

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: January 5, 2009

SUBJECT: Land Development Code Amendments: Chapter I, Article III, Definitions

Discussion Only

APPLICANT: Administrative

NUMBER: LDC 08-53

PROJECT PLANNER: Ormond Beach Planning Department

INTRODUCTION:

This is a discussion item with the intention to amend Chapter I, Article III, Definitions, of the Land Development Code (LDC) align certain definitions with the terms used in the zoning districts and conditional and special exception regulations, delete certain definitions, and to modify certain definitions. This amendment is a companion amendment to the zoning district amendments and details how the definitions are proposed to be amended to match the zoning district uses.

BACKGROUND:

Planning staff has reviewed the permitted, conditional, and special exception uses for each of the City's zoning districts and is proposing changes to improve the function of the zoning code within the City. Planning staff was tasked by the City Commission with reviewing the Land Development Code to review the districts to streamline and improve the review process for uses. The review of the definition Article of the LDC is a companion amendment with the zoning district and conditional and special exception regulation amendments.

ANALYSIS:

The proposed amendments are included in Exhibit "A" attached to this staff report. The following changes were made as part of the amendments:

1. Amended certain definitions, such as Assisted Living Facility, Bar, Adult Family Care Center with State Statutes definitions.
2. Reviewed the definitions to ensure that the same term was used in the definition, zoning district, and conditional/special exception regulations.

3. Reviewed the definitions in other Articles within the LDC and incorporated any uses that were not already in the definition Article. The definitions in other Articles will be deleted as amendments are proposed to those Articles.
4. Amended certain definitions based on zoning district modifications, including Restaurants, Agricultural Uses, and Public Facilities and Utilities.

CONCLUSION:

There are certain criteria that must be evaluated before adoption of an amendment according to the Land Development Code (LDC), the Planning Board must consider the following criteria when making their recommendation.

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed Land Development Code amendment will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. The purpose of the amendments is to better improve the application of the City's zoning code, ensure accurate definitions of terms and uses, and streamline the review process.

- 2. The proposed development is consistent with the Comprehensive Plan.**

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update Land Development Code regulations.

- 3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The proposed Land Development Code amendment will not have adverse impact on environmentally sensitive lands.

- 4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

The proposed Land Development Code amendments will have no adverse effect on surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on adjoining properties.

- 5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The proposed Land Development Code amendments are not applicable to public facilities.

- 6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

There is no development proposed for this amendment. The application pertains to a Land Development Code change.

- 7. The proposed development is functional in the use of space and aesthetically acceptable.**

There is no development proposed for this amendment. The application pertains to a Land Development Code change.

- 8. The proposed development provides for the safety of occupants and visitors.**

There is no development proposed for this amendment. The application pertains to a Land Development Code change.

- 9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

There is no development proposed for this amendment. The application pertains to a Land Development Code change.

- 10. The testimony provided at public hearings.**

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

RECOMMENDATION:

Staff is presenting this item to the Planning Board as a discussion item so that the Board can see how the zoning district amendments would relate to the Conditional and Special Exception Regulations. If the zoning district changes are acceptable, staff will present the definition amendments for action at the February Planning Board meeting.

EXHIBIT A

Proposed Chapter I,
Article III, Definitions
Amendments

CHAPTER 1: GENERAL ADMINISTRATION
ARTICLE III: DEFINITIONS AND ACRONYMS

§1-21: *General*
§1-22: *Definitions*

§1-23: *City Boards and Officials*
§1-24: *Acronyms and Abbreviations*

SECTION 1-21: GENERAL

For the purpose of this Code, certain terms or words used herein shall be generally interpreted as follows:

- A. The present tense includes the future, the singular number includes the plural, and the plural number includes the singular.
- B. The word person includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- C. The word shall is mandatory and the word may is permissive.
- D. The word land includes the words water, marsh, or swamp.

All words not defined in this Code shall carry their customary meaning as found in “Webster’s New Collegiate Dictionary.”

SECTION 1-22: DEFINITION OF TERMS AND WORDS

Abandon or Abandonment of Use or Structure: To discontinue a use or structure for a period of six (6) continuous months, eighteen (18) months in a two-year period or for a time period greater than specified by this Code without demonstrating intent to continue the use as indicated by the following:

- A. Allowing business tax to lapse;
- B. ~~Removing utility meters;~~
- C. Not maintaining structure in a habitable condition;
- D. Not making unit available for occupation (i.e., advertising or marketing through a realtor or other agent); and/or
- E. Failure to perform actions pursuant to the terms of an active building permit.

Deleted: Discontinuing utility services

Abandonment, Street: To vacate, abandon, discontinue and close any existing public or private street, alleyway, road, highway, or other place used for travel, or any portion thereof, and to renounce and disclaim any right of the public in and to any land in connection therewith.

Abutting or Adjoining: Having a common border with, or being separated from such common border by a right-of-way, alley, or easement.

Access Pier: See *Pier, Access*

Accessible: Describes a site, building, facility, or portion thereof that complies with the Florida Accessibility Code.

Accessory Dwelling Unit: A subordinate habitable living unit that is created on a residential lot with a principal structure that is detached and provides for independent cooking, living, sanitation, and sleeping. Accessory dwelling units shall not be subdivided or otherwise subdivided in ownership from the primary residence.

Accessory Structure: See *Accessory Use*

Accessory Use or Structure: Any use or detached structure customarily incidental and subordinate to the principal use or structure and located on the same lot containing such principal use or structure. Accessory uses or structure contribute to the comfort, convenience or necessity of the principal use or structure. Accessory uses and structures shall include, but not be limited to, detached patios, swimming pools, tennis courts, barbecue pits, fireplaces, decorative or ornamental structures, air conditioner compressors, fuel storage tanks, utility buildings, fences, walls and the like. Accessory uses or structures are not allowed except in conjunction with an existing principal use.

Addition: A construction project physically connected to the exterior of a contributing property.

Adequate School Capacity: The circumstance where there is sufficient school capacity by school type, based on adopted level of service standards (LOSS), to timely accommodate the demand created by a proposed residential development.

Adult Arcade: A place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

Adult Bookstore: An establishment which sells or rents adult material, unless the adult material is accessible only by employees; and either the gross income from the sale and/or rental of adult material comprises less than ten (10) percent of the gross income from the sale and/or rental of goods and/or services at the establishment, or the individual items of adult material offered for sale and/or rental comprise less than twenty-five (25) percent of the individual items publicly displayed at the establishment, or the section or the portion of the establishment set aside for the display or sale of adult materials comprises less than fifteen (15) percent of the gross floor area leased and/or owned by the establishment as stock-in-trade in any of the following categories: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations, or recordings, or other audio matter. Any adult use activity other than the sale or rental of adult material shall preclude the establishment’s qualifying as an adult bookstore and shall mandate its classification as other than an adult bookstore.

Adult Day Care Center: Any building, buildings, or part of a building, whether operated for profit or not, which is licensed by the State of Florida, Agency for Health Care Administration, 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 eighteen (18) years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.

Adult Family-Care Home: A full-time, family-type living arrangement, in a private home, under which a person or persons provide, for profit or not for profit, room, board, and one (1) or more personal services, as appropriate for the level of functional impairment, for no more than five (5) frail elders or disabled adults, as defined under 400.618, Florida Statutes, who are not relatives

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An establishment that provides personal services for three (3) or fewer adults who do not receive optional state supplementation under 409.212, Florida Statutes, but that does not hold itself out to the public to be an establishment that regularly provides such services.¶

. An establishment in which a person or persons provide personal services only to their relatives.¶

. An establishment that is licensed as an assisted living facility.

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Adult Hotel/Motel: A hotel or motel or similar business establishment offering public accommodations for any form of consideration which (a) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (b) rents, leases, or lets any room for less than a six-hour period, or rents, leases or lets any single room more than twice in a 24-hour period.

Adult Photographic and Modeling Studio: Any business establishment which offers or advertises as its primary business stock-in-trade the use of its premises for the purpose of photographing or exhibiting specified sexual activities or specified anatomical areas or modeling of apparel that exhibits specified anatomical areas, or modeling, demonstrating, or presenting any product or service for sale, in a private performance setting, in which the model or sales representative exhibits specified anatomical areas.

Adult Theater: An enclosed building or an enclosed space within a building or an open-air area used for presenting either filmed or live plays, dances or other performances, either by individuals or groups, distinguished or characterized by an emphasis on material depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in these regulations, for observation by patrons therein. An establishment which has “adult booths” and/or “adult arcade” is considered to be an “adult theater.”

Adverse Impacts: Any modifications, alterations or effects on a feature or characteristic of a natural resource such as a beach and dune area, designated species, community waters, wetlands, or upland vegetative community, including their quality, quantity, hydrodynamics, surface area, species composition, living resources, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety, or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation. Any result of a development action, including the secondary impacts of development, that would reduce, over time, the quantity or quality of a natural community, the population of a species, the habitat of a species, or the significant attributes of other regionally significant resources covered by this Code.

Aesthetics: The science and philosophy of beauty.

Agricultural Use, Minor: Agricultural activities restricted primarily to the cultivation, production, processing, packaging and storage of crops, orchards, forage, and pasture, These uses allow the sales of agricultural products, including hay and livestock grown or raised on the premises.

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Agriculture: The cultivation of the soil primarily consistent with the standards of this Article and secondarily consistent with Best Management Practices for food products or any other useful or valuable growths of the field or garden; also, by extension farming, including any industry practiced by a cultivator of the soil in connection with such cultivation, as breeding and rearing of stock and dairying.

Airport: Any area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Aisle: Traffic circulation paths between vehicles or rows of parking stalls that allow access to individual stalls. See *Drive Aisle*

Alcoholic Beverages: Distilled spirits and all beverages containing one-half (1/2) of one percent (.0005) or more alcohol by volume, commonly as beer, wine, whiskey, moonshine, rum, gin tequila, bourbon, vodka, scotch, brandy, malt liquor or by any other similar name or names.

Deleted: Beverages containing alcohol of more than one percent (1%) by weight and not more than fourteen percent (14%) by weight.

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Alcohol License: For purposes of this Code, the following alcohol licenses are the most commonly used with the City of Ormond Beach and are required with regard to bars, lounges, restaurants, bowling alleys, package stores and the like:

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2COP–Bar/Restaurant/Deli Beer & Wine where consumption is on or off premises in sealed containers or by the glass.

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2APS–Package Stores/Grocery Stores Beer & Wine where consumption is off premises only in sealed containers.

4COP–Bar/Lounge/Nightclub/ Full Liquor with consumption on or off premises in sealed containers or by the glass. Where smoking is permitted, food sales are not to exceed 10% of the total gross receipts with food only being incidental to the bar. Where smoking is prohibited, there is no limit on food sales.

SBX- Special Bowling License meeting minimum bowling lane requirements serving full liquor for consumption on premises.

SRX – Special Restaurant License meeting minimum seating, square footage and does not allow alcohol sales when food is not available.

Alley: A public right-of-way which is not generally used as a thoroughfare by pedestrian and vehicles, affords only a secondary means of access to abutting property, and is not designated as a street.

Alteration: Any act or process, which changes one or more of the exterior architectural features of a contributing property.

Alternative Support Structure: Any man structure, including but not limited to, buildings, light poles, clock towers, bell towers/steeple, water towers and the like, which allow for the attachment and/or camouflage of telecommunications antennae and preclude the construction of new telecommunications towers.

Amendment: A change made to either the map or the text of this Code, in accordance with general law.

Animal: All non-human species of animal.

Animal Hospitals: See *Chapter 2, Article IV, Veterinary Clinics*

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Antenna, Amateur Radio: For the purpose of this ordinance, an amateur radio antenna consists of a tower, beam array, wires, or mast and is designed and constructed for use in the operation of an amateur radio station licensed by the Federal Communications Commission.

Antenna, Camouflage: See *Tower, Camouflage*

Antenna, Camouflaged: A telecommunications antenna employing stealth or stealth technology principally designed to unobtrusively blend into the existing surroundings and be disguised so as not to have the appearance of a telecommunications tower antenna. Camouflaged antennae on developed property must be disguised to appear as either a part of the structure housing a principal use, or an accessory structure that is normally associated with the principal use, occupying the property. Camouflaged telecommunications antennae developed on unimproved property must be disguised to blend in with existing vegetation.

Antenna, Customer-End: Any antenna that receives or transmits signals that provides communication or other radio-wave service only to the occupants or residents at the premises where such antenna is located.

Antenna, Ground Mounted: Any antenna mounted to the ground, where the antenna and mounting structure do not exceed twelve feet (12') in height.

Antenna, Pre-existing Communication: See *Towers, Pre-Existing*

Antenna, Roof Mounted: Any antenna attached or affixed to a roof of a building, tank, tower, or other similar structure where the mast and antenna are no more than 12 feet in height above the roof line.

Antenna, Satellite Dish: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's (television reception only satellite dish antennas), wireless communication antennas, and satellite microwave antennas.

Antenna, Side-Mounted: A wireless communication antenna attached or affixed to the exterior wall of a building or structure.

Antenna, ~~Telecommunications~~/Wireless: Any exterior transmitting or receiving device mounted on a telecommunications tower, a building or structure, or placed upon the ground and used in telecommunications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other telecommunications signals; a device designed to transmit or receive telecommunications as authorized by the FCC.

Deleted: Communications (also Telecommunication Antenna)

Apartment: A customarily renter-occupied dwelling unit constructed as part of a group of three (3) or more dwelling units, having common utility service and maintenance furnished by the management.

Apiary: A bee yard or site where honeybee hives, honeybees, or honeybee equipment is located.

Applicant: A landowner, developer, builder or other authorized person who files a petition for a development order and/or a development permit.

Aquatic Preserves: An exceptional area of submerged lands and its associated waters and adjacent uplands set aside by the City, Volusia County, the State of Florida, or a federal agency for the purpose of leaving and maintaining the area its natural or existing condition.

Aquifer: A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells and springs.

Aquifer, Confined: An aquifer that is overlain by a confining bed, which has a singularly lower hydraulic conductivity than the aquifer.

Aquifer, Semi-Confined: A completely saturated aquifer that is bounded above by a semi-pervious layer and below by a layer that is either impervious or semi-pervious. A semi-pervious layer is defined as a layer, which has a low, though measurable, permeability.

Aquifer, Unconfined: A permeable bed only partly filled with water and overlying a relatively impervious layer. Its upper boundary is formed by a free water table or phreatic level under atmospheric pressure.

Archaeological Site: Any site which contains prehistoric or historic artifacts, relics, or structures which represent a particular culture, historic event or epoch and which is of local, regional, State, or national significance.

Architectural Features: The prominent architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures, and other natural features such as trees and shrubbery.

Area of Shallow Flooding: A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one (1%) percent or greater annual chance of flooding. The base flood depths range from one foot (1') to three feet (3'); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year designated as Zones A, AE, AO, AH, A-99, VC or VE on a community's FIRM.

Areas of Influence (Sea Turtle Protection): The area regulated under Chapter 3, Article II, § 3-17, that is between State Road A1A and the Atlantic Ocean beach, including the entire A1A right-of-way and that area abutting the west side right-of-way from A1A.

Artesian Well: An artificial hole in the ground from which water supplies may be obtained and which penetrates any water-bearing rock, the water in which is raised to the surface by natural flow, or which rises to an elevation above the top of the water-bearing bed.

Deleted: Apartment, Garage: A detached building accessory to a single-family home with the ground floor area devoted to the storage of two (2) or more automobiles and the second floor area devoted to one (1) single-family dwelling unit having a maximum living area of eight hundred (800) square feet.

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

Artificial Erosion: The loss or washing away of sand, sediment, or other material from riparian property caused by man-made projects and operations, which result in submerged lands formerly not covered by water.

Artificial Light: Any source of fixed or stationary light emanating from a man-made device, including, but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, spotlights, street lights, construction lights, sensory-activated lights, ultraviolet lights, or security lights. See *Artificial Beachfront Lighting*

Assisted Living Facility: Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

Attached Services: For the purpose of implementing the maximum building height standard in Section 7.01, Article VII of the Charter, “attached services” shall mean all accessory and ancillary structures that can be secured, constructed or otherwise fastened to a building. Examples of attached services include, but are not limited to mechanical equipment, telecommunication antennae, elevator equipment, architectural embellishments (parapet walls, towers, and steeples).

Auction Activities: See *Auction Business*

Auction Business: A sole proprietorship, partnership, or corporation which, in the regular course of business, arranges, manages, sponsors, advertises, promotes, or carries out auctions, employs auctioneers licensed under Part IV, Chapter 468, Florida Statutes, to conduct auctions in its facilities, or uses or allows the use of its facilities for auctions.

Automatic Amusement Centers/Game Rooms: Where the principal business operated on the premises is the operation of games of skill which upon the insertion of a coin, slug, token, plate or disc, or the payment of fee allowing general use of the machines, may be operated by the public generally for the use as a game, entertainment, or amusement, whether or not registering a score, including but not limited to such devices as marble machines, pin ball machines, skillball, mechanical grab-machines, and all games, operations or transactions similar thereto under whatever name they may be indicated.

It shall include video type games or machines, or similar devices that can use a display screen for points, lines and dots of light, that can be manipulated to simulate games or other types of entertainment. It shall not include nor apply to music playing devices or non-competitive devices.

Refer to Chapter 12, Code of Ordinances - *Automatic Amusement Devices*.

Automotive Repair – See Vehicle Repair Type “A” or “B”

Deleted: Any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding twenty-four (24) hours, housing, food service, and one (1) or more personal services for four (4) or more adults, not related to the owner or administrator by blood or marriage, who require such services; or to provide extended congregate care, limited nursing services, or limited mental health services, when specifically licensed to do so pursuant to Florida Statutes 400.407, unless the facility is licensed as an adult family-care home. A facility offering personal services, extended congregate care, limited nursing services, or limited mental health services for fewer than four (4) adults is within the meaning of this definition if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment which regularly provides such services, unless the facility is licensed as an adult family-care home. Personal services include, but are not limited to such services as: individual assistance with or supervision of essential activities of daily living, such as eating, bathing, grooming, dressing, and ambulating; supervision of self-administered medication; and other similar services which the Agency for Community Health Administration may define. [Note: State definition follows and applies to “one or more adults”]: Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.]

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Deleted: Automotive Vehicle: Any self-propelled vehicle or conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance. The phrase shall include passenger cars, trucks, buses, motorcycles, scooters and station wagons, but shall not include tractors, construction equipment or machinery or any device used for performing a job except as stated above.

Average Median Lot Elevation: The average of the final elevations established for a parcel based on compliance with the minimum standards established in this Land Development Code. The average median elevation shall be based on the average of the highest and lowest elevations for the development of a parcel. Stormwater ponds and other stormwater conveyances, such as swales, inlet and drains shall not be used in calculating the average median lot elevation.

Aviaries: An enclosure specially constructed to hold live birds in confinement.

Awning: A roof-like cover extended over a window, door or an opening of a structure, including garage or porte-cochere vehicle openings, being fastened in the manner provided for such fastenings, to the structure of which it is a part and design; and used for the purpose of shielding such window, door or opening from the rays of the sun, rain and like elements of weather.

Awning, Electric/Backlit: A fireproof space frame structure with translucent flexible reinforced vinyl covering designed in awning form, whose principal purpose and use is as an awning on which a sign may be applied. Such structures are internally illuminated by fluorescent or other light sources in fixtures approved under national and local electrical codes.

Backlogged Roads: Roads that operate below the adopted level-of-service, are not in the FDOT three- (3-) year work program and are not “constrained.”

Bar: Any licensed premises devoted during any time of operation predominantly or totally to serving alcoholic beverages, intoxicating beverages, or intoxicating liquors, or any combination thereof, for consumption on the licensed premises; in which the serving of food, if any, is merely incidental to the consumption of any such beverage; and the licensed premises is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including any business for which the sale of food or any other product or service is more than an incidental source of gross revenue. A place of business constitutes a stand-alone bar in which the service of food is merely incidental in accordance with this subsection if the licensed premises derives no more than 10 percent of its gross revenue from the sale of food consumed on the licensed premises.

Deleted: A premise devoted primarily to the sale and consumption of alcoholic beverages as defined in Chapter 561, Florida Statutes, or any other place where any sign is exhibited or displayed indicating that alcoholic beverages are available for purchase and consumption on the premises and which may provide a single entertainer who is a regular employee of the establishment. The word bar shall include the words saloon, tavern, pub, barroom, lounge and cocktail lounge.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation: The crest elevation in relation to mean sea level (using National Geodetic Vertical Datum) expected to be reached during a flood which encompasses the regulatory floodplain as shown on the FIRM or as otherwise determined per Chapter 3, Article II (Floodplain Management)

Basement: That part of a building located partly or wholly underground.

Beach: That area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).

Beachfront Lighting: See *Lighting, Beachfront*

Bed and Breakfast Inn: A house or portion thereof where short term lodging rooms and meals are provided for compensation. For the purposes of this Code, bed and breakfasts shall be defined as transient lodging.

Bedroom: Any room used principally for sleeping purposes, an all-purpose room (not a living room), a study, or a den.

Beer and Wine Sales: The retail sale of beer and wine, as a principal use, for consumption off the premises only as permitted by the State of Florida, Department of Business and Professional Regulation. Consumption of wine on premises incidental to the sale of wine as a permitted use is classified under the retail sale of wine.

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Berm: See *Earthberm*

Best Management Practices: Management practices accepted by the City and found in the most current edition of the *Silviculture Best Management Practices Manual*, Florida Department of Agriculture and Consumer Services, Division of Forestry; or *A Manual of Reference Management Practices for Agricultural Activities*; or *Florida Development Manual*, Florida Department of Environmental Protection; or as otherwise accepted and approved by the City Engineer and Chief Building Official.

Bicycle Lane (including Bike Lane): A portion of a roadway, or a lane adjacent to a roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle Path: Any road, path, or way that is designed and intended for use by pedestrian and bicycle travel, which motor vehicles are prohibited or controlled.

Billboards: A sign whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

Bingo Parlors: An entire building or group of buildings at one (1) location which is devoted entirely or primarily to the conduct of bingo games by any organization or person issued a license to conduct bingo, or to distribute bingo equipment and supplies, pursuant to the provisions of §849.093, Florida Statutes.

Biochemical Oxygen Demand (B.O.D): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees (20°) centigrade, expressed in milligrams per liter.

Block: Block includes “tier” or “group” and means a group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.

Boathouse, Private: An accessory building on the same lot as the residence or on a contiguous lot under the same ownership and designed for the protection or storage of recreational watercraft only and continued in accordance with Chapter 2, Article III, §2-50.C.(*Boats, Docks and Boathouses*).

Bowling Center: A recreational facilities that include bowling lanes. A lounge and/or snack bar, video games, and pool tables may also be available with the facility

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Breakaway Walls: Aesthetic lattice walls or screening using approved materials, which are not part of the structural support of the building and which are designed to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used.

