

# *City of Arcadia*



## Unified Land Development Code

### Article 2

### **Definitions**

Prepared by the  
Central Florida Regional Planning Council

**ARTICLE 2.**  
**DEFINITIONS**

**Section 2.01.00.** Reserved.

**Section 2.02.00. List of Definitions.**

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**DEFINITIONS**

**Section 2.01.00.**

Reserved.

**Section 2.02.00. List of Definitions.**

**Definitions, "A."**

**ACCESSORY BUILDING, STRUCTURE, OR USE:** A building, structure, use of building, or use of land or water that is clearly secondary and incidental to the principal use of a building, water or land. Such building, structure, or use is located on the same parcel of land with the principal building or use, and is consistent in use, and in conjunction with, the principal building, structure or use.

**ACCESSORY RETAIL USES:** The retail sales of various products (including food) and/or the provision of personal services (e.g., hair cutting, etc.) within a health care, hotel, office, or industrial complex for the purpose of serving employees or customers, and is not visible from public streets. These uses include pharmacies, gift shops, and food service establishments within hospitals and convenience stores and food service establishments within hotels and office and industrial complexes.

**ACCESSORY USE:** A use customarily incidental to the principal use of the property.

**ACRES, GROSS:** The entire acreage of a site; includes the entire land and water area within the property boundaries.

**ACRES, NET:** The portion of a site that can actually be built upon. The following generally are not included in the net acreage of a site: public or private road rights-of-way, public open space, lakes and flood ways.

**ADULT DAY CARE CENTER:** Any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three (3) or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services. (Section 429.901, F.S.).

**ADULT FAMILY CARE HOME:** (Pursuant to Section 429.65, F.S.); A full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five (5) disabled adults or frail elders who are not relatives. The following family-type living arrangements are not required to be licensed as an adult family-care home:

- A. An arrangement whereby the person who owns or rents the home provides room, board, and personal services for not more than two adults who do not receive optional state supplementation under Section 409.212, F.S. The person who provides the housing, meals, and personal care must own or rent the home and reside therein.

- B. An arrangement whereby the person who owns or rents the home provides room, board, and personal services only to his or her relatives.
- C. An establishment that is licensed under Florida Statutes as an assisted living facility.

**AGRICULTURAL BUILDING OR STRUCTURE:** Any building or structure accessory to the principal farming, forestry, fishery, animal specialty farm, or hunting, trapping and game propagation use of the land.

**AGRICULTURE:** The use of land for the purpose of growing crops, plants, trees, or other agricultural or forestry products, and other agricultural activities including, aquaculture, horticulture, floriculture, viticulture, forestry, livestock, poultry, bees, and any and all forms of farm products and farm production. For the purposes of marketing and promotional activities, seafood shall also be included in this definition. (Section 570.02, F.S.).

**AIRCRAFT ESTABLISHMENT:** An establishment primarily engaged in retail selling of new and/or used aircraft and related new parts accessories directly to ultimate consumers on the premises and not for resale. Aircraft establishments may include repair departments, provided such repair departments are incidental and accessory to the principal retail selling of aircraft and related aircraft accessories.

**ALCOHOL PACKAGE SALES:** A place where alcoholic beverages are dispensed or sold in containers for consumption off the premises.

**ALLEY:** A minor right-of-way, which normally provides a secondary means of vehicular access to abutting property.

**ALTER OR ALTERATION:** Any change in, addition to, deletion from, or rearrangement of the load bearing members, or the foundation of a structure.

**ALTERATION OF A WATERCOURSE:** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**ANTENNA:** An external device for sending or receiving electromagnetic signals for radios, televisions or similar devices and which is accessory to the principal use or structure on or about which it is located. This shall include parabolic or dish-shaped antennas but shall not include antennas which are mounted on communication towers.

**ANTIQUe STORE:** A building, or portion of a building, occupied by an establishment primarily engaged in the retail selling of antique furniture, home furnishings and objects of art and related antique accessories directly to ultimate consumers on the premises. Merchandise and goods sold by such establishments are normally not purchased for resale purposes.

**APARTMENT HOTEL:** A multiple dwelling, under resident supervision, which contains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish dining room service.

**APPLIANCE REPAIR:** A facility for the repair of household appliances and home equipment, including, but not limited to, washers, dryers, refrigerators, ovens/ranges and dishwashers.

**AQUACULTURE:** The cultivation of products associated with, or grown in, water, such as fish farms and fish hatcheries.

**AS-BUILT PLANS:** Construction plans reflecting the public improvements as they were actually constructed and as they actually exist in the subdivision.

**ASCE 24:** A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**ASSISTED LIVING FACILITY:** Any building or buildings, section or distinct part of a building, private home, rooming house, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator (Section 429.02, F.S.).

**AUTO PARTS SALES:** Stores that sell new automobile parts, tires, and accessories and may also include minor parts installation (e.g., mufflers and radiators, quick-lube, etc.). This does not include tire recapping or businesses dealing exclusively in used parts.

**AUTO SALVAGE YARD:** A commercial business which disassembles inoperable vehicles for the purpose of resale of automobile parts. Not more than three (3) inoperable vehicles may be stored at any one time. See "Junkyard" for a business which stores more than three inoperable vehicles.

**AUTOMOBILE AND TRUCK RENTAL/LEASING ESTABLISHMENTS:** An establishment engaged in the renting or leasing of new or used passenger automobiles and trucks and related new parts and accessories. Such establishments may include repair departments provided they are clearly incidental and accessory to the principal use of selling and/or leasing automobiles, trucks and boats.

**AUTOMOBILE WRECKING:** The dismantling or disassembling of used motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles.

**AUTOMOTIVE DEALER ESTABLISHMENT:** An establishment primarily engaged in the retail selling of new and/or used automobiles, motorcycles and trucks and related new parts and accessories directly to ultimate consumers on the premises and not for resale. Automotive dealer establishments may include repair departments provided such repair departments are located within a building and are incidental and accessory to the principal retail selling of automobiles and trucks.

**AUTOMOTIVE REPAIR AND MAINTENANCE:** The repair, alteration, restoration, towing, painting, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles, as a primary use, and includes the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories:

- A. **MAJOR REPAIR/BODY WORK:** Repair facilities dealing with entire vehicles. Includes activities listed under Service Station, as well as removal and major overhaul of engines, transmissions and drive systems, and all types of paint and body work, including welding. These establishments provide towing, collision repair, other body work, glass replacement, and tire recapping.

- B. **MINOR MAINTENANCE/REPAIR:** Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, etc.). Activities may include maintenance or small-scale mechanical work on motor vehicles including inspection, maintenance, repair or replacement of brake systems, ignition and electrical systems, carburetors and fuel systems, batteries, oil, antifreeze and other fluids, and tires. Also included are auto washing and detailing, and the tuning and adjustment, but not disassembly or removal, of engines and transmissions.

**AUTOMOTIVE SPECIALTY SALES:** Premises, or a portion of premises, occupied by an establishment engaged primarily in the retail selling of new and/or used travel trailers, recreational vehicles, mobile homes, and similar automotive product specialties and related new parts and accessories directly to ultimate consumers on the premises and not for resale.

## Definitions, "B."

**BAKERY, INDUSTRIAL:** Establishments engaged in manufacturing fresh and frozen bread and other bakery products not for immediate consumption, but for retail to distributors and stores.

**BAKERY, RETAIL:** A place where products such as bread, cake, and pastries are baked, sold and may be consumed on the premises. Also called "bakeshop".

**BANKS AND FINANCIAL INSTITUTIONS:** Includes banks and trust companies; credit agencies; credit unions; lending and thrift institutions; investment companies; securities/commodity contract brokers and dealers; security and commodity exchanges; vehicle finance (equity) leasing agencies.

**BARS, LOUNGES, SALOONS AND TAVERNS:** Any place devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises; any food service is subordinate to the sale of alcoholic beverages.

**BASE FLOOD:** A flood having a 1-percent (1%) chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

**BASE FLOOD ELEVATION:** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

**BASEMENT:** The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

**BATHHOUSE:** A building for changing, such as a building near a swimming pool, equipped with showers and locker rooms.

**BED AND BREAKFAST:** A residential structure containing guest rooms where lodging with breakfast included is provided for compensation, and generally for a stay of a week or less. Bed and Breakfast structures are normally found in established neighborhoods and may be the primary residence of the owner and innkeeper. Residential structures rented out for a season or for longer than a week or two are considered rooming houses.

**BEST MANAGEMENT PRACTICE (BMP):** A practice or combination of practices that are determined to be the most effective and efficient way of accomplishing a task, based on repeatable procedures that have proven themselves over time.

**BODY ART:** The practice of decorating the body, including the most common techniques such as tattooing, body piercing, and body painting.

**BOUNDARY LINE:** "Lot line" shall mean "boundary line."

**BOTTLE CLUB:** An establishment providing facilities for the consumption of alcoholic beverages by its patrons on the premises (drinking establishment), but not licensed to sell alcoholic beverages, without regard to whether the patrons are required to be members of the club or establishment.

**BUFFER YARD:** An area or strip of land established to separate and protect one type of land use from another with which it is incompatible. A buffer area typically is landscaped and contains vegetative plantings, berms, and/or walls or fences to create a visual and/or sound barrier between the two incompatible uses.

**BUILDING:** Any structure which fully encloses space for occupancy by persons or their activities, animals, chattels, or property of any kind.

**BUILDING AREA:** The total ground area, taken on a horizontal plane at the mean grade level, of each building and accessory building, but not including uncovered entrance platforms, terraces and steps.

**BUILDING FRONTAGE:** The side or wall of a building approximately parallel and nearest to a street. For corner lots, building frontage shall be established by orientation of the frontage of buildings on the property, or of principal entrance points to the premises if building frontage is not clearly indicated. If neither of these methods is distinct, the City Administrator, or his or her designee, shall make a determination.

