

Item 6

Gadsden County Planning Commission Meeting Agenda Report

Date of Meeting: September 19, 2019

To: Honorable Chairman and Members of the Planning Commission

From: Suzanne K. Lex, AICP, Growth Management Director

Date: September 10, 2019

Subject: Proposed to Amendments to the Land Development Code Chapter Two

Statement of Issue:

Discussion of amendments to Chapter 2, the Definitions section of the Land Development Code.

Background:

The Planning Commission reviewed changes to the Definitions Section of the Land Development Code at the July 11, 2019 Planning Commission Workshop. Comments were made requesting clarifications and changes and removing duplication, as well as editorial observations.

Analysis:

Staff has revised the definitions to incorporate comments made from both the Planning Commission and Planning Department staff. Changes were provided in a strikethrough-underline version and as a clean copy at the August 22, 2019 meeting. Attachment One to the staff report included a summary of these changes, both substantive and editorial in nature.

Attached is a supplement to the changes previously provided for the August 22, 2019 Workshop, which were revised in response to comments provided by the Gadsden County Attorney. The staff report details these changes which are reflected in Supplements to Attachments Two and Three. As requested staff did not reprint the entirety of the material, just the fourteen revisions as attached. Additionally, an electronic copy of all combined changes was distributed to the Planning Commission and posted in the website. The additional changes are highlighted.

- 1) **Abutting parcel/abutting property** introduces the term adjacency, and states for buffering purposes adjacent shall not mean across a divided roadway.

Staff Recommendation: Revise references to abut/abutting to state that there is no intervening land between the parcels. Introduce a definition of adjacent to recognize parcels of land that are not widely separated, though perhaps they are not actually touching. This is consistent the existing language in the Land Development Code.

- 2) **Access** was duplicated and included a lengthy explanation of how access rights are created.

Staff Recommendation: Deleted duplication and revised to state “other legal means.”

- 3) **Adverse Impact** was changed to include on-site and off-site impacts in response to comments from the Planning Commission, however is lengthy and cumbersome.

Staff Recommendation: As revised the definition recognizes on-site and off-site impacts and is more straightforward.

- 4) **Assisted living facility** references to “see also adult day care center, community residential home, group home facility and nursing home.”

Staff Recommendation: These are terms or uses defined elsewhere and are unnecessary.

- 5) **Bed and breakfast** does not include the limitations imposed by Florida Statutes.

Staff Recommendation: Revised to be consistent with §509.242(1)(f), Florida Statutes limiting the use to no more than 15 sleeping rooms. Duplicate definition,

- 6) **Berm** includes no reference to stormwater control. (Relocated single definition in alphabetical order)

Staff Recommendation: Revised to include appropriate reference to stormwater control.

- 7) **Domesticated Animals** lists species and not the meaning.

Staff Recommendation: Revised to include the meaning and not the type.

- 8) **Driveway** includes references to “see also” followed by a list of other items that do not have the same meaning.

Staff Recommendation: These are terms or uses defined elsewhere and are unnecessary.

- 9) **Engineer** definition is duplicated.

Staff Recommendation: Deleted duplicated term

- 10) **Endangered Species** is not consistent with references in listed species.

Staff Recommendation: Revised to include reference to Florida Natural Area Inventory and remove excessive description.

- 11) **Family [conveyance] Exception** did not include any reference to the dividing of property for immediate family members and included extended relatives which is not consistent with §163.3179, Florida Statutes.

Staff Recommendation: Revised to include reference to the dividing of property and removed niece, nephew, aunt and uncle. (Also referenced this for the Immediate Family Exception definition.)

- 12) **Hazardous Substance** did not include a reference to waste or materials consistent with federal law.

Staff Recommendation: Revised to include these references.

- 13) **Listed Species** was not consistent with references in endangered species definition.

Staff Recommendation: Revised to include reference to Chapter 68A-27, Florida Administrative Code and removed excessive description.

- 14) **Utilities Class III** excludes power generation plants or facilities; however, these are not defined.

Staff Recommendation: Additional research and consideration should be provided before finalizing this definition. Electrical power plant is defined in §403.503, Florida Statutes (see below) However, with the trend for other power generating facilities such as solar and wind the definition should be crafted to recognize not only the traditional power plant but also clean energy power generating facilities.

403.503 (14) “Electrical power plant” means, for the purpose of certification, any steam or solar electrical generating facility using any process or fuel, including nuclear materials, except that this term does not include any steam or solar electrical generating facility of less than 75 megawatts in capacity unless the applicant for such a facility elects to apply for certification under this act. This term also includes the site; all associated facilities that will be owned by the applicant that are physically connected to the site; all associated facilities that are indirectly connected to the site by other proposed associated facilities that will be owned by the applicant; and associated transmission lines that will be owned by the applicant which connect the electrical power plant to an existing transmission network or rights-of-way to which the applicant intends to connect. At the applicant’s option, this term may include any offsite associated facilities that will not be owned by the applicant; offsite associated facilities that are owned by the applicant but that are not directly connected to the site; any proposed terminal or intermediate substations or substation expansions connected to the associated transmission line; or new transmission lines, upgrades, or improvements of an existing transmission line on any portion of the applicant’s electrical transmission system necessary to support the generation injected into the system from the proposed electrical power plant.”

Once the zoning categories are finished changes may be necessary to ensure consistency between the definitions in Chapter Two and the permitted uses introduced in the zoning categories in Chapter Four and the process for development approval (Chapter Seven).

Additionally, the Attorney has advised that the staff revisit the Land Development Code governing non-conformities (both uses and structures); references to access, roads and right-of-way; and the platting provisions in to ensure consistency.

Attachments:

1. Attachment One: Summary of all Changes.
2. Attachment Two: Revised, Chapter 2 and Supplement 2.1 of the Land Development Code, in strikethrough-underline.
3. Attachment Three: Revised, Chapter 2 and Supplement 3.1 of the Land Development Code, clean copy.

Recommendation:

1. Workshop so no formal action recommended.

Chapter 2 Definitions

Gadsden County Land Development Code

The following summarizes changes made to definitions in response to Planning Commission comments made at the July 11, 2019 Planning Commission meeting and from the Planning staff review. [The original list was provided at the August 22, 2019 Planning Commission Meeting. In addition, changes made from the County Attorney's review are included in this summary in a strikethrough-underline and clean version and provided as Supplement 2.1 and 3.1.](#)

Format Corrections:

- Formatted with proper indentations and consistent font type on the clean copy
- Semi-colons replaced with commas as requested
- Removed most acronyms for compliance with the American Disabilities Act
- Revised in alphabetical order

Abut/Abutting

- [Only refers to property with no intervening land between parcels.](#)

Adjacent

- [Added to recognize parcels that are not widely separated but that have a road or right-of-way](#)

Access:

- Deleted duplicate definition [and revised to be more concise](#)

Adverse Impact:

- Revised definition, would apply to on-site and off-site impacts

Alcoholic Beverage:

- Spelling and spacing corrections
- Deleted "or" as defined §561.01.01(4)(a) and (b), Florida Statutes

Assisted Living Facility

- [Removed extraneous references](#)

Automobile graveyard:

- Added definition reference made in Florida Statutes regulating junkyards

Automotive service station:

- Spelling corrected

Bed and breakfast inn

- Deleted duplicate definition [and included language consistent with Florida Statutes](#)

Berm

- [Single definition corrected to reflect purpose related to controlling stormwater](#)

Campground:

- Corrected Boy Scout

Connection:

- Spelled out Florida Statute for consistency

Convenience Store:

- Deleted duplicate definition

Domestic Animal

- Revised to reflect general animal group; [further revised to define domestic animal and not list types.](#)

Driveway

- [Removed all references following “see also”](#)

Dwelling or Dwelling Unit; Dwelling, Multi-family; Dwelling, Single-family:

- Removed definitions since it duplicated the subsequent [multiple part] definition
- Minor revisions in multi-part definition for clarity or to remove redundancy

Endangered Species:

- Removed specific reference to types and conditions which cause a species to be listed
- Combined to include references to species listed by Florida law or other regulatory agency
- [Further revised to add reference to Florida Natural Area Inventory](#)

Environmentally Sensitive Areas or Resources:

- Subsection “b” removed reference to 2009 and inserted “currently adopted”

Engineer

- [Deleted duplication](#)

Family [Conveyance] Exception:

- Revised to include additional detail
- Consistent with references included in §163.3179, Florida Statutes (Family Homestead)
- [Additional change required to ensure consistent with Florida Statutes](#)

Final plat:

- Clarified that Part I of Chapter 177 refers to platted lands

Food Truck:

- Defined and class of mobile vendors listed

Grandfathered/grandfathering:

- Included reference to non-conforming lot and use, lawful

[Hazardous Substance](#)

- [Revised for consistency with Federal law](#)

Highest adjacent grade:

- Included “after construction”

Homeowner’s Association:

- Removed duplicate definition

Hotel

- Removed duplicate definition

Industrial, heavy:

- Revised to a single definition; moved reference to mineral extraction to “Mining” definition
- Mining is a separate land use from Heavy Industrial in the land use categories

Junkyard or Salvage Yard:

- Revised to a single definition

Landfill:

- Definition added

[Listed Species](#)

- [Revised to be consistent with references in endangered species definition.](#)

Manufacturing, heavy:

- Revised to reflect existing uses of concrete plants and the production of fertilizers

Manufacturing, light:

- Removed reference to computer design and development research
- Research is not a manufacturing activity

Mining:

- Definition added, excluded from heavy industrial use definition as it is a separate land use

Native vegetation:

- Removed duplicate definition

Net Buildable Area:

- Revised to reflect what is subtracted from the gross area of a parcel

Parking lot:

- Included long-term; clarified short-term versus long-term; indicated ancillary use.

Recreational Vehicle:

- Deleted duplicate definition and revised

Recycling Center

- Added definition

Signs, Directional

- Deleted duplicate definition and revised

Utilities Class III

- Power Generating Facilities is referenced but is not defined; staff will bring back a comprehensive definition

CHAPTER 2

DEFINITIONS AND INTERPRETATIONS.

Abut or Abutting: To physically touch or border upon, or to share a common property line ~~or be separated from such common border by a right-of-way, alley or easement.~~

Abutting property/abutting parcel: Any property that is immediately adjacent or contiguous to ~~or immediately across any road or right-of-way from the~~ subject parcel. ~~For the purpose of buffering only, adjacent shall not mean across a divided roadway.~~

Adjacent: ~~Parcels of land are not widely separated, though perhaps they are not actually touching; and which may be separated by a road, street, easement.~~

Access, Legal: ~~The legal right to enter and exit property from a public or private street, or access easement or other legal means. These rights are created by deed or easements recorded in the public records. If the parcel proposed for development is adjacent to a county or state right-of-way and meets all other standards, then legal access is provided.~~

Assisted living facility: ~~Any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged, whether operated for profit or not, which undertakes through its ownership or management to provide, housing, and one or more personal services for a period exceeding 24 hours to one 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 F.S. § 400.407 Florida Statutes (see also adult day care center, community residential home, group home facility and nursing home).~~

Bed and breakfast inn: ~~A use that provides guestrooms in an operator- or owner-occupied residential unit that is primarily used for inn activities and are operated as a commercial enterprise. They may provide meals for guests and the general public. Accommodations for overnight stays are limited to ten fifteen guestrooms.~~

Berm: ~~An artificial bank, mound, or hill of earth or other material designed to direct, control or retain stormwater, provide visual interest, screen undesirable views, decrease noise, and/or reduce wind effects or otherwise be used as a buffer from adjacent uses.~~

Domestic animals: ~~A dog, cat, or ferret, guinea pig, hamster. Dogs, Cats, Rabbits, Birds, Reptiles, Amphibians and/or Fish~~ ~~A species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival.~~

Driveway: ~~The area that provides vehicular access to a zoning lot. A driveway begins at the property line and extends into the zoning lot. Driveway does not include parking, maneuvering, or circulation areas in parking areas. See also garage (private and public), parking area, parking lot or garage (commercial), parking space, structured parking, surface parking, and vehicle areas.~~

Engineer: ~~A professional engineer licensed to practice in the State of Florida.~~

Endangered Species: ~~shall refer to any species of plant or species of the animal kingdom, including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, naturally occurring in Florida, whose prospects of survival are in jeopardy due to the following conditions:include only those species-Those species of plants and animals listed as endangered by an official state or federal plant or wildlife agency, in the Florida Natural Areas Inventory (FNAI), and species listed as endangered in Ch. 68A-27, Florida Administrative Code, and or those species listed as endangered species by in any other official state or federal law, rule, or regulation.~~

Family ~~[conveyance]~~—Exception/Immediate Family Exception/Family Homestead Exception: A process for ~~dividing and~~ conveying a parcel to ~~an immediate family member to be used solely as a homestead by an owner applicant who is the grandparent, parent, step-parent, adopted parent, sibling, child, step-child, adopted child, niece, nephew, aunt, uncle or grandchild of the person who intends to divide and convey the parcel to such applicant, notwithstanding the density or intensity of use assigned to the parcel by a particular zoning district. An affidavit of qualifying family relationship shall be filed with the application for this exception and shall be recorded in the Official Records of Gadsden County, Florida with a copy to the Gadsden County Property Appraiser, at the expense of the applicant. This exception shall apply only once to any owner applicant.~~

Hazardous waste substances/Hazardous materials: ~~Waste, Substances or a combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. These materials may include, but not be limited to, volatile, chemical, biological, explosive, flammable, radioactive, and toxic materials.~~

Immediate Family Exception: ~~A process for conveying land to an immediate family member. See Family Exception/Immediate Family Exception/Family Homestead Exception.~~

Listed species: ~~Those species of plants and animals listed as endangered, threatened, rare, or species of special concern by an official state or federal plant or wildlife agency, or the Florida Natural Areas Inventory (FNAI), in Ch. 68A-27, Florida Administrative Code or in any other official state or federal law, rule, or regulation. includes species ranked as S1, S2, or S3). These species are targeted for protection for a number of reasons, e.g. they are in imminent danger of extinction, are rapidly declining in number or habitat, or have an inherent vulnerability to habitat modification, environmental alteration, or human disturbance which puts them at risk of extinction.~~

UtilitiesUtilities, Class III: ~~Production or treatment facilities such as sewer treatment plants, water treatment plants, elevated water storage towers; non-accessory ground storage tanks, or similar facilities. This definition does not include power generation plants or facilities.~~

CHAPTER 2

DEFINITIONS AND INTERPRETATIONS.

SECTION 2000. Interpretation. The following rules shall be observed in the application and interpretation of provisions of this Code, except when the context clearly requires otherwise.

- A. The words "shall" or "must" are mandatory. The words "should" or "may" are permissive.
- B. Words used or defined in one tense or form shall include other tenses or derivative forms.
- C. Words in the singular shall include the plural; words in the plural shall include the singular.
- D. Words referencing the masculine gender shall extend and be applied to the female gender and shall be considered to be gender neutral.

The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

In the event that a question arises concerning the application or meaning of the regulations, the Planning Official shall be responsible for the interpretation of this Code.

SECTION 2100. DEFINITIONS.

Subsection 2101. Generally. When used in this Code, the following terms shall have the meanings given herein:

- A. The word "Board" shall mean the Gadsden County Board of County Commissioners.
- B. The word "County" shall mean Gadsden County, Florida.
- C. The words "Local Planning Agency", "Commission," or "Planning Commission," shall mean the Gadsden County Planning Commission.
- D. The word "person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
- E. The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
- F. The word "structure" shall include the word "building."

DEFINITIONS.

Subsection 2102. Specifically.

Abutting property/abutting parcel: Any property that is immediately adjacent or contiguous to subject parcel

Adjacent: Parcels of land are not widely separated, though perhaps they are not actually touching; and which may be separated by a road, street, easement.

Access, Legal: The legal right to enter and exit property from a public or private street, access easement or other legal means.

Adverse Impact: Any direct or indirect action likely to cause, or actually causing, a measurable decline in the stability, natural function, or natural diversity of a body of water or flood prone lands or the quiet, peaceful, safe or healthful use of occupancy of any property. This includes, but is not limited to the quality, quantity, hydrodynamics, surface area, species composition, living resources, aesthetics or usefulness for human or natural uses which are or potentially may be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary (indirect) and cumulative as well as direct impacts.

Assisted living facility: Any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged, whether operated for profit or not, which undertakes through its ownership or management to provide, housing, and one or more personal services for a period exceeding 24 hours to one 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 § 400.407 Florida Statutes

Bed and breakfast inn: A use that provides guestrooms in an operator- or owner-occupied residential unit that is primarily used for inn activities and are operated as a commercial enterprise. They may provide meals for guests and the general public. Accommodations for overnight stays are limited to fifteen guestrooms.

Berm: An artificial bank, mound, or hill of earth or other material designed to direct, control or retain stormwater, provide visual interest, screen undesirable views, decrease noise, and/or reduce wind effects or otherwise be used as a buffer from adjacent uses.

Domestic animals: A species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival.

Driveway: The area that provides vehicular access to a zoning lot. A driveway begins at the property line and extends into the lot. Driveway does not include parking, maneuvering, or circulation areas in parking areas.

Endangered Species: Those species of plants and animals listed as endangered by an official

state or federal plant or wildlife agency, in the Florida Natural Areas Inventory (FNAI), and species listed as endangered in Ch. 68A-27, Florida Administrative Code, or those species listed in any other official state or federal law, rule, or regulation.

Family Exception/Immediate Family Exception/Family Homestead Exception: A process for dividing and conveying a parcel to be used solely as a homestead by an owner applicant who is the grandparent, parent, step-parent, adopted parent, sibling, child, step-child, adopted child, or grandchild of the person who intends to divide and convey the parcel to such applicant, notwithstanding the density or intensity of use assigned to the parcel

Hazardous substances/Hazardous materials: Substances or a combination of wastes, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. These materials may include, but not be limited to, volatile, chemical, biological, explosive, flammable, radioactive, and toxic materials.

Immediate Family Exception: See Family Exception/Immediate Family Exception/Family Homestead Exception.

Listed species: Those species of plants and animals listed as endangered, threatened, rare, or species of special concern by an official state or federal plant or wildlife agency, or the Florida Natural Areas Inventory (FNAI), in Ch. 68A-27, Florida Administrative Code or in any other official state or federal law, rule, or regulation.

Utilities, Class III: Production or treatment facilities such as sewer treatment plants, water treatment plants, elevated water storage towers; non-accessory ground storage tanks, or similar facilities. **This definition does not include power generation plants or facilities.**

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Definitions: Strikethrough-Underline Final 8.22.19/9.19.19

Abandon: To leave, desert or discontinue a use for at least one (1) calendar year.