Buffer/Bufferyard: A strip of land with natural or planted vegetation located between a use or structure and another use or structure to separate and, in some cases, partially or completely obstruct the view of two abutting land uses or properties from each other, to mitigate incompatible impacts one use or structure would otherwise place on another, or to create horizontal separation between uses to discourage encroachment of development impacts from one use onto another use.

Buffer, Perimeter: The reserved area along the boundary of a parcel in which landscaping, natural vegetation, and/or walls, fences or berms provide a separation for uses of differing type and intensity as well as providing an attractive boundary between parcels.

Buffer, Roadway: The reserved area within and along the boundary of a parcel abutting road right-of-way in which such area is placed landscaping, preserved natural vegetation, and/or walls, fences or berms that provide a separation of uses and adjacent roadway impacts and that create an aesthetic roadway corridor on which to travel.

Buffer, Upland: An area of undisturbed or appropriately managed vegetation that surrounds wetlands and other natural communities, conservation area, a species and its habitat, or a significant regional resource that is utilized to minimize man-induced disturbances and adverse impacts, including the secondary impacts of development, from either interfering with the life history requirements of a species, or causing adverse changes in the plant or faunal species, or causing adverse changes in the plant or faunal species composition or quality of a natural community. The buffer also serves to create horizontal separation between such natural resources and impacts generated by adjacent uses or structures. The buffer shall include canopy, understory and ground cover, which consist of preserved existing vegetation or planted native species in those areas where the buffer was significantly disturbed previously.

Buffer, Wetlands: See *Buffer, Upland*

Buffering: The use of any manmade or natural materials or open space in any fashion designed to limit the effects of one land use upon adjoining land uses, conservation areas, or natural resources.

Buildable Area: The portion of a lot remaining after required yard and required open space and landscaped areas have been provided.

Building: Any structure, either temporary or permanent, having a roof impervious to weather that encloses a space used for sheltering any occupancy.

Building Base: The ground area abutting a building's outer wall. Where upper floors of a building extend horizontally beyond the wall of a first floor, the ground area where a vertical line extended downward from the second floor intersects with the ground.

Building Footprint: The area of land covered by the building foundation, including the area contained within a line five feet (5') from the foundation around the entire perimeter of the building.

Building Frontage: That side of a building, which faces toward the principal street that provides access to the premises.

Building Height: See *Height, Building*

Building Lines: The lines established by required yard requirements outside of which no outside wall of a principal building may be erected.

Building Permit: An official document or certification issued by the Building Official authorizing performance of a specified activity.

Building, Principal: A building in which the principal use conducted on the premises is situated.

Building Setback Line: The required minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building.

Bulkhead Line: A legally described line established in or along the Atlantic Ocean, a river, water course, or other body of water, in order to fix and establish the maximum distance from the water within which property improvements may be permitted. The term bulkhead line shall include the terms seawall line and coastal construction setback line.

Bus: ~~A large road vehicle designed to carry numerous passengers in addition to the driver. The full name is "omnibus"~~

Deleted: Any vehicle, whether public or private, designed for carrying more than ten (10) passengers whether or not for compensation.

Business and Professional Office: ~~An office where business and professional services are conducted. The conduct of business in any of the following or related categories: law, accounting, architecture, engineering, medicine, dentistry, osteopathy, chiropractic, optics, planning or consulting in these or related fields, and similar uses.~~

Deleted: Office/

Deleted: The term includes medical and dental offices, as defined in this Article.

Business Services: Any commercial activity primarily conducted in an office, not involving the sale of goods or commodities available in the office, and not dispensing personal services.

Deleted: , but including such businesses as real estate brokers or agents; insurance agencies; financial counselors; financial institutions; business consultants; collection agencies; title and abstract companies; income tax services; travel agencies; advertising agencies; studios of art, music, dancing, and photography; laboratories (but not including medical research laboratories); business schools; post-secondary educational facilities and trade schools; and general office type uses

Caliper: Trunk diameter of nursery stock trees up to four inches (4") in diameter as measured six inches (6") above the soil line. Nursery stock trees over four inches (4") in diameter are measured twelve inches (12") above the soil line. [Measurement of existing trees is measured by the diameter at breast height.]

Campground: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

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Canopy Road Tree Protection Zone: ~~All lands within fifty feet (50') of the centerline of those roads designated as canopy roads.~~

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Deleted: Pervious areas within designated street rights-of-way, including those areas extending thirty (30') feet outward from the its edge, where trees are protected from removal or abuse pursuant to standards set forth in Chapter 3, Article I.

Canopy Trees: ~~A dicot or conifer tree, usually with a one (1) vertical stem or main trunk, which naturally develops a more or less distinct and elevated crown and provides at maturity a minimum shade crown of thirty feet (30') in diameter or greater. Trees may be grouped to achieve thirty feet (30') canopy spread.~~

Capacity Enhancement Agreement: An agreement entered into by the City, School Board for Volusia County, and the applicant for a comprehensive plan amendment or rezoning which increases residential densities in order for a Finding of Adequate School Capacity to be issued by the School District.

Car Wash/Detailing: An area of land with a structure that involves machine or hand operated facilities used principally for the cleaning, working, polishing or waxing of motor vehicles.

Carport: An accessory structure or portion of a principal building, consisting of a roof and designed or used for the storage of motor vehicles owned and used by the occupants of the premises and/or their guests and customers.

Carrying Capacity: The maximum number of individuals that a given area can satisfactorily support based on the availability of food, shelter, breeding sites, and other factors related to the life history requirements of a wildlife species.

Cemeteries, Pet: A cemetery for domestic animals such as cats, dogs, and other small animals.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Certificate of Appropriateness (Historic District): As applicable to Chapter 2, Article VI, a written authorization issued by the Historic Landmark Preservation Board (HLPB) permitting specified alterations, demolitions, or other work to a designated historic landmark, historic site, or for a contributing property within a designated historic district.

Certificate of Concurrency (COC): A determination by the City that the facilities addressed under the concurrency system will be in place concurrent with the impacts of the development.

Certificate of Occupancy: A document prepared by the Administrative Official certifying that a specific development has been designed and constructed in a manner consistent with applicable terms of the Land Development Code and applicable Building codes so long as uses associated with the development are carried out consistent with all applicable laws and ordinances.

Certificate of Use: A document prepared by the Administrative Official certifying that a specific use as designed and proposed is consistent with applicable terms of the Land Development Code so long as the operation of the use is carried out consistent with all applicable laws and ordinances.

Change of Use: Any change, modification or alteration of the use of any structure, lot, or building from one defined principal use to another. In instances where the principal use is not defined, the defined use nearest to that of the specific use shall apply.

Charter/Guide Boat: Any watercraft owned by a business and used for rent or hire to take one or more persons fishing, sight-seeing, diving, scuba diving, or other similar activity, and which watercraft is navigated or accompanied by a person performing a water-dependent service, rendered with or without compensation, and whose service requires a license issued by the State of Florida or a federal agency, or which requires said person to have a license to operate a watercraft used to conduct a business or to carry fee-paying passengers.

Chemical Oxygen Demand (C.O.D): Referred to by standard C.O.D. test as set forth in *Standard Method*’ current edition, expressed in milligrams per liter.

Child Care Facility: 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 following are not included: public schools and non-public schools and their integral programs except as provided in §402.3025, Florida Statutes; summer camps having children in full-time residence; summer day camps; and Bible Schools normally conducted during vacation periods.

Church: See *House of Worship*

Clearing: The removal of trees, brush and other ground cover from the land by hand or mechanical means. The term does not include sight trails necessary for the surveying of the subject parcel.

Clear Trunk: The point above the rootball along the vertical trunk or trunks of a tree or palm at which lateral branching or fronds begin.

Clearance Pruning: Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

Clinic, Medical or Dental: A premises having a common entry, or waiting or reception area where patients, who are not lodged overnight, are admitted for examination and treatment by three (3) or more persons practicing any form of the healing arts, whether such persons are medical doctors, chiropractors, osteopaths, chiropodists, optometrists, dentists, or related medical profession, the practice of which is regulated by the State of Florida. The term does not include a veterinarian clinic. A clinic may provide outpatient surgical attention but does not include overnight accommodations.

Clubs and Fraternal Organization: An association or organization of a fraternal, social, or recreational character not operated or maintained for profit and that is incorporated under the laws of Florida as a non-profit organization.

Cluster Subdivision, Single-Family Dwelling: A subdivision in which lot sizes are reduced below the minimum required conventional single-family lot size to concentrate development density thereby create creating additional common open space.

Coastal Barrier: Barrier islands, spits, peninsulas, or similar land forms which front on the Atlantic Ocean and which separate the Intracoastal Waterway from the open waters of the Atlantic Ocean.

Coastal Building Zone: The land area regulated under Chapter 3, Article II, §3-15 and lying between the waters of the Atlantic Ocean and the Intracoastal Waterway and within the corporate limits of the city of Ormond Beach

Deleted: Clinic, Veterinary: A facility that offers care, diagnosis, and treatment of sick, or injured animals, which may include overnight accommodations on site for the treatment, observation and/or recuperation of animals. Also included, are boarding facilities that are incidental and subordinate to the principal activity.

Deleted: , Private

Deleted: Clubs: See *Community Centers, Clubs, and Lodges*

Coastal Construction Control Line: That line established by Rule 16B-26.023 (or may appear as 62B-26.023), Florida Administrative Code. Such line generally identifies the landward extent of that portion of the beach-dune system which is subject to severe fluctuations based upon a 100-year storm surge, storm waves, or other predictable weather conditions as established by the Department of Environmental Protection in accordance with Section 161.053, Florida Statutes.

Coastal High Hazard Area: The Federal Emergency Management Association (FEMA) designated “V” zones, lands seaward of the coastal construction control line as described in Chapter 16B-26 of the Florida Administrative Code, and inlets not structurally controlled.

Coastal Scrub: A scrub natural community that typically occurs within twelve (12) miles of the Atlantic or an estuarine shoreline.

College/University: An institution of higher learning beyond the high school level. See also Educational Institutions.

Colocation (Communication Tower): Attachment of two (2) or more telecommunications antennae to a new or existing telecommunications tower, and the attachment of one (1) or more telecommunications antennae on an existing alternative support structure.

Colonnade: A row of three or more columns located on the exterior of a building supporting a roof or used as an architectural feature.

Column (Building): A column is a pillar, usually of round cross-section but sometimes square or octagonal, used to support the roof of a building, porch, or portico.

Commercial Impracticability or Commercially Impracticable: The inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.

Commercial Vehicle: Any agricultural, construction or industrial equipment; any motor vehicle upon which advertising markings have been affixed that covers in excess of four (4) square feet per side; any motor vehicle having a carrying capacity of more than one and one-half (1.5) tons; any motor vehicles that has a platform rack or other similar apparatus for the purpose of carrying property or cargo, but excluding a standard luggage or bicycle rack; any pickup truck that has a cargo box, or similar carrying device that is located outside the flatbed portion of the vehicle, or that is placed with the flatbed portion but exceeds the height of the cab portion of the vehicle; any motor vehicle equipped with a hoist or other similar mechanical equipment. The term may include, but is not limited to, a bus, step-up van, tractor, trailer, semi-trailer, or semi-truck, as may be defined herein.

Deleted: Commercial Recreation Facilities: A privately owned and operated facility that offers activities related to fitness, purposeful relaxation and/or games.

Common Area: Any part of a development designed and intended to be used in common by the owners, residents or tenants of a development.

Community Residential Home: A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or a dwelling unit licensed by the Agency for Health Care Administration. Homes of 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. Homes of 6 or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multi-family zoning without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with 6 or fewer residents. Homes which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Deleted: Community Centers, Clubs, and Lodges: Not-for-profit activities typically operated by a government or by a group of persons for social or recreational purposes and primarily including services which are not customarily carried on as a business for profit. ... [1]

Deleted: A dwelling unit licensed and supervised by the Department of Children and Family Services, which provides a living environment for seven (7) to fourteen (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.

Completely Enclosed Building: A building having a complete, permanent roof and continuous walls on all sides, either party walls or exterior walls, including any customary windows and doors.

Comprehensive Plan: The City of Ormond Beach Comprehensive Plan, as may hereinafter be amended and which was prepared and adopted pursuant to Chapter 163, Part II, F.S. and Rule 9J-5, F.A.C.

Concurrency: A state of condition where adequate capacity exists of certain public facilities and services as measured by adopted level-of-service standards and where such adequate capacity is available concurrent with the impacts of development.

In addition, transportation facilities needed to serve new development shall be in place or under actual construction within three (3) years after the local government approves a building permit or its functional equivalent that results in traffic generation.

Concurrency Reservation Certificate (CRC): A certificate attesting that adequate capacity to provide necessary public facilities to meet concurrency requirements is currently available to meet the demands of the development subject to a certificate making such assurance to be issued with the building or site development permit.

Concurrency Service Area Level of Service Standard (LOSS): The maximum acceptable percentage of school utilization determined by dividing the total number of students for all schools of each type in each CSA by the total number of permanent student stations for that type of school in each CSA.

Conditional Use: Staff approval for a use permitted in a particular zoning district that may be compatible within part of a district but not throughout the district and is permitted only upon successful demonstration by an applicant that the use as proposed on a specific site will comply with all the conditional use criteria and standards for location, design, and/or operation.

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Condominium: A single-family or multi-family dwelling unit separately owned and valued for property tax purposes, with common areas under group ownership and property taxes paid by a homeowners association.

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Cone of Influence: For purposes of regulating development and land use under Chapter 3, Article II, §3-19 (*Public Water Supply Wellfield Protection*) “cone of influence” is defined as the area surrounding a pumping well operating continuously for at least a twenty-four (24-) hour duration within which the water table or potentiometric surfaces have been changed by more than one foot (1’) due to groundwater withdrawal.

Conifer: Cone bearing seed plant.

Conservation Area: Any area that has been set aside for environmental protection through conservation easements, dedicated open space, or other legal mechanism.

Consistent: In accordance, in compliance, in agreement, and to the same extent as.

Construction: The erection of an on-site improvement to a building, structure, or site located within a designated historic district, historic site, historic landmark, or an archaeological site.

Construction, new: Structures for which the “start of construction” commenced on or after April 3, 1990

Construction and Home Improvement: A business activity customarily providing materials and services used in the construction, renovation, or furnishing of buildings and structures, including awning shops, furniture stores, heating and air conditioning (sales and installation), lumber yards, plumbing supplies and services, rental equipment stores, sign contractors, electrical supplies and services, glass and window sales and similar uses.

Deleted: Materials and Services

Construction, Start of: The permanent placing of construction materials in position and fastened in a permanent manner; except that when demolition, excavation, or removal of an existing structure has been substantially begun preparatory to new construction, such excavation, demolition, or removal shall be deemed to be the “start of construction” provided that work shall be continuously carried on until the completion of the new construction involved. Start of construction shall include only work begun under a valid building permit. The phrase “start of construction” shall include the term “erected.”

Consumptive Use: Any use of water, which reduces the supply from which it is withdrawn or diverted.

Containment, Primary: The first level of product-tight containment. The inside portion of that container which comes into immediate contact on its inner surface with the hazardous substance being contained.

Containment, Secondary: The level of product-tight containment external to and separate from the primary containment.

Contract: The agreement executed by the developer and the contractor for the performance of the work, or between the developer and the City for faithful performance, as indicated.

Contractor: The person with whom the developer has executed a contract for the performance of the work connected with a subdivision, or his legally authorized representative.

Contributing Property: Any building or structure which adds to the overall historic architectural qualities, historic associations or values of a designated historic district because it was present during the period of historic significance and possesses historic integrity through location, design, setting, materials or workmanship; or has yielded or is capable of yielding important information about the period of historic significance.

Convenience Store: A small retail store that sells grocery and deli items, and other day-to-day goods, and stocks such goods on the premises, all on a limited basis. A convenience store may offer the retail sale of motor fuels as an accessory use if permitted in the particular zone, or if the particular zone allows gasoline filling stations as a principally permitted use.

Deleted: Food

Type "A": ~~No sale of gasoline from gas pumps or no car wash facility.~~

Deleted: Excluding the

Type "B": Including the sale of gasoline from gas pumps and self-service car wash.

Type "C": Including the sale of gasoline from gas pumps, self-service car wash and a Type "D" Restaurant with or without drive-thru window.

Cornice: the structural trim that is used to cover the area where the roof and the exterior wall meet.

Country Market: See *Flea Market*

Court: An open, unoccupied, unobstructed space, other than a yard, on the same lot as a building.

Crematory/Cinerator: A facility where dead human bodies are reduced to a residue, including bone fragments, by direct flame, also known as "cremation," or by intense heat, also known as "calcination."

Deleted: Daily Needs Retail Sales and Services: Those business activities serving the daily needs of residents in the immediate area. Such uses shall include bakeries (retail only), barber shops, beauty salons, convenience food stores (Type "A"), drug stores, florists, hardware stores, laundromats, laundry and dry cleaning (pick up stations only), newsstands, beer and wine sales, liquor stores, and similar uses. Also referred to as "Neighborhood Commercial."

Cul-de-Sac: A street terminated at the end by a vehicular turnaround.

Cultural and Civic Activities: Activities typically performed by public or private not-for-profit private entities for the promotion of a common cultural or civic objective such as historical, literary, scientific, musical, dramatic, artistic or similar objectives.

Davit: Any of various types of small crane-like apparatus that project over the side of a seawall or dock or that are installed under a boathouse for the purpose of hoisting a boat out of the water.

Day Care: Day care includes activities typically performed by an agency, organization or individual (any of which must be duly licensed by the State) providing day care without living accommodations for persons not related by blood or marriage to, and not the legal wards or foster children of, the attendant adult.

Deleted: Day care uses include:
Adult Day Care Center: Any building, buildings, or part of a building, whether operated for profit or not, which is licensed by the State of Florida, Department of Health and Rehabilitative Services, 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 eighteen (18) years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.
Child Care Facility: 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 following are not included: public schools and non-public schools and their integral programs except as provided in §402.3025, Florida Statutes; summer camps having children in full-time residence; summer day camps; and Bible Schools normally conducted during vacation periods.
Family Day Care Home: An occupied residence in which childcare is provided as regulated by Chapter 402.302.

Demolish: To alter a structure in such manner as to render it unfit for use to such an extent that repair is not feasible or is so costly as to be economically prohibitive. Alterations within the scope of an approved building permit shall not be regarded as demolition as defined in this Section.

Density: The total number of dwelling units per gross acre of land. For purposes of computing density allowances, the total amount of unbuildable area, including wetlands, retention ponds, and inaccessible areas shall not exceed ten percent (10%) of the gross acreage. Density, in turn relates to the total population load on the land in terms of families or persons per acre. In calculating maximum potential densities for any given parcel of property, such calculations shall be exclusive of that existing portion which is considered to be submerged lands.

Density, Nonconforming: See *Nonconforming Density*

Deleted: Dental Clinic: See Clinic, Medical or Dental

Deposited or Discharged: As pertains to hazardous materials, any spilling, leaking, seeping, pouring, emitting, emptying or dumping; the use of a hazardous material in accordance with its intended use as specified by the manufacturer shall not be deemed as a “deposit or discharge.”

Designated Species (Endangered or Threatened Species): Designated species include those classified, by either the Florida Fish and Wildlife Conservation Commission or the US Fish and Wildlife Service, as endangered, threatened, or species of special concern, or those species actively being considered for such designation.

Detention: The collection and temporary storage of stormwater or surface water for subsequent discharge at a rate that is less than the rate of inflow.

Developer: Any person who acts in his own behalf or as the agent of an owner of property and engages in development or the alteration of land or vegetation in preparation for construction activity.

Development Activity or Development: Development activity or development means any of the following activities:

- A. Construction, clearing, filling, excavating, grading, paving dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
- B. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.
- C. Subdividing land into two or more parcels.
- D. A tree or vegetation removal for which authorization is required under this Code.
- E. Erection of a sign for which authorization is required under this Code.
- F. Alteration of a historic property for which authorization is required under this Code.
- G. Changing the use of a site so that the need for parking is increased.
- H. Construction, elimination or alternation of a driveway on a public street.

Development: The use of any structure, land or water; or change, expansion or addition to any use, land or water; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; or the carrying out of any building activity; or the making of any change in the appearance of any structure, land or water; or the subdividing of land into two (2) or more parcels; provided, however, that building activity that is carried out exclusively within a previously constructed structure which does not affect the intensity of use or affects only the exterior color of the structure shall not be considered development.

Development Agreement: An agreement entered into between the city and a developer and property owner for the purpose of assuring the city that the property owner/developer shall provide required on-site and/or off-site improvements according to established schedules, meet development and construction design conditions acceptable to the City, and establish developer commitments that demonstrate that the development meets or exceeds requirements set forth in the Land Development Code and Comprehensive Plan. Development agreements include, but are not limited to, agreements authorized pursuant to F.S. §163.3220 and F.S. §380.01 et seq., both as may be amended from time to time.

Development, Cluster: A development approach of the division of land into lots which permits a reduction in the minimum lot size requirements for certain residential districts where said lots are arranged into one (1) or more groups while keeping the overall project gross density the same as in a conventional development. These clusters or groups shall be separated from adjacent property and other groups of lots by intervening common land. No lot shall front on a major local street, thoroughfare, or arterial.

Development Footprint: The area of land covered by the building foundation, including the area contained within a line three feet (3') from the foundation around the entire perimeter of the building; parking areas and drive aisles; accessory structures, any impervious surface; and stormwater retention/detention ponds.

Development Order: Any order granting, denying or granting with conditions an application for approval of a development project or activity.

Development Permit: Any official city document, which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical and so forth, in addition to the building permit itself), grading and clearing permits, tree removal permits, street graphic permits, etc.

Diameter at Breast Height (DBH): The diameter of a tree four and one-half feet (4½') above the soil line at the base of the tree; provided, however, if the tree trunk forks below four and one-half feet (4½') above ground level or higher, it is measured below the swell resulting from the double stem. Stems that fork below four and one-half feet (4½') above ground level shall be considered separate trees. In the case of multiple-trunk trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four and one-half feet (4 ½') above ground level.

Dicotyledonous (Dicot) Tree: A tree having a woody stem, branches, and leaves with net venation and having a separate, distinct outer bark which can be peeled from the tree.

Direct-to-Home Satellite Services: The distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite.

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

District: An area or areas of the city designated on the zoning map as being subject to the uniform regulations and requirements of a particular zoning category established in this chapter. See *Zoning District*

Dock: A fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels or other water dependent recreational use.

Documentation: Photographs, slides, maps, drawings, graphics, plans, factual written descriptions or legal records.

Dormer: A dormer is a window housed in a gable or similar structure affixed to the sloping part of a roof, providing natural light and ventilation to the rooms beneath the roof.

Drainage System, Natural: Watercourses or those wetlands which convey water to natural points of discharge or which store water.

