

CHAPTER 2

DEFINITIONS AND INTERPRETATIONS.

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

- A. The words "shall" or "must" are mandatory. The words "should" or "may" are permissive.
- B. Words used or defined in one tense or form shall include other tenses or derivative forms.
- C. Words in the singular shall include the plural; words in the plural shall include the singular.
- D. Words referencing the masculine gender shall extend and be applied to the female gender and shall be considered to be gender neutral.
- E. In computing any period of time, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday in which even the period shall run until the end of the next day which is neither a Saturday, Sunday nor legal holiday. Furthermore:
 - 1. Unless expressly stated within this Code, any time prescribed which is less than ten (10) days shall be calculated by business days, which shall not include Saturday, Sunday or legal holidays.
 - 2. Unless expressly stated within this Code, any time prescribed which is ten (10) days or greater shall be calculated by calendar days, regardless of Saturdays, Sundays or legal holidays.

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

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

Unless specifically or otherwise defined herein, terms defined in the Florida Statutes shall be utilized to implement this Code.

SECTION 2100. DEFINITIONS.

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

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

DEFINITIONS.

Subsection 2102. Specifically.

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

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

Abutting property/abutting parcel: Any property that is immediately adjacent or contiguous to or immediately across any road or right-of-way from the subject parcel.

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

Adjacent: See abutting.

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

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

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

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

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

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

Agrotourism/Agritourism: Activities that are secondary, related to, or dependent upon those as defined by §193.461(5) Florida Statutes.

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

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

Amateur radio antenna: Any antenna installed for the primary use of designated radio frequency spectra for purposes of private recreation, non-commercial exchange of messages, wireless experimentation, self-training, and emergency communication.

ANSI: American National Standards Institute.

Antenna: A rod, wire, or other device used to transmit or receive radio or television signals.

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

Apartment house: See Dwelling, multi-family.

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

ARPC: Apalachee Regional Planning Council.

Athletic fields: Land designated for outdoor games and sporting activities, to include all accessory and/or ancillary structures.

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

Bar: See tavern.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Building, Primary: See Primary Structure.

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

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

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

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

Child Care Facility: A business which provides for care of persons which are of pre-school age, that care for five (5) or more children unrelated to the operator of the

facility, and which receives a payment, fee, or grant for said service.

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

Cluster Development: A compact development that allows the developer to 1) group uses more closely together, 2) preserve fragile habitats, and/or 3) increase the amount of open space of a development.

Co-location: The mounting or installation of an antenna and associated equipment on an existing telecommunication antenna support structure, building or other structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

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

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

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

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

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

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

Contiguous: See abut.

County: Gadsden County, Florida.

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

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

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

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

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

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

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

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

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

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

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

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

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

Department: Gadsden County Planning and Community Development Department.

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

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

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

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

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

Deviation: A grant of permission which is authorized only under Section 5800, Telecommunication of this Code that authorizes an applicant to deviate under limited circumstances from specific standards or provisions of this Code.

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

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

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

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

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

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

Dripline: An imaginary perpendicular line that extends downward from the outermost

tips of the tree branches to the ground.

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

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

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

Dwelling, Multi-family: A structure designed for residential occupancy which has common walls for more than one dwelling unit to house more than one family.

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

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

Eco-tourism: Uses and activities that are designed to have low-impact or minimize ecological impact to the land and natural environment, and which involves travel to the area and not intended for permanent occupancy.

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

Environmentally Sensitive Resource: The following resources are designated as environmentally sensitive:

- a. wetlands;
- b. lands designated as Special Flood Hazard Areas on the Federal Emergency Management Agency Flood Insurance Rate Maps, adopted 2009.
- c. All Outstanding Florida Waters.
- d. All Class I surface waters.
- e. All Endangered, Threatened and Species of Greatest Conservation Need as listed by the Florida Fish and Wildlife Conservation Commission, and published in the "Florida's Endangered and Threatened Species" document dated January, 2013.

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

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

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

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

FDEO or DEO: The Florida Department of Economic Opportunity.

FDEP or DEP: The Florida Department of Environmental Protection.

FDOT or DOT: The Florida Department of Transportation.

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

Family Exception: A process for conveying a parcel to an immediate family member.

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

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

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

Filling, station: See Service station.

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

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

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

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

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

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

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

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

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

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

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

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

Flood Prone Areas: See Special Flood Hazard Area.

Floor Area Ratio, (FAR): A mathematical expression of land use intensity calculated by

dividing the total area of all floors of a structure (a.k.a. gross floor area), by the area of the lot on which it is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Grandfathered/grandfathering: An exemption to the requirements of this Code based on previously existing circumstances.