Abut or Abutting: To physically touch or border upon, or to share a common property line ~~or be separated from such common border by a right-of-way, alley or easement.~~

Abutting property/abutting parcel: Any property that is immediately adjacent or contiguous to ~~or immediately across any road or right-of-way from the subject parcel. For the purpose of buffering only, adjacent shall not mean across a divided roadway.~~

Adjacent: ~~Parcels of land are not widely separated, though perhaps they are not actually touching; and which may be separated by a road, street, easement.~~

Access: ~~The primary means of ingress and egress to abutting property from a dedicated right-of-way.~~

Access, Legal: ~~The legal right to enter and exit property from a public or private street, or access easement or other legal means. These rights are created by deed or easements recorded in the public records. If the parcel proposed for development is adjacent to a county or state right-of-way and meets all other standards, then legal access is provided.~~

Access, public: ~~The ability for the public to physically reach, approach, enter, exit, communicate with or make use of a community interest.~~

Accessory use: A use conducted on the same parcel as a primary use, of a nature customarily incidental and subordinate to the primary use of the parcel.

Active recreation refers to a structured individual or team activity that requires the use of special facilities, courses, fields, or equipment. These activities include but are not limited to baseball, hockey, football, tennis, soccer, golf and skateboarding.

Adult Congregate Living Facility (ACLF): A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes F.S.

Adult Day Care: A center which provides non-medical care and supervision for adult persons on a less than 24-hour basis.

Adverse Impact: ~~Any direct or indirect action likely to cause, or actually causing, a measurable decline in the stability, natural function, or natural diversity of a body of water or flood prone lands or the quiet, peaceful, safe or healthful use of occupancy of any property. This includes, but is not limited to the quality, quantity, hydrodynamics, surface area, species composition, living resources, aesthetics or usefulness for human or natural uses which are or potentially may be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary (indirect) and cumulative as well as direct impacts.~~

~~Any potential or actual effect or impact that is or may be harmful or injurious to human health, welfare, safety or property to biological productivity, diversity, or stability or which unreasonably interferes with the use of property, including outdoor recreation. This term includes secondary and cumulative as well as direct effects or impacts.~~

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

Affordable Housing: As defined by §420.0004, Florida Statutes.

Agriculture: The science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees and any and all forms of farm products and farm production. Commercial feed lots of any size, the raising of furbearing animals, riding academies, livery or boarding stables or dog kennels are not considered to be normal agricultural uses.

Agritourism activities: Activities relating to the preserving, processing, packaging or sale of locally grown agricultural products such as farm tours, farm meals, "u-pick" opportunities, cooking classes, agricultural workshops or agricultural education activities.

Airport, private. An airport publicly or privately owned which is not open or available for use by the public but maybe made available to others by invitation of the owner or manager (See Sec. 330.27, Florida Statutes.).

Aisle: The path for a vehicle providing internal circulation between rows of parking.

Alcoholic Beverage: Distilled spirits, beer, malt beverages, or any other beverage containing one-half of one percent or more alcohol by volume ~~or~~ as defined by F.S. §561.01.01(4)(a), Florida Statutes.

Alley: A narrow public thoroughfare, not intended for general traffic circulation, which affords only a secondary means of access to abutting property.

Alteration, building/structure: Any change in size, shape, character, occupancy, or use of a building.

Antenna: An antenna designated to transmit and/or receive communications as authorized by the Federal Communications Commission. The term communication antenna shall not include antennas utilized by amateur radio operators licensed by the FCC, or communication antennas utilized by rural electric cooperatives for the provision of essential services which include, water, wastewater, natural gas and electric, or communication antennas utilized for two way radio communication where the communication is between the base and the individual radio unit.

Apartment: A room or suite of one (1) or more rooms in a multiple-dwelling intended for use as a residence by a single-family.

Apartment house: See Dwelling, multi-family.

Aquaculture: The cultivation of aquatic organisms in fresh or salt water for human use.

ARPC: Apalachee Regional Planning Council.

Assisted living facility: Any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged, whether operated for profit or not, which undertakes through its ownership or management to provide, housing, and one or more personal services for a period exceeding 24 hours to one 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 F.S. § 400.407 Florida Statutes (see also ~~adult day care center, community residential home, group home facility and nursing home).~~

Automatic changeable facing: A facing that is capable of delivering two or more advertising messages through an automated or remotely controlled process.

~~Automobile graveyard: Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.~~

Automotive service station: Any building or structure or land used for retail sales of automobile fuels, oils or accessories as its primary use with the sale of convenience store items allowed, and which may also include automobile maintenance, servicing, and towing and overnight parking of ~~deabled~~disabled vehicles for immediate repair (within 24 hours.).

Bar: See tavern.

Bar, tavern, cocktail lounge or nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises in which the service of food is merely incidental defined as the establishment deriving no more than 50 percent of its gross revenue from the sale of food consumed on the premises. Dancing and musical entertainment may be permitted. The term nightclub may also include facilities in which dancing and musical entertainment are permitted whether or not alcoholic beverages are served.

~~**Berm:** An earthen embankment designed to direct, control or retain stormwater; an earthen embankment designed to be used as a buffer from adjacent uses.~~

Bed and breakfast: A private residence, generally a single-family dwelling, in which guestrooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide breakfast service for guests only.

Bed and breakfast inn: A use that provides guestrooms in an operator- or owner-occupied residential unit that is primarily used for inn activities and are operated as a commercial enterprise. They may provide meals for guests and the general public. Accommodations for overnight stays are limited to ~~ten~~ fifteen guestrooms.

~~**Bed and Breakfast Inn:** A lodging establishment for a night and a morning meal provided in a guest house.~~

Berm: An artificial bank, mound, or hill of earth or other material designed to direct, control or retain stormwater, provide visual interest, screen undesirable views, decrease noise, and/or reduce wind effects or otherwise be used as a buffer from adjacent uses.

Best Management Practices (BMP): A practice or principle designed to reduce and manage pollution, the adverse impact of changes in the natural ecosystem, and in some cases, protect wildlife and habitat. These principles and practices are generally outlined in the latest updated version of various BMP manuals including Silviculture Best Management Practices; Best Management Practices, a Landowner's Handbook for Controlling Erosion for Forestry Operations for Forestry Operations, Management guidelines for Forested Wetlands, DER: Florida Development Manual, A Guide to Sound Land and Water Management, and other publications on best management practices that are generally accepted by industries and regulatory bodies.

Bicycle facility. Includes improvements constructed or provided to accommodate bicycle traffic and parking. Bicycle facilities may include bikeways, bicycle lanes within the street, paved shoulders, wide curb lanes, pedways which are a minimum of eight feet in width, trails where bicycling is permitted, bicycle racks and lockers, and other facilities and markings intended to designate areas available for exclusive use or shared use for bicyclists.

Bikeway (bicycle way): A facility within the street, within the street right-of-way, or within a separate right-of-way or easement improved for use by bicyclists.

Billboard: A sign as defined in §479.01(19), Florida Statutes and is an off-premise sign.

Block: A parcel or parcels of land entirely and immediately surrounded by streets or highways, water courses, subdivision boundaries and/or right-of-ways or any combination thereof.

Boarding House: A single dwelling unit that does not house more than ten individual sleeping quarters where lodging is provided with or without meals, for compensation for more than one week.

Borrow Pit: An area where material (usually soil, gravel, or sand) is extracted for use at another location.

Boundary Adjustment: An amendment or change to the perimeter of a recorded parcel.

Buffer: An area of land planted with trees, shrubs, berms, or other approved method which separates a project's pavement and structures from adjacent property or rights-of-way. A buffer is also a combination of space and vertical elements, such as trees, plants, berms, fences, or walls, for the purpose of separating and screening land uses from one another.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building, height of: The vertical distance from grade plane to the average height of the highest roof structure.

Building, High-rise: A building which has habitable space nine floors or greater. An enclosed

ATTACHMENT 2:

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Definitions: Strikethrough-Underline Final 8.22.19/9.19.19

habitable space below grade cannot be considered as a floor for the purpose of this definition.

Building, Low-rise: A building which has habitable space and is three floors or less. An enclosed habitable space below grade cannot be considered as a floor for the purpose of this definition.

Building, Mid-rise: A building which has habitable space and is between four and eight floors. An enclosed habitable space below grade cannot be considered as a floor for the purpose of this definition.

Building, Temporary: A building used during the duration of an active construction project for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, structures, or other facilities. For the purposes of this definition, "active" shall mean having a valid development order or building permit which has not expired.

Building, Primary: See Primary Structure.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes. A commercial campground may include RV spaces and tent camper spaces. Non-commercial campgrounds include church, Boy Scout and other non-commercial, non-profit uses.

Cemetery: Land used or intended to be used for the burial of human dead and dedicated for cemetery purposes, including mausoleums and mortuaries if operated within the boundaries of such cemetery.

Change of Use: a discontinuance of an existing use and the substitution of a different kind or class of use.

Champion Trees: Champion trees are those listed in the Florida Champion Tree Register with the Florida Department of Agriculture and Consumer Services, Florida Forest Service.

Child Care Facility: A business which provides for care of persons which are of pre-school age, that care for five (5) or more children unrelated to the operator of the facility, and which receives a payment, fee, or grant for said service, whether operated, and whether or not operated for profit.

Clear Sight Triangle: A triangular shaped area at street intersections and street and driveway intersections established pursuant to and in accordance with the Florida Department of Transportation Design Standards, Index Number 546 Sight Distance at Intersections.

Cluster Development: ~~A compact development that allows the developer to 1) group uses more closely together, 2) preserve fragile habitats, and/or 3) increase the amount of open space of a development.~~ A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive or other portions of the site having existing characteristics worth of preservation or conservation.

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Commission: Gadsden County Planning Commission, first established by Gadsden County Ordinance #76-004.

Commercial animal boarding facility: A facility that provides the service of temporary care of domestic animals.

Commercial recreation, indoor: A private indoor (entirely within enclosed structure) use providing for sport and recreation activities, which are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, Yoga studios, Pilates studios, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools and racquet and tennis club facilities (indoor).

Commercial recreation, outdoor: A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, privately owned golf driving ranges, miniature golf facilities, outdoor commercial tourist attractions, and privately owned active sports facilities such as ballfields and basketball courts, and racquet and tennis club facilities (outdoor).

Community residential home, large: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for seven or more 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.

Community residential home, small: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for six or fewer 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.

Community services: Governmental or private uses that provide a function for the community, including nonprofit or voluntary organizations and clubs engaged in civic, charitable, and related activities.

Connections: Driveways, streets, turnouts, access ways or other means of providing for the movement of vehicles, pedestrians or bicycles to or from the public street system.

Conservation areas: Natural resources that, because of their ecological value, uniqueness and particular sensitivity to development activities, require stringent protective measures to sustain their ecological integrity, including wetlands, surface waters, 100-year floodplains, listed species habitat, significant geologic features, and strategic ecosystems.

Conservation easement: Conservation easement shall mean a perpetual, undivided interest in real property as described in §704.06, Florida Statutes.

Compatibility: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly

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negatively impacted directly or indirectly by another use or condition.

Comprehensive Plan: The collective goals, objectives and policies of Gadsden County adopted by Ordinance 81-2, as amended over time.

Conceptual Review: An initial review to determine if a proposed request for development furthers the intent of the adopted comprehensive plan and is consistent with other applicable land development regulations.

Concurrency: A process to insure that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency Management System: The procedures and/or process of evaluating the impact of a specific development on public facilities and the adopted level of service standards to ensure that the necessary facilities and services are available with the impacts of development.

Connection: Driveways, streets, turnouts, or other means of providing for the right of reasonable access to or from the State Highway System (F.S. § 335.182(3)(a)) Florida Statutes.

~~Convenience store: An establishment engaged in the retail sale of a variety of merchandise and food, such as canned and dry goods, beverages, dairy products, and bakery products not produced on the premises.~~

Convenience store. A small retail store, which sells convenience items (day-to-day needs of a residential neighborhood) as its primary sales. A convenience store may include the sale of gasoline and diesel fuel but such sales shall be accessory to the primary sale of convenience goods.

County: Gadsden County, Florida.

County Commission: The local governing body for Gadsden County, Florida, also known as the Gadsden County Board of County Commissioners.

County Engineer: A person currently licensed and registered to practice engineering in the State of Florida and retained by Gadsden County to implement the appropriate provisions of this Land Development Code.

Contiguous: See abut.

Critical Protection Zone (CPZ): An area around the base of a tree calculated as 75% of the radius of the drip line of the tree.

Crown: The main mass of branching of a tree, which features branches that grow out from the main trunk and support the various leaves.

Cul-de-sac: A short, local road having but one end open for vehicular traffic, the opposite end being terminated with a permanent turn-around.

Cultural facility: Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational or cultural interest, which are not operated commercially.

Dead-end street: A street terminated at the end by a vehicular turnaround, such as a cul-de-sac or T-turnaround.

Deciduous: A plant with foliage that is shed annually.

Dedication: The legal transference of land without sale by the original owner to a public agency.

De Minimis Impact: A proposed development that relates to a land use of such a low intensity as to have a minimal effect upon the Level of Service Standards (LOSS) adopted in the Gadsden County Comprehensive Plan. Such impact would not have more than one percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the current trip counts, provided however, that an impact of a single family home on an existing lot of record will constitute a de minimum impact.

Density: A unit of measurement; the number of dwellings per acre of land.

Density, Gross: A unit of measurement, the number of dwelling units per acre of land without removal of any natural or man-made area of such acre.

Density, High: Five (5) or more dwelling units per acre.

Density, Low: Two or less dwelling units per acre.

Density, Medium: More than two and less than five dwelling units per acre.

Density, Net: A unit of measurement, the number of dwelling units per acre of land, after removal of any specified features.

Department: Gadsden County Planning and Community Development Department.

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

Developer: Any person or corporation, including a governmental agency, undertaking any development.

Development: Shall be as defined in §163.3221(4), Florida Statutes.

Development Order: Any order granting, denying, or granting with conditions an application for development on a specific site.

Development Review Committee: A committee formed which reviews development proposals.

Deviation, Substantial: Any proposed change to a previously approved development which

creates a reasonable likelihood of additional impact to the local facilities. The thresholds for a substantial deviation shall be any one of the following:

- Any increase in the number of previously approved parking spaces by fifteen percent or more.
- Any increase in impervious surface by ten (10) percent or more.
- An increase in the number of dwelling units by ten (10) percent or more, so long as the density conforms to the requirements of the Comprehensive Plan and Land Development Code, except that, if the dwelling units are developed and meet the criteria of affordable housing, this threshold shall increase to fifteen (15) percent or more.
- An increase in the number of external vehicle trips generated by the development above that which was projected during the original development approval, by fifteen (15) percent or more.

Diameter Breast Height (DBH): The diameter of a tree, in inches, measured at approximate breast height or a height of four and one half feet above grade. For irregular trees, this can be the average of the greatest and smallest diameters or the circumference at DBH, divided by Pi (π).

Discharge: The release of stormwater by any means, including spilling, leaking, seeping, pouring, emitting, emptying, or dumping, but not including evaporation, transpiration, or natural percolation to the groundwater.

Dormitory: A structure used for sleeping accommodations related to an educational facility.

Domestic animals: ~~A dog, cat, or ferret, guinea pig, hamster.~~ Dogs, Cats, Rabbits, Birds, Reptiles, Amphibians and/or Fish **A species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival.**

Double frontage lot: A lot other than a corner lot with frontage on more than one (1) street. Double frontage lots are also known as through lots. Double frontage lots are prohibited in Gadsden County.

Drainageway(s): Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

Drainage Right-Of-Way: The land required for the installation of stormwater sewers, ditches, swales or other structures necessary to ensure the proper flow and disposal of stormwater as required in Rule 17.25, F.A.C, the stormwater discharge regulation of F.D.E.P.

Dripline: An imaginary perpendicular line that extends downward from the outermost tips of the tree branches to the ground.

Drive-in restaurant: A restaurant where service may be obtained while remaining in one's automobile or where service may be obtained at a takeout counter.

Driveway: The area that provides vehicular access to a zoning lot. A driveway begins at the

property line and extends into the zoning lot. Driveway does not include parking, maneuvering, or circulation areas in parking areas. See also garage (private and public), parking area, parking lot or garage (commercial), parking space, structured parking, surface parking, and vehicle areas.

Dry cleaning and commercial laundry facilities: A business which cleans clothing by the use of a process of nonflammable solvents. Additionally, such establishments may provide laundry services of washing, drying, folding, and packaging of clothing and linens. Laundry facilities shall not include self-service washer and dryer facilities or Laundromat.

~~**Dwelling or Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, and bathing facilities.~~

~~**Dwelling, Multi-family:** A structure designed for residential occupancy which has common walls for more than one dwelling unit to house more than one family. (See multi-family development.)~~

~~**Dwelling, Single-family:** A detached dwelling unit designed for occupancy by one family, which has independent cooking and bathing facilities.~~

Dwelling or Dwelling Unit: Any building, portion thereof, or other enclosed space or area, used as or intended for use as a residence with eating, cooking, and bathing facilities

(1) *Dwelling, single-family* means- any dwelling used as or intended for use as the home of one family, either temporarily or permanently, with separate cooking and housekeeping facilities.

(2) *Dwelling, two-family (duplex)* means- any dwelling which has common walls designed to be occupied by two families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

(3) *Dwelling, multiple family* means- any dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels, and not including townhouses.

(4) *Dwelling, townhouse* means a single-family dwelling forming one of a group of three or more attached single-family dwellings, each built upon an individual plot, separated by fire or party walls which do not permit passage or visibility between such units, with separate utilities and services.

Easement: That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property.

Eaves: The extension or overhang of a roof measured from the outer face of the supporting wall or column to the farthest point of the overhanging structure.

~~**Engineer:** A professional engineer licensed to practice in the State of Florida.~~

Endangered Species: shall refer to any species of plant or species of the animal kingdom, including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, naturally occurring in Florida, whose prospects of survival are in jeopardy due to the following conditions: include only those species Those species of plants and animals listed as endangered by an official state or federal plant or wildlife

agency, in the Florida Natural Areas Inventory (FNAI), and species listed as endangered in Ch. 68A-27, Florida Administrative Code, and or those species listed as endangered species by in any other official state or federal law, rule, or regulation.

