

LAND DEVELOPMENT CODE

CHAPTER 2

LANGUAGE AND DEFINITIONS

Section 2.1 Construction of Language.

The following rules of construction apply to the text of this Code:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this Code and any caption or illustrative table, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "maintained for" or "occupied for."
- (7) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (8) Unless the context clearly indicates a contrary meaning, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:
 - (a) "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - (c) "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (9) 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.
- (10) The word "lot" includes the words "plot", "parcel", "tract", or "site".
- (11) These definitions shall only apply to Madison County.

Section 2.2 References to other legislation.

Any reference made in this Code to any other local, state or federal legislation, rule or regulation, including all state statues and local building and technical codes, shall be interpreted to mean the most recent version

of said legislation, rule or regulation which is in effect at the time in question, including all amendments thereto.

Section 2.3 Variations in district symbols or names.

Minor typographical variations in the symbols or names describing the land use districts established in this Code and designated on the official Future Land Use Map may be corrected by resolution of the County Commission and shall not be deemed to affect the validity of the regulations applicable to said districts so long as the purpose and intent of said designations is clear.

Section 2.4 Definition of terms.

- (1) Words used in this Code shall have their ordinary dictionary meaning unless otherwise defined in the Code.
- (2) Certain words and terms are specifically defined within the various chapters of this Code. Such definitions shall supersede the general definition or use of the word or term in this section and any other section where the subject is clearly related. Otherwise, generally accepted definitions or definitions herein shall prevail.
- (3) For the purposes of this Code, the following terms shall have the meanings set forth in this section unless otherwise indicated by the context:

Abut: means to physically touch or border upon, or to share a common property line.

Abutting property: Any property that is immediately adjacent to or contiguous to another property.

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

Accessory use or Structure: Is a use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, on the same premises. On the same premises with respect to accessory uses and structures shall be construed as meaning on the same lot or on a contiguous lot in the same ownership. Where a building is attached to the principal building, it shall be considered a part thereof, and not an accessory building.

Acid Well Stimulation Treatment means a Well Stimulation Treatment that uses, in whole or in part, the application of one or more acids to the well or underground geologic formation with the intent of enhancing the production of oil or gas from the well. The Acid Well Stimulation Treatment may be at any applied pressure and may be used in combination with Hydraulic Fracturing Treatments or Other Well Stimulation Treatments. Acid Well Stimulation Treatments include, but are not limited to, acid matrix stimulation treatments and acid fracturing treatments.

Addition (to an existing building): means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adult Congregate Living Facility (ACLF): means a type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes. An ACLF shall not include a "Nursing Home". An ACLF housing fourteen or fewer residents shall be a "Community Residential Home".

Adverse Impact: means any impact which would be counter to the purpose and intent or to the specific provisions of this Chapter. For the purposes of this Chapter, the following are examples of adverse impacts:

1. any significant reduction in the quality of surface water reaching a wetland, a body of water (other than a body of water specifically created to treat runoff), including increases in suspended sediments, pesticide residues, or other pollutants which would affect the ability of the wetland or other water body to continue to function in its natural state; OR
2. any significant increase or reduction in the quantity of surface water reaching a wetland or other body of water, such that the increase or reduction would affect the ability of native plant and/or animal species to continue to thrive; OR
3. introduction of incompatible land uses in close proximity to a Natural Resource Management Area, such that the activities associated with the adjoining land uses would threaten the natural operation of the Natural Resource Management Area.
4. operation of activities and/or handling of hazardous materials in such a way as to increase the potential for pollution of aquifers supplying potable water; OR
5. introduction of incompatible land uses and/or structures or disturbance of historically significant structures in such a way as to reduce the cultural, historical, aesthetic, and/or educational value of such structures or of archeological sites.

The nature and extent of what constitutes an "adverse impact" is a function of the nature and extent of the Natural Resource Management Area in question. Generally, all development activities located within five hundred (500) feet of a Natural Resource Management Area shall be reviewed to determine if they create an adverse impact.

Aggrieved or Adversely affected person: Any person or local government which will suffer an adverse effect to an interest protected or furthered by the Comprehensive Plan, including interests related to health and safety; police and fire protection service systems; densities or intensities of development; transportation facilities; health care facilities, equipment or services; or environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, aquaculture, silviculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Agricultural Processing: means a permanent industrial use specifically associated with producing, harvesting or processing of agricultural products, as opposed to the growing of such products or the incidental on-site processing of such products.

Airport or airstrip: Any runway, landing area or other facility designed and used, either publicly or privately, by any person, for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings and open spaces.

Alcoholic beverage establishment: Any establishment devoted primarily to the retail sale of alcoholic beverages for consumption on and/or off the premises.

Alley: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Alteration: Alter or alteration shall mean any change in size, shape, occupancy, character, or use of a building or structure.

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

Animal hospital: See: Veterinary clinic or hospital.

Apartment house: See: Dwelling, multifamily.

Appeal: means a request for a review of the County Administrator's interpretation of any provision of this Land Development Code or a request for a variance.

Applicant: The record owner of land which is the subject of a request for a change in land use, a conditional use, a variance, a home occupation permit or an appeal, or for approval of a subdivision plat or other land development approval, or the authorized agent of such owner.

Area of Shallow Flooding: means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Arterial Streets: Streets which conduct large volumes of traffic over long distances and are functionally classified as such on the Future Traffic Circulation Map of the Madison County Comprehensive Plan.

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

Automobile or automotive vehicle: A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to the following: Passenger cars, trucks, buses, motor scooters and motor cycles, but not including construction equipment or machinery.

Automobile Repair: means a use providing for major repairs such as (but not limited to) body work, frame straightening, major mechanical repairs, painting, welding, or tire recapping, and may include towing services, and long term storage of operable or inoperable vehicles in an enclosed building. This category does not include junkyard. This category addresses servicing and repair of automobiles and light trucks, and does not include large trucks or other mechanical equipment.

Automobile service station: Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuel, oils or accessories, and in connection with which is performed general automotive servicing, as distinguished from automotive repairs. Uses permissible at an automobile service

station do not include body work, straightening of body parts, painting, welding, storage or automobiles not in operating condition, or other work involving undue noise, glare, fumes, or smoke.

Automotive repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles, and wherein an automobile service station may also operate.

Automotive wrecking or salvage yards: The dismantling or wrecking of used motor vehicles, mobile homes or other vehicles, or the storage, sale or dumping of such wrecked or dismantled vehicles or parts.

Bar: means an establishment having a bar and tables set up at all times and used for serving alcoholic beverages with or without food, and includes uses described as "lounges" or "taverns".

Base Flood: means the flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

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

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

Bicycle and Pedestrian Ways: Any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

Billboard: See: Signs

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

Board: The Madison County Board of County Commissioners.

Board of Adjustments & Appeals: The Madison County Board of Adjustments & Appeals hears administrative appeals and applications for variances, administrative appeals and conditional uses under the provisions of this Code.

Boarding house, rooming house or lodging house: A building where lodging only is provided for compensation to three (3) or more persons, but not exceeding twenty (20) persons shall be defined as a hotel under the terms of this section.

Boatyard: A commercial or nonprofit boat basin with facilities for the sale, construction, repair, launching, storing, berthing, securing, fueling or general servicing of marine craft of all types.

Bond: Any form of security, including cash deposit, instrument of credit, collateral bond, surety or property, in an amount and form satisfactory to and approved by the County Commission, used for the following:

- (a) Maintenance bond: Upon issuance of a certificate of completion or when required improvements are installed prior to recording a plat surety must be posted in the amount of

at least ten (10) percent of the professional engineer's estimate of the cost of improvements. The condition of this obligations is that the local government will be protected against any defect caused by faulty materials or workmanship in these improvements for a period of at least one (1) year.

