

Abatement. Any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a drainage system.

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

Accent lighting. Lighting used as an enhancement to an architectural feature of a building, sign or other manmade improvement and it includes lighting to enhance landscape features. Such lighting shall be designed to be subtle and muted and shall not create unnecessary reflection and/or glare.

Accessory building. A subordinate use or building which is clearly incidental to and customarily utilized in connection with a principal building located on the same lot.

Administrative approval. Approval received and only required by the administrator, subject to review by the City Administrator or his/her designee.

Adult care facilities. A business providing for the medical and basic living assistance to adults, generally focused on older persons and disabled adults. These include assisted living facilities, adult family care homes, adult day care centers, and nursing homes, as defined herein, and any other similar uses as determined by the Planning Director.

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

Adult day care centers. Provide therapeutic programs of social and health services as well as activities for adults who have functional impairments in a protective environment that provides as non-institutional an environment as possible. Participants may utilize a variety of services offered during any part of a day, but less than a twenty-four (24) hour period.

Adult entertainment/establishment. An adult theater, an adult store, an adult performance establishment, a commercial contact parlor, sexual encounter business, or escort service.

Adult family care homes (AFCHs). Private residences that are licensed to provide housing, meals, and personal care services to older persons and disabled adults who are unable to live independently. Unlike assisted living facilities, AFCHs are owned by licensed AFCH providers who live with the residents they serve. In addition, AFCHs are limited to a maximum of five (5) residents. AFCHs are intended to be a less costly alternative to more restrictive, institutional setting for individuals who do not need twenty-four (24) hour nursing supervision.

Adult gaming facility. A business containing games of chance by lot or with dice, cards, numbers, hazards or other electric or non-electric gambling devices, including on computers or over the Internet, or for the disposal of money, property or thing of value, under the pretext of a sale, gift or delivery thereof, or of any right, share or interest therein.

Adult material. Any one or more of the following, regardless of whether it is new or used: (a) Books, magazines, periodicals, or other printed matter; paintings, drawings, or other publications or graphic media; photographs, films, motion pictures, video cassettes, disks or other storage media, slides or other visual representations. It also includes recordings or other audio matters which have as their primary or dominant theme matter depicting, illustrating, describing, or related to specified sexual activities or

specified anatomical areas, as defined hereafter; or (b) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

Adult modeling studio. Any establishment which offers, advertises, or conducts its primary business, service, or trade within its premises for the purpose of modeling of apparel that exhibits specified anatomical areas, or modeling, demonstrating, or presenting any product or service for sale, in a private performance setting, in which the model or sales representative exhibits specified anatomical areas, as defined herein.

Adult photographic studio. Any establishment which offers, advertises, or conducts as its primary business, service, or trade, the use of its premises for the purpose of photographing or exhibiting specified sexual activities or specified anatomical areas, as both are defined herein.

Adult store. An establishment which has viewing booths and/or which sells or rents adult material (including but not limited to clothing and accessories). This definition also covers establishments where the adult material is accessible to individuals other than employees, and where the individual items of adult material offered for sale and/or rent comprises more than twenty (20) percent of the individual items publicly displayed at the establishment in a readily accessible location; or the percentage or the portion of the establishment set aside for the display or sale of adult materials comprises more than fifteen (15) percent of the gross leased and/or owned area of the establishment that is set aside for display or sales.

Adult theatre. An enclosed building or an enclosed space within a building, where, for any form of consideration or compensation, live performances, films, motions pictures, video cassettes, slides, or similar photography reproductions, distinguished or characterized by an emphasis on material depicting, describing, or relating to specified anatomic areas, are regularly shown for observation by patrons therein. However, a theatre, performing arts hall, or other like activity presenting or staging a performance which constitutes a bona fide communication by a person wherein a specified sexual activity takes place or a specified anatomical area is displayed in the sense of expression of conduct incidental to and necessary for the conveyance or communication of a genuine message or public expression shall not be deemed an adult theatre under the provisions of this article.

Adult use or adult business. An adult store, adult modeling studio, special cabaret, adult photographic studio, or physical culture establishment as defined in this section.

Adverse effects. Any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Adversely affected person. Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared

in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Aggrieved person or party. This is a person or entity who is dissatisfied with an interpretation of the LDC regulations by the administrator or other city staff or the final ruling on a case heard by the Planning and Land Development Regulation Commission, Historic Preservation Board or the City Commission.

Agricultural activity. Any farming and forestry operation affecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, harvesting, construction of access roads, extraction of stumps and submerged logs, and placement of bridges and culverts.

Agricultural use. The use of land in crop cultivation, horticulture, viticulture, silvaculture, pisciculture, forestry, dairy, livestock, poultry, bee keeping, aquaculture and all forms of farm products and farm production.

Alcoholic beverage establishment. Those establishments selling alcoholic beverages as licensed by the state, such as bars, cocktail lounges and nightclubs, but not including restaurants where more than fifty-one (51) percent of the sales are food sales or hotel/motel pool bars which provide alcoholic beverage services exclusively to guests.

Alley. A roadway dedicated to public use which affords only a secondary means of access to abutting property and not intended for the general traffic circulation.

Alteration. Any change in size, shape, character, occupancy or use of a building or land.

Ancillary uses. Uses that provide support to the primary activities or operation of the main land use.

Animal Breeding. The process of selectively mating animal. Breeding animals in residential districts to sell them to the public is a prohibited use in most Lake Helen residential districts, with the exception of the offspring of family pets as defined below.

Annual Assessment Resolution. The resolution described in Section 2.08 hereof, approving an Assessment Roll for a specific Fiscal Year.

Appeal. To call upon another for corroboration, vindication, or decision.

Applicant. Any person applying for or who has been granted a permit to proceed with a project.

Aquifer. An underground formation, group of formations, or part of a formation that is permeable enough to transmit, store or yield usable quantities of water.

Arterial road. A high capacity urban thoroughfare with the primary function of delivering traffic from collector roads to freeways or expressways, and between urban centers at the highest level of service possible.

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

Artist workspace/dwelling. This is a combination working studio and dwelling unit for artists.

As-built plans. The amended site plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed.

Assessment Area. Any of specific areas created by resolution of the City Commission pursuant to Article 9.09 that specially benefit from Capital Improvements or Essential Services.

Assessment Coordinator. The City Administrator or such person's designee.

Assessment Roll. The special assessment roll relating to Capital Improvements or Essential Services containing the information specified in Article 9.09, approved by a Final Assessment Resolution or an Annual Assessment Resolution pursuant to Article 9.09.

Assessment Unit. The apportionment unit utilized to determine the Assessment for each parcel of property, as set forth in the Initial Assessment Resolution. "Assessment Units" may include, by way of example and not limitation, one or a combination of the following: front footage, land area, improvement area, equivalent residential connections or units, equivalent benefit units, permitted land use, trip generation rates, rights to future trip generation capacity under applicable concurrency management regulations, property value or any other physical characteristic or reasonably expected use of the property that is related to the Capital Improvements or Essential Services to be funded from proceeds of the Assessment.

Assessment. A special assessment imposed by the City Commission pursuant to this Ordinance to fund the Capital Cost of Capital Improvements or the Service Cost of Essential Services. The term "Assessment" and the reference to non-ad valorem assessments herein means those assessments which are not based upon millage and which can become a lien against a homestead as permitted by Article X, Section 4 of the Florida Constitution.

Assisted living facility (ALF). A residential care facility that provides housing, meals, personal care and supportive services to older persons and disabled adults who are unable to live independently. ALFs are intended to be a less costly alternative to more restrictive, institutional settings for individuals who do not require twenty-four (24) hour nursing supervision.

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

Automobile maintenance facility, body shop, automobile mechanics garage, service or filling station or vehicle repair shop. Buildings and premises where automobiles and other vehicles, such as scooters, motorcycles, boats, RVs, aircraft, golf carts, etc., may be worked-on, serviced, repaired, painted, rebuilt, fueled, tinted, enhanced, customized or otherwise have other work done on or to them, such as: body shops; mechanical garages; and, service/filling stations.

Average daily traffic. This is the average number of vehicles crossing a specific point on a roadway on an average weekday.

Awning. Any roof like overhang or flexible covering extended from the outside wall of a building.

Band level. The total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit of measurement is the dB(A).

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Beacon light. Any light with one or more beams, capable or being directed in any direction or directions or capable of being revolved automatically.

Bed and breakfast establishment. A family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry (F.S. 509.242 Public lodging establishments; classifications).

Beneficiaries of drainage service. The term shall include all developed real properties within the city which benefit by the provision of maintenance, operation and improvement of the stormwater control system. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater, the reduction of hazard to property and life resulting from stormwater runoff improvement in the general health and welfare through reduction of undesirable stormwater conditions and improvement to the-water quality in the storm and surface water system and its receiving waters.

Boarding (lodging house). A building other than a hotel where lodging or meals or both are served for compensation.