~~(1) Modification or loss of habitat;~~

~~(2) Over-utilization for commercial, sporting, scientific, or educational purposes;~~

~~(3) Disease;~~

~~(4) Predation;~~

~~(5) Inadequacy of regulatory mechanisms; or~~

~~(6) Other natural or man-made factors affecting its continued existence.~~

~~**Endangered species** shall include only those species listed as endangered in Ch. 68A-27, F.A.C., and those species listed as endangered species by any other official state or federal law, rule, or regulation.~~

Engineer, registered (or professional engineer, or licensed engineer) ~~means a~~An individual licensed to engage in the practice of engineering in the State of Florida pursuant to F.S. Ceh. 471 Florida Statutes.

Environmentally Sensitive Areas or Resources: The following resources or areas on a parcel are designated as environmentally sensitive:

a. Wetlands;

b. Lands designated as Special Flood Hazard Areas on the currently adopted Federal Emergency Management Agency Flood Insurance Rate Maps, ~~adopted 2009.~~

c. All Outstanding Florida Waters.

d. All Class I surface waters.

e. All Endangered, Threatened and Species of Greatest Conservation Need as listed by the Florida Fish and Wildlife Conservation Commission, and published in the "Florida's Endangered and Threatened Species" document dated January, 2013.

f. Seepage slopes.

Existing Use: The use of a lot, parcel or structure at the time of the adoption of the Comprehensive Plan. (November, 1991), or as specifically named in any update of the Plan.

Existing manufactured home park or subdivision: ~~Means a~~ manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community, May 21, 1991.

Expansion to an existing manufactured home park or subdivision: ~~Means t~~The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FDEO or DEO: The Florida Department of Economic Opportunity.

FDEP or DEP: The Florida Department of Environmental Protection.

FDOT or DOT: The Florida Department of Transportation.

Family: A number of individuals living together as a single housekeeping unit.

Family ~~[conveyance]~~—**Exception/Immediate Family Exception/Family Homestead Exception:** A process for dividing and conveying a parcel to an immediate family member to be used solely as a homestead by an owner applicant who is the grandparent, parent, step-parent, adopted parent, sibling, child, step-child, adopted child, niece, nephew, aunt, uncle or grandchild of the person who intends to divide and convey the parcel to such applicant, notwithstanding the density or intensity of use assigned to the parcel by a particular zoning district. An affidavit of qualifying family relationship shall be filed with the application for this exception and shall be recorded in the Official Records of Gadsden County, Florida with a copy to the Gadsden County Property Appraiser, at the expense of the applicant. This exception shall apply only once to any owner applicant.

Farm market: A principal use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider and similar agriculture products. A minimum of 25 percent of the products sold must be agricultural products produced on site.

Farm produce stand: A structure or land used for the sale, by the owner or the owner's family or tenant, of agriculture or horticulture produce principally produced on the farm or agriculture operation on which the farm produce stand is located. The term "farm produce stand" may include produce grown on other farms in the vicinity and accessory products, which are clearly a secondary use of the premises and do not change the character of the farm produce stand.

Fees or Applicable Fees: The fees set from time to time by the governing body in a schedule of fees for the various types and stages of development application and approval.

Fence: A man-made barrier of any material or combination of materials erected to enclose or screen areas of land.

Filling, land: The placement of any material into a wetland, waterbody, or on land.

Filling, station: See Service station.

~~**Final Plat:** The final plat of all or portion of the subdivision which is presented for approval, in accordance with these regulations and which, if approved shall be filed and recorded with the Clerk of Circuit Court of Gadsden County.~~

Final plat: The final map or drawing of the plat, subdivision or dedication prepared and intended for filing and recording after approval by the Board of County Commissioners in accordance with Article VII and F.S. Ch. 177, Part I, Florida Statutes.

Finished Habitable Area: An enclosed area used for any purpose other than solely for parking

of vehicles, building access, or storage.

Fitness center: A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Fitness center may also include incidental accessory uses such as child care for patrons, professional physical therapy services, and incidental food and beverage sales.

Flag: A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution or as a decoration during public festivities.

Flag Lot: A parcel of land shaped like a flag with a narrow strip providing access; the bulk of the property contains no frontage and where the road frontage is less than 75 percent of the required width at the building line for its particular zoning classification, provided, however, that lots within 50 feet of the radius point of a cul-de-sac street shall not be considered flag lots. For the purpose of this article, a "flag lot" shall not be considered to abut a road.

Flashing: A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a time frame of fewer than four seconds.

Food Trucks

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; or
- b. the unusual and rapid accumulation or runoff of surface waters from any source; or
- c. mudflow; or
- d. collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels in a flood as defined above.

Flood Hazard Boundary Map (FHBM): The official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood, mudflow, and related erosion areas having special hazards have been designated.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Emergency Management Agency has delineated the Special Flood Hazard Areas (SFHAs), the Base Flood Elevations (BFEs) and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

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Floodplain: Any land area susceptible to being inundated by floodwaters from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Flood Prone Areas: See Special Flood Hazard Area.

Floor Area Ratio, (FAR): A mathematical expression of land use intensity calculated by dividing the total area of all floors of a structure (a.k.a. gross floor area), by the area of the lot on which it is located.

$$\frac{\text{Gross Floor Area}}{\text{Parcel Area}} = \text{FAR}$$

Floor Area: The heated and cooled space of a building or structure.

Food Trucks self-propelled or otherwise moveable from place to place such as a truck, trailer, or similar self-propelled conveyance which is used to vend food and beverage products and is classified as one of the following:

- a. Class I—Mobile kitchens. In addition to the vending of products allowed for class II and class III mobile food trucks, these vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu.
- b. Class II—Canteen trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages takes place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations.
- c. Class III—Ice cream trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products

Freeboard (for stormwater purposes): The vertical distance between the maximum staging elevation of the stormwater facility and the elevation at which uncontrolled overtopping of the structure or facility that contains the water would occur. Uncontrolled overtopping would not include discharge for emergency purposes.

Frontage: That side of a building or structure, lot, lots, or tract of land abutting and/or facing a public right-of-way, ordinarily regarded as the front of the site.

Functionally Dependent Facility: A facility which cannot be used for its intended purpose unless it is located or carried out in proximity to a resource.

Future Land Use Map (FLUM)/Land Use Map: A graphic representation of the land use districts used in the County and their placement on the land adopted as part of the Gadsden County Comprehensive Plan and used as the regulatory map for implementation of the Comprehensive Plan and this Code.

Garage, private: A building or space used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage of personal motor

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vehicles and in which no business, occupation, or service for profit is in any way conducted.

Garage, public: Any building or premises, except those described as a private or storage garage, used for the storage of cars or motor vehicles or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Garage, storage: Any building or premises, other than a private garage, used exclusively for the parking or storage of motor vehicles.

G.I.S., Geographic Information Systems: Integrated graphic and database software designed to aid in reporting phenomena or displaying data that are distributed across wide areas.

Go-cart tracks: A lot or other area of land, the primary purpose of which is to offer members of the public rides on small motorized non-highway type vehicles. Go-Cart Tracks are Class II land uses.

Governing Body: The Board of County Commissioners, Gadsden County, Florida.

Grade: The lowest point of elevation of the existing surface of the ground, within the area between the building and a line five feet from the building.

Grade Plane: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

Grandfathered/grandfathering: An exemption to the requirements of this Code based on previously existing circumstances. See: Non-conforming lot of record, lawful and Non-conforming use, lawful

Grantee: A person to whom a grant or conveyance is made.

Grantor: A person who makes a grant or conveyance.

Greenhouse: A structure used for cultivating plants that require controlled temperature and humidity.

Ground Cover: Low growing plants other than turf grass planted in such a manner as to form a continuous cover over the ground.

Guest house (seasonal home): Any dwelling occupied by owner or operator in which rooms are rented for guests, and for lodging of transients and travelers for compensation, when not more than four (4) rooms are used for such purposes. Bed and Breakfast establishments are considered a guest house.

Hazardous waste substances/Hazardous materials: Waste, Substances or a combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious

characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. These materials may include, but not be limited to, volatile, chemical, biological, explosive, flammable, radioactive, and toxic materials.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to and after construction, next to the proposed walls of a building.

Home occupation: Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which use does not change the character of said dwelling as a residence.

Homeowners' association or property owners' association: A private nonprofit association as defined by §720.301(9), Florida Statutes F.S. which is organized by the developer of a development in which individual owners share common interests in open space, easements and/or facilities and are in charge of preserving, managing and maintaining the common property, and enforces improvements or other certain covenants and restrictions.

~~**Homeowners' association:** A private, nonprofit corporation, association, or other legal entity established by the developer for the benefit and enjoyment of the residents of a cluster development for the use, maintenance, operation and protection of common open space areas within such developments. This term also shall include condominium associations.~~

Hospital: An institution providing services of a medical nature to human patients, allowing for in-patient care of such patients, and including related facilities such as laboratories, out-patient departments, training facilities, staff offices, and food services.

Hotel and motel: Any building or group of buildings containing sleeping room accommodations for guests and providing the services generally provided by a hotel or motel and recognized as a hotel or motel in the community in which it is situated, or by the hotel and motel industry, and offering daily or weekly rates, with a bath or connecting bath for every rental unit and occupied primarily by transient guests. It is the intent of this section that any structure offering a residential room or combination of rooms for rent or lease for longer than a month at a time shall not be considered a hotel or a motel. These facilities may provide additional services such as restaurants, meeting rooms and recreational facilities.

~~**Hotel:**—A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which five (5) or more rooms are furnished for the accommodation of such guests.~~

House of Worship: See Religious Institutions.Any building or campus where congregations gather for religious purposes.

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Hunting camp: A recreational facility established for the purposes of hunting and/or fishing which may provide overnight accommodations, food, transportation, guides, and other customary accessory uses and facilities.

Hydrograph: A graphic representation of the variation of drainage flow with time in relationship with a particular storm frequency.

Immediate Family Member: The parent, step-parent, grandparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild, of a person.

Immediate Family Exception: ~~A process for conveying land to an immediate family member. See Family Exception/Immediate Family Exception/Family Homestead Exception.~~

Impervious surface. A surface which has been compacted, constructed or covered with a layer of material with the result that it is highly resistant to infiltration by water.

Improvements (or site improvements). Any grading, filling, or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, signs, landscaping or any other improvement required by land development regulations. Any physical changes made to raw land, and structures placed on or under the land surface.

Impervious Surface: Area in which rain cannot penetrate to the soil or natural ground.

Improvement: Physical changes made to raw land, and structures placed on or under the land surface in order to supply the infrastructure needed to serve the projected population.

Incarceration Facilities: Prisons, jails, correctional facilities, halfway houses, boot camps, weekend programs, and other facilities in which individuals are locked up overnight.

Inconsistent: Mutually contradictory; contrary, one to the other, so that both cannot stand, the acceptance of one implies the abrogation of the other.

Indoor sports training facility: An indoor facility that provides training of amateur or professional athletes in a particular sport. These facilities typically operate on a by-appointment basis and provide very small student-instructor ratios. Programs at these facilities are designed to enhance the skills necessary to succeed in a particular sport rather than for general exercise as at a "gym" or "fitness center".

Industry, heavy: ~~Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.~~

Industrial, heavy: The use of land for the manufacture of material or products from extracted or raw material; ~~the extraction of mineral resources, except water;~~ processing of wood to lumber or wood pulp, or wood pulp to paper; any refinement or distillation of petroleum resources, and conversion or smelting of ores to metals; and which pose significant

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risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Industry, light: Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building and do not generate a noticeable amount of noise, dust, odor, smoke, glare or vibration outside the building in which they are conducted.

Infill Development: The addition of new housing or other buildings on scattered vacant sites or platted lots in a developed area or subdivision.

Infrastructure: Man-made structures which serve the common needs of the population including but not limited to storm and sanitary sewage disposal systems, potable water systems, utility systems and roadways.

Intensity: The measure or extent to which a non-residential parcel is developed.

Internet café/simulated gambling establishment: A building, edifice, structure, or location, along with its grounds, in which simulated gambling devices are used, operated, or stored, including but not limited to game rooms, arcades, internet cafes, internet centers or sweepstakes redemption centers. The definition does not include any establishment that is expressly permitted by state law, including but not limited to an "arcade amusement center" as defined in F.S. § 849.161 Florida Statutes.

Institutional uses: Any land use authorized by the governing body, established and intended to provide significant public benefit.

Intersection: A place of joining or crossing of streets.

Island: A physical barrier or separation to direct the flow of traffic and/or to separate highway traffic from the activity on the adjacent property.

Junk: Any old, dilapidated, abandoned, or scrap machinery, more than two dismantled, inoperable, unregistered or dilapidated motor vehicles, including parts, building materials, iron, steel, other ferrous and nonferrous metals, tanks and drums, tires, pipes, household goods, non-functional furniture, appliances or tools, implements or portions thereof, glass, plastic, cordage, and other kind of salvage or waste material that has been abandoned from its original use and may be used again in its present or in a new form.

Junkyard: ~~Any land or structure used for the storage, keeping, collection, salvage, sale, disassembling, wrecking, baling, maintenance, or abandonment of junk or other discarded material.~~

Salvage yard ~~– See junkyard (moved to “S”)~~

~~and junkyard mean an establishment where junk, waste, discarded, salvaged or similar~~

~~materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers and the like, are brought, sold, exchanged, baled, packed, disassembled, stored or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places for the storage, sale or handling of salvaged house wrecking or structural steel materials. This definition shall not include automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage of secondhand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded or salvaged materials incident to manufacturing activity on the same site where such processing occurs.~~

Junkyard. Any establishment, place of business area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing purchase, sale or abandonment of household goods, wastepaper, rags, used lumber or building materials, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable, unregistered or dilapidated motor vehicles or other type of junk. "Junkyard" includes auto wrecking yards and salvage yards.

Karst. A type of topography that is formed over limestone, dolomite, or gypsum by dissolving or solution and that is characterized by closed depressions or sinkholes, caves, and underground drainage.

Kenel. Any building or buildings, or land used, designed, or arranged to facilitate the raising, breeding, boarding, training and grooming of domesticated animals such as dogs and cats.

Landfill. A solid waste disposal facility, which is an area of land or an excavation where wastes are or have been placed for disposal, for which a permit, other than a general permit, is required by § 403.707, Florida Statutes. This term shall not include:

(a) A land spreading site;

(b) A surface impoundment;

(c) An injection well defined under and subject to the provisions of Chapter 62-528, Florida Administrative Code.; or

(d) A construction and demolition debris disposal site regulated by Rule 62-701.730, Florida Administrative Code

Landscaping: The purposeful creation of vegetated space to enhance the visual appeal of a development; whether by preservation of existing vegetation, augmentation of existing vegetation or by addition of native and non-invasive nursery vegetation, sod, mulch bed, or other decorative or mesophytic elements in a specified area.

Land Surveyor: A land surveyor duly licensed to practice in the State of Florida.

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of a facility. LOS indicates the capacity of a facility per unit of demand.

Limited Access Facility: Highway designed for through traffic to which owners or occupants of abutting land or other persons have no right or easement. Limited Access Facilities may limit access to trucks, buses and other commercial vehicles, or they may be freeways open to use by all customary forms of street highway traffic, such as an interstate highway.

Listed species: Those species of plants and animals listed as endangered, threatened, rare, or species of special concern by an official state or federal plant or wildlife agency, or the Florida Natural Areas Inventory (FNAI), in Ch. 68A-27, Florida Administrative Code or in any other official state or federal law, rule, or regulation. includes species ranked as S1, S2, or S3). These species are targeted for protection for a number of reasons, e.g. they are in imminent danger of extinction, are rapidly declining in number or habitat, or have an inherent vulnerability to habitat modification, environmental alteration, or human disturbance which puts them at risk of extinction.

Livestock: Includes all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals as recognized by the Florida Department of Agriculture.

Lot: Land that has been duly recorded through a subdivision plat process with the Gadsden County Property Appraiser.

Lot, area: The total lot including easements.

Lot, standards (below):

- a. **corner lot:** Any lot situated in the junction of and abutting on two or more intersections or intercepting streets or public highways, with the interior angle of such intersection no less than 45 degrees.
- b. **front lot line:** The line separating the lot from the right-of-way of the principle street on which the lot abuts. Also, the easement line on lots which have been platted to the centerline of a private roadway.
- c. **interior lot:** lot other than a corner lot with only one (1) frontage on a street.
- e. **lot depth:** The depth between the mean front street line and the mean rear line, measured along the median between the two side lot lines.
- f. **double frontage lot:** A lot having frontage and access on two or more public streets. A corner lot shall not be considered having double frontage unless it has frontage and access on three or more streets. Also known as a through lot.
- g. **lot lines:** The lines bounding a lot.
- h. **lot of record:** A lot which is part of a subdivision recorded in the office of the Register of Deeds, Gadsden County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- i. **lot width:** The average horizontal distance between the side lots, measured at right angles to the lot depth, with the minimum to apply with this code to be measured at the front setback lines.
- j. **rear lot line:** The line opposite to and most distant from the front lot line.
- k. **side lot line:** Any lot line other than a front or rear lot line. A side lot line of a corner lot, separating a lot from a street is called a street side lot line. A lot line separating a lot from another lot is called an interior lot line. Any lot line which meets the end of a front lot line or any other lot line within thirty (30) degrees of being parallel to such a line, except a front lot line.

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- l. **reverse frontage lot:** A lot having frontage on two or more streets, the access of which is restricted to one street.
- m. **through lot:** See double frontage lot.

Lot split: The legal division of land from one lot or parcel into two.

Manufactured Building: Per the Florida Statute definition: § 553.36(11), Florida Statutes F.S. "Manufactured Building" ~~means-is~~ a closed structure, building assembly or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service system manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage and industrial structures.

Manufactured Home: As defined by §320.01, Florida Statute, which was fabricated on or after June 15, 1976.

Manufacturing, heavy: The manufacturing uses that involve the generation outside the property of noise, odor, vibration or dust. Examples include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, ~~asphalt/concrete plants,~~ and the manufacturing ~~e~~ of chemicals, ~~fertilizers,~~ paint and turpentine.

Manufacturing, light: The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; ~~computer design and development; research,~~ development, testing facilities and laboratories; apparel production; sign making; assembly of prefabricated parts; manufacture of electric, electronic, or optical instruments or devices; ~~manufacturing~~e and assembly of artificial limbs, dentures, hearing aids and surgical instruments; ~~manufacture,~~ processing, and packing of food products, cosmetics; and ~~manufacturing~~ of components, jewelry, clothing, trimming decorations and any similar item.

~~**Marina, commercial:** A facility for the servicing, fueling, berthing and storage of boats that may include accessory retail and eating facilities including haul-out facilities, covered or uncovered wet storage slips, dry storage of watercraft, yacht brokerage, boat sales, and retail sales of boating supplies~~

Manufactured or mobile home park: A lot or parcel of land under single ownership or management upon which is operated a business engaged in providing for the parking of manufactured and mobile homes to be used for both living and storage purposes, and including the customary accessory uses such as owners' and managers' living quarters, restrooms, laundry facilities, utility areas, and facilities for parks and recreation.

