

1 **ARTICLE II. DEFINITIONS**

2 **Section 30-2.1. Definitions.**

3 Throughout this chapter, the following words and phrases shall have the meanings indicated unless the  
4 text of the article or section in which used clearly indicates otherwise. Any word or phrase used in this  
5 chapter that is not defined in this chapter shall have the common dictionary meaning most appropriate  
6 to the context in which such word or phrase is used.

7 **Abandoned sign** means a sign or sign structure located on a parcel(s) that has been vacant or  
8 unoccupied for a period of at least 120 consecutive days, a sign or sign structure with a message that  
9 describes the availability of goods or services at a location where such goods and services are no longer  
10 available and have ceased to be available for a period of at least 120 consecutive days, or a sign or sign  
11 structure with a message that otherwise pertains to a time, event or purpose that has elapsed or  
12 expired.

13 **Abused person** means a person in need of and seeking refuge from actual or threatened physical or  
14 mental violence or abuse.

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

16 **Accent lighting** means lighting of predominately non-horizontal surfaces, including facades, fountains,  
17 displays and statuary.

18 **Accessory dwelling unit** means a subordinate living unit added to, created within, or detached from a  
19 single-family dwelling (but within the same lot) that provides basic requirements for independent living,  
20 sleeping, eating, cooking and sanitation.

21 **Accessory structure** means a subordinate structure (not exceeding 50% of the building square footage of  
22 the principal structure), the use of which is incidental to that of the principal structure on the same lot.

23 **Accessory use** means an activity, or function that is incidental to, and on the same lots as, a principal  
24 use.

25 **Adjacent** means when two properties, uses or objects are not abutting but are separated only by a right-  
26 of-way, street, pathway or similar minimum separation.

27 **Administered parking service** means a procedure where the parking of patron or employee vehicles is  
28 conducted by, and is the responsibility of, the owner or operator of the subject establishment.  
29 Administered parking, and designated drop off areas shall meet all vehicle circulation requirements of  
30 the city. The acceptable procedure for administered parking requires the patron to leave the vehicle  
31 with the owner, operator or representative of the establishment who then moves the patron's vehicle to  
32 a designated lot and returns the vehicle to the original location for vehicle pickup at the time the owner  
33 of the vehicle needs to depart. Designated arrival and departure areas and the location for storing  
34 vehicles shall be clearly marked in accordance with all city requirements.

35 **Adult day care home** means an occupied dwelling in which one or more of the residents provide care or  
36 supervision for more than three natural persons, other than residents requiring such care or supervision  
37 and other than children provided for within the definition of a family day care home. Such homes shall  
38 be licensed by the state and shall not include nursing and personal care facilities, schools, rehabilitation

1 centers, social service homes or halfway houses, or other similar activities or facilities that are not  
2 customarily incidental to a residential use.

3 **Adverse impact** means any direct or indirect effect likely to cause, or actually causing, a decline in the  
4 stability, natural function or natural diversity of any environmental feature, or in the quiet, peaceful,  
5 safe or healthful use or occupancy of any on-site or off-site property.

6 **Adversely affected person** means any person who is suffering or will suffer an adverse effect to an  
7 interest protected or furthered by the Comprehensive Plan, including but not limited to: interests  
8 related to health and safety; densities or intensities of development; transportation facilities;  
9 recreational facilities; educational facilities; health care facilities, or services; and environmental or  
10 natural resources. The alleged adverse effect may be shared in common with other members of the  
11 community at large, but shall exceed in degree the general interest in community good shared by all  
12 persons.

13 **Alcoholic beverage** means all beverages containing more than one percent of alcohol by weight.

14 **Alcoholic beverage establishment** means any use located in any structure or building or portion thereof  
15 that:

16 A. Involves the retail sale of alcoholic beverages for consumption on the premises. This phrase does  
17 not include: 1) uses that involve a de minimus retail sale of alcoholic beverages; or 2) an accessory  
18 use that involves the retail sale of alcoholic beverages for consumption on-premises if the principal  
19 use is:

- 20 1. Civic, social, or fraternal organizations.
- 21 2. Amusement and recreation services.
- 22 3. Motion picture theaters.
- 23 4. Hotels and motels when the alcoholic beverage establishment is operated by the management  
24 of the hotel or motel.
- 25 5. Restaurants, as defined below.
- 26 6. Grocery stores with an accessory use that includes prepared foods for onsite consumption;  
27 however, this does not include convenience stores.

28 B. Is a bottle club as defined below.

29 **Alley** means a right-of-way providing access to parking, service areas, and outbuildings at the rear or  
30 side of the property.

31 **Amateur radio towers** means structural facilities used to support amateur radio antennas as licensed  
32 and operated by federally licensed amateur radio station operators.

33 **Animated sign** means any sign that contains text or pictorial information that moves or changes, or that  
34 uses movement or change of lighting and/or color to depict action or create a special effect or scene.

35 **Antenna** means any exterior apparatus designed for sending and/or receiving intelligence without  
36 physical connection.

37 **Applicant** means a landowner, developer, builder or other person who files a petition for a development  
38 order and/or a development permit.

1 **Application for development permit** means an application submitted to the city requesting the issuance  
2 of a development permit.

3 **Appropriate reviewing board** means the board responsible for reviewing or rendering a decision on a  
4 particular subject, zoning, development plan, variance, or any other action provided for in this chapter.  
5 The boards include the City Plan Board, Development Review Board, and Historic Preservation Board.

6 **Apron** means the paved area between the back edge of the sidewalk and the back of the curb.

7 **Arcade** means a private frontage typically used in conjunction with a retail use where the façade  
8 includes a colonnade supporting habitable space.

9 **Archaeological site** means a property or location that has yielded or may yield information on the city's  
10 history or prehistory, as generally evidenced by the presence of archaeological resources.

11 **Archaeological resources** means physical evidences of past human activity, as well as evidences of the  
12 effects of that activity on the environment, including but not limited to: monuments, memorials, Indian  
13 habitations, ceremonial sites, abandoned settlements, sunken or abandoned watercraft, engineering  
14 works, treasure troves, artifacts, or other sites, landforms, properties, objects or features with intrinsic  
15 archaeological value. Generally, this term applies to physical evidences equal to, or greater than, 50  
16 years in age.

17 **Area** means a clear or open space of land or right-of-way, or the enclosed space or location on which a  
18 building stood, stands, or could stand, a definitely bounded part or section of a district, site, building,  
19 structure or object set aside for a specific purpose.

20 **Area lighting** means lighting of predominately horizontal surfaces, including parking areas, recreational  
21 areas and building entrance walkways.

22 **Arterial or arterial street** means any street:

23 A. Designated as arterial on the Roadway Map on file in the Public Works Department;  
24 B. Functionally classified by the state department of transportation as an urban principal arterial street  
25 or an urban minor arterial street; or  
26 C. Designated by the City Commission as an arterial street based on its physical design, moderately  
27 long trip length, and existing or anticipated traffic characteristics.