Body-piercing and/or tattooing salon. Any place or business licensed to perform tattooing, and to perform body-piercing which is described under the provisions of F.S. § 381.0075 for body-piercing.

Boundary tree. A tree on adjacent property whose root save area intrudes across the property line of the site under consideration. Buildable area means that area of the lot available for the construction of a dwelling and permissible accessory uses after having provided the required front, side, rear and any other special yards required the city code.

Buffer area. A buffer area is a landscaped strip along site boundaries that serves to physically separate and visually screen between incompatible land uses.

Buildable area. This is the area remaining on a lot or parcel after the minimum setbacks have been met, including any private property drainage or utility easements.

Building front. That area of a building which faces the public or private way pursuant to which the building is numbered.

Building painting/mural. A painting, drawing, or mural applied to an external wall which is considered generic art and does not graphically depict a product or service, unlike a wall sign which is built off-site and then physically attached to the wall as one (1) unit. Any wording in the painting/mural shall be calculated as signage and shall require a permit.

Building restriction line. The line established by state law, along the Atlantic Ocean Coast, beyond which a building or structure shall not extend, except as specifically provided by law.

Building setback lines. Lines established by these regulations along the front, rear and sides of a lot, which governs the location of where structures may be placed on a lot.

Building, height of. The vertical distance from the mean finished grade to the highest point of the main building. The height if a wall is the vertical distance from the grade to the mean level of the top of the wall, including any dormers or gables on the wall.

Building. A structure having a roof supported by columns or walls.

Building/development permit and/or agreement. The permit issued or an agreement entered into by the city and the applicant to allow construction to commence on a building, subdivision or land.

Caliper. The minimum trunk diameter of replacement tree as measured at a predetermined point of measurement.

Capital Cost. All or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of Capital Improvements under generally accepted accounting principles; and including reimbursement to the City for any funds advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

Capital Improvements. Capital improvements constructed or installed by the City which provide a special benefit to lands within an Assessment Area.

Carport Canopy. A temporary shelter intended to cover a vehicle and which is mounted on a rigid frame and supported by posts attached to the ground.

Certificate of occupancy (CO) or temporary (TCO). A document, certified by the chief building official, which certifies a building was constructed in accordance with all building codes, and which may now be opened, used and/or occupied.

Change of use or occupancy. This is a replacement of an existing use and/or occupancy.

City Administrator. The chief executive officer of the City, or such person's designee.

City attorney. The legal counselor for the city.

City Code. The Code of Ordinances of the City of Lake Helen, Florida.

City Commission. The words "commission," "city commission" or "governing body" shall mean the City Commission of the City of Lake Helen, Volusia County, Florida.

City. The words "the city" or "this city" shall mean the municipal corporation of Lake Helen, Volusia County, Florida.

Clearing. The removal of any trees or brush from the land, but shall not include mowing or grubbing.

Clinic. A building where patients are admitted for examination and treatment by one (1) or more persons practicing any form of healing arts which are licensed in the State of Florida.

Club. Building and facilities owned and operated by a corporation or association of persons for social and recreational purpose but not operated primarily for profit or to render a service which is customarily carried on as a business.

Code Compliance Officer. Any designated employee of the city whose duty it is to enforce the codes and ordinances enacted by the city.

Collector Road. A low-to-moderate capacity road designed to provide access to neighborhood residential and commercial areas.

Combined lots. Contiguous lots which are combined to provide for a larger building site. For the purposes of determining the front yard on corner combined lots, the shorter of the lots lines at the street corner based on the original lot before its combination shall be the front yard. In addition to Property Appraiser approval, the City Administrator or his/her designee shall approve all creation of combined lots.

Commercial. Buildings, structures or uses designed or intended for transacting commercial business, including hotels and motels, retail or professional activities of any kind.

Commercially developed parcel. A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Common open space. An approved and dedicated area of land and/or water designed and intended for the recreational use and enjoyment of residents living within a residential subdivision.

Common space. Generally, the part of a building shared as communal space by occupants.

Community residential home. A dwelling unit licensed to serve clients of the department of children and family services, which shall be categorized by levels according to the number of assigned residents on the premises as well as the zoning district in which it is a permitted use. Residents of these homes shall be as defined in F.S. § 419.001(1)(d). Level I permits includes six (6) or fewer residents, level II permits up to nine (9) residents and level III permits up to fourteen (14) residents.

Comprehensive land use plan. A land use plan comprised of the elements included in Chapter 163.3177, Florida Statutes, and adopted in accordance with Chapter 163.3184 of said Statutes.

Concurrency. A condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development project.

Conforming. This is a building, land or use that complies with the LDC or any amendments thereto.

Contributing Properties. Any building, structure, or area located within the Lake Helen Historic District Map which adds to the overall historic architectural qualities, historic associations or values because it was present during the period of historic significance and possesses historic integrity through location, design, setting, materials, or workmanship or is capable of yielding important information about the period of historic significance; and any property located which possesses historical, architectural, and/or aesthetic qualities and characteristics that define the scenic corridor and/or neighborhood said property is located within.

Contributing runoff. The area of a parcel from which stormwater will result in runoff.

Contribution rate. That portion of the stormwater management fee reflective of a particular parcel's individual contribution to runoff.

Contributors of stormwater. The term shall include all developed real properties within the city and all agricultural uses.

Convenience store. A small, often franchised retail business offering long hours and selling food and basic consumer necessities. Convenience stores do not sell gas, which separates them from being a gas station.

County. The words "the county" or "county" shall mean Volusia County, Florida.

Cover area. That area which falls within the drip line of any tree.

Critical root zone. Root save area, as defined below.

Cross-sectional area. The area of the trunk of a tree taken four and one-half (4 1/2) feet above the base of the tree measured perpendicular to the axis of the trunk.

Crown of road. This is the elevation of the highest part of the vehicle travel-way surface on a right-of-way. If used to measure the height of buildings or structures, the elevation of the crown of road shall be calculated by averaging the three (3) elevations of the crown at the points of intersection of the crown and an extension of the property's side lot lines and at the crown located midpoint between the extensions of the property's side lot lines.

Crown. The main mass of branching of a plant above the ground.

Cul-de-sac. A circular turn-about at the end of a dead-end road with a turn radius of fifty-feet and a minimum travel lane twelve (12) feet in width.

Cultural resource. A site, object, structure, building or district listed on the City's Historic Preservation element, Article 5, and/or on the City local register of historic places.

Curb level. The curb level or grade is the elevation of the street curb established by the city and predominant in the surrounding area.

Decibel. A unit of level equal to ten (10) times the logarithm (base 10) of the ratio of any two (2) quantities proportional to power.

Definitions. The words contained herein shall have the meanings respectively ascribed to them.

Delegation of authority. Whenever a provision appears requiring the head of a department, or officer of the city to do some act or make certain inspections, it is to be construed to authorize the head of the department or officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

Demolition. The tearing down or razing of 25% or more of a structure's external walls.

Density or gross density. The total number of dwelling units divided by the total site area, less public right-of-way.

Destroy (tree). Any intentional or negligent act or lack of protection that is more likely than not to cause a tree to die within a period of five years. Such acts include, but are not limited to: performing grade changes (including lowering or filling the grade) that affect more than 20 percent of the root save area; trenching of roots; cutting, girdling or inflicting other severe mechanical injury to the trunk, roots or other vital sections of the tree; removing in excess of 20 percent of the live crown of the tree; inflicting damage upon the root system of a tree by the application of toxic substances, including solvents, oils, gasoline and

diesel fuel; causing damage by the operation of heavy machinery; causing damage by the storage of materials; and/or deliberately or negligently burning or setting fire to a tree. In addition, topping, tipping, or any similar improper pruning practices will automatically be deemed as destruction of a tree.

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

Deteriorated. Degenerated or damaged to the point where the death of the tree is imminent or to the point where the tree poses a significant hazard.

Developed property. Any property altered in appearance by removal of vegetation, grading of the ground surface, construction of a structure or impervious surface.

Developer. The person or legal entity that applies for approval of a plat of a subdivision pursuant to this chapter.

Development of site. Any activity which in any way alters the natural undisturbed state of land as it was found prior to being occupied by people.

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

Development plan, site plan, plat, preliminary plat, final plat, record drawings or construction plans. This is a graphic presentation, typically in the form of plans, which may include a detailed map drawn to an accepted scale, to depict how a property is or shall be developed.

Development Review Committee (DRC). A board of members appointed representatives from outside impacted agencies who may comment on projects, but who do not make binding recommendations required for transmittal of a project for Planning and Land Development Regulations Commission (PLDRC) and City Commission. The comments of non-binding member, however, are included in the Staff Report sent to these bodies. Volusia County, the Volusia County School Board, the St. Johns River Water Management District (SJRWMD) and Florida Department of Transportation (FDOT) are non-binding DRC members.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, and drilling operations or permanent storage of materials or the dividing of land into two (2) or more parcels or a change in the zoning classification which intensifies the use of the land.