- (b) Performance bond: When required improvements are installed after recording a plat, surety must be posted in the amount of at least one hundred ten (110) percent of the engineer's or building and zoning official's estimate of completion costs, including landfill, to ensure completion.

Borrow pit: An excavation from which natural materials are removed for commercial use elsewhere, leaving a hole (pit).

Boundaries: Where a map is incorporated into this Code and used in connection with its administration, boundaries on such map which are shown as following or approximately following a street, utility line, railroad, river or stream, or other similar linear feature shall be construed as following the centerline of that feature. Boundaries which are shown as following or approximately following any platted lot line or other property line, or a section line, half-section line, or quarter-section line shall be construed as following such line.

Breakaway Wall: means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Buffering: See: Screening.

Building: A building is any structure, either temporary or permanent, having a roof impervious to weather, and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, or vehicles serving in any way the function of a building as described herein. This definition of a building does not include screened enclosures not having a roof impervious to weather.

Building, accessory: A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises.

Building official: The Madison County Building Inspector.

Building coverage: See: Lot coverage.

Building height: The vertical distance measured from the existing average grade elevation at the base of each side of the structure to the highest point of each side of a building or structure. When applied to a building, height shall be measured to the highest point of the coping of a flat roof or to the average height level between eaves and ridge for gable, hip, or gambrel roofs. Rooftop equipment shall be added to the measurement of the height of a building, as determined above, if the equipment extends more than four (4) feet above the highest portion of the roof except that the height of communication antennas added to the above the highest portion of the roof except that the height of communication antennas added to the roof of a building shall not be included in measuring the height of a building.

Building line: A line establishing the minimum allowable distance between the nearest portion of any building and the street right-of-way line or street widening setback line, where applicable, when measured perpendicularly thereto.

Building permit: A permit authorizing the actual erection of a building or structure or component thereof. A building permit is also a "development permit" as defined below.

Building, principal: A building in which is conducted the main or principal use of the lot or parcel on which said building is situated. In a residential district, any dwelling shall be deemed the principal building on the lot on which the same is situated. An attached carport, shed or garage, or any other structure with one or more walls or a part of the principal building and structurally dependent, totally or in part, on the principal building, shall be deemed a part of the principal building, but a detached and structurally independent carport, garage or other structure shall be deemed an accessory building.

Building setback line: A line establishing the minimum allowable distances between the nearest portion of any building and the street right-of-way line or street widening setback line, where applicable, when measured perpendicularly thereto.

Carport: A private garage not completely enclosed by walls or doors.

Car wash: An area or land or a structure with machine- or hand-operated facilities, used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

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

Centerline, street: A line running parallel with the right-of-way of a highway, which is half the distance between the extreme edges of the official right-of-way width.

Certificate of Occupancy: The certificate issued by the Building Official subsequent to final inspection indicating that all improvements have been completed in conformity with the requirements of all building codes, the requirements of this Code or the subdivision regulations, if applicable, and the approved constructions plans and specifications.

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

Change of occupancy: Discontinuance of an existing use and the substitution thereof of a use of a different land or class. This term does not include a change of tenants or proprietors unless accompanied by a change in type of use.

Child care center: Any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building.

Church: A building used for nonprofit purposes by a recognized or established religion as its place of worship, including a residential area for the pastor or minister of a sect.

Clerk: The Madison County Clerk of the Courts.

Clinic, Dental or Medical: means a facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions. This category includes a doctor's office, or the office of a group practice, as well as an emergency care facility. This category shall not include a hospital.

Club or Community Use: means any lodge or club, facility for a fraternal or benevolent association, or community center or civic association facility.

Club, night: A restaurant, dining room, bar or other similar establishment providing food or refreshments wherein paid floor shows or other forms of paid entertainment are provided for customers as part of the commercial enterprise.

Club, private: Any lodge or club, as defined in Florida Statutes Section 561.20(7), which includes:

- (a) Subordinate lodges or clubs of national, fraternal or benevolent associations.
- (b) Golf Clubs and tennis clubs municipally owned or leased.
- (c) Nonprofit corporations or clubs devoted to promoting community, municipal or county development or any phase of community.
- (d) Clubs fostering and promoting the general welfare and prosperity of members of showmen and amusement enterprises.
- (e) Clubs assisting, promoting and developing subordinate lodges or clubs of national fraternal or benevolent associations.
- (f) Clubs promoting, developing and maintaining cultural relations of people of the same nationality.

Collector Streets: Streets which serve as the connecting link for local streets and arterials, and or generally classified as follows:

- (a) Collector Street, Minor: The traffic characteristics generally consist of relatively short trip lengths with moderate speeds and light volumes of traffic primarily from local streets to major collector streets.
- (b) Collector Street, Major: The traffic characteristics generally consist of medium volumes of traffic with medium speeds collected largely from minor collector and local streets and delivered to arterial streets. The trip lengths are generally longer than for minor collector streets.

In addition, collector streets are functionally classified as such on the Future Traffic Circulation Map of the Madison County Comprehensive Plan.

Commercial Use: means any use involving trade with the general public, as opposed to the manufacture or wholesale distribution of goods (also see Ch 4 for examples of general and high intensity commercial use activities).

Commercial Use, Neighborhood Scale: means general commercial uses of a neighborhood convenience nature intended to serve the daily needs of the surrounding neighborhood, including retail commercial, professional, office, personal services, financial services, and the sale of automobile fuel.

Communication Antennas: means an antenna, appurtenant to a structure, designed to transmit and/or receive communications authorized by the Federal Communications Commission (FCC). The term “communication antenna,” shall not include antennas utilized by amateur operators licensed by the FCC, or residential receiving antennas.

Communication tower: means a principal structure which is principally intended to support communication equipment for telephone, radio and similar communication purposes. The term, “communication tower” shall not include towers not exceeding seventy-five (75) feet in height. Communication towers are generally described as either monopole (free standing), lattice (self-supporting), or guyed (anchored with guy wires or cables). The term “communication antenna,” shall not include antennas utilized by amateur operators licensed by the FCC, or residential receiving antennas.

Community Residential Home, Major: means a dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative services, which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Community Residential Home, Minor: means a community residential home designed to serve fewer than seven (7) residents.

Community-based residential facilities: The following uses:

- (a) Emergency shelter: Any residence, dwelling, building or other place providing room and board and protection, counseling or preplacement screening for three (3) or more abused adults, children or similar persons not related to the owner by law, blood, marriage or adoption, with the average stay per person less than thirty (30) days and provided that such services shall not include intensive treatment or therapy.

For the purposes of this Code, the term "emergency shelter" shall not be deemed to include group care homes, family care homes, residential treatment facilities, or recovery homes.

- (b) Emergency home shelter: Any dwelling providing room and board and protection, preplacement screening or counseling for one (1) or two (2) abused children, abused adults or similar persons not related to the owner of the premises by law, blood, marriage or adoption, for a period not to exceed an average stay of thirty (30) days per person, but such services shall not include either intensive treatment or therapy.

For the purposes of this Code, the term "emergency shelter home" shall not be deemed to include group care homes, family care homes, residential treatment facilities, or recovery homes.

- (c) Family care home: Any dwelling occupied by six (6) or fewer persons, including staff, whether operated for profit or not, which provides for a period exceeding twenty-four (24) hours, one (1) or more personal services for persons who require such services not related to the owner or administrator by law, blood, marriage or adoption, and not in foster care. The personal services, in addition to housing and food services, may include but not be

limited to personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related services, but not including medical services.

For the purposes of this Code, the term "family care homes" shall not be deemed to include rooming or boarding homes, fraternities, sororities, clubs, monasteries or convents, hotels, emergency shelters, residential treatment facilities, recovery homes or nursing homes.