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

Grantor: A person who makes a grant or conveyance.

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

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

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

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

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

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

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

Hydrograph: A graphic representation of the variation of drainage flow with time in

relationship with a particular storm frequency.

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

Immediate Family Exception: A process for conveying land to an immediate family member.

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

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

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

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

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

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

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

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

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

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

Lot: Land that has been duly recorded through a subdivision plat process with the

Gadsden County Property Appraiser.

Lot, area: The total lot including easements.

Lot, standards (below):

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

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

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

Manufactured Home: As defined by §320.01, Florida Statute, which was fabricated on

or after June 15, 1976.

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

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

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

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

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

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

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

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

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

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

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

Onsite Sewage Treatment and Disposal System, (OSTDS): Per§ 381.0065(2)j., F.S.,

a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a greywater system tank; a laundry wastewater treatment system tank; a septic tank; a grease interceptor; a dosing tank, a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on land to which the owner has legal right to install the system.

Open Space: Any land area, designated greenway, or permanent conservation easement either in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures, or impervious surfaces. Areas designated for dry or wet stormwater ponds shall not be considered open space.

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

Parking lot: An area used for the short term storage of vehicles.

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

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

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

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

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

Plat: A plat may be either:

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

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

Power Plant, electrical: Any steam or solar electrical generating facility using any process or fuel, including nuclear materials.

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

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

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

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

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

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

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

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

Rear lot line: Any lot line which is not a front or side lot line and which if extended in

either direction, would not cross the lot.

Recreation, private: Land used for the purposes of recreational activities that has limited access to association owners or otherwise restricted membership whether at no cost or is fee-based. Recreational activities not available or open to the general public.

Recreation, public: Land used for the purposes of recreational activities that is open or otherwise available to the general public whether at no cost or is fee-based.

Recreational Vehicle: A unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Types of recreational vehicles include those as specified in §320.01(1)(b), F.S.

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

Redevelopment: See Development.

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

Restaurant: See Public Food Service Establishment.

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

Residential Area: Areas designated with Rural Residential land use category on the Gadsden County Comprehensive Plan Future Land Use Map. In some contexts, such as the location of telecommunication towers, or other uses potentially incompatible with residential uses, a residential area includes areas not designated Rural Residential but which are predominately residential in character, which would include areas with existing residential structures at an average density of one (1) unit per five (5) acres located within a 0.25 acre radius from the proposed communication tower site.

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

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

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

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

Road: Any avenue, street, boulevard, lane, parkway, place, or other way which is an existing State or County roadway, or a way or a road shown on a plat hereto and approved, pursuant to law, or approved by official action; or road or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court of Gadsden County.

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

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

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

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

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

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

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

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

Sewage System, Central: A public or private sewage system designed to serve more

than two (2) structures or dwelling units including collection and advanced treatment facilities. This system must be approved by the County Environmental Health Department.

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

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

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

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

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

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

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

Sign, Construction: A temporary sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction of the site where the sign is placed, together with other information included thereon.

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

and signs or notices erected or maintained upon public property giving the name of the owner, lessee, or occupant of the premises or the street number thereof.

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

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

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

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

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

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

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

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

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

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

Sign, Off-premise or off-site: A sign whose purpose is to advertise, display, identify, direct attention to or in any other way present to the public a message that relates to a product, business merchandise, service, institution, residential area, entertainment, charitable organization, religious organization, or any other organization or activity conducted by any company, person, or organization that is not located, purchased, rented, based, offered, furnished, or otherwise associated with the property on which the sign is located. This includes a sign erected by an outdoor advertising business, an animated billboard sign, a multi-

vision sign, or any other sign meeting the definition of off-site sign. An off-site sign shall include a sign structure and sign display surface, upon which copy or information content is intended to be displayed; a sign structure without display surface shall not be construed to be an off-site sign; nor, shall a sign structure with only nondurable paper, cloth, or plastic sheeting, without a rigid frame, be construed to be an off-site sign.

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

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

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

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

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

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

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

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

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

Sign, Wall Mural: A sign that is a painting or an artistic work composed of photographs or arrangements of color and that displays a commercial or noncommercial message, relies solely on the side of the building for rigid structure and support, and is painted on the building or depicted on vinyl, fabric, or other similarly flexible material that is held in place flush or flat against the surface of the building.

Sign Area: The entire face of a sign and all wall work including illuminating tubing incidental to its decoration shall be included for measurement of sign areas excluding architectural trim and structural embellishments. In computing sign

area, only one (1) side of a double face sign structure shall be considered.

Silviculture/Silvicultural: A process, following accepted forest management principles, whereby the trees constituting forests are tended, harvested, and reproduced. This process excludes the cutting and removal of timber and associated activities to prepare land for development.

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

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

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

Small Wireless Facility: Equipment generally used for wireless communications that meets the definition of small wireless facility under Florida Statute 337.401 and is located in the public right-of-way.

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

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

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

Solar Farm: (See Power Generation Facility, Solar)

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

Special Flood Hazard Area (SFHA): An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. For the purpose of

determining Community Rating System (CRS) premium discounts, all AR and A99 zones are treated as non-SFHAs.

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

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

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

Street line: See right-of-way.

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

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

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

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

Substantial improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building or sign. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

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

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

Subdivision, family exception: Means a subdivision of land in the Agriculture Future Land Use category which the transfer of title passes as a result of gift to immediate family members or by inheritance, provided that such subdivision does not involve a planned unit of development, any new street, or the extension of a municipal utility or municipal facility. Beneficiaries under this subsection shall meet all the requirements contained in Section 6700 of this Code.

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

Substation, Electrical: A non-power generating station that includes related equipment which is part of an electrical generation, transmission, and distribution system. Substations change the voltage levels between higher voltage transmission lines to lower voltage distribution lines.

Substation, Transmission: Transforms power from higher voltage transmission lines (500 kV, 345 kV) to sub-transmission voltages (46kV, 115kV, 138kV, 230kV).

Substation, Distribution: Transforms power from transmission lines (46kV, 115kV,

138kV, 230kV) to distribution lines (4kV, 12.5kV, 25 kV).

Surveyor: A Florida registered land surveyor.

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

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

Tourist home: See Guest house.

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

Telecommunication Equipment: Equipment, other than customer premises equipment, used by a carrier to provide telecommunications services, and includes software integral to such equipment.

Telecommunication Facilities: The compound, equipment, towers, structures, antennas, mounts, fencing, landscaping, and any other reliant equipment used to transmit, receive, distribute, provide or offer telecommunications services.

Telecommunication Service Provider: A company authorized by the FCC to operate a wireless communication service system, or broadcast in the commercial radio or television bands.

Telecommunication Tower (antenna support structure): Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guy towers, or monopole towers. This term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures.

Telecommunication Tower (antenna support structure), camouflaged: Towers or structures that camouflage or conceal the presence of antennas, towers, or structures. A tower that does not have the appearance of a typical telecommunication tower, in that it serves or appears to serve another function or mimics another object. Examples of a camouflaged tower include, but are not limited to, clock towers, bell towers, steeples, flagpoles, ball field lights, utility or light poles, silos, water towers, signs, or artificial trees.

Telecommunication Tower (antenna support structure), existing: A communication antenna support structure that has received final approval in the form of a building permit for an approved site and development plan or where substantial construction has been completed, and shall be considered an existing communication antenna support structure so long as such approval is valid and unexpired as of the effective date of the ordinance from which this section is derived.

Telecommunication Tower (antenna support structure) height: The measurement including the base of the pad, as measured from the natural, pre-development grade of the tower site, to the highest point of the antenna, tower or structure.

Telecommunication Tower (antenna support structure) site: A parcel of land smaller than the minimum lot size required in the zoning district completely contained within a lot, but meeting the requirements of the zoning district for the purposes of locating a communication antenna support structure.

Telecommunication, Utility Pole-Mounted Wireless Facility: A wireless telecommunication facility attached to or upon a publicly owned electric transmission or distribution pole, street light, traffic signal, or similar facility located within a public right-of-way or utility easement. The facility shall include any associated equipment shelters regardless of where they are located with respect to the mount. This does not include small wireless facilities.

Telecommunications Service: Shall mean the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities, with or without benefit of any closed transmission medium.

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

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

person or entity of an enforceable, recorded option or options to purchase the entire tract.

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

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

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

Utility Pole: A pole or similar structure that is used in whole or in part to provide telecommunications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless an authority grants a waiver for such pole.

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

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

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

Visual Impact Assessment: An analysis using aerial photographs, ground photographs, photo simulations, or other such techniques to analyze a proposed tower's visual impact.

Warehouses, mini-warehouses, or self-storage units or facilities: A building or buildings used primarily for storage of goods and materials.

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

Wetlands: Those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.

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

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

Zero Lot Line House: A single-family attached or detached dwelling unit sited where one or more side lot line has no building setbacks.

(Ord. #2018-010, 8-21-2018; Ord. #2021-002, 4-6-2021)