because of rarity (6-20 occurrences or very little remaining area, i.e., <10,000 acres) or because of some factor(s) making it very vulnerable to extinction throughout its range.

**General Aviation Facilities** - associated airport activities, which includes terminal space, based and itinerant aircraft parking and automobile parking spaces.

**Goal** - a general statement of a desired long term end toward which programs or activities are ultimately directed; may be unmeasurable or unattainable.

**Growth Management** - the control of the location, type, intensity and rate of growth or development, in order to maximize the efficient use of public facilities and services while protecting the values and functions of the natural systems.

**Hazardous Material** - 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.

**Hazardous Material Incineration Unit** - an incineration unit designed for the reduction or disposal of any material listed on the EPA Hazardous Substance List.

**Hazardous Materials Management System** - a coordinated set of programs and policies, governmental or non-governmental, whose purpose is to encourage and ensure that hazardous materials in the community are used, transported, stored, and disposed of in a manner which protects the health and safety of citizens and the environment.

**Hazardous Substance** - can be used interchangeably with hazardous material.

**Hazardous Waste** - hazardous materials which have outlived their originally intended purpose, and are ready to be disposed of, recycled, regenerated, or otherwise treated or altered.

**Heavy Industrial Land Use** - land uses which involve the manufacturing of products directly from raw materials. These uses may include indoor and outdoor activities such as cement and concrete production, chemicals and fertilizer processing, lumber mills, foundries and forge works, or paint and plastics production.

**Highly Permeable Soils** - soils listed in the Brevard County Soil Survey that have a permeability rate greater than twenty inches per hour. These soils are: Astatula (As, At), Basinger (Ba), Canaveral (Ca, Cc), Galveston (Ga), Orsino (Or), Palm Beach (Pb), Paola (Pfb, Pfd, Ph), Pomello (Ps, Pu), Pompano (Pw), Satellite (Sa), St. Johns (Sb, Sc), St. Lucie (Sfb, Sfd), Tavares (Ta), Valkaria (Va), Welaka (We).

**High Risk Vulnerability Zones** - those areas predicted to received sufficient flooding to require evacuation during a Category 1-2, or Category 3-5 storm, as determined by the East Central Florida Regional Planning Council. Please refer to Map 7.

**Historic Context** - an organizational framework that groups information about related historic properties based on a theme, geographical area and period of time.

**Historic District** - a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

**Historic Property** - a district, site, building, structure, or object significant in American history, architecture, engineering, archaeology, and culture. It may be of value to the Nation as a whole or important only to the community in which it is located.

**Historic Resource** - any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places; such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object.

**Historic Site** - a location of a significant event, a pre-historic or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archaeological value regardless of the value of any existing structure.

**Household** - one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of servants, and may include up to two

unrelated persons. Also one or more persons, not exceeding four, living and cooking together a single housekeeping unit though not related by blood, adoption or marriage.

**Households with Special Needs** - Households which have incomes not exceeding moderate-income and, because of particular social, economic, or health related circumstances, may have greater difficulty acquiring or maintaining affordable housing. Such households may have, for example, encountered resistance to their residing in particular communities, and may have suffered increased housing costs resulting from their unique needs and high risk of institutionalization. Persons within such households may include, but are not limited to, persons with Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) disease; runaway and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

**Housing** - buildings or other structures in which people live that provide shelter, a link to the neighborhood and community, a sense of belonging, a sense of social status, and that constitutes an investment.

**Housing Stock** - refers to housing supply, the housing which is available for sale or rent.

**Housing Unit** - a house, apartment, group of rooms, or a single room occupied or intended for occupancy a separate living quarters.

**Hydrologic Basin** -- the region or area that supplies a particular body of water or aquifer.

**Hydroperiod** -- a means of expressing the average timing of water retention or flows through a specified area.

**Identify** - to establish the identity of, location or existence of.

**Impervious Surface Area** -- the aerial extent of any material that prevents or resists penetration by fluids and absorption of stormwater into the ground.