28 **Assessed value** means the total value of a tax parcel, excluding the value of the land, as determined by  
29 the Alachua County Property Appraiser and shown on the most recent property tax bill sent to the  
30 owner of record by Alachua County. In the absence of such information, applicants may submit an  
31 assessment prepared by a professional appraiser.

32 **Assisted living facility (ALF)** means a facility that provides housing, meals, and one or more personal  
33 services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or  
34 administrator.

35 **Attached dwelling** means two or more dwelling units that are attached horizontally, where each unit  
36 has its own front yard and direct entrance from the ground level. This term includes townhouses and  
37 rowhouses, and dwelling units that may be on one combined lot or individual lots.

38 **Automotive detailing** means establishments engaged in providing any of the following services:  
39 washing, waxing and polishing by hand, pinstriping, window tinting, interior cleaning and carpet  
40 shampooing, sales and installation of basic car accessories such as car covers and car masks.

- 1 **Average daily traffic** means the number of vehicles traveling in all directions over a given section of  
2 roadway during a 24-hour period.
- 3 **Avigation easement** means the permanent grant of airspace rights over and above the surface of  
4 property in order to permit airport operations and operation of aircraft, despite the associated nuisance  
5 effects on the underlying surface property, such as but not limited to, noise, vibration, fumes, and fuel  
6 particles.
- 7 **Awning** means a light roof-like structure, supported entirely from the exterior wall of a building.  
8 Awnings extend over doors, windows, and/or show windows with the purpose of providing protection  
9 from sun and rain and/or embellishment of the façade.
- 10 **Awning sign.** See "marquee sign."
- 11 **Banner sign** means a banner or other flexible sign characteristically suspended along or across any of  
12 the public streets of the city.
- 13 **Base flood** means the flood having a one-percent chance of being equaled or exceeded in any single  
14 year (i.e., the 100-year flood).
- 15 **Basement** means that portion of a building having its floor subgrade (below ground level) on all sides.
- 16 **Bed and breakfast establishment** means a dwelling unit personally and physically operated and  
17 occupied by the owner or manager in which, as a use subordinate to and included in the residential  
18 dwelling unit, transient guests, in return for payment, are provided an overnight sleeping room and only  
19 breakfast.
- 20 **Bicycle lane** means a dedicated lane for cycling within a street, demarcated by striping.
- 21 **Bikeway** means any road, street, path or way that in some manner is specifically designated as being  
22 open to bicycle travel, regardless of whether the facility is designed for the exclusive use of bicycles or is  
23 to be shared with other transportation modes.
- 24 **Block** means a group of lots existing within well-defined and fixed boundaries, usually being an area  
25 surrounded by streets or other physical barriers.
- 26 **Bona fide agriculture and/or silviculture** means the good faith commercial agricultural and/or  
27 silvicultural use of the land determined by using the factors outlined in Section 193.461, Florida  
28 Statutes.
- 29 **Bottle club** means a business establishment not licensed to sell alcoholic beverages providing facilities  
30 for the consumption of alcoholic beverages by its patrons on the premises, but without regard as to  
31 whether the patrons are required to be members of the bottle club. A bottle club does not include a  
32 social, fraternal or civic association or organization not licensed to sell alcoholic beverages that only  
33 incidentally, as opposed to primarily, provides facilities for on-premises consumption of alcoholic  
34 beverages by its members and their guests. A bottle club can be a private club or a public business  
35 establishment in which the principal revenue would be derived from the sale of setups, mixers, ice and  
36 water and charges for any entertainment provided.
- 37 **Broadcast** means to transmit information without physical connections to two or more receiving devices  
38 simultaneously. Information can be transmitted over local television or radio stations, satellite systems  
39 or wireless data communications networks.
- 40 **Buffer matrix** means a matrix showing the required width of a buffer strip and amount of plant material  
41 to be located in a buffer strip based on the proposed relationship between land uses.

1 **Buffer strip** means the area reserved along the boundary of a parcel in which landscaping and/or walls,  
2 fences or berms provide a separation for uses of differing type and intensity as well as providing an  
3 attractive boundary between parcels, particularly ensuring landscaping between multiple-family  
4 complexes.

5 **Buffering** means the use of any manmade or natural materials or open space in any fashion designed to  
6 limit the effects of one land use upon adjoining land uses.

7 **Building** means any structure, either temporary or permanent, except a fence or as otherwise provided  
8 in this definition, used or built for the enclosure or shelter of persons, vehicles, goods, merchandise,  
9 equipment, materials or property generally. This definition shall include tents, dining cars, trailers,  
10 mobile homes, sheds, garages, carports, animal kennels, storerooms, jails, barns or vehicles serving in  
11 any way the function of a building as described herein. This definition shall not include individual doll  
12 houses, play houses, and animal or bird houses.

13 **Building envelope** means the outermost surfaces forming the complete enclosure of a building.

14 **Building frontage** means the total length in linear feet of a building façade(s) within a development that  
15 fronts directly on a required street or urban walkway. Building frontage is regulated as a required  
16 percentage of the total length of the development frontage along the street or urban walkway. For  
17 corner lots, the building frontage calculation shall exclude the widths of the required landscape zone,  
18 sidewalk zone and building frontage areas.

19 **Building frontage zone** means the area between the edge of the sidewalk opposite to the travel lane  
20 and the building façade.

21 **Building height** means the vertical distance measured from the average elevation of the proposed  
22 finished grade to the top plate of the highest story.

23 **Building official** means the person designated as building official by the City Manager.

24 **Building permit** means an official document or certificate issued by the building official, as provided for  
25 in the Standard Building Code as adopted in Chapter 6 of the City of Gainesville Code of Ordinances,  
26 authorizing performance of construction or alteration of a building or structure.

27 **Building setback line** means a line, established at the minimum setback line as set forth by the  
28 applicable zoning district, within a lot or other parcel of land so designated on the plat.

29 **Business service** means a business where the provision of services is focused on support to professional  
30 office establishments, including copy, printing and binding centers, secretarial services, and computer  
31 rental-repair services.

32 **Camouflaged facility** means any wireless communication facility that is designed to blend into the  
33 surrounding environment or that camouflages or conceals the presence of the wireless communication  
34 facility. Examples of camouflaged towers include, but are not limited to, man-made trees, clock towers,  
35 bell steeples, flag poles, light poles, and similar alternative-design mounting structures. Examples of  
36 camouflaged antennas include, but are not limited to, architecturally screened roof-mounted antennas,  
37 building-mounted antennas painted to match the existing structure, and antennas integrated into  
38 architectural elements.

39 **Canopy (in reference to landscaping)** means the uppermost layer of vegetation in a forest consisting of  
40 the tops of trees forming a kind of ceiling.

1 **Canopy (in reference to buildings)** means a covered structure open for pedestrian and/or vehicular  
2 access. This definition shall include, but shall not be limited to, canopies associated with drive-throughs  
3 of retail and financial establishments and fueling stations.

4 **Canopy sign.** See "marquee sign."

5 **Capacity** means the maximum lawful level of designed use of any structure, or part thereof, as  
6 determined by the city's adopted building code and expressed in terms of occupants, seats, persons,  
7 employees or other units specified by the building code.