Diameter at breast height (DBH). The diameter of the main stem of a tree or the combined diameters of a multi-stemmed tree as measured 4.5 feet above the natural grade at the base. The top diameter of a stump less than 4.5 feet tall shall be considered the "DBH" of an illegally destroyed tree for the purpose of calculating recompense.

Dilapidated sign. Any sign, which is structurally unsound, fails to meet applicable building, electrical and safety codes, has defective parts or is in need of painting and/or maintenance.

Dilapidated. A structure of any size that is falling to pieces; broken down.

Direct hydrologic connection. A surface water connection which, under normal hydrological conditions, occurs on an average of thirty (30) or more consecutive days per year. In the absence of

reliable hydrologic records, a continuum of wetlands may be used to establish a direct hydrologic connection.

Directional sign. This is a sign which directs or guides traffic or people to a destination.

Discharge, discharge point. The out-flow of water from a project, aquifer, drainage basin or facility.

Disease. Any fungal, bacterial, or viral infection that will result in the death of the tree, as determined by the city forester or city arborist. Disease shall also mean any fungal, bacterial or viral infection that has progressed to the point where treatment will not prevent the death of the tree, as determined by the city.

District. A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or areas, which are united historically or aesthetically by plan or physical development. A district may be comprised of individual resources which are separated geographically but are linked by association or history.

Dormitories. A building primarily used for and containing sleeping accommodations for students or instructors affiliated with an educational institution, churches, athletic teams and others.

Drainage system. A man-made system which conveys water to a point of discharge.

Drip line. The outermost perimeter of the crown of a plant as projected vertically to the ground.

Dwelling unit. A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling units per acre. The ratio of the number of residential units per acre, measured in gross acres.

Dwelling, multi-family, townhouse, apartment building, or a house/group development. A permanent building designed to have multiple dwelling units within it which are to be used by three (3) or more families. This does not include transient lodging establishments (hotels/motels).

Dwelling, single-family. A permanent, detached, private, residential building designed to be used as a home or residence for one (1) family. This single-family dwelling unit designation also applies to a "garage" or "in-law" apartment in a detached accessory structure.

Dwelling, two-family or duplex. A single building designed with two (2) separate dwelling units within it which are to be used by two (2) separate families.

Easement. A granted strip of privately owned land which shall provide access to either the general public, a governmental entity or a utility corporation, for public utilities, drainage or other specified purposes, where access is needed onto private property.

Erect. To construct, build, raise, assemble, relocate, place, replace, affix, create; structurally alter, paint, draw, or in any other way bring into or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of copy or the customary maintenance or repair of a sign.

Essential Services. The services, facilities, or programs which provide a special benefit to, or relieve a burden attributable to, lands within an Assessment Area.

Established recompense value. The dollar value to the city of a tree on private or public property used for the purpose of calculating cash recompense for removal, loss or destruction. The established recompense value is \$100.00 per tree and \$30.00 per diameter inch. This figure shall be evaluated and adjusted periodically by amendment to this ordinance, as proposed by the commission in consultation with the city public works department.

Existing. The condition immediately before development or redevelopment commences.

F.A.C. The abbreviation F.A.C. shall mean the latest edition or supplement of the Florida Administrative Code.

F.S. The abbreviation "F.S." shall mean the latest edition or supplement of the Florida Statutes.

Fair or better condition. The tree has a relatively sound and solid root, trunk, and canopy structure, no major insect infestation or other pathological problem, and a life expectancy greater than 15 years as determined by the city public works department.

Family day care home. An occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any children receiving care, whether or not operated for profit. Household children under thirteen (13) years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under thirteen (13) years of age: (a) a maximum of four (4) children from birth to twelve (12) months of age; (b) a maximum of three (3) children from birth to twelve (12) months of age, and other children, for a total of six (6) children; (c) a maximum of six preschool children if all older than 12 months of age; (d) a maximum of ten (10) children if no more than five (5) are preschooler age, and of those five (5), no more than two (2) are twelve (12) months of age.

Family pet. A domesticated animal that is kept for companionship and is taken care of by members of the household. Animals kept strictly for breeding purposes are not considered family pets.

Family. Any number of related individuals living together as a single housekeeping unit.

Farm. A piece of land with house, barns, etc., on which crops or animals are raised as a business.

Festoons. A string of ribbons, tinsel, small flags or pinwheels.

Final Assessment Resolution. The resolution described in Article 9.09, which shall confirm, modify or repeal the Initial Assessment Resolution and which shall be the final proceeding for the imposition of an Assessment.

Final plat. The final map, drawing, or chart in which the subdivider's plan of subdivision is presented to the City Commission after first having obtained the approval and/or recommendations from the Mayor, City Clerk, and City Attorney, and which, if approved, by the City Commission will be submitted to the Clerk of the Circuit Court for recording.

Fireworks. Any combustible or explosive composition or substance or combination of substances or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion,

deflagration, or detonation, as defined by F.S. § 791.01(4)(a). The term "fireworks" does not include those devices and materials defined by F.S. § 791.01(4)(b) and (c).

Fiscal Year. The period commencing on October 1 of each year and continuing through the following September 30, or such other period as may be prescribed by law as the Fiscal Year for the City.

Flat roof. A roof this is horizontally oriented, with no pitch.

Flood Hazard Boundary Map (FHBM). The map issued by the Federal Emergency Management Agency showing flood-prone areas. Drawn from United States Geological Survey Maps, it does not provide flood elevations and is intended to be used only until the Flood Insurance Rate Map is produced.

Flood insurance rate maps (FIRM). The maps created for the National Flood Insurance Program (NFIP) used by all municipalities for determining flood zones and flood insurance rates.

Flood or Flooding. A temporary partial or complete inundation of normally dry land from the overflow of inland waters, or from the unusual and rapid accumulation of runoff or surface waters from any source.

Flood protection elevation. The elevation of the base flood plus one (1) foot.

Floodplain. Land which will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of runoff of surface waters from rainfall.

Floodway. The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

Floor area ratio (FAR). This is the measurement (ratio) of the intensity of a building development on a site. The FAR is the ratio of the gross floor developed area on a site and the gross land area. The FAR is calculated by adding together the gross floor areas of all buildings on the site and dividing by the gross land area.

Floor area, gross. The total horizontal areas of all floors, including penthouses (excluding areas in a building used for parking) measured from the exterior walls of a building.

Floor area, minimum. The enclosed livable floor area within a dwelling, exclusive of open or screened porches, breezeways, terraces, carports, garages or patios.

Floor area, net. The total horizontal areas of all floors, including penthouses (excluding areas in a building used for parking) measured from the exterior walls of a building, less areas of non-usable space by patrons of the building, such as walls, utility closets or mechanical rooms.

Flush cutting. The removal of limbs by cutting immediately adjacent to the trunk, destroying the protective branch collar and exposing the trunk to decay organisms. Fully stocked means a site occupied by trees at a density of 1,000 inches DBH/acre (e.g., 40 trees averaging 25 inches DBH on a one-acre site).

Front yard. The area between the front property line and the farthest-reaching part of the front building façade.

Frontage, building. The length of an outside building wall along a strict right-of-way.

Frontage, street. The length of the lot line of anyone premises along the street right-of-way line of which the lot borders.

Gambling. Gambling shall mean participation, which shall include setting up, promoting, playing, participating, staking, betting or wagering, knowingly aiding, assisting or abetting, in the following events: (i) those games of cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value; (ii) any game or drawing of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest therein; and (iii) any trial or contest of skill, speed or power or endurance of human or beast. The intent of the definition is to prohibit commercialized gambling, including, but not limited to, "Las Vegas-style casinos," professional card rooms and internet gambling style cafes. It is not intended to include permitted lotteries, such as the state lottery, bingo games, such as those organized by charitable, nonprofit or veterans' organizations, penny-ante games, including, but not limited to, those games operated solely in a personal dwelling (e.g. neighborhood poker game), bowling tournaments, arcade style games wherein coupons or points may be exchanged for merchandise only, or game promotions in connection with, and incidental to, the sale of legitimate products or services or legitimate promotional giveaways.

Garage, automobile (mechanical). Any building or premises, except those described as a private or storage garage, used for the repair, storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage, parking. A building/structure or portion thereof used exclusively for the storage or parking of automobiles. Service other than storage shall be limited to refueling, lubrication, and detailing.

Garage, private. This is an accessory building or a portion of the principal building, used for the storage or parking of automobiles by the property occupants. A carport is a private garage.

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

Garage Sale. The sale of old, used or unwanted personal household items, articles and effects on a residential lot by the property owner or occupant as outline in Article 4.18.00.

Gas station. A retail location providing gasoline for motor vehicles and other similar uses, which may also sell food and other necessary products. These are also referred to as service stations.

Government Property. Property owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

Grade, finished. The completed surfaces of lawns, walks, and driveways brought to grades as shown on the plans or designed relating thereto.