**BUILDING HEIGHT:** The vertical distance measured from the established mean grade at the center of the front of the building to the highest point of the building, not including those structures specifically permitted to extend beyond the height of the building, or the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. On any site where construction is required to adhere to the base flood elevation, as established by the Federal Emergency Management Agency, the building height is the vertical distance from the first living level or the tidal floodplain, whichever is lower, to the highest point of the building, not including those structures specifically permitted to extend beyond the height of the building.

**BUILDING LINE:** A line drawn parallel to the front lot line and tangent to the nearest part of the principal building and extending from side lot line to side lot line.

**BUILDING SETBACK:** See *Setback*.

**BUILDING SUPPLY SALES:** Establishments primarily engaged in the retail selling of lumber, building materials, and basic lines of hardware, such as tools, builders' hardware, paint and glass, electrical supplies, roofing materials, and other equipment and supplies for all types of construction directly to the general public, as well as to contractors, and not for resale. Includes home improvement stores.

**BUSINESS OFFICE:** Offices of individuals, associations or groups that provide business services to individuals, clients, businesses and corporations. Such offices include those in the business of real estate and insurance services; banking, financial, tax, investment and brokerage services; title and abstract companies; advertising, employment, travel, protective and collection agencies; business machine sales; pest control companies; telemarketing offices; cleaning services; customer service centers for corporations such as phone service, utility service, cable television service, credit card customer services; business and management consulting services; and other business, political, labor and union, administrative and business office operations.

## Definitions, "C."

**CANOPY, TREE:** The area shaded by the crown of mature trees.

**CAR WASHING AND DETAILING:** Premises, or a portion of premises, occupied by an establishment primarily engaged in furnishing car washing, waxing, polishing, and/or similar services, except repairs, intended for and directly incidental to the needs of ultimate consumers on the premises, normally for a fee or charge.

**CARPOR:** An accessory structure of a principal structure, consisting of a roof and support members such as columns or beams open from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles or boats owned and used by the occupants of a building to which it is accessory.

**CEMETERY:** Land used, or intended to be used, to provide burial places or grounds, including columbarium and mausoleums, when operated in conjunction with and within the boundaries of such cemetery.

**CERTIFICATE of APPROPRIATENESS:** The certificate issued by the Historic Preservation Commission approving alteration, rehabilitation, construction, reconstruction, or demolition of a historic structure, historic site, or any improvement in a historic district.

**CERTIFICATE OF COMPLETION:** A written certification that the work specified in the permit has been completed according to Code, that all inspections have been approved, and the premises are fit for inhabitancy.

**CERTIFICATE OF OCCUPANCY:** The certificate issued by the City Administrator, or his or her designee, which permits the use of a building in accordance with approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building.

**CERTIFIED SURVEY:** A survey, sketch, plan, map or other exhibit containing a written statement regarding its accuracy or conformity to specified standards, which is certified and signed by the registered surveyor under whose supervision the survey was prepared.

**CHANGE OF OCCUPANCY:** A discontinuance of an existing use and the substitution there for of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use. A change from one kind of retail store to another kind of retail store is not a change of occupancy.

**CHILD CARE FACILITY:** (Pursuant to Section 402.302, F.S.) Any child care center or child care arrangement which provides child care for more than five (5) children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The term does not include the following:

- A. Public schools and nonpublic schools and their integral programs, except as provided in Section 402.3025, F.S.;
- B. Summer camps having children in full-time residence;
- C. Summer day camps;
- D. Bible schools normally conducted during vacation periods; and
- E. Operators of transient establishments, as defined in Chapter 509, F.S., which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of Chapter 435, F.S.

**CLINIC:** An establishment operated by one (1) or more persons for the purpose of rendering human health care or services by any lawful practitioner of medical arts as defined under Section 456.001, F.S.; includes medical doctors, osteopaths, chiropractors, optometrists, dentists, etc. Does not provide for overnight accommodations.

**CLUB, PRIVATE:** Those associations and organizations of a fraternal or social character, not operated or maintained for profit. The term "private club" shall not include casinos, nightclubs, or other institutions operated as a business.

**CLUSTER DEVELOPMENT:** Generally refers to a development pattern for residential, commercial, industrial, institutional, or combinations of such uses, in which the uses are grouped or "clustered" rather than spread evenly throughout a parcel as a conventional lot-by-lot development, allowing the remaining land to be used for such purposes as recreation, common open space, and preservation of environmentally sensitive features.

**COMMERCIAL:** Relating to or is connected with any aspect of buying, selling or renting any goods, products, or services.

**COMMERCIAL VEHICLE:** Any vehicle designed, intended or used for transportation of people, goods or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and boats.

**COMMUNICATION TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more communication antenna for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers (anchored with guy wires or cables), or monopole towers (free-standing). The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and any support structures thereto.

**COMMUNITY CENTERS:** Structures or buildings used by residents of a community for social, cultural or recreational purposes (the term also includes senior centers). Community centers are typically utilized by civic or non-profit groups, clubs, homeowners associations or other such community group.

**COMMUNITY RESIDENTIAL HOME:** A dwelling unit, licensed by the state, which serves frail elders, physically disabled or handicapped persons, developmentally disabled persons, non-dangerous mentally ill persons, or children, and provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Homes of six (6) or fewer residents, which otherwise meet the definition of a community residential home, shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances and shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another existing such home with six (6) or fewer residents. (Section 419.001, F.S.).

**COMPATIBILITY:** A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time with no negative impacts directly or indirectly by another use or condition.

**COMPREHENSIVE PLAN:** The City of Arcadia Comprehensive Plan, as adopted and amended by the City Council pursuant to the requirements of Chapter 163, Part II, F.S. The Comprehensive Plan is the official guide for physical, social, and economic growth of the City and contains maps, data and other descriptive matter for the physical development of the City indicating the general location for major streets, parks, public utilities, land use and other similar information.

**CONCEPT PLAN:** A plan which describes generally, in narrative and with maps and/or drawings, the layout and vision of a project and its goals and objectives.

**CONCURRENCY:** The necessary public facilities and services are available to maintain the adopted level of service standards when the impacts of development occur.

**CONSTRUCTION AND DEMOLITION DEBRIS:** (Section 403.703, F.S.). Discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause the resulting mixture to be classified as other than construction and demolition debris. The term also includes:

- A. Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;
- B. Except as provided in Section 403.707(9)(j), F.S., yard trash and unpainted, non-treated wood scraps and wood pallets from sources other than construction or demolition projects;
- C. Scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project. This includes debris from the construction of manufactured homes and

scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and

- D. De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

**CONTRACTOR'S SHOPS AND STORAGE YARDS:** Facilities and areas which are customarily used by contractors for storage of supplies, materials or equipment, fabrication, assembly or repair of materials or equipment, or places for vehicular and equipment storage.

**CONVENIENCE STORE:** A retail establishment which sells a general line of goods and products intended for the convenience of surrounding residents.

**CONVENIENCE STORE WITH GAS PUMPS:** A convenience store in conjunction with the sale and dispensing of motor fuels, oils, or automotive accessories; but where no major automotive repair, body rebuilding, welding, tire capping, or painting is or is intended to be performed.

**CORNER LOT:** See "Lot, Corner".

**CORRECTIONAL FACILITY:** A facility for the housing of persons convicted of, or being held for, a crime. Typical uses include prisons (a facility regulated by the State of Florida Department of Corrections which is designed for maximum security to house persons convicted of a crime), community correctional centers, probation and restitution centers, vocational training centers, and forestry camps (all as defined by the State of Florida Department of Corrections), or local government jails or detention centers.

**CROWN:** Refers to that part of the tree consisting of limbs, branches, twigs and leaves; the top of the tree.

**CUL-DE-SAC:** A minor street intersecting another street at one end and terminated at the other end by a vehicular turnaround.

**CULTURAL FACILITIES:** A building or complex of buildings that houses public or private not-for-profit facilities to provide educational and informational services to the general public including, but not limited to, auditoriums, civic centers or theaters predominantly used for live performances, libraries, historical landmarks, museums, art galleries, arboretum, planetariums, and botanical and zoological gardens.

## Definitions, "D."

**DENSITY, GROSS:** A measurement of the number of residential units allowed per acre of land. Gross density shall be calculated as follows: 1) the density allowed per acre, as established by the property's Future Land Use classification, multiplied by the total property acreage and 2) the total property area divided by the minimum lot size for one dwelling unit, as required by the applicable zoning district for the property. In no case shall the gross density permitted for new developments exceed that specified by the Comprehensive Plan. To calculate the gross density for existing/developed properties the number of dwelling units is divided by the total area of a parcel or project. Gross density is inclusive of all easements, rights-of-way, and water bodies and is always expressed in terms of dwelling units per acre (du/ac).

**DENSITY, NET:** The method of calculation is the same as for gross density except the site area used in the calculation does not include access easements, rights-of-way, land dedicated to and accepted by a public agency, or the surface area of any water body.

**DESIGN FLOOD:** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- A. Area with a floodplain subject to a 1-percent (1%) or greater chance of flooding in any year; or
- B. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**DESIGN FLOOD ELEVATION:** The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

**DEVELOPER:** A person, or his agent, who undertakes the activities covered under this Code.

**DEVELOPMENT APPROVAL CERTIFICATE (DAC):** A document, issued by the enforcing official authorizing buildings, structures or uses, which indicates compliance with all applicable requirements of this Code, as well as other standards and regulations administered by the City. Accordingly, it contains an indication of approval by all relevant City departments, including but not limited to, planning, engineering and fire.

**DEVELOPMENT OR DEVELOPMENT ACTIVITY:** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

**DORMITORY, FRATERNITY HOUSE, SORORITY HOUSE:** A building in which sleeping rooms are provided for occupancy by, and maintained as a place of residence exclusively for, students affiliated with an academic or professional college or university, with or without meals, and when approved and regulated by such institution. A dormitory, fraternity house or sorority house may include living quarters containing independent cooking facilities designed for the resident manager only.