Drainage Systems (Surface Water or Stormwater): All artificial stormwater control systems, facilities and structures including, but not limited to, basins, canals, conduits, channels, culverts, dams, impoundments, pipes, reservoirs, swales and other such works or natural features such as wetlands, creeks, rivers, and lakes that provide collection, drainage, conveyance, or other surface water management capabilities located inside publicly owned rights-of-way or easements.

Dredging: Excavation by any means in water or wetlands. It also means the excavation or creation of a water body.

Drip Line: A vertical line running through the outermost portion of the tree crown extending to the ground.

Drive-Through Facility (Includes Drive-In, Drive-Thru, and Drive-Up): A facility, which by design, physical facilities, service or by packaging procedures encourages or permits customers to place orders, receive services, obtain goods or be entertained while remaining in motor vehicle. Such facilities may include an outdoor menu board. Also referred to as a Restaurant "Type D".

Driveway: A paved area on a site used for ingress and egress of vehicles.

Driveway, Joint-Use: A driveway or access aisle shared by more than one property owner.

Drought-Tolerant (including Low-Water Use) Plant or Tree: Native plants or trees capable of surviving extended periods with little or no rainfall, as typically experienced in Central Florida.

Dry Cleaning Plants and Systems: A business operation that engages in the cleaning of clothing or fabrics or other such material that may be cleaned with chemical solvents having little or no water and which are further classified as follows:

Type I - Those systems using Class I flammable liquid solvents having a flash point below 100°F.

Type II - Those systems using Class II combustible liquid solvents having a flash point at or above 100°F and below 140°F.

Type III - Those systems using Class III combustible liquid solvents having a flash point at or above 140°F.

Type IV and Type V - Those systems using Class IV non-flammable liquid solvents.

Dune: A mound or ridge of loose sediments, usually sand-sized, lying upland or landward of the beach or shore, and deposited by any natural or artificial means. The term may also include a beach ridge, dune ridge, chenier, or similar topographic feature.

Dune Face: That portion of the primary dune which is described as the waterward side or the waterward most extension of the dune scarp or of the exposed shoreline armoring structure, whichever occurs adjacent a particular part of the beach.

Dune, Primary: The first natural or man-made mound or bluff of sand which is located landward of the beach which has substantial vegetation, height, continuity and configuration.

Duplex: See *Dwelling, Two-Family*

Dwelling Unit: A room or rooms connected together to form a separate and independent housekeeping establishment to be occupied by one (1) family and containing sleeping facilities, sanitary facilities, and one (1) kitchen. The term dwelling unit shall not be construed to mean any form of transient lodging including, but not limited to hotel, motel, tourist court, boarding house, manufactured home, cabins or tents.

Dwelling Unit, Attached: A dwelling unit that is attached in any manner to another dwelling unit's foundation or roof or joined at one (1) or more sides by a party wall or walls. This term shall not be construed to mean any form of transient lodging including, but not limited to hotel, motel, tourist court, boarding house, manufactured home, cabins or tents.

~~**Dwelling, Duplex:** A building containing only two (2) dwelling units. This term shall not be construed to mean any form of transient lodging including, but not limited to hotel, motel, tourist court, boarding house, manufactured home, cabins or tents.~~

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units. This term shall not be construed to mean any form of transient lodging including, but not limited to hotel, motel, tourist court, boarding house, manufactured home, cabins or tents.

~~**Dwelling, Quadrplex:** A building containing four (4) dwelling units. This term shall not be construed to mean any form of transient lodging including, but not limited to hotel, motel, tourist court, boarding house, manufactured home, cabins or tents.~~

Dwelling, Single-Family - Detached: A building containing only one (1) dwelling unit that is entirely surrounded by open space and not attached to another dwelling unit's foundation or roof or joined at one (1) or more sides by a party wall or walls. This term shall not be construed to mean any form of transient lodging including, but not limited to hotel, motel, tourist court, boarding house, manufactured home, cabins or tents.

Deleted: Dwelling Unit, Detached:
One (1) dwelling unit that is entirely surrounded by open space and not attached to another dwelling unit's foundation or roof or joined at one (1) or more sides by a party wall or walls. This term shall not be construed to mean any form of transient lodging including, but not limited to hotel, motel, tourist court, boarding house, manufactured home, cabins or tents. ... [2]

Deleted: Dwelling, Two- (2-) Family:
A building containing only two (2) dwelling units. The term two- (2-) family dwelling also includes the word duplex. This term shall not be construed to mean any form of transient lodging including, but not limited to hotel, motel, tourist court, boarding house, manufactured home, cabins or tents. ... [3]

Dwelling, Triplex: A building containing three (3) dwelling units. This term shall not be construed to mean any form of transient lodging including, but not limited to hotel, motel, tourist court, boarding house, manufactured home, cabins or tents.

Earth berm: An earthen mound designed to provide visual interest, screen undesirable views, and decrease noise.

Deleted: See *Berm*

Easement: A grant to another party by a property owner of the right to use land for a specific purpose, such as, but not limited to, drainage or placement of utility lines, protection of conservation areas, or movement of vehicles or people.

Easement, Conservation: A legal document consistent with §704.06, Florida Statutes, executed by a property owner to ensure that the natural resource values of the property as identified therein are preserved and protected indefinitely. Easements may also be incorporated within a plat.

Easement, Cross-Access: An easement allowing the movement of vehicles or people between and among lots or parcels, whether such lots or parcels are under the same or separate ownership.

Eaves: The lowest horizontal line of a sloping roof or that part of a roof, which overhangs the exterior walls.

Deleted: Educational Institutions: Educational institutions include a place for systematic instruction with a curriculum the same as customarily provided in a public school or college. These activities include nursery school and kindergarten facilities designed to provide a systematic program to meet organized training requirements.¶

School: A facility devoted primarily to providing a curriculum of elementary or secondary academic instruction and is so certified by the State of Florida. Schools include all or a portion of all grades from kindergarten through high school (K-12).¶

Nursery School or Pre-School: Any premises or portion thereof used for educational work or parental care of non-resident children of less than the age required for enrollment in the public school system whether or not for compensation as licensed by the state.¶

Private School or Nonpublic Educational Facility: An institution which provides instruction from kindergarten through the college level and which does not come under the direct operation and administration of the Volusia County School Board or the State of Florida. ¶

Preschool: Childcare and preschool programs for children below the age necessary to enroll in kindergarten.¶

Primary, Intermediate, Middle and High: References to these schools encompass any schools, graded or ungraded, whose students are within the age groups typically found at these school levels: Primary – kindergarten to second grade, intermediate – third to fifth grade, middle – sixth to eighth grade, and high – ninth to twelfth grade. [Note: terms not found in current Land Development Code except in definition.]¶

Private College/University: An institution of higher learning beyond the high school level.¶

Private School: This term as used herein refers to any private institution providing instruction at any level from kindergarten through the college level.

Eligible Shoreline Gap: A regulatory gap established under Chapter 3, Article II (Coastal Management), to determine the appropriateness of constructing a seawall, bulkhead or revetment along the Atlantic Ocean shoreline or associated beach and dune system. A gap of five hundred (500') feet or less in a continuous line of structurally sound seawalls, bulkheads, or revetments, where the continuous line of armoring along the adjacent shoreline or beach is at least six (6) times the length of the gap with at least two (2) times the length of the gap on one (1) side of the gap.

Engineer: A person professionally licensed by the state to practice engineering.

Equestrian Trail: An off-road pathway designated by the city, county, or other government for the recreational riding of horses on horseback. See *Horse Trail*

Equivalent Living Unit: A measure of consumption for impact fee calculations.

Erected: See *Construction, Start of*

Erosion: The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

Estuary: A semi-enclosed, naturally existing, coastal oriented body of water in which saltwater is naturally diluted by freshwater and which ultimately has an open connection with oceanic waters. The estuary in Ormond Beach includes, but is not limited to the Halifax River, portions of the Tomoka River and its tributaries.

Evacuation Routes: Routes designated by the Volusia County Civil Defense Authority or the Local Peacetime Emergency Plan as necessary for the movement of persons to safety in the event of a hurricane or coastal flood hazard.

Deleted: Excavation: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Exempt Tree: The following trees are exempt from the tree protection requirements of this ordinance:

Deleted: Any tree defined in this Article as an unprotected tree. See *Unprotected Tree*

| <u>COMMON NAME</u> | <u>BOTANICAL NAME</u> |
|-------------------------|----------------------------------------|
| <u>Australian Pine</u> | <u><i>Casuarina leipconphloia</i></u> |
| <u>Brazilian Pepper</u> | <u><i>Schinus terebinthefolius</i></u> |
| <u>Camphor</u> | <u><i>Cinnamomum camphore</i></u> |
| <u>Chinaberry</u> | <u><i>Melia azedarach</i></u> |
| <u>Chinese Tallow</u> | <u><i>Sapium sebiferum</i></u> |
| <u>Citrus</u> | <u><i>Citrus species</i></u> |
| <u>Earleaf acacia</u> | <u><i>Acacia auriculiformis</i></u> |
| <u>Eucalyptus</u> | <u><i>Eucalyptus species</i></u> |
| <u>Punk Tree</u> | <u><i>Melaleuca quinqenervia</i></u> |
| <u>Silk Oak</u> | <u><i>Grevillea robusta</i></u> |
| <u>Woman’s Tongue</u> | <u><i>Albizia lebbek</i></u> |

Existing Condition: The physical condition of the site immediately before development, redevelopment, or a clearing or other impact to the site commences.

Facade (Building): Exterior wall(s) of a structure or building exposed to public view or that will be exposed to persons not within the structure or building.

Facade, Primary: Any building wall, including those for public parking garages, facing a public right-of-way or having an entrance primarily used by customers, patrons or the public.

Façade, Secondary: A secondary façade is a facade other than a primary façade that has a customer entrance. (See *Primary Façade*) Any exterior wall of a parking garage facing a residential zoning district is also a secondary facade.

Families, Low and Moderate Income: Lower income families as defined under the Section 8, Federal Assisted Housing Program, or families whose annual income does not exceed eighty percent (80%) of the median income of the area.

Family: One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over four (4) persons. Domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. In addition, a related family may have up to two (2) unrelated individuals living with them. The term “family” does not include any organization or institutional group.

Family Day Care Home: An occupied residence in which childcare 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 as regulated by Chapter 402.302, Florida Statutes.

Deleted: is provided

Farm Ponds: Accessory ponds established in conjunction with an agricultural use. Such ponds shall conform to the requirements for mining and excavation, as provided in this Code, and have a maximum size of three-quarter (3/4) acre and have a maximum ratio of one (1) pond per five (5) acres. All boundaries of excavation are to be wholly within the building setback line of the property.

Farm Worker Living Facility: One (1) or more dwellings located on a lot used to house farm workers. Also includes a bunkhouse.

Farm Worker: Any person who assists with the chores, operation, security or maintenance of a farm or ranch.

Farmers' Market: An enclosed, partially enclosed, or outdoor use where space is divided into booths, tables or partitioned into rental space so that farmers can market their goods. Farmers' markets are limited to the sale of fresh fruits, vegetables, dried fruits, fresh and dried herbs, nuts, honey, eggs, houseplants and cut flowers.

Fence (Or Wall): A structure intended to separate or enclose or define space, basically freestanding, constructed of one (1) or more of materials such as wire, wood, stone, cement or brick, designed to be decorative or ornamental or to serve utilitarian purposes as to control ingress or egress or persons or animals. A hedge, wall, or landscaped berm may constitute a "fence."

Financial Institution: A business establishment in which money is kept for savings or commercial purposes, or is invested, supplied for loans, or exchanged. This term shall include credit unions and similar establishments which typically include automatic teller machines (ATMs) and drive-through facilities

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Filling: The depositing of any materials by any means into water, wetlands, floodplain, or upland area.

Finding of Available School Capacity: A determination by the Volusia County School District that public school concurrency has been achieved, based on the projected impacts of a residential development. A Finding of Available School Capacity may be based upon an executed Proportionate Share Mitigation Agreement

Finding of No Available School Capacity: A determination by the Volusia County School District that public school concurrency has not been achieved, based on the projected impacts of a proposed residential development and the failure of the applicant to proffer an acceptable Proportionate Share Mitigation Agreement.

Finished Grade: The completed surface of lawns, walks, and driveways brought to grade as shown on building plans or designs relating thereto.

Firewise Landscaping: Vegetative management that removes flammable fuels from around a structure or property to reduce exposure to radiant heat. Firewise communities will be determined by the Chief Fire Official.

FISH (Florida Inventory of School Houses): An official inventory report of all Volusia County School District owned facilities.

Fish Camp: Any premises designed to provide for the harboring, sale or rental of boats, fishing equipment or other fishing essentials.

Flat Roof: A roof having a pitch of not more than 1½ inches in twelve inches (12”).

Flea Market (Including Country Market): An enclosed, partially enclosed, or outdoor use within which space is divided into booths or tables, or partitioned space intended for daily, weekly, monthly, or annual rental to merchants dealing primarily in produce, related agricultural products, and used or new merchandise. This term shall not be construed to include farmers’ market.

Floathouse: A watercraft that is not self-propelled and with a dwelling place on it for habitation by human beings and is attached either by land or floating free in the water or tied by some means to a fixed structure.

Flood Boundary and Floodway Map: The official map on which the administrator has delineated both the flood boundaries and the regulatory floodway.

Flood Damage Control Administrator: The officer of the city of Ormond Beach responsible for the execution of this Article and the delegation of responsibilities for the individual tasks contained herein.

Flood Elevation Determination: A determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

Flood Insurance Rate Map (FIRM): An official map of a community on which the administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study: Any examination, evaluation and determination of flood hazards and, if appropriate, an examination, evaluation and determination of mud slide (i.e., mud flow) and/or flood-related erosion hazards.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

Floodlight: A reflector-type light fixture regulated under Chapter 3, Article II, §3-17 (*Sea Turtle Protection*), and which is required to be shielded from casting a glare on the beach considered to have adverse impacts on sea turtles.

Floodplain Administrator: The Federal Insurance Administrator, to whom the director of the Federal Emergency Management Agency (FEMA) has designated the administration of the National Flood Insurance Program.

Floodplain Management Regulations: Any zoning ordinance, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain management ordinance, grading ordinance and erosion control ordinance) and other applications of police powers. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplain, Tidal: An area likely to flood or become inundated from water, which is subject to tidal action.

Floodplain: An area likely to flood based on the officially adopted Flood Issuance Rate Map (FIRM).

Floodproofing: Structural changes or adjustments incorporated in the design or construction of a building so as to make the building watertight

Floodway Encroachment Line: The line marking the limits of floodway maps on federal, state and local floodplain maps.

Floodway: See *Regulatory Floodway*

Floor: The top surface of an enclosed area in a building (including basement). Where no exterior wall encloses retail or other similar commercial use, such as outdoor dining areas, the top surface of the area in which the use occurs.

Floor Area: The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, excluding attic areas with a head room of less than seven feet (7'), unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, vehicle parking structures, basement space, or porches, patios, breezeways, sun porches, and other similar structural additions that are unenclosed or enclosed with screening. Where no exterior wall encloses a retail or other similar commercial use, such as outdoor dining areas, the floor area is measured from the perimeter or edge of the floor or as may otherwise be defined within the Land Development Code.

Floor Area Ratio: The extent of development of any lot, expressed as a ratio of the gross floor area of all buildings on the lot (or of all principal buildings on the lot if the ratio is so limited) to the total developable lot area.

Food Mart: See *Convenience Store*

Foot-candle: A unit of measurement that is used to gauge the brightness or illumination of a projected light source, which is equal to the light flux falling on one (1) square foot of area one foot (1') away from a light source of one candle power.

Foster Home: A private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes and specialized foster homes for children with special needs. A person who cares for a child of a friend for a period not to exceed 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 department or by a licensed child-placing agency for children placed for adoption is not considered a family foster home.

Deleted: A dwelling owned or rented by, and occupied by, parents licensed by the state to provide personal care for one (1) or more foster children, all of whom live together in such dwelling as a family unit, with traditional family ties. Any former foster child who has lived continuously in such a home for one (1) year prior to his/her attaining majority age shall be considered a member of the family, as such term is defined within this Article.

Fraternal Organizations: A group of people formally organized for a common interest, usually cultural, civic, religious or entertainment, with regular meetings, and formal written membership requirements.

Funeral Home: Any building or part thereof used for human funeral services. Such building may contain space and facilities for any of the following:

- A. Embalming and the performance of other services used in the preparation of the dead for burial .
- B. The performance of autopsies and other surgical procedure
- C. The storage of caskets, funeral urns and other related funeral supplies
- D. The storage of funeral vehicles
- E. Facilities for cremation

Gable: A gable is that part of an exterior wall, above the level of the eaves, which conforms to the inverted-V configuration of the roof rafters.

Gable Roof: A roof in which two opposite sides are supported by sloping rafters, the walls of the other two sides being extended upward in an inverted-V shape conforming to the slope of the rafters, is known as a gable roof. The majority of American houses have gable roofs.

Garage, Enclosed: An enclosed accessory building or portion of a principal building consisting of a roof and being designed or used for the storage of motor vehicles regularly used by occupants and guests of the premises.

Garage, Public: A multi-level parking facility designed and used for the temporary storage of operational automobiles, whether owned and operated by a private business or public entity.

Garage Sales: The sale of residential household items or personal possessions which have been incidentally accumulated during normal residential use of the property by a person residing on the premises where the sale is conducted, but not including the sale of food or drink, titled personal property, items purchased for resale, or items transported to the premises solely for sale. The term includes, but is not limited to, sales commonly known as "yard", "patio", "driveway", "lawn", "attic", "tag", or other similar sales occurring within residential property.

Garbage: Solid wastes from the preparation, cooking and dispensing of food or from the handling, storage and sale of produce.

Garden Center/Nursery: A use which is primarily devoted to the sale of trees, plants, garden furnishings, accessories and tools used in lawn and garden care, including mulch, fertilizers, insecticides and outdoor furniture.

Golf Course/Country Club: A course of at least ten (10) acres devoted to the game of golf and does not include miniature golf or stand-alone driving ranges. Driving ranges may serve as an accessory use to a bona fide eighteen-hole golf course.

Golf Course, Contoured: A golf facility contained on less than ten (10) acres and used for instruction and practice of the game of golf. Such facility includes practice driving ranges, putting greens, and or both. The term does not include miniature golf, as defined within this Article.

Deleted: Funeral Chapel: Any building which is used primarily for human funeral services, provided that said building shall not contain facilities for any of the following:¶
 A. Embalming ¶
 B. The performance of autopsies or other surgical procedures ¶
 C. Cremation ¶
 D. The storage of funeral caskets and funeral urns, except those on display on the premises ¶
 E. Funeral vehicles shall not be stored on the premises unless such vehicles are stored in a garage or other accessory building, which has no direct public street frontage. The garage or other accessory building shall not be used for any other purpose.

Golf, Miniature: An outdoor amusement facility designed only for the putting component of the game of golf, and is used and constructed for entertainment purposes and not for the instruction or practice of golfing, which typically occurs on a golf course, as defined in this Article. The only club used in the activity is a putter, which has a clubface with an angle parallel or nearly parallel to the club's shaft.

Grade, Finished: The final elevation of the ground surface after development.

Grade, Natural: The elevation of the ground surface in its natural state before man-made alterations.

Grass, Ornamental: foliage plants of the grass variety used for decorative purposes in landscaping. The following grass species are examples of ornamental grass

Grass, Turf: Continuous coverage of the ground surface by a grass species maintained by mowing. The following grass species are acceptable turf grass:

Greenbelt Preservation District: The preservation of large natural areas and vegetation leading into the city. Specific roadways are designated as Greenbelt areas. Refer to Greenbelt Preservation District for specific requirements.

Greenhouse: A glassed enclosure used for the cultivation or protection of tender plants.

Ground Cover (Plants): ~~A dense, extensive growth of low-growing plants, other than turfgrass, normally reaching a maximum height of not more than eighteen inches (18") at maturity.~~

Deleted: Any plants of species which normally reach a height of less than three (3) feet upon maturity, installed in such a manner as to form a continuous cover over the ground. For the purposes of Chapter 3, Article I, ground cover does not include turf grass species.

Ground Level Barrier: For the purposes of LDC §3-17 (*Sea Turtle Protection*), any natural or artificial structure rising above the ground which reduces artificial lighting from shining directly onto the beach/dune system.

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

Group Home: Any building or part thereof whether operated for profit or not, which undertaken through its ownership or management to provide, for a period exceeding twenty-four (24) hours, services to individuals who require such services. The ownership or management must have obtained applicable licenses from the State of Florida to provide services rendered to resident occupants or clients. Group Homes shall include individuals who are elderly, developmentally disabled, physically disabled, or dependent children, but shall not include individuals who are violent, criminal or dangerously mentally ill.

Habitat: The particular natural community, or communities that typically supports a population of a particular plant or animal species.

Hangar: A covered and usually enclosed area for housing and repairing aircraft and airships.

Hatchling, Sea Turtle: Any species of sea turtle, within or outside of a nest, which has recently hatched from an egg.

Hatracking: Pollarding, or flat-cutting a tree in a manner inconsistent with standards published by the National Association of Arborists, Inc.

Hazardous Substances: Any substances or materials in a quantity or form which, as determined by the City Engineer or his designee, pose an unreasonable and imminent danger to the life, health or safety of persons or property or to the natural environment and shall include but not be limited to, such substances as explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives; and hazardous wastes. Such materials and substances include, but are not limited to, the following:

- A. Substances listed on the Florida Substances List as set forth in Chapter 38F-41, Florida Administrative Code, as amended.
- B. Title 40 of the Code of Federal Regulations, Part 261 (Identification and Listing of Hazardous Wastes, adopted May 19, 1980).
- C. Title 40 of the Code of Federal Regulations, Part 302.4 (Table 302.4) (List of Hazardous Substances and Reportable Quantities, adopted April 4, 1985, as amended).
- D. Title 40 of the Code of Federal Regulations, Part 355, Appendix A and B (List of Extremely Hazardous Substances, adopted April 22, 1987, as amended).
- E. Any other hazardous or harmful substance, waste or material as so defined in any state or federal statute or regulation.

Hazardous Substances Storage System: Any one (1) or combination of tanks, sumps, wet floors, waste treatment facilities, pipes, vaults, or other portable or fixed containers used, or designed to be used, for the storage of hazardous substances at a facility.

Health Spa: Facilities primarily designed and utilized by persons holding membership and privileges in which exercise equipment; health baths (such as sauna, steam, and whirlpool); swimming pools; and similar facilities are provided and used.

Hedge: A landscape barrier consisting of a continuous, dense planting of shrubs, not necessarily of the same species.

Height, Building: The vertical distance from highest finished grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch of more than 4.5/12, measured as rise over run, except that in no case shall any building exceed a maximum height of seventy-five feet (75') when measured from the average median lot elevation to the highest point of any structure and/or attached services.