**Implement** - to carry out, to give practical effect to and ensure of actual fulfillment by concrete measures.

**Implementation Strategy** - the translation of management policies into operational programs.

**Improve** - to make more acceptable or bring nearer to some standard.

**Indigenous** - occurring or living naturally in an area (native).

**Indian River Lagoon** - 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.

**Indian River Lagoon Program** - refers to the combined Indian River Lagoon Surface Water Improvements and Management Plan (SWIM) and National Estuary Programs.

**Indian River Lagoon System** - see Indian River Lagoon.

**Industrial Land Use Designations** - areas in which industrial land uses of varying intensities are permitted. They are designated utilizing factors which include demonstrated future need, existing industrial development and zoning trends, land use compatibility, availability of public facilities and services and environmental constraints. Industrial land use designations include the following:

**Heavy/Light Industrial** - permits light industrial activities (such as manufacturing, assembling, fabricating and warehousing which are generally conducted indoors); heavy industrial activities (which involve the manufacturing of products directly from raw materials and include both indoor and outdoor activities); and water-related/water-dependent industrial activities.

**Planned Industrial** - permits industrial development activities possessing Planned Industrial Park (PIP) and Planned Business Park (PBP) zoning classifications. Activities occur within enclosed buildings and may include manufacturing, assembling, fabricating, warehousing and retailing as well as hotel and motel accommodations that serve the travel needs of employees or clients associated with firms within this land use designation. Marinas are also permitted within this land use designation.

**Intensive Historic Resource survey** - systematic, detailed inventory designed to identify precisely and completely.

**Interbasin Diversion** -- the transport or redirection of surface water from its natural hydrologic basin to a different one.

**Invasive Exotic** - A nonindigenous living organism.

**Isolated Floodplain** - the area susceptible to being inundated by waters which are not riverine, estuarine, or coastal from a given storm event.

**Isolated Wetlands** - wetlands which are not directly connected to open water, but exhibit the other characteristics of wetlands.

**Joint-Use Agreement** - a cooperative arrangement between two or more jurisdictions to provide for the combined use of a particular facility or service.

**Landfill** - a facility for the disposal of solid wastes; the facility does not does not accept liquid or hazardous waste.

**Level of Service Management Plan** - a plan providing strategies to maintain or improve the level of service on roadways while accommodating the impacts of development.

**Light Industrial Land Use** - land uses involving manufacturing, assembling, fabricating and warehousing activities which are generally conducted indoors, such as that found in machine shops, bottling and canning works, boat building, and freight or trucking terminals.

**Listed Species** - Species of animals and plants legally protected as endangered, threatened, or as species of special concern by federal and state laws.

**Low Income Household** - are those households whose incomes are between 50 to 80 percent of the area's median income.

**Maintain** - to keep in an existing state; to support or provide for; to bear the expense of.

**Market** - includes local, state, regional, national, and international buyers.

**Maximize** - to increase to the greatest quantity or extent possible.

**Maximum Acceptable Volume** - the greatest number of vehicles a roadway segment can carry given the level of service standard established for that segment. The traffic volume equivalent to a specific level of service standard is influenced by several roadway design and operation factors that effect average travel speed, such as traffic signal spacing, number of lanes, area type, peak hour traffic levels and roadway type.

**May** - to have the permission to.

**Merritt Island Redevelopment District** - the area on Merritt Island bounded by Merritt Avenue to the north, Newfound Harbor to the east, Fortenberry Avenue to the south, and the Indian River Lagoon to the west.

**Mini-Parks** - small areas intended primarily for the use of children up to the early elementary grades in high-density areas.

**Minimize** - to reduce to the least quantity possible.

**Mining** - the act or process of removing minerals or other resources from the land including mining and smelting operations, borrow pits, and commercial borrow pits as defined within the Code of Brevard County.