**DRIP LINE:** An imaginary circle that could be drawn on the soil around a tree directly under the tips of its outermost branches.

**DUPLEX:** See Dwelling, Two-Family.

**DWELLING:** A building containing one or more dwelling units each of which provides shelter, sanitation and the amenities for permanent human habitation. A dwelling does not include hotels, motels, dormitories, fraternity or sorority houses, nursing care homes, travel trailers, recreational vehicles or any temporary lodging, rooming house or structure designed for transient residence.

**DWELLING, GROUP:** A building, or part thereof, in which several unrelated persons or families more or less permanently reside, but in which individual cooking facilities are not

provided for the persons or families. Group dwellings may include a rooming house, fraternity house, sorority house, convent, monastery or private club in which one or more members have a permanent residence. Group dwellings shall not be deemed to include a hotel, motel, or trailer camp.

**DWELLING, MULTIPLE FAMILY:** A building used or designed to be used for three (3) or more dwellings/housekeeping units.

**DWELLING, SINGLE FAMILY:** A building used or designed to be used as a single housekeeping unit.

**DWELLING, TWO-FAMILY:** A building designed and used exclusively by two families living independently of each other in two (2) separate housekeeping units. The dwelling units may be attached side by side or one above the other.

**DWELLING UNIT:** The dwelling accommodations designed for a one-family unit maintaining separate and independent housekeeping, including at least one kitchen. A dwelling unit shall not be construed to mean a sleeping unit.

**DWELLING, ZERO LOT LINE:** A building located on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

## Definitions, "E."

**EASEMENT:** A grant by a property owner, in the form of a dedication, of the use of his or her land to another party for a specific purpose. The title of the land remains in the name of the property owner, subject to the right of use designated in the reservation of the servitude. The easement may serve public or private utilities, which includes but is not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, telephone lines, whether underground or overhead.

**EDUCATIONAL FACILITY:** Establishments primarily engaged in furnishing academic courses and technical instruction. Educational facilities include the following: nursery schools and kindergartens; elementary, secondary and vocational schools; and junior colleges, universities and professional schools.

**ELECTRIC POWER SUBSTATION:** An assembly of equipment in an electric power system through which electric energy is passed for transmission, transformation, distribution, or switching. Also known as substation.

**ENCROACHMENT:** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**ENFORCING OFFICIAL:** The officers and employees of the City to whom the duty of enforcing the terms of the Unified Land Development Code is assigned.

**EQUESTRIAN FACILITY, COMMERCIAL:** Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

**EQUESTRIAN FACILITY, PRIVATE STABLE:** Stables, corrals, paddocks used by the individual homeowners of corresponding property and their animals.

**EQUIPMENT AND MATERIAL STORAGE YARDS:** All uses related to outdoor storage of large construction equipment or machinery, company vehicles, or large quantities of other materials. Excludes storage associated with vehicle service and equipment.

**EQUIPMENT, LIGHT DUTY:** Motorized equipment weighing six tons or less.

**EQUIPMENT, HEAVY DUTY:** Motorized equipment having a gross weight of more than six tons.

**EQUIPMENT SALES AND RENTAL:** Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for sale or rental, including construction equipment, farming equipment and machinery, and lawn and garden equipment, etc.

**ERECTED:** Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for building. Excavations, fill, drainage, and the like shall be considered a part of erection.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection there with, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. *(See Also Public Service Structures).*

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

## Definitions, "F."

**F.A.C. or FAC:** Florida Administrative Code.

**FAMILY:** An individual or group of two or more individuals, occupying a dwelling unit and living together as a Single Housekeeping Unit (as hereinafter defined) and either (i) composed entirely of individuals each of whom is related to every other member of the family by blood, marriage or adoption, by themselves or with no more than one additional unrelated person; or (ii) composed of no more than two individuals, whether or not such individuals are related to each other by blood, marriage or adoption, together with any additional person(s) provided that one, or both, of said individuals is a parent, legal guardian or primary caregiver of all such additional person(s).

Two individuals shall be deemed related to each other by blood if they share at least one common ancestor, including the individuals themselves, within three generations of each individual. Two individuals shall be deemed related to each other by marriage if they are married to each other or if either individual is married to a person who is related by blood to

the other individual. Where an individual has adopted (or is otherwise guardian and/or primary caregiver for) another person, the adopted person (or ward) shall be treated as a biological descendant of said individual.

Notwithstanding anything contained in this definition, six or fewer residents living in a Community Residential Home shall be considered a single family to the extent required by Chapter 419, *Florida Statutes*.

Notwithstanding anything contained in this definition, except as expressly provided for in Chapter 419, *Florida Statutes*, the term "Family" shall not include institutional group living situations such as dormitories, fraternities, sororities, monasteries, or nunneries, nor shall it include commercial group living arrangements such as rooming houses or other structures used for transient residence. A group living situation shall not be considered institutional or commercial based merely on the presence of foster children in the home.

"*Single Housekeeping Unit*" shall be defined as an individual or two or more individuals living together in a stable, non-temporary group and meeting most, or all, of the following characteristics: common access to all parts of the dwelling; common ownership of furniture, appliances and other household property; sharing of income, expenses and household responsibilities; sharing responsibilities in caring for children, where applicable; consumption of meals and celebration of special occasions together; and sharing close social, economic, and psychological commitments to each other.

**FAMILY DAY CARE HOME:** Pursuant to Section 402.302, F.S., a Family Day Care Home is defined as an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

- A. A maximum of four (4) children from birth to 12 months of age.
- B. A maximum of three (3) children from birth to 12 months of age, and other children, for a maximum total of six (6) children.
- C. A maximum of six (6) preschool children if all are older than 12 months of age.
- D. A maximum of ten (10) children if no more than five (5) are preschool age and, of those five (5), no more than two (2) are under 12 months of age.

Pursuant to Section 166.0445, F.S., the operation of a residence as a family day care home, as defined by law, registered or licensed with the Department of Children and Family Services shall constitute a valid residential use for purposes of any local zoning regulations, and no such regulation shall require the owner or operator of such family day care home to obtain any special exemption or use permit or waiver, or to pay any special fee in excess of \$50, to operate in an area zoned for residential use.

**FAMILY FOSTER HOME:** A private residence in which children who are unattended by a parent or legal guardian are provided twenty-four (24) hour care. Such homes include emergency shelter family homes and specialized foster homes for children with special needs. The following are not considered a family foster home: a person who cares for a child of a friend for a period not to exceed ninety (90) days; a relative who cares for a child and does not receive reimbursement for such care from the state or federal government; or an adoptive

home which has been approved by the state or by a licensed child-placing agency for children placed for adoption. (Section 409.175, F.S.).

**FARM EQUIPMENT AND SUPPLY ESTABLISHMENT:** An establishment primarily engaged in the retail selling of farm equipment, machinery, hardware, production supplies and other miscellaneous farm and garden supplies directly to ultimate consumers and not for resale. Farm equipment and supply establishments may include farm equipment repair departments provided such repair departments are incidental and accessory to the principal retail selling of farm equipment and supplies.

**FARMERS MARKET:** The sale of organic, non-organic, or otherwise locally grown fruits, vegetables, and other agricultural products directly to the consumer by the farmer, typically in an outdoor setting.

**FARMING:** An establishment primarily having as the principal purpose of business the production for sale of field crops, fruit, tree nuts, vegetables, livestock, livestock products, poultry hatcheries and animal husbandry activities.

**FARMING SERVICE ESTABLISHMENT:** An establishment in which a person practices a vocation that performs a type of labor, act or work off the premises that primarily results in a variety of farming services such as crop dusting, vegetable and fruit picking, grain cleaning, harvesting, plowing and similar operations on a given farming premises, normally on a contract basis or for a fee or charge.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The federal agency, which in addition to carrying out other functions, administers the National Flood Insurance Program.

**FLEA MARKET:** An assembly of vendors, whether professional or nonprofessional, that offers for sale, trade or barter any goods, regardless whether they are new, used, antique or handmade; and where offered for sale in open air areas, buildings or temporary structures.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD DAMAGE-RESISTANT MATERIALS:** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

**FLOOD HAZARD AREA:** The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- A. The area within a floodplain subject to a 1-percent (1%) or greater chance of flooding in any year.
- B. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

**FLOOD INSURANCE STUDY (FIS):** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

**FLOODPLAIN ADMINISTRATOR:** The office or position designated and charged with the administration and enforcement of the Flood Plain regulations (may be referred to as the Floodplain Manager).

**FLOODPLAIN DEVELOPMENT PERMIT OR APPROVAL:** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with the Flood Plain regulations provided in this Code.

**FLOODWAY:** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

**FLOODWAY ENCROACHMENT ANALYSIS:** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**FLOOR AREA:** The total square footage of all stories, including halls, stairways, elevator shafts, and other related uses, measured to outside faces of exterior walls.

**FLOOR AREA RATIO (FAR):** The sum of the floor area, expressed in square footage, of each floor of the building or buildings on a lot, divided by the area (square footage) of that lot, excluding basements and areas devoted to off-street parking or loading.

**FLORIDA BUILDING CODE:** The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

**FOOD AND BEVERAGE MANUFACTURING, PROCESSING AND PACKAGING, HEAVY INDUSTRIAL:** Meets the definition of "Food and Beverage Manufacturing, Processing and Packaging, Light Industrial" and allows the uses listed within that definition. In addition, the following uses are also allowed: citrus processing; fats and oil product manufacturing; grain mill products and by-products; meat and poultry canning, curing, and byproduct processing; animal food production.

**FOOD AND BEVERAGE MANUFACTURING, PROCESSING AND PACKAGING, LIGHT INDUSTRIAL:** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes bakeries; bottling plants; breweries; candy, sugar and confectionery products manufacturing; catering services separate from stores or restaurants; coffee roasting; dairy products manufacturing; fruit and vegetable canning, preserving, related processing; seafood processing and canning; soft drink production; miscellaneous food item preparation from raw products. This definition does not include bakeries (retail) which sell all products on-site.