- (d) Group care home: Any dwelling, building or other place occupied by seven (7) or more persons, including staff, whether operated for profit or not, which provides for a period exceeding twenty-four (24) hours one (1) or more personal services for persons unrelated to the owner or administrator by law, blood, marriage or adoption, and not in foster care, who require such services. The personal services, in addition to food and housing services may include personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related services, but not including medical services.

For the purposes of this Code, group care homes shall not be deemed to include rooming or boarding homes, fraternities, sororities, clubs, monasteries or convents, hotels, emergency shelters, residential treatment facilities, recovery homes or nursing homes.

- (e) Recovery home: A group residential facility with one (1) or more supervisors living on-premises conducted as a family home with professional staff services as needed providing board, lodging, supervision, medication and other treatment and counseling for persons progressing from relatively intensive treatment for crime, mental or emotional illness, delinquency, alcoholism, drug addition or similar conditions in need of a structured environment to deal with such conditions.

For the purposes of this Code, a recovery home shall not be deemed to include a residential treatment facility, group care home, family care home, nursing home, hospital, emergency shelter or emergency shelter home.

- (f) Residential treatment facility: Any residential establishment, other than a hospital or nursing home, providing relatively intensive diagnostic or therapeutic services for its residents for alcoholism, drug abuse, mental illness, emotional problems, developmental disabilities or similar conditions.

For the purposes of this Code, a residential treatment facility shall not be deemed to include a nursing home, hospital, group care home, family care home or emergency shelter but it may have a recovery home component or outpatients.

Comprehensive Plan or plan: The Madison County Comprehensive Plan, which was adopted by ordinance pursuant to Chapter 163, Florida Statutes and, as amended, serves as the legal guideline for the future development of property in Madison County.

Conditional use: See Special Exception.

Congregate living facility (adult): Any institution, building or buildings, residence, private home, boarding home, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours one (1) or more personal services for four (4) or more adults who require such services not related to the owner or administrator by blood or marriage. The term "personal services" means service in addition to housing and food service, and includes but is not limited to personal assistance with bathing, eating, dressing,

housekeeping, supervision of self-administered medicines and assistance with securing health care from appropriate sources.

Conservation Use: means a use intended to preserve the natural condition of land or water, including buffering of natural areas from other uses. Conservation uses include, but are not limited to, preserves for vegetation and wildlife habitat, habitats for threatened and endangered species or species of special concern, wetlands, sensitive shorelines, and archaeological and historical sites. The definition includes certain activities and improvements which are consistent with the use and protection of conservation areas.

Construction permit: The permit to begin construction of improvements according to the construction plans and specifications approved by the local government.

Construction plans: the drawings and specifications accompanying a subdivision plat and showing the specific location and design of subdivision improvements to be installed in the subdivision. Construction plans shall be certified as being in compliance with the provisions of this section by a properly licensed, professional engineer registered to practice in the State of Florida. The engineer shall sign and place his seal on the construction plans.

Convalescent home: See: Congregate living facility, adult.

Convenience store: A building or portion of a building occupied by an establishment primarily engaged in retail sales of new merchandise and goods in less than bulk quantities directly to ultimate consumers on the premises and not for resale, and further characterized by the stocking and retail sale of merchandise, goods and items which are fairly inexpensive and which are purchased by the consumer on a frequent and often a daily basis.

Conservation Use: means a use intended to preserve the natural condition of land or water, including buffering of natural areas from other uses. Conservation uses include, but are not limited to, preserves for vegetation and wildlife habitat, habitats for threatened and endangered species or species of special concern, wetlands, sensitive shorelines, and archaeological and historical sites. The definition includes certain activities and improvements which are consistent with the use and protection of conservation areas.

County Commission: County Commission of Madison County.

County Administrator / County Coordinator / Administrative Assistant: The County Administrator / County Coordinator / Administrative Assistant signify the title of the chief administrative official for the Madison County Board of County Commissioners.

County Development Review Committee: The County Development Review Committee is authorized by the Madison County Board of County Commissioners to review and act upon certain development applications in accordance with the applicable Chapters of this Code.

County Engineer: A person or firm currently licensed and registered to practice engineering in the State of Florida and retained by Madison County to oversee the appropriate provisions of this section.

County Health Department: The HRS/Madison County Health Department.

Coverage, Lot: Lot coverage means the percentage of a total lot or parcel that is:

1. Occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or

2. Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any manmade material.

Cul-de-sac: A local street of relatively short length with one end open and the other end terminating in a vehicular turnaround.

Dedication: The deliberate transfer of land by its owner for any general or public use, usually with an eventual view toward transfer of ownership and management to the County.

Density: The number of residential dwelling units permitted per acre of land including preserved wetlands and exclusive of dedicated public rights-of-way, canals, drainage ditches, lakes and rivers.

Density, Gross: The total number of dwelling units on a lot divided by the gross site area less all permanent water bodies.

Density, Net: The total number of dwelling units within a residential project site divided by the net land area of the phase(s).

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

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

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

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

Development Administrator: County Administrator/County Coordinator/Administrative Assistant or any other individual so designated by the Board of County Commissioners.

Developer: Any person, including a governmental agency, undertaking any development as defined in Chapter 380, Florida Statutes.

Development agreement: An agreement entered into between the County and a developer specifying certain of the terms and conditions under which the development will proceed and executed pursuant to the provisions within such agreement.

Development approval: See: Preliminary Development Approval.

Development order: See: Final Development Order.

Development rights: The number of residential dwelling units or the amount of commercial or industrial square footage which may be constructed on a particular parcel or lot as specified in the land use district regulations.

Development stage: A specified portion of a development that may be developed as an independent, freestanding entity with road access, drainage and utilities and other improvements required for a preliminary plat or site plan, whichever is applicable.

Disposal: Disposal, when used in connection with hazardous waste, means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or upon any land or water so that such hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwater, or otherwise enter the environment.

District: Any section or sections of Madison County for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

Domestic Wastewater Facility: A wastewater collection, treatment, and disposal system approved by the Department of Environmental Regulation in accordance with Rule 17-6, F.A.C.

Dormitory: A building where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one (1) room, or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity/sorority houses, military barracks, correctional, and treatment facilities.

Dwelling: Any building or portion thereof, including modular factory-built homes, which is designated for or used for residential purposes but not including a trailer coach or converted trailer, hotel, motel, lodging house or boarding house. Mobile homes are regulated separately from other single-family dwellings concerning the provisions this Code.

Dwelling, attached: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, detached: A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, Mobile Home: A dwelling unit built prior to June 15, 1976, transportable in one or more sections, which structure is 8 body feet or more in width and over 35 feet in length, and which structure is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Dwelling, multifamily: A residential building designed for or occupied exclusively by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, single-family: A private residential building used or intended to be used as a home or residence in which the use and management of all sleeping quarters and appliances for sanitation, cooking, heating, ventilation, and lighting are designed primarily for the use of one (1) family unit, and with partitioning so that any substantial interior portion of the dwelling may be reached without resort to exterior access, and so that the building has one (1) kitchen and one (1) electrical meter.

Dwelling, two-family (duplex): A residential building designed for or occupied by two (2) families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling unit: A dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

Easement: Any strip of land created by a subdivider for public or private utilities, stormwater management, sanitation, or other specified uses having limitations, the titles to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Eating and drinking establishments: A building, or portion of a building, occupied by an establishment in which a person or persons practice a vocation that performs a type of labor, act or work that primarily results in the preparation and retail sale of food or beverages directly to the ultimate consumer on the premises and not for resale.

- (a) **Restaurant:** An eating and drinking establishment designed to serve primarily walk-in or pedestrian-oriented customers. Such establishments normally contain a considerable amount of indoor eating space and tables and specialize in foods and/or beverages that are consumed on the premises within the principal building itself. While automobile off-street parking space is normally included on the premises, it does not constitute a major service factor in the function of the establishment.
- (b) **Drive-thru restaurant:** An eating and drinking establishment designed primarily to provide for the quick, efficient and convenient ordering and dispensing of food and beverages to automobile-oriented customers. Such establishments normally contain little indoor eating space and few tables and normally specialize in carry-out purchases often consumed outdoors on the premises, within automobiles or off the premises entirely. Off-street parking and automobile access to the premises normally constitute a major service factor in the function of the establishment.