8 **Capital improvements element** means the capital improvements element of the Comprehensive Plan as  
9 it may be amended from time to time.

10 **Carwash** means a facility for the cleaning and washing of motor vehicles including interior cleaning,  
11 vacuuming, waxing and detailing, by means of self-service, automated mechanical equipment, manual  
12 labor or a combination thereof. Any carwash facility dispensing gasoline or other motor vehicle fuels  
13 shall be considered a gasoline or alternative fuel station.

14 **Certificate of appropriateness** means the permit that is required to be issued by the historic  
15 preservation board prior to any action as set forth in this chapter.

16 **Certificate of concurrency exemption** means a certificate issued by the City Manager or designee  
17 pursuant to this chapter, evidencing that a project is exempt from concurrency review.

18 **Certificate of conditional concurrency reservation** means a certificate issued by the City Manager or  
19 designee, in conjunction with a development agreement that is approved by the City Manager or  
20 designee, evidencing that:

21 A. All available public facility capacity to serve a proposed project has been reserved, but such capacity  
22 is not adequate to serve the proposed project;

23 B. The additional public facility capacity needed for the proposed project may be assured by an  
24 executed development agreement; and

25 C. A request by the applicant has been made for consideration and approval by the City Commission of  
26 a development agreement concurrent with an application for a final development order.

27 **Certificate of final concurrency** means a certificate issued by the City Manager or designee, pursuant to  
28 the terms of this chapter, evidencing that required public facility capacity is available so that levels of  
29 service shall be adequate for the project when the impacts of development occur for which the  
30 certificate of final concurrency is issued. This certificate shall expire when the approval of a final  
31 development order expires. This certificate shall reserve capacity, except in cases where a deferral of  
32 capacity reservation for water/wastewater treatment plant capacity is signed, for the time period that  
33 the approval of a final development order is valid and unexpired. If the final development order does  
34 not have an expiration date, this certificate shall be valid for 12 months from date of issue. If the  
35 certificate of final concurrency lapses, a new application shall be made and a new fee for application and  
36 review shall be incurred. A certificate of final concurrency only shall apply to a specific project with  
37 specific densities and/or intensities of use. Any alteration of a project that changes the densities and/or  
38 intensities of use shall require a new certificate of final concurrency.

39 **Certificate of occupancy** means certification by the City Manager or designee that any development or  
40 change of use of any building, lands, water or portion thereof has been found to meet the requirements  
41 of this Code and the applicable final development order pertaining to development of the lot, parcel or  
42 tract of land.

1 **Certificate of preliminary concurrency** means a certificate issued by the City Manager or designee,  
2 pursuant to the terms of this chapter, evidencing that required public facility capacity is available so that  
3 levels of service shall be adequate for the project when the impacts of development occur for which the  
4 certificate of preliminary concurrency is issued. This certificate shall expire when the approval of a  
5 preliminary development order expires or when a final development order is approved, whichever  
6 occurs first. This certificate shall reserve capacity, except in cases where a deferral of capacity  
7 reservation for water/wastewater treatment plant capacity is signed, for the time period that the  
8 approval of a preliminary development order is valid and unexpired. If the preliminary development  
9 order does not have an expiration date, this certificate shall be valid for 12 months from date of issue. If  
10 the certificate of preliminary concurrency lapses, a new application shall be made and a new fee for  
11 application and review shall be incurred. A certificate of preliminary concurrency only shall apply to a  
12 specific project with specific densities and/or intensities of use. Any alteration of a project that changes  
13 the densities and/or intensities of use shall require a new certificate of preliminary concurrency.

14 **Champion tree** means those trees that are the largest of their species as listed in the Florida Champion  
15 Tree Register maintained by the State of Florida Division of Forestry.

16 **Change of use** means a change in the activity, function or purpose to which or for which a lot or building  
17 is put from one category to another category as listed herein and described in the Standard Building  
18 Code: assembly, business, educational, hazardous, factory-industrial, institutional, mercantile,  
19 residential and storage.

20 **Child care center.** See “day care center.”

21 **City Plan Board** or **plan board** means the local planning agency designated by the City Commission.

22 **City tree mitigation fund** means a separate city fund that holds funds collected as tree mitigation  
23 pursuant to this.

24 **Civic** means not-for-profit organizations dedicated to arts, culture, education, recreation, government,  
25 transit, or municipal parking.

26 **Clearing** or **grubbing** means any grading of land, cutting of trees, or removal or relocation of existing  
27 vegetation or other existing site features for the purpose of installing or laying out site improvements.  
28 The term does not include sight trails necessary for the surveying of the subject parcel.

29 **Cluster subdivision** means a residential subdivision of a tract of land where, instead of subdividing an  
30 entire tract into lots of prescribed size, a like number of housing units may be clustered on lots of  
31 reduced dimensions. A minimum of 75% of the remaining land in the tract not built upon is reserved for  
32 common area to be held in a form of ownership or easement that will prevent it from ever being  
33 subdivided.

34 **Cluster open space** means any portion of a tract of land in a cluster subdivision set aside as a result of  
35 the modified dimensional requirements and designed and intended for the benefit and enjoyment of  
36 the residents of the cluster subdivision or the community at large.

37 **Collector** or **collector street** means any street:

- 38 A. Designated as collector on the Roadway Map on file in the Public Works Department;  
39 B. Functionally classified by the state department of transportation as a collector; or  
40 C. Designated by the City Commission as a collector street based on its physical design, moderate trip  
41 length, and existing or anticipated traffic characteristics.

1 **Collocation** means the situation when a second or subsequent wireless provider uses an existing  
2 structure to locate a second or subsequent antenna. The term includes the ground, platform, or roof  
3 installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment  
4 associated with the location and operation of the antennae.

5 **Colonnade** or **arcade** means a covered, open-air walkway at standard sidewalk level attached to or  
6 integral with the building frontage; the structure overhead is supported architecturally by columns or  
7 arches along the sidewalk.

8 **Commercial message** means a message (including but not limited to text, copy, pictures, symbols, or  
9 figures) that proposes a commercial transaction or is related primarily to the economic interests of the  
10 speaker. Commercial messages include, but are not limited to, the name of the business, business or  
11 brand identification, trademark, logo, or offer of service or product.

12 **Common area** means any part of a development designed and intended to be used in common by the  
13 owners, residents or tenants of a development.

14 **Common wall** means a solid wall in a single vertical plane joining two dwelling units but completely  
15 separating such units.

16 **Communication tower** means a guyed or self-supporting tower, constructed as a free standing structure  
17 or in association with a building, other permanent structure or equipment, containing one or more  
18 antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave,  
19 cellular, telephone, or similar forms of electronic communication. References in this ordinance to  
20 "tower," unless otherwise qualified, shall mean "communication tower."

21 **Community gardens** means land used for the cultivation of fruits, vegetables, plants, flowers or herbs by  
22 multiple users.