**Mitigation** -- methods used to alleviate or lessen the impact of development.

**Mobile Source Emissions** -- a moving source of pollution such as an automobile.

**Moderate Income Household** - are those households whose incomes are no greater than 120 percent and no less than 80 percent of the area's median income.

**Morphological** - associated with the study of form and its development, including the study of cell structure, tissue structure, and external anatomy.

**Mosquito Impoundment** -- a body of water confined by a dam, dike, floodgate or other barrier for the purpose of controlling the reproduction of salt marsh mosquitoes.

**Native Vegetation** -- plant species that naturally occur in and are indigenous to a specified geographic area.

**Natural Resources** - the actual and potential forms of wealth supplied by nature that possess a value and function within the natural systems and which are essential for the perpetuation of life.

**Natural System** - the complex network of natural resources in which no resource is capable of functioning independently of the other resources in the network.

**Natural Water Body** - occurring normally; a water system occurring in conformity with the ordinary course of nature; not originally created through man's activities, not artificial. May include those normally occurring water bodies which have been dredged or channelized.

**Neighborhood Commercial (NC) Land Use Designation** - see definitions of Commercial Land Use Designations.

**Neighborhood Parks** - designed to serve both active and passive short-term activities. Typically these parks average five (5) to fifteen (15) acres in size, with a minimum of two (2) acres of park land for every one thousand (1,000) people served in a planning area.

**New Town Overlay** - development standards set forth in the Comprehensive Plan for large scale mixed use projects which are at least 1,500 acres in size.

**Nonfunctional Wetland** - a nonfunctional wetland is a wetland which has a water regime that has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland function. This does not apply to wetlands that have had their water regime illegally altered.



**Non-point Source** - stormwater runoff which is not discharged through a pipe or other identified, specific conveyance mechanism.

**Noxious Species** - undesirable plant species, including, but not limited to, *Schinus terebinthifolius* (Brazilian Pepper); *Malaleuca quinquenervia* (Malaleuca, Cajeput Tree); *Casuarina spp.* (Australian Pine); *Eucalyptus spp.* (Eucalyptus); and *Enterolobium contortisiliquem* (Ear tree).

**Object** - a construction that is primarily artistic in nature or is relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment, such as statuary in a designed landscape.

**Objective** - a statement that is more specific than a goal and identifies the steps necessary for the satisfactory pursuit of a goal; normally measurable and attainable.

**Obtain** - to gain or attain usually by planned action or effort.

**Offshore Emergent Vegetation** -- aquatic or marine plants whose canopy continuously or frequently extends above water level.

**Onsite Sewage Disposal System:** any domestic sewage treatment and disposal facility, as defined by Florida Administrative Code Section 10D-6.42(29), including standard subsurface systems, gray-water systems, laundry wastewater systems, alternative systems or experimental systems, installed or proposed to be installed on land of the owner or on the land to which the owner of owners have the legal right to install a system.

**Open Space** - lands and water not covered by structures including agriculture, which are suitable for passive recreation or conservation use.

**Open Space System** - a continuous or near-continuous network of open space areas within the pattern of development, including both public and private lands, that provide for passive recreation, conservation, and visual relief from expanses of development.

**Outstanding Florida Waters** - 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.

**Overcrowded Housing** - are those housing units which contain more than 1.00 person per room.

**Package Treatment Plant** - a sewage treatment facility that is prefabricated off-site and assembled on-site.

**Parallel Roadways** - a roadway or group of roadways of a lower classification that provide alternate routes for a primary roadway, and which serve similar origin and destination points.

**Passive Recreation** - recreation uses are considered passive where very minimum alteration of vegetation, topography or other native feature is necessary, for the enjoyment of the site amenities. Activities which are considered passive include, but are not limited to, hiking, bicycling, nature observation, camping, non-motorized boating, rowing, swimming, picnicking, archaeological or historic preservation.