Educational Facility: A structure erected for the purpose of providing training and/or schooling.

Elevated building: means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

Emergency shelter: See: Community-based residential facilities.

Emergency shelter homes: See: Community-based residential facilities.

Emission: The act of passing into the atmosphere an air contaminant or gas stream which contains or may contain a contaminant or the material so passed into the atmosphere.

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

Engineer: The term engineer shall mean a Professional Engineer registered to practice engineering under Chapter 471, Florida Statutes, as amended, and who is in good standing with the Office of the Board of Professional Engineers of the Florida Department of Professional Regulation.

Environmental Impact Statement: A report providing a full and fair discussion of significant environmental impacts consistent with the National Environmental Policy Act of 1969, as recommended (Pub. L. 91-190, 42 U.S.C. 431 et. seq.) (NEPA or the Act).

Environmentally Sensitive Lands: Lands located within the unincorporated areas of Madison County which are characterized by one or more of the following:

1. Specific designated areas located within the one-hundred year flood plain of a stream, river, lake or depression, and possibly including the boundary or shoreline area associated with such floodplain. For the purposes of this Code, the one-hundred year flood plain area shall be as shown on the Flood Insurance Rate Map issued under the National Flood Insurance Program administered by the Federal Emergency Management Agency, and boundary or shoreline areas shall be those areas located within fifty (50) feet of the one-hundred year flood plain.
2. Located within a wetland (connected or isolated) and including wetland fringe areas which are essential for maintaining the hydro-period of the wetland. For the purposes of this Code, wetlands shall be as established by the Florida Department of Environmental Protection and/or Madison County.
3. Located within a known or suspected archaeological site which is eligible for listing on the National register of Historic Places. For the purposes of this Code, a site will considered eligible if it is listed on the National Register of Historic Places or if it is included on the Master Site File maintained by the Bureau of Historic Preservation, Florida Secretary of State.

Note: environmentally sensitive lands are to be distinguished from Environmentally Sensitive Areas, which are specifically identified on the Comprehensive Plan Land Use Plan Map as Environmentally Sensitive Areas (E1 and E2).

Essential Services: Essential services include and are limited to water, sewer, natural and propane gas, solid waste collection and disposal, telephone, television, radio, electrical systems (including all transmission lines at substations) and telecommunication towers.

Existing building and existing structure: Any buildings and structures for which the “start of construction” commenced before May 3, 2010. [Also defined in FBC, B, Section 1612.2.]

Existing Construction: means any building for which the "start of construction" commenced before (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or the effective date of this Code.

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 May 3, 2010.

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).

Exotic Animals: Wildlife, because of its nature, habits or status, shall not be possessed as a personal pet and, furthermore, is considered to present a real or potential threat to human safety.

Expansion to an existing manufactured home park or subdivision: means 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).

Family: One or more persons occupying a single dwelling unit provided that unless all members are related by law, blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families.

Family care home: See Community-based residential facilities.

Family homestead: Residential dwelling unit for an individual(s) who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual(s).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Fill: Any materials deposited for the purpose of raising the level of natural land surface.

Filling station: See: Automobile service station.

Final development order: (Same as Final Development Permit) An order issued by the County Administrator following preliminary development approval as set forth in this Code and which authorizes a specific land use or land development activity, and further authorizes the issuance of the necessary development permits.

Flood or flooding: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

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

Flood Insurance Rate Map (FIRM): means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management

Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator: The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval: An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

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

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

Floor: means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area ratio: A measure of the intensity of the site being developed. The ratio is generated by dividing the building area by the parcel area.

Floor Area Ratio = (Total covered area on all the floors of a building on a parcel) / (Area of the parcel)

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

Foster home: Any establishment that provides care for fewer than five (5) children unrelated to the operator for a payment, fee or grant for any of the children receiving care, whether operated for profit or not.

Frontage: See: lot frontage.

Functionally dependent facility: means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Garage apartment: A dwelling unit for one family erected above a private garage.

Garage, private: An accessory building or a portion of the principal building, used for storage of automobiles of the occupants of the principal building. A carport is a private garage.

Garage, public or mechanical: A building or portion thereof, other than a private or storage garage, designed or used for the sale, storage, servicing, repairing, equipping and hiring of motor-driven vehicles. Body work and painting shall be conducted within fully enclosed buildings. Self-propelled vehicles not in safe operating condition shall be stored in fully enclosed buildings.

Garage, repair: See: Automotive repair.

Garage storage: A building or portion thereof designed or used exclusively for the storage or parking of automobiles; services other than storage at such storage garage shall be limited to refueling, lubrication, washing, waxing and polishing.

Garden apartment: See: Dwelling, multifamily.

Gas Station: See Automobile Service Station.

Grade: The finished elevation of a site after all fill, land balancing or site preparation has been completed.

Group care home: See: Community-based residential facilities.

Guest cottage: Living quarters within a detached accessory building located on the same lot or parcel as the main building, used exclusively for housing members of the family occupying the main building and their nonpaying guests. Such quarters shall not be rented or otherwise used as a separate dwelling.

Handicap requirements: Design criteria that respond to the special needs of the handicapped, as specified in the most recently published federal and state guidelines.

Hazardous Substance: means any hazardous or toxic substance (including degradation and interaction products) which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactivity, and toxicity), and/or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristic relevant to a particular material that may cause significant harm to human health or the environment (including surface and ground water, plants, or animals).

Hazardous Waste: means solid waste, or a combination of solid 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. (Section 403.703, F.S.)

Hazardous Waste Management Facility: means any building, site, structure, or equipment used for the disposal, storage or treatment of hazardous waste. (Section 403.703, F.S.)

Hazardous Waste Management: means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes. (Section 403.703, F.S.)

Height of buildings: See: Building height.

High Intensity Petroleum Operation means any or all of the following, as defined in this section: (1) Well Stimulation Treatments and (2) Secondary and Enhanced Recovery Operation.

High Intensity Petroleum Operation Waste Product means water, hydraulic fracturing fluid, acid, natural gas, steam, air, carbon dioxide, nitrogen and other chemical substances (including all solutions and mixtures of the same in any concentration) which have been used for a High Intensity Petroleum Operation or some part thereof. The term *High Intensity Petroleum Operation Waste Product* also includes the particulates and other materials (dirt, sand, gravel, petroleum, etc.) that mix with or dissolve in the above chemical substances while they are being used for a High Intensity Petroleum Operation.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic Building: means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior: or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Historic Structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

Home occupation: An occupation conducted entirely in a dwelling unit, provided that:

1. Only one (1) additional person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of a dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes and under no circumstances shall change the residential character thereof;
3. No change shall be permitted in the outside appearance of the building or premises, and no other evidence of such home occupation shall be visible other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance to the residence; or the sign may be located within ten (10) feet of the principal driveway serving the lot or parcel on which the home occupation is conducted, but it may not be located closer than five (5) feet from the front lot line of the lot or parcel and no greater than two (2) feet in height.