**FORESTRY:** An establishment primarily engaged in the commercial operation of timber tracts, forest nurseries and related activities such as reforestation services and the gathering of gums, barks, balsam needles, maple sap, Spanish moss and other forest products.

**FORESTRY SERVICE ESTABLISHMENT:** An establishment in which a person practices a vocation or occupation that performs a type of labor, act or work off the premises that primarily results in services related to timber production, wood technology, forestry economics and marketing, and other forestry services such a cruising timber, firefighting, reforestation and similar operations on a given forestry premises, normally on a contract basis for a fee or charge.

**FOSTER CARE FACILITY:** A licensed residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall not be more than three (3) residents (Section 393.063, F.S.).

**FRONT YARD:** *See Yard, Front.*

**FUNERAL HOME, MORTUARY, AND CREMATORY:** An establishment engaged in preparing the dead for burial, conducting funerals and cremating the dead; and includes funeral chapels.

## Definitions, "G."

**GARAGE APARTMENTS:** A dwelling unit above a garage accessory to a principal residential dwelling unit.

**GARAGE, COMMUNITY:** A building, or part thereof, used for indoor parking of self-propelled private passenger vehicles, for use of residents in the vicinity, and providing only incidental services for such vehicles as are parked therein.

**GARAGE, PARKING:** A building or structure used for the parking of motor vehicles, in which no service is provided.

**GARAGE, PRIVATE:** An accessory structure designed or used for parking of self-propelled private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main use. An unattached private garage is to be construed as an accessory building.

**GARAGE, PUBLIC:** A building or part thereof used for the storage, care and repair of motor vehicles for remuneration, including any sale of motor vehicle accessories, or where motor vehicles are kept for hire.

**GARAGE, STORAGE:** A building or structure used for storage of motor vehicles, in which only minor incidental service is provided.

**GASOLINE SERVICE STATION:** An establishment engaged primarily in the retail selling of gasoline and lubricating oils directly to ultimate consumers on the premises and not for resale. Gasoline service stations may include the retail selling of minor automotive accessories or the performing of minor automotive repair work on the premises for a fee or charge provided such activities are incidental and accessory to the principal retail selling of gasoline and lubricating oils. *See Automotive Repair and Maintenance, Minor Maintenance/Repair for examples of minor automotive repair work.*

**GOVERNMENT USES, FACILITIES, AND STRUCTURES:** Any land, building, structure, use or activity that is owned and operated by the city, county, state or federal government or legally empowered special governmental district and is necessary to the conduct of government, the furnishing of public services or of an institutional character and over which such governments exercise direct and complete control. Typical uses include government-administration buildings such as auto license tag agencies and offices of state and federal agencies.

**GRADE, ESTABLISHED:** The average elevation of the public sidewalks around or abutting a site, or, in the absence of sidewalks, the average elevation of the crowns of the public streets abutting the site. The final elevation of the ground following the completion of any site work.

**GRADE, FINISHED:** The average elevation of the finished ground level at the center of all outside walls of a building.

**GRADE, HIGHEST ADJACENT:** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**GRADE, LOWEST ADJACENT:** The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**GRADE, NATURAL:** The elevation of the undisturbed natural surface of the ground adjoining the building.

**GROSS FLOOR AREA (GFA):** The square footage sum of all floors of a building as measured from the exterior faces of the exterior walls.

**GROSS LEASABLE AREA (GLA):** The total floor area designed for the tenant's occupancy and exclusive use including basements, mezzanines, or upper floors expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. It is the space for which tenants pay rent, including sales areas and integral stock areas. GLA does not include gas pump islands or areas.

**GROUP HOME FACILITY:** A licensed residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall be at least four (4) residents but not more than fifteen (15) residents. (Section 393.063, F.S.).

**GUEST HOUSE:** A single-family dwelling, which is an accessory use to the principal residence, located on the same lot.

**GROUP HOUSING:** Two or more buildings for dwelling purposes erected or placed on the same lot.

## Definitions, "H."

**HABITABLE SPACE:** A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, screen enclosures, sunroom Categories I, II and III as defined in the AAMA/NPEA/NSA 2100, storage or utility spaces, garages, carports and similar areas are not considered habitable spaces.

**HAZARDOUS:** Those structures, uses, materials or premises that constitute fire, explosion or safety hazards and/or emit any atmosphere or environmental pollutant, light flashes, noxious gases, electromagnetic interference, radioactive emissions, smoke or heat, glare, dust, dirt, odor, noise or vibrations which may be heard or felt off the premises.

**HEATING FUEL AND ICE ESTABLISHMENT:** An establishment engaged primarily in the retail selling of coal, wood, heating fuel oil, bottled gas and/or ice directly to ultimate consumers and not for resale.

**HISTORIC DISTRICT:** An area located within the City which is of historic significance and which has been designated as a historic district by the City Council pursuant to Section 11.14.04, or which has been listed in the National Register of Historic Places or such other similar federal or state designation.

**HISTORIC SITE:** Any parcel of land located within the City which is of historic significance and which has been designated as a historic site by the City Council pursuant to Section 11.14.04, or which has been listed in the National Register of Historic Places or such other similar federal or state designation. Historic sites shall include improved parcels, or parts thereof, on which are situated any historic structures and any abutting improved parcels, or parts thereof, used as and constituting part of the premises on which any historic structures are situated.

**HISTORIC STRUCTURE:** Any improvement located within the City which is of historic significance and which has been designated as a historic site by the City Council pursuant to Section 11.14.04, or which has been listed in the National Register of Historic Places or such other similar federal or state designation.

**HOME OCCUPATION:** Occupations or activities which are customarily maintained or conducted within a dwelling. Such activities are incidental to the principal residential use and involve the employment of no more than one person who does not reside on the premises. Such activities occupy no more than 25 percent (25%) of the total floor area of a dwelling.

**HORTICULTURE SPECIALTY FARM:** An establishment primarily having as the principal purpose of business the production for sale of greenhouse, frame, cloth house, lath house, or outdoor grown horticultural products such as bulbs, florists' greens, herbs, mushrooms, flower seeds, and sod crops. Horticultural specialty farms may include landscaping service establishments.

**HOSPICE:** A centrally administered corporation providing a continuum of palliative and supportive care for the terminally ill patient and his or her family (Section 400.601, F.S.)

**HOSPICE RESIDENTIAL UNIT:** A homelike living facility, other than a facility licensed under other parts of Chapter 400, F.S. (Nursing Homes and Related Health Care Facilities) or Chapter 395, F.S. (Hospitals), or under Chapter 429, F.S. (Assisted Care Communities), that is operated by a hospice for the benefit of its patients and is considered by a patient who lives there to be his or her primary residence (Section 400.601, F.S.).

**HOSPICE SERVICES:** Items and services furnished to a patient and family by a hospice, or by others under arrangements with such a program, in a place of temporary or permanent residence used as the patient's home for the purpose of maintaining the patient at home; or, if the patient needs short-term institutionalization, the services shall be furnished in cooperation with those contracted institutions or in the hospice inpatient facility. (Section 400.601, F.S.).

**HOSPITAL:** An establishment engaged in providing health in-patient facilities, in which medical or surgical services are a main function.

**HOTEL:** A building, or portion of a building, containing sleeping units which have no cooking facilities or other amenities for separate and independent housekeeping purposes and are occupied on a daily or short term basis. A hotel may include living quarters containing independent facilities designed for the resident manager only and/or restaurant facilities, meeting rooms and recreation facilities.

## Definitions, "I."

**IMPERVIOUS SURFACE:** Those surfaces which have been compacted or covered with a layer of material so that they are highly resistant to infiltration by water including all structures, streets and other areas of concrete, asphalt, compacted clay or other similar surfaces.

**IMPERVIOUS SURFACE RATIO (ISR):** Percentage of impervious surface of a subject site in relation to the total area of the site.

**IMPROVEMENT:** Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including without implied limitation streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

**IMPROVEMENT, PUBLIC:** Includes, but not limited to, any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area, or any other improvements required by the City, or other facility for which the City may ultimately assume the responsibility for maintenance and operation.

**INCOMPATIBLE LAND USES:** Land uses that, if occurring adjacent to one another, have a detrimental effect on one or both of the uses.

**INDOOR:** Refers to that which is within a building.

**INDUSTRIAL USES:** The activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

**INDUSTRY, HEAVY:** A use engaged in the basic processing and manufacturing of materials or products, predominately from extracted or raw materials; a use engaged in storage or manufacturing processes using flammable or explosive materials; storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; a use engaged in the recycling of recoverable resource materials, such as paper products, glassware, steel, or metal cans reprocessed into new products.

**INDUSTRY, LIGHT:** Those uses which are nonhazardous and whose premises do not contain any outdoor or open storage or aboveground tank storage of merchandise, products or materials or any outdoor or open storage of equipment, materials or other items utilized by such establishments in practicing their vocation or occupation except for automobiles and delivery or service trucks. A use engaged in the manufacture, processing, fabrication, assembly, treatment, and/or packaging of finished products or parts, predominantly from previously prepared materials.

**INFRASTRUCTURE:** Those man-made structures that serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; bulkheads; seawalls; and roadways, etc.

**INFILL DEVELOPMENT:** The development of vacant land (usually individual lots or left-over properties) within areas that are already largely developed.

**INOPERABLE VEHICLE:** A motor vehicle that does not have a current state license plate, or a vehicle that is licensed, but is disassembled or wrecked in part or in whole, and is unable to move under its own power.

### Definitions, "J."

**JUNK:** Inoperative, dilapidated, abandoned, or wrecked materials, including but not limited to automobiles, trucks, tractors, wagons, boats, and other kinds of vehicles and parts thereof, scrap materials, scrap building material, scrap contractors' equipment, tanks, casks, cans, barrels, boxed, drums, piping, bottles, glass, old iron, machinery and the like.