**Pedestrian Way** - a transportation facility designed for use by pedestrians which may be used by other forms of non-motorized transportation.

**Person** - any corporation, individual, partnership, association, or other entity.

**Planned Industrial Park Land Use Designation** - land uses intended for the location of light, clean industrial land uses in "clusters". These uses may include indoor activities such as manufacturing, assembling, fabricating, warehousing and retailing. Hotel and motel accommodations that serve the travel needs of employees for clients associated with firms within the planned industrial parks would also be appropriate. Marinas could also be considered for location within this land use designation.

**Planned Unit Development** - a development, usually phased and of a large scale, which provides a mixture of land uses and densities, incorporates open space through the clustering of land uses, and permits flexibility in the development design.

**Point Source** - a source, such as a pipe, from which stormwater or wastewater is discharged.

**Policy** - a statement that is more detailed than an objective and provides guidelines for specific actions which will satisfy particular objectives.

**Population** - The total number of people inhabiting a specified area or the total number of inhabitants of a particular race, class, or group in a specified area. For biological purposes, the definition of population is a collection of individuals belonging to the same species and living in the same area.

**Power Boat** - Any vessel which is primarily propelled or powered by an internal combustion engine and which is used or is capable of being used as a means of navigation or transportation on water. Sailboats with auxiliary engines are not considered powerboats for the purpose of this plan. For the purpose of this plan powerboat and motorboat are synonymous.

**Preserve** - to keep intact.

**Prime Farmlands** - those lands which, due to the presence of the right combination of physical and chemical conditions, consistently produce a high level of output with minimal fertilizer, labor and energy requirements.

**Private Wastewater Treatment Plant** - a wastewater treatment plant of small capacity, usually between five thousand and one million gallons per day. Private treatment plants are those facilities that provide wastewater services to a localized community because of the absence of a publicly owned facility. These may be purchased as a package from a vendor and assembled from prefabricated components on the site. Private wastewater treatment plants with capacities of under one hundred thousand gallons per day may be purchased pre-assembled.

**Privatization** - the transfer of public sector services and responsibilities to the private sector.

**Promote** - to contribute to the growth or prosperity of; to help bring into being; to present for public acceptance.

**Protect** - to shield from injury or destruction.

**Provide** - to supply what is needed for sustenance or support; to supply for use.

**Public Access** - the ability of the public to physically reach, enter or use public sites, facilities and activities and shores.

**Public Facilities** - transportation, sewer, solid waste, drainage, potable water, fire and police protection, emergency medical, educational, parks and recreation, and public health systems and facilities.

**Public Facilities Land Use Designation** - land use designation which permits activities and improvements which relate to government-managed transportation, sanitary sewer, potable water, solid waste, drainage, conservation, education, government service systems and other utilities such as gas, electric, telephone and cable.

**Public Services** - the programs and employees determined necessary by local government to provide adequate operation and maintenance of public systems and facilities.

**Pursue** - to find or employ measures to obtain or accomplish.

**Reconnaissance Survey** - a cursory inspection of an area, most useful for characterizing its historic or other resources in general and for developing a basis for deciding how to organize and orient more detailed historic or other resource survey efforts.

**Recreation** - the pursuit of leisure time activities occurring in an indoor or outdoor setting.

**Recreational Land Use Designation** - land use designation which permits public recreation activities.

**Recreational Vehicle Parks** - activities intended to serve the needs of tourists and seasonal (up to six months) residents and provide lodging for visitors with recreational vehicles, travel trailers and camping equipment as well as supportive facilities such as laundries, bathing facilities, and recreation areas. Activities are located in Community Commercial (CC) land use designations. Densities for Recreational Vehicle Parks shall not exceed 10 units per acre.

**Recycling** - the reuse of materials and/or wastes.

**Redevelopment** - activities or projects in an area to eliminate and prevent the development or spread of slums and blight, or to provide affordable housing, whether for rent or sale, to low and moderate income households; or to generate renewed economic activity and development.