4. Except in agricultural districts, no home occupation shall be conducted in an accessory building. In agriculture districts, home occupations may be conducted in an accessory building provided the floor area devoted to the home occupation does not exceed one thousand (1,000) square feet.
5. No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence, exclusive of the area of open porches, attached garages or similar space not suited or intended for occupancy as living quarters. No rooms which have been constructed as an addition to the residence, nor an attached porch or garage which has been converted into living quarters, shall be considered as floor area for the purpose of this definition until two (2) years after the date of completion thereof.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and the need for parking generated by the home occupation shall be met off the street and other than in the required front yard.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the lot line. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
8. For purposes of illustration, the following uses shall not be considered home occupations:
 - (a) studio for group instruction
 - (b) dining facility or restaurant
 - (c) antique or gift shop
 - (d) photographic studio
 - (e) outdoor repair
 - (f) food processing
 - (g) retail sales
 - (h) child care center.
9. For purposes of illustration, the following uses may be considered home occupations, provided they meet the requirements listed in subparagraphs 1-8 above and other provisions of these land development regulations:
 - (a) Providing tutoring or individual instruction to no more than one (1) person at a time such as art or music teacher;
 - (b) fabrication of articles commonly classified as arts and handicrafts, providing no retail sales are made in the home;
 - (c) custom dressmaking, seamstress, milliner;

- (d) Psychic or spiritual counseling; fortune-telling and similar serving not more than one (1) client at a time;
 - (e) answering telephone;
 - (f) barber or beauty shop limited to two (2) chairs;
 - (g) professional offices.
10. A home occupation shall be subject to applicable occupational licenses and other business taxes.

Hotel, motel, motor lodge or tourist court: A building licensed by the Florida Department of Business Regulation containing individual guest rooms for which daily or weekly lodging is provided as the temporary residence (even for extended periods) of individuals.

House trailer: See: Mobile home.

Hydraulic Fracturing Treatment means a Well Stimulation Treatment that, in whole or in part, includes the pressurized injection of hydraulic fracturing fluid or fluids into an underground geologic formation in order to fracture or with the intent to fracture the formation, thereby causing or enhancing the production of oil or gas from a well.

Impervious Lot or Site Coverage: Limitations on allowable impervious lot or site coverage are established for the following purposes:

- a) To provide sufficient area on each building site for landscaping and open space.
- b) To protect existing vegetation including trees.
- c) Sufficient recharging of aquifer.

Impervious surface coverage: shall be defined as the percentage of the lot land area that is covered with impervious materials such as buildings, swimming pool decks, decks, patios, driveways, etc. Standard engineering coefficients of permeability may be utilized for mixed surfaces. (Also See Lot Coverage)

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations or government organizations.

Industrial Use: Industrial use is activity associated with manufacturing, assembly, processing or storage of goods.

Infrastructure: means roads, potable water facilities; sanitary sewer facilities; drainage facilities; solid waste facilities; and park facilities.

Intensive Agriculture: All areas of concentrated animal density generally associated with dairy cattle operations.

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

Junkyard: A place where junk, waste or discarded or salvaged materials are brought, sold exchanged, stored, baled, packed, disassembled or handled. Junkyards shall include automobile wrecking, house wrecking, and structural steel material and equipment yards, but shall not include places for the purchase or storage of used furniture and household equipment, used cars in operating condition or used or salvaged materials for manufacturing. (See also: Automotive wrecking and salvage yards.)

Kennel, pet: Any lot or premises on which are kept four (4) or more dogs, more than six (6) months of age, for sale or for breeding, boarding or treatment purposes, including a veterinary clinic, animal grooming or pet shop. (Includes Racing Dog Kennels)

Land: The part of the earth's surface that is not covered by water, as opposed to the sea or the air.

Land Area, Gross: The total acreage under private ownership within the perimeter boundaries of a general development site, excluding all conservation areas, jurisdictional wetland areas, natural water bodies below the mean high water elevation, and flood prone areas below a defined elevation of periodic inundation.

Land Area, Net: The Gross Land Area within any approved residential development excluding all lands between the 100-year flood elevation and the mean high water elevation of all natural water bodies and also excluding all fenced stormwater retention tracts.

Land Development Code: For purposes of this Code, "land development regulations: or "regulations for the development of land" include any local government regulation concerning land use designations, building and construction, subdivision of land or other regulations controlling the development of land. Some of these types of local government regulations controlling the development of land within a jurisdiction may be and have been combined into a single document known as the "Land Development Code." The term refers to individual provisions herein as well as the document as a whole.

Landscaping: Any living plant materials such as trees, shrubs, vines, hedges, ground covers of palms, and nonliving durable materials commonly used in landscaping such as rocks, pebbles, sand, walls, fences, berms, sculptures and fountains, or any combination of the above, but excluding paving. Grass is not considered landscaping.

Land Surveyor: A land surveyor registered in compliance with Chapter 472.007 F.S. who is in good standing with the Board of Land Surveyors.

Laundry or dry cleaning, self-service: Any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from or dry cleaning wearing apparel, cloths, fabrics and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer.

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

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

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

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

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

Level of Service: An indicator of the degree of demand for a public facility compared to the amount of capacity provided by that public facility. For roadways, level of service is an indication of the operational characteristics of a facility such as vehicle density, operating speed, freedom to maneuver, and delay.

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

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

Live entertainment establishment: This includes establishments that have singers, pianists, musicians, musical groups, bands, vocal or instrumental performers, dancers, theatrical shows, magicians, comedians and all fashion, form and media of live entertainment carried on and conducted in the presence of and for the entertainment of others, to be distinguished from records, tapes, pictures and other forms of reproduced or transmitted entertainment.

Livestock: All domesticated animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle and poultry.

Living area: The minimum floor area of a residential dwelling unit (as measured by its exterior dimensions) having access from within the main living area, exclusive of carports, porches, sheds, garages and utility rooms which are not within the walls of a dwelling.

Loading space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Local government: The County Commissioners of Madison County and its officers, agents, boards and commissions.

Local planning agency (LPA): The Planning and Zoning Board, which has been designated by ordinance to prepare, monitor and update the Comprehensive Plan, as the Local Planning Agency.

Lot: A parcel, plot or tract of land intended as a unit for the purpose of transfer of ownership or development. However, in no case of division or combination shall any residual lot, parcel, plot or tract be created which does not meet the requirements of these land development regulations.

Lot Coverage: See: Coverage, Lot.

Lot or site area: The horizontal plane area within the lot lines expressed in these regulations in square feet or acres.

Lot, corner: A lot abutting upon two (2) or more streets at their intersection or at a street corner having an interior angle not greater than one hundred thirty-five (135) degrees.

Lot depth: The distance measured from the middle point of the front line to the middle point of the opposite rear line of the lot.

Lot, double frontage: A lot that has frontage the foundation wall line, between the two (2) nonintersecting streets, also called a through lot.

Lot, flag-type: A lot with a lot width which is extremely narrow and extended. For purposes of this Code, flag type lots shall mean lots five (5) acres or less which have a length to width ratio of greater than 3 to 1; and lots more than five acres which have a length to width ratio of greater than 4 to 1.

Lot lines:

- (a) Front: That property line which abuts or faces upon one or more streets, whether by single frontage or double frontage on a corner lot or a through lot.
- (b) Side: Any property line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (c) Rear: That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

Lot frontage: The length of all the property fronting on one side of a street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Lot of record: A lot which is part of a subdivision, the map or plat of which has been recorded in the office of the Clerk of Court of Madison County, or a parcel of land, the deed of which has been recorded in that office

Lot, through: Any lot having frontage on two parallel or approximately parallel streets on highways.

Lot width: The horizontal distance between the side lot lines, measured at the front setback line.

Lot, zero: Any residential development in which the required side or rear yards, or both, are reduced below the applicable minimum yard requirements for conventional development in the applicable land use district, to permit more efficient and effective citing and orientation of homes and private open spaces on the lot.

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

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

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Marina: See Boat yard.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

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

Medical facilities:

- (a) Convalescent, rest or nursing home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- (b) Dental clinic or medical clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions.
- (c) Dental office or doctor's office: Same as dental or medical clinic, including osteopath, oculist, optometrist or chiropractor.
- (d) Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices which are an integral part of the facilities.
- (e) Public health center: A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

- (f) **Sanatorium:** An institution providing health facilities for in-patient medical treatment or treatment and recuperation making use of natural therapeutic agents.