Height, Satellite Dish Antenna: The height of a ground mounted antenna measured vertically from the highest point of the antenna when positioned for operation to the bottom of the support base at final grade.

Height, Telecommunication Tower: The distance measured from the finished grade of the parcel, including the base pad at final grade, to the highest point on the telecommunications tower or other structure, including all telecommunications antennae.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

Deleted: Heavy Equipment Sales and Minor Repairs: A business providing for the rental, sales or minor repair of large vehicles and equipment customarily stored outdoors. Such uses shall include boat supplies and services, campers and recreational vehicle (sales and minor repair), heavy construction equipment and similar uses.

Deleted: A row of closely planted shrubs screening forming a boundary or restrictive barrier

Hip Roof: A roof in which all four (4) sides are supported by rafters, which slope down to the top plates of the walls.

Historic District: A geographically defined area possessing a significant concentration, linkage, or continuity of landmarks, improvements, or landscape features united by historic events or aesthetically by plan or physical development, and which area has been designated as an historic district by ordinance; such a district may have within its boundaries non-contributing properties which, while not of such historic significance as to be designated as historic landmarks, nevertheless contribute to the overall character of the district.

Historic Landmark: Any site, structure, building or object meeting one (1) or more of the criteria specified in Chapter 2, Article VI (*Historic Districts*)

Historic Preservation Mixed-Use: Limited non-residential use of a single-family residence, which is listed on either the National Historic Register or the City's Local Landmarks List.

Historic Trees: See *Tree, Historic*

Hobby Breeder: A use allowing for the shelter, breeding or training of dogs or cats belonging to the resident of the premises and which has been licensed or authorized as a hobby breeder by the Volusia County Animal Control Board.

Hog Farm: Any premise where ten (10) or more hogs over six (6) months of age are harbored.

Home Occupation: Home occupations shall be categorized as follows:

Type "A": An office, professional service or phone type occupation conducted entirely in a residential dwelling unit subject to the provisions in Chapter 2, Article III, §2-50 of this Code.

Type "B": Home office or arts and handicraft uses which conform to the provisions in Chapter 2, Article III, §2-50 of the Code and do not involve supplier or client business visits to the premises or the use of equipment or processes on the premises of the home occupation which may adversely affect nearby dwellings or properties through noise, vibrations, odors, fumes, fire hazards, light glare, electrical or radio wave interference, or the like. No stock-in-trade or commodities shall be delivered or sold upon the premises. Such stock shall only be kept within a completely enclosed principal structure or garage.

Type "C": Home Occupations not included in Type "A" or "B", including beauty shops, music lessons, ceramic classes, lawn mower repair services, and dog grooming.

Horse Riding Stables: See *Riding Stables*

Horse Trails: See *Equestrian Trails*

Hospitals and Extensive Care Facilities: Institutions providing health services, primarily for in-patients, and medical or surgical care; including, as an integral part of the institution, related facilities, central service facilities, and staff offices.

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Hotel: A building or group of buildings in which sleeping accommodations are offered for rental primarily for transients on a short-term basis and the primary means of access to the sleeping rooms is through an inside lobby. Not more than thirty percent (30%) of the hotel rental units may be designed with kitchens for use by the occupants. A hotel is subject to the regulations of the Division of Hotels and Restaurants of the Florida Department of Business Regulation. This term shall not be construed to mean any type of residential dwelling as defined by this Land Development Code.

Hotel/Motel, Executive Suite: A public lodging establishment, subject to the requirements of Chapter 509, Florida Statutes, that provides daily, weekly or monthly rental of transient lodging units containing separate bedroom, bathroom and kitchen facilities in all units. An executive suite accommodation is subject to the regulations of the Division of Hotels and Restaurants of the Florida Department of Business Regulation. For the purposes of this Code, hotels, motels and executive suite shall be defined as transient lodging. This term shall not be construed to mean any type of residential dwelling as defined by this Land Development Code.

House of Worship: A building regularly used as a place of worship by a recognized body or organization of religious believers.

Houseboat: A watercraft used as a dwelling and moored in the same general area at least eight (8) hours a day for ten (10) days in any month, either consecutive or inconsecutive.

Hunting Dog: A hunting breed of dog harbored on the premises of the owner and used in the trailing or taking of game mammals and game birds.

Hunting Lodge: A premises managed or intended for the hunting of wild game, including any dwelling structures or camping facilities intended for temporary occupancy by hunters.

Hurricane Shelter: A structure designated by the city or county as a place of safe refuge during a coastal storm or hurricane.

Hurricane Vulnerability Zone: The areas delineated by the regional or local hurricane evacuation plan as requiring evacuation in the event of a one hundred- (100-) year storm or Category 3 storm event. See *Areas Subject to Coastal Flooding*

Hydric Soil: A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part that favor the growth and regeneration of hydrophytic vegetation (US Department of Agriculture - Soil Conservation Service 1985). Hydric soils that occur in areas having positive indicators of hydrophytic vegetation and wetland hydrology are wetland soils. In addition, soils are hydric according to the soil profile which obtains hydric characteristics of organic matter accretions at the soil surface, high organic matter content in soil surface layer, and gray soil matrix color near the surface layer (soils which undergo saturation for a sufficiently long period of time usually give distinct gray color resulting from oxidation and reduction processes).

Hydrophytic Vegetation: Macrophytic plant life growing in water or in substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Impervious: surface material incapable of being penetrated by moisture and preventing the percolation of water to sub-surface areas.

Improved and Open Road: A road that has been accepted by the City as a public street or private street if approved by plat, in accordance with Chapter 4, Article II of this Code.

Improved Property: Any real property that has a principal structure or principal outdoor use located thereon.

~~It may include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street name signs, landscaping, permanent reference monuments (PRMs), permanent control points (PCPs), or any other improvement required by a governing body.~~

Deleted: Improvements

Deleted: Improvements

~~**Included Bark:** Bark that is pushed inside a developing crotch, causing a weakened structure.~~

Industrial Park: A defined geographic area planned and coordinated for the development of various industrial uses and associated activities. An industrial park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking, utilities, stormwater management, building design, signage, and landscaping.

Industrial Wastes: The liquid wastes from industrial processes as distinct from sanitary sewage.

Industry: Any activity involving the manufacturing of any commodity including the assembly, packaging, canning, bottling, or processing of any items. To change any commodity in composition, form, size, shape, texture, or appearance is deemed to be an industrial process. The word “*industry*” shall include the word “*manufacture*”.

Industry, Heavy: A use engaged in the basic processing and manufacture of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Storage and manufacturing activities may be permissible outdoor activities subject to requirements of the Land Development Code.

~~**Industrial Uses, Light:** A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and warehousing and distribution of such products, but excluding basic industrial processing. All manufacturing activities and associated equipment and storage occur inside a completely enclosed building, unless otherwise authorized by the City on a limited basis through a special use permit, Special Exception, or development agreement.~~

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Infrastructure: Man-made structures which serve the common needs of the population, including but not limited to roadways, water and wastewater treatment systems, solid waste facilities, drainage and retention facilities and wellfields.

Inoperable Motor Vehicle: Any unregistered motor vehicle or one that is unable to be driven under its own power.

Invasive Exotic Plants: Any land or aquatic plant not indigenous to Florida, which exhibits, or has the potential to exhibit, uncontrolled growth and invasion or alteration of the natural qualities and functions of any native habitat. Chapter 3, Article I (*Landscaping*) contains a listing of such plants.

Irrigation: The process of artificially applying water to living plant material.

Deleted: Indoor Private or Commercial Recreational Areas and Facilities: Recreational areas and facilities, in a completely enclosed structure, owned, operated and maintained by private or commercial interests for the purpose of providing athletic activities such as swimming, tennis, and other court games, field sports and similar activities including health spa and racquet club. Commercial Amusements such as amusement rides, amusement parks, water slides, game rooms, billiard rooms, miniature golf, driving ranges, and similar activities shall not be construed to be athletic activities and shall be prohibited unless specifically permitted in the district regulations.

Irrigation Plan: A plan drawn at the same scale as the landscape plan, indicating location and specification of irrigation system components and other relevant information as required by this ordinance.

Irrigation System: The supply of water to landscape areas by an automatic sprinkler system.

Joint-Use Driveway: See *Driveway, Joint-Use*

Junk Yard: A premise where junk materials such as scrapped metal, rubber tires, glass, wood scraps, plastic, tools, equipment, fixtures, appliances, construction materials, automobile parts, discarded automobiles, and paper or similar materials are bought, sold, exchanged, stored, baled, packaged, packed, disassembled, or handled. This term also includes automobile wrecking yard and salvage yard operations.

Kennel: A premise, other than hobby breeders, where five (5) or more dogs over three (3) months of age or five (5) or more Class II Wildlife over six (6) months of age as listed in Section 39-6.02, Florida Administrative Code, are harbored, whether for profit or for personal use.

Kindergarten: See *Educational Institution*

Kitchen: A portion of a building devoted to the storage, preparation or assembly of food that includes a sink and appliance for cooking and/or heating of food.

Land: The earth, water, air, above, below or on the surface, and includes any vegetation, ~~or structures~~ customarily regarded as land.

Deleted: improvements

Land, Submerged: shall mean “lands beneath navigable waters” to wit-

- A. All lands within the boundaries of the State of Florida which are covered by nontidal waters that were navigable under the laws of the United States at the time Florida became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, and reliction:
- B. All lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of the State of Florida and to the boundary line of Florida as it existed at the time it became a member of the Union, or as heretofore approved by Congress, extends seaward (or into the Gulf of Mexico) beyond three geographical miles, and
- C. All filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined.

Land Surveyor: A land surveyor registered under F.S. Chapter 472 who is in good standing with the board of professional land surveyors.

Land Use: The development that has occurred on the land or that is proposed by an applicant for the land, or the use that is permissible or permitted on the land under the adopted Comprehensive Plan and this Code.

Landscape Architect: The City Landscape Architect, or his designee.

Deleted: A person professionally licensed by the state to practice landscape architecture.

Landscape Features: Any permanent structure, such as trellis, arbor, fountain, pond, garden sculpture, landscape lighting, decking, patio, decorative paving, gazebo, monument or pole signage and other similar elements.

Landscape Materials: Living trees, shrubs, vines, grasses, turf grasses, ornamental grasses, ground covers and other plants, sand, mulch, bedding materials, walls and fences, and other nonliving, durable materials commonly used in landscaping and allowed under Chapter 3, Article I; landscape water features; and similar materials and design features; provided that visible synthetic materials shall not qualify.

Landscape Plan: A plan indicating all landscape areas, stormwater retention/detention areas, existing vegetation to be retained, proposed plant material, landscape legend & site data chart, landscape features, planting details and specifications and all other relevant information in compliance with this ordinance.

Landscaping: Landscaping shall consist of any of the following or combination thereof, but shall not be limited to, turf grass, ornamental grass, ground covers, shrubs, vines, hedges, trees or palms; and non-living durable material commonly used in landscaping, such as earthberm, rocks, pebbles, sand, walls or fences but excluding all impervious surfaces or synthetic materials.

Level-of-Service: An indicator of the extent or degree of service provided by or proposed by a facility based on and related to its operation characteristics, as established by the adopted Comprehensive Plan.

Lawn: An area planted with lawn grasses.

Lighting, Beachfront: All artificial lighting within the “area of influence” regulated by §3-17 (*Sea Turtle Protection*) of this Code.

Lintel Wall System: A solid, pre-cast wall supported by columns with individual footers such that a continuous footer is not required to provide structural support to the wall panels.

Listed Species: See *State-Listed Animal* and *State-Listed Plants*.

Live Theater: A theater where live plays are performed or acted by actors but not including reviews or burlesque shows.

Livestock: Any animal of the equine, bovine or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals.

Livestock Feed Lot: Any limited area, structure, pen or corral wherein livestock is maintained in close quarters for the purpose of mass feeding prior to final shipment to market. Feed provided to livestock in such areas may be brought in from off-site.

Lodges: See *Community Centers, Clubs, and Lodges*

Lot, Area: The area of a platted lot that can be used for development as permitted by the comprehensive plan and Land Development Code. In no case shall submerged lands be used to meet the minimum lot area or other dimensional standards established in this Land Development Code.

Lot Classification: For the purpose of this Code, lots shall be classified as corner lots, interior lots, and double frontage lots. The following diagram (Figure 3.1) illustrates these lot types:

Corner lots are defined as lots located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees (135°). See lots marked “A (1)” in the diagram (Figure 3.1).

Interior lots are defined as lots that abut only one (1) street.

Double frontage (or through) lots defined as lots other than corner lots that abut more than one (1) street.

Lot Coverage, Maximum: The percentage of a lot that may be covered by all buildings.

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

Lot Frontage: The term “lot frontage” shall be construed as any side of a lot that abuts the public right-of-way or a private ingress/egress easement. For double frontage lots, rear yard access is prohibited unless specifically approved by a Development Order issued by the City Commission.

Lot Line, Front: The lot line along the lot frontage.

Lot Line, Rear: The lot line that is most distant from and most nearly parallel to the front lot line.

Lot Line, Side: Any lot line that is not considered to be a front or rear lot line.

Lot Lines: The boundary lines of the lot.

Lot Split: The division of land that is zoned REA (Rural Estate Agricultural) into no more than two (2) parcels having a minimum area of five (5) acres or more.

The division or combination of an existing lot or lots of record into no more than two (2) new lots, tracts or parcels where all parcels, when divided, abut (for a distance of at least the minimum lot width required in the applicable zoning district) a dedicated, opened, and improved public street meeting the standards established by the Code unless waived by the Site Plan Review Committee (SPRC), are served by existing water and sewer mains, and do not involve the establishment of any new street.

Any building development, including a condominium, in which there is or is intended to be any division of any parcel or tract into units or any division of the air space into units above or contiguous to any parcel or tract held in common, undivided ownership.

Lot Width: The horizontal distance between the side lot lines measured along the required minimum front yard setback line.

Lot, Adjoining: A lot of land that shares all or part of a common lot line including a common right-of-way with another lot or parcel of land.

Lot, Corner: See *Lot Classification*

Lot, Double Frontage: See *Lot Classification*

Lot, Flag: A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way or driveway.

Lot, Illegal Nonconforming: A lot that was never duly approved by the City and fails to conform to the present land development regulations.

Lot, Interior: See *Lot Classification*

Lot, Legal Nonconforming: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the land development regulations, but which fails by reason of such adoption, revision or amendment to conform to the present land development regulations.

Lot, Nonconforming: A lot which prior to the effective date of this Code met the requirements of the Codes in effect at the time the lot was last divided and officially recorded, but does not meet the minimum street frontage, width, lot depth and area requirements of the district regulations of this Code, or zoning amendments thereto.

Lot, Waterfront: A waterfront lot is any lot having a rear yard which is not separated from any lake, river, canal, or other substantial surface water course (exclusive of the Atlantic Ocean or retention areas created as part of a development plan), by any dedicated road or by more than ten feet (10') of land under different ownership.

Lot: A plot, parcel or tract of land of at least sufficient size to meet the minimum zoning requirements for use, lot coverage, area, width and other requirements of this Code that may be applicable. Nonconforming lots of record are exempted from certain provisions under the terms of Article of this Code.

Low Profile Luminaries: A light fixture set on a base which raises the source of the light no higher than forty-eight inches (48") off the ground and designed in such a way that light is directed downward from a hooded light source.

Low Volume Pressure Cleaning: Cleaning by means of equipment specifically designed to reduce the flow volume as accepted by industry standards.

Lowest Habitable Floor (including basement and garage): Any floor usable for living purposes, which include working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage is not a "habitable floor."

Maintain: To preserve from decline, keep in an existing state or retain in possession or control.

Major Maintenance: Actions reducing the height of a tree or the breadth of its crown spread by one-third (1/3) or more during any three hundred sixty-five (365) day period and conform to the National Arborist Association standards.

Major Structure, Non-Habitable: Includes but is not limited to swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants; electrical power plants; transmission and distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.

Major Structure: Includes, but is not limited to, residential buildings, including manufactured homes, commercial, institutional, industrial, and other construction having the potential for substantial impact on coastal zones and which is regulated under LDC §3-15 (Coastal Management).

Mangrove Stand: An assemblage of Mangrove trees, which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which include one (1) or more of the following species: Black Mangrove (*Avicennia nitida*); Red Mangrove (*Rhizophora mangle*); White Mangrove (*Languncularia racemosa*); and Buttonwood (*Conocarpus erecta*).

Manufactured 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, with or without other specified components, as a finished building, or as a part of a finished building, which shall include, but is not limited to, residential, commercial, institutional, storage, and industrial structures. A manufactured building bears the insignia of the Florida Department of Community Affairs. This definition does not apply to manufactured homes.

Manufactured Home Community: An area of land under single ownership where designated areas for manufactured homes are rented or sold on a condominium basis and which meet the requirements of the PDMHC and which has a minimum gross site area of fifty (50) acres.

Manufactured Housing: includes the following:

Manufactured Home: A home fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standard Act.

Manufactured Home Community: An area of land under single ownership where designated areas for manufactured homes are rented or sold on a condominium basis.

Mobile Home: A structure, transportable in one or more sections, which is eight (8) body feet or more in width and which is built on an integral chassis, and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Marina: A small craft harbor complex designed and used for storing, fueling, berthing, and launching of private pleasure watercraft.

Marquee: A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Massing: The width, volume and proportions of a building and its parts.

Maximum Utilization of Capacity: Utilization of facilities to ensure the adopted LOS for all schools of each type in each CSA and each individual school is not exceeded. Maximum Utilization shall not be construed to mean year round school, double sessions, split sessions, or transporting students more than fifty (50) minutes from their homes to a school site.

Mean High Water Line: The intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters over a nineteen- (19-) year period. (See §177.27[15], Florida Statutes)

Mean High Water: The intersection of the local elevation of mean high water as established under Chapter 18-21(31) of the Florida Administrative Code (Sovereignty Submerged Land Management). ["Mean high water" means the average height of the high tides over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations.]

Mean Sea Level (MSL): The average height of the sea for all stages of the tide. It is used as a reference for establishing varying elevations within the floodplain. For purposes of this Article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Deleted: Medical Clinic: See *Clinic, Medical or Dental*

Medical Massage Therapist: A therapist working directly under the supervision of a medical doctor or whose practice is limited to the treatment of patients referred by medical doctors.

Medical Research Laboratory: A facility in which the principal use is the testing and analysis of medical or dental samples and materials. This term includes analytical chemists, pathologists, medical or dental technicians, and bioanalytical laboratories. This shall also include the creation, fitting and fixing of dentures, crowns, and other dental materials. Animals are not to be kenneled, kept, or maintained in the premises.

Medical Supplies and rental: A business that provides medical equipment for either sale or rental.

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Mining and Excavation: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Deleted: See *Excavation*

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Mini-Warehouse: See *Warehouse, Mini-Rental*

Minor Maintenance: Pruning or diminishing a tree without reducing its length or crown spread by one-third ($\frac{1}{3}$) or more during any three hundred sixty-five (365) day period, and without reducing its overall health.

Minor Structure: Includes, but is not limited to, pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos and boardwalks; lifeguard support stands; public and private bath houses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas; earth retaining walls; and sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave and storm forces.

Deleted: As regulated under Section 12.04 (Coastal Management), 1

Mixed Use Development: A development or building designed and constructed to accommodate more than one (1) principal use.

Mixed Uses: Occupancy of a principal building by two (2) or more principal uses.

Mobile Home: See *Manufactured Housing*

Model Home: A residential structure or series of structures built with the purpose of displaying the craftsmanship of the builder/developer of that unit. The unit primarily serves as a marketing tool to sell future, similar units on other lots.

Motel: A building or a group of buildings in which sleeping accommodations are offered for rental primarily to transients and having individual access from the units to the parking lot. A motel is subject to the regulations of the Division of Hotels and Restaurants of the Florida Department of Business Regulation. This term shall not be construed to mean any type of residential dwelling as defined by this Land Development Code.

Motor Lodge: A facility offering overnight accommodations as a destination point for visitors and providing additional services such as a restaurant, meeting rooms, and recreational facilities. This term shall not be construed to mean any type of residential dwelling as defined by this Land Development Code. See *Motel*

Mulch: Non-living organic and synthetic material customarily used in landscape design to retard erosion and retain moisture on the surface of soils. Organic mulches include shredded bark, bark chips, composted leaves and yard clippings, and pure straw.

National Geodetic Vertical Datum (NGVD): A geodetic datum established by the National Oceanographic Service and frequently referred to as the 1929 Mean Sea Level Datum.

Native Plants: those plants, including commonized plants, which are appropriate to the ecological setting, are not exotic invasive plants, are tolerant of the hydrological conditions of the site, and require little maintenance upon maturity.

Native Tree: See *Tree, Native*

Natural Area: An area identified on an approved site plan containing natural vegetation which will remain undisturbed when the property is fully developed.

Natural Community, Uplands: That combination of upland plant species, which, when taken together with their geographic location and normally associated wildlife, form a describable, distinct, and reoccurring biological assemblage as may be listed by the Florida Natural Areas Inventory, pursuant to paragraph 253.025(15)(b), Florida Statutes. The natural communities are described in *Guide to the Natural Communities of Florida*, prepared by the Florida Natural Areas Inventory and the *Florida Department of Environmental Protection* (formerly Natural Resources), February, 1990, as amended.

Natural Flow: The rate, volume, and direction of the surface or groundwater flow occurring under natural conditions.

Natural Vegetation: Vegetation existing prior to development of a site which includes understory vegetation and typically includes a wooded area, of generally native species, but does not include invasive exotic or non-native vegetation.

Nature Study Area: A publicly or privately owned park, which primarily provides resource-based recreation or environmental conservation and provides pedestrian access to such areas for observation and educational purposes.

Neighborhood Commercial: See *Daily Needs Retail Sales and Services*.

Nightclub: A commercial premises deriving more than forty-nine percent (49%) of its gross income from the sale of alcoholic beverages which may be purchased for consumption on the premises, and where customer dancing is permitted, or floor shows or other forms of paid entertainment are provided. A Night Club must be qualified as a Consumption on Premises Place (COP), as defined in Rule 7A-1.008, Florida Administrative Code.

Noise: A subjective description to an undesirable or unwanted sound.

Noncomplying Structure or Site: Any structure or site for which the currently designated use or uses are lawful (permitted or nonconforming), but the structure or site does not comply with all applicable provisions of this Code, including, but not limited to size and dimension regulations, off-street parking requirements, landscape requirements, performance standards, or height requirements, on the effective date of this ordinance or amendments thereto. This provision applies to development requirements related to such use or uses as well as general development standards. Herein such noncomplying building, structure, or site may be referred to as a noncompliance.

Nonconforming Density: Residential densities, either transient or permanent, that exceed those set forth in this Code, but which were legally established prior to the effective date of this Code. That is, the number of dwelling units per acre or living units per structure greater than the number allowed by this ordinance, that have not been abandoned and that legally existed prior to the effective date of the Code. See Chapter 2, Article V, §2-66 (*Abandonment of a Nonconformity*).