Manufactured home subdivision: A manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed.

~~**Marina, commercial:** A facility for the servicing, fueling, berthing and storage of boats that may include accessory retail and eating facilities including haul-out facilities, covered or uncovered wet storage slips, dry storage of watercraft, yacht brokerage, boat sales, and retail sales of boating supplies. Overnight accommodations may be provided at these facilities only by special exception.~~

~~**Materials recovery facility:** A solid waste management facility that provides for the extraction from solid waste of recyclable materials, reusable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials. Non-recoverable materials are transferred from the materials recovery facility and disposed of as solid waste.~~

~~**Mobile or manufactured home park:** Any site or tract of land, or contiguous tracts of land upon which are located five (5) or more mobile or manufactured home spaces which are to have mobile homes occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such service.~~

Mobile farmers market: A mobile vehicle or trailer, licensed by the Department of Motor Vehicles, from which uncut perishable fruits, vegetables, and herbs are sold.

Mobile Home: As defined by §320.01, Florida Statute

Modular home: A detached residential dwelling unit designed for assembly on site with permanent utility connections.

Motor court (motel): A building or other structure(s) designed, constructed or altered and held out to the public to be a place where sleeping accommodations, with or without restaurant, are furnished for compensation to guests or tenants, and having the other necessary accessory structures in connection with such motor court.

~~**Marina:** A recreational facility established for the purposes of fishing or boating, which may provide in-water or dry storage of boats, food services, transportation, guides, boat rentals, and other customary accessory uses and facilities. Overnight accommodations may be provided at these facilities only by special exception.~~

~~**Materials recovery facility:** A solid waste management facility that provides for the extraction from solid waste of recyclable materials, reusable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials. Nonrecoverable materials are transferred from the materials recovery facility and disposed of as solid waste.~~

~~**Mining** – the extraction or withdrawal from the soil or water of mineral resources, either on or below the surface, of any solid minerals and any rare earths which have heretofore been discovered or may be discovered in the future, which are contained in the soils, except~~

water;

Mitigation: An action or series of actions that offsets adverse environmental impacts. Mitigation may consist of any one or a combination of monetary compensation, or acquisition, restoration, enhancement, or preservation of wetlands, other surface waters or uplands.

Mixed use: A building or an area that contains a mix of uses. This may include uses such as retail, office, and residential.

~~Mobile farmers market:~~ A mobile vehicle or trailer, licensed by the Department of Motor Vehicles, from which uncut perishable fruits, vegetables, and herbs are sold.

Multifamily residential development: A type of residential housing where multiple separate dwelling units for residential inhabitants are contained within one building or several buildings within one complex.

Museum: An establishment serving as a repository for a collection of natural, scientific, technological, artistic, or literary objects of interest, designed to be viewed by the public with or without an admission charge.

~~Metes and Bounds:~~ A method of describing the boundaries of the land by compass bearings and distanced from a known point of reference.

~~Mobile Home:~~ As defined by §320.01, Florida Statute.

~~Modular home:~~ A detached residential dwelling unit designed for assembly on site with permanent utility connections.

~~Motor court (motel):~~ A building or other structure(s) designed, constructed or altered and held out to the public to be a place where sleeping accommodations, with or without restaurant, are furnished for compensation to guests or tenants, and having the other necessary accessory structures in connection with such motor court.

~~Native Vegetation:~~ Naturally occurring flora typically found on undeveloped land which is indigenous to the North Florida area.

Native vegetation: Vegetation occurring naturally in the northwest Florida region without the influence of humans. Native vegetation is a comprehensive term that encompasses all plant life, including groundcover, grasses, herbs, vines, shrubs and trees that, based on current knowledge, are known to have been present regionally before the time of documented European contact.

Non-native vegetation: Vegetation not natural to the northwest Florida region, including prohibited non-native vegetation listed in ~~F.A.C. Florida Administrative Code~~ 62C-52.011, Florida Prohibited Aquatic Plants List, and ~~F.A.C. Florida Administrative Code~~ Rule 5B-57, Florida Noxious Weed List, as well as discouraged non-native vegetation listed in Table 406.08.4.

~~Manufactured home subdivision:~~ A manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to

~~be affixed.~~

Net Buildable Area: That portion of a parcel of land less wetlands, floodways and environmentally sensitive lands that is developable and is not required for open space.

Non-conforming lot of record, lawful: A legal lot of record existing at the time of passage of this Land Development Code which does not conform to the area, frontage, or other provisions of this Code for permitted lots in the land use category or zoning district in which it is located as of the date of adoption, or amendments thereto.

Non-conforming parcel: A parcel that does not meet the requirements of this LDC, whether by size or area or other provisions of this LDC.

Non-conforming structure: A structure that does not conform to the provisions of this Land Development Code for permitted structures in the land use category or zoning district in which it is located as of the date of adoption, or amendments thereto.

Non-conforming use: A use which does not conform to the permitted uses for the land use or zoning district in which it is located.

Non-conforming use, lawful: A lawful use existing at the time of passage of this Land Development Code, or amendments thereto, which does not conform to the permitted uses for the land use or zoning district in which it is located.

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

Office use: Activities that are conducted in an office setting and that generally focus on business, professional, or financial services. Accessory uses may include cafeterias, parking or other amenities primarily for the use of employees in the firm or building. Does not include medical and dental clinics or labs. Offices that are part of and located with a principal use in another use category are considered accessory to the establishment's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another use category, are considered part of the other use category.

Onsite Sewage Treatment and Disposal System, (OSTDS): Per§ 381.0065(2)j., Florida Statutes F.S., a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a greywater system tank; a laundry wastewater treatment system tank; a septic tank; a grease interceptor; a dosing tank, a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or sanitary

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pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on land to which the owner has legal right to install the system.

Open Space: Any parcel or designated land area in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures, or impervious surfaces. Buffer areas and stormwater facilities shall not be included in open space area calculations.

Open space, common: All open space, natural areas, and recreational areas which are within the part of a development designed and intended to be used in common by the owners, residents, or tenants of the development.

Parcel: An area described by metes and bounds, or a lot or lot(s) combined, under one parcel ID number, as assigned by the Gadsden County Property Appraiser.

Package treatment plant: Any wastewater treatment facility having a permitted capacity of less than 100,000 gallons per day. ~~Essentially, t~~This is a small treatment system consisting of a treatment plant and disposal system.

Parent tract: A parcel or lot of record that existed on November 26, 1991, the date of the Gadsden County Comprehensive Plan adoption.

Parking island: An area of ground within the boundary of any parking lot, which has curbing adjacent to all paved areas.

Park trailer (per F.S. ch. 320.01(17), Florida Statute : A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud wall at the level of maximum dimensions, not including and bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including and protrusions.

Parking lot: An area used for the short-term (less than 7 days) and long-term (greater than 7 days) storage of operable vehicles and which is an ancillary use to the primary commercial operation/business.

Park, public: A piece of land that is owned by the State of Florida, Gadsden County, or an incorporated municipality within Gadsden County, that is developed and operated for active and/or passive recreational purposes, and that is open to the public on a regular schedule.

Passive recreation: Recreational activities that do not require prepared facilities like sports fields or pavilions. Passive recreational activities place minimal stress on a site's resources; as a result, they can provide ecosystem service benefits and are highly compatible with natural resource protection. These activities include but are not limited to camping; hunting; hiking; wildlife viewing; bicycling; running/jogging; horseback riding;

and fishing.

Pedway (pedestrian way). A physical course or improvement, a minimum of eight feet (8') in width, provided within a right-of-way or access easement used exclusively by pedestrians and bicyclists.

Performance Guarantee: Any security which may be accepted in lieu of the requirements that certain improvements be made before the Planning Commission and the governing body approves a plat including cash deposits and escrow agreements on other similar collateral or surety agreements approved by the governing body. (Also known as a Performance Bond.)

Personal services establishments: An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include laundromats; laundry and dry cleaning ~~dropoff~~ drop-off establishments; photographic studios; mailing or packing service, photocopy and blueprint services; hair, tanning and personal care services; psychics and mediums; martial arts schools; dance or music classes; taxidermists; and mortuaries.

Pedestrian pathways: Interconnected, paved walkways that provide pedestrian passage through blocks running from street to street or within open space lots.

Playground: A recreation with play apparatus.

Private animal shelter: A structure that is owned, operated or maintained by a private or nonprofit organization used for the care of 10 or more lost, abandoned, or neglected domestic animals, including pet rescue organizations, with overnight boarding.

Public use: The use of any land, water, or building by a municipality, public body or board, commission or authority, county, state, or the federal government, or any agency thereof, for a public service or purpose.

Planning Commission: The Local Planning Agency first established by Ordinance #76-004, Gadsden County, Florida. Also known as the Planning Commission or Planning Board.

Planning Official: The designated employee of Gadsden County who administers the Comprehensive Plan and Land Development Code.

Planned unit development (PUD): An area of land under unified control, to be developed as a single entity for a number of dwelling units and commercial uses that may not correspond in lot size or type of dwelling or commercial use, density, lot coverage and required open space to the regulations established in any one (1) or more districts created, from time to time, under the provisions of these ordinances.

Plat: A plat may be either:

- a. A map representing a tract of land showing the boundaries and location of individual properties and streets; or
- b. A map of a subdivision or site plan of the subdivision.

Plat, Preliminary: The preliminary map indicating the proposed layout of the subdivision

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which is submitted for the Board of County Commissioner's consideration and tentative approval based on meeting the requirements of this regulation.

Plat, final: A finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

Platted lot. A lot that is identified on a plat that was approved by the Board of County Commissioners and duly recorded.

Primary Residence: A residential structure that will be lived in for more than fifty (50) percent of the 365 days in a calendar year.

Principal Use: The primary or predominant use of any lot or parcel of land.

Private Subdivision: A subdivision in which all improvements are privately maintained.

Public Facility: Any major capital improvement, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

Public Food Service Establishment (public restaurant): See §509.013(5)(a).

Public Improvements: Physical changes made to raw land in order to supply the infrastructure needed to serve the projected population and dedicated to the County.

Rear lot line: Any lot line which is not a front or side lot line and which if extended in either direction, would not cross the lot.

Recreation, Outdoor Activity: A specific, individual type of outdoor recreation. Activities are divided into two categories: active activities are those which involve some direct and specialized physical manipulation by the participant such as swimming, hiking, boating, etc. passive activities are those which are more mental than physical, such as sightseeing, nature study, scenic appreciation, etc.

Recreation facility: A zoning lot, with or without improvements designed and equipped for the conduct of sports and leisure time activities.

Recreational facility (commercial): A sports or activity facility open to the general public for a fee. These include, but are not limited to, the following:

(1) **Indoor:** Roller or ice skating rink, bowling alley, billiard hall, dart pavilion, amusement arcade (video, pinball or other), swimming pools, slot cars, hard and soft courts, miniature golf. See also bingo, non-profit.

(2) **Outdoor:** Driving range, golf course, miniature golf; batting and pitching cages; hard and soft courts; facilities for radio controlled vehicle or airplanes, go-carts, pony rides; kiddie parks; swimming pools, water slides; ice skating rink; but not including amusement or theme parks.

Recreational Vehicle: A unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn

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by another vehicle. Types of recreational vehicles include those as specified in §320.01(1)(b), Florida Statutes

Recreational Vehicle Park: Any lot or parcel of land upon which one or more recreational vehicles, campers, such as travel trailers and tents are located, established, or maintained for transient occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes regardless of whether or not a charge is made for rental.

~~Recreational/campground vehicle park (per Institute of Transportation Engineers) means recreational sites that accommodate campers, trailers, tents and recreational vehicles on a transient basis.~~

Recreational vehicle-type unit (per F.S. § 320.01(1)(b)). A vehicle that is primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of F.S. § 316.515, Florida Statutes as that section may hereafter be amended. Recreational vehicles (RV) shall not be used as a permanent residential dwelling unit in Gadsden County. "Permanent" shall be measured as greater than 180 days.

Recycling and salvage center: A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of Rule 62-701.220(2)(c), Florida Administrative Code F.A.C.

Redevelopment: See Development.

Religious institution: A structure or place in which worship, ceremonies, rituals and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained and controlled under the direction of a religious group. The term "religious institutions" include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing and group living facilities such as convents.

Remove (tree): To relocate, cut down, damage, poison, or in any manner destroy or cause to destroy a tree.

Residential park: Any site or tract of land upon which are located two (2) or more dwelling units occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such service.

Restaurant: See Public Food Service Establishment.

Residential structure or residence ~~means a~~ structure designed specifically to support extended human habitation.

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Restaurant, sit-down ~~means a~~ An establishment where food is ordered from a menu, prepared and served for pay primarily for consumption on the premises in a completely enclosed room, under the roof of the main structure, or in an interior court. A cafeteria shall be deemed a restaurant.

Restaurant, drive-in (drive-thru) ~~means a~~ An establishment which accommodates customers placing orders and being served food and beverages, without having to depart the automobile. A drive-in restaurant may also cater to customers who order and consume food within the establishment.

Retention ~~means~~ †The collection and storage of stormwater without subsequent discharge other than through percolation, evaporation, or transpiration.

Re-Subdivide: Any change in the map or plat of an approved or recorded subdivision. This includes an increase or reduction of number or size of lots. Requirements of Chapter 177, Florida Statutes F.S., and Chapter 6 of this Code shall be followed.

Re-submittal: The submission of a development proposal that has been previously denied. Re-submittal shall not be accepted within a period of one year after denial by the governing body. Upon re-submittal, applicable fees will be imposed.

Retail sales and services: Types of uses involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.

Right-of-way. Land dedicated, deeded, used, or to be used for a street, road, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up rights to the land so long as it is being or will be used for the dedicated purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.

Right-of-way. Land dedicated, deeded, conveyed, reserved, or used for public purposes.

Right-of-way, County. Any paved or graded public right-of-way, whether owned in fee simple by the county or not, which is maintained, graded, improved, or constructed by the county, or which the county is authorized by law or dedication to maintain, grade, or improve; or which has been dedicated by grant, easement, prescription, or otherwise, to the public use as a road right-of-way, and which has been, at any time in the past, graded, maintained, or improved by the county. Such term shall apply only to such of the rights-of-way as shall lie within the county, but outside the city limits of any incorporated municipality.

Right-of-way, Private: Any right of way restricted in use by deed or ownership.

Right-of-way, Public: Any dedicated county and/or city maintained right-of-way.

Road: Any avenue, street, boulevard, lane, parkway, place, or other way which is an existing

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State or County roadway, or a way or a road shown on a plat hereto and approved, pursuant to law, or approved by official action; or road or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court of Gadsden County.

Road, Arterial: A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

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, Local: A road that provides only access to adjacent properties and by nature of its layout does not serve vehicles passing throughout the area with neither origin nor destination within the area.

Road, Regionally Significant: A road that is part of the roadway evacuation system as set forth in the Apalachee Regional Planning Council Hurricane Evacuation Plan.

Retention Pond: A drainage basin designed for the collection and storage of runoff without subsequent discharge.

Sale or Lease: Any immediate or future transfer of ownership, or any possessory interest in land, including contract for sale, rent, lease, devise, intestate succession, or transfer, if an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or other written instrument.

Salvage yard: See junkyard

Service station: A building or lot where gasoline, oil, greases, and accessories are supplied and dispensed to the motor vehicles trade, also where battery, tire, and other similar services are rendered.

Setback: The distance between the lot line and the front, side, or rear line of a building or any projection thereof, excluding uncovered steps and roof eaves up to 18 inches.

Sewage System, Central: A public or private sewage system designed to serve more than two (2) structures or dwelling units including collection and advanced treatment facilities. This system must be approved by the County Environmental Health Department.

Sewer, On-Site: See Onsite Sewage Treatment and Disposal System.

Shopping center: As defined by the International Council of Shopping Centers (ICSC), a shopping center is a group of retail and other commercial establishments that is planned, developed, owned and managed as a single property, typically with on-site parking provided. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. A list of common shopping center terms and their definitions are provided below:

(1) Super-regional mall. Similar in concept to regional malls, but offering more variety and assortment (Typical GLA: 800,000+ SF).

(2) Regional mall. General merchandise or fashion-oriented offerings. Typically, enclosed with inward-facing stores connected by a common walkway. Parking surrounds the outside perimeter (Typical GLA: 400,000 - 800,000 SF).

(3) Community center ("large neighborhood center"). General merchandise or convenience-oriented offerings. Wider range of apparel and other soft goods offerings than neighborhood centers. The center is usually configured in a straight line as a strip, or may be laid out in an "L" or "U" shape, depending on the site and design (Typical GLA: 125,000—400,000 SF).

(4) Neighborhood center . Convenience oriented (Typical GLA: 30,000—125,000 SF).

(5) Strip/convenience. Attached row of stores or service outlets managed as a coherent retail entity, with on-site parking usually located in front of the stores. Open canopies may connect the store fronts, but a strip center does not have enclosed walkways linking the stores. A strip center may be configured in a straight line, or have an "L" or "U" shape. A convenience center is among the smallest of the centers, whose tenants provide a narrow mix of goods and personal services to a very limited trade area (Typical GLA: <30,000 SF).

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen; customarily included in landscape designs to provide for lower scale buffering and visual interest; generally have stem sizes larger than one-half inch.

Sidewalk: Improved hard surface way constructed within right-of-way, along exclusive easements, or on private property intended to be used for pedestrian traffic.

Sign: Any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. The term does not include an official traffic control sign, official marker, or specific information panel erected, caused to be erected, or approved by the FDOT.

Sign, Animated: A sign which utilizes motion of any part by any means, including wind power, or displays color changing, flashing, oscillating or intermittent lighting, electronic messages or moving images or scenes, or which emits visible smoke, vapor, particles, noise or sounds. Animated signs shall not include changeable copy signs, where text can easily be changed (i.e. fuel signs), multi-faced mechanical (multi-vision signs).

Sign, Back-lit: A sign illuminated by a light from the rear of a sign.

Sign, Banner: A square or rectangular non-rigid sign intended to be hung by being tethered by lines at each of the four corners, made of paper, plastic, or fabric of any kind.

Sign, Billboard: An off-premise or off-site sign that exceeds 32 square feet and advertises a business, organization, event, person, place or thing or other commercial message.

Sign, Construction: A temporary sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction of the site where the sign

is placed, together with other information included thereon.