**JUNKYARD:** A place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards and yards or places for storage or a handling of salvaged house wrecking and structural steel materials. This definition shall not include pawnshops and establishments for the sale, purchase, or storage of usable secondhand cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods and appliances, nor shall it apply to the processing of used, discarded or salvaged materials as part of manufacturing operations.

### Definitions, "K."

### Definitions, "L."

**LABORATORY, MEDICAL/DENTAL:** Establishment providing medical (testing and analysis information for patient diagnosis and treatment) or dental laboratory services.

**LAND AREA:** The total land within the property lines.

**LAND USE:** The development that has occurred on land.

**LAND USE INTENSITY:** The overall structural mass and open-space relationship in a developed property. It correlates the amount of floor area, livability space, recreation space and car storage space of a property with the size of its site or land area.

**LANDSCAPING SERVICE ESTABLISHMENT:** An establishment in which a person practices a vocation to perform a type of labor, act or work off the premises that primarily results in horticultural services such as cemetery upkeep, landscape gardening, tree planting and similar operations on given premises, normally on a contract basis or for a fee or charge. Landscaping service establishments do not include horticultural specialty farms.

**LAUNDROMAT, SELF-SERVICE OR COIN-OPERATED:** An establishment designed to provide limited laundry and dry cleaning facilities which are used and operated by ultimate consumers on a self-service basis for a fee or charge and normally not by employees of the establishment itself.

**LAUNDRY AND DRY CLEANING DROP OFF AND PICK-UP ESTABLISHMENT:** An establishment designed for the convenient and efficient drop off and pick up of laundry or dry cleaning on the premises by persons not employed by the establishment. No actual laundry or dry cleaning service or work is performed on the premises except for the collecting and distributing activities stated in this definition.

**LAUNDRY AND DRY CLEANING PLANT:** An establishment primarily engaged in the commercial operation of mechanical laundries with steam or other power, normally for a fee or charge, including rug cleaning, dry cleaning or dyeing apparel and household fabrics, or establishments supplying laundered linens, work clothing, diapers, baby linens or uniforms on a contract basis when such establishments operate their own laundry facilities on the same premises. The establishment normally involves a substantial amount of equipment and serves a relatively large trade area through direct or indirect pickup and delivery of laundry and dry cleaning articles by personnel employed by the establishment. A laundry plant is an industrial operation, not open to serve the general public, and is regulated by environmental laws that require the safe disposal of contaminated solvents and wash water used in the cleaning process.

**LETTER OF MAP CHANGE (LOMC):** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

**Letter of Map Amendment (LOMA):** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

**Letter of Map Revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

**Letter of Map Revision Based on Fill (LOMR-F):** A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

**Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

**LEVEL OF SERVICE (LOS):** An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

**LIGHT-DUTY TRUCK:** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- A. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- B. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- C. Available with special features enabling off-street or off-highway operation and use.

**LIVING SPACE:** The area within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes, also including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, and unenclosed and unheated areas.

**LODGES AND RETREATS, PRIVATE:** Non-commercial facilities, such as a company retreat or a fraternal lodge, which are not open to the general public and whose use is limited to the membership, and their guests, of the owning organization. These sites are intended to provide a meeting place and resource-based recreational site for the organization, and typically provide lodging and kitchen facilities, as well as meeting rooms. These facilities may be rented to other similar private organizations.

**LOT:** A tract or parcel of land, under one ownership, occupied by or to be occupied by one principal building and its accessory buildings, including the open spaces and yards required by this Code. A lot is identified as the least fractional part of subdivided lands having limited fixed boundaries, and having an assigned number, letter, or other name through which it may be identified.

**LOT, AREA:** The horizontal plane area contained within the lot lines expressed in square feet or acres exclusive of public or private dedications. No area within the street right-of-way lines shall be considered in determining the lot area. For flag lots, no area of the lot between the front yard setback and the street right-of-way shall be considered in determining the lot area.

**LOT, COMMON LINE:** A line dividing one lot or parcel from another.

**LOT, CORNER:** Any lot situated at the intersection of two (2) or more streets. In the case of a corner lot which faces an intersecting street, there shall be a side yard on the side-street side of the corner lot.

**LOT, COVERAGE:** That percentage of the lot area covered or occupied by buildings or roofed portions of structures.

**LOT, DEPTH:** The horizontal distance between the front lot line and the rear lot line.

**LOT, FLAG:** A parcel of land shaped like a flag, where the lot width is less than the minimum frontage requirement stipulated by the zoning district in which the parcel is located and there is a narrow strip extending from the street to the much wider "flag" portion of the lot which lies immediately behind a lot or lots having the required street frontage or lot width.

**LOT, FRONT LINE:** The lot line abutting a street right-of-way line.

**LOT, FRONTAGE:** The front of an interior lot shall be construed to be the portion nearest the street. For corner lots, lot frontage shall be established by orientation of the frontage of buildings thereon, or of principal entrance points to the premises if

building frontage does not clearly indicate lot frontage. If neither of these methods are determinant, the City Administrator, or his or her designee, shall select on the basis of traffic flow on adjacent streets, and the lot shall be considered to front on the street with the greater traffic flow.

**LOT, INTERIOR:** A lot other than a corner lot with frontage on one street only.

**LOT, LINE:** The boundary, established by ownership, dividing a lot from a right-of-way, adjoining lot, or other adjoining tract of land.

**LOT, REAR LINE:** The lot line opposite the front lot line.

**LOT, REVERSE FRONTAGE:** A lot extending between and having frontage on a major traffic street and a minor street and with no vehicular access from the major traffic street.

**LOT, SIDE LINE:** Lot lines other than the front or rear lot lines.

**LOT, THROUGH (DOUBLE FRONTAGE):** An interior lot which has street frontages at opposite boundaries of the lot, excluding alleys. Both street lines shall be deemed front lot lines.

**LOT, WIDTH:** The horizontal distance between the side lot lines measured along the front building setback line of the lot as determined by the prescribed front yard requirements of the zoning district, or at the front lot line where no front setback is required.

**LOT OF RECORD:** A lot which is part of a subdivision or a parcel recorded by metes and bounds, which is recorded in the office of the Clerk of the Circuit Court of Desoto County.

**LOWEST FLOOR:** The floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

## Definitions, "M."

**MAINTENANCE AND REPAIR, SMALL EQUIPMENT:** Establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, re-upholstery and furniture repairs, leather goods, lock, gun, and musical instrument repairs, radio and television repair; conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

**MANUFACTURED BUILDING OR MODULAR BUILDING:** A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term also includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer

certified in conformance Florida state law. This definition does not apply to mobile homes. (FS 553.36).

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MANUFACTURING OF FINISHED PRODUCTS:** Includes small-scale production of finished goods and products, such as, carpentry shops, cabinet making, upholsterers, furniture lamination, decorative and ornamental fencing or ironworks, canvas awnings and boat accessories, and similar activities.

**MANUFACTURING OF RAW MATERIALS:** General, large-scale production of goods and products from raw materials, to either a finished product or intermediate product such as, but not limited to, lumber and wood products and building materials for uses such as pallets, skids, milling operations, and trusses and beams; and machinery and equipment production for the manufacturing and assembling of other products such as construction equipment, conveyors, cranes, die casting, dies, dredging, engines and turbines, farming and gardening, food products manufacturing, gear cutting, heating, ventilation, air conditioning, , industrial trucks and tractors, industrial furnaces and ovens, industrial molds, laundry and dry cleaning, materials handling, mining, oil field equipment, paper manufacturing, passenger and freight elevators, pistons, printing, pumps, refrigeration equipment, textile manufacturing.

**MARINE ESTABLISHMENT:** An establishment primarily engaged in the retail selling of new and/or used boats and motorboats and related new parts and accessories directly to ultimate consumers on the premises and not for resale. Marine establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of boats and related marine accessories.

**MATURE CROWN SPREAD:** Refers to the crown diameter of a mature tree. *See also "Crown" and "Drip Line".*

**MEDICAL/HEALTH CARE OFFICE:** A use providing consultation, diagnosis, therapeutic, preventive or corrective personal treatment services by doctors, dentists, medical and dental laboratories and similar practitioners of medical and healing arts for humans licensed for such practice by the State of Florida.

**MINING:** The extraction of minerals occurring naturally, such as coal, ores, petroleum and natural gas. Mining also includes quarrying, well operation, crushing, screening, washing, flotation and similar preparation needed in conjunction with mining activities to render the material marketable.

**MOBILE HOME:** A residential structure that is transportable in one or more sections, and which is 8 feet or more in width, over 35 feet in length with the hitch, built on an integral chassis, and designed to be used as a dwelling when connected to the required utilities, including the plumbing, heating, air-conditioning, and electrical systems contained in the structure (Section 513.01, F.S.). Pursuant to Section 553.36, F.S., a mobile home shall be constructed to U.S. Department of Housing and Urban Development (HUD) standards and must bear the HUD label. Upon installation, a mobile home's wheels and axles may be

removed, but the integral chassis must stay in place. The term "mobile home" does not include travel trailers, recreational vehicles.

**MOBILE HOME PARK:** A place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five (5) or more mobile homes (Section 513.01, F.S.).

**MOBILE HOME SUBDIVISION:** A platted residential subdivision in which mobile homes and accessory residential structures are installed around any common set of amenities, including private internal roads, a clubhouse or recreation facility, and common open space.

**MODEL HOME:** A residential structure used for demonstration or sales purposes within a residential development under active development, open to the public for sales purposes, showing the design, structure and appearance of homes in the development.

**MOTEL:** A building, or portion of a building, containing sleeping units which may or may not have cooking facilities but do not have the other amenities for separate and independent housekeeping purposes and are occupied on a daily or short-term basis. A motel may include living quarters containing individual cooking facilities designed for the resident manager only and/or restaurant facilities, meeting rooms and recreation facilities.