**Regional Park** - ideally, there should be a minimum of twenty (20) acres per one thousand (1,000) individuals or a minimum of one park per County wide area. The regional park is usually the largest of all parks, and typically serves an area encompassing one county or region of adjacent counties, depending on population concentrations of the counties, size, and location generally resource-oriented and designed to blend highly specialized recreational facilities with the natural environment.

**Regulatory Discharge** - discharges of water from canals in order to regulate the water level of lands within the drainage basin of the canal.

**Rehabilitation** - the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

**Reliever Aviation Facilities** - general aviation airports designated by the Federal Aviation Administration as alternatives to busy commercial service airports for business and cargo aircraft traffic.

**Relocation Housing** - those dwellings made available to households displaced by public programs, provided that such dwellings are sound, safe and sanitary and within the financial means of the households displaced.

**Resident** - a person who makes his/her home in a particular place, may be of permanent or temporary status and would include both existing and future residents and special populations.

**Residential Land Use Designations** - areas designated on the Future Land Use Map for use in providing housing including single-family, multi-family, and mobile home dwelling units. Residential land use designations stipulate varying density allowances which are based upon various factors, including the availability of public facilities and services, compatibility with surrounding land uses, and environmental constraints. These land use classifications are defined as follows:

**Residential 30** - a classification providing for a maximum residential density of thirty (30) dwelling units per acre, unless otherwise established by the Comprehensive Plan

**Residential 15** - a classification providing for a maximum residential density of fifteen (15) dwelling units per acre, unless otherwise established by the Comprehensive Plan.

**Residential 6** - a classification providing for a maximum residential density of six (6) dwelling units per acre, unless otherwise established by the Comprehensive Plan.

**Residential 4** - a classification providing for a maximum residential density of four (4) dwelling units per acre, unless otherwise established by the Comprehensive Plan.

**Residential 2** - a classification providing for a maximum residential density of two (2) dwelling units per acre, unless otherwise established by the Comprehensive Plan.

**Residential 1** - a classification providing for a maximum residential density of one (1) dwelling unit per acre, unless otherwise established by the Comprehensive Plan.

**Residential 1:2.5** - a classification providing for a maximum residential density of one (1) dwelling unit per two and one-half (2.5) acres, unless otherwise established by the Comprehensive Plan.

**Resource Recovery** - the process of obtaining materials or energy from wastes; recycling.

**Retention (surface water)** -- a drainage technique that retards or detains runoff or discharge to enhance groundwater recharge and reduce erosion and surface water pollution, such as a retention basin, parking lot storage, porous pavement, dry well, or any combination thereof.

**Reverter Clause** - a clause in a deed which stipulates that unless certain conditions are followed, ownership of the property involved will return to the conveyor or to a designated third party.

**Riverine Floodplain** - the area susceptible to being inundated by waters from the St. Johns River, freshwater Lakes, and freshwater tributaries to the Indian River Lagoon System from a given storm event.

**Roadway Network** - the vehicular and pedestrian traffic circulation system including roads, bicycle paths and lanes, sidewalks, and traffic control devices.

**Runoff** -- (aka surface runoff) the portion of precipitation or irrigation on an area that flows across the ground surface as sheet or stream flow to natural or manmade catchment basins without returning to the atmosphere nor infiltrating the soil to recharge groundwater.

**S1** - Critically imperiled in state because of extreme rarity (5 or fewer occurrences or very little remaining area) or because of some factor(s) making it especially vulnerable to extinction.

**S2** - Imperiled in state because of rarity (6-20 occurrences or little remaining area) or because of some factor(s) making it very vulnerable to extinction throughout its range.

**Schedule of Improvements and Funding** - that schedule prioritizing capital facilities and services adopted as part of the Capital Improvements and Programs element of the Brevard County Comprehensive Plan.