Sign, Directional: A sign permanently or temporarily erected by or with approval of any authorized government agency to denote the route to any city, town, village, historic place, shrine, or hospital; signs directing and regulating traffic; notices of any railroad bridge, or other transportation activity necessary for the direction or safety of the public; signs, notices, or symbols for the information of aviators as to location, directions, and landings, and conditions affecting safety in aviation; and signs or notices erected or maintained upon public property giving the name of the owner, lessee, or occupant of the premises or the street number thereof.

~~**Sign, Directional:** A sign permanently or temporarily erected by or with approval of any authorized government agency to denote the route to any city, town, village, historic place, shrine, or hospital; signs directing and regulating traffic; notices of any railroad bridge, or other transportation activity necessary for the direction or safety of the public; signs, notices, or symbols for the information of aviators as to location, directions, and landings, and conditions affecting safety in aviation; and signs or notices erected or maintained upon public property giving the name of the owner, lessee, or occupant of the premises or the street number thereof.~~

Sign, Electronic message board: A type of sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

Sign, Flashing: A sign which contains an intermittent, sequential, or rotating light source or which, through reflection or other means, creates an illusion of flashing, intermittent, or rotation or rotating light, provided that "flashing sign" shall not include changeable copy signs.

Sign, Ground: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

Sign, Internally Illuminated: A sign illuminated by an internal lighting system.

Sign, Mansard: Any sign attached to or erected against a mansard of a building, with the face horizontally parallel to the building wall. Since said sign is to be mounted parallel to and within the limitations of the building wall on which same is to be mounted, the same is deemed to be a wall sign and not a roof sign.

Sign, Marquee: A canopy or covered structure projecting from and supported by a building when such canopy or covered structure extends beyond the building line or property line.

Sign, Multi-vision: A sign composed of mechanically operated louvers or slats containing multiple separate messages, each of which becomes visible when the louvers are synchronically rotated to one of a multiple position.

Sign, Non-commercial: A temporary sign advertising or related to an election or other one-time event.

Sign, Non-conforming: Any sign which does not conform to the requirements of the current

sign ordinance.

Sign, Occupancy: Signs which identify the occupants of the property.

Sign, Off-premise or off-site: A sign whose purpose is to advertise, display, identify, direct attention to or in any other way present to the public a message that relates to a product, business merchandise, service, institution, residential area, entertainment, charitable organization, religious organization, or any other organization or activity conducted by any company, person, or organization that is not located, purchased, rented, based, offered, furnished, or otherwise associated with the property on which the sign is located. This includes a sign erected by an outdoor advertising business, an animated billboard sign, a multi-vision sign, or any other sign meeting the definition of off-site sign. An off-site sign shall include a sign structure and sign display surface, upon which copy or information content is intended to be displayed; a sign structure without display surface shall not be construed to be an off-site sign; nor, shall a sign structure with only nondurable paper, cloth, or plastic sheeting, without a rigid frame, be construed to be an off-site sign.

Sign, Off-premises directional: Those which direct the motorist or pedestrian to a business establishment.

Sign, On-premise or on-site: A sign erected on the premises of an establishment relating its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises.

Sign, Portable: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Signs shall be affixed only by temporary and removable anchoring systems (non-permanent).

Sign, Projecting: Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

Sign, Real Estate: A sign which advertises the sale, rental or lease of the premises upon which it is located.

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, Spot-lit: A sign illuminated by a spot light.

Sign, Temporary: A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material and intended to be displayed for a period not to exceed ninety (90) days.

Sign, Wall: A sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall.

Sign, Wall Mural: A sign that is a painting or an artistic work composed of photographs or arrangements of color and that displays a commercial or noncommercial message, relies solely on the side of the building for rigid structure and support, and is painted on the

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building or depicted on vinyl, fabric, or other similarly flexible material that is held in place flush or flat against the surface of the building.

Sign Area: The entire face of a sign and all wall work including illuminating tubing incidental to its decoration shall be included for measurement of sign areas excluding architectural trim and structural embellishments. In computing sign area, only one (1) side of a double face sign structure shall be considered.

Site Improvement: Any man-made alteration to a parcel of land for purposes of preparing the land for future construction, the actual construction of structures or paved surfaces and/or the planning or installation of permanent landscaping.

Site Plan: The development plan for one or more lots or parcels on which is shown the existing and proposed conditions of the lot(s) or parcel(s) including all of the requirements set forth in this Code.

Slope forests: Slope Forests are mesic ecological communities characterized as well-developed, closed canopy forests of upland hardwoods on steep slopes, bluffs and ravines. In unaltered areas, pinelands often transition into slope forests at the upper elevations, and slope forests transition into bottom land forest, seepage slope, or floodplain communities at the lower elevations.

Solar access. The access of a solar energy system to direct sunlight.

Solar collector. A device, structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy System. A set of components that can collect, store and convert solar energy for the purpose of providing electric generation, water heating, pool/spa heating, space heating or space cooling as an accessory use to a permitted principal use.

Solar Farm: (See Solar Power Generation Facility)

Solar Power Generation Facility. A production facility for electric power that utilizes photovoltaic modules (panels) to convert solar energy to electricity whereby all of the electricity that is produced is consumed off-site and is distributed and sold by an electric utility provider. Solar generation stations typically utilize photovoltaic solar cells, but can also be a combination of light reflectors, concentrators, and heat exchangers. A solar generation station is also known as a solar farm, solar power plant, solar generation plant, solar photovoltaic farm or park, solar power plant or solar thermal power plant. It is generally the principal use of the property.

Special Exception Uses: A use that is not prohibited within a particular Future Land Use Category but may not be generally appropriate unless it is demonstrated that the use will comply with special criteria and standards for location and operation of such use.

Special Flood Hazard Area (SFHA): An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE,

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AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. For the purpose of determining Community Rating System (CRS) premium discounts, all AR and A99 zones are treated as non-SFHAs.

Spectator Activities: Those outdoor recreational activities which are carried on primarily for the visual benefit of others rather than for the direct enjoyment of the active participants, such as stadium sports, horse races, etc.

Start of Construction: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348)). Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one-hundred eight (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as rough grading, the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement per Subsection 7107.C., the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the next floor above it, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than fifty (50) percent

Street: A thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

Street line: See right-of-way .

Structure: ~~Means a~~ walled and roofed building, a manufactured home, storage facilities or units, or other man-made facilities or infrastructures.

Structure, accessory: A structure which is on the same parcel as a primary structure and the use of which is incidental to the use of the primary structure.

Structure, primary: A structure(s) that houses the primary use on a parcel or lot.

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

Substantial improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building or

sign. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. 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 building. The term does not include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

Substantially improved existing manufactured home parks or subdivisions: The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

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

Subdivision (exempt) (also see immediate family): A subdivision of land in which the transfer of title passes as a result of gift to immediate family members or by inheritance or court decision, provided that such subdivision does not involve a planned unit of development, any new street, or the extension of a municipal utility or municipal facility. Beneficiaries under this subsection shall meet all the requirements contained the subdivision design and improvement standards sections contained in this Code.

Subdivision, Cluster or Conservation: A subdivision where a reduction in lot area and bulk regulations, is permitted provided there is no increase in the overall allowable density of the development, so that the remaining land area may be devoted to open space, recreation, or preservation of environmental resources.

Substantial Deviation: Any change to a previously approved site plan, subdivision plat, or other approved development order not previously reviewed by the County that falls within the substantial deviation thresholds outlined in this Code.

Surveyor: A Florida registered land surveyor.

Swale: A manmade trench which:

- (1) Contains contiguous areas of standing or flowing water only during or following a rainfall event;
- (2) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and
- (3) Is designed to take into account the ~~tendency of the soil to erode soil erodibility~~, soil percolation, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Tavern/Bar: A building or part of a building used or designed primarily for the sale of alcoholic

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beverages on the premise. Tavern shall also include a private club, the primary purpose of which is to sell alcoholic beverages to its customers or members on-premise. A tavern must comply with all rules and regulations of the State of Florida concerning sale, possession and consumption of alcoholic beverages.

Technical Tree Removal: Any tree that is damaged as a result of pre-construction or construction activities, that is not killed outright but has sustained damage to more than fifteen percent (15%) of its bark circumference, or has sustained root damage within the Critical Protection Zone shall be considered to be technically removed.

Tree, champion: Those trees that have been identified by the Florida Division of Forestry as being the largest of their species within the State of Florida or by the American Forestry Association as the largest of their species in the United States.

Tree, Canopy: A deciduous tree, rarely an evergreen, that is planted primarily for its high crown of foliage or overhead canopy. May also be referred to as a shade tree.

Tree, Protected: Any tree, except for Genus Pinus (pine trees) that has attained a Diameter at Breast Height, DBH, of twenty inches (20") and is free of disease or major structural defect or any Champion Tree shall be considered a protected tree. On Corridor Roads, a protected tree is any tree, except for genus pinus (pine trees) that has attained a DBH of eight inches (8") ~~within the Corridor Road Protection buffer in Urban Service Area, Rural Residential, Commercial, Light Industrial and Industrial Land Use districts. It shall be the responsibility of an applicant to provide verification that a protected tree is diseased to not incur penalties for removal or further damage.~~

Tree, specimen: A tree which has been identified by the county to be of notable interest or high value because of its age, size, species, condition, historic association, or uniqueness.

Tourist home: See Guest house.

Tower, Camouflaged A communication tower designed to unobtrusively blend into the existing surroundings and be disguised so as not to have the appearance of a communication tower.

Tower, Communication: Any structure that supports communication equipment. The term communication equipment shall not include amateur radio operators' equipment, including citizen band (CB), ham radio operations, VHF Marine, broadcast tower's for radio or television, or communication towers utilized by rural electric cooperatives for the provision of essential services which include, water, wastewater, natural gas and electric, or communication towers utilized for two way radio communication where the communication is between the base and the individual radio unit, and other similar operators.

Towing service: An establishment that provides services for the removing of an automobile by towing, carrying, hauling or pushing from public or private property. Towing services may be provided as part of an automobile servicing use. Towing services shall not include the outdoor storage of towed vehicles for more than 24 hours unless they are part of an automobile servicing use.

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Undisturbed area: An area which is left in its natural state with the exception that shrubs, weeds, and other undergrowth having a diameter of less than three inches (3”), measured at a Diameter Breast Height of four and one half feet (4.5’) above ground level, may be removed.

Unified control: As applied with respect to planned unit developments, this phrase shall mean ownership of the entire tract at the time of application by one (1) person, firm, partnership, corporation or joint venture; or ownership by such person or entity of an enforceable, recorded option or options to purchase the entire tract.

Unrecorded Plat: Any sketch, survey or other description of a subdivision that has not been recorded with the County Clerk. (Individual lots may have been recorded by metes and bounds.) If any such document has been created prior to the adoption of the Land Development Code’s first effective date and no lots have been purchased by that date, it shall be considered invalid as a legal instrument.

Used car junk yard: A lot or group of contiguous lots used for the dismantling or wrecking of used automobiles or the storage, sale, or dumping of dismantled or wrecked cars or their parts.

Utility/Utilities: Man made systems that supply the basic necessities for habitation. This includes but is not limited to retail provision of water systems, sewer systems, natural gas and power supply.

Utilities, Class I: Transmission lines, whether subterranean or overhead: including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drainfields; effluent disposal systems for septic tank; cable television and telephone transmission lines; and similar utility lines.

Utilities, Class II: Booster stations, pumping stations, switching facilities, substations, package plants and effluent disposal systems, lift stations, or other similarly required facilities in connection with telephone, electric, steam, gas, water, sewer or other similar utilities.

Utilities, Class III: Production or treatment facilities such as sewer treatment plants, water treatment plants, elevated water storage towers; non-accessory ground storage tanks, or similar facilities. This definition does not include power generation plants or facilities.

Use: The purpose for which a parcel, site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged for which either a site or a structure is or may be occupied or maintained.

Variance: A grant of relief from the requirements of this Code.

Vested lot of record: Any parcel of land which has been legally recorded in the office of the Clerk of the Court prior to the adoption of the Comprehensive Plan on November 26, 1991.

Warehouse (distribution): A use engaged in distribution of manufactured products, supplies, and equipment.

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Warehouse (storage): A use engaged in storage of manufactured products, supplies and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Water System, Central: A public or private water system created to serve more than two (2) structures or dwelling units. This system must be approved and regulated by the Environmental Health Department and/or F.D.E.P.

Wetlands: Those areas that are inundated or saturated by surface water or ground water 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.

Wholesale sales (all uses): Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers. The term "wholesale establishment" does not include office or retail sales of business supplies/office equipment.

Yard: An open space on the same lot with a building, which is the area between the primary structure and the parcel or lot line.

Yard, front: A yard across the full width of the lot, extending from the front line of the primary structure to the front line of the lot or parcel, excluding steps, but including all porches closed, unclosed or covered.

(Ord. #2016-016, 11-15-2016)

CHAPTER 2

DEFINITIONS AND INTERPRETATIONS.

SECTION 2000. Interpretation. The following rules shall be observed in the application and interpretation of provisions of this Code, except when the context clearly requires otherwise.

- A. The words "shall" or "must" are mandatory. The words "should" or "may" are permissive.
- B. Words used or defined in one tense or form shall include other tenses or derivative forms.
- C. Words in the singular shall include the plural; words in the plural shall include the singular.
- D. Words referencing the masculine gender shall extend and be applied to the female gender and shall be considered to be gender neutral.

The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

In the event that a question arises concerning the application or meaning of the regulations, the Planning Official shall be responsible for the interpretation of this Code.

SECTION 2100. DEFINITIONS.

Subsection 2101. Generally. When used in this Code, the following terms shall have the meanings given herein:

- A. The word "Board" shall mean the Gadsden County Board of County Commissioners.
- B. The word "County" shall mean Gadsden County, Florida.
- C. The words "Local Planning Agency", "Commission," or "Planning Commission," shall mean the Gadsden County Planning Commission.
- D. The word "person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
- E. The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
- F. The word "structure" shall include the word "building."

DEFINITIONS.

Subsection 2102. Specifically.

Abandon: To leave, desert or discontinue a use for at least one (1) calendar year.

Abut or Abutting: To physically touch or border upon, or to share a common property line or be separated from such common border by a right-of-way, alley or easement.

Abutting property/abutting parcel: Any property that is immediately adjacent or contiguous to subject parcel

Adjacent: Parcels of land are not widely separated, though perhaps they are not actually touching; and which may be separated by a road, street, easement.

Access, Legal: The legal right to enter and exit property from a public or private street, access easement or other legal means.

Access, public: The ability for the public to physically reach, approach, enter, exit, communicate with or make use of a community interest.

Accessory use: A use conducted on the same parcel as a primary use, of a nature customarily incidental and subordinate to the primary use of the parcel.

Active recreation: refers to a structured individual or team activity that requires the use of special facilities, courses, fields, or equipment. These activities include but are not limited to baseball, hockey, football, tennis, soccer, golf and skateboarding.

Adult Congregate Living Facility (ACLF): A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes

Adult Day Care: A center which provides non-medical care and supervision for adult persons on a less than 24-hour basis.

Adverse Impact: Any direct or indirect action likely to cause, or actually causing, a measurable decline in the stability, natural function, or natural diversity of a body of water or flood prone lands or the quiet, peaceful, safe or healthful use of occupancy of any property. This includes, but is not limited to the quality, quantity, hydrodynamics, surface area, species composition, living resources, aesthetics or usefulness for human or natural uses which are or potentially may be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary (indirect) and cumulative as well as direct impacts.

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

Affordable Housing: As defined by §420.0004, Florida Statutes.

Agriculture: The science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees and any and all forms of farm products and farm production. Commercial feed lots of any size, the raising of furbearing animals,

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riding academies, livery or boarding stables or dog kennels are not considered to be normal agricultural uses.

Agritourism activities: Activities relating to the preserving, processing, packaging or sale of locally grown agricultural products such as farm tours, farm meals, "u-pick" opportunities, cooking classes, agricultural workshops or agricultural education activities.

Airport, private: An airport publicly or privately owned which is not open or available for use by the public but maybe made available to others by invitation of the owner or manager (See Sec. 330.27, Florida Statutes.).

Aisle: The path for a vehicle providing internal circulation between rows of parking.

Alcoholic Beverage: Distilled spirits, beer, malt beverages, or any other beverage containing one-half of one percent or more alcohol by volume as defined by §561.01.01(4)(a), Florida Statutes.

Alley: A narrow public thoroughfare, not intended for general traffic circulation, which affords only a secondary means of access to abutting property.

Alteration, building/structure: Any change in size, shape, character, occupancy, or use of a building.

Antenna: An antenna designated to transmit and/or receive communications as authorized by the Federal Communications Commission. The term communication antenna shall not include antennas utilized by amateur radio operators licensed by the FCC, or communication antennas utilized by rural electric cooperatives for the provision of essential services which include, water, wastewater, natural gas and electric, or communication antennas utilized for two way radio communication where the communication is between the base and the individual radio unit.

Apartment: A room or suite of one (1) or more rooms in a multiple-dwelling intended for use as a residence by a single-family.

Apartment house: See Dwelling, multi-family.

Aquaculture: The cultivation of aquatic organisms in fresh or salt water for human use.

ARPC: Apalachee Regional Planning Council.

Assisted living facility: Any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged, whether operated for profit or not, which undertakes through its ownership or management to provide, housing, and one or more personal services for a period exceeding 24 hours to one 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 § 400.407 Florida Statutes

Automatic changeable facing: A facing that is capable of delivering two or more advertising messages through an automated or remotely controlled process.

Automobile graveyard: Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

Automotive service station: Any building or structure or land used for retail sales of automobile fuels, oils or accessories as its primary use with the sale of convenience store items allowed, and which may also include automobile maintenance, servicing, and towing and overnight parking of disabled vehicles for immediate repair (within 24 hours.).

Bar: See tavern.

Bar, tavern, cocktail lounge or nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises in which the service of food is merely incidental defined as the establishment deriving no more than 50 percent of its gross revenue from the sale of food consumed on the premises. Dancing and musical entertainment may be permitted. The term nightclub may also include facilities in which dancing and musical entertainment are permitted whether or not alcoholic beverages are served.

Bed and breakfast: A private residence, generally a single-family dwelling, in which guestrooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide breakfast service for guests only.

Bed and breakfast inn: A use that provides guestrooms in an operator- or owner-occupied residential unit that is primarily used for inn activities and are operated as a commercial enterprise. They may provide meals for guests and the general public. Accommodations for overnight stays are limited to fifteen guestrooms.

Berm: An artificial bank, mound, or hill of earth or other material designed to direct, control or retain stormwater, provide visual interest, screen undesirable views, decrease noise, and/or reduce wind effects or otherwise be used as a buffer from adjacent uses.