**MOVIE THEATER:** An establishment primarily engaged in the commercial exhibition of motion pictures, normally open to the general public for a fee or charge.

**Definitions, "N."**

**NIGHT CLUBS AND DANCE HALLS:** Any establishment dispensing alcoholic beverages for on-site consumption and where a room, place, or space is designated for music, dancing, or live entertainment. Alcohol consumption and entertainment are the primary use.

**NONCONFORMING:** A lot, use of land, building, use of buildings, or use of buildings and land in combination which lawfully existed prior to the enactment of this Code, but which fails by reason of such enactment to conform to the regulations of the zoning district in which it is located.

**NONCONFORMING, LOT:** Any lot which does not meet the minimum dimensions, area, or other regulations of the zoning district in which it is located.

**NONCONFORMING, LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court of Desoto County, or a parcel recorded by metes and bounds, which was in existence prior to the time of the adoption of this Code and which fails to meet the requirements for area, width, and/or depth for any permitted use within the zoning district in which it is located.

**NONCONFORMING, STRUCTURE:** A structure which was lawfully established in compliance with all applicable ordinances and laws, but which because of the application of a subsequent zoning ordinance no longer conforms to the setback, height, maximum lot coverage, or other building development requirements.

**NONCONFORMING, USE OF BUILDING OR STRUCTURE:** The use of any building or structure, other than a use specifically permitted in the district in which the lot or parcel of land is located, existing at the effective date of the ordinance from which this Code is derived, or the effective date of any amendment thereto.

**NONCONFORMING, USE OF LAND:** The use of any land, other than a use specifically permitted in the zoning district in which the lot or parcel of land is located, existing at the effective date of the ordinance from which this Code is derived, or the effective date of any amendment thereto.

**NONHAZARDOUS:** Those structures, uses, materials or premises that do not constitute a fire, explosion or safety hazard and/or do not emit any atmospheric or environmental pollutant, light flashes, noxious gases, electromagnetic interference, radioactive emissions, smoke or heat, glare, dust, dirt, odor, noise or vibrations which may be heard or felt off the premises.

**NURSERIES AND GARDEN CENTERS, COMMERCIAL RETAIL:** Land or structures used to display flowers, shrubs, trees, plants, and garden accessories, such as tools, pots, garden ornaments, fertilizers, mulch, and similar accessories, primarily for retail sale to the public. May also sell by mail.

**NURSERIES AND GREENHOUSES, NON-COMMERCIAL:** Land or greenhouse engaged in the production and non-retail sale/lease of ornamental plants and nursery products, such as bulbs, flowers, shrubbery, trees, fruits and vegetables which are grown on the premises.

**NURSERIES, WHOLESALE:** Nurseries which sell nursery goods in large quantities for resale by a retailer. May also sell by mail.

**NURSERY SCHOOL OR PRESCHOOL:** A school for children who are not old enough to attend kindergarten.

**NURSING HOME FACILITY:** Any facility which provides nursing services, as defined in Chapter 464, F.S., and which is licensed according to Chapter 400, F.S. Facility means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide, for a period exceeding twenty-four (24) hours, nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services; but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services (Section 400.021, F.S.).

## Definitions, "O."

**OCCUPIED:** Includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**OFFICE PARK:** A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

**OFFICE SUPPLY STORE:** Establishments primarily engaged in one or more of the following: (1) retailing new stationery, school supplies, and office supplies; (2) selling a combination of new office equipment, furniture, and supplies; and (3) selling new office equipment, furniture, and supplies in combination with selling new computers.

**OPEN SPACE (PERMEABLE):** Any portion of a lot or parcel not required, designated, or encumbered by either principal or accessory uses, buildings and structures and other site

uses, such as traffic circulation or parking. Such open area may be landscaped or retained in the natural state and may be suitable for passive recreation or conservation uses; however, no improvements or alterations shall be permitted which would hinder the area's natural percolation of rainwater or stormwater runoff.

**OUTDOOR:** Refers to that which is not within a building.

**OUTDOOR ADVERTISING SERVICE ESTABLISHMENT:** An establishment primarily engaged in the maintenance, distribution and erection of display boards, posters and painted and electric spectacular displays on panels, bulletins and frames principally outdoors and off the premises, normally on a contract basis or for a fee or charge and not for resale.

**OUTDOOR STORAGE:** The keeping, in an unroofed area, of any goods, material, merchandise, vehicles, or junk in the same place for more than twenty-four (24) hours.

## Definitions, "P."

**PACKAGE DELIVERY SERVICE:** A retail service that offers consumers and small businesses a wide range of products and services in a single location, including domestic and international shipping, packaging, printing, mailbox services, postal services, moving supplies and other business services.

**PARK TRAILER:** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in Section 320.01, F.S.].

**PARKING:** The temporary, transient storage of private passenger motor vehicles used for personal transportation while their operators are engaged in other activities. It shall not include storage of new or used cars for sale, service, rental, or any other purpose other than specified in this definition.

**PARKING SPACE, OFF-STREET:** An area specifically and permanently designated for the off-street parking or storage of vehicles. Such parking spaces shall meet the minimum dimensional requirements of this Code and no part of such parking space or spaces shall exist upon any public right-of-way.

**PATIO HOME:** A single family detached or semi-detached unit built on a small single-family lot usually enclosed by walls which provide privacy. If the walls are ignored, its layout may be similar to either the zero lot-line house or duplex (twin house); thus, it may be built either as a detached or semi-detached dwelling.

**PAVEMENT:** A hard, stabilized surface of impervious or permeable material that will bear travel. Includes the term "paved area" and "paved surface".

**PERMEABLE PAVEMENT:** A range of materials and techniques for paving roads, parking lots, driveways and walkways, which allows water to percolate through the paving material to the soil below.

**PERMITTED USE:** A use permitted as a matter of right in accordance with zoning district regulations.

**PERSONAL SERVICES:** Those business activities usually conducted in a commercial zoning district customarily providing services rather than goods to individuals. Such uses include beauty salons (including tanning, nails and ear piercing) and barbershops; seamstress/tailor, garment alteration and related minor pressing services; laundry and dry cleaning pickup and drop-off services; self-service or coin-operated laundromat services; shoe shining, shoe repair and hat cleaning services; fitness and weight loss centers, daytime spas, watch, clock and jewelry repair services, commercial photographic services, and other similar, compatible or ancillary uses.

**PET SERVICES:** Pet grooming, pet supplies, pet stores, pet boarding, tropical fish sales and supplies. Pet services are divided into two (2) categories: those that have outdoor facilities for large animals and/or for boarding; and those that do not.

**PLACES OF WORSHIP:** Buildings occupied by non-profit religious organizations or groups operated for the sole purpose of worship and related activities, and any use customarily accessory thereto.

**PLAT:** A map, drawn to scale, which depicts the division of land into lots, blocks, parcels tracts or portions thereof in compliance with the requirements of Chapter 177, F.S., as amended or as hereafter amended, and may include the term "replat", "amended plat", or "revised plat".

**PLAT, FINAL:** A complete and exact subdivision plat, prepared for official recording as required by Statute and Ordinance to identify and define property rights, dedications and public improvements.

**PLAT, FINAL APPROVAL:** The official action of the City on a final plat which incorporates all features and provisions of.

**PLAT, PRELIMINARY** A subdivision plan, in lesser detail than a final plat, which shows the approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plat.

**PORCH:** A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

**PREMISES:** Any lot or other tract of land under one ownership and all the structures on it.

**PRINCIPAL BUILDING/STRUCTURE/USE:** A building, structure, or use, in which is conducted the predominant or primary function or activity of the lot upon which it is located.

**PRINTING AND PUBLISHING:** Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

**PROFESSIONAL OFFICE AND SERVICES:** A use providing professional or consulting services in the fields of law, architecture, design, engineering and surveying, planning, accounting and similar professions.

**PROPERTY LINE:** *See Lot Line.*

**PUBLIC NOTICE and DUE PUBLIC NOTICE:** The legal advertisement given of an action or proposed action of a governing body as set forth in these regulations or applicable Statutes of the State of Florida. As used in connection with the phrase "public hearing" or "hearings with due public notice,"

**PUBLIC OFFICE:** A building occupied by the city, county, state or federal government or legally empowered special governmental district in which public officials and employees direct the administrative and executive functions and affairs of government.

**PUBLIC SERVICE STRUCTURE:** Any structure, excluding buildings for general administrative, executive, studio, warehousing or storage functions or general maintenance operations, that is necessary for the operation and maintenance of a utility that is regulated or controlled by the city, county, state or federal government or legally empowered special governmental district, but not owned and operated by such government. Public service structures include the following: railroad tracks and related appurtenances; telephone and telegraph transmission lines, towers and related appurtenances; radio broadcasting, television transmission towers and related appurtenances; and electric, gas, petroleum and steam, water or sanitary sewer distribution and collection mains, lines and related appurtenances transmission lines, pipes, towers, transformers, meters, substations and related appurtenances.

**PUBLIC TRANSPORTATION TERMINAL:** An establishment engaged in passenger transportation by railway, highway, water, or air, or furnishing services related to transportation, including maintenance facilities and/or freight transportation provided such maintenance facilities and/or freight transportation is incidental and accessory to the principal passenger transportation services. Includes buses and taxi stands.

**PUBLIC USE:** The use of any land, water, or building by a municipality, public body or Board, Commission, or authority, County, State, or the Federal government, or any agency thereof for a public service or purpose.

**PUBLIC UTILITY:** A business that furnishes an everyday necessity to the public at large. Public utilities provide water, sewer, electricity, natural gas, telephone service, and other essentials including generating and switching stations and transit. Public utilities may be publicly or privately owned; many are operated as private businesses.

**Definitions, "Q."**

**Definitions, "R."**

**RECREATION, PASSIVE:** Recreational uses 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, picnicking, non-motorized recreation and sports, and archaeological or historic preservation.