**Seawall** -- a wall or embankment that acts as a breakwater and is used to prevent erosion of the walled off area.

**Seagrass Coverage (%)** - Seagrass coverage shall be determined on a project site during the months of May through October. The percent coverage of seagrass is determined by counting short shoots in a one square meter (1m<sup>2</sup>) plot frame that has been evenly subdivided into one hundred square cells. The plot is placed every five meters (5m) along a minimum of three (3) transect lines perpendicular to the shoreline and extending to the end of the project site. The transect lines are to be evenly spaced along the project site shoreline with one transect located at the middle of the site and one at each end of the project site. Transects shall be no greater than fifty meters (50m) apart. If the project site is greater than one hundred meters (100m) in width, additional transects shall be added at a rate of one for every fifty meters (50m) of shoreline. If ten of the sample plot frames contain ten percent (10%) or more seagrass, then the final coverage for the site is greater than or equal to ten percent (10%). The project site is defined as that area within which boats will be docked. If the project site and the shoreline are not contiguous then the first plot frame shall be placed at the intersection of the project site and the transect line.

**Setback** -- the distance between a structure and any lot line.

**Shall** - expresses a command, must express what is mandatory, to be done at all times without deviation.

**Shelter Space** - facilities usable for the purpose of providing safe sheltering for "at risk" population. Public shelters must be able to provide protection from *surge inundation, flooding* and *high winds*. Shelter space is considered to be both public and private facilities. Public

shelters are identified by two categories; *general population* and *special needs*. Private shelters consist of structures privately owned.

**Shoreline** - the edge of a body of water, where the water and the uplands meet.

**Shoreline Protection Buffer** - 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, 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.

**Should** - expresses obligation; mandatory action necessary unless it can be clearly demonstrated that: a. Strict application will be contrary to the public interest; b. The public values being protected are insignificant and strict application will result in an excessive hardship to the project; c. Strict application will place an excessive hardship on the project, and an alternative action is available which is equal to or superior than the original requirements in reaching the policy's objective, and; d. The activity is not financially feasible for the local government.

**Significant Manatee Habitat Features** - each of the following five habitat features is considered significant as described.

1. Seagrass - 5% or more seagrass present on the proposed project site is considered significant.
2. Manatee Abundance - five (5) or more observations/overflight within a 5 mile radius of the site. If more than one survey falls within the 5-mile radius, the number of manatees observed will be counted for each survey, divided by the number of overflights and then the normalized values will be summed.
3. Significant Manatee Mortality - the number of watercraft mortality within a 5 mile radius, divided by the total number of watercraft mortalities in Brevard County, A value of 0.03 or larger is considered significant.
4. Manatee Freshwater Source/Calving/Cavorting/Feeding/Resting Area is within a 1/2 mile of the proposed site.
5. The proposed site is in a Class II Waterbody, Outstanding Florida Waterway (OFW), or an Aquatic Preserve.

**Silviculture** - the art, application, and practice of controlling forest establishment, composition, and growth through sound management techniques, based on the owners management objectives. *See Forestry.*

**Solid Waste** - sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or, garbage, rubbish, refuse, derelict vessels, junk vehicles, and other

discarded material, including solid, liquid, semisolid, and contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

**Source Reduction** - the practice of reducing the generation of waste at the source of production. Potential source reduction methods include redesign of processes to minimize waste production and the use of safer substitute materials in manufacturing process.

**Special Populations** - a subset of the resident population which includes those persons with special housing needs such as the elderly, single parent families, handicapped, transients and family-deprived.

**Special Use Parks** - there are parks and recreational facilities which do not conform to existent standards and have special uses including recreational vehicle parks, nature trails, golf courses, conservation areas, airport parks and wildlife sanctuaries.

**Specialized Incineration Unit** - an incineration unit designed for the reduction or disposal of material that poses a threat to the environment when it is left untreated (e.g., bio-hazardous material).