Grazing Animal. All animals of the equine, bovine or swine class including, but not limited to, goats, sheep, mules, horses, hogs, cattle and other grazing animals.

Grid system. A series of designated north/south parallel lines intersecting a second set of east/west parallel lines within a one square mile area (i.e., "section"), as indicated on the official property numbering maps.

Gross acre. The entire site area of a development measured in acres, including areas used for infrastructure and other undevelopable areas.

Gross floor area. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

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

Guest (tourist) house. Any dwelling in which rooms are rented for guests or for lodging of transients and travelers for compensation and so advertised to the public.

Hardship. A unique or otherwise special existing condition that is not addressed by the ordinance.

Hazard tree. A tree with uncorrectable defects severe enough to pose present danger to people or buildings under normal conditions, as determined by the city.

Hazardous material warning placard. The standard, diamond-shaped sign as required by Title 49 Code of Federal Regulations Part 172, as part of the Hazardous Materials Transportation Act.

Height. The greatest vertical distance from post-construction grade to the highest point of a roof in a building.

Helipad/helipad. A landing pad or area designed and built solely to land helicopters, but not to maintain or store them.

Highest adjacent grade. The highest natural elevation of the ground surface adjacent to the proposed walls of a structure.

Historic tree. Any live oak (*quercus virginiana*) or bald cypress *taxodium distichum* thirty-six (36) inches DBH or greater, or any other tree which is determined by the county council of Volusia County to be of such unique and intrinsic value to the general public because of its size, age, historic association or ecological value as to justify this classification. Any tree in the county selected and duly designated as a Florida State Champion, United State Champion or a World Champion by the American Forestry Association shall likewise be within this definition.

Home occupation. Any lawful business use inside a residential dwelling in which the person resides, or within an accessory building on the parcel on which the residential dwelling is located, so long as the character and integrity of the residential neighborhood is preserved and protected from possible adverse impacts associated with said occupation or office as defined by Article 4.12.

Hotel. A transient commercial lodging establishment consisting of one (1) or more buildings used only for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities and parking. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but are not intended for long-term occupancy.

Hydrograph. A graph of the flow of water over a certain period of time for a selected point.

Hydrologic response. The manner and means by which stormwater collects upon real property and is conveyed from real property, and which is a 3-function dependent upon a number of interacting factors, including, but not limited to, topography, vegetation, superficial geologic conditions, antecedent soil moisture conditions and groundwater conditions. The principal measures of the hydrologic system may be slated in terms of total runoff volume, as a percentage of total precipitation which runs off, or in terms of the peak rate of flow generated in the event of a storm of given duration and intensity, or statistical interval of return (frequency).

Hydrological cycle. The movement of water through the environment on, above and below the surface of the earth.

Illegally removed tree. Any protected tree that is removed or destroyed without a permit.

Impacted tree. A tree that will suffer injury or destruction of more than 20 percent (20%) but not more than 33 percent (33%) of its root save area.

Impervious areas/surface. Those hard-surfaced constructed areas which do not allow water to percolate into the soil and causes the water to run off the surface, unlike a pervious surface which allows the water to percolate into the loose soil. Semi-pervious surface means any type of surface which is not completely pervious, such as pervious concrete, asphalt or paving blocks which does allow water to trickle down into the soil at a slower rate or quantity than a pervious surface. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots storage areas and other surfaces which similarly impact the natural infiltration or runoff patterns which existed to development, including normal water in ponds and lakes.

Impervious surface ratio (ISR). The ratio of the portion of the property that it impervious out of the entire area of the lot. (Ex. 7,000 sq. ft. impervious area on 10,000 sq. ft. lot is an ISR of .70).

Improvements. Any man-made, immovable item which becomes a part of, is placed upon or is affixed to real estate. May include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (PRMs), permanent control points (PCPs), or any other improvements required by a governing body.

Industrial. Activities under this land use category include light industrial operations that are not likely to result in objectionable on or off-site impacts including odors, smoke, dust, refuse, or noise. Uses within this category may include: An activity involved in the research, development, manufacturing or repair of goods, materials, components, devices, equipment or systems.

Initial Assessment Resolution. The resolution described in Article 9.09, which shall be the initial proceeding for the imposition of an Assessment.

Institutional. Public and quasi-public buildings and uses for public assemblage such as, libraries, city hall buildings, fire and police stations, hospitals, sanitariums, convalescent homes, public/private schools, public/private camps and clubs, and similar types of uses.

Interpretation. In the interpretation and application of any provision of these regulations, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of these regulations imposes greater restrictions

upon the subject matter than the general provision imposed by these regulations, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Junkyard. Premises or portions thereof used for the storage or sale of used and discarded materials, including but not limited to, paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment, or parts thereof. The storage for a period of two (2) or more months of two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition shall also constitute a junkyard. For the purposes of this Code, such uses as automobile reclaiming businesses, automotive wrecking businesses, automotive salvage businesses and recycling centers shall be considered junkyards.

kennel. Any place/premises where four (4) or more dogs or cats over four (4) months old are kept.

Land Development Regulations / Land Development Code. Reference to the "Land Development Regulations" or to the "LDRs" shall mean the Land Development Regulations of the City of Lake Helen, Florida.

Land use change. The city commission upon its own initiative or upon the written petition of any owner of property may amend, supplement, change, modify or repeal any provision of the land development regulations.

Land use districts. Describes the specific uses and restrictions which apply to the land use districts as regulated to ensure that the development and use of property is in conformance with the goals, objectives and policies of the Comprehensive Plan.

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

Landscape Plan. A drawing which depicts the planting of trees, shrubs, flowers, and ground cover on a site. It shall provide a table with information on the number, species, and size at planting of all tree, shrubs, and flora on the development site.

Large commercial. This category includes commercial uses that may serve a market larger than the immediate area (and consequently are larger in size than those commercial outlets associated with Mixed Commercial type- uses), are not generally compatible with pedestrian oriented retail shopping areas, tend to obstruct and interfere with the shopping or service function, or generate a large number of automobile trips.

Laundry, self-service. A business rendering a retail service by renting to the individual customer equipment for the washing, drying and otherwise processing laundry, with such equipment to be serviced and its use and operation supervised by the management.

Law enforcement officer. Any person who is elected, appointed, or employed full-time by a municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of penal, criminal, traffic, or highway laws of the state.

Legal nonconforming. This is any characteristic of a building, property or use which lawfully existed prior to the enactment of these regulations, but does not comply with the current regulations. (Article 6)

Level of service (LOS). A method used to measure the amount of service proposed or provided by a public facility based on its operational characteristics.

Light trespass. Unwanted light emitted beyond the boundaries of the property on which the light fixture is located, detrimentally affecting residents, vehicle operators and pedestrians.

Lighting, animated. Flashing or moving lights that otherwise change at intervals more frequently than once each six (6) seconds.

Local streets (roads/lanes/drives/culs-de-sac). Minor streets typically found in neighborhoods with one (1) lane of travel in each direction and slow travel speeds.

Lot area/lines. The square footage of a lot measured within the lot boundary lines.

Lot depth. The depth of a lot is the distance measured in a mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

Lot length. The average distance measured between the front and rear lot lines.

Lot line, front or frontage. The property line that abuts a street, except on a corner lot where the front lot line is the lot line abutting a street with the shortest dimension, or as determined by the administrator if the two (2) lot line dimensions are the same or when special circumstances exist which requires an interpretation.

Lot line, rear. The lot line opposite and parallel or approximately parallel to the front lot line.

Lot line, side. The two (2) lot lines that are not the front or rear lot lines, as established herein.

Lot of record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Volusia County, Florida.

Lot split. This is the division of a single lot into two (2) legal lots of record where both lots have frontage onto a public or private improved street.

Lot width. The distance measured between the two (2) side lot lines along the minimum street setback line, as required for the zoning district in which the lot is located.

Lot, corner. A lot abutting upon two or more streets at their intersections.

Lot, coverage. The combined area of a lot occupied by all principal and accessory structures, as measured from the exterior of building stem walls, not including building/roof overhangs.

Lot, interior. A lot other than a corner lot.

Lot, reverse frontage. This is a lot that has double frontage onto an arterial or collector street on one (1) side, and onto a local street on the opposite side of the lot.

Lot, single tier. A lot where the rear lot line abuts a highway, any kind of physical barrier, or a nonresidential district that prohibits vehicular access onto the lot from the rear lot line.

Lot, through. An interior lot having frontage on two streets, as distinguished from a corner lot.

Lot, zero lot line. Buildings/structures built up to the lot line without building setbacks.

Lot. An area of land which abuts a street and which either complies with or is exempt from the city subdivision regulations and is sufficient in size to meet the minimum area and width requirements for its land use classification as established in the current city ordinance as amended and a portion of a subdivision or any tract or parcel of land, including the air space above or contiguous thereto, intended as a unit for transfer of ownership or for development or both. The word lot includes the words plot, tract, or parcel.