**RECREATION USES, INDOOR, COMMERCIAL:** This category includes, but is not limited to, bowling alleys, dance studios, schools for martial arts, physical fitness centers, private clubs or lodges, movie theaters, theaters and auditoriums, and indoor skating rinks.

**RECREATION USES, INDOOR, PUBLIC:** Indoor recreation uses include areas for recreation activities including, but not limited to, aquariums, day or youth camps, community or

recreation centers, gymnasiums, indoor skating rinks, indoor swimming pools, indoor tennis, racquetball, handball courts, and all other institutional indoor recreation.

**RECREATION USES, OUTDOOR, COMMERCIAL:** This group includes recreation uses that are greater nuisances than conventional outdoor recreation activities because of their size and scale, traffic volumes, noise, lights, or physical hazards such as flying objects or use of weapons. These uses include, but are not limited to, amusement parks, drive-in theaters, fairgrounds, golf driving ranges (including miniature golf), golf courses, marinas, outdoor theaters (or amphitheaters), ranges (skeet, rifle, or archery), sport arenas, and all other outdoor commercial recreation uses.

**RECREATION USES, OUTDOOR, PUBLIC:** Outdoor recreation uses include but are not limited to, arboretums, basketball courts, boat launching ramps, areas for cycling, hiking, and jogging, golf courses (regulation or par 3), miniature golf courses, golf driving ranges, outdoor nature areas, parks (public or private), picnic areas, playfields, playgrounds, outdoor swimming pools and springs, tennis courts, tot lots, wildlife sanctuaries, and all other outdoor recreation uses. Specifically excluded are outdoor movie theaters and firing ranges.

**RECREATION VEHICLE (RV) CAMPGROUNDS:** A development designed specifically to accommodate recreation vehicles for overnight or limited vacation-season stays.

**RECREATION VEHICLE (RV) PARKS:** A place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five (5) or more recreational vehicles or tents; the term also includes buildings and sites set aside for group camping and similar recreational facilities. The terms "campground," "camping resort," "RV resort," "travel resort," and "travel park," or any variations of these terms, are synonymous with the term "recreational vehicle park" (Section 513.01, F.S.).

**RECREATIONAL VEHICLE:** A vehicle, including a park trailer, which is: [Defined in section 320.01, F.S.)

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
  - a. Designed to be self-propelled or permanently towable by a light-duty truck; and
- C. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**RECYCLING CENTER, INDOOR:** A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

**RECYCLING CENTER, OUTDOOR:** A collection point for small recyclable items and materials, such as cans, bottles, newspapers, secondhand goods and used motor oil. Activities of a recycling collection center are limited to sorting, compacting and transferring.

**RECYCLED MATERIALS PROCESSING FACILITY:** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding.

**RESEARCH, DEVELOPMENT AND TESTING LABORATORY:** An establishment primarily engaged in research, development and testing on a commercial basis, normally on a contract basis for a fee or charge, or nonprofit organizations primarily engaged in research and the dissemination of information for the public health or welfare.

**RESTAURANT, DRIVE-IN/DRIVE-THRU/WALK-UP:** Any restaurant serving food and/or nonalcoholic beverages to persons in vehicles for consumption in the vehicle or on the premises, including outdoor eating areas, and/or at walk-up windows. Services by carhops to persons in vehicles on the premises shall cause a restaurant to be classified and regulated as this type restaurant. For purposes of this definition, fast food chains or operations shall also be considered as drive-in restaurants.

**RESTAURANT, SIT DOWN/TABLE-SERVICE:** A retail service establishment wherein the entire business activity, or substantially most of the business activity, consists of the sale of food to patrons seated at tables, booths and/or counter stools for consumption within the building; includes cafeterias, delicatessens, sports bars, cafés and bistros.

**RESTAURANT, TAKE OUT & SHORT ORDER:** A retail service establishment with full kitchen facilities whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed. This may be a total counter stool operation, or with any combination of counter stool and/or tables and booths; service may be provided to persons in vehicles, or at walk-up windows in combination with indoor seating.

**RETAIL SALES:** Stores and shops selling multiple lines of merchandise such as: art galleries, artists' supplies, antique shop, bicycles, clothing and accessories, collectibles (cards, coins, comics, stamps, etc.), department stores, drug and discount stores, dry goods, fabrics and sewing supplies, houseplant stores (indoor sales, only; outdoor sales are "Plant Nurseries"), furniture, home furnishings and equipment, general stores, gift and souvenir shops, hardware, hobby materials, luggage and leather goods, office supply store, restaurant and equipment supplies, linens, jewelry store, musical instruments, parts and accessories, newsstands, home electronics/appliance store, orthopedic supplies, pet supplies, religious goods, sporting goods and equipment, toys and games, video/DVD store, and variety stores.

**RIGHT-OF-WAY:** Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard or drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies.

**ROAD:** The paved portion of the street, including public and private streets or roads, available for vehicular traffic.

**ROADWAY FUNCTIONAL CLASSIFICATION:** The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include arterial roads, collector roads and local roads.

**ROOM:** An unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways, service porches and the like.

**ROOMING HOUSE:** A building or portion of a building, in which sleeping rooms are provided for occupancy by non-transient persons with or without meals for compensation on a prearranged weekly or monthly basis. A rooming house may include living quarters containing independent cooking facilities designed for the resident manager only.

## Definitions, "S."

**SECONDHAND/CONSIGNMENT STORE:** An establishment primarily engaged in the retail selling of used merchandise and goods directly to ultimate consumers on the premises and not for resale. Secondhand stores may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of used merchandise and goods. The type of merchandise and goods sold at retail by secondhand stores includes clothing, furniture, books and similar miscellaneous used merchandise and goods.

**SETBACK:** The required minimum distance between the front, rear, or side property lines and the front, rear, or side lines of a building or structure as measured from any vertical wall or support of the building, or any projection thereof, excluding projections specifically permitted. When two (2) or more lots under one (1) ownership are used for a single permitted principle use, the exterior property lines of the lots so grouped shall be used for determining setback when the interior common lot line is straddled by the principal structure.

**SHOPPING CENTER:** A group of commercial establishments built primarily for retailing purposes on common property, planned, developed, owned or managed as a unit with common off-street parking provided on the same site.

**SIGHT DISTANCE:** The minimum extent of unobstructed vision (in a horizontal plane) along a street located at any given point on the street.

**SINGLE FAMILY DWELLING:** *See Dwellings, Single Family.*

**SITE:** Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which is in one (1) ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

**SITE PLAN REVIEW:** The process whereby local officials review the site plans and maps of a developer to assure that they meet the stated purposes and standards of the Land Development Code, provide for the necessary public facilities, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping.

**SLEEPING ROOM:** A single room rented for living purposes but without cooking facilities or other amenities for separate and independent housekeeping. A sleeping room shall not be construed to mean a dwelling or sleeping unit.

**SLEEPING UNIT:** A single room or suite intended for occupancy by transient persons who are lodged with or without meals for compensation. A sleeping unit shall not be construed to mean a dwelling unit.

**SPECIAL APPROVAL USE:** A use which is generally considered to be appropriate for any zoning district that permits that particular use by special use approval, but by its nature, may need to be more closely examined for compatibility at a particular location. Such uses may be approved with conditions.

**SPECIAL FLOOD HAZARD AREA:** An area in the floodplain subject to a 1 percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMS as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

**SPECIAL NEEDS HOUSING:** Facilities that provide twenty-four (24) hour care, services and housing in an institutional or residential setting for adults and/or children with conditions, disabilities or circumstances that qualify them for short or long-term housing and care. Such facilities include, but are not limited to adult family-care home, assisted living facility, family foster home, foster care facility, group home facility, hospice residential unit, nursing home facility, and other similar facilities and homes; all of which are defined elsewhere in this Article.

**START OF CONSTRUCTION:** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

**STORY:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, then the space between such floor and the ceiling next above it.

**STREET:** Any public or private right-of-way set aside for public travel and access to abutting property. The word "street" shall also include the words "road," "avenue," "lane," "boulevard," "thoroughfare," "highway," "place," "way," "drive," "terrace", "circle", "court", "terrace", "parkway", for such purposes.

- A. **Parkway, Freeway and Interstate:** Highway type arterial streets designed primarily for major through traffic with full control of access and grade separations at all intersections.
- B. **Arterial Street:** A street or highway designed or utilized primarily for high vehicular speeds and heavy volumes of traffic traveling considerable distances.
- C. **Arterial Street, Major:** A street indicated in the City Comprehensive Plan as a major thoroughfare having a right-of-way width consistent with the provisions set forth in Article 6, Section 6.02.03, Street Design Standards, *Right-of-Way Requirements*.
- D. **Arterial Street, Minor:** A street indicated in the City Comprehensive Plan as a thoroughfare having a right-of-way width consistent with the provisions set forth in Article 6, Section 6.02.03, Street Design Standards, *Right-of-Way Requirements*.
- E. **Collector Street:** A street which, in addition to giving access to abutting properties, carries traffic from minor streets to the major system of arterial streets and highways, including the principal entrance street of a residential development and streets for circulation within such a development.

- F. **Collector Street, Major:** A street which carries, or will carry, medium volumes of traffic primarily from minor collector streets to arterial streets.
- G. **Collector Street, Minor:** A street which carries, or will carry, medium volumes of traffic primarily from minor streets to major collector streets.
- H. **Marginal Access Street:** A minor street which is parallel to and adjacent to arterial streets, highways or expressways, which provides access to abutting property and protection from through traffic by reducing the number of access points to the arterial streets.
- I. **Minor Street:** A street used primarily for access to abutting properties, and not for through traffic; carries limited volumes of traffic.

**STREET LINE:** The line between a street and abutting property.

**STRUCTURAL ALTERATION:** Any change, except for repair or replacement, in supporting members of a building or structure such as bearing walls, columns, beams or girders.