**Species** - a group of individuals that potentially breed among themselves and do not breed with other groups (biological definition) or a group of individuals that are morphologically, physiologically, or biochemically distinct from other groups in some important characteristic (morphological definition of species).

**Species of Special Concern** - Species of animals listed under the jurisdiction of the Florida Fish, Game and Wildlife Conservation Commission, Chapters 39 and 46 F.A.C. These are generally any species, subspecies, or isolated population that is likely to become a threatened species, or a species that meets certain criteria for threatened status but where conclusive data is limited or lacking.

**Spoil Islands** -- dirt, rock, or waste material that has been removed from its prior location, often the bottoms of waterways, and deposited as emergent mounds.

**Standard** - a rule set up and established by authority for the measure of quantity, weight, extent, value or quality; a criterion on which a judgment or decision may be based.

**Strive** - to endeavor; to devote serious effort or energy.

**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.

**Substandard Housing Suitable for Rehabilitation** - a housing unit which is suitable for human occupancy but which has some degree of hazardous conditions to the health or safety of the occupants. Also, a housing unit which is structurally sound but has visible degrees of



deterioration and several housing code violations but all of which are economically feasible to correct.

**Substandard Housing not Suitable for Rehabilitation** - a housing unit which is structurally unsound and which possesses a serious and immediate threat to the health and safety of the occupants. Also, a housing unit which is not suitable for occupancy and the conditions or code violations are not economically feasible to correct. Would include units damaged by fire, storm, or other natural causes.

**Substantially Surrounded** - when a parcel of land is bordered on two sides by land developed as commercial or industrial. Such commercial or industrial development should abut the subject land.

**Suitability** - Means the degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development. (Form 9J-5.003(134)).

**Support** - to promote the interests or causes of; to uphold or defend as valid or right, advocate; to argue or vote for; to pay the costs of; to favor actively in the face of opposition.

**Surface Water** -- water on the earth's surface exposed to the atmosphere as rivers, lakes, streams, and oceans.

**Threatened Species** - Species of animals and plants federally listed the jurisdiction of the U.S. Fish and Wildlife Service, Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), or the Florida Fish and Wildlife Conservation Commission, Chapters 39 and 46, Florida Administrative Code (F.A.C.), or the Florida Department of Agricultural and Consumer Services, Preservation of Native Flora of Florida Act (s. 581.185-187, Florida Statutes). These are generally any species, subspecies, or isolated population, which are likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

**Tourist Commercial Development Activities** - activities intended to serve the needs of tourists and seasonal residents and include hotels, motels and support activities such as restaurants, gas stations and souvenir shops. Varying densities for hotel/motel activities are set forth within the Comprehensive Plan. Such activities are located in Community Commercial (CC) land use designations, unless otherwise provided in the Comprehensive Plan.

**Toxic Material** - a type of hazardous waste that causes harm to humans or other organisms by entering the organism and interfering with normal life functions, as opposed to corrosive, ignitable, or reactive materials which cause damage by physical proximity or contact.

**Transfer Station** - a facility for the temporary collection of solid waste prior to transport to the processing facility.

**Transient Commercial Development Activities** - activities intended to serve the needs of the overnight visitor and are located in Community Commercial (CC) land use designations.

**Transitional Level of Service** - a temporary acceptable level of service for a specific facility or service not to exceed 12 years, but which shall realistically reflect the minimum timeframe necessary to establish a funding source and/or remove affecting obstacles, and proceed with an appropriate improvement effort.

**Tributary** - a natural stream or other natural water body that flows, falls or empties into another water body. This definition is not to include non-point sources.

**Turbidity** -- a thick, hazy condition of air or water due to the presence of suspended particulates or other pollutants.

**Type 1 Aquifer Recharge Areas** - those areas which are within the City of Titusville's Area of Critical Concern, or are within five hundred (500) feet of a public water supply well or within the boundaries of a development that proposes a public water supply well provided that this area serves to recharge the aquifer from which the well draws and which have highly permeable soils.