Lowest finished floor elevation. This is the lowest floor area within a building or structure including sunken living rooms or basements.

Lowest floor. The lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in this Code.

Maintenance. That action taken to restore or preserve the original design and function of any Stormwater Management System.

Manufactured Buildings. The definition of the term relating to manufactured buildings shall be as set forth in State law. Manufactured buildings are approved by the Florida Building Commission/Florida Department of Community Affairs (FDCA) and contain a 4" x 5" heavy foil insignia generally located on or near the electrical panel. A wall component, room addition, bath or kitchen core bears an additional foil insignia as promulgated by the FDCA. Manufactured buildings, when functioning as a residential unit are from time-to-time referred to in this Ordinance as "manufactured dwellings."

Manufactured home. A detached dwelling unit or office unit which is transported to the site in large pre-manufactured sections and assembled on site and on a permanent foundation.

Manufactured Housing. The definition of the term relating to manufactured housing shall be as set forth in State law. Manufactured housing (mobile homes) are required to satisfy the National Mobile Homes Construction and Safety Standards promulgated by United States Department of Housing and Urban Development (HUD). This program is administered in Florida by the Department of Highway Safety and Motor Vehicles (DHSMV) and is not affiliated with the Manufactured Buildings Program and these buildings contain a 2" x 4" metal rectangular red certification label located on the rear roadside corner of each module signifying approval by the DHSMV. Manufactured housing (mobile homes) are constructed in accordance with standards promulgated by the HUD and must be transported as a vehicle and the City determines where mobile homes may be installed in accordance with zoning laws and other land development regulations.

Maximum Assessment Rate. The highest rate of an Assessment established by the City Commission in an Initial Assessment Resolution and included in the notices required by Article 9.09. The Maximum Assessment Rate may be established by reference to an index (by way of example and not limitation, the Consumer Price Index) or annual percentage rate.

Mini or self-storage. This is the rented storage space for incidental storage of personal effects.

Minimum square footage. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, excluding attic areas with a head room of less than seven (7) feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, vehicle parking structures, basement space, or porches, patios, breezeways, sun porches, and other similar structural additions that are enclosed or unenclosed with screening.

Minor replat. The subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

Mixed Commercial. A variety of general commercial, commercial recreational, entertainment, and related activities is included in this category. The following specific uses are examples of the type of activities within this category:

Mixed-use development. This is any combination of office, retail or residential in a building or lot.

Mobile home park. Premises where spaces can be rented or sold for the temporary or permanent placement of a mobile home, including any land or facilities used by the mobile home occupants.

Mobile home. A detached mobile dwelling or office unit built onto its own chassis and wheels which can be transported on streets and highways.

Modular home. A dwelling unit, constructed as a total entity, or in parts of a total entity, which is constructed at other than the building site and which is moved to and erected on the building site.

Month. The word "month" shall mean a calendar month.

Motel. Any public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, off-street parking for each unit, a central office on the property with specified hours of operation, a bathroom or connecting bathroom for each rental unit, and at least six rental units.

Motor vehicle. Any vehicle propelled by other than muscular power including but not limited to any motorized automobile, motorcycle, scooter, golf cart, pickup truck, boat, jet ski, watercraft, aircraft, recreational vehicle, and/or any trailer used to haul vehicles.

Multiple dwelling unit. A building or facility consisting of more than one (1) dwelling unit, each such unit consisting of one (1) or more rooms with bathroom and kitchen facilities designed for occupancy by one (1) family.

Natural drainage system. Surface streams or swamps which convey water to natural points of discharge.

Natural flow pattern. The rate, volume and direction of the surface water flow or groundwater flow or both occurring under natural conditions for any given portion of the city.

Natural systems. Systems which predominantly consist of or are used by those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

NENA. The National Emergency Numbering Association, a national organization which adopts standards for the emergency management community regarding street naming and numbering.

Noise level. The sound pressure level as measured in dB (a) by a sound level meter.

Nonconforming use. A use of land, sign or building existing at the time of adoption of these land development regulations which is not permitted within the land use classification applicable thereto.

Non-regulated motor vehicles (light trucks). Personal pickups and passenger vans, including church, school and public buses.

Nonresidential unit. Any building, structure or facility used other than as a dwelling unit or single-family unit.

Nontransient apartment. A building or complex of buildings in which 75 percent or more of the units are available for rent to nontransient tenants (F.S. 509.242 Public lodging establishments; classifications).

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Numbering system. A uniform method of assigning and coordinating the addresses of buildings and properties based on a designated grid system contained in the official property numbering maps.

Nursery school. This is a day school for the care and instruction of pre-school age children.

Nursing home (convalescent)/assisted living facility. A home for the aged, chronically ill, or persons with incurable conditions in which three (3) or more persons not in the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted to the diagnosis and treatment of the sick or injured.

Nursing homes. A residential facility where a person lives or where a person can stay temporarily, such as for respite care or recuperation after a hospital stay. Features of a nursing home include twenty-four (24) hour nursing care; case management and health monitoring; personal care (help with bathing, dressing, eating, walking, or physical transfer); nutritional meals and special diets; physical occupational, and speech therapy; and social activities.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Object. A material thing of functional, aesthetic, cultural, historical, or scientific value that may be by nature of design, movable, yet related to a specific setting or environment.

Obligations. Bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance Capital Improvements and secured, in whole or in part, by proceeds of the Assessments.

Occupant. Any person, firm, entity, partnership, trust, corporation, association, or other organization who is occupying or leasing a building or other property for a period exceeding thirty (30) days.

Official application. An application meeting all submittal requirements with the application being sufficient for review and timely submittal for hearings before the Historic Preservation Board, Planning and Land Development Regulation Commission and City Commission.

Official city maps or plans. Maps/plans officially adopted by the commission used for development, to delineate between various and different districts or for informational purposes.

Open drainageway. A natural or man-made open-cut which has the specific function of transmitting natural stream, water or storm runoff water from a point of higher elevation to a point of lower elevation, such as swales, ditches, canals, streams and creeks.

Open space. Undeveloped areas of subdivisions which are left permeable. The permeable areas of developable lots shall not be considered as open space. Examples of open space include, but are not limited to, buffers; landscaped areas; dry/wet retention/detention areas; lakes; wetlands; parks; and golf courses.

Ordinary Maintenance or repair. Improvements which do not involve a change of design, appearance or material, or to prevent ordinary maintenance of landscape features where such work will not adversely affect the exterior appearance of the resource.

Overlay Zone. Used to impose special development restrictions on identified areas. The location of overlay zones is established by the city based on the need for special protective measures in that area. The underlying uses in the area, as determined in Article 2, Land Use, of this Code, remain undisturbed by the creation of the overlay zone. The overlay zone merely imposes additional or different development standards than those that would otherwise apply.

Owner. Any and all persons, firms, entities, partnerships, trusts, corporations, associations, or other organizations who own the fee title to, or have an undivided interest in, any building or property. The term shall include the executors, administrators, successors, and assigns of the person referred to; and the covenants and agreements contained in any contract between the department and its consumers should be binding upon an inure to the benefit of the successors, heirs, executors, administrators or assigns of the respective persons thereto.

Pain management clinic. Any privately-owned office, center, clinic, or other facility unaffiliated with any hospital, hospice, and/or facility which provides any type of pain management services and/or the treatment or management of pain by prescribing or dispensing controlled substances to persons with complaints of pain, chronic or otherwise, which are required to register with the Florida Department of Health pursuant to F.S. § 458.3265, or F.S. ch. 459.

Pain management facility. A privately owned clinic, facility or office that employs a physician or osteopathic physician who issues prescriptions for an opiate analgesic listed in Schedule II or Schedule III of Section 893.03, Florida Statutes, as may be amended from time to time, except for Buprenorphine and Buprenorphinenaloxene, to more than twenty (20) patients in any single day, except for the following: clinics licensed as a facility pursuant to Chapter 395, Florida Statutes; clinics where the majority of the physicians or osteopathic physicians who provided primarily surgical services; clinics owned by a publicly

held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million; clinics affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows; clinics that do not prescribe or dispense controlled substances for the treatment of pain; or clinics owned by a corporation exempt from federal taxes pursuant to 26 United States Code Section 501(c)(3).

Parapet wall. A low protective wall or barrier at the edge of a roof designed to hide roof elements or equipment from view.

Parcel of land. Any quantity of land capable of being described in such a manner that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed. as a unit Or which has been used Or developed as a unit said land shown on a recorded plat or on the Volusia County Appraiser's maps or described by deed and recorded in the Public Records of Volusia County, Florida.

Parking lot. An area or plot of land used for the storage or parking of vehicles.

Peak flow. The highest instantaneous rate of stormwater runoff, measured, or estimated. It is differentiated from total flow volume by the introduction of a unit of time measure during which the maximum rate of flow is measured, calculated or estimated.