Best Management Practices (BMP): A practice or principle designed to reduce and manage pollution, the adverse impact of changes in the natural ecosystem, and in some cases, protect wildlife and habitat. These principles and practices are generally outlined in the latest updated version of various BMP manuals including Silviculture Best Management Practices; Best Management Practices, a Landowner's Handbook for Controlling Erosion for Forestry Operations for Forestry Operations, Management guidelines for Forested Wetlands, DER: Florida Development Manual, A Guide to Sound Land and Water Management, and other publications on best management practices that are generally accepted by industries and regulatory bodies.

Bicycle facility: Includes improvements constructed or provided to accommodate bicycle traffic and parking. Bicycle facilities may include bikeways, bicycle lanes within the street, paved shoulders, wide curb lanes, pedways which are a minimum of eight feet in width, trails where bicycling is permitted, bicycle racks and lockers, and other facilities and

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markings intended to designate areas available for exclusive use or shared use for bicyclists.

Bikeway (bicycle way): A facility within the street, within the street right-of-way, or within a separate right-of-way or easement improved for use by bicyclists.

Billboard: A sign as defined in §479.01(19), Florida Statutes and is an off-premise sign.

Block: A parcel or parcels of land entirely and immediately surrounded by streets or highways, water courses, subdivision boundaries and/or right-of-ways or any combination thereof.

Boarding House: A single dwelling unit that does not house more than ten individual sleeping quarters where lodging is provided with or without meals, for compensation for more than one week.

Borrow Pit: An area where material (usually soil, gravel, or sand) is extracted for use at another location.

Boundary Adjustment: An amendment or change to the perimeter of a recorded parcel.

Buffer: An area of land planted with trees, shrubs, berms, or other approved method which separates a project's pavement and structures from adjacent property or rights-of-way. A buffer is also a combination of space and vertical elements, such as trees, plants, berms, fences, or walls, for the purpose of separating and screening land uses from one another.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building, height of: The vertical distance from grade plane to the average height of the highest roof structure.

Building, High-rise: A building which has habitable space nine floors or greater. An enclosed habitable space below grade cannot be considered as a floor for the purpose of this definition.

Building, Low-rise: A building which has habitable space and is three floors or less. An enclosed habitable space below grade cannot be considered as a floor for the purpose of this definition.

Building, Mid-rise: A building which has habitable space and is between four and eight floors. An enclosed habitable space below grade cannot be considered as a floor for the purpose of this definition.

Building, Temporary: A building used during the duration of an active construction project for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, structures, or other facilities. For the purposes of this definition, "active" shall mean having a valid development order or building permit which has not expired.

Building, Primary: See Primary Structure.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes. A commercial campground may include RV spaces and tent camper spaces. Non-commercial campgrounds include church, Boy Scout and other non-commercial, non-profit uses.

Cemetery: Land used or intended to be used for the burial of human dead and dedicated for cemetery purposes, including mausoleums and mortuaries if operated within the boundaries of such cemetery.

Change of Use: a discontinuance of an existing use and the substitution of a different kind or class of use.

Champion Trees: Champion trees are those listed in the Florida Champion Tree Register with the Florida Department of Agriculture and Consumer Services, Florida Forest Service.

Child Care Facility: A business which provides for care of persons which are of pre-school age, that care for five (5) or more children unrelated to the operator of the facility, and which receives a payment, fee, or grant for said service, whether operated, and whether or not operated for profit.

Clear Sight Triangle: A triangular shaped area at street intersections and street and driveway intersections established pursuant to and in accordance with the Florida Department of Transportation Design Standards, Index Number 546 Sight Distance at Intersections.

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive or other portions of the site having existing characteristics worth of preservation or conservation.

Commission: Gadsden County Planning Commission, first established by Gadsden County Ordinance #76-004.

Commercial animal boarding facility: A facility that provides the service of temporary care of domestic animals.

Commercial recreation, indoor: A private indoor (entirely within enclosed structure) use providing for sport and recreation activities, which are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, Yoga studios, Pilates studios, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools and racquet and tennis club facilities (indoor).

Commercial recreation, outdoor: A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, privately owned golf driving ranges, miniature golf facilities, outdoor commercial tourist attractions, and privately owned active sports facilities such as ballfields and basketball courts, and

racquet and tennis club facilities (outdoor).

Community residential home, large: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for seven or more 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.

Community residential home, small: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for six or fewer 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.

Community services: Governmental or private uses that provide a function for the community, including nonprofit or voluntary organizations and clubs engaged in civic, charitable, and related activities.

Connections: Driveways, streets, turnouts, access ways or other means of providing for the movement of vehicles, pedestrians or bicycles to or from the public street system.

Conservation areas: Natural resources that, because of their ecological value, uniqueness and particular sensitivity to development activities, require stringent protective measures to sustain their ecological integrity, including wetlands, surface waters, 100-year floodplains, listed species habitat, significant geologic features, and strategic ecosystems.

Conservation easement: Conservation easement shall mean a perpetual, undivided interest in real property as described in §704.06, Florida Statutes.

Compatibility: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Comprehensive Plan: The collective goals, objectives and policies of Gadsden County adopted by Ordinance 81-2, as amended over time.

Conceptual Review: An initial review to determine if a proposed request for development furthers the intent of the adopted comprehensive plan and is consistent with other applicable land development regulations.

Concurrency: A process to insure that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency Management System: The procedures and/or process of evaluating the impact of a specific development on public facilities and the adopted level of service standards to ensure that the necessary facilities and services are available with the impacts of development.

Connection: Driveways, streets, turnouts, or other means of providing for the right of reasonable access to or from the State Highway System (§ 335.182(3)(a)) Florida Statutes.

Convenience store: A small retail store, which sells convenience items (day-to-day needs of a residential neighborhood) as its primary sales. A convenience store may include the sale of gasoline and diesel fuel but such sales shall be accessory to the primary sale of convenience goods.

County: Gadsden County, Florida.

County Commission: The local governing body for Gadsden County, Florida, also known as the Gadsden County Board of County Commissioners.

County Engineer: A person currently licensed and registered to practice engineering in the State of Florida and retained by Gadsden County to implement the appropriate provisions of this Land Development Code.

Contiguous: See abut.

Critical Protection Zone (CPZ): An area around the base of a tree calculated as 75% of the radius of the drip line of the tree.

Crown: The main mass of branching of a tree, which features branches that grow out from the main trunk and support the various leaves.

Cul-de-sac: A short, local road having but one end open for vehicular traffic, the opposite end being terminated with a permanent turn-around.

Cultural facility: Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational or cultural interest, which are not operated commercially.

Dead-end street: A street terminated at the end by a vehicular turnaround, such as a cul-de-sac or T-turnaround.

Deciduous: A plant with foliage that is shed annually.

Dedication: The legal transference of land without sale by the original owner to a public agency.

De Minimis Impact: A proposed development that relates to a land use of such a low intensity as to have a minimal effect upon the Level of Service Standards (LOSS) adopted in the Gadsden County Comprehensive Plan. Such impact would not have more than one percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the current trip counts, provided however, that an impact of a single family home on an existing lot of record will constitute a de minimum impact.

Density: A unit of measurement; the number of dwellings per acre of land.

Density, Gross: A unit of measurement, the number of dwelling units per acre of land without removal of any natural or man-made area of such acre.

Density, High: Five (5) or more dwelling units per acre.

Density, Low: Two or less dwelling units per acre.

Density, Medium: More than two and less than five dwelling units per acre.

Density, Net: A unit of measurement, the number of dwelling units per acre of land, after removal of any specified features.

Department: Gadsden County Planning and Community Development Department.

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

Developer: Any person or corporation, including a governmental agency, undertaking any development.

Development: Shall be as defined in §163.3221(4), Florida Statutes.

Development Order: Any order granting, denying, or granting with conditions an application for development on a specific site.

Development Review Committee: A committee formed which reviews development proposals.

Deviation, Substantial: Any proposed change to a previously approved development which creates a reasonable likelihood of additional impact to the local facilities. The thresholds for a substantial deviation shall be any one of the following:

- Any increase in the number of previously approved parking spaces by fifteen percent or more.
- Any increase in impervious surface by ten (10) percent or more.
- An increase in the number of dwelling units by ten (10) percent or more, so long as the density conforms to the requirements of the Comprehensive Plan and Land Development Code, except that, if the dwelling units are developed and meet the criteria of affordable housing, this threshold shall increase to fifteen (15) percent or more.
- An increase in the number of external vehicle trips generated by the development above that which was projected during the original development approval, by fifteen (15) percent or more.

Diameter Breast Height (DBH): The diameter of a tree, in inches, measured at approximate breast height or a height of four and one half feet above grade. For irregular trees, this can be the average of the greatest and smallest diameters or the circumference at DBH, divided by Pi (π).

Discharge: The release of stormwater by any means, including spilling, leaking, seeping, pouring, emitting, emptying, or dumping, but not including evaporation, transpiration, or natural percolation to the groundwater.

Dormitory: A structure used for sleeping accommodations related to an educational facility.

Domestic animals: A species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival.

Double frontage lot: A lot other than a corner lot with frontage on more than one (1) street. Double frontage lots are also known as through lots. Double frontage lots are prohibited in Gadsden County.

Drainageway(s): Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

Drainage Right-Of-Way: The land required for the installation of stormwater sewers, ditches, swales or other structures necessary to ensure the proper flow and disposal of stormwater as required in Rule 17.25, F.A.C, the stormwater discharge regulation of F.D.E.P.

Dripline: An imaginary perpendicular line that extends downward from the outermost tips of the tree branches to the ground.

Drive-in restaurant: A restaurant where service may be obtained while remaining in one's automobile or where service may be obtained at a takeout counter.

Driveway: The area that provides vehicular access to a zoning lot. A driveway begins at the property line and extends into the lot. Driveway does not include parking, maneuvering, or circulation areas in parking areas.

Dry cleaning and commercial laundry facilities: A business which cleans clothing by the use of a process of nonflammable solvents. Additionally, such establishments may provide laundry services of washing, drying, folding, and packaging of clothing and linens. Laundry facilities shall not include self-service washer and dryer facilities or Laundromat.

Dwelling or Dwelling Unit: Any building, portion thereof, or other enclosed space or area, used as or intended for use as a residence with eating, cooking, and bathing facilities

- (1) *Dwelling, single-family* - any dwelling used as or intended for use as the home of one family, either temporarily or permanently
- (2) *Dwelling, two-family (duplex)* - any dwelling which has common walls designed to be occupied by two families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.
- (3) *Dwelling, multiple family* any dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels, and not including townhouses.
- (4) *Dwelling, townhouse* a single-family dwelling forming one of a group of three or more attached single-family dwellings, each built upon an individual plot, separated by fire or party walls which do not permit passage or visibility between such units, with separate

utilities and services.

Easement: That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property.

Eaves: The extension or overhang of a roof measured from the outer face of the supporting wall or column to the farthest point of the overhanging structure.

Endangered Species: Those species of plants and animals listed as endangered by an official state or federal plant or wildlife agency, in the Florida Natural Areas Inventory (FNAI), and species listed as endangered in Ch. 68A-27, Florida Administrative Code, or those species listed in any other official state or federal law, rule, or regulation.

Engineer, registered (or professional engineer, or licensed engineer): An individual licensed to engage in the practice of engineering in the State of Florida pursuant to Ch. 471 Florida Statutes.

Environmentally Sensitive Areas or Resources: The following resources or areas on a parcel are designated as environmentally sensitive:

- a. Wetlands;
- b. Lands designated as Special Flood Hazard Areas on the currently adopted Federal Emergency Management Agency Flood Insurance Rate Maps.
- c. All Outstanding Florida Waters.
- d. All Class I surface waters.
- e. All Endangered, Threatened and Species of Greatest Conservation Need as listed by the Florida Fish and Wildlife Conservation Commission, and published in the "Florida's Endangered and Threatened Species" document dated January, 2013.
- f. Seepage slopes.

Existing Use: The use of a lot, parcel or structure at the time of the adoption of the Comprehensive Plan. (November, 1991), or as specifically named in any update of the Plan.

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community, May 21, 1991.

Expansion to an existing manufactured home park or subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FDEO or DEO: The Florida Department of Economic Opportunity.

FDEP or DEP: The Florida Department of Environmental Protection.

FDOT or DOT: The Florida Department of Transportation.

Family: A number of individuals living together as a single housekeeping unit.

Family Exception/Immediate Family Exception/Family Homestead Exception: A process for dividing and conveying a parcel to be used solely as a homestead by an owner applicant who is the grandparent, parent, step-parent, adopted parent, sibling, child, step-child, adopted child, or grandchild of the person who intends to divide and convey the parcel to such applicant, notwithstanding the density or intensity of use assigned to the parcel

Farm market: A principal use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider and similar agriculture products. A minimum of 25 percent of the products sold must be agricultural products produced on site.

Farm produce stand: A structure or land used for the sale, by the owner or the owner's family or tenant, of agriculture or horticulture produce principally produced on the farm or agriculture operation on which the farm produce stand is located. The term "farm produce stand" may include produce grown on other farms in the vicinity and accessory products, which are clearly a secondary use of the premises and do not change the character of the farm produce stand.

Fees or Applicable Fees: The fees set from time to time by the governing body in a schedule of fees for the various types and stages of development application and approval.

Fence: A man-made barrier of any material or combination of materials erected to enclose or screen areas of land.

Filling, land: The placement of any material into a wetland, waterbody, or on land.

Filling, station: See Service station.

Final plat: The final map or drawing of the plat, subdivision or dedication prepared and intended for filing and recording after approval by the Board of County Commissioners in accordance with Article VII and Ch. 177, Part I, Florida Statutes.

Finished Habitable Area: An enclosed area used for any purpose other than solely for parking of vehicles, building access, or storage.

Fitness center: A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Fitness center may also include incidental accessory uses such as child care for patrons, professional physical therapy services, and incidental food and beverage sales.

Flag: A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution or as a decoration during public festivities.

Flag Lot: A parcel of land shaped like a flag with a narrow strip providing access; the bulk of the property contains no frontage and where the road frontage is less than 75 percent of the required width at the building line for its particular zoning classification, provided, however, that lots within 50 feet of the radius point of a cul-de-sac street shall not be considered flag lots. For the purpose of this article, a "flag lot" shall not be considered to abut a road.

Flashing: A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in a time frame of fewer than four seconds.

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; or
- b. the unusual and rapid accumulation or runoff of surface waters from any source; or
- c. mudflow; or
- d. collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels in a flood as defined above.

Flood Hazard Boundary Map (FHBM): The official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood, mudflow, and related erosion areas having special hazards have been designated.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Emergency Management Agency has delineated the Special Flood Hazard Areas (SFHAs), the Base Flood Elevations (BFEs) and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodplain: Any land area susceptible to being inundated by floodwaters from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Flood Prone Areas: See Special Flood Hazard Area.

Floor Area Ratio, (FAR): A mathematical expression of land use intensity calculated by dividing the total area of all floors of a structure (a.k.a. gross floor area), by the area of the lot on which it is located.

$$\frac{\text{Gross Floor Area}}{\text{Parcel Area}} = \text{FAR}$$

Floor Area: The heated and cooled space of a building or structure.

Food Trucks: Self-propelled or otherwise moveable from place to place such as a truck, trailer, or similar self-propelled conveyance which is used to vend food and beverage products and is classified as one of the following:

- a. Class I—Mobile kitchens. In addition to the vending of products allowed for class II and class III mobile food trucks, these vehicles may cook, prepare and assemble food items on or in the unit and serve a full menu.
- b. Class II—Canteen trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages takes place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations.
- c. Class III—Ice cream trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products

Freeboard (for stormwater purposes): The vertical distance between the maximum staging elevation of the stormwater facility and the elevation at which uncontrolled overtopping of the structure or facility that contains the water would occur. Uncontrolled overtopping would not include discharge for emergency purposes.

Frontage: That side of a building or structure, lot, lots, or tract of land abutting and/or facing a public right-of-way, ordinarily regarded as the front of the site.

Functionally Dependent Facility: A facility which cannot be used for its intended purpose unless it is located or carried out in proximity to a resource.

Future Land Use Map (FLUM)/Land Use Map: A graphic representation of the land use districts used in the County and their placement on the land adopted as part of the Gadsden County Comprehensive Plan and used as the regulatory map for implementation of the Comprehensive Plan and this Code.

Garage, private: A building or space used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage of personal motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

Garage, public: Any building or premises, except those described as a private or storage garage, used for the storage of cars or motor vehicles or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Garage, storage: Any building or premises, other than a private garage, used exclusively for the parking or storage of motor vehicles.

G.I.S., Geographic Information Systems: Integrated graphic and database software designed to aid in reporting phenomena or displaying data that are distributed across wide areas.

Go-cart tracks: A lot or other area of land, the primary purpose of which is to offer members of the public rides on small motorized non-highway type vehicles. Go-Cart Tracks are

Class II land uses.

Governing Body: The Board of County Commissioners, Gadsden County, Florida.

Grade: The lowest point of elevation of the existing surface of the ground, within the area between the building and a line five feet from the building.

Grade Plane: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

Grandfathered/grandfathering: An exemption to the requirements of this Code based on previously existing circumstances. See: Non-conforming lot of record, lawful and Non-conforming use, lawful

Grantee: A person to whom a grant or conveyance is made.

Grantor: A person who makes a grant or conveyance.

Greenhouse: A structure used for cultivating plants that require controlled temperature and humidity.

Ground Cover: Low growing plants other than turf grass planted in such a manner as to form a continuous cover over the ground.

Guest house (seasonal home): Any dwelling occupied by owner or operator in which rooms are rented for guests, and for lodging of transients and travelers for compensation, when not more than four (4) rooms are used for such purposes. Bed and Breakfast establishments are considered a guest house.

Hazardous substances/Hazardous materials: Substances or a combination of wastes, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. These materials may include, but not be limited to, volatile, chemical, biological, explosive, flammable, radioactive, and toxic materials.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to and after construction, next to the proposed walls of a building.

Home occupation: Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which use does not change the character of said dwelling as a residence.

Homeowners' association or property owners' association: A private nonprofit association as defined by §720.301(9), Florida Statutes which is organized by the developer of a

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development in which individual owners share common interests in open space, easements and/or facilities and are in charge of preserving, managing and maintaining the common property, and enforces improvements or other certain covenants and restrictions.

Hospital: An institution providing services of a medical nature to human patients, allowing for in-patient care of such patients, and including related facilities such as laboratories, out-patient departments, training facilities, staff offices, and food services.