**Type 2 Aquifer Recharge Areas** - those areas which are not classified as Type 1 aquifer recharge areas and are above 30 feet mean sea level and have highly permeable soils.

**Type 3 Aquifer Recharge Areas** - those areas which have highly permeable soils and are below 30 feet mean sea level.

**Unique Farmlands** - those lands which possess a special complement of location, soil characteristics, growing season and moisture supply that result in high productivity for specialty crops such as fruits, vegetables and vineyards.

**Units Per Acre** - the number of residential units allowed as a maximum per acre. This term may describe an aggregate density over a large tract or a building lot size.

**Urban Sprawl** - a land development pattern characterized by the location of development in areas where public facilities and services cannot be provided efficiently.

**Urban-District Park** - generally contain 100 to 499 acres and serve several communities in the metropolitan area.

**Utility Corridor** - an inter-county corridor established for rail transportation of persons and/or cargo and one or more of the following: the location of lines for the transmission of water, electricity, communications, petroleum products, products of a public utility (including new technologies of a public utility nature), or materials.

**Very Low Income Household** - a household which possesses a household income of less than 50 percent of the median income.

**Water Dependent Uses** - activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports and marinas; recreation; electrical generating facilities; or water supply.

**Water Enhanced Uses** - activities which are not water dependent but whose value is increased due to location along the water. This increased value is not related to the increased property values of water-front property. Water enhanced uses include restaurants, some upland recreational areas and tourist attractions.

**Water Quality** -- a measure of the levels of pollutants occurring within a specified area of a waterbody.

**Water Related Uses** - activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses. These land uses include bait and tackle shops, and boat sales and rentals.

**Watershed** -- the region or area of land that drains water, sediment, and dissolved materials to a common outlet or body of water.

**Water's Edge Wetlands** - wetlands which are a transitional area between dry land and open water.

**Wetland Functionality** - is determined by the ability of the wetland to provide a diversity of habitat and food sources for aquatic and wetland-dependent species, and for threatened and endangered species and species of special concern; to provide flood storage capacity; to provide for the protection of downstream and offshore water resources from siltation and pollution; or to provide for the stabilization of the water table. (from Chapter 62-3691, Brevard County Code of Ordinances). In considering the functional value of wetlands, the degree of alteration, uniqueness, landscape diversity, and proximity to water bodies should be considered.

**Wetlands** - wetlands as defined by the Florida Department of Environmental Protection (FDEP) and St. Johns River Water Management District (SJRWMD) methodology, soil types, hydrological requirements, and vegetation types.

**Wildlife and Open Space Corridor** - a widespread, continuous or near-continuous system of wildlife habitat that is established by linking wildlife preserves, sanctuaries, refuges, parks or open space areas to provide a pathway for wildlife movement.

**Wildlife Habitat** – An area that provides an animal with food, water, and shelter and that also provides the spatial requirements that facilitate breeding, foraging, roosting, and resting.

**Acronyms**

BCC	Brevard County Board of County Commissioners
CCL	Brevard County Coastal Control Line (Ord. 85-17).
CCCL	FDEP's old Coastal Construction Control Line (1975).
CSL	Brevard County Coastal Setback Line
CCMP	Coastal Conservation and Management Plan
DCA	Department of Community Affairs
DRI	Development of Regional Impact
ECFRPC	East Central Florida Regional Planning Council
EPA	Environmental Protection Agency
FDEP	Florida Department of Environmental Protection
IRL	Indian River Lagoon
LPA	Local Planning Agency
NEP	National Estuary Program
NRCS	Natural Resources and Conservation Service (previously the Soil and Water Conservation District)
PLRG	Pollution Load Reduction Goals
SAV	Submerged Aquatic Vegetation
SJRWMD	St. Johns River Water Management District
SWIM	Surface Water Improvement and Management
SACOE	United States Army Corps of Engineers