Performance security or bond. Sufficient funds irrevocably committed by written agreement to ensure complete performance of a contract or conditions of a subdivision development agreement in a form approved by the commission.

Permanent. The opposite of temporary, mobile or moveable, that includes being permanently attached to a structure, building or land and fixed in place without change or without being capable of being moved without deconstruction and reassembly at a new location.

Permitted principal use or structure. Those uses that are permitted within the various land use classifications.

Person. Any individual, firm, association, organization whether social or business, partnership, joint venture, trust company, corporation, receiver, syndicate, business trust or other group or combination acting as a unit, including any government.

Personal and Professional Service. All establishments that offer customized, knowledge-based services to their clients.

Pervious area. That area within the city which is under standard conditions, permeable to stormwater runoff and surface water.

Pervious Surface. A surface that allows water to percolate into the soil.

Physical culture establishment. Any business which offers or advertises massage, body rubs, or physical contact with specified anatomical areas. Businesses which routinely provide medical services by state licensed medical practitioners, electrolysis treatment by permitted operators of electrolysis, and massage by licensed massage therapists shall be excluded from the definition of physical culture establishments.

Plainly audible. Any sound that can be heard clearly by a person using his or her unaided hearing faculties.

Pledged Revenue. As to any series of Obligations, (a) the proceeds of such Obligations, including investment earnings, (b) proceeds of the Assessments pledged to secure the payment of such Obligations, and (c) any other legally available non-ad valorem revenue pledged, at the City Commission's sole option, to secure the payment of such Obligations, as specified by the Ordinance and any resolution authorizing such Obligations.

Pole barn. A roofed structure, with or without a foundation, which is unenclosed on one (1) or more sides, and has a roof supported by poles or posts burred in the ground or under the foundation.

Pollutant. Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Preliminary plat. A topological map showing: elevations; adjacent streets; title of the property; mortgages and liens; other information as required.

Premises. A lot, together with all buildings and structures thereon.

Principal building. Any structure which is designed, built or used for the support, enclosure, shelter, or protecting of persons, animals, chattel or property of any kind for any residential commercial or industrial purpose.

Principal structure/building. This is the main building on a property which is used for the primary or principal use of the property, which may or may not have accessory structures subordinate to it.

Private property tree. The tree shall be deemed to be on private property where more than 50 percent of the flair of the tree, where the tree interfaces with the earth, is located on private property.

Private way. Any officially named thoroughfare used for vehicular traffic which is not included in the definition of "public way" and which is not maintained by the city. This term shall include, but is not limited to, roadways or driveways in apartment, condominium, commercial, or industrial complexes, which have been named and signed in accordance with Florida Statutes, Section 316.077 (State Uniform Traffic Law).

Private. That property or facilities owned by individuals, corporations, and other organizations and not by a city, county, state, or federal government agency.

Project initiation. All acts prior to actual construction activities and includes, but is not limited to, land clearing, utility construction and the like.

Project. The particular structures and improvements proposed by the applicant on a particular land area which are part of a common part of development and shall include the subdivision of land.

Property Appraiser. The Volusia County Property Appraiser.

Protected environmentally sensitive area. An environmentally sensitive area designated for protection in the Conservation Element of the city comprehensive plan.

Protected Tree. Any existing, healthy tree having a two (2) inch DBH, or greater and not identified on the most recent Florida Exotic Pest Plant Council Invasive Plant list (Category I or II).

Protected wellhead. Those wellheads with a permitted capacity of 100,000 GPD or more.

Public facilities and services. The facilities and services typically provided by a governmental entity, such as streets, stormwater drainage, potable water, sanitary sewer, solid waste and/or recreational parks and open space.

Public notice or hearing. "Public notice" or "due public notice" as used in connection with the phrase "public hearing" or "hearing to held after due public notice" shall mean publication of notice of the time, place, and purpose of such hearing at least twice in a newspaper of general circulation in the area, with the first publication not less than fourteen (14) days prior to the date of the hearing and the second at least five (5) days prior to the hearing.

Public nuisance animal. Any animal which meets any one (1) or more of the following criteria:

1. An animal that is repeatedly found at large.
2. An animal that damages, harms or destroys the property of anyone other than their owner.
3. An animal that is a fierce or vicious animal, or a dangerous animal that is not confined as required by this article.
4. An animal that causes unsanitary conditions of enclosures or surroundings as determined by the animal control officer.
5. An animal that is a diseased animal and dangerous to human health.
6. An animal that repeatedly or excessively barks, cries, howls, screeches, squawks, screams, whines or makes other prolonged or disturbing noises interfering with the peace, comfort, repose or quietude of the neighboring properties, providing a complaining neighbor has filed a sworn statement with either the animal control officer or a City police officer describing the disturbance.
 - a. Any animals, birds, etc. which cause frequent or long continued noise which is plainly audible at a distance of one hundred (100) feet from the building or structure in which the animal or bird is located.
7. An animal that has been determined to be a stray.
8. An animal that is a female animal that is not confined within a building, structure, cage or not under restraint during her estrous cycle (in heat).
9. An animal that is a rabies-susceptible animal that has not been appropriately inoculated against rabies.
10. An animal that causes offensive odors from or upon the premises on which the animal is maintained which odors disturb the comfort, peace or repose on any person residing within the vicinity of the animal consistent with the provisions of this article.

Public place. The term "public place" shall include any park, cemetery, school yard or open space adjacent thereto and any lake, stream or waterway.

Public utility structure (facility). A structure or facility owned and/or operated by a governmental entity or a public utility which is regulated by the Florida Public Services Commission.

Public way. That area of an officially named public road or right-of-way, either paved or unpaved, which is intended for vehicular traffic, excluding service entrances or driveways.

Quonset hut. A lightweight prefabricated structure of corrugated galvanized steel having a semicircular cross section. These structures were used predominately by the U.S. military during World War Two.

Rate. The volume of water per unit of time.

Reader board (manual/electronic) signs. A portion of a sign which allows for modification of the message by either manual, electronic, or mechanical means.

Real property. Includes lands, tenements and hereditaments.

Recharge. The inflow of water into a project, aquifer, drainage basin or facility.

Recreational vehicle. A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to; travel trailers, truck campers, camping trailers, and self-propelled motor home.

Regulated motor vehicles (medium and heavy trucks). Any motor vehicle, other than a non-regulated motor vehicle designed, used or maintained for the transportation of goods, equipment or material of a bulk nature including, but not limited to, dump trucks, tractor trailers and semi-trailer combinations.

Repeat violation. A violation of the same provision of a code or ordinance by a person previously found by the code enforcement board, special magistrate or any other quasi-judicial or judicial process to have violated or who has admitted violating the same provision of a code or ordinance within five years prior to the violation, notwithstanding the violations occur at different locations.

Replacement stock. Any immature tree having an overall height of at least six (6) feet and a minimum DBH of one and one-half (1 1/2) inches.

Replacement Tree. One (1) tree of a minimum of four (4) inches DBH which is planted to replace a tree found to be dead or beyond recovery, hazardous, or deteriorated; or one (1) tree of a minimum four (4) inches DBH replacing a removed tree with a DBH of 19 inches or under; or two (2) trees of a minimum of four (4) inches DBH replacing a removed tree having a DBH of 19 inches or greater.

Required yard area. The open space on a lot not occupied by a structure.

Resolution of Intent. The resolution expressing the City Commission's intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act.

Restaurant. An eating and drinking establishment designed primarily to serve walk-in or pedestrian oriented customers. Such establishments specialize in foods and/or beverages which are consumed on the premises within the confines of the principal building itself

Retail uses. All establishments that sell products and services to the general public.

Right-of-way (ROW or plural rights-of-way). This is publicly owned land which is dedicated and used for a street, alley, walkway, drainage, ingress, egress or other public purpose.

Root save area. The area surrounding a tree that is essential to that tree's health and survival. For a free-standing tree with no apparent root restrictions the root save area shall consist of a circle having a radius of one foot for each one inch of diameter at breast height of the tree. Adjustments to the root save area may be made by the city arborist if justified by specific documented site conditions.

Runoff coefficient. Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which run-off can be calculated.

Saved tree. Any tree that is to be protected and not destroyed or injured during construction as required by this article.

Service Cost. All or any portion of the expenses that are properly attributable to the provision of Essential Services under generally accepted accounting principles; and including reimbursement to the City for any funds advanced for such expenses and interest on any interfund or intrafund loan for such purposes.

Shipping container. A rectangular metal container which is packed with merchandise or other similar objects either at a port or off-site, with the container being loaded on a ship for shipment by sea.

Short-term Vacation Rental. A commercial business of a single-family dwelling and a two-family dwelling for fewer than 30 consecutive days.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Sign. A sign is a surface, fabric, device or display that is designed to advertise, inform, identify or to attract the attention of persons. For the purpose of these regulations, the term "sign" shall include all structural parts.