Mini-warehouse: A building or group of buildings in a controlled-access compound that contains individual, compartmentalized access stalls or lockers of equal or varying sizes for the dead storage of a customer's goods or wares.

Mining: means surface mining, rock quarries, strip mining, commercial borrow pits, and any other natural resource extraction activities. Buildings and businesses for the refinement, processing, packaging, and transportation of extracted materials are included in this group of uses. Pre-production and exploratory drilling activities are not included.

Mobile Home Development: means a residential development designed for mobile home residential use, and arranged either as a mobile home park where mobile home units or spaces are rented, or conventional subdivisions where lots are sold for mobile home occupancy. This definition does not include recreational vehicle parks.

Mobile home park: Mobile home park shall mean any site or tract of land, of contiguous ownership which has been or is proposed to be, planned, improved and operated as a business, upon which mobile home spaces are provided for non-transient use. Lots and/or mobile homes within such mobile home parks shall only be offered for rent. Mobile home parks shall be required to comply with all applicable provisions of Chapter 4, (Land Use District), of this Code.

Mobile home space: Mobile home space shall mean a plot of land within a mobile home park designed for the accommodation of one mobile home in accordance with the requirements set forth in this Code.

Mobile home subdivisions: A subdivision of land recorded in the office of the Clerk of Court of Madison County, designed solely for the parking of mobile homes, the lots of which are sold for individual ownership, and which provides dedicated streets, sewers, drainage, parks and other public use area and facilities. Mobile home subdivisions shall be required to comply with all applicable provisions of Chapter 5, Subdivision Regulations, of this Code.

Modular factory-built home (Residential Manufactured Building): A dwelling fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal issued by the Florida Department of Community Affairs certifying that it is built in compliance with the requirements of the Florida Manufactured Building Act of 1979.

Motel: See: Hotel.

Motor Home: See Recreational Vehicle.

National Geodetic Vertical Datum (NGVD): as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

Natural Resource Management Area: means an area located within Madison County which area is characterized by one or more of the following:

1. A wetland (connected or isolated) and including wetland fringe areas which are essential for maintaining the hydro-period of the wetland. For the purposes of this Chapter, wetlands shall be as established under the rules of the Florida Department of Environmental Regulation.

2. A wetland or upland habitat for a species listed as either "threatened" or "endangered" by the Florida Game and Freshwater Fish Commission. For the purposes of this Chapter, the location of habitat areas shall be as established by the Game and Freshwater Fish Commission and/or the U.S. Fish and Wildlife Service based on area-wide studies or studies of individual sites; OR
3. An area within five hundred (500) feet of a potable water wellfield; OR
4. An area within two hundred (200) feet of a historic structure or site or a known or suspected archaeological site which is eligible for listing on the National Register of Historic Places. For the purposes of this Chapter, a site will be considered eligible if it is listed on the National Register or if it is included on the Master Archaeological Site File maintained by the Bureau of Historic Preservation, Florida Secretary of State.

New Construction: For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after May 3, 2010 and includes any subsequent improvements to such structures.

New manufactured home 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 on or after May 3, 2010.

Nonconforming building or structure: A nonconforming building or structure is any building or structure which:

- (a) Does not comply with all of the regulations of this ordinance or of any amendment hereto governing bulk or yards for the land use district in which such building or structure is located; or
- (b) Is designed or intended for a nonconforming use.

Nonconforming use: A nonconforming use is any use of land, buildings or structures, lawful at the time of the enactment of this ordinance which does not comply with all of the regulations of this ordinance or of any amendment hereto governing use for the land use district in which such use is located.

Noxious matter: Material which is capable of causing injury to living organisms by chemical reaction.

Nursing Home: means a facility licensed and regulated by the State of Florida and designed for lodging and provision of extended medical care at a level of care less than that delivered in a hospital, but greater than is available in an adult congregate living facility (ACLF).

Occupied: The term "occupied" includes "used," "designed," "built," "altered," "converted to" or "intended to be used or occupied."

Office building, business or professional: A building providing office space for professional services in law, architecture, engineering, medicine, dentistry, osteopathy, chiropractic or optometry, or any related areas, or consultants in these professions.

Onsite Sewage Disposal System: Any domestic sewage treatment and disposal facility, including standard subsurface systems, graywater systems, laundry wastewater systems, alternative systems or experimental

systems, installed or proposed to be installed on land of the owner or on other land to which the owner or owners have the legal right to install a system, and which has been approved and permitted by the Department of Health and Rehabilitative Service pursuant to Rule 10D-6, F.A.C.

Open Space: A portion of the gross land area unencumbered with any structure, roadway, driveway, off-street parking, or other impervious surface, to include greenbelt/buffer areas, sodded or landscaped yards, and recreation areas.

Outpatient care facilities: An establishment where patients who are not lodged overnight are admitted for examination and treatment by one (1) person or a group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, optometrists, dentists or any such profession, the practice of which is lawful in the State of Florida.

Owner: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other entity having any ownership interest in land.

Parcel: See: Lot.

Park Trailer: A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in 15C-1.0101, F.A.C.]

Parking, handicap: Parking spaces designed and provided in quantities consistent with State and local handicap requirements.

Parking lot, off-street: An area or plot of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.

Parking space: The storage space for one automobile of not less than nine (9) feet by nineteen (19) feet; plus the necessary access space not located in a dedicated right-of-way.

Parking space, Offstreet: For the purposes of these land use regulations, an offstreet parking space shall consist of a space adequate for parking a standard size automobile with room for opening doors on both sides, together with properly related access to public streets or alleys and maneuvering room. Required offstreet parking areas for three (3) or more automobiles shall be so designed, maintained, and regulated so that no parking or maneuvering incidental to parking shall be on any public street or walk and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an offstreet parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but offstreet parking requirements will be considered to be met only where actual spaces meeting the requirements above, are provided and maintained, improved in the manner established by these land use regulations, and in accordance with all ordinances and regulations of the appropriate local government.

Particulate matter: Material which is suspended in or discharged into the atmosphere in a finely divided form either as a liquid or a solid.

Perceived noise level: A method of measuring complex sounds designated in the Journal of the Acoustical Society of America, No. 31, pages 1415-1429, 1959.

Performance Guarantee/Improvement Security: Any security accepted in lieu of the requirement that certain subdivision improvements be made before the Board of County Commissioners authorizes the

recording of a plat; including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Performance standard: A criteria established to control such matters as, but not limited to, noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare and heat generated by or inherent in uses of land or buildings.

Person: Any individual, group of individuals, corporation, partnership, association, or any other entity, including state and local government agencies.

Planning and Zoning Board: The Planning and Zoning Board of Madison County, as herein provided for within this Code.

Plat: A map or delineated representation of the subdivision of lands; being a complete exact representation of the subdivision and other information in compliance with Chapter 177, F.S. and Chapter 5 of this Code, and may include the terms "replat", "amended plat", or "revised plat."

- (a) Preliminary Plat: A preliminary map and accompanying material indicating the proposed layout of the subdivision in accordance with the requirements of Section 5.5.1 of Chapter 5 of this Code. The preliminary plat may encompass two or more phases of the project, each of which may be submitted for final plat approval separately and at different times.
- (b) Final Plat: A map or plan of a subdivision and accompanying material, prepared in accordance with Section 5.5.5 of Chapter 5 of this Code, indicating the subdivision of land and improvements thereto.

Plat of consolidation: A subdivision action for the purpose of consolidating several parcels into a single parcel of land.

Plot: See: Lot.

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

Poultry: All domesticated birds that serve as a source of eggs or meat, including chickens, turkeys, ducks, ratites, quail, pheasants and geese.