Nonconforming Lot-of-Record: See *Lot, Nonconforming*

Nonconforming Site. Any site for which the currently designated use or uses are lawful (permitted or nonconforming) but the site does not comply with all applicable provisions of the Code, including, but not limited to size and dimension regulations, off

Nonconforming Structure. Any structure for which was legally permitted and existing that is nonconforming by the terms of this Code due to restrictions on area, lot coverage, height, required yards, or location on the lot.

Nonconforming Use: A use or combination of uses of a structure or a tract of land which is not, on the effective date of this Code or amendment thereto, allowed as a permitted in the zoning district in which it is located, but which was legally established in accordance with the zoning in effect at the time of its inception, or which use predates all zoning regulations and which use has not changed or been abandoned during its existence.

Non-Contributing Property: Any building or structure which does not add to the overall historic significance of an historic district due to alterations, disturbances, or other changes and, therefore, no longer possesses historic integrity; which was not present during the period of historic significance; or which cannot yield any important information about the period of historic significance.

Non-Residential Use or Activity: Any use or activity occurring on any described parcel of land, whether or not within a structure, with the exception of residential activity as defined herein.

Nuisance Plant: See *Invasive Exotic Plants*

Nuisance, Public: Includes everything that endangers life or health, gives offense to senses, violates laws of decency, or obstructs reasonable and comfortable use of property. Generally, it is an offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continued or repeated invasion or disturbance of another's right; or anything that causes harm, inconvenience or damage to a person or property. A public nuisance may affect an indefinite number of persons, or all the residents of a particular locality, or all people coming within the extent of its range or operation.

Nursery School/Pre-School: See *Educational Institutions*

Nursing Home: A home for aged, chronically ill, or indigent people, licensed with the Agency for Health Care Administration as a nursing home, in which persons are received, kept, or provided with food and shelter or care for compensation, where registered or practical nurses are on duty twenty-four (24) hours each day to provide nursing care and administer medicines, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the acutely ill. A facility offering services for fewer than three (3) 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. This definition includes the terms rest homes and convalescent homes.

Nursing Homes, Rest Homes and Convalescent Homes: See *Assisted Living Facility*

Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

Occupant (or Tenant): The person or persons in actual or constructive possession of the property, whether or not such person(s) are the owner(s) thereof.

Office Park: A defined geographic area planned and coordinated for the development of various office/business uses and associated activities. An office park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking utilities, stormwater management, building design, signage, and landscaping.

Office, Medical and Dental: An office in which the principal use is the dispensing of health, dental services, or other forms of the healing arts by not more than two (2) or more persons, whether such persons are medical doctors, chiropractors, osteopaths, chiropractors, optometrists, dentists, or related medical profession, the practice of which is regulated by the State of Florida. The term does not include a veterinarian services.

Office: A room or rooms, studio, suite or building in which a person transacts his business or carries on his stated occupation. However, this term does not include any facility involving manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale or delivery of any materials, goods or products which are physically located on the premises.

Official Zoning Map: The map that graphically illustrates the boundaries of each zoning district and meets the requirements of the zoning map referred to in Chapter 2, Article I of this Code.

Off-Street Loading Space: A permanently located space for the temporary parking of commercial vehicles, to make pick-ups or deliveries, or for loading or unloading.

Off-Street Parking: See *Parking, Off-Street*

On-Site: Occurring or located within the boundaries of a project, lot, or parcel, as may be applicable to the circumstance.

Opaque or Opacity (landscaping and buffering): The degree for which light is obstructed from across the width of a landscape buffer. (A landscape buffer with 100% opacity will not allow the passage of light across the entire width of a buffer to a height, as measured from final grade, set forth within Chapter 3, Article I, for the entire length of said buffer. The degree of opacity for a buffer is set forth in Chapter 3, Article I (*Landscaping*).

Open Air Seating: A seating area, with or without a roof, that is part of a restaurant other eating or drinking establishment and is located in an area without a heating or cooling system and a least two sides are open.

Open Recharge Heat Pump System: A single-well installation producing water from an aquifer and partially returning water through infiltration to the aquifer of origin.

Open Space, Common: An area of land that is reserved primarily for the leisure and recreational or other utilitarian use of all residents of a particular land development project and is owned and maintained in common by such residents or the project management.

Open Space: That portion of a development that is used for landscaping, landscape buffers, landscaped areas above the pop-off elevation of stormwater retention ponds, conservation areas, tree preservation areas, beach outside of public lands, and permeable surfaces of outdoor recreation areas. A minimum of twenty percent (20%) of any development's ground surface shall be open space, but may be more to comply with standards set forth in this Code or may be less if explicit standards reduce the minimum open space standard.

Open Space Use, Public: A landscaped or naturalistic area used primarily for passive recreation, active recreation, visual amenity or for purposes of environmental conservation. These uses include: parks, plazas, squares, greenspaces, pedestrian and bicycle pathways, outdoor recreation facilities, wetlands, woodlands, and native plant community conservation areas and preserves, public parks, and stormwater facilities that are visual amenities. An Open Space Use is accessible to all residents. An Open Space Use does not include uses requiring membership. An Open Space Use may be privately owned, owned in common, or publicly owned.

Open Street: See *Street*

Open-Loop Heat Pump System: A two- (2-) well installation consisting of supply and injection wells into the same aquifer for thermal transfer.

Ordinarily Saturated Soil: A hydric soil condition in which all easily drained voids (pores) between soil particles in the root zone are temporarily or permanently filled with water to the soil surface at pressures greater than atmospheric. A soil or horizon is considered to be saturated with water when water stands in an unlined borehole close enough to the soil surface or to the horizon in question that the capillary fringe reaches the surface or the top of the horizon.

Ornamental Grass: See *Grass, Ornamental*

Deleted: Open Space Use, Public: A landscaped or naturalistic area used primarily for passive recreation, active recreation, visual amenity or for purposes of environmental conservation. These uses include: parks, plazas, squares, greenspaces, pedestrian and bicycle pathways, outdoor recreation facilities, wetlands, woodlands, and native plant community conservation areas and preserves, public parks, and stormwater facilities that are visual amenities. An Open Space Use is accessible to all residents. An Open Space Use does not include uses requiring membership. An Open Space Use may be privately owned, owned in common, or publicly owned.

Outdoor Activity: The display of merchandise offered for sale or any activity, such as live entertainmanet, outside of the building walls of a completely enclosed building.

Outdoor Dining or Café: A restaurant establishment with an open-air seating area that is located on private property and open to the public and operates under the regulations for food service of the Florida Department of Agriculture or Florida Department of Business and Professional Regulation. Outdoor cafe does not include mobile food vending vehicles or any use of property that does not provide a permanent structure for restrooms and kitchen facilities.

Outdoor Product Display: The temporary display of merchandise not intended for sale outside the store, and located outside the exterior walls of the business premises where the merchandise is sold.

Outdoor Sale, Sheltered Temporary: An outdoor sale of merchandise occurring under the shelter of a tent erected for the purpose of conducting the outdoor sale-

Outdoor Sale, Temporary: The display and sale of merchandise located on the lot or parcel, outside the walls of the business premise where such merchandise is usually sold.

Outdoor Sale, Unsheltered Temporary: An outdoor sale of merchandise conducted on the sidewalk, parking area, under the overhang of the principal commercial building or otherwise outside the walls of the principal commercial use without the benefit of a temporary shelter erected for the purpose of conducting the outdoor sale.

Outdoor Storage: The storage, outside of a completely enclosed building, of equipment, machinery and materials used in the ordinary course of a permitted use, or the storage of inoperable motor vehicles, or the storage of used materials or items whether for sale or not. This term expressly does not include junk or junkyards as defined in this Article.

Overspray: The water that is delivered beyond the landscaped area, wetting pavements, walks, structures, or other non-landscaped areas.

Owner: Any person or legal entity having sufficient proprietary interest to undertake development authorized through this Land Development Code.

Palm: A self-supporting woody plant of tropical or sub-tropical species commonly marked by a simple stem and terminal crown of large leaves.

Parapet: That portion of a wall which extends above the roofline.

Park and Recreation Facilities, Private: The use of land, buildings, and structures for park and recreational purposes provided for the exclusive use by residents of a subdivision or development.

Deleted: Outdoor Private or Commercial Recreational Areas and Facilities: Outdoor recreational areas and facilities owned, operated and maintained by private or commercial interests for the purpose of providing athletic activities such as swimming, tennis, and other court games, field sports, and similar activities.

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Park and Recreation Facilities, Public. Recreational areas and facilities owned, operated and maintained by a municipality, County, State, or Federal government, or any agency thereof for the purpose of providing park facilities and/or recreational activities such as swimming, tennis, and other court games, field sport and similar indoor/outdoor facilities. Such parks and areas are developed for use by the general public. These facilities may include:

Active Parks and Recreation, Active. Leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites or fields. This may include but is not limited to swimming, tennis, and other court games, baseball and other field sports, and playground activities.

Parks and Recreation, Passive. Leisure time activities not considered active. This may include water-related activities such as boardwalks and interpretive trails, fishing piers as well as boating. Passive recreation may also include non-water related activities such as hiking, golfing, observation towers, and picnicking.

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Parking: A temporary, transient storage of private passenger motor vehicles used for personal transportation while the operators of such vehicles are engaged in other activities. The term shall not include storage of new or used cars for sale, service, rental or any other purpose except as specified herein.

Parking Aisle (or Aisle): An area within a parking facility intended to provide ingress and egress to parking spaces.

Parking Area, Off-Street: All areas located outside of right-of-way which are designed and constructed for the circulation and parking of automobiles, motorcycles and bicycles, unless otherwise authorized by the City for other vehicles (i.e., boats, heavy equipment, etc.), and all land upon which vehicles traverse as a function of the principal uses.

Parking Bay: A parking bay is a single drive aisle with head-on access to parking spaces on one or both sides of the aisle. The parking bay is comprised of the parking stall depth and the aisle width.

Parking Garage or Parking Structure: Any off-street, multi-level structure for the parking of motor vehicles.

Parking Lot: An off-street, ground level area for the temporary, transient storage of private passenger motor vehicles and such area as been approved by the City for parking, as such term is defined in this Article.

Parking Space or Stall: An area, enclosed or unenclosed, sufficient in size to store one motor vehicle and permitting the necessary ingress and egress of a motor vehicle

Parking, Bicycle: An off-street parking area exclusively for the temporary storage of bicycles.

Parking, Motorcycle: A designated parking area exclusively for the temporary storage of motorcycles.

Parking, Off-Street: A lot or parcel of land or structure designed, constructed, or utilized for the temporary parking of operational and licensed motor vehicles and for bicycles.

Parking, Perimeter: Parking spaces located along the outside edge or areas of a parking lot.

Parking, Remote: A parking lot or parking garage not located within the same lot or an adjacent lot to the use for which the parking facility serves.

Parking, Shared: A parking lot or parking garage, whether located on-site or occurring as remote parking, which is approved by the City to accommodate the parking needs for two (2) or more property owners.

Paved Area: An improved area consisting of asphaltic concrete, concrete, brick or similar material, acceptable to the City Engineer, that is intended or designated for parking, maneuvering and/or vehicular movement, and including pedestrian accessways immediately adjacent to such areas.

Pavement Width: The width of the pavement of a street, as measured from edge to edge but excluding the curbs, if any.

Pavement: That part of a street composed of vehicular travel lanes having an improved surface of asphalt, concrete, brick or other paving materials acceptable to the City Engineer.

Pawn: Any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on the terms and conditions contained in this section.

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Pawnbroker: any person who is engaged in the business of making pawns; who makes a public display containing the term "pawn," "pawnbroker," or "pawnshop" or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. A pawnbroker may also engage in the business of purchasing goods which includes consignment and trade.

Pawn Shop: Any place of business which is regularly engaged in the business of making pawns, but does not include a financial institution as defined in §655.005, Florida Statutes, or any business that regularly loans money or any other thing of value on stocks, bonds, or other securities.

Pedestrian Access: An improved surface that connects the public right-of-way with private property or a building entrance.

Periodically Inundated Soil: A hydric soil where presence of mucky texture, peat, muck, or mucky peat layer in the soil surface is strongly indicated. The water table will rise to the ground surface on a regular and periodic basis.

Permanent Control Point (PCP): A point which shall be a secondary horizontal control monument and shall be a metal marker with the point of reference marked thereon or a four-inch by four-inch (4" x 4") concrete monument a minimum of twenty-four inches (24") long with the point of reference marked thereon. A PCP shall bear the registration number of the surveyor filing the plat of record; however, when the surveyor of record is no longer in practice or is not available due to relocation of his practice, or when the contractual relationship between the subdivider and surveyor has been terminated, any registered lands surveyor in good standing shall be allowed to place permanent control points (PCPs) within the time allotted in §177.091(8), Florida Statutes.

Permanent Student Station: The net square footage requirements per student based on the instructional program to be housed in the education facility. Permanent student stations do not include student stations in portables.

Permanent Cosmetics: A specialized form of tattooing involving the application of permanent dyes or colors to the lips, eyebrows, and eyelids. This term shall also be known as intraderma pigmentation and shall be subject to all of the requirements of tattooing, as contained in the City's Code of Ordinances.

Permit Approving Authority: The City agency or official, as authorized by the Land Development Code, responsible for providing final approval of the overall development applications including, but not limited to, the Site Plan Review Committee, the Development Review Board, the City Commission, City Engineer, Planning Director, and the Chief Building Official.

Permit: An official document or certificate issued by the appropriate City official authorizing the performance of a specified activity.

Permitted Use: The specific purposes for which lands or buildings are maintained in accordance with the land use district regulations of this Code.

Person: Any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, or unit of federal, state, county or municipal government, or two (2) or more persons having a joint or common interest, or any other legal entity.

Personal Services: Beauty parlor, shop or salon, barbershop, tanning salon, and similar uses.

Pet: Any animal kept primarily for personal pleasure or companionship rather than to provide labor, food, or products for humans, or for other commercial or utilitarian purposes.

Petroleum Product Storage: A facility for the storage and wholesale trade and distribution of petroleum products.

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Pharmacy: A retail use within which at least seventy percent (70%) of the floor area is devoted exclusively to the display, sale, storage and preparation of pharmaceutical and medicinal products.

Phase: A designated portion of a larger development, which is to be constructed as a unit and which is so designed that it can stand on its own even if the other phases of the development are never constructed.

Prohibited Plant Species: Those plant species listed in the Florida Exotic Pest Plan Council which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.

Physical Culture Establishment: Any business which offers or advertises massage, body rubs or physical contact with specified anatomical areas, whether or not licensed. Business establishments which routinely provide medical services by state-licensed medical practitioners [or] electrolysis treatment by licensed operators of electrolysis equipment shall be excluded from the definition of adult physical culture establishments.

Pick-Up Truck: Any motor vehicle designed primarily for the transportation of property within a permanently affixed open cargo box and having a carrying capacity of one and one-half (1.5) ton or less. A pickup truck which is equipped with a standard flatbed topper that does not exceed the height of the cap portion of the vehicle by more than eighteen inches (18") shall not be considered a commercial vehicle.

Pick-Up Window: Any window at a retail or restaurant establishment used solely as a means to distribute a good or service to a customer who has ordered the good or service from off-site locations through a telephone or the Internet. No customer orders occur at the window, no outdoor menu or service board is provided, and no outdoor communication system on the site to accommodate transaction between customers and employees of the establishment.

Pier, Access: A pedestrian walkway allowing access to a dock or access to water for recreational purposes.

Pisciculture: The breeding, hatching and rearing of fish under controlled conditions.

Places of Worship: Activities customarily performed in a building where persons regularly assemble for religious worship and which building, together with its accessory building and uses, is maintained and controlled by a religious body organized to sustain public worship.

Plans: The officially approved plans, or exact reproductions thereof, which show the location, character, dimensions and details of the work to be done.

Plant Material: Any living turf grass, ornamental grass, ground cover, vine, shrub, tree or palm, or other living plant. See *Landscape Material*

Plat (or Subdivision Plat): A map or delineated representation of the subdivision of lands, being a complete, exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of Chapter 4, Article II (*Subdivision*).

Plat, Final: The final map of all or a portion of the subdivision which is presented to the appropriate reviewing authority for final approval in accordance with Article 19 and which, if approved, shall be filed and recorded with the Clerk of the Circuit Court of Volusia County.

Plat, Preliminary: A proposed subdivision plan that in an exact and precise manner in which it may be evaluated pursuant to this Land Development Code and the Comprehensive Plan.

Plaza: An outdoor area to accommodate public assembly and pedestrian movement and which contains landscaping, lighting, pedestrian amenities and has at least forty percent (40%) impervious ground coverage.

Point of Access: A private driveway or other private opening for vehicles to enter from or exit to a street.

Point of Compound Curvature (PCC): The point where two (2) circular curves have a common point of tangency, the curves lying on the same side of the common tangent.

Point of Curvature (PC): The point where a tangent circular curve begins.

Point of Reverse Curvature (PRC): The point where two (2) circular curves have a common point of tangency, the curves lying on opposite sides of the common tangent

Point of Tangency (PT): The point where a tangent circular curve ends and becomes tangent.

Permanent Reference Monument (PRM): A monument which consists of a metal rod a minimum of twenty-four inches (24") long or one and one-half inch (1½") minimum diameter metal pipe a minimum of twenty inches (20") long, either of which shall be encased in a solid block of concrete or set in natural bedrock, a minimum of six inches (6") in diameter, and extending a minimum of eighteen inches (18") below the top of the monument, or a concrete monument four inches by four inches (4" x 4"), a minimum of twenty-four inches (24") long, with the point of reference marked thereon. A metal cap marker, with the point of reference marked thereon, shall bear the registration number of the surveyor certifying the plat of record, and the letters "PRM" shall be placed in the top of the monument.

Pole Lighting: For the purposes of implementing the Sea Turtle Protection section of this Code, a light fixture set on a base or pole, which raises the source of the light higher than forty-eight inches (48") off the ground.

Pool Hall/Billiards: A type of indoor recreation use devoted primarily to pool or billiards and serving a limited range of food and beverages. If alcoholic beverages are sold, the facility shall meet the conditional use standards for "bars" as well as any standards established for the primary use.

Porte-Cochere: A roofed structure attached to a building and erected over a driveway for a building entrance not exceeding one story in height and open on three (3) sides.

Portico: A portico is a roofed area, open to the air on one or more sides, typically supported on one side by the facade of a building and on the remaining sides by columns or arches.

Post Office, U.S.: A facility operated and occupied by the United States Postal Service for the purpose of delivering, storing, and/or transferring mail, and for carrying out related governmental functions.

Potable Water, Domestic Use: The domestic use of water that is satisfactory for drinking, culinary and domestic purposes meeting current State and Federal drinking water standards.

Potentiometric Surface: A surface that represents the static head in an aquifer and defined by the levels to which water will rise in a tightly cased well. The water table and the artesian pressure surface are particular potentiometric surfaces.

Poultry Farm: A premise where more than one hundred (100) domesticated birds such as chickens, ducks, geese, ostriches, or turkeys are hatched or raised for sale, or kept for the sale of eggs.

Practicable Alternative: An economically viable alternative to the proposed project that would accomplish the basic purpose of the project and avoid or have less adverse impact on a natural or historic resource.

Pre-Application Meeting: Informal discussions between a developer or individual and the Site Plan Review Committee, Planning Department, or other designated City department occurring prior to the submission of an application for action by a Permit Approving Authority. The pre-application meeting allows City staff to acquaint the applicant with the applicable procedures and regulations, suggest to a proposed design, encourage the applicant to contact appropriate authorities on the provision of public utility service, and provide the applicant with any pertinent information relating to the proposed application.

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Predevelopment Conditions: Those conditions which existed before alteration resulting from human activity of the natural topography; vegetation; and rate, volume or direction of surface or groundwater flow, as indicated by the best available data.

Premises: Any lot and/or all building and structures thereon.

Pre-School: See *Nursery School*

Primary Containment: See *Containment, Primary*

Primary Facility (Nautical): Storage areas for boats, wet slips, sales/administrative buildings, and maintenance buildings.

Primary Wellfield Protection Zone: See *Wellfield Protection Zone, Primary*

Principal Structures: Any structure that is occupied by a principal use as defined in this Code.

Principal Use: The main or primary use for which a structure or lot is intended. More than one (1) principal use may occupy a single structure or parcel, if approved by Special Exception or through the Planned Development provisions of this Code. Shopping centers and normal mixtures of uses such as retail and offices are exempt from the Special Exception or Planned Development process unless otherwise required.

Product-Tight: Impervious to the hazardous substance which is or could be contained so as to prevent seepage of hazardous substances from the containment system. To be product-tight, the containment system shall be made of a material that is not subject to physical or chemical deterioration by the hazardous substance being contained.

Deleted: Private Parks, Recreation Areas and Facilities, On-Site: The use of land, buildings, and structures for park and recreational purposes provided for the exclusive use by residents of a subdivision or development.

Property Owner: A public or private individual, partnership, corporation, association, group, company, firm, society or other legal entity of human beings, whether natural or artificial, including the City and all other municipal, State and Federal governments, to include the plural as well as the singular, holding any legal ownership interest in any real property subject to this Code.

Deleted: Professional Office or Services: See *Business Office/Professional Office*

Deleted: Professional Services: The conduct of business in any of the following or related categories: law, accounting, architecture, engineering, medicine, dentistry, osteopathy, chiropractic, optics, planning or consulting in these or related fields, and similar uses. See *Medical/Dental Office; Medical/Dental Clinic*

Property Owner's Association: A nonprofit organization recognized as such under the laws of the state and operated under recorded land agreements through which each owner of a portion of a subdivision, be it a lot, home, property or any other interest, is automatically subject to charge for a prorated share of expenses either direct or indirect for maintaining common properties within the subdivision, such as roads, parks, recreational, areas, common areas or other similar properties. Within the text of this Code, a property owners' association is considered a single entity for property ownership.

Protection Vegetation: See *Vegetation, Protected*

Protective Barrier: A temporary barricade, at least three feet (3') in height, which is formed with a minimum radius of six feet (6') from the base of the tree (s) and/or vegetation to be saved up to a maximum distance that is consistent with the drip line of the tree.

Protective Services: Fire, law enforcement and emergency medical related facilities planned and operated for the general welfare of the public.

Prune: The removal of dead, dying, diseased, weak or objectionable branches in a manner consistent with the National Arborist Association standards.

Public and Private Utilities: Use of land which is customary and necessary to the maintenance and operation of essential public services, such as electricity and gas transmission systems; water distribution, collection and disposal; communication; and similar services and facilities.

Public Facilities: Facilities such as switching huts when included as an integral part of a subdivision or planned development, television, radio or telephone transmission rights-of-way, lines, substations, power stations and other appurtenances; and gas transmission lines or appurtenances, other appurtenances of a private or regulated utility corporation.