Sign copy. The area of a sign that consists of letters, numbers, symbols, pictures, illustrations, announcements, insignia, trademarks, or the like.

Sign, awning/canopy. Any sign consisting of information painted on, or imprinted on, awnings or canopies. Defined as a sheltering screen, usually of canvas fabric, extending over or before any place which has windows, doors, outside walks or the like, and providing shelter or protecting against the weather.

Sign, bag/slip sign. Any sign made of flexible material which fits over an existing sign.

Sign, balloon sign. An inflated sign filled with gaseous elements which make it rise and/or float.

Sign, banner or flag sign. A sign made of fabric or any nonrigid material with no enclosing framework.

Sign, electric. Any sign containing electric wiring.

Sign, ground or monument. A sign erected on a freestanding frame, mast or pole that extends from the ground.

Sign, harmful to minors. See harmful to minors.

Sign, illuminated. A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Sign, marquee. A permanent sign with removable letters, words, or numerals.

Sign, nonconforming. Any sign within the City on the effective date of this Code or a sign existing within any area annexed to the City after the effective date of this Code, which is prohibited by, or does not conform to the requirements of this Code.

Sign, off-premises / off-site. Any sign that is not an on-premises sign.

Sign, on-premises / on-site. A sign erected by the owner or lessee of premises that is incidental, subordinate, and accessory to the permitted principal use or structure and located on the same premises of such principal use or structure.

Sign, portable. This is a temporary sign which is not permanently affixed to a building, structure, or the ground. Approved signs may not exceed thirty-two (32) square feet in total sign area.

Sign, projecting. A sign erected as an integral part of a building or structure that extends more than twelve (12) inches and less than four (4) feet beyond such building or structure.

Sign, roof. A sign erected wholly upon or over the roof of any building and having its principal support on the roof structure.

Sign, sandwich. Any sign consisting of two (2) faces that are joined together and is free of structure or support and secured to the ground.

Sign, snipe sign. A sign of any material attached in any manner to trees, poles, stakes, fences or other objects, when displayed on public property or in the public right-of-way. This is a prohibited sign.

Sign, spectacular sign. This is an illuminated sign which is animated with action, moving lights, or similar devices, such as electronic reader board, moving, rotating and three-dimensional signs.

Sign, temporary. A sign that is intended to be displayed for a limited period of time.

Sign, wall. A sign erected to the wall of any building, structure or retaining wall that extends twelve (12) inches or less beyond such wall.

Sign, window. A sign painted, attached or hanging on the inside of a window or other opening which is visible from outside. This does not include merchandise which is normally stored or shelved inside a window for sale. Signs on windows shall not exceed twenty-five (25) percent of the total glass area square footage, or the area as specified by the zoning district where the business is located.

Signboard. Any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes.

Signs, Electronic Message Centers. Permitted by Special Exception Only. 1. An EMC sign may be a portion of a building sign or freestanding sign, or may comprise the entire sign area, 2. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, 3. EMC signs shall have a minimum display time of twelve (12) seconds. The transition time between messages and/or

message frames is limited to three (3) seconds and these transitions may employ fade, dissolve, and or other transition effects. 4. The following EMC display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement.

Single-Family Dwelling. A free-standing detached residential building. This definition includes modular homes.

Site mitigation. All private facilities constructed on a parcel of land which provide for the abatement of stormwater to amounts equivalent to vacant property or standards prescribed by the city.

Site plan. The plan required to obtain a development, construction, building or storm water permit which shows the means by which the developer will conform with applicable provisions.

Site. Generally, any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project.

Sound level meter. The instrument including as microphone, an amplifier, an output meter, and frequency weighting networks used for the measurement of noise and sound levels in a specified manner.

Sound pressure level. Sound pressure level in decibels of sound is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure must be explicitly stated.

Special cabaret. Any bar, dance hall, restaurant, or other place of business which features persons who display or expose specified anatomical areas to others, topless and/or bottomless diners, go-go dancers, exotic dancers, strippers, or topless waiters or waitresses; or any such establishment the advertising for, or a sign or signs identifying which, use the words adult, topless, nude, bottomless, or other words of similar import. For the purposes of these regulations, any establishment in which employees engage in straddle dance or lap dance activities, as defied in these regulations shall be considered a special cabaret.

Special exception. A use that would not be appropriate in a land use district without special restrictions. Specific mention of special exception in the land use ordinance is required and each special exception must be specifically approved by the City Commission.

Specified anatomic areas. Those areas of the human body set forth hereinafter which are not completely and opaquely covered; (a) total male or female genitals or any portion thereof; (b) the male or female pubic region or any portion thereof; (c) the areola of the female breast or any portion of the breast below the areola, but shall not include any area of the cleavage of the human female breasts exhibited by a dress, shirt, blouse, leotard, bathing suit, or other wearable apparel, provided the areola is not exposed; (c) the areola of the female breast or any portion of the breast below the areola, but shall not include any area of the cleavage of the human female breasts exhibited by a dress, shirt, blouse, leotard, bathing suit, or other wearable apparel, provided the areola is not exposed ; (d) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activity. Includes (a) human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse, or sodomy, whether actual or simulated; (c) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

Specimen tree. Article 8.08 specifies the species of trees with the minimum specified DBH are determined to be specimen trees in Lake Helen, Florida.

Start of construction. The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of appurtenant structures.

State. The State of Florida.

Stealth technology. Stealth technology for wireless telecommunications towers is where instead of using grey industrial towers, the provider is required to hide the tower and the receiving and transmitting antennae to improve aesthetics by disguising them as part of an existing structure's exterior, hiding them on roofs, or by disguising them to look like something other than a tower, such as a church spire, palm tree, clock tower, or other objects typically found in urban settings.

Stormwater conveyance system. Any natural or man-made system which transports excess rainfall from the land to a point of discharge.

Stormwater management fee. Stormwater management utility fee enacted herein which is billed on the basis of certain categories of land designations.

Stormwater management system. The appurtenances, facilities, equipment and services necessary for which the stormwater runoff is conveyed; the peak flow from developed land surfaces is reduced; the erosion created by stormwater is reduced; and/or the water quality of the stormwater runoff is improved within the corporate limits of the city. The system designed to treat stormwater, or collect, convey, channel, hold inhibit, or divert the movement of stormwater on, through and from a site.

Stormwater plan. Describes how the proposed stormwater drainage system for a development will be constructed to meet the requirements of the city's stormwater management plan which is managed by the city's stormwater department.

Stormwater. The flow of water which results from and occurs immediately following a rainfall event.

Story, half. A story under a gabled, hipped or gambrel roof and the wall plates of which on at least two opposite exterior walls are not more than three feet above the finished floor of such story.

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 be no floor above it, then the space between such floor and ceiling next above it.

Straddle dance or lap dance. The use by an employee or performer at an adult business of any part of his or her body to touch the genital or pubic area of any person, or to touch the breast(s) of any female person, whether clothed or unclothed, while at the business; or the touching of the breast(s) of a female employee or performer, whether clothed or unclothed, by a person while at the business. It shall be a

straddle or lap dance regardless of whether the touch or touching occurs while the employee or performer is nude, semi-nude, or displaying or exposing a specified anatomical area. It shall be a straddle dance or lap dance regardless of whether the touch or touching is direct or through a medium.

Street line. The line between the street and abutting property.

Street. A public thoroughfare which affords principal means of access to abutting property. The word "street" shall embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city, and shall include the entire width of the right-of-way thereof if the sense so requires or admits.

Structural alteration. Any change in the supporting members of a structure, such as load bearing walls, column, beams, girders, or any substantial change in the roof or exterior wall of a structure, as determined by the building official.

Structural root plate. The zone of rapid root taper that provides the tree stability against windthrow. The radius of the root plate is proportional to the stem diameter (DBH) of a tree. The table below provides examples of root plate radii for upright trees without restricted roots.

Structure. Any building, stand-alone system or facility that is constructed or installed in place.

Subdivision plan. Drawings showing how land is to be divided, as well as depictions of how infrastructure is to be provided and other needed tabular data.

Subdivision, major. The division of a tract of land into more than ten (10) lots or parcels for the purpose of individual lot sales and/or building development. This shall also include any subdivisions which have a dedication of a new public/private street or change the alignment of existing street(s).

Subdivision, minor. This is the division of a tract of land into ten (10) or less lots or parcels for the purpose of individual lot sales and/or building development.

Subdivision. The division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land, and includes establishment of new streets and alleys, additions, and resubdivisions.

Substantial improvement. This is any alteration, repair, reconstruction or improvement of a structure, the cumulative cost of which exceeds fifty (50) percent of the current market value of the structure. These costs shall include demolition, new materials, labor, profit and overhead, but do not include the costs of plans, surveys or permits and they shall be substantiated by a licensed contractor through submission of the actual contract documents and a signed affidavit attesting to their accuracy and completeness. The current market value of the structure shall be determined by a licensed appraiser, provided and paid for by the applicant, and selected by the administrator from appraisers who have previously done this type of work for the city.