Preliminary Development Approval: (Same as Preliminary Development Permit) An action by an agency or agent of Madison County authorizing an applicant for a land development or land use activity to proceed with further submittals and reviews for the purpose of obtaining a final development approval. Preliminary development approval does not confer approval or authorization sufficient to vest any particular land use of development activity.

Principal building or use: A main use of land, as distinguished from an accessory use; the building housing the main or principal use.

Prison/Correctional Facility: For purposes of this Code, a prison/correctional facility shall include the following:

"Public Correctional Facility", which includes both adult and juvenile correction institutions or facilities and/or detention centers or facilities, owned, operated, maintained, and/or leased by the

State of Florida, and means any place of confinement or punishment for a crime under the jurisdiction of the State of Florida Court System, and/or in the custody, care, or supervision of the Florida Department of Corrections, the Florida Department of Health and Rehabilitative Services, or the Florida Department of Juvenile Justice.

"State Adult Correctional Institution or Facility", which includes any prison, road camp, prison industry, prison forestry camp, or any prison camp or prison farm or other correctional facility, temporary or permanent, in which prisoners are housed, worked, or maintained under the custody and jurisdiction of the Florida Department of Corrections.

"State Juvenile Detention Center or Facility", which includes any facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law.

Private landfill: A landfill owned by a private owner.

Professional Service And Office: means business and professional offices, medical clinics, government offices, and financial institutions without drive-through facilities.

Property line: See: Lot line.

Protective covenants: A private agreement that may be recorded in the public records that restricts the use of private property.

Public improvements: Those improvements required to be dedicated to the local government, including street pavements, curbs and gutters, sidewalks, alley and walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, parks, permanent reference monuments, permanent control points or any other improvement required by the County Commission relating to the development of land.

Public Service/Utility Facility: means those facilities from which essential or important public services are provided and include the following uses and uses similar thereto:

1. Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue.
2. Transmission and receiving towers and facilities.
3. Utility facilities, such as water plants, wastewater treatment plants, electricity substations serving 230 KV or greater.
4. Maintenance facilities and storage yards for schools, government agencies, and telephone, electric, and cable companies.
5. LP gas storage and/or distribution facility for over one thousand (1000) gallons.
6. Airports, airfields, and passenger rail or bus terminals.
7. Solid waste transfer and recycling collection facilities.

Public Service/Utility Facility, Essential: means a component of the distribution or collection system for a utility or communication system, such as water and sewer lines, electric lines, telephone or cable television lines, but not including substations, switching stations, or treatment facilities which are defined as "public service/public utility facilities".

Recovery home: See: Community-based residential facilities.

Recreation facility: Public or private areas and facilities designed for passive or active recreational activities, including open spaces, community centers, environmental trails or centers, swimming pools, tennis courts, football/soccer/baseball fields, golf courses, boat ramps or docks without boat yard characteristics and other areas and facilities of a recreational nature.

Recreational vehicle: A vehicle, including a park trailer, which is: [Defined in section 320.01(b), F.S.)

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

Recreational Vehicle Park: definition to match Florida Statutes definition. F.S. 513.01(11) means a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents; and the term also includes buildings and sites set aside for group camping and similar recreational facilities. For the purposes of this chapter, the terms "campground," "camping resort," "RV resort", "travel resort", and "travel park," or any variations of these terms, are synonymous with the term "recreational vehicle park."

Residential lot: means any parcel of land upon which one or more dwelling units are located; which is designated on the County's Adopted Future Land Use Map as a residential land use district; upon which a residential subdivision plat (preliminary or final) has been approved; or which has been designated for residential uses by any other unexpired development order.

Residential treatment facility: See: Community-based residential facilities.

Restaurant: means an establishment where meals or prepared food, including beverages and confections, are served to customers, and including establishments with and without drive-through facilities.

Resubdivision: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map, any area reserved thereon for public use, any lot line, or any map or plan legally recorded prior to the adoption of any regulations controlling the subdivision.

Right-of-Way: Land dedicated, deeded, used, or to be used for a street, alley, or other transportation purposes. Right-of-Way includes the paved street and any unpaved cleared strips on either side.

Ringelmann Chart: A method of designating smoke density or opacity as designed in the U.S. Bureau of Mines Information Circular No 7718 and subsequent amendments thereto.

Rowhouse: See: Townhouse.

Sanitary landfill, garbage: Addition or deposit of any garbage or organic matter upon or within any lot or parcel as regulated by the Florida Department of Environmental Regulation.

Sanitary landfill, nongarbage: Addition or deposit of any dry trash, refuse or solid waste material, upon or within any lot or parcel. Allowed materials shall include tree, shrub and grass cuttings, metal items, construction materials, natural vegetation materials from land clearing and other similar items as regulated by the Florida Department of Environmental Regulation.

School: means a public or private preschool, elementary, middle, or secondary school, or community college or university, and other similar uses, but not commercial or trade schools.

Screening: Shall mean either of the following:

- a) A strip of land at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet high.
- b) A combination of an opaque wall or barrier or uniformly painted fence no more than three (3) feet high and the materials listed in subsection (a) which, together form a year round dense screen at least six (6) feet high.

Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.

Secondary and Enhanced Recovery Operation means any operation where the flow of hydrocarbons in an oil or gas well is aided or induced with the use of injected substances including but are not limited to, the introduction or injection of water and natural gas, steam, air, carbon dioxide, nitrogen, chemical substances and any other substance or combination thereof. Examples include waterflood injection, steamflood injection, and cyclic steam injection.

Service station, automotive: See: Automobile service station.

Setback: The minimum horizontal distance between the street setback line or street right-of-way line and the building line.

Sewage system: All of the equipment and property involved in the operation of a central sanitary sewer utility, including waste water lines and appurtenances, pumping stations, treatment works, disposal facilities and general property necessary for the operation of such a utility, which shall be fully installed, operable and providing service in compliance with applicable Florida laws and regulations.

Shopping center: A group of retail stores or service establishments, planned, developed, owned or managed as an integral unit, with off-street parking provided on the property, and related in location, size and type of shops to the trade area which the unit serves.

Sight distance triangle: An area kept clear for the purpose of enabling vehicles and pedestrians at an intersection of roads to see vehicles or pedestrians approaching the intersection on other roads. The area within the limits described by the two (2) intersecting right-of-way lines of a street or road and a line drawn

between them from points on each right-of-way line that are a prescribed number of feet from the intersection of the center lines.

Sign: shall mean any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
2. Flags and insignia of any government except when displayed in connection with commercial promotion;
3. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
6. Signs advertising the sale, lease or rental of the premises on which the sign is located. Each sign shall not exceed six (6) square feet in surface area for residential districts or twelve (12) square feet in surface area for other districts. (See Chapter 4, Section 4.7 for additional information with regard to Signs.)

Solid Waste: Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Special Exception: A special exception is a use that would not be appropriate generally without restrictions throughout a land use district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or the general welfare. Such uses may be permissible in a land use district as a special exception if specific provision for such special exception is made in these land use regulations.

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

Stable, public: A stable, which collects fees for the boarding of horses or mules.

Standard industrial classification (SIC): A system for classifying business establishments by the type of activity they are engaged in. The classification system is reported in the Standard Industrial Classification Manual (1972) by the Executive Office of the President, U.S. Office of Management and Budget.

Start of construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of

construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Storm water management system: The designed features of an improvements to property which collect, channel, hold, store, inhibit or divert the movement of storm water to meet the requirements of Chapter 17–25 of the Florida Administrative Code and this Code.

Storage: Storage when used in conjunction with hazardous waste, means the containment or holding of a hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste.

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

Story, half: A space under a sloping roof which as the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two–thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

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

Street center line: The center line of the street which is located midway between the street right–of–way boundary lines, which may or may not represent the center point of a paved roadway surface.