23 **Community residential home** means a dwelling unit licensed to serve clients of the state department of  
24 health and rehabilitative services, which provides a living environment for residents who operate as the  
25 functional equivalent of a family, including such supervision and care by supportive staff as may be  
26 necessary to meet the physical, emotional and social needs of the residents. Community residential  
27 homes are further defined by Chapter 419, Florida Statutes, and regulated by the state department of  
28 health and rehabilitative services. This definition shall not include foster family homes for children,  
29 rooming or boarding homes, clubs, dormitories, fraternities, sororities, monasteries or convents, hotels,  
30 residential treatment facilities (Levels I, III or V), nursing homes, emergency shelters, social service  
31 homes or halfway houses, or residences for destitute people.

32 **Completely enclosed building** means a building having a complete, permanent roof and continuous  
33 walls on all sides, either party walls or exterior walls, including any customary windows and doors.

34 **Comprehensive Plan** means the City of Gainesville Comprehensive Plan adopted by the City  
35 Commission, as may be amended from time to time.

36 **Concurrency** means the necessary public facilities and services to maintain the level of service standards  
37 adopted in the plan are available when the impacts of development occur.

38 **Concurrency determination** means a document issued by the City Manager or designee stating that  
39 there appears to be sufficient public facility capacity so that designated levels of service shall be  
40 adequate for the project for which the concurrency determination is issued. A concurrency  
41 determination reserves no public facility capacity and is in no way binding on the city.

1 **Concurrency management system** means the procedures and processes used by the city to determine  
2 that development orders, when issued, will not result in the reduction of the level of service standards  
3 adopted in the Comprehensive Plan.

4 **Conservation easement** means a legally enforceable land preservation agreement between a landowner  
5 and a charitable corporation, trust, or a governmental body or agency, as set forth in Section 704.06,  
6 Florida Statutes.

7 **Conservation management area** means those areas of land that will be set aside, in perpetuity, for the  
8 protection of regulated natural or archaeological resources in order to fulfill obligations as set forth in  
9 the city's Land Development Code.

10 **Consolidated apartment management office** means an office providing residential rental services for  
11 apartments including, at a minimum, the management of apartments on the same property as the  
12 office, and including customary services such as apartment search and referral, provision of  
13 maintenance services, and lease transaction.

14 **Context area** means the University of Florida Campus Master Plan Context Area.

15 **Continuum of care facility** means a multi-faceted center contained on a single location the purpose of  
16 which is to organize and deliver housing, meals, and services to meet the specific needs of people who  
17 are homeless or who are about to become homeless as those persons move to stable housing and  
18 maximum self-sufficiency. This use may include, but is not limited to: emergency, transitional, and  
19 permanent housing; meals; health services including behavioral, mental, medical, dental and  
20 rehabilitative; counseling; entrepreneurial programs, including agricultural, retail, restaurants, business  
21 and personal services; agricultural uses and sales; camping facilities; day care facilities; veterinary  
22 services; social services; and recreational services.

23 **Contractor sign** means a temporary sign erected during construction to inform the public of the  
24 developer, contractors, architects, engineers, or the nature of the project and/or anticipated completion  
25 date.

26 **Contributing properties** means properties located in a local register of historic places district that meet  
27 the following criteria:

28 A. The property is one that, by its location, design, setting, materials, workmanship, feeling and  
29 association, adds to the district's sense of time and place and historical development.

30 B. A property should not be considered contributing if the property's integrity of location, design,  
31 setting, materials, workmanship, feeling and association have been so altered by man or physical  
32 deterioration that the overall integrity of the property has been irretrievably lost.

33 C. Ordinarily structures that have been built within the past 50 years shall not be considered to  
34 contribute to the significance of a district unless a strong justification concerning their historical or  
35 architectural merit is given or the historical attributes of the district are considered to be less than  
36 50 years old.

37 **Council of tree and landscape appraisers** means a group of professional societies specializing in  
38 arboriculture, horticulture and nursery practices that have established a methodology for appraising the  
39 financial value of trees and landscaping.

40 **Courtyard** means an inset area along a building frontage that may be covered or uncovered. The inset  
41 area is for pedestrians and may be used for a building entry area, seating area, landscape or garden

1 area, art or sculpture display, or fountains. Courtyards may be used to provide building articulation and  
2 architectural interest.

3 **Critical duration** means the duration of a specific storm event that creates the largest volume or highest  
4 rate of net stormwater runoff (post-development runoff less pre-development runoff) for typical  
5 durations. The critical duration is determined by comparing various durations of the specified storm and  
6 calculating the peak, rate and volume of runoff for each. The duration resulting in the highest peak rate  
7 or largest total volume is the critical duration storm.

8 **Crown** means the foliated portion of a tree, from the lowest branch to the treetop; synonymous with  
9 canopy.

10 **Crown spread** means the measurement of the outermost tips of a tree's branches as they form a circle.  
11 It is calculated by averaging the diameters of two circles - the distance across the narrowest point and at  
12 the widest point.

13 **Cul-de-sac** means a street that terminates at one end with vehicle turnaround facilities at the end.

14 **Curb** or **curbline** means the inside vertical face of a masonry curb, the centerline of a valley gutter, or  
15 the edge of the pavement where no curb or gutter exists.

16 **Dangerous person** means a person who:

17 A. Has charges of an illegal act of violence pending against himself/herself or is confined pending  
18 resolution of his/her competency to stand trial for such an act;

19 B. Has been found not guilty of such an act by reason of insanity;

20 C. Has been convicted of such an act within the past five years or is serving a sentence for such an act;

21 D. Has been charged with a violent offense that was plea bargained to a lesser nonviolent offense or  
22 resulted in the withholding of adjudication as to guilt;

23 E. Has committed a victim-related sex offense;

24 F. Has been determined by the department of health and rehabilitative services to be presently  
25 dangerous to himself/herself or others or to present a clear and present potential to escape;

26 G. Has been determined by a licensed psychiatrist or a licensed clinical psychologist to be presently  
27 dangerous to himself/herself or others or to present a clear and present potential to escape; or

28 H. Has a history of committing acts of violence or escaping from secured premises.

29 **Day care center** means any place, building or location, other than an occupied dwelling, where care is  
30 provided for four or more natural persons, not related to the operator. Such care may be rendered day  
31 or night. Such term specifically includes a kindergarten (when not part of a school), nursery school, child  
32 care center, preschool and adult day care facility.

33 **De minimis development** means a development of such low intensity as to have a de minimis effect, if  
34 any, on the level of service standards adopted in the Comprehensive Plan. De minimis development  
35 includes one single-family dwelling or one two-family dwelling on a lot of record as of the effective date  
36 of adoption of this chapter. It also includes additions to or the erection of structures smaller than 200  
37 square feet. De minimis development shall be eligible for a certificate of concurrency exemption.