Substantial or major construction completed. The construction activity which has occurred on a site which exceeds fifty (50) percent of the total required construction expenditure for the project.

Sufficient application. An application which is sufficient for initial review, but requires other documentation before becoming official and being transmitted to the Planning and Land Development Regulation Commission (PLDRC) and City Commission for review. Fees are to be paid for a sufficient application.

Summary plat. Where two (2) or more lots are combined into one (1) lot under single ownership, and where no public or private streets or rights-of-way are added or altered as a result.

Tax Collector. Volusia County, Florida including, as the context may require, the County department and/or official(s) appointed by the County to administer the levy and collection of ad valorem taxes and non-ad valorem assessments.

Tax Roll. The real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

Temporary Canopies. Temporary covering, which is mounted on a rigid frame and is supported in full or part by posts attached to the ground, a deck or a concrete slab. Attached canopies shall be supported, in part by the wall of a permanent structure. Freestanding shall refer to canopies supported entirely by posts.

Temporary sign. Any sign or attention getting device intended to be used for less than ninety (90) days or for the duration of an activity, such as approved: construction; future improvement; promotional; political; real estate; religious and non-profit signs. A temporary sign permit may be required for some temporary signs.

Tent. A canopy that is a portable shelter comprised of canvas or other cloth supported by a rigid frame or by poles, stakes and ropes or both, and not attached to any building and are less than 144 square feet.

Time. The then current legal time in the city. Daytime shall mean 7:00 am to 11:00 pm and nighttime shall mean 11:00 pm to 7:00 am in commercial areas. Daytime shall mean 7:00 am to 10:00 pm and nighttime shall mean 10:00 pm to 7:00 am in residential use areas. The City Administrator or his/her designee shall determine classifications of commercial and residential areas.

Timeshare project. A timeshare project is a timeshare property, as defined in chapter 721, that is located in this state (Florida) and that is also a transient public lodging establishment (F.S. 509.242 Public lodging establishments; classifications).

Tipping. The cutting of a lateral limb in such manner as to leave a prominent stub extending beyond a branch node or the trunk.

Topping. The cutting of a leader trunk in such manner as to leave a prominent stub extending beyond the node (crotch) of another leader trunk or major branch that may become a leader trunk.

Total flow. The accumulative volume of stormwater discharged from a property, basin, or watershed. The total flow is quantified in measures such as acre feet or cubic feet of water.

Tract of land. Any amount of land not presently subdivided.

Traffic impact statement/analysis. This is a traffic report/study/analysis to identify that the impact of the traffic generation and flow created by a development will not adversely affect the community.

Trailer or vehicle sign. A sign affixed to or applied to a trailer or vehicle. The trailer or vehicle is required to be currently registered and licensed in the State of Florida.

Trailer park. A duly licensed camp, park or other area established to carry on the business of parking or otherwise servicing trailers. The site plan and all sanitary facilities of a trailer park must conform to the requirements of the State and County health authorities.

Transient lodging establishments. Any unit within a building or any group of buildings with multiple units within them, or any similar place whether designated a hotel or motel room, apartment, condominium unit, cooperative unit, time-share unit, single-family unit, or otherwise which is rented more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to transient residents. This does not include any health care providing facility or dormitory. "Transient resident" means a temporary visitor to the community who does not use the dwelling as a principal residence.

Tree protection zone. A zone around each protected tree as defined in these regulations.

Tree replacement plan. A Drawing depicts the location, size and species of existing trees and notes the existing tree requesting to be removed, indicates location, size and species of replacement trees on the lot, a table detailing, by species and DBH, the existing trees to be saved, lost or destroyed, and, by species and caliper, the replacement trees to be planted.

Tree structure. Branch and trunk architecture that result in a canopy structure that resists failure. Trimming means cutting a stem to an indiscriminate length, as determined by the city public works department. While trimming is unacceptable, pruning- the act of cutting stems at nodes- is permissible.

Tree. Any woody, self-supporting plant characterized by having a single trunk of at least six (6) inches Diameter at Breast Height (DBH) or multi-stem trunk system with a combination of stem trunks of a least six (6) inches DBH and a well-developed crown at least fifteen (15) feet high as measured from its base. As utilized herein, a palm tree is considered a plant, not a tree, and the term when used is not synonymous with a tree.

Truck route. Certain streets as designated on the City's truck routing plan, attached to, incorporated in and made a part of Article 11.16, over and along which regulated motor vehicles may routinely operate within the City during designated hours.

Truck. Any motor vehicle designed, used or maintained for the transportation of goods, materials, or troops.

T-turn. An area where a driver can turn left or right and then back up to turn around at the terminus of a dead-end street.

Uniform Assessment Collection Act. Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Uniform sign plan (master/common signage plan). A sign plan which includes all signage on a property or properties under single ownership which explains how all signage is or will be brought into compliance with the current LDC sign regulations. (See chapter V, article IV, section 6-24).

Usable open space. The part or parts of land or structures which are reserved for active or passive recreation use. This space shall exclude parking areas, driveways, and walkways and open areas such as cafes and shall be open and unobstructed to the sky. Trees, plantings, arbors, fences, 'flagpoles, sculptures, fountains, swimming pools, open air recreational facilities, laundry apparatus and similar objects shall not be considered obstructions.

Used car sales. This includes the sales of any used vehicles, such as automobiles, motorcycles, golf carts, trucks, boats, watercraft, recreational vehicles, aircraft and trailers on display for the purposes of sale.

Utility room. A room containing washers, dryers, sewing machines, workshop or storage area for heating and air conditioning units.

Utility. Electricity, telephone, illumination, potable water and stormwater management utilities.

Vacant. Any piece or parcel of land that is without any building, structure, appurtenance, or improvement and which is not for agricultural use.

Variance. A modification of, or deviation from, the requirements of these regulations which is authorized and approved or denied by the City Commission after it finds that the literal interpretation and application of the provisions of these regulations would cause a unique and unnecessary hardship not resulting from an action of the owners in the use or development of a specific lot or building.

Vegetation. All plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

Visibility triangle. An area kept clear of visible obstructions where an adjacent road right-of-way meets an on-site road right-of-way or driveway meet to allow for adequate vehicular visibility. At such intersections, an area bounded by the first thirty (30) feet along each right-of-way line or driveway, projected where rounded and a diagonal line extending across the property and connecting the ends of such thirty (30) foot lines shall be provided, where any structures, signage, or landscaping between three (3) and six (6) feet in height shall be prohibited.

Volume. Occupied space and is measured in cubic units.

Waiver. A grant of permission that authorizes an applicant to deviate from specific standards or provisions of these regulations. A waiver may be granted by the administrator, city manager, or the city commission, where and as specifically permitted throughout these LDC regulations. (See chapter IV, article IV) Any waiver will not be contrary to the public health, safety or welfare, and may only be granted where a literal enforcement of these regulations would result in an undue hardship, due to conditions peculiar to the property and not the result of actions of the applicant. Waivers may not be requested or authorized for expansion of a nonconforming structure or use, or where otherwise prohibited.

Wall sign. A sign which is built off-site and then attached flush to the exterior wall of a building as a single unit, with only one (1) advertising surface, including signs attached to a mansard roof and facade signs.

Water retention structure. A facility which provides for storage of storm water runoff.

Water. Includes all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water standing, percolating or flowing beneath the surface of the ground.

Waterfront yard. A yard with a property line directly abuts a water feature including, but not limited to lakes, ponds, wet retention areas, wetlands, canals, and similar water features.

Wellhead protection zone. An area surrounding a public wellhead where development is excluded or severely limited.

Wetland. Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, cypress ponds, bay heads and bogs, wet prairies, and freshwater marshes.

Xeriscape. A set of horticultural principles which promote quality landscapes and efficient use of water through the protection of existing vegetation, the use of appropriate plant material, the grouping of plants according to existing vegetation, the use of appropriate plant material, the grouping of plants according to similar water requirements and other similar techniques. "Xeriscape" is a registered trademark of the National Xeriscape Council.

Yard (setback). The area between a property line and structure. This includes front, side, and rear.

Yard, front. A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps.

Yard, rear. A yard extending across the full width of the lot, and measured between the rear line of the lot and the rear line of the main building.

Yard, side. An open unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Yard, water. An open unoccupied space on the same lot with the main building extending from the rear line of the front yard to the front line of water including but not limited to lakes, rivers, creeks, wetlands etc. Drainage or other canals are to be excluded.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Year. The word "year" shall mean a calendar year, unless otherwise specified.

Zoning change. An action to amend, supplement, change, modify or repeal any provision of the present land use regulations in accordance with Administration and Enforcement procedures. Must be in compliance with FS. 163.215 and 166.041.

Zoning classification. Those classifications established by city ordinance and as indicated in Article 2, Land Use of these ordinances.