**STRUCTURE:** Anything constructed, installed, or portable, the use of which requires a location on or attachment to a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes fences, docks, advertising signs, billboards, swimming pools, gazebos, poles, pipelines, gas or liquid tank, transmission lines, tracks, or other manmade facilities or infrastructure.

**SUBDIVIDE:** Also referred to as "to plat". To divide or subdivide lands into lots, blocks, parcels, tracts, sites, or other divisions, and to record the subdivision or plat in the Office of the Clerk of the Circuit Court of Desoto County.

**SUBDIVISION:** The division of land into three (3) or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent (50%) of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

- A. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- B. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

**SURFACED IN A STABLE MANNER:** Surfaced in a manner approved by the administrative official or other designated official; however, such pavement shall be of a stable type and shall

be designed to carry the anticipated traffic loads of the premises and use served. Loose aggregate will not be considered a completed surface.

**SWFWMD:** Southwest Florida Water Management District.

**SWITCHING STATION:** A particular type of substation where energy is routed either from different sources or to different customers. For example, a switching station near an energy generating facility may be able to switch some or all of its energy flow from one region to another as needed. A switching station near a city, on the other hand, might allow the city to switch between different energy providers if one provider goes offline or routes their energy to a different customer. Switching stations often contain circuit breakers and other automated mechanisms that switch or divide their output between different distribution lines when system faults occur or when the system shuts down transmission altogether in the event of a serious problem.

**Definitions, "T."**

**25-YEAR FREQUENCY, 24-HOUR DURATION STORM EVENT:** A storm event and associated rainfall during a continuous twenty-four (24) hour period that may be expected to occur once every twenty-five (25) years. Its associated floodplain is that land which may be expected to be flooded during the storm event.

**TENT:** A collapsible, movable, structure where the roof and/or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or similar pliable material, and the structure is held up by poles and kept in place by ropes and pegs. Tents serve as a shelter and may be open-air, consisting of a roof top and supports, or they may consist of a roof top with supports and walls.

**TIRE AND AUTOMOTIVE ACCESSORY ESTABLISHMENT:** An establishment engaged primarily in the retail selling of automobile tires, batteries and other new automobile parts and accessories directly to ultimate consumers on the premises and not for resale. Tire and automotive accessory establishments may include installation of the automotive accessories sold on the premises provided such activities are incidental and accessory to the principal retail selling of tires and automotive accessories.

**TOWNHOUSE:** A building or structure designed for and/or containing one (1) dwelling unit and or intended for occupancy by not more than one (1) family or household and attached to other similar buildings or structures by not more than two (2) party walls extending from the foundation to the roof and providing two (2) direct means of access from the outside.

**TRANSFER OF DEVELOPMENT RIGHTS:** A governmentally recognized right to use or develop land at a certain density, or intensity, or for a particular purpose, which is severed from the realty and placed on some other property.

**TRAVEL TRAILER:** A vehicular portable structure, towed behind a road vehicle, designed for temporary living and sleeping purposes primarily for travel, recreational and vacation uses, which:

- A. Is identified by the manufacturer as a travel trailer;
- B. Is not more than eight feet in body width;
- C. Is of any weight provided its body length does not exceed 29 feet; or

- D. Is of any length provided its gross weight, factory equipped for use, does not exceed 4,500 pounds.

**TRAVEL TRAILER PARK:** A tract of land prepared and approved according to the procedures of this chapter to accommodate travel trailers.

**TRUCK AND MOTOR FREIGHT TERMINAL/TRANSPORTATION ESTABLISHMENT:** An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation; furnishes services incidental to air, motor freight, and rail transportation. An establishment engaged in furnishing local or long distance trucking, transfer and draying services with or without the storage of merchandise, products or materials, normally for a fee or charge, including maintenance facilities provided such maintenance facilities are incidental to the principal trucking and freight handling services.

- A. **Light Motor Freight Transportation Establishment:** Those motor freight transportation establishments which are nonhazardous and whose premises do not contain any outdoor or open storage or aboveground tank storage of merchandise, products or materials.
- B. **Heavy Motor Freight Transportation Establishment:** Those motor freight transportation establishments which are hazardous although the maximum public and private safety precautions have been taken and the most stringent performance standards have been met, and/or those motor freight transportation establishments whose premises contain outdoor or open storage or aboveground tank storage of merchandise, products or materials.

**TRUCK GARDEN:** A farm that grows produce or flowers to sell locally. Because production is relatively low-volume, sales are often through local fresh produce outlets, such as on-farm stands, farmers' markets, community-supported agriculture subscriptions, restaurants and independent produce stores. Also called "market garden".

**TRUCK STOP:** Any facility offering fuel for sale for commercial vehicles, trucks and automobiles and constructed and designed for the maneuverability and fueling of tractor trailer vehicles; has the capacity to fuel three (3) or more tractor trailer vehicles at the same time and parking facilities for three (3) or more vehicles. The facility may include provisions for one (1) or more of the following: (a) sleeping accommodations for commercial vehicle or truck crews; (b) sale of parts and accessories for commercial vehicles or trucks; (c) a restaurant; or (d) truck parking or storage area.

**Definitions, "U."**

**USE:** The term "use" broadly refers to the activities which take place on any land or premises, and also refers to the structures located thereon and designed for those activities.

**USE, NONRESIDENTIAL:** A use permitted in a specific residential zoning district, which is not residential in character.

**USE OF LAND:** Includes use of the water surface and land under water to the extent covered by zoning districts, and over which the city has jurisdiction.

**USE, PRINCIPAL OR MAIN:** The primary use of the lot as distinguished from secondary or accessory uses. There may be more than one principal or main use on the lot.

**USE, RESIDENTIAL:** A use for living of persons, not institutional in character, such as a one-family, two-family or multiple dwelling, rooming house, villa, or guest house.

**UTILITIES:** Includes, but is not limited to water, electric, gas, sanitary sewer, storm drainage, telephone and television systems.

## Definitions, "V."

**VARIANCE:** A grant of relief by the Board of Adjustment from the strict terms of the Unified Land Development Code regulations pertaining to structure height, lot width and depth, area of structures, size of yards and open spaces, or other dimensional requirements, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the actions of the applicant, the literal enforcement of the Code would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall the variance be granted because of the presence of nonconformities in the zoning district or in adjoining zoning districts.

**VEHICULAR USE AREA:** All paved areas, including impervious and hard surface, and stabilized permeable pavement, which provide site access, traffic circulation and areas for vehicular parking, loading and unloading.

**VETERINARIAN AND ANIMAL HOSPITAL SERVICE ESTABLISHMENT:** An establishment in which a person practices a vocation or occupation that performs a type of labor, act or work that primarily results in the medicine, dentistry, or surgery or animal hospitals, and similar veterinary services, normally for a fee or charge. Veterinarian and animal hospital service establishments do not include animal specialty farms.

## Definitions, "W."

**WALKWAY:** A right-of-way intended primarily for pedestrians, excluding self-propelled vehicles.

**WAREHOUSE:** A building used solely for the purpose of storage or distribution of goods, wares, merchandise or other articles.

**WAREHOUSE, MINI:** A building or group of buildings that contain individual compartmentalized and controlled separate storage spaces leased or rented on an individual basis and accessible to the lessees through individual doors (also known as self storage facilities).

**WASTEWATER DISPOSAL FACILITY:** The land, building, and apparatus employed in the treatment of sewage by chemical precipitation or filtration, bacterial action, or some other method.

**WASTEWATER FACILITIES (aka "Sanitary Sewer Facilities"):** Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.

**WASTEWATER LIFT STATION (aka "Sewer Lift Stations" or "Pump Stations"):** Used to help transport liquid wastewater from homes and businesses across the City to a treatment

plant for processing and cleaning. Sewer pipes are generally gravity driven and wastewater flows slowly downhill until it reaches a certain low point. The "lift" stations then push the wastewater back uphill to a high point where gravity can once again take over the process thereby transporting the liquid to a treatment plant.

**WATERCOURSE:** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

**WHOLESALE, STORAGE AND DISTRIBUTION ESTABLISHMENT:** An establishment primarily engaged in the nonretail selling of merchandise, products or materials in bulk quantities directly to persons who intend resale of the merchandise, products or materials so bought or handled; or where merchandise, products or materials are stored or held primarily for safekeeping until later disposal or distribution, usually for a fee or charge, or delivery departments or warehouses operated by business concerns for their own use. The type of non-retail sales and functions provided by wholesale and storage establishments include the following: wholesaling and warehousing, open and tank storage, and other non-retail sales and functions of a similar nature.

### Definitions, "X."

### Definitions, "Y."

**YARD:** The open space surrounding the principal building on any lot, unoccupied and unobstructed by a portion of that building from the ground to the sky except where specifically permitted by this Code. Yards are further defined as follows:

- A. **FRONT YARD:** A space, extending along the full width of the lot or parcel measured from the nearest wall or other vertical portion of the structure, or building setback line, whichever is closest, to the front line of the lot or parcel. *See "Lot, Corner" and/or "Lot, Frontage".*
- B. **REAR YARD:** That portion of the yard extending the full width of the lot and measured between the rear lot line and the parallel line to the nearest part of the principal building.
- C. **SIDE YARD:** Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines to the principal building.

**YARD, REQUIRED:** The minimum yard required by this Code. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be a required yard.

### Definitions, "Z."

**ZERO LOT LINE DEVELOPMENT:** A development concept in which a single family detached unit may be sited on at least one (1) lot line, eliminating that yard, while retaining the other required yards. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot.

**ZONING DISTRICT:** An area identified on the Zoning Map of the City of Arcadia, Florida, assigned a zoning classification as indicated on such map, consisting of one (1) of several zoning classifications as set forth and established in Article 4 of this Code, in which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code. Reference to the word "district" or "zone" shall mean Zoning District.

**ZONING MAP:** The official Zoning Map of the City of Arcadia, Florida, and as amended.