38 **Deferral of capacity reservation** means that water and wastewater treatment plant capacity is not  
39 reserved and plant connection fees are not assessed at the certificate of preliminary or final concurrency  
40 stage. An applicant for a deferral shall sign a deferral form available from the city. The applicant shall

- 1 still meet water/wastewater concurrency requirements, but these are deferred until an application for a  
2 building permit is made. The city makes no guarantees that capacity will be available for the project.
- 3 **Degrade or degraded** means to cause a feature or area to suffer an adverse impact. A degraded feature  
4 or area is one that has suffered an adverse impact from which full restoration to historic natural  
5 functioning has not yet been attained.
- 6 **Demolition** means the tearing down or razing of 25% or more of a structure's existing external walls.
- 7 **Density** means the extent of development of residential uses, expressed in dwelling units per acre of  
8 land.
- 9 **Design manual** means a manual prepared and updated by the City Manager or designee and on file in  
10 the public works department that provides design guidelines and illustrations to be used in the design  
11 and construction of physical improvements within the city.
- 12 **Developed area** means the area within an imaginary line formed by the outer perimeter of all  
13 structures, parking lots, and other paving and manmade alterations to the natural condition of any lot or  
14 parcel of land, except for sidewalks in public rights-of-way and driveways, the perimeters to be adjusted  
15 to the closest geometric shape for which an area may be reasonably easily calculated.
- 16 **Developer** means any person who engages in or proposes to engage in a development activity either as  
17 the owner or as the agent of an owner of property.
- 18 **Development or development activity** means any of the following activities:
- 19 A. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise  
20 significantly disturbing the soil or vegetation of a site.
- 21 B. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface or  
22 water management system, and including the long term storage of materials.
- 23 C. The erection, placement, alteration, remodeling or reconstruction of any building on any land or the  
24 authorization of any improvements on any land to facilitate the use of such land.
- 25 D. Subdividing land into two or more parcels.
- 26 E. A tree removal for which authorization is required under this Code of Ordinances.
- 27 F. Erection of a permanent sign unless expressly exempted by this Code of Ordinances.
- 28 G. Alteration of a historic property for which authorization is required under this Code of Ordinances.
- 29 H. Changing the use of a site so that the need for parking is increased.
- 30 I. Construction, elimination or alteration of a driveway onto a public street.
- 31 J. For the purpose of vested rights, development has the meaning given to it in Section 380.04, Florida  
32 Statutes as amended.
- 33 **Development agreement** means an agreement entered into between the city and a developer for the  
34 purpose of assuring the city that the developer shall provide required public facility capacity.  
35 Development agreements include, but are not limited to, agreements authorized pursuant to Section  
36 163.3220, Florida Statutes, and Section 380.01, Florida Statutes, et seq., both as amended from time to  
37 time.
- 38 **Development order** means any order granting, denying or granting with conditions an application for  
39 approval of a development project or activity.

1 **Development permit** means any official city document that authorizes the commencement of  
2 construction or land alteration without need for further application and approval. Development permits  
3 include: all types of construction permits (plumbing, electrical, foundation, mechanical and so forth, in  
4 addition to the building permit itself), grading and clearing permits, tree removal permits, sign permits,  
5 etc.

6 **Development plan** means a plan indicating the permitted design and extent of development of a parcel  
7 of land, approved under and pursuant to this chapter.

8 **Diameter breast height (DBH)** means the diameter of the main stem of a tree as measured 4.5 feet  
9 above the natural grade at the base. The diameter of a multi-stemmed tree is measured at the  
10 narrowest point below the lowest branch.

11 **Directional sign** or **directory sign** means any sign that exclusively contains information providing  
12 direction to pedestrian and vehicular traffic to any object, place, or area. The term includes, but is not  
13 limited to, a sign indicating an avenue of ingress or egress and a sign listing the occupants of a property  
14 and their office or suite numbers.

15 **Director** means the director of the department designated by the City Manager to administer these  
16 regulations.

17 **Disability glare** means glare resulting in reduced visual performance and visibility, often accompanied  
18 by discomfort.

19 **Disposition** means the placement of a building on its lot.

20 **District (for the purpose of historic preservation)** means a geographically definable area, urban or rural,  
21 possessing a significant concentration, linkage or continuity of sites, buildings, structures, objects or  
22 areas, which are united by past events or aesthetically by plan or physical development. A district also  
23 may be comprised of individual resources that are separated geographically but are linked by  
24 association or history.

25 **District** or **zoning district** means an area or areas of the city designated on the zoning map as being  
26 subject to the uniform regulations and requirements of a particular zoning category established in this  
27 chapter.

28 **Documentation** means photographs, slides, drawings, plans, factual written descriptions or legal  
29 records.

30 **Dormitory, large** means a dwelling used, or intended to be used, for the furnishing of sleeping  
31 accommodations for pay to transient or permanent guests with more than 2,500 gross square feet of  
32 space used, or intended to be used for such purpose. Meals or housekeeping facilities may also be  
33 provided such guests or tenants, but no group housing shall maintain an eating or drinking place, open  
34 to the public, in the same building or in any building in connection therewith. This use includes rooming  
35 houses, group or youth hostels, fraternities and sororities.

36 **Dormitory, small** means a dwelling used, or intended to be used, for the furnishing of sleeping  
37 accommodations for pay to transient or permanent guests, with less than 2,500 gross square feet of  
38 space used, or intended to be used for such purpose. Meals or housekeeping facilities may also be  
39 provided such guests or tenants, but no group housing shall maintain an eating or drinking place, open  
40 to the public, in the same building or in any building in connection therewith. This use includes rooming  
41 houses, group or youth hostels, fraternities and sororities.

1 **Dripline** means the minimum rooting volume of a tree necessary to sustain the tree's life, generally  
2 defined by the tree's crown spread or a radius of every 1.25 feet for every 1 inch DBH, whichever is  
3 greater, and from the surface to a depth of 3 feet.

4 **Drive-through facilities** mean establishments that provide services or sales that are extended  
5 mechanically or personally to customers who do not exit their motorized vehicle. Such facilities include  
6 banking facilities, restaurants, food and/or beverage sales, dry cleaning, drug stores, retail sales, express  
7 mail services and other services. Not included in this definition are auto fuel pumps and depositories  
8 that involve no immediate exchange or dispersal to the customer, such as mailboxes, library book  
9 depositories and recycling facilities.

10 **Driveway** means the improved area between a public street and private property intended to provide  
11 ingress and/or egress of vehicular traffic from the public or private street to a definite area of private  
12 property.

13 **Driveway permit** means a written approval issued by a permitting authority, subject to conditions stated  
14 therein, authorizing construction, reconstruction or removal of any improvements connected to a public  
15 street. The permit shall be for a specific location and for a specific type and intensity of property use.

16 **Driveway, width (W)** means the narrowest width of the driveway measured parallel with the edge of  
17 the street or roadway at the street right-of-way line.

18 **Dwelling** means any building used primarily for human habitation. The term "dwelling" shall not include  
19 a hotel, motel, tourist court or other building for transients, but shall include group housing.

20 **Dwelling unit** means a room or rooms in a dwelling, other than a dormitory, comprising the essential  
21 elements of a single housekeeping unit. Each area with one address for billing, one electric meter,  
22 and/or one full kitchen shall be considered a separate dwelling unit.