Public Land: Any property owned by a public body such as the city of Ormond Beach, Volusia County, state of Florida, and the SJRWMD. This definition shall include utility corridors.

Public Notice: The publication of a public hearing notice indicating the time, place and purpose of a public hearing.

Public School Concurrency: The necessary public school facilities to maintain and ensure LOSS's are in place to ensure the capacity of schools is sufficient to support student growth within the five (5) year planning period.

Public Use: A use of any premises by a municipality, public body or board, commission or authority, county, state, or federal government, or any agency thereof for a public service or purpose, other than parks and recreation areas and facilities.

Public Utilities: Facilities such as underground utilities, City operated lift stations, water towers, and other water, wastewater, reclaimed water storage facilities.

Public Water Supply Well: A well constructed for the purpose of supplying water to a public water system. Wells six inches (6") or greater are regulated by the SJRWMD through the consumptive use permitting program (Chapter 40C-2, FAC).

Public Water System: A system for the provision to the public of piped potable water for domestic use or human consumption. If such a system has at least five (5) service connections and regularly serves at least ten (10) individuals at least sixty (60) days out of the year, it is regulated under Chapter 3, Article V.

Deleted: Public Facilities - Major: Publicly owned or regulated services such as certain water and sewer facilities; electrical, television, radio or telephone transmission rights-of-way, lines, substations, power stations and other appurtenances; and gas transmission lines or appurtenances.

Deleted: - Minor

Deleted: underground utilities,

Deleted: when less than three (3') feet in height or twelve (12) square feet in total area, and

Deleted: City operated lift stations, water towers, and other water, wastewater, reclaimed water storage facilities, and additions to existing major publicly owned or regulated facilities not in excess of twenty percent (20%) of the existing facility

Deleted: Public Facilities: All facilities other than those used for recreational purposes that are owned and/or operated by the city of Ormond Beach.

Deleted: Public Parks and Recreation Areas. Recreational areas and facilities owned, operated and maintained by a municipality, County, State, or Federal government, or any agency thereof for the purpose of providing park facilities and/or recreational activities such as swimming, tennis, and other court games, field sport and similar indoor/outdoor facilities. Such parks and areas are developed for use by the general public.¶
Active Parks and Recreation. Leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites or fields. This may include but is not limited to swimming, tennis, and other court games, baseball and other field sports, and playground activities.¶
Passive Parks and Recreation. Leisure time activities not considered active. This may include water-related activities such as boardwalks and interpretive trails, fishing piers as well as boating. Passive recreation may also include non-water related activities such as hiking, golfing, observation towers, and picnicking.

Radius: The curved arc between intersecting street pavements.

Rain Sensor: A device which has the ability to switch off an automatic irrigation controller after receiving a predetermined amount of rainfall.

Ranger's Residence: The living quarters for a resident manager, watchman or caretaker of a public or institutional use. Such quarters may be provided as an accessory building, mobile home or part of the principal building.

Rational Method: The rational method is the most widely used procedure for designing small drainage structures and is mathematically typically expressed as $Q = CiA$, where "Q" is the peak rate of runoff (cu. ft./sec), "C" is the runoff coefficient, "i" is the rainfall intensity (inches/hr.) and "A" is the area of the drainage basin (acres).

Receiving Bodies of Water: Any waterbodies, watercourses or wetlands into which stormwater is discharged and surface waters flow.

Reclaimed Water: Water reused for reasonable and beneficial purposes after flowing out of any domestic wastewater treatment facility that has received treatment acceptable to Department of Environmental Protection.

Recreation Facilities, Commercial: A privately owned and operated facility that offers activities related to fitness

Recreational Areas and Facilities, Indoor: Recreational areas and facilities, in a completely enclosed structure, owned, operated and maintained by private or commercial interests for the purpose of providing athletic activities such as swimming, tennis, and other court games, field sports and similar activities including health spa and racquet club. Commercial Amusements such as amusement rides, amusement parks, water slides, game rooms, billiard rooms, miniature golf, driving ranges, and similar activities shall not be construed to be athletic activities and shall be prohibited unless specifically permitted in the district regulations.

Recreational Areas and Facilities, Outdoor: Outdoor recreational areas and facilities owned, operated and maintained by private or commercial interests for the purpose of providing athletic activities such as swimming, tennis, and other court games, field sports, and similar activities.

Recreational Vehicle (RV) Park: Any parcel of land upon which two (2) or more recreational vehicle spaces are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle: A motorized or non-motorized vehicle that is designed, constructed or equipped as a dwelling, living quarters, or sleeping place (whether temporary or permanent) and is approved for use on public roadways. Such vehicle may include those that are motorized or those that are mounted on or pulled by a motor vehicle.

Regulatory Flood Elevation: The crest elevation in relation to mean sea level expected to be reached by the regulatory flood at any given point in an area of special flood hazard.

Regulatory Flood: For purposes of this Article, a flood event having a one percent (1%) chance of occurring in any given year, although the flood may occur in any year, i.e., the 100-year flood.

Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the velocity waters of the regulatory flood.

Remove or Removal: Actual or effective removal through killing, damaging or destroying any trees not listed as exempt.

Replat: The redividing of lots within a platted subdivision for the purpose of recording in the public records of Volusia County, Florida.

Residential Retirement/Nursing Care Facility: A planned residential community intended primarily for persons fifty-five (55) years or older that includes multi-family dwelling units, and/or Assisted Living Facilities and/or facilities for nursing care on the premises which are intended only for the use of occupants as regulated under Chapter 2, Article III.

Restaurant: A building or room, not operated as a dining room in connection with a hotel or motel, where meals or prepared foods, including beverages and confections, are served to customers. The term restaurant does not include catering services. Restaurants are hereby classified as follows:

Type “A”: Restaurants have minimum requirements to serve at least 150 persons full course meals at tables at one time, and derives at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages. Any Type A Restaurant may apply for a Special Restaurant License to serve alcohol.

Type “B”: have less than 150 seats that serve customers attracted from their immediate area and not generally dependent on exposure to heavy automotive traffic. Type “B” establishments are permitted to offer beer & wine only.

Type “C”: Cafeteria. A premise where a variety of food and beverages is prepared in advance and served at a counter or table buffet style to customers for consumption on the premises. Cafeteria includes the term, buffeteria. are those specializing in short-order foods and beverages to be consumed on or off the premises, or providing service at walk-up windows or drive-up windows. Characteristically, such establishments are heavily dependent on high levels of automotive traffic to attract customers. Such establishments are the only types permitted to have a drive-thru window. Type “C” establishments are permitted to offer beer & wine only.

Retail Sales & Services: Those business activities customarily providing retail goods and household services. Such uses shall include daily needs retail sales and services, department stores, variety stores, convenience food stores Type “A”, drug and sundry stores, laundromats, dry cleaning (pick-up only), pharmacies, grocers and markets, gift shops, wearing apparel, home and auto supply, hardware stores, furniture and stationery stores, shoe repair shops, printing shops (limited to copying and duplicating), luggage shops, bakeries and candy shops (provided that all products made on the premises are sold on the premises), camera and photo supply shops, radio and television sales and services, floor coverings, sporting goods, florists, jewelers, music and piano sales and services, art shops, electrical and lighting fixtures; and wine, beer and liquor stores (when included as an integral part of a supermarket or located within a shopping center) and similar uses. Intensive Retail activities include: supermarkets, convenience stores, hardware stores, drug stores, laundromats, department stores, personal services, shopping centers (not including “out-parcels” or isolated structures designed for restaurant use) and similar uses.

Deleted: which shall provide their customers with an individual menu from which items are ordered while seated at a table and then served by a restaurant employee at the same table at which said items are consumed and which may provide a single entertainer who is a regular employee of the establishment. While entertainment may be provided, there shall be no separate admission or cover charge imposed therefore. Any Type “A” restaurant serving alcoholic beverages other than beer and/or wine shall at all times hold a valid Special Restaurant License pursuant to Rule 61A-3.0141, Florida Administrative Code. No other type of restaurant may sell alcoholic beverages other than beer and/or wine.

Deleted: Delicatessen, Luncheonette, Sandwich Shop and Similar Establishments which serve food for consumption on or off the premises, are of small size (less than two thousand [2,000] square feet of total enclosed building area and exterior seating area) and designed to handle a relatively low volume of customers. Characteristically, such establishments are primarily intended to serve the customers attracted from their immediate area and not heavily dependent on exposure to heavy automotive traffic. Automotive Drive-Thru windows and/or customer service in their automobiles are not permitted. Any restaurant not included in the definition for Type “A”, “C”, “D”, or “E” shall be considered a Type “B” restaurant.

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Type “D”: **High Customer Volume Convenience Food Establishment.** Restaurants that serve foods for consumption on or off the premises. Of large size (over two thousand [2,000] square feet) of enclosed building area and exterior seating area and designed to handle a relatively high volume of customer traffic. Characteristically, such establishments are heavily dependent on high levels of automotive traffic to attract customers. Such establishments are the only types permitted to have a drive-thru window.¶
Type “E”: **Restaurants** which: (a) shall either provide their customers with an individual menu from which items are ordered while seated at a table, or allow their customers to place their orders at a counter, which items are then served by a restaurant employee at the same table at which said items are consumed; (b) shall contain a minimum of one hundred fifty (150) seats; and (c) may contain an entertainment/amusement area, provided that such area is at least thirty percent (30%), but not in excess of fifty percent (50%), of the total building area.

Retail Sales and Services, Daily Needs: Those business activities serving the daily needs of residents in the immediate area. Such uses shall include bakeries (retail only), barber shops, beauty salons, convenience food stores (Type “A”), drug stores, florists, hardware stores, laundromats, laundry and dry cleaning (pick up stations only), newsstands, beer and wine sales, liquor stores, and similar uses. Also referred to as “Neighborhood Commercial.”

Deleted: Retail, Low Intensity: Retail sales and services that are limited to commercial retail uses having a gross floor area not exceeding 7,500 square feet. ... [5]

Retail, Showroom: An area devoted for the display and sales of goods and services produced within an establishment.

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Retail Sales and Services, Specialty: A retail or personal service use which specializes in unique or unusual market segments by offering a wide assortment of choices within a single or limited number of product lines. Such uses can be identified by the principal item of merchandise offered for sale. Typical uses may include, but shall not be limited to book stores, luggage shops, florists, confectioneries, gourmet food shops, custom clothing shops, art galleries, jewelry shops, specialty import shops, personal services, antique shops, wine shops, cosmetic shops, pharmacies (no food, hardware, or sundries sold), custom furniture shops, interior decorator shop, hosiery shops, craft shops or studios, gift shops, and the like.

Retention: The collection and storage of a given volume of stormwater or surface water runoff without subsequent discharge into surface waters.

Riding Stable, Horse: A premise where the teaching of horseback riding or horsemanship for five (5) or more students at one time is conducted for a fee or where the boarding of five (5) or more equine animals over six (6) months of age is done for a fee. This use also includes the keeping of five (5) or more equine animals, which may be hired for recreational riding purposes for a fixed period of time by an individual other than the owner of said animals. See *Equestrian*

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

Road, Arterial: A roadway providing service which is relatively continuous and of relatively high traffic volumes, long trip length, and high operating speed.

Road, Collector: A roadway providing service, which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.

Road, Constrained: A road that operates below the adopted level-of-service which may not be feasible to expand by adding two (2) or more lanes due to physical, environmental, or policy constraints.

Road, Local: A roadway providing service, which is of relatively low traffic volume, short average trip length, minimal through-traffic movements and high-volume land access for abutting property.

Road, Service: A service road is a public or private roadway lying parallel or nearly parallel to a collector or arterial road for the purpose of providing access to two or more lots or parcels. A service road is constructed consistent with road design standards and not by driveway design standards.

Roof Line: The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Rooming House: A dwelling used, or intended to be used, for the furnishing of sleeping accommodations for pay to transient or permanent guests and in which no more than 2,500 gross square feet of space are used, or intended to be used, for such purpose. Meals or housekeeping facilities may also be provided such guests or tenants, but no rooming house shall maintain a public eating or drinking place in the same building or in any building in connection therewith.

Rootball: The earthen ball encompassing the root system of a tree or plant.

Sand Dunes: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sanitary Landfill: A solid waste disposal facility which meets the criteria of Chapter 62-701, Florida Administrative Code, and is permitted by the Florida Department of Environmental Regulation, excluding those exempted under Subsection 62-701.030(3)(a),(b),(c),(e),(f) and (g) of that rule. This term shall not include a land spreading site, a surface impoundment, or an injection well defined under and subject to the provisions of Chapter 62-28, Florida Administrative Code.

Sanitary Sewer: A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

School of Arts - A business establishment that provides indoor instruction of activities including, but not limited to art, karate, dance, ballet, music, and karate.

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School Concurrency Allocation: A reservation of school capacity made by the Volusia County School District after a Finding of Available School Capacity, upon the approval of a Final Development Order for a residential development. The reservation shall be indicated on the School Concurrency Schedule until such reservation expires.

School Concurrency Application: An application made on a Volusia County School District form requesting a finding of Available School Capacity and issuance of a School Concurrency Allocation.

School Concurrency Schedule: A schedule maintained by the Volusia County School District that tracks the availability of school capacity over time.

School District Five-Year Facilities Work Program: The School District of Volusia County Five-Year Work Plan and Capital Budget as authorized by Section 1013.35, Florida Statutes.

School, Nursey or Pre-School: Any premises or portion thereof used for educational work or parental care of non-resident children of less than the age required for enrollment in the public school system whether or not for compensation as licensed by the state.

School, Preschool: Childcare and preschool programs for children below the age necessary to enroll in kindergarten.

School, Private: This term as used herein refers to any private institution providing instruction at any level from kindergarten through the college level.

School, Public: A facility devoted primarily to providing a curriculum of elementary or secondary academic instruction and is so certified by the State of Florida. Schools include all or a portion of all grades from kindergarten through high school (K-12).

Deleted: See Educational Institutions

Deleted: School: See Educational Institut ... [6]

Screen Enclosure: An attached or detached structure, which is entirely enclosed with screen, including the roof, exclusive of the supporting elements of the structure. Screen enclosures shall not be deemed to be accessory structures.

SCS Method: Soil Conservation Service curve number method for calculating stormwater runoff based on Type II (Florida Modified) storm distribution.

Sea Turtle Nest: An area where sea turtle eggs have been naturally deposited or subsequently relocated.

Sea Turtle Nesting Season: The period from May 1 through October 31 of each year.

Sea Turtle: Any marine turtle, including the species *Caretta caretta* (loggerhead turtle), *Chelonia mydas* (green turtle), *Dermochelys coriacea* (leatherback turtle), *Ertmochelys imbricata* (hawksbill turtle), and *Lepidochelys kemp* (Kemps Ridley turtle).

Seasonal High-Water Line: The line formed by the intersection of the rising shore and the elevation of one hundred fifty percent (150%) of the local mean tidal range above mean high water.

Secondary Containment: See *Containment, Secondary*

Secondary Wellfield Protection Zone: See *Wellfield Protection Zone, Secondary*

Sediment: Fine particulate material, whether inorganic (minerals) or organic, that is in suspension or has settled in a waterbody.

Sedimentation Facility: Any structure or area, which is designed to hold surface water runoff water until suspended sediments have settled.

Sedimentation: The deposition of waterborne sediment into a body of running water, into a lake, on property other than the site of origin, or on public rights-of-way.

Semi-Trailer: A vehicle that is designed to be pulled by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by a motor vehicle.

Semi-Truck: Any motor vehicle designed, intended, or used to pull or draw a semi-trailer.

Service Station: A business primarily engaged in the sale of gasoline with a maximum of three (3) working bays for minor repair and lubrication services and less than six hundred (600) square feet of gross floor area devoted to such secondary uses as food and beverage sales.

Setback Line: Refer to *Building Setback Lines*

Sewage: A combination of the water-carried wastes from dwellings, business buildings, institutions and industrial establishments. In effect, it is the water supply of a community after it has been fouled by various uses and discharged into a sewer.

Sewerage Works: A comprehensive term that includes facilities for collecting, pumping, treating and disposing of sewage.

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Sexually Oriented Business or Use: Sexually Oriented Business or Uses shall be defined as a business operated for commercial or pecuniary gain, regardless of whether such establishment is licensed under these regulations. "Operated for commercial or pecuniary gain" shall not depend upon actual profit or loss. An establishment which has a Business Tax Receipt shall be presumed to be "operated for commercial or pecuniary gain." An establishment with an adult use license and/or adult use permit shall be presumed to be a sexually oriented business or use which includes the terms adult arcade, adult bookstore, adult hotel/motel, adult booth, adult theater, special cabarets, physical culture establishments, and adult photographic and modeling studios, as defined in sub-definitions below, including any business establishment whose primary business stock-in-trade is dependent upon the activities relating to "specified sexual activities," "specified anatomical areas," or straddle dances" as defined in the operating regulations for sexually oriented businesses contained in the City Code of Ordinances. Sexually oriented businesses are those uses, excluding drinking establishments which serve alcohol, which are not open to the public generally, but only to one or more classes of public and excluding any minors by reason of age, a minor being a person under the age of eighteen (18) years.

Shopping Center: A building or group of buildings planned as an integrated unit and having a gross ground floor area of ten thousand (10,000) square feet or more and occupied or intended for occupancy by more than one (1) commercial establishment and managed as a single site with common off street parking provided on the property.

Shoreline: The mean high water line for tidal water bodies and ordinary high water line for non-tidal waters for inland water bodies.

Short-Term Lodging: A room or rooms connected together and constituting a separate, independent unit, for an occupancy period of less than thirty (30) consecutive days, and containing independent cooking and sleeping facilities.

Shrub: ~~A self-supporting woody perennial plant normally growing to a height of twenty-four (24") inches or greater and characterized by multiple stems and branches continuous from the base.~~

Deleted: A woody self-supporting, perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.

Sidewalk: An improved walkway intended primarily for pedestrians, usually running parallel to one or both sides of the pavement of a street.

Sight Distance: The continuous section of roadway visible to the driver of a vehicle from any particular point on the roadway.

Sign Base: A ground structure supporting a sign.

Sign Contractor: A person or entity in the business of manufacturing or erecting signs.

Sign Landscape Area: Any landscape materials planted within an area adjacent to a freestanding or ground sign.

Sign, Advertising: Any sign that is used to advertise a business commodity, service, the entertainment or accommodations offered, sold, or conducted on the premises, but shall not include directory signs, identification signs, professional signs, shingle signs or subdivision signs.

Sign, Animated: Any sign with externally moving parts or messages, or so operating as to give a viewer the illusion of moving parts or messages, through rotation, motion, or the perception of motion.

Sign, Banner: Any sign applied to cloth, paper or fabric of any kind either with or without a frame.

Sign, Billboard: Any sign that is erected and maintained by an advertising business or service for the purpose of advertising goods, services, accommodations or activities that are not available on the premises on which the sign is located.

Sign, Box or Cabinet: Any sign the face of which is enclosed, bordered or contained within a box-like structure, frame or other device.

Sign, Canopy/Awning: Any sign painted on or attached to a canopy or awning.

Sign, Changeable Copy: A sign which has letters, numbers, symbols or other characters which can be manually attached to or removed from the face of a sign, without altering the face or structure of the sign. Such signs are sometimes referred to as reader boards.

Sign, Electronic Changeable Copy: A sign with a static illuminated message area composed of a series of LED with a minimum of nine (9) pixels per LED with a 1" diameter, such that it could be changed through electronic means. Such signs are not permitted to flash, scroll, or otherwise be animated.

Sign, Directory: Any sign that includes directories for churches, apartment houses, clubs, and office buildings.

Sign, Face or Surface Area: The face or surface area of a sign shall be computed for the entire area within the periphery of a regular geometric form, or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, the structural elements framing the sign, any ornamental frames, and any background materials, including any bright or luminescent colors or distinctive changes in materials surrounding the sign, used to attract attention to the sign. (See diagrams in Figure 3.2 for methods of measurement of various types of signs.)

Sign, Flashing: Any sign designed to attract attention by the inclusion of a flashing, changing, revolving, or flickering light source or change of light intensity.

Sign, Freestanding: See *Ground Sign*

Sign, Free-Standing: See *Ground Sign*

Sign, Ground: Any self-supported sign placed upon the ground and not attached to any building. A ground sign includes the following terms: a pole sign, monument sign, and freestanding sign.

Sign, Hanging: Any sign that hangs down from and is supported by or attached to the underside of a canopy, awning, marquee, or extension of a structure.

Sign, Illuminated: Any sign that contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights and back lighting.

Sign, Indirectly Illuminated: Any sign illuminated with a light directed primarily toward such sign, including back lighted signs, and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs.

Sign, Individual Letters: Individually cut-out letters, including flat cut-out letters (plywood, aluminum, plastic or similar materials) not intended to be internally illuminated, and channel letters. There are three (3) types of channel letters: reverse, plastic face and open face letters. Reverse channel letters are usually installed two inches (2") off the wall to have the light reflect on the wall; plastic face channel letters have plastic over the light source to diffuse the light; and open face letters expose the light source which usually consists of neon tubes.

Sign, Interstate Interchange: A ground/pole business identification sign designed to inform motorists on Interstate 95 ("I-95") of a business or institutional entity located entirely within a one thousand-foot (1,000') radius of the intersection of the centerlines of the I-95/SR 40 rights-of-way or businesses or entities within a Planned Business Development any portion of which is located within the said radius. An interstate interchange sign may advertise up to three (3) individual businesses or institutions. An interstate interchange sign shall be located either on the same parcel of real property as the businesses or institutional entities to which it relates, or on a separate parcel of real property, provided the sign is located within a permanent and recorded easement which connects to the parcels of real property on which the businesses or institutional entities to which it relates are located. As a result, interstate interchange signs shall be deemed to be "on-site" signs if connected to the site by the said easement.

Sign, Leasing-Agent: Any sign that advertises the rental or lease of space within a building or the leasing or rental of land.

Sign, Monument: Any self-supporting sign, having a maximum height of five feet (5'), placed upon the ground and not attached to any building.

Sign, Nonconforming: Any sign that is in violation of this Code at the time of its effective date.

Sign, Non-Illuminated: Any sign that has no source of direct or indirect artificial illumination.

Sign, Number: For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a single sign. A projecting or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed as shown in Figure 3.2.

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

Sign, Political: Any sign that is related to:

- A. The election of a person to public office.
- B. The activity of a political party.
- C. An issue to be voted upon at a duly-called election.
- D. Non-commercial speech outside of the scope of the foregoing, but encompassed within the protection provided by the First Amendment to the Constitution of the United States and/or Article I, Section 4 of the Constitution of the State of Florida.