Street, Major: A street or road which is designed to carry large traffic volumes.

Street, Minor: A street designed to serve only as access to the properties which front on it.

Street, Private: A recorded street owned by the abutting property owners, over which there is no public right of access.

Street right–of–way: The dividing line between a lot, tract or parcel of land and the abutting street right–of–way. The right–of–way line shall be considered a property line, and all front setback lines and requirements provided in these regulations shall be measured from the street right–of–way line.

Structural addition: An addition to an existing building which requires additional structural or supporting members.

Structural alteration: Any change, except for repair or replacement, in the supporting members of a structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls of a structure.

Structure: means any object, constructed or installed by man, including but not limited to buildings, towers, and smokestacks.

Subdivision: The division of a parcel of land, whether improved or unimproved, more than three (3) lots or parcels of land for the purpose, whether immediate or future, of transfer of ownership, whether by deed, metes and bounds description, devise, lease for a period of five (5) years or more, map, plat or other recorded instrument, or if the establishment of a new street is involved, any division of such parcel. The term shall mean the transfer of property by sale or gift or testate succession by the property owner to his or her spouse or lineal descendants; or the transfer of property between tenants in common for the purpose of dissolving the tenancy in common among those tenants. The term includes a resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided.

Subdivision Improvements: Any roadway, stormwater management facility, water or wastewater facility, sidewalk, off-street parking area, flood damage prevention or erosion control facility, easement, right-of-way, or other development for the creation of a subdivision.

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

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

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

Substantially improved existing mobile home parks or subdivisions: is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Survey, certified: See: Certified survey.

Survey data: Information shown on the face of a plat that delineates the physical boundaries of the subdivision and any parts thereof.

Swimming pool: Any constructed pool used for swimming or bathing having a depth exceeding twenty-four (24) inches or a surface area exceeding two hundred fifty (250) square feet.

Theater: An establishment offering dramatic presentations or showing motion pictures to the general public.

Treatment: Treatment, when used in connection with hazardous waste, means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize it or render it nonhazardous, safe for transport, amenable to recovery, amenable to storage or disposal, or reduced in volume or concentration. The term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render in nonhazardous.

Tourist home: A dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.

Tower Permit: means a permit for the use and location of a communication tower subject to the requirements of this section.

Tower Site: means a parcel of land smaller than the minimum lot size require in the land use district completely contained within a lot meeting the requirements of the land use district for the purposes of locating a communication tower. The tower site does include property used to anchor guy wires.

Townhouse: A group of two (2) or more single-family dwellings separated by a space of not more than one (1) inch. The walls or party wall separating the dwelling units of the townhouse shall extend to the roof line of the dwelling and shall have no openings therein. Each townhouse unit shall be constructed upon a separate lot and serviced with separate utilities and other facilities and shall otherwise be independent of one another. Townhouses are single-family dwelling units.

Toxic materials: Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Tract: See: Lot.

Trailer (boat, horse, utility): A conveyance drawn by other motive power and used for transporting a boat, animal or general goods.

Trailer coach: See: Recreation vehicle.

Trailer, house: See: Mobile home.

Travel trailer: See: Recreation vehicle.

Travel trailer park or court: A park or court licensed and approved by the applicable state agency and established to carry on the business of parking travel trailers and other recreational vehicles.

Tree: A self-supporting wood plant having one (1) or more well-defined trunk(s) capable of being maintained with a clear trunk and normally growing to an overall height at maturity of a minimum of fifteen (15) feet, including palms.

Truck stop: An establishment principally used for refueling and servicing trucks and tractor-trailer rigs, but which may include restaurants and snack bars and facilities for repair and maintenance of trucks and tractor-trailers, but not to include the storage of vehicles for the purpose of using parts of said vehicles for sale or repair.

Use: The purpose for which land or a structure thereon is designed, arranged, or intended to be occupied or utilized, or for which it is occupied or maintained.

- (a) Accessory use: (See accessory use or accessory building use).
- (b) Incompatible use: A use of service which is unsuitable for direct association with certain other uses because it is contradictory, incongruous or discordant.
- (c) Permitted use: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standards of such district.
- (d) Principal use: The main or primary purpose for which a building, other structure and/or lot is designed, arranged or intended or for which they may be used, occupied or maintained under this ordinance. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this ordinance shall be considered an accessory use.
- (e) Transitional use: The use of a building or lot for permitted purposes in an area adjoining, adjacent or opposite from, but separated by a street or alley, from an area of a lower classification.

Used car lot: A lot or group of contiguous lots, used for the display and sale of used automobiles, and where no repair work is done except the necessary washing and polishing of the cars to be displayed and sold on the premises.

Used or occupied: As applied to any land or building, these terms shall also mean "intended," "arranged" or "designated to be used or occupied."

Utility: Includes publicly or privately-owned or operated water, sewer, stormwater management, gas, electric or telephone facilities, or cable television lines and facilities.

Variance: A variance is a relaxation of the terms of these land use regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land use regulations would result in unnecessary and undue hardship on the land. As used in these land use regulations, a variance is authorized only for height, area, and size of a structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the land use district or adjoining land use districts. Also, grant of relief from the requirements of the floodplain requirements, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Vehicle and Equipment Sales: means an establishment providing for the sale, rental, repair and servicing of boats, buses, farm and construction equipment, motorcycles, trucks, recreational vehicles, mobile homes, and similar equipment.

Vested Project: A project for which the three following conditions have been met:

- a) A development permit has been issued on or prior to adoption of land development regulations;
- b) Development has commenced; and
- c) Development is continuing in good faith.

Veterinary clinic or hospital: Any building or portion thereof designed or used for the veterinary care, surgical procedures or treatment of animals, but not for the sale, breeding, grooming or boarding of well animals or for pet shops.

Warehousing/Distribution: means an activity involving the storage of goods or materials before or after manufacture and before final sale or use, and includes trans-shipment of such goods or materials (loading and unloading) but excludes manufacture and processing.

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

Water system: All or part of the equipment and property involved in the operation of a community water utility including, where applicable, water lines and appurtenances, pumping stations and treatment plants relating to such utility, which shall be fully installed, operable and providing service in compliance with applicable Florida laws and regulations.

Well Stimulation Treatment means any treatment of an oil or gas well designed to enhance hydrocarbon production or recovery by fracturing, heating, dissolving, or otherwise increasing the permeability of the geologic formation. Well Stimulation Treatments include, but are not limited to, Hydraulic Fracturing Treatments and Acid Well Stimulation Treatments. The term *Well Stimulation Treatment* does not include routine well cleaning that does not affect the integrity of the well or geologic formation.

Wellfield: means an area containing one or more wells used, whether on a continuous, intermittent, or occasional basis, for public water supply, and including any area designated for future development of such wells by the County Commission.

Wetlands: Land subject to regular inundation by water over a majority of time measured over a period of years or any land meeting the definition of wetlands found in Florida Statutes, Section 403.817 as any land bearing those dominant wetland plant indicator species included in Florida Administrative Code, Chapter 17- 4.

Written or in writing: The terms "written" or "in writing" shall be construed to include any representation of words, letters, or diagrams or figures, whether by printing or otherwise.

Yard: An open space at grade between main building and the adjoining lot lines. The front and rear setbacks shall be measure from where the minimum lot width or depth is attained.

Yard, front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the principal building or any projections thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension. For any lot adjacent to a body of water the "front yard" shall be considered as the yard extending across that part of the lot between the side lot lines which is adjacent to the body of water and is the minimum horizontal distance between the body of water and the principal building or any projection thereof.

Yard, rear: A yard extending across the rear of a lot between the rear of the principal building or any projections thereof, other than the projections of uncovered steps, balconies or porches. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.

Yard, side: A yard between the main building and the side line of the lot, extending from the front yard to the rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

Zero lot line: See lot, zero.