23 **Easement** means an interest in land granted for a specific purpose or purposes but not conveying fee  
24 simple title to real property.

25 **Eaves** means the lowest horizontal line of a sloping roof.

26 **Ecological integrity** means the condition of an ecosystem whereby its natural communities and physical  
27 environments remain substantially intact, and key ecosystem processes such as nutrient cycles,  
28 succession, water levels and flow patterns, and the dynamics of sediment erosion and deposition, are  
29 functioning properly within the natural range of variability.

30 **Ecological value** means the value of functions performed by an ecosystem. These functions provide the  
31 habitat requirements for living organisms, support biological populations, and sustain species diversity.

32 **Ecosystem** means a dynamic complex of plant, animal, and micro-organism communities and their non-  
33 living environment that interacts as a functional unit.

34 **Effective date** means the adoption date of an ordinance or the date specified in the ordinance as being  
35 the effective date.

36 **Electronic sign** means any sign, or portions of a sign, where any light source, including but not limited to  
37 incandescent bulbs or light-emitting diodes (LED), constitute the sign text or image. This type of sign  
38 includes, but is not limited to, electronic message boards, television screens, plasma screens, digital  
39 screens, flat screens, LED screens, video boards, other types of electric and electronic display boards and  
40 screens, and holographic displays. Electronic signs include projected images or messages onto buildings  
41 or other objects. Signs that are illuminated by light sources only for the purpose of internal or external  
42 illumination are not considered electronic signs, nor are non-animated neon signs.

1 **Emergency shelter** means any facility licensed by the state as an emergency shelter providing temporary  
2 room and board, protection and pre-placement screening or counseling for a maximum of 15 abused  
3 persons, for a one-time stay not to exceed 30 consecutive days per person in any consecutive three-  
4 month period; provided that such abused persons are not related to the owner of the premises by law,  
5 blood, marriage or adoption; provided, further, that the services rendered on site shall not include  
6 intensive treatment or therapy; and provided further that this shelter shall not house dangerous  
7 persons.

8 **Encroach** means to break the plane of a vertical or horizontal regulatory limit with a structural element,  
9 so that it extends into a setback, into the public or private frontage zone, or above a height limit.

10 **Encroachment** means any structural element that breaks the plane of a vertical or horizontal regulatory  
11 limit, extending into a setback, into the public or private frontage zone, or above a height limit.

12 **Enforcing officer** means the city employee authorized by the City Manager to enforce particular sections  
13 of this chapter or the Code of Ordinances.

14 **Engineer** means a professional engineer registered to practice engineering by the State of Florida.

15 **Environmental (or environmentally significant) feature (or natural area)** means natural features prone  
16 to damage due to development and necessary for: 1) the protection of public health, safety and welfare;  
17 or 2) the conservation of the natural environment. A natural area is anything needed by an organism,  
18 population or ecosystem, and excluding areas and features disturbed or created by humans, such as  
19 buildings or parking lots, but including areas defined as open space. Features and areas typically include  
20 one or more of the following: wetlands, lakes, creeks, special protection species habitat, floodplains,  
21 uplands and major tree groupings.

22 **Equipment rental and leasing, heavy** means establishments primarily engaged in renting or leasing  
23 medical and/or construction equipment, industrial trucks, portable toilets.

24 **Equipment rental and leasing, light** means establishments primarily engaged in renting or leasing  
25 computers, electronic equipment, appliances, party supplies, pianos, plants, vending machines, and  
26 furniture.

27 **Erect** means to build, construct, attach, hang, place, suspend or affix a sign, structure or building.

28 **Establish or establishment (in reference to planted trees)** means the period of care that shall be  
29 provided to a young tree after planting, which is a minimum of one year and additional time as needed  
30 to ensure the survivability of the trees. If after three years, a young tree had developed a strong trunk,  
31 roots, branches and foliage, it is considered established and can be expected to survive without  
32 supplemental watering, with the exception of severe drought and shall be maintained up to a five year  
33 period.

34 **Excess parking** means vehicular parking that exceeds the amount required by this chapter by more than  
35 10 spaces or more than 10%, whichever is greater.

36 **Exercise studio** means establishments primarily engaged in operating health clubs, spas, and similar  
37 facilities featuring exercise and other active physical fitness conditioning. This includes establishments  
38 providing dance and exercise classes.

39 **Express or parcel delivery distribution center** means a facility that accepts from customers, sends, and  
40 receives parcels, packages, or mail, and distributes and picks up parcels, packages, and mail to and from  
41 individuals and commercial accounts.

1 **Expression line** means a molding or cornice extending or offset a minimum of 3 inches from the surface  
2 plane of the building wall. Expression lines delineate the transition between the story levels.

3 **FAA** means the Federal Aviation Administration.

4 **FCC** means the Federal Communications Commission.

5 **Fair or better condition** means that the tree has a relatively sound and solid root, trunk, and canopy  
6 structure, no major insect infestation or pathological problem, or problems that cannot be remedied  
7 with cultural practices, and a life expectancy greater than 15 years as determined by the City Manager  
8 or designee. In the event of a disputed health condition, the condition rating system outlined in the  
9 latest edition of the Council of Tree and Landscape Appraisers Guide for Tree Appraisers shall be used by  
10 the City Manager or designee to evaluate the health condition. A score of 60 or higher shall qualify a  
11 tree as fair or better condition

12 **Family** means one or more natural persons who are living together and interrelated as spouse, domestic  
13 partner, child, stepchild, foster child, parent, stepparent, foster parent, brother, sister, grandparent,  
14 niece, nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law,  
15 or legal guardian, as evidenced by written documentation of such relationship, plus no more than two  
16 additional unrelated natural persons occupying either the whole or part of a dwelling unit as a separate  
17 housekeeping unit. A family also includes a community residential home, as defined in this chapter, with  
18 six or fewer residents. The persons constituting a family may also include domestic servants and  
19 temporary gratuitous guests. "Temporary gratuitous guests" as used herein shall refer to natural  
20 persons occasionally visiting such housekeeping unit for a short period of time not to exceed 30 calendar  
21 days within a 90-day period.

22 **Family day care home, large** means an occupied residence, licensed by the Alachua County Health  
23 Department as *large family child care home*, in which child care is regularly provided for children from at  
24 least two unrelated families and that receives a payment, fee, or grant for any of the children receiving  
25 care, whether or not operated for profit, and that has at least two full-time child care personnel on the  
26 premises during the hours of operation. One of the two full-time child care personnel shall be the owner  
27 or occupant of the residence. A large family child care home shall first have operated as a licensed family  
28 day care home for 2 years, with an operator who has had a child development associate credential or its  
29 equivalent for 1 year, before seeking licensure as a large family child care home. Household children  
30 under 13 years of age, when on the premises of the large family child care home or on a field trip with  
31 children enrolled in child care, shall be included in the overall capacity of the licensed home. A large  
32 family child care home shall be allowed to provide care for one of the following groups of children,  
33 which shall include household children less than 13 years of age:

34 A. A maximum of 8 children from birth to 24 months of age.

35 B. A maximum of 12 children, with no more than 4 children under 24 months of age.

36 **Family day care home, small** means an occupied residence, licensed by the Alachua County Health  
37 Department as a *family child care home*, in which child care is regularly provided for children from at  
38 least two unrelated families and which receives a payment, fee or grant for any of the children receiving  
39 care, whether or not operated for profit. Household children under 13 years of age, when on the  
40 premises of the family day care home or on a field trip with children enrolled in child care, shall be  
41 included in the overall capacity of the licensed home. A family day care home shall be allowed to  
42 provide care for one of the following groups of children, which shall include household children less than  
43 13 years of age:

- 1 A. A maximum of four children from birth to 12 months of age.
- 2 B. A maximum of three children from birth to 12 months of age, and other children, for a maximum
- 3 total of six children.
- 4 C. A maximum of six preschool children if all are older than 12 months of age.
- 5 D. A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are
- 6 under 12 months of age.