Hotel and motel: Any building or group of buildings containing sleeping room accommodations for guests and providing the services generally provided by a hotel or motel and recognized as a hotel or motel in the community in which it is situated, or by the hotel and motel industry, and offering daily or weekly rates, with a bath or connecting bath for every rental unit and occupied primarily by transient guests. It is the intent of this section that any structure offering a residential room or combination of rooms for rent or lease for longer than a month at a time shall not be considered a hotel or a motel. These facilities may provide additional services such as restaurants, meeting rooms and recreational facilities.

House of Worship: See Religious Institutions.

Hunting camp: A recreational facility established for the purposes of hunting and/or fishing which may provide overnight accommodations, food, transportation, guides, and other customary accessory uses and facilities.

Hydrograph: A graphic representation of the variation of drainage flow with time in relationship with a particular storm frequency.

Immediate Family Member: The parent, step-parent, grandparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild, of a person.

Immediate Family Exception: See Family Exception/Immediate Family Exception/Family Homestead Exception.

Impervious surface: A surface which has been compacted, constructed or covered with a layer of material with the result that it is highly resistant to infiltration by water.

Improvements (or site improvements): Any grading, filling, or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, signs, landscaping or any other improvement required by land development regulations. Any physical changes made to raw land, and structures placed on or under the land surface.

Impervious Surface: Area in which rain cannot penetrate to the soil or natural ground.

Improvement: Physical changes made to raw land, and structures placed on or under the land surface in order to supply the infrastructure needed to serve the projected population.

Incarceration Facilities: Prisons, jails, correctional facilities, halfway houses, boot camps, weekend programs, and other facilities in which individuals are locked up overnight.

Inconsistent: Mutually contradictory; contrary, one to the other, so that both cannot stand, the acceptance of one implies the abrogation of the other.

Indoor sports training facility: An indoor facility that provides training of amateur or professional athletes in a particular sport. These facilities typically operate on a by-appointment basis and provide very small student-instructor ratios. Programs at these facilities are designed to enhance the skills necessary to succeed in a particular sport rather than for general exercise as at a "gym" or "fitness center".

Industrial, heavy: The use of land for the manufacture of material or products from extracted or raw material; processing of wood to lumber or wood pulp, or wood pulp to paper; any refinement or distillation of petroleum resources, and conversion or smelting of ores to metals; and which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Industry, light: Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building and do not generate a noticeable amount of noise, dust, odor, smoke, glare or vibration outside the building in which they are conducted.

Infill Development: The addition of new housing or other buildings on scattered vacant sites or platted lots in a developed area or subdivision.

Infrastructure: Man-made structures which serve the common needs of the population including but not limited to storm and sanitary sewage disposal systems, potable water systems, utility systems and roadways.

Intensity: The measure or extent to which a non-residential parcel is developed.

Internet café/simulated gambling establishment: A building, edifice, structure, or location, along with its grounds, in which simulated gambling devices are used, operated, or stored, including but not limited to game rooms, arcades, internet cafes, internet centers or sweepstakes redemption centers. The definition does not include any establishment that is expressly permitted by state law, including but not limited to an "arcade amusement center" as defined in § 849.161 Florida Statutes.

Institutional uses: Any land use authorized by the governing body, established and intended to provide significant public benefit.

Intersection: A place of joining or crossing of streets.

Island: A physical barrier or separation to direct the flow of traffic and/or to separate highway traffic from the activity on the adjacent property.

Junk: Any old, dilapidated, abandoned, or scrap machinery, more than two dismantled,

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inoperable, unregistered or dilapidated motor vehicles including parts, building materials, iron, steel, other ferrous and nonferrous metals, tanks and drums, tires, pipes, household goods, non-functional furniture, appliances or tools, implements or portions thereof, glass, plastic, cordage, and other kind of salvage or waste material that has been abandoned from its original use and may be used again in its present or in a new form.

Junkyard: Any establishment, place of business area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing purchase, sale or abandonment of household goods, wastepaper, rags, used lumber or building materials, scrap metal or other scrap or discarded goods, materials, machinery or two or more inoperable, unregistered or dilapidated motor vehicles or other type of junk. "Junkyard" includes auto wrecking yards and salvage yards.

Karst: A type of topography that is formed over limestone, dolomite, or gypsum by dissolving or solution and that is characterized by closed depressions or sinkholes, caves, and underground drainage.

Kennel: Any building or buildings, or land used, designed, or arranged to facilitate the raising, breeding, boarding, training and grooming of domesticated animals such as dogs and cats.

Landfill: A solid waste disposal facility, which is an area of land or an excavation where wastes are or have been placed for disposal, for which a permit, other than a general permit, is required by § 403.707, Florida Statutes. This term shall not include:

- (a) A land spreading site;
- (b) A surface impoundment;
- (c) An injection well defined under and subject to the provisions of Chapter 62-528, Florida Administrative Code.; or
- (d) A construction and demolition debris disposal site regulated by Rule 62-701.730, Florida Administrative Code

Landscaping: The purposeful creation of vegetated space to enhance the visual appeal of a development; whether by preservation of existing vegetation, augmentation of existing vegetation or by addition of native and non-invasive nursery vegetation, sod, mulch bed, or other decorative or mesophytic elements in a specified area.

Land Surveyor: A land surveyor duly licensed to practice in the State of Florida.

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of a facility. LOS indicates the capacity of a facility per unit of demand.

Limited Access Facility: Highway designed for through traffic to which owners or occupants of abutting land or other persons have no right or easement. Limited Access Facilities may limit access to trucks, buses and other commercial vehicles, or they may be freeways open to use by all customary forms of street highway traffic, such as an interstate highway.

Listed species: Those species of plants and animals listed as endangered, threatened, rare, or species of special concern by an official state or federal plant or wildlife agency, or the Florida Natural Areas Inventory (FNAI), in Ch. 68A-27, Florida Administrative Code or in any other official state or federal law, rule, or regulation.

Livestock: Includes all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals as recognized by the Florida Department of Agriculture.

Lot: Land that has been duly recorded through a subdivision plat process with the Gadsden County Property Appraiser.

Lot, area: The total lot including easements.

Lot, standards (below):

- a. **corner lot:** Any lot situated in the junction of and abutting on two or more intersections or intercepting streets or public highways, with the interior angle of such intersection no less than 45 degrees.
- b. **front lot line:** The line separating the lot from the right-of-way of the principle street on which the lot abuts. Also, the easement line on lots which have been platted to the centerline of a private roadway.
- c. **interior lot:** lot other than a corner lot with only one (1) frontage on a street.
- e. **lot depth:** The depth between the mean front street line and the mean rear line, measured along the median between the two side lot lines.
- f. **double frontage lot:** A lot having frontage and access on two or more public streets. A corner lot shall not be considered having double frontage unless it has frontage and access on three or more streets. Also known as a through lot.
- g. **lot lines:** The lines bounding a lot.
- h. **lot of record:** A lot which is part of a subdivision recorded in the office of the Register of Deeds, Gadsden County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- i. **lot width:** The average horizontal distance between the side lots, measured at right angles to the lot depth, with the minimum to apply with this code to be measured at the front setback lines.
- j. **rear lot line:** The line opposite to and most distant from the front lot line.
- k. **side lot line:** Any lot line other than a front or rear lot line. A side lot line of a corner lot, separating a lot from a street is called a street side lot line. A lot line separating a lot from another lot is called an interior lot line. Any lot line which meets the end of a front lot line or any other lot line within thirty (30) degrees of being parallel to such a line, except a front lot line.
- l. **reverse frontage lot:** A lot having frontage on two or more streets, the access of which is restricted to one street.
- m. **through lot:** See double frontage lot.

Lot split: The legal division of land from one lot or parcel into two.

Manufactured Building: Per the Florida Statute definition: § 553.36(11), Florida Statutes "Manufactured Building" is a closed structure, building assembly or system of

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subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service system manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage and industrial structures.

Manufactured Home: As defined by §320.01, Florida Statute, which was fabricated on or after June 15, 1976.

Manufacturing, heavy: The manufacturing uses that involve the generation outside the property of noise, odor, vibration or dust. Examples include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, , and the manufacturing of chemicals, paint and turpentine.

Manufacturing, light: The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; development, testing facilities and laboratories; apparel production; sign making; assembly of prefabricated parts; manufacture of electric, electronic, or optical instruments or devices; manufacturing and assembly of artificial limbs, dentures, hearing aids and surgical instruments; processing, and packing of food products, cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations and any similar item.

Manufactured or mobile home park: A lot or parcel of land under single ownership or management upon which is operated a business engaged in providing for the parking of manufactured and mobile homes to be used for both living and storage purposes, and including the customary accessory uses such as owners' and managers' living quarters, restrooms, laundry facilities, utility areas, and facilities for parks and recreation.

Manufactured home subdivision: A manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed.

Marina, commercial: A facility for the servicing, fueling, berthing and storage of boats that may include accessory retail and eating facilities including haul-out facilities, covered or uncovered wet storage slips, dry storage of watercraft, yacht brokerage, boat sales, and retail sales of boating supplies. Overnight accommodations may be provided at these facilities only by special exception.

Materials recovery facility: A solid waste management facility that provides for the extraction from solid waste of recyclable materials, reusable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials. Non-recoverable

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materials are transferred from the materials recovery facility and disposed of as solid waste.

Mobile farmers market: A mobile vehicle or trailer, licensed by the Department of Motor Vehicles, from which uncut perishable fruits, vegetables, and herbs are sold.

Mobile Home: As defined by §320.01, Florida Statute

Modular home: A detached residential dwelling unit designed for assembly on site with permanent utility connections.

Motor court (motel): A building or other structure(s) designed, constructed or altered and held out to the public to be a place where sleeping accommodations, with or without restaurant, are furnished for compensation to guests or tenants, and having the other necessary accessory structures in connection with such motor court.

Mining: The extraction or withdrawal from the soil or water of mineral resources, either on or below the surface, of any solid minerals and any rare earths which have heretofore been discovered or may be discovered in the future, which are contained in the soils, except water;

Mitigation: An action or series of actions that offsets adverse environmental impacts. Mitigation may consist of any one or a combination of monetary compensation, or acquisition, restoration, enhancement, or preservation of wetlands, other surface waters or uplands.

Mixed use: A building or an area that contains a mix of uses. This may include uses such as retail, office, and residential.

Multifamily residential development: A type of residential housing where multiple separate dwelling units for residential inhabitants are contained within one building or several buildings within one complex.

Museum: An establishment serving as a repository for a collection of natural, scientific, technological, artistic, or literary objects of interest, designed to be viewed by the public with or without an admission charge.

Native vegetation: Vegetation occurring naturally in the northwest Florida region without the influence of humans. Native vegetation is a comprehensive term that encompasses all plant life, including groundcover, grasses, herbs, vines, shrubs and trees that, based on current knowledge, are known to have been present regionally before the time of documented European contact.

Non-native vegetation: Vegetation not natural to the northwest Florida region, including prohibited non-native vegetation listed in Florida Administrative Code 62C-52.011, Florida Prohibited Aquatic Plants List, and Florida Administrative Code Rule 5B-57, Florida Noxious Weed List, as well as discouraged non-native vegetation listed in Table 406.08.4.

Net Buildable Area: That portion of a parcel of land less wetlands, floodways and environmentally sensitive lands that is developable and is not required for open space.

Non-conforming lot of record, lawful: A legal lot of record existing at the time of passage of this Land Development Code which does not conform to the area, frontage, or other provisions of this Code for permitted lots in the land use category or zoning district in which it is located as of the date of adoption, or amendments thereto.

Non-conforming parcel: A parcel that does not meet the requirements of this LDC, whether by size or area or other provisions of this LDC.

Non-conforming structure: A structure that does not conform to the provisions of this Land Development Code for permitted structures in the land use category or zoning district in which it is located as of the date of adoption, or amendments thereto.

Non-conforming use: A use which does not conform to the permitted uses for the land use or zoning district in which it is located.

Non-conforming use, lawful: A lawful use existing at the time of passage of this Land Development Code, or amendments thereto, which does not conform to the permitted uses for the land use or zoning district in which it is located.

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

Office use: Activities that are conducted in an office setting and that generally focus on business, professional, or financial services. Accessory uses may include cafeterias, parking or other amenities primarily for the use of employees in the firm or building. Does not include medical and dental clinics or labs. Offices that are part of and located with a principal use in another use category are considered accessory to the establishment's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another use category, are considered part of the other use category.

Onsite Sewage Treatment and Disposal System, (OSTDS): Per§ 381.0065(2)j., Florida Statutes , a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a greywater system tank; a laundry wastewater treatment system tank; a septic tank; a grease interceptor; a dosing tank, a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on land to which the owner has legal right to install the system.

Open Space: Any parcel or designated land area in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures, or impervious surfaces. Buffer areas and stormwater facilities shall not be included in open space area calculations.

Open space, common: All open space, natural areas, and recreational areas which are within the part of a development designed and intended to be used in common by the owners, residents, or tenants of the development.

Parcel: An area described by metes and bounds, or a lot or lot(s) combined, under one parcel ID number, as assigned by the Gadsden County Property Appraiser.

Package treatment plant: Any wastewater treatment facility having a permitted capacity of less than 100,000 gallons per day. This is a small treatment system consisting of a treatment plant and disposal system.

Parent tract: A parcel or lot of record that existed on November 26, 1991, the date of the Gadsden County Comprehensive Plan adoption-

Parking island: An area of ground within the boundary of any parking lot, which has curbing adjacent to all paved areas.

Park trailer (per ch. 320.01(1)7), Florida Statute: A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud wall at the level of maximum dimensions, not including and bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including and protrusions.

Parking lot: An area used for the short-term (less than 7 days) and long-term (greater than 7 days) storage of operable vehicles and which is an ancillary use to the primary commercial operation/business.

Park, public: A piece of land that is owned by the State of Florida, Gadsden County, or an incorporated municipality within Gadsden County, that is developed and operated for active and/or passive recreational purposes, and that is open to the public on a regular schedule.

Passive recreation: Recreational activities that do not require prepared facilities like sports fields or pavilions. Passive recreational activities place minimal stress on a site's resources; as a result, they can provide ecosystem service benefits and are highly compatible with natural resource protection. These activities include but are not limited to camping; hunting; hiking; wildlife viewing; bicycling; running/jogging; horseback riding; and fishing.

Pedway (pedestrian way): A physical course or improvement, a minimum of eight feet (8') in width, provided within a right-of-way or access easement used exclusively by pedestrians and bicyclists.

Performance Guarantee: Any security which may be accepted in lieu of the requirements that certain improvements be made before the Planning Commission and the governing body approves a plat including cash deposits and escrow agreements on other similar collateral or surety agreements approved by the governing body. (Also known as a Performance Bond.)

Personal services establishments: An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include laundromats; laundry and dry cleaning drop-off establishments; photographic studios; mailing or packing service, photocopy and blueprint services; hair, tanning and personal care services; psychics and mediums; martial arts schools; dance or music classes; taxidermists; and mortuaries.

Pedestrian pathways: Interconnected, paved walkways that provide pedestrian passage through blocks running from street to street or within open space lots.

Playground: A recreation with play apparatus.

Private animal shelter: A structure that is owned, operated or maintained by a private or nonprofit organization used for the care of 10 or more lost, abandoned, or neglected domestic animals, including pet rescue organizations, with overnight boarding.

Public use: The use of any land, water, or building by a municipality, public body or board, commission or authority, county, state, or the federal government, or any agency thereof, for a public service or purpose.

Planning Commission: The Local Planning Agency first established by Ordinance #76-004, Gadsden County, Florida. Also known as the Planning Commission or Planning Board.

Planning Official: The designated employee of Gadsden County who administers the Comprehensive Plan and Land Development Code.

Planned unit development (PUD): An area of land under unified control, to be developed as a single entity for a number of dwelling units and commercial uses that may not correspond in lot size or type of dwelling or commercial use, density, lot coverage and required open space to the regulations established in any one (1) or more districts created, from time to time, under the provisions of these ordinances.

Plat: A plat may be either:

- a. A map representing a tract of land showing the boundaries and location of individual properties and streets; or
- b. A map of a subdivision or site plan of the subdivision.

Plat, Preliminary: The preliminary map indicating the proposed layout of the subdivision which is submitted for the Board of County Commissioner's consideration and tentative approval based on meeting the requirements of this regulation.

Plat, final: A finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

Platted lot: A lot that is identified on a plat that was approved by the Board of County Commissioners and duly recorded.

Primary Residence: A residential structure that will be lived in for more than fifty (50) percent of the 365 days in a calendar year.

Principal Use: The primary or predominant use of any lot or parcel of land.

Private Subdivision: A subdivision in which all improvements are privately maintained.

Public Facility: Any major capital improvement, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

Public Food Service Establishment (public restaurant): See §509.013(5)(a).

Public Improvements: Physical changes made to raw land in order to supply the infrastructure needed to serve the projected population and dedicated to the County.

Rear lot line: Any lot line which is not a front or side lot line and which if extended in either direction, would not cross the lot.

Recreation, Outdoor Activity: A specific, individual type of outdoor recreation. Activities are divided into two categories: active activities are those which involve some direct and specialized physical manipulation by the participant such as swimming, hiking, boating, etc.' passive activities are those which are more mental than physical, such as sightseeing, nature study, scenic appreciation, etc.

Recreation facility: A zoning lot, with or without improvements designed and equipped for the conduct of sports and leisure time activities.

Recreational facility (commercial): A sports or activity facility open to the general public for a fee. These include, but are not limited to, the following:

- (1) **Indoor:** Roller or ice skating rink, bowling alley, billiard hall, dart pavilion, amusement arcade (video, pinball or other), swimming pools, slot cars, hard and soft courts, miniature golf. See also bingo, non-profit.
- (2) **Outdoor:** Driving range, golf course, miniature golf; batting and pitching cages; hard and soft courts; facilities for radio controlled vehicle or airplanes, go-carts, pony rides; kiddie parks; swimming pools, water slides; ice skating rink; but not including amusement or theme parks.

Recreational Vehicle: A unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Types of recreational vehicles include those as specified in §320.01(1)(b), Florida Statutes

Recreational Vehicle Park: Any lot or parcel of land upon which one or more recreational vehicles, campers, travel trailers and tents are located, established, or maintained for transient occupancy by the general public as temporary living quarters for recreation or vacation purposes regardless of whether or not a charge is made for rental.

Recreational vehicle-type unit (per § 320.01(1)(b)): A vehicle that is primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of § 316.515, Florida Statutes as that section may hereafter be amended. Recreational vehicles (RV) shall not be used as a permanent residential dwelling unit in Gadsden County. "Permanent" shall be measured as greater than 180 days.

Recycling and salvage center: A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of Rule 62-701.220(2)(c), Florida Administrative Code.

Redevelopment: See Development.

Religious institution: A structure or place in which worship, ceremonies, rituals and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained and controlled under the direction of a religious group. The term "religious institutions" include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing and group living facilities such as convents.

Remove (tree): To relocate, cut down, damage, poison, or in any manner destroy or cause to destroy a tree.

Residential park: Any site or tract of land upon which are located two (2) or more dwelling units occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such service.

Restaurant: See Public Food Service Establishment.

Residential structure or residence: A structure designed specifically to support extended human habitation.

Restaurant, sit-down: An establishment where food is ordered from a menu, prepared and served for pay primarily for consumption on the premises in a completely enclosed room, under the roof of the main structure, or in an interior court. A cafeteria shall be deemed a restaurant.

Restaurant, drive-in (drive-thru): An establishment which accommodates customers placing orders and being served food and beverages, without having to depart the automobile. A drive-in restaurant may also cater to customers who order and consume food within the establishment.

Retention: The collection and storage of stormwater without subsequent discharge other than through percolation, evaporation, or transpiration.

Re-Subdivide: Any change in the map or plat of an approved or recorded subdivision. This includes an increase or reduction of number or size of lots. Requirements of Chapter 177, Florida Statutes, and Chapter 6 of this Code shall be followed.

Re-submittal: The submission of a development proposal that has been previously denied. Re-submittal shall not be accepted within a period of one year after denial by the governing body. Upon re-submittal, applicable fees will be imposed.

Retail sales and services: Types of uses involved in the sale, lease, or rent of new or *used* products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods. Accessory *uses* may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.

Right-of-way: Land dedicated, deeded, used, or to be used for a street, road, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up rights to the land so long as it is being or will be used for the dedicated purpose. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contain not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.

Right-of-way: Land dedicated, deeded, conveyed, reserved, or used for public purposes.

Right-of-way, County: Any paved or graded public right-of-way, whether owned in fee simple by the county or not, which is maintained, graded, improved, or constructed by the county, or which the county is authorized by law or dedication to maintain, grade, or improve; or which has been dedicated by grant, easement, prescription, or otherwise, to the public use as a road right-of-way, and which has been, at any time in the past, graded, maintained, or improved by the county. Such term shall apply only to such of the rights-of-way as shall lie within the county, but outside the city limits of any incorporated municipality.

Right-of-way, Private: Any right of way restricted in use by deed or ownership.

Right-of-way, Public: Any dedicated county and/or city maintained right-of-way.

Road: Any avenue, street, boulevard, lane, parkway, place, or other way which is an existing State or County roadway, or a way or a road shown on a plat hereto and approved, pursuant to law, or approved by official action; or road or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court of Gadsden County.

Road, Arterial: A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

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, Local: A road that provides only access to adjacent properties and by nature of its layout does not serve vehicles passing throughout the area with neither origin nor destination within the area.

Road, Regionally Significant: A road that is part of the roadway evacuation system as set forth in the Apalachee Regional Planning Council Hurricane Evacuation Plan.

Retention Pond: A drainage basin designed for the collection and storage of runoff without subsequent discharge.

Sale or Lease: Any immediate or future transfer of ownership, or any possessory interest in land, including contract for sale, rent, lease, devise, intestate succession, or transfer, if an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or other written instrument.

Salvage yard: See junkyard

Service station: A building or lot where gasoline, oil, greases, and accessories are supplied and dispensed to the motor vehicles trade, also where battery, tire, and other similar services are rendered.

Setback: The distance between the lot line and the front, side, or rear line of a building or any projection thereof, excluding uncovered steps and roof eaves up to 18 inches.

Sewage System, Central: A public or private sewage system designed to serve more than two (2) structures or dwelling units including collection and advanced treatment facilities. This system must be approved by the County Environmental Health Department.

Sewer, On-Site: See Onsite Sewage Treatment and Disposal System.

Shopping center: As defined by the International Council of Shopping Centers (ICSC), a shopping center is a group of retail and other commercial establishments that is planned, developed, owned and managed as a single property, typically with on-site parking provided. The center's size and orientation are generally determined by the market characteristics of the trade area served by the center. A list of common shopping center terms and their definitions are provided below:

- (1) Super-regional mall. Similar in concept to regional malls, but offering more variety and assortment (Typical GLA: 800,000+ SF).
- (2) Regional mall. General merchandise or fashion-oriented offerings. Typically, enclosed with inward-facing stores connected by a common walkway. Parking surrounds the outside perimeter (Typical GLA: 400,000 - 800,000 SF).
- (3) Community center ("large neighborhood center"). General merchandise or convenience-oriented offerings. Wider range of apparel and other soft goods offerings than neighborhood centers. The center is usually configured in a straight line as a strip, or may be laid out in an "L" or "U" shape, depending on the site and design (Typical GLA:

125,000—400,000 SF).

(4) Neighborhood center. Convenience oriented (Typical GLA: 30,000—125,000 SF).

(5) Strip/convenience. Attached row of stores or service outlets managed as a coherent retail entity, with on-site parking usually located in front of the stores. Open canopies may connect the store fronts, but a strip center does not have enclosed walkways linking the stores. A strip center may be configured in a straight line, or have an "L" or "U" shape. A convenience center is among the smallest of the centers, whose tenants provide a narrow mix of goods and personal services to a very limited trade area (Typical GLA: <30,000 SF).

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen; customarily included in landscape designs to provide for lower scale buffering and visual interest; generally have stem sizes larger than one-half inch.

Sidewalk: Improved hard surface way constructed within right-of-way, along exclusive easements, or on private property intended to be used for pedestrian traffic.

Sign: Any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. The term does not include an official traffic control sign, official marker, or specific information panel erected, caused to be erected, or approved by the FDOT.

Sign, Animated: A sign which utilizes motion of any part by any means, including wind power, or displays color changing, flashing, oscillating or intermittent lighting, electronic messages or moving images or scenes, or which emits visible smoke, vapor, particles, noise or sounds. Animated signs shall not include changeable copy signs, where text can easily be changed (i.e. fuel signs), multi-faced mechanical (multi-vision signs).

Sign, Back-lit: A sign illuminated by a light from the rear of a sign.

Sign, Banner: A square or rectangular non-rigid sign intended to be hung by being tethered by lines at each of the four corners, made of paper, plastic, or fabric of any kind.

Sign, Billboard: An off-premise or off-site sign that exceeds 32 square feet and advertises a business, organization, event, person, place or thing or other commercial message.

Sign, Construction: A temporary sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction of the site where the sign is placed, together with other information included thereon.

Sign, Directional: A sign permanently or temporarily erected by or with approval of any authorized government agency to denote the route to any city, town, village, historic place, shrine, or hospital; signs directing and regulating traffic; notices of any railroad bridge, or other transportation activity necessary for the direction or safety of the public; signs, notices, or symbols for the information of aviators as to location, directions, and

landings, and conditions affecting safety in aviation; and signs or notices erected or maintained upon public property giving the name of the owner, lessee, or occupant of the premises or the street number thereof.

Sign, Electronic message board: A type of sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

Sign, Flashing: A sign which contains an intermittent, sequential, or rotating light source or which, through reflection or other means, creates an illusion of flashing, intermittent, or rotation or rotating light, provided that "flashing sign" shall not include changeable copy signs.

Sign, Ground: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

Sign, Internally Illuminated: A sign illuminated by an internal lighting system.

Sign, Mansard: Any sign attached to or erected against a mansard of a building, with the face horizontally parallel to the building wall. Since said sign is to be mounted parallel to and within the limitations of the building wall on which same is to be mounted, the same is deemed to be a wall sign and not a roof sign.

Sign, Marquee: A canopy or covered structure projecting from and supported by a building when such canopy or covered structure extends beyond the building line or property line.

Sign, Multi-vision: A sign composed of mechanically operated louvers or slats containing multiple separate messages, each of which becomes visible when the louvers are synchronically rotated to one of a multiple position.

Sign, Non-commercial: A temporary sign advertising or related to an election or other one-time event.

Sign, Non-conforming: Any sign which does not conform to the requirements of the current sign ordinance.

Sign, Occupancy: Signs which identify the occupants of the property.

Sign, Off-premise or off-site: A sign whose purpose is to advertise, display, identify, direct attention to or in any other way present to the public a message that relates to a product, business merchandise, service, institution, residential area, entertainment, charitable organization, religious organization, or any other organization or activity conducted by any company, person, or organization that is not located, purchased, rented, based, offered, furnished, or otherwise associated with the property on which the sign is located. This includes a sign erected by an outdoor advertising business, an animated billboard sign, a multi-vision sign, or any other sign meeting the definition of off-site sign. An off-site sign shall include a sign structure and sign display surface, upon which copy or information content is intended to be displayed; a sign structure without display surface shall not be construed to be an off-site sign; nor, shall a sign structure with only

nondurable paper, cloth, or plastic sheeting, without a rigid frame, be construed to be an off-site sign.

Sign, Off-premises directional: Those which direct the motorist or pedestrian to a business establishment.

Sign, On-premise or on-site: A sign erected on the premises of an establishment relating its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises.

Sign, Portable: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Signs shall be affixed only by temporary and removable anchoring systems (non-permanent).

Sign, Projecting: Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

Sign, Real Estate: A sign which advertises the sale, rental or lease of the premises upon which it is located.

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, Spot-lit: A sign illuminated by a spot light.

Sign, Temporary: A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material and intended to be displayed for a period not to exceed ninety (90) days.

Sign, Wall: A sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall.

Sign, Wall Mural: A sign that is a painting or an artistic work composed of photographs or arrangements of color and that displays a commercial or noncommercial message, relies solely on the side of the building for rigid structure and support, and is painted on the building or depicted on vinyl, fabric, or other similarly flexible material that is held in place flush or flat against the surface of the building.

Sign Area: The entire face of a sign and all wall work including illuminating tubing incidental to its decoration shall be included for measurement of sign areas excluding architectural trim and structural embellishments. In computing sign area, only one (1) side of a double face sign structure shall be considered.

Site Improvement: Any man-made alteration to a parcel of land for purposes of preparing the land for future construction, the actual construction of structures or paved surfaces and/or the planning or installation of permanent landscaping.

Site Plan: The development plan for one or more lots or parcels on which is shown the existing and proposed conditions of the lot(s) or parcel(s) including all of the requirements set forth in this Code.

Slope forests: Slope Forests are mesic ecological communities characterized as well-developed, closed canopy forests of upland hardwoods on steep slopes, bluffs and ravines. In unaltered areas, pinelands often transition into slope forests at the upper elevations, and slope forests transition into bottom land forest, seepage slope, or floodplain communities at the lower elevations.

Solar access: The access of a solar energy system to direct sunlight.

Solar collector: A device, structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy System: A set of components that can collect, store and convert solar energy for the purpose of providing electric generation, water heating, pool/spa heating, space heating or space cooling as an accessory use to a permitted principal use.

Solar Farm: (See Solar Power Generation Facility)

Solar Power Generation Facility: A production facility for electric power that utilizes photovoltaic modules (panels) to convert solar energy to electricity whereby all of the electricity that is produced is consumed off-site and is distributed and sold by an electric utility provider. Solar generation stations typically utilize photovoltaic solar cells, but can also be a combination of light reflectors, concentrators, and heat exchangers. A solar generation station is also known as a solar farm, solar power plant, solar generation plant, solar photovoltaic farm or park, solar power plant or solar thermal power plant. It is generally the principal use of the property.

Special Exception Uses: A use that is not prohibited within a particular Future Land Use Category but may not be generally appropriate unless it is demonstrated that the use will comply with special criteria and standards for location and operation of such use.

Special Flood Hazard Area (SFHA): An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. For the purpose of determining Community Rating System (CRS) premium discounts, all AR and A99 zones are treated as non-SFHAs.

Spectator Activities: Those outdoor recreational activities which are carried on primarily for the visual benefit of others rather than for the direct enjoyment of the active participants, such as stadium sports, horse races, etc.

Start of Construction: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348)). Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one-hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as rough grading, the pouring

of slabs or footings, installation or piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement per Subsection 7107.C., the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the next floor above it, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than fifty (50) percent

Street: A thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

Street line: See right-of-way.

Structure: A walled and roofed building, a manufactured home, storage facilities or units, or other man-made facilities or infrastructures.

Structure, accessory: A structure which is on the same parcel as a primary structure and the use of which is incidental to the use of the primary structure.

Structure, primary: A structure(s) that houses the primary use on a parcel or lot.

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

Substantial improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building or sign. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. 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 building. The term does not include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

Substantially improved existing manufactured home parks or subdivisions: The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

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

Subdivision (exempt) (also see immediate family): A subdivision of land in which the transfer of title passes as a result of gift to immediate family members or by inheritance or court decision, provided that such subdivision does not involve a planned unit of development, any new street, or the extension of a municipal utility or municipal facility. Beneficiaries under this subsection shall meet all the requirements contained the subdivision design and improvement standards sections contained in this Code.

Subdivision, Cluster or Conservation: A subdivision where a reduction in lot area and bulk regulations, is permitted provided there is no increase in the overall allowable density of the development, so that the remaining land area may be devoted to open space, recreation, or preservation of environmental resources.

Substantial Deviation: Any change to a previously approved site plan, subdivision plat, or other approved development order not previously reviewed by the County that falls within the substantial deviation thresholds outlined in this Code.

Surveyor: A Florida registered land surveyor.

Swale: A manmade trench which:

- (1) Contains contiguous areas of standing or flowing water only during or following a rainfall event;
- (2) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and
- (3) Is designed to take into account the tendency of the soil to erode , soil percolation, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Tavern/Bar: A building or part of a building used or designed primarily for the sale of alcoholic beverages on the premise. Tavern shall also include a private club, the primary purpose of which is to sell alcoholic beverages to its customers or members on-premise. A tavern must comply with all rules and regulations of the State of Florida concerning sale, possession and consumption of alcoholic beverages.

Technical Tree Removal: Any tree that is damaged as a result of pre-construction or construction activities, that is not killed outright but has sustained damage to more that fifteen percent (15%) of its bark circumference, or has sustained root damage within the Critical Protection Zone shall be considered to be technically removed.

Tree, champion: Those trees that have been identified by the Florida Division of Forestry as being the largest of their species within the State of Florida or by the American Forestry Association as the largest of their species in the United States.

Tree, Canopy: A deciduous tree, rarely an evergreen, that is planted primarily for its high crown of foliage or overhead canopy. May also be referred to as a shade tree.

Tree, Protected: Any tree, except for Genus Pinus (pine trees) that has attained a Diameter at Breast Height, DBH, of twenty inches (20") and is free of disease or major structural defect or any Champion Tree shall be considered a protected tree. On Corridor Roads, a protected tree is any tree, except for genus pinus (pine trees) that has attained a DBH of eight inches (8").

Tree, specimen: A tree which has been identified by the county to be of notable interest or high value because of its age, size, species, condition, historic association, or uniqueness.

Tourist home: See Guest house.

Tower, Camouflaged A communication tower designed to unobtrusively blend into the existing surroundings and be disguised so as not to have the appearance of a communication tower.

Tower, Communication: Any structure that supports communication equipment. The term communication equipment shall not include amateur radio operators' equipment, including citizen band (CB), ham radio operations, VHF Marine, broadcast tower's for radio or television, or communication towers utilized by rural electric cooperatives for the provision of essential services which include, water, wastewater, natural gas and electric, or communication towers utilized for two way radio communication where the communication is between the base and the individual radio unit, and other similar operators.

Towing service: An establishment that provides services for the removing of an automobile by towing, carrying, hauling or pushing from public or private property. Towing services may be provided as part of an automobile servicing use. Towing services shall not include the outdoor storage of towed vehicles for more than 24 hours unless they are part of an automobile servicing use.

Undisturbed area: An area which is left in its natural state with the exception that shrubs, weeds, and other undergrowth having a diameter of less than three inches (3"), measured at a Diameter Breast Height of four and one half feet (4.5') above ground level, may be removed.

Unified control: As applied with respect to planned unit developments, this phrase shall mean ownership of the entire tract at the time of application by one (1) person, firm, partnership, corporation or joint venture; or ownership by such person or entity of an enforceable, recorded option or options to purchase the entire tract.

Unrecorded Plat: Any sketch, survey or other description of a subdivision that has not been recorded with the County Clerk. (Individual lots may have been recorded by metes and bounds.) If any such document has been created prior to the adoption of the Land

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Development Code's first effective date and no lots have been purchased by that date, it shall be considered invalid as a legal instrument.

Used car junk yard: A lot or group of contiguous lots used for the dismantling or wrecking of used automobiles or the storage, sale, or dumping of dismantled or wrecked cars or their parts.

Utility/Utilities: Man made systems that supply the basic necessities for habitation. This includes but is not limited to retail provision of water systems, sewer systems, natural gas and power supply.

Utilities, Class I: Transmission lines, whether subterranean or overhead: including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drainfields; effluent disposal systems for septic tank; cable television and telephone transmission lines; and similar utility lines.

Utilities, Class II: Booster stations, pumping stations, switching facilities, substations, package plants and effluent disposal systems, lift stations, or other similarly required facilities in connection with telephone, electric, steam, gas, water, sewer or other similar utilities.

Utilities, Class III: Production or treatment facilities such as sewer treatment plants, water treatment plants, elevated water storage towers; non-accessory ground storage tanks, or similar facilities. **This definition does not include power generation plants or facilities.**

Use: The purpose for which a parcel, site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged for which either a site or a structure is or may be occupied or maintained.

Variance: A grant of relief from the requirements of this Code.

Vested lot of record: Any parcel of land which has been legally recorded in the office of the Clerk of the Court prior to the adoption of the Comprehensive Plan on November 26, 1991.

Warehouse (distribution): A use engaged in distribution of manufactured products, supplies, and equipment.

Warehouse (storage): A use engaged in storage of manufactured products, supplies and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Water System, Central: A public or private water system created to serve more than two (2) structures or dwelling units. This system must be approved and regulated by the Environmental Health Department and/or F.D.E.P.

Wetlands: Those areas that are inundated or saturated by surface water or ground water 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.

Wholesale sales (all uses): Establishments or places of business primarily engaged in selling

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merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers. The term "wholesale establishment" does not include office or retail sales of business supplies/office equipment.

Yard: An open space on the same lot with a building, which is the area between the primary structure and the parcel or lot line.

Yard, front: A yard across the full width of the lot, extending from the front line of the primary structure to the front line of the lot or parcel, excluding steps, but including all porches closed, unclosed or covered.

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