Sign, Portable: Any sign that has no permanent attachment to a building or the ground. Portable signs include but are not limited to A-frame signs, sandwich signs, searchlights, inflatable signs, and stands for signs designed to be transported as a trailer on its own wheels even though the wheels may be removed. Portable signs also include a costume worn by an individual and representing a character which is associated with a commercial enterprise.

Sign, Projecting: Any sign attached to or designed as an integral part of a building or structure that extends in whole or in part more than twelve inches (12") beyond the surface of the portion of the building to which it is attached or designed.

Sign, Public Information: Any sign used for public information or directions including legal notices.

Sign, Real Estate: Any sign displayed for the purpose of offering for sale, rent, or lease any land or building.

Sign, Reflectorized: Any sign that is designed or arranged to reflect light from another light source such as automobile headlights.

Sign, Revolving: Any sign that is entirely or partly in motion by any means including fluttering, rotating, or revolving.

Sign, Roof: Any sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sign, Shingle: Any projecting, hanging, or wall sign not over two (2) square feet in area.

Sign, Snipe: Any sign that is tacked, nailed, glued, or in any way affixed to trees, utility poles, or other objects.

Sign, Subdivision: Any sign designed as a permanent structure that identifies the name of a subdivision. These signs are not intended to be used for development or promotional purposes.

Sign, Temporary: Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board, or other light materials, with or without frames, intended to be displayed for a short period of time.

Sign, Wall: Any sign affixed, other than by paint, to the wall of any building or structure, and including seawalls and retaining walls, provided such sign shall not project more than twelve inches (12") from such building. Such sign shall be limited to the identification of the name of the business and its logo.

Sign, Wind: Any sign or display, including but not limited to flags, banners, balloons, streamers, and rotating devices fastened in such a manner to move upon being subjected to pressure by wind or breeze.

Sign, Window: Any sign which is painted on, applied to, attached to or projected upon or located within six inches (6") of a building's glass area (or within two feet [2'] of such glass area if illuminated and intended to be viewed from the exterior of the building). Window signs include any illuminated signs, whose identification, message, symbol, insignia, visual representation, logotype or any other form which communicates information is observable from the exterior of the premises or public right-of-way.

Sign: Any symbol, device, image, poster, flag, banner, billboard, design or directional sign used for advertising purposes, whether painted upon, attached to, erected on or otherwise maintained on any premises, containing any words, letters or parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business or a commodity or product, which is visible from any public highway and is used to attract attention. Exposed electric discharge tubing, such as exposed neon tubing, shall be considered signage.

Siltation: Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity, and which has been deposited or is in suspension in water.

Silviculture: An activity that, in the long-term, maintains the City's urban forest tree cover and involves the on-going cultivation and harvesting of pine trees from a property with an agricultural exemption which is conducted by a bona fide commercial silviculture operation in a manner primarily consistent with this Code and secondarily consistent with Silviculture Best Management Practices.

Single-Structure, Mixed-Use Development: A development consisting of residential and office or specialty retail uses located in a single structure such that the ground floor is used for office or specialty retail uses and the remaining floors may be used for residential purposes.

Site Development Plan: The drawing illustrating a proposed development project and accompanying document that is required by Chapter 4, Article I.

Site: Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are 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. However, the term "site" shall not be construed to allow any retention areas, primarily serving a use or building in a commercial or industrial zoning district, to be located in a residential zoning district, regardless of land ownership.

Skating Center: A recreational facilities that include a skating rink. A lounge and/or snack bar, video games, and pool tables may also be available with the facility

Deleted: Small-Scale Development: See
Development, Small-Scale

Special Cabarets: Any bar, dance hall, restaurant or other place of business which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or waiters or waitresses that engage in “specified sexual activities” or display “specified anatomical areas,” or any such business establishment, the advertising for, or a sign or signs identifying which, uses the words “adult,” “topless,” “nude,” “bottomless” or other words of similar import. For the purposes of these regulations, any establishment in which employees engage in “straddle dances” activities, as defined in these regulations, shall be considered a “special cabaret.”

Special Exception: A use permitted in a particular zoning district that generally may have an impact that transcends an area, neighborhood, or subdivision. Such use may be compatible within part of a district but not throughout the district and is permitted only after a public hearing and only upon demonstration by the applicant that the use as proposed on a specific site will comply with all the special use criteria and standards for location, design, and/or operation.

Special Event: An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration, as approved by the city of Ormond Beach. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events, public rallies, picketing within a public right-of-way, and other similar activities.

Specifications: The directions, provisions and requirements contained herein, together with all written agreements made or to be made, setting out or relating to the method and manner of performing the work, or to the qualities of materials and labor to be furnished.

Specimen Tree: See *Tree, Specimen*

Spill, Hazardous Substances: The unpermitted release or escape of a hazardous substance, as defined in LDC §3-16 of this Code, directly or indirectly to soils, surface waters or groundwaters.

Spray Head: An irrigation device which applies water to the soil or plant surface by fixed spray heads or mist nozzles.

Stadium: A large open or enclosed place used for games and major events, and partly or completely surrounded by tiers of seats for spectators.

Standard Development: A proposed development, regulated under Chapter 3, Article II (*Environmental Protection Standards*), consisting of more than five thousand (5,000) square feet of impervious area and/or which is proposed for a parcel of record, under single ownership, which is one (1) acre or more in total size.

State-Listed Animal: An animal species identified as endangered, threatened, or species of special concern in Rules 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code.

State-Listed Plant: A plant species identified as endangered, threatened or a species of special concern by the Florida Department of Agriculture and Consumer Services via Chapter 5B-40, F.A.C.

State Minimum Building Code: The building code adopted by the City pursuant to the requirements of §553.73, Florida Statutes.

State Plane Coordinates: The system of plane coordinates which has been established by the National Ocean Survey for defining and stating the positions or locations of points on the surface of the earth within the state and shall hereinafter be known and designated as the “Florida Coordinate System.” For the purpose of the use of this system, the divisions established by the National Ocean Survey in Special Publication Number 255 shall be used, and the appropriate projection and zone designation shall be indicated and included in any description using the Florida Coordinate System.

Stealth or Stealth Technology: Minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

Step-Van: Any motor vehicle having a generally rectangular bulk, designed and manufactured primarily as a commercial delivery or service truck, and characterized by having sufficient headroom for an adult six feet (6') in height to stand upright.

Storage Area, Enclosed: An area that is surrounded on all sides with a continuously connected fence or wall except where it is necessary to provide for a pedestrian or vehicle opening.

Storage Facility: See *Warehousing*

Storm Sewer: A sewer that carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street Centerline: The surveyed and prescribed centerline of a street established by the state department of transportation or city public works department or, if no centerline has been so established, the line midway between the existing or proposed street right-of-way lines.

Street Right-of-Way Line: The edge of the dedicated street right-of-way.

Street, Private: Any street that is not dedicated to any public body, which provides access to more than one property owned in fee simple, and whose primary function is traffic circulation rather than access to individual parking spaces.

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

Deleted: A public right-of-way, which meets the subdivision ordinance street standards and affords a primary means of vehicular access to abutting property. The term “street” includes the terms avenue, highway, road, boulevard, lane or thoroughfare, but does not include driveways to buildings

Structural Alteration: Any change, except for repair or replacement in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner but shall not include fences or signs.

Subdivision: The division of a parcel of land, whether improved or unimproved, into two (2) or more contiguous lots or parcels of land, whether by reference to a plat, by metes and bounds or otherwise, unless such division is exempt pursuant to this Code. Subdivision includes a resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided. See *Lot Split*

Substantial Improvement (Floodplain Management and Protection):

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started;
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Sufficient Management Capabilities: Considering the size and shape of an on-site preservation or conservation area, its location, adjacent and proximate land uses, and the current condition and life history requirements of the species in the preservation area, it is possible to adequately manage and maintain the preservation area for the long-term continuance of the species or natural communities proposed for preservation or conservation on-site.

Surface Water or Stormwater Drainage Systems: See *Drainage Systems*

Surface Water Management Systems: All artificial stormwater control systems, facilities and structures including, but not limited to, basins, canals, conduits, channels, culverts, dams, impoundments, pipes, reservoirs, swales and other such works or natural features such as wetlands, creeks, rivers, and lakes that provide drainage, water storage, conveyance, treatment or other surface water management capabilities located outside publicly owned rights-of-way or easements.

Survey Data: All information shown on the face of a plat that would delineate the physical boundaries of the subdivision and any parts thereof.

Suspended Solids: Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are largely removable by laboratory filtering.

Swimming Pool: Any constructed pool used for swimming or bathing, over twenty-four inches (24”) in depth, or with a surface area exceeding two-hundred fifty (250) square feet.

Tailwater Recovery Systems: Facilities to collect, store and transport irrigation tailwater for reuse in a farm irrigation distribution system.

Tattoo Parlor: A use that business that creates an indelible mark, figure, word, or graphic illustration upon a human body by the insertion of pigment under the skin or by the production of scars. This term shall also apply to body illustrations and permanent cosmetics. All tattooing operations shall abide by the definitions and restrictions contained in Section 877.04, Florida Statutes, in Rule 59R-2.002, Florida Administrative Code, and in §12-376, Code of Ordinances.

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Taxi Barn: A business which is privately owned that provides taxi, shuttle, limousine, or other vehicle for hire service to the general public.

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Telecommunication Facility, Co-Located: A telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

Telecommunication Tower/Antennae, Camouflaged: A telecommunications tower or telecommunications antenna employing stealth or stealth technology principally designed to unobtrusively blend into the existing surroundings and be disguised so as not to have the appearance of a telecommunications tower or telecommunications antenna. Camouflaged towers and antennae on developed property must be disguised to appear as either a part of the structure housing a principal use, or an accessory structure that is normally associated with the principal use, occupying the property. Camouflaged telecommunications towers and antennae developed on unimproved property must be disguised to blend in with existing vegetation.

Telecommunication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more telecommunications antennae for telephone, radio and similar telecommunications purposes, including, without limitation, self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereof. (Does not include ground or building-mounted masts of less than 12 feet tall and six inches in diameter.)

Telecommunication Towers, Pre-Existing; and Antenna, Pre-Existing: Any telecommunications tower or telecommunications antenna for which a building permit or Special Exception has been issued prior to April 1, 1997, including permitted telecommunications towers or telecommunications antennae that have not yet been constructed, so long as such permit is valid and in effect.

Telecommunications Tower, Temporary: Any telecommunications tower constructed and operating in conjunction with a permitted special event. This term shall also apply to emergency operations requiring a telecommunications tower to aid in post-disaster relief efforts.

Temporary Driveway: A driveway or access aisle that is designed for a specific purpose and traffic volume for a specific period of time and which will be closed, removed or reconstructed according to a schedule or conditions specified by the City.

Temporary Holding Facilities (i.e., Equestrian Activities): A fenced corral or hitching facility storing horses for a limited time not to exceed a few hours.

Temporary Irrigation System: A system including surface distribution elements (hose, pipe, etc.) which may be easily removed when landscape is established.

Temporary: A time period of not more than ninety (90) days unless otherwise defined within the Land Development Code.

Tenant: Any person who alone or jointly or severally with others occupies a building under a lease or holds a legal tenancy.

Terminal, Bus Passenger: A terminal that serves bus passengers.

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Terminal Platform: A dock situated at the end of a pier extending into a waterbody and which is intended solely for water dependent use, separately or in combination with a boathouse, each of which is to be constructed and located in accordance with LDC §2-50.C of this Code (*Accessory Uses-Boats, Docks and Boathouses*) and as otherwise provided herein.

Terminal, Truck: A facility used primarily for the feuling, loading and unloading of trucks where storage of cargo is incidental to the primary function of motor freight shipment , and minor maintenance and repair of these types of vechiles is performed.

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Theater: A building or part of a building where the principal use is the showing of motion pictures, or of dramatic, musical or live performances.

Timeshare Property: Any establishment where any arrangement, plan, scheme or similar device, whether by membership agreement, tenancy in common, sale, lease, leasehold, deed, rental agreement, license, use agreement, security, or by any other means, whereby a purchaser in exchange for advanced consideration receives a right to use a time-share unit as regulated by Chapter 721, Florida Statutes. A time-share property may function as a hotel or motel provided it is licensed as such and meets all hotel/motel requirements of applicable law. For the purposes of this Code, timeshare properties shall be defined as transient lodging.

Tomoka River Aquatic Marsh Preserve: That portion of the Tomoka River designated and protected as a Florida Aquatic Preserve pursuant to Chapter 258 Florida Statutes, and Chapter 18-20, F.A.C.

Tomoka River Manatee Sanctuary: That portion of the Tomoka River designated as a Manatee Sanctuary.

Top Soil: A medium composed of naturally occurring mineral particles and organic matter which provides physical, chemical and biological properties necessary for plant growth.

Tower: The vertical component of the wind energy system that elevates the wind turbine generator above ground.

Tower, Guyed: A telecommunication tower that is supported in whole or in part by guy wires and ground anchors or other similar means of support besides the superstructure of the tower itself.

Tower, Lattice: A structure that consists of metal crossed strips or bars to support antennas and related equipment.

Tower, Monopole: A wireless communication facility which consists of a monopolar structure (a single pole), erected to support wireless telecommunication antennas and connecting appurtenances.

Townhouse: An individually owned single-family dwelling unit constructed as a group of at least three (3), but not more than eight (8), attached single-family dwelling units on individually owned lots.

Deleted: Tower or Antenna, Camouflaged: A telecommunications tower or telecommunications antenna employing stealth or stealth technology principally designed to unobtrusively blend into the existing surroundings and be disguised so as not to have the appearance of a telecommunications tower or telecommunications antenna. Camouflaged towers and antennae on developed property must be disguised to appear as either a part of the structure housing a principal use, or an accessory structure that is normally associated with the principal use, occupying the property. Camouflaged telecommunications towers and antennae developed on unimproved property must be disguised to blend in with existing vegetation. ... [7]

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Deleted: Tower, Telecommunications (or Communications Tower): Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more telecommunications antennae for telephone, radio and similar telecommunications purposes, including, without limitation, self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereof. ... [8]

Trailer: Any portable or movable structure or non-self-propelled vehicle not used for living purposes but used for moving or hauling freight, equipment, merchandise, or boats.

Transient Lodging: A facility providing sleeping quarters to the general public for a fee, such that the facility must be licensed by the State of Florida for a hotel, motel timeshare resort, bed and breakfast, executive suite or similar use. This does not include the term condominium, nor shall this term be construed to mean any form of residential dwelling as defined by this Land Development Code.

Deleted: or timeshare condominium

Tree, Abuse: shall mean any and all of the following actions.

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- A. Improper pruning that reduces the height or spread of a tree that has not attained a height or spread of thirty (30) feet, by altering the dominant stem(s) within the tree crown to such a degree as to remove the natural canopy of the tree.
- B. Improper pruning that leaves stubs or results in a flush cut; or splitting of limb ends.
- C. Peeling or stripping of bark; or the removal of bark to the extent that, if a line is drawn at any height around the circumference of the tree, over one-third (1/3) of the length of the line falls on portions of the tree where bark no longer remains.
- D. Using climbing spikes, nails or hooks, except for purposed of total tree removal or as specifically permitted by National Arborist Association Standards as the same may be amended from time to time and incorporated herein.
- E. Destroying the natural habit of growth which causes irreparable damage and permanent disfigurement to a tree such that, even with regrowth, the tree will never regain the original characteristics of its tree species, or is a danger to the public or property; or
- F. Improper pruning that results in flat-cutting the top or sides of a tree, to sever the leader or leaders or to prune a tree by stubbing off mature wood, except where removal of a branch is necessary to protect public safety;
- G. Exception: The removal of diseased or dead portions of a tree (such as palm fronds), the removal of an interfering, obstructing or weak branch shall not constitute tree abuse under this section. Interference with or obstruction of street lights, stop signs or traffic signals is an example of pruning which, if accomplished by the National Arborist Association Standards, is not a violation of this section.
- H. The exempt tree list is omitted from this section.

Tree, Palm: A monocot tree which normally attains an overall height of at least twenty feet (20').

Tree Preservation Area: A heavily wooded area preserved as open space for the protection and proliferation of trees.

Tree Removal: Any intentional or unintentional act which may reasonably be expected to cause a tree to decline and die, including:

- A. Severing the trunk.
- B. Excessive pruning of the trunk or branching system.
- C. Mechanical damage to the branching system.
- D. Mechanical damage to the bark and cambium layer.
- E. Damage to the root system by machinery, storage of materials or soil compaction.
- F. Substantially changing the natural surface grade within the dripline.
- G. Excessive paving or building within the dripline.
- H. Substantially changing the natural drainage patterns of the building site in a manner reasonably expected to kill the tree.
- I. Direct or indirect application of toxic substances or fire to the tree or its root system.

Tree Trunk: The main woody axis of a tree originating at ground level.

Tree, Hazard: Any tree or part of a tree that poses as a high risk, upon failure or fracture, to cause injury to people or damage to power lines or property.

Tree, Historic : A Live Oak, Bald Cypress or other indigenous tree with an estimated age of over one hundred (100) years and a diameter of thirty-six (36") inches or greater and/or trees designated as historic trees by the City Commission.

Tree, Monocotyledonous (Monocot): A tree having fronds with parallel venation and not true woody bark.

Tree, Native: a tree that was present in Volusia County prior to European settlement in Florida.

Tree, Nuisance Certain non-native trees, often termed exotic, specifically *Schinus terebinthifolius* (Brazilian Pepper), *Melaleuca quinquenervia* (Punk Tree, Cajeput or Paper Bark), *Acacia auriculiformis* (Earleaf Acacia), etc. Refer to the exempt tree list for complete listing of nuisance trees.

Tree, Protected: The following trees, except otherwise exempted from this Article under Chapter 3, Article I, are defined as a "protected tree:"

- A. Any tree, other than a Pine tree, having a diameter of six inches (6") or greater.
- B. Any Pine tree having a DBH of ten inches (10") or greater.
- C. Any tree located within a conservation easement or similarly designated area, wetland, upland buffer, lake or waterbody, or coastal upland protection zone.
- D. Any tree preserved or planted according to a tree protection plan or wetland mitigation plan approved by the City.
- E. Any tree planted according to a landscape plan approved by the City except for trees planted at a size less than paragraph 1 or 2 above on single-family lots for purpose of meeting minimum planting requirements set forth in Chapter 3, Article I (*Landscaping*).

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Tree, Specimen: Protected trees that are listed below in paragraphs 1 through 5 below, except exempt trees:

A. Minimum DBH twelve (12") inches :

| <u>COMMON NAME</u> | <u>BOTANICAL NAME</u> |
|--------------------|---------------------------------|
| Cypress | (<i>Taxodium</i>) |
| Oak species | (<i>Quercus spp.</i>) |
| Magnolia | (<i>Magnolia grandiflora</i>) |
| Pecan | (<i>Carya illinoensis</i>) |
| Red Bay | (<i>Persea borbonia</i>) |
| Red Cedar | (<i>Juniperus silicicola</i>) |
| Scrub Oak | (<i>Quercus geminata</i>) |
| Swamp Bay | (<i>Persea palustris</i>) |
| Sweet Bay | (<i>Magnolia virginiana</i>) |

B. Minimum DBH eighteen (18") inches:

| <u>COMMON NAME</u> | <u>BOTANICAL NAME</u> |
|----------------------|------------------------------------|
| Elm | (<i>Ulmus spp.</i>) |
| Hickory | (<i>Carya spp.</i>) |
| Maple Species | (<i>Acer spp.</i>) |
| Sweet Gum | (<i>Liquidambar styraciflua</i>) |
| Sycamore | (<i>Plantanus occidentalis</i>) |
| Palm (except sables) | (<i>Phoenix canariensis</i>) |

C. Minimum DBH twenty-four inches (24"):

Any native tree, except pine trees and exempt trees, with a minimum DBH twenty-four inches (24") and not listed in paragraphs *a* through *c* above.

D. Minimum DBH thirty-six inches (36") :

All Pine trees not listed in this Article as exempt, and Sand Pine trees in any zoning district.

E. Trees that, in the opinion of the Landscape Architect, are horticultural specimens or oddities.

Tree, Shade: A dicot or conifer tree, usually with one (1) vertical stem or main trunk which naturally develops a more or less distinct and elevated crown and provides at maturity a minimum shade crown of thirty (30) feet in diameter.

Tree, Street: Street trees shall be of species in which normally mature to a height of at least twenty feet (20') and have a mature canopy of thirty feet (30') spread.

Tree, Understory: A species of tree which normally grows to a mature height of fifteen feet (15') to thirty-five feet (35').

Tree: Any living, self-supporting woody perennial plant which at maturity attains a trunk diameter of at least three (3) inches or more when measured at a point four and one-half feet (4½') above ground level and which normally attains an overall height of at least fifteen feet (15), usually with one (1) main stem or trunk and many branches.

Deleted: Any self-supporting woody plant characterized by having a single trunk of at least two inches (2") DBH or multi-stem trunk system with well developed crown of at least ten feet (10') high, as measured from its base shall be considered a tree, with the exception of those exempted trees defined as unprotected trees.

Trees, Canopy: A species of tree which normally grows to a mature height of forty feet (40' or more with a minimum mature crown width of thirty feet (30')).

Trip Rate; Trip Generation Rate: The average number of vehicle trip ends (one-way trips) which can be attributed to a specific type of land use per unit of development per day as documented in the current ITE Trip Generation Report, and as used in commonly accepted engineering practice.

Deleted: Trees, Unprotected: The following tree species, in addition to any tree species prohibited by the Florida Department of Environmental Protection or Florida Department of Agriculture, are defined as unprotected trees as it relates to Chapter 3, Article I.¶

Common Name ... [9]

Turf Grass: See *Grass, Turf*

Unconfined Aquifer: See *Aquifer, Unconfined*

Understory Vegetation: Any tree that is less than two (2") inches in caliper, as measured at four and one-half feet (4½') above grade, shall be considered understory, as well as, all vegetation of any size, not normally considered to be a tree.

Unimproved Property: Any real property that does not have a principal structure or principal outdoor use located thereon.

Upland Area, Significant: Area of land adjacent to a wetland or upland buffer area and comprised of mesic, xeric, or other vegetative communities that provide essential functions necessary to maintain the value of the preserved wetland system.

Use: The purpose for which land or a structure is designed, arranged, constructed, altered, converted, rented, or leased or intended to be occupied or utilized or for which it is occupied or maintained.

Utility Structure: A permanent or temporary fixed or movable accessory structure which does not exceed one hundred fifty (150) square feet in floor area and ten feet (10') in height at the highest point of the roof for the purpose of storage of tools, lawn equipment, and the like.

Variance: An exception to the regulations of this Code issued by the Board of Adjustment and Appeals where such variance will not be contrary to the public interest and where a literal enforcement of this Code would result in unnecessary and undue hardship.

Vegetation, Protected: Native trees less than six-inch (6") DBH, except unprotected trees, and native plant species located within wetlands; conservation easements or similar designated areas; coastal upland protection zone; upland buffers; riparian habitat zones; lakes or waterbodies, or landscape yards or buffers established within a site plan, subdivision plan, plat, easement, planned development, or other development permits approved by the City.

Vegetation: All plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

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

Vehicle Rental: A business where vehicles are rented on a short-term basis.

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Vehicle Repair:

Type “A”: A business primarily engaged in servicing of motor vehicles including the sales and installation of automotive accessories, tires, batteries, engine tune-ups and repairs, detailing, upholstery, wheel balancing and alignment, and brake service, but not including the sale of motor vehicles or Type “B” uses, other than those that inadvertently result from the initiation of permitted repair activities.

Type “B”: A business primarily engaged in rebuilding or reconditioning of engines, motor vehicles, or trailers, and providing collision service, including body, frame or fender, straightening or repair, painting, or repairs of trucks and other large vehicles.

See *Auto Repair*

Vehicle Sales: A premise for the outdoor sale or storage of new or used automobiles, motorcycles, or other motorized vehicles and may include an on-premise body repair and paint shop, and the sales and service of any automotive component.

Deleted: Dealerships

Vehicle Transgression: The event of operating a motor vehicle or motorized construction equipment over the land surface. LDC §3-17 (*Sea Turtle Protection*) is concerned with such operation within an area extending from twenty-five feet (25’) landward of the dune face to twenty-five feet (25’) seaward of the dune face.

Deleted: **Vehicle Sales Area:** An area of land used for the display, sale or rental of new or used motor vehicles in operable condition and where no repair work is done.

Vehicular Use Area: A hard surface area designed or used for off-street parking and/or an area used for loading, circulation, access, storage, including fire trucks, garbage trucks or display of motor vehicles.

Vehicle Wash and Detailing: An establishment engaged in the business of washing and or detailing vehicles with self serve, automated or staffed facilities.

Deleted: **Vehicle, Heavy:** See *Heavy Equipment*

Deleted: **Vehicle:** See *Automotive Vehicle*

Vernacular: Of, relating to, or being the common building style of, a period or place, (i.e., frame or masonry vernacular); also referred to as indistinctive in style.

Veterinarian: A facility that offers care, diagnosis, and treatment of sick, or injured animals, which may include overnight accommodations on site for the treatment, observation and/or recuperation of animals. Also included, are boarding facilities that are incidental and subordinate to the principal activity, but shall not include the term kennel.

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Vine: A plant with a flexible stem which normally requires support to reach mature form.

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Deleted: climbing or creeping plant which normally requires support

Visual Screen: A physical obstruction used to separate two (2) areas or uses which is at least seventy-five (75%) percent opaque. Visual screens shall be living plant material, natural or manmade construction material or any combination thereof.

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Wall, Retaining: A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill, or other similar material.

Warehouse, Business: A use which is predominantly intended for storage, but may contain an area for an office and/or assembly of products primarily related to building supplies and equipment, including but not limited to plumbing, air-conditioning, roofing, flooring, glazing, and the like, provided that no manufacturing, retail sales, or customer drop-off/pick-up repair services are conducted. Each business unit within a structure must have adequate bathroom facilities, direct access to an interior loading area, and a separate pedestrian entryway. Such establishments also include those advertised, either on-site or off-site, as a “home improvement warehouse.”

Warehouse, Mini-Rental: A completely enclosed building that contains individual compartments or stalls for storage. Sales of goods or any other business activity shall not be permitted on the premises.

Warehouse, Storage: A building used for storage. Moving and transfer companies are specifically included within this definition. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property or within the same structure except for purposes of computing parking requirements for such uses such as furniture stores which generally have high storage-to-sales-area ratios. No business activity, such as sales or service, shall be conducted on the premises. A storage warehouse shall not be used as a place of business address for purposes of obtaining a business tax receipt, except for the storage warehouse office itself.

Water Conservation Plan: A combination of goals, objectives, methods, and an implementation schedule of actions specifically designed to maximize water use efficiency.

Water Management Plan: The detailed analysis required by Chapter 3, Article II (*Environmental Protection*).

Water or Community Waters: Any and all water on or beneath the surface of the ground or in the atmosphere. It includes the water in any watercourse, waterbody or drainage system. It also includes diffused surface water and water percolating, standing or flowing beneath the surface of the ground, as well as coastal waters and those waters as may be further defined by §403.031(12), Florida Statutes.

Water Surface Elevation: The projected heights in relation to mean sea level reached by floods of various magnitudes and frequencies in the floodplain of coastal or riverine areas.

Water Table: That surface of a body of unconfined groundwater at which the pressure is equal to that of the atmosphere; defined by the level at which water within an unconfined aquifer stands in a well that penetrates the aquifer far enough to hold standing water.

Waterbody: Any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water and which has a discernible shoreline.

Watercourse: Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, swale, or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, or bank.

Watercraft, Personal: A vessel less than sixteen feet (16') in length which uses an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

Watercraft: Any motorized or non-motorized vessel designed, constructed, or used for recreation or transportation on the water. "Watercraft" includes, but is not limited to, all types of a boat, sailboat, motorboat, canoe and personal watercraft. When a trailer or motor vehicle is used to store, support, or transport a watercraft, the watercraft and trailer or motor vehicle shall be considered a single unit and subject to the regulations and restrictions applicable to watercraft.

Water-Dependent Activity: An activity which can only be conducted on, in, over, or adjacent to water areas because the activity requires direct access to the waterbody or sovereignty lands for transportation, recreation, energy production or transmission, or source of water, and where the use of the water or sovereignty lands is an integral part of the activity.

Water-Dependent Uses: Activities which can only be carried out on, in, or adjacent to water areas because the use requires access to the waterbody for waterborne transport; recreation; or water supply.

Water-Related Uses: Activities located on land and which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses.

Watershed: A drainage area or drainage basin(s) contributing to the flow of water in a receiving body of water.

Wellfield Protection Zone, Primary: The land area immediately surrounding any public water supply well and extending a radial distance of two hundred feet (200') or that area that is within the first twenty percent (20%) of the total radial distance of the cone of influence, whichever is greater.

Wellfield Protection Zone, Secondary: The land area surrounding the Primary Wellfield Protection Zone, and extending a radial distance of eight hundred feet (800') from said Primary Wellfield Protection Zone or that area within the cone of influence exclusive of the primary zone whichever is greater.

Wellfield: An area of land which contains or is designated for future use for one (1) or more public water supply wells.

Well: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater, but such term does not include any well for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying, for inserting media to dispose of oil brines or to repressure oil-bearing or natural gas-bearing formations or for storing petroleum or natural gas or other products or temporary dewatering or subsurface formation for mining, quarrying or construction purposes.

Wet Retention: A retention/detention pond having a bottom elevation below the dry season surface water level. Storage area is measured from the wet season high water line to the top elevation.

Wetland Areas of Influence: All lands in or within one hundred feet (100') of a wetland located within the jurisdiction of the City.

Wetland Creation: Any artificial or man-made creation of a wetland which did not previously exist in a natural state and which possesses or is intended to possess functions performed by a wetland. See *Wetland Functions*

Wetland Functions: The roles which wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge (very limited) and discharge; protection of water quality and reduction of sediment and erosion; propagation of waterfowl, game and non-game birds, mammals, and other living resources; protection of habitat for rare, threatened, and endangered species and species of special concern; food chain support for a broad range of fish and wildlife; educational, historical and archaeological value protection; and scenic, aesthetic, and recreational amenities.

Wetland Management Plan: Refers to the detailed analysis and information regarding wetlands that is required to be submitted under Chapter 3, Article II (*Environmental Protection Standards*).

Wetland Mitigation Plan: A plan that establishes methods, implementation requirements, and maintenance commitments for which wetland mitigation will be performed to compensate for wetland impact or alteration. See *Wetland Mitigation*

Wetland Mitigation, Off-Site: Restoration or creation of a wetland or preservation of significant upland areas at a location neither adjacent to nor within a project site.

Wetland Mitigation, On-Site: Restoration, enhancement, or creation of a wetland or preservation of significant upland areas adjacent to or within a project site.

Wetland Mitigation, Out-of-Kind: The restoration, enhancement, or creation of a wetland with vegetation or other characteristics not resembling or approximating those of a specified wetland.

Wetland Mitigation: Actions including, but not limited to restoration, enhancement, and creation of wetlands, upland buffers, and preservation of significant upland areas required to be taken to offset or compensate for activities and other alterations that adversely impact the functions of wetlands.

Wetland Restoration: A human activity that returns a wetland or former wetland from a disturbed or altered condition with lesser acreage or functions to an enhanced condition with greater wetland acreage or functions.

Wetland, Impacted or Altered: Wetlands which have incurred adverse impacts from human activities or natural events, but which continue to be characterized by wetland/transitional vegetation and soils that are at least ordinarily saturated or where such characteristics are not evident but which would be reestablished within a reasonable period of time if there occurred a change in human activities or such events.

Wetland, Isolated: An area with no natural connections, permanent or seasonal, with waters as defined by §403.031(12), Florida Statutes. It is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wetland Preservation Areas: An area set aside for the preservation of wetland, typically with easements granted to the City and the St. Johns River Management District.

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Wetlands Protection, Regulated Activity: An activity proposed in a regulated area which is in or within one hundred (100') feet of a wetland and/or any activity which may have an adverse impact on wetlands, including, but not limited to:

- A. The removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, or materials of any kind. The changing of existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics.
- B. The disturbance of the wetland water level or water table by drainage, impoundment, or other means.
- C. The dumping or discharging of materials, or the filling of a wetland.
- D. The placing of fill or the grading or removal of material that would alter existing topography.
- E. The driving of piles, placement of obstructions, and erection of buildings or structures of any kind.
- F. The destruction or removal of plant life that would alter the character of a wetland.
- G. The conduct of an activity that results in a significant change of water temperature, a significant change of physical or chemical characteristics of wetland water sources, or the introduction of pollutants.
- H. The subdivision or development of land where wetlands or upland buffer areas exist anywhere within the property boundaries or within one hundred (100') feet of such boundaries.
- I. Any construction of piers, docks, or boathouses in or within one hundred (100') feet of a wetland.
- J. The impediment or loss of habitat that provides access to the wetland by designated wildlife species, dependent on wetlands for nesting, resting, or feeding; to help maintain travel corridors among wetlands and between upland and wetland areas.

Wetlands, Non-Contiguous: See *Isolated Wetlands*

Wetlands, Regulated Area: Any site which contains within its boundaries an identifiable Class I wetland area or a one-quarter acre or larger area of another wetland class or is located within one hundred feet (100') of such areas.

Wetlands: Those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, Bayheads, bogs, Cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include Longleaf or Slash Pine flatwoods with an understory dominated by Saw Palmetto.

Wheel Stops or Curbs: Permanently secured, durable devices no less than four inches (4") in height, designed to restrict vehicular encroachment.

Wholesale Distribution: A use engaged in volume or on-going sales of manufactured goods, bulk materials, food and drink, supplies, and/or equipment to a retailer or other middle man, but not to the end purchaser or end user, and where sales to the general public is commonly restricted or prohibited. Wholesaling is typically conducted in, and considered a part of, a warehousing and distribution environment in contrast to a retail or commercial environment.

Wildlife Habitat Impacts of Development, Secondary: Indirect developmental impacts to a species or its habitat, or to a natural community, from activities including, but not limited to, motorized vehicles, noise, man-induced hydrological changes, stack emissions, and pesticide and fertilizer applications, that adversely impact the individuals of a species, its habitat, or a natural community.

Wildlife Management Areas: Public areas that allow a variety of recreational activity, including, but no limited to, aquatic preserves, hunting, fishing, campgrounds, canoe rentals, nature study areas, and nature and hiking trails.

Wind Energy: Energy received from the movement of the wind across the earth.

Wind Energy Sytems: A facility consisting of a wind turbine generator and associated control and conversion electronic equipment to convert kinetic wind energy into electricity.

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Xeric Trees and Plants: Xeric refers to the following plant materials that can be maintained with minimum irrigation. Other plant materials may also be considered xeric, subject to the determination of the Landscape Architect. Refer to the below guide for a listing of Xeric plant material. Other plant materials may also be considered xeric, subject to the determination of the Landscape Architect.

A. Trees:

NATIVE

Pines, including but not limited to Long Leaf Yellow Pine, Slash Pine or Loblolly Pine but excluding those Pine species listed as exempt.

Oaks

Southern Red Cedar

American Holly

Dahoon Holly

Yaupon Holly

Wax Myrtle

Chickasaw Plum

East Palatka Holly

Redbud

Sweet Gum

Bald Cypress

Pignut Hickory

Southern Red Cedar

Red Bay

CULTIVATED

Crepe Myrtle

Weeping Elm

Jerusalem Thorn

Bottlebrush

Elm spp.

Loquat

Oleander (Tree Form)

Ligustrum

Majestic Beauty

B. Palms and Cycads:

NATIVE

Cabbage Palm

Coontie

Needle Palm

Saw Palmetto

CULTIVATED

Cardboard Plant

Chinese Fan Palm

King Sago Palm

Lady Palm

Phoenix Palm

Pindo Palm

Queen Palm

Washington Palm

Windmill Palm

C. Shrubs:

Xeriscape: A type of landscaping utilizing native or drought tolerant plants and ground cover which needs minimal irrigation and maintenance. This is detailed in the South Florida Water Management District publication, *Xeriscape Plan Guide II*, incorporated herein by reference.

Deleted: Xeriscaping: A landscaping method that maximizes the conservation of water by using an efficient irrigation system and site-adapted plants. See *Drought-Tolerant Plants*

Yard, Required Front: A yard extending across the front of a lot which is bounded by the front lot line, the two (2) side lot lines, and a line extending along the front of the foremost principal structure permitted on the lot. The depth of a “required front yard” shall be measured at right angles to a straight line joining the foremost points on the side lot lines. On cul-de-sac lots or lots which abut curved street right-of-way lines, “required front yards” shall be measured parallel to and at right angles to the street right-of-way line. All buildings, except single-family dwellings, shall be so designed through the use of walkways, doors, building materials, windows and general character, so that the portion facing the front yard appears and functions as a major entryway.

Yard, Required Rear: A yard extending across the rear of a lot which is bounded by a rear lot line, the two (2) side lot lines, and a line extending along the rear of the hindmost principal structure permitted on the lot. The depth of the required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line. For the purpose of determining the rear yard setback requirements from rear lot lines that abut a street, the minimum front yard requirements of the applicable zoning district shall apply.

For lots with curved or otherwise irregular rear lot lines, the required rear yard setback may be measured from the chord (string) line connecting the most distant points along the rear property line. Provided, however, that the required rear yard shall never be reduced by more than five feet (5’) from that required in the district regulations.

Yard, Required Side: A yard extending across the side of a lot which is bounded by the rear yard line, the side lot lines, the front yard line, and a line extending along the side of the principal structure permitted nearest the side property line. A width of a “required side yard” shall be measured in such a manner that the yard established is a strip of the minimum width required by the district regulations with its inner edge parallel with the side lot line.

Yard, Required Waterfront: A yard measured from the bulkhead line of the river, watercourse, lake, or canal on which the lot is located. In the event there is no bulkhead line established pursuant to this Code or the City Code of Ordinances, the measurement shall be made from the mean or ordinary high water mark. The required waterfront yard shall be measured from the bulkhead line or mean high water line regardless of intervening ownership. A waterfront yard is required for lots that have waterfront locations as set out in the schedule of District Regulations.

Yard, Required: A required open space area which shall not be occupied or obstructed by any structure or portion thereof except as necessary for maintenance of plantings or otherwise permitted by this Code. The various types of “required yards” are illustrated on Figure 3.3 on the following page.

Zero-Lot-Line: A development concept that permits the principal structure to abut one (1) side lot line.

SECTION 1-23: REFERENCE TO CITY BOARDS AND OFFICIALS

Administrative Official: The staff member assigned to interpret the administration of the Land Development Code, or his/her designee.

Administrator (Flood): As applicable to Chapter Article , the city staff member assigned to interpret the administration of the National Flood Insurance Program (NFIP) within the city of Ormond Beach, subject to the standards established by the Land Development Code and the Federal Emergency Management Agency (FEMA).

Board of Adjustment and Appeals: The Board as established in LDC §1-16.

Chief Building Official: The duly appointed municipal official, or his designee, who issues permits and enforces the provisions of the Land Development Code.

City Commission: The City Commission of Ormond Beach, Florida.

City Engineer: A Florida registered engineer appointed as a municipal official, or his/her designee, who serves as the City Engineer for the city of Ormond Beach.

Development Review Board: The board established in LDC §1-17.

Enforcement Official: The Chief Building Official, Neighborhood Improvement Manager_ and any other official specified by this Code or their duly appointed representative designated as responsible for enforcing the provisions of the respective Sections of this Code and for ensuring plan adherence, site maintenance and occupancy requirements prior to, during and subsequent to construction activities.

Landscape Architect: The Landscape Architect for the city of Ormond Beach, or an agent appointed by the City Manager.

Local Planning Agency: The City of Ormond Beach Planning Board, which is designated as the agency to prepare and make recommendations to the City Commission on the Comprehensive Plan and Land Development Code and amendments thereto. (See Planning Board.)

Neighborhood Improvement Manager/Officer shall mean the City agent whose duty is to enforce codes, ordinances and resolutions enacted by the city of Ormond Beach. Neighborhood Improvement Manager/Officer shall be immune from prosecution, civil or criminal, for trespass upon real property while in the discharge of said duties.

Planning Board: The Board that is designated as the Local Planning Agency within the meaning of Chapter 163.3161 Florida Statutes, et. seq., known as the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, whose roles and responsibilities are defined in LDC §1-15.

Planning Director: The City of Ormond Beach's Planning Director, or his/her designee.

Public Works Director: The City of Ormond Beach's Public Works Director, or his/her designee.

SECTION 1-24: ACRONYMS AND ABBREVIATIONS

The following acronyms and abbreviations appear in this Land Development Code:

| | |
|-------------------|--------------------------------------------------------------------------------------------------------------------|
| AHCA | Agency for Health Care Administration, State of Florida |
| ATM | Automatic Teller Machine |
| Auto | Automobile |
| B.O.D | Biochemical Oxygen Demand |
| BOAA | Board of Adjustment and Appeals |
| BFE | Base <u>Floor Elevation</u> |
| C.O.D. | Chemical Oxygen Demand |
| CBD | Central Business District |
| City | City of Ormond Beach |
| COC | Certificate of Concurrence |
| Code | Land Development Code of Ormond Beach |
| County | Volusia County |
| <u>dB</u>A | <u>Decibel</u> |
| DCF | Florida Department of Children and Family Services |
| DEP | Florida Department of Environmental Protection |
| DOH | Florida Department of Health |
| FAA | Federal Aviation Administration |
| FAC | Florida Administrative Code |
| FCC | Federal Communications Commission |
| FDOT | Florida Department of Transportation |
| FLUCFCS | Florida Land Use, Cover, and Forms Classification System as published by the Florida Department of Transportation. |
| FPL | Florida Power and Light Corporation |
| FS | Florida Statute |
| FSUTMS | Florida Standard Urban Transportation Modeling System |
| HLPB | Historic Landmark Preservation Board |
| ISA/NAA | International Society of Arboriculture/National Arborist Association |
| LOS | Level of Service |
| LPA | Local Planning Agency |

Deleted: floor
Deleted: elevation

| | |
|---------------|------------------------------------------------------------------------------------------------|
| Mg/l | Milligrams Per L iter |
| NGVD | National Geodetic Vertical Datum |
| NOAA | National Oceanic and Atmospheric Administration |
| NPDES | National Pollutant Discharge Elimination System |
| OFW | Outstanding Florida Waters |
| PCP | Permanent Control Point |
| pH | The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. |
| PRM | Permanent Reference Monument |
| SCS | U.S. Soil Conservation Service |
| SJRWM | St. Johns River Water Management District |
| STPP | Sea Turtle Protection Plan |
| VoTran | Volusia County Transit Authority |

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Community Centers, Clubs, and Lodges: Not-for-profit activities typically operated by a government or by a group of persons for social or recreational purposes and primarily including services which are not customarily carried on as a business for profit.

Dwelling Unit, Detached: One (1) dwelling unit that is entirely surrounded by open space and not attached to another dwelling unit's foundation or roof or joined at one (1) or more sides by a party wall or walls. This term shall not be construed to mean any form of transient lodging including, but not limited to hotel, motel, tourist court, boarding house, manufactured home, cabins or tents.

Dwelling, Two- (2-) Family: A building containing only two (2) dwelling units. The term two- (2-) family dwelling also includes the word duplex. This term shall not be construed to mean any form of transient lodging including, but not limited to hotel, motel, tourist court, boarding house, manufactured home, cabins or tents.

Excavation: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Retail, Low Intensity: Retail sales and services that are limited to commercial retail uses having a gross floor area not exceeding 7,500 square feet.

Retail, Medium-High Intensity: Retail sales and services that are limited to commercial retail uses having a gross floor area exceeding 7,500 square feet.

School: See *Educational Institutions*

Tower or Antenna, Camouflaged: A telecommunications tower or telecommunications antenna employing stealth or stealth technology principally designed to unobtrusively blend into the existing surroundings and be disguised so as not to have the appearance of a telecommunications tower or telecommunications antenna. Camouflaged towers and antennae on developed property must be disguised to appear as either a part of the structure housing a principal use, or an accessory structure that is normally associated with the principal use, occupying the property. Camouflaged telecommunications towers and antennae developed on unimproved property must be disguised to blend in with existing vegetation.

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Tower, Communication (also Telecommunication Tower): a mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennas. A ground or building-mounted mast no more than 12' tall and six inches (6") in diameter shall not be considered a telecommunication tower.

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Tower, Telecommunications (or Communications Tower): Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more telecommunications antennae for telephone, radio and similar telecommunications purposes, including, without limitation, self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereof.

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Trees, Unprotected: The following tree species, in addition to any tree species prohibited by the Florida Department of Environmental Protection or Florida Department of Agriculture, are defined as unprotected trees as it relates to Chapter 3, Article I.

| Common Name | Botanical Name |
|--------------------|---------------------------------|
| Australian Pine | <i>Casuarina equisetifolia</i> |
| Australian Pine | <i>Casuarina leipconphloia</i> |
| Brazilian Pepper | <i>Schinus terebinthefolius</i> |
| Camphor | <i>Cinnamomum camphore</i> |
| Chinaberry | <i>Melia azedarach</i> |
| Chinese Tallow | <i>Sapium sebiferum</i> |
| Citrus | <i>Citrus species</i> |
| Ear Tree | <i>Enterolobium cyclocarpum</i> |
| Eucalyptus | <i>Eucalyptus species</i> |
| Ficus | |
| Punk Tree | <i>Melaleuca leucadendion</i> |
| Sand Pine | <i>Pinus clausa</i> |
| Silk Oak | <i>Grevillea robusta</i> |
| Woman's Tongue | <i>Albizia lebbek</i> |