7 **Farmers market** means a membership group of farmers engaged in the sale of food and agricultural  
8 products that are primarily local in origin; and crafts made from materials gathered from a farm as part  
9 of production incidental to the sale of food and agricultural goods. Sales at a farmers market are  
10 intermittent during a limited time period but the market itself is permanently located on public property  
11 or right-of-way or on private property.

12 **Fence** means a barrier constructed of materials other than masonry, erected for the purpose of  
13 protection, confinement, enclosure or privacy. The term "fence" does not include natural barriers, such  
14 as, but not limited to, trees, hedges or shrubs.

15 **Final development order** means the final approval of a development plan, planned development, special  
16 use permit or final plat. This approval shall be granted prior to the issuance of a development permit as  
17 defined in this chapter.

18 **Final development order for purposes of concurrency** means the final approval of a development  
19 project, the approval of which shall be granted prior to issuance of a development permit as defined in  
20 this chapter. (The final development order authorizes the project, whereas the development permit  
21 authorizes specific components of the project, such as building construction, parking lot installation,  
22 landscaping and the like.) For purposes of this chapter the final development plan approval is the final  
23 development order.

24 **Final development order for purposes of vesting.** The following unexpired development orders shall be  
25 considered final development orders for the purposes of a determination of vested rights in a  
26 development approved prior to the effective date of the ordinance from which this chapter is derived:

- 27 A. Building permit;
- 28 B. Final development plan approval; and
- 29 C. Final plat approval.

30 **Flag** means any emblem or insignia that is displayed on a single pole or other supporting structure,  
31 including but not limited to those of any nation, state, political subdivision, religious, political, social or  
32 fraternal organization.

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

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

37 **Floor area** means the sum of the horizontal areas of all floors of a building, or buildings, on a  
38 development site, measured from the exterior faces of exterior walls. Included within such sum shall be  
39 the areas of attic spaces with a vertical structural clearance of at least seven feet. Also included are  
40 floors of interior balconies or mezzanines, and floors of any other space reasonably usable for any

1 purpose, including but not limited to garages, carports, patios, porches, decks, elevators, stairwells, and  
2 canopies.

3 **Floridan aquifer high recharge areas** means those geographic areas where the Floridan aquifer system  
4 is vulnerable to degradation from stormwater runoff, or to contamination from land uses involved in the  
5 handling or storage of hazardous materials. These areas include stream to sink surface water basins, or  
6 areas that exceed 12 inches of aquifer recharge per year in the St. Johns River Water Management  
7 District, or have moderate to high recharge potential in the Suwanee River Water Management District,  
8 as depicted on the Floridan Aquifer Recharge Map in the future land use map series of the city's  
9 Comprehensive Plan or in the city's GIS map library, whichever map is the more current.

10 **FNAI and FNAI Guide** mean the Florida Natural Areas Inventory Guide to the Natural Communities of  
11 Florida: 2010 edition or most recent edition as updated. The FNAI Guide identifies and describes natural  
12 community classification groups based on a combination of landscape position, vegetation, and  
13 hydrology. The FNAI Guide is compiled by the Florida Natural Areas Inventory, a non-profit organization  
14 administered by Florida State University, dedicated to gathering, interpreting, and disseminating  
15 information critical to the conservation of Florida's biological diversity.

16 **Food distribution center for the needy** means any building or structure, or a portion thereof, or site that  
17 is regularly used to furnish meals without cost or at very low cost to needy and destitute persons. A food  
18 distribution center for the needy shall not be considered to be a restaurant. The preparation of meals in  
19 any building or structure, or portion thereof, for distribution at another site or location shall not be  
20 considered to be a food distribution center for the needy.

21 **Food truck** means a motorized vehicle or trailer that a natural person or business entity uses to sell  
22 immediately consumable food products and nonalcoholic beverage items from a fixed location.

23 **Footcandle** means a unit of measure expressing the quantity of light received on a surface (assumed to  
24 be a horizontal plane unless otherwise specified), and measurable with an illuminance meter (i.e., light  
25 meter).

26 **Foster child** means any dependent minor child placed in a home by a state agency or by a state-licensed  
27 private child-placing agency.

28 **Foster family home for children** means a dwelling owned or rented by, and occupied by, parents  
29 licensed by the state to provide personal care for one or more foster children, all of whom live together  
30 in such dwelling as a family unit, with traditional family ties. Any former foster child who has lived  
31 continuously in such a home for one year prior to his/her attaining majority age shall be considered a  
32 member of the family and the parents may allow that former foster child to continue to live in that  
33 home without obtaining a landlord license.

34 **Four-family dwelling** means a building containing four dwelling units.

35 **Fowl** means chickens, pea fowl, and like animals (Galliformes); ducks, geese, and like animals  
36 (Anseriformes); emus; rheas; and ostriches (Struthio camelus).

37 **Fraternity house.** See "dormitory."

38 **Freestanding sign** means any sign that is mounted on or supported by uprights or braces in or upon the  
39 ground, a sign structure, a fence, or a wall of an accessory structure.

40 **Front open space** means the area enclosed by the side lot lines, the street right-of-way line in the front  
41 of the property and the established line of setback. The established line of setback shall be the line,  
42 drawn parallel to the street in front of the property, extending from the point at which the principal

1 building is closest to the street outward to the lot lines. All area directly in front of any part of the  
2 principal building shall also be considered to be in front of the established line of setback.

3 **Frontage** means the length of the property line of a lot or tract of land abutting a public or private  
4 street, road, highway or other right-of-way.

5 **Fuel dealer** means establishments primarily engaged in the retail sale of bottled gas, bottled butane gas,  
6 coal, liquefied petroleum (LP) gas, bottled propane gas, wood or other fuels.

7 **Full-cutoff fixture** means a luminaire from which no light is emitted at or above a horizontal plane  
8 drawn through the lowest light-emitting portion of the luminaire and no more than 10% of the lamp's  
9 intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the  
10 luminaire. A full-cutoff luminaire, by definition, is also "fully shielded."

11 **Full development** means the estimated maximum intensity of development for a particular service area  
12 based on full compliance with the Comprehensive Plan.

13 **Fully shielded** means a lighting fixture constructed and installed in such a manner that all light emitted  
14 by the fixture, either directly from the lamp or through a diffusing element, or indirectly by reflection or  
15 refraction from any part of the luminaire, is projected below the horizontal as determined by  
16 photometric test or certified by the manufacturer. Any structural part of the light fixture providing this  
17 shielding shall be permanently affixed.

18 **Gainesville tree list** means the list of trees provided in Article VIII of this chapter.

19 **Gallery** means a private frontage conventional for retail use wherein the façade is aligned close to the  
20 sidewalk with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

21 **Garden wall** means a freestanding wall built along the site frontage line, or coplanar with the façade. It  
22 may mask a parking lot from the street and/or strengthen the spatial definition of the public realm.

23 **Glare** means the effect by a light source within the visual field that is sufficiently brighter than the level  
24 to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and  
25 ability.

26 **Glazing** means the design and placement of windows and entrances with clear glass in a building facade.  
27 Glazing percentages are calculated by measuring the area of glazing between three feet and eight feet  
28 above grade, and dividing it by the total area of the building facade between three feet and eight feet  
29 above grade. Required glazing shall be at least 80% transparent and shall not utilize painted glass,  
30 reflective glass or other similarly treated windows. Glazed areas on entrances may be counted towards  
31 meeting the minimum glazing requirements.

32 **Golf cart, electric** means a motor vehicle that is designed and manufactured for operation on a golf  
33 course for sporting or recreational purposes that is not capable of exceeding speeds of 20 miles per  
34 hour, and that is powered by an electric motor that draws current from rechargeable storage batteries,  
35 fuel cells, or other sources of electrical current. This definition does not include low-speed vehicles as  
36 defined by Section 320.01(42), Florida Statutes.

37 **Governmental agency** means the United States, any other country, the State of Florida, any other state,  
38 the County of Alachua, any other county, the City of Gainesville, any other municipality, any special  
39 district, and any agency, board, commission, authority or political subdivision thereof.

40 **Grade** means the inclination from the horizontal of a road, unimproved land, etc., which is generally  
41 expressed by the vertical rise or fall as a percentage of the horizontal distance.

1 **Greenway, designated** means greenways delineated on the map entitled "Map Displaying Greenways of  
2 Gainesville, Florida" on file with the city.

3 **Gross floor area** means the sum of the horizontal areas of the floors of a building or buildings on a given  
4 land area, measured from the exterior faces of exterior walls. Included within such sum shall be the  
5 areas of floors of attic spaces providing a vertical structural clearance of at least seven feet, floors of  
6 interior balconies or mezzanines, and floors of any other space reasonably usable for any purpose, no  
7 matter where located within a building. Not included shall be the floor area of garages, carports, patios,  
8 porches, elevators and stairwells.

9 **Gross leasable area** means the total floor area designed for tenants' exclusive use, including basements,  
10 mezzanines and upper floors. Gross leasable area does not include public or common areas such as  
11 public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies or mall areas,  
12 either open or enclosed.

13 **Ground cover** means low-growing plants planted in such a manner as to form a continuous cover over  
14 the ground, such as lirioppe, low-growing varieties of honeysuckle, sod, low growing varieties of junipers,  
15 or like plants.

16 **Ground-mounted sign** means any sign that is mounted on or supported by an upright, uprights or braces  
17 in or upon the ground, any sign structure, or a fence or a wall of an accessory building or structure.

18 **Guyed tower** means a communication tower that is supported, in whole or in part, by guy wires and  
19 ground anchors.

20 **Habitat** means the physical and biological surroundings of an organism, with appropriate levels of the  
21 resources needed by a species for survival and/or reproduction.

22 **Half or partial street** means a street, generally parallel with and adjacent to the boundary line of a tract,  
23 having a lesser right-of-way width than required for a full width of the type involved.

24 **Hardcore (pornography)** means depictions of sexual conduct that include one or more of the following:  
25 erect male organ; contact of the mouth of one person with the genitals of another; penetration of a  
26 finger or male organ into any bodily orifice in another person; open female labia; penetration of a sex  
27 toy or other device into a bodily orifice of any person, sometimes assisted by another person; actual  
28 male ejaculation; or the aftermath of male ejaculation.

29 **Health service** means establishments primarily engaged in furnishing medical, surgical, and other health  
30 services to persons and pets.

31 **Heritage trees** means trees that are larger than 20 inches diameter breast height; except for Water Oaks  
32 (quercus nigra), Laurel Oaks (Quercus hemispherica), Sweetgums (Liquidambar styraciflua), Loblolly Pine  
33 (Pinus taeda) and Slash Pine (Pinus elliottii), which become heritage trees only when they are larger than  
34 30 inches diameter breast height.

35 **High quality trees** means any trees of the following species: Live Oak (Quercus virginiana), Sand Live Oak  
36 (O. geminata), Bluff Oak (Q. austrina), Basket Oak (Q. michauxii), Southern Red Oak (Q. falcata),  
37 Southern Magnolia (Magnolia grandiflora), Florida Maple (Acer barbatum), Longleaf Pine (Pinus  
38 palustris), Spruce Pine (P. glabra), Cedar Elm (Ulmus crassifolia), Winged Elm (U. alata), Florida Elm (U.  
39 floridana), Bald Cypress (Taxodium distichum), Pond Cypress (T. ascendens), Tupelo (Nyssa sylvatica),  
40 Mockernut Hickory (Caiya tomentosa\ Pignut Hickory (C. glabra, Pecan (C. illinoensis), Persimmon  
41 (Diospyros virginiana), Basswood (Tilia Americana), Tulip Poplar (Liriodendron tulipifera), White Ash  
42 (Fraxinus Americana), Green Ash (F. pensylvanica) and Yaupon, Dahoon, and American Holly species (Ilex  
43 vomitoria, I, cassine, and I. opaca).

1 **High quality heritage trees** means heritage trees of the species identified in the definition of high  
2 quality trees.

3 **High quality shade trees** means trees of the native species listed in the definition of high quality trees  
4 that are identified on the Gainesville tree list in the category "high quality shade."

5 **Historic/cultural resource** means a resource identified by the survey of resources conducted by ERLA  
6 and Associates and adopted by the city as part of the preservation and conservation element of the  
7 city's Comprehensive Plan or a resource added to the city's inventory (Florida site file) or local register.

8 **Home occupation** means a gainful occupation, profession or use conducted by the occupant of a  
9 dwelling, when the activity is incidental to the primary use of the building as a residence. Home  
10 occupations shall not include the teaching of fine arts, family day care homes and community residential  
11 homes.

12 **Homeowners/condominium association** means a private, nonprofit corporation, association or other  
13 legal entity established by the developer for the benefit and enjoyment of its membership and to  
14 provide for the care, maintenance, operation and protection of common areas within a development.

15 **Hotel or motel** means a building in which lodging and/or boarding are provided and offered to the  
16 public for compensation.

17 **Housing for the elderly** means residential development restricted to occupancy by elderly persons, as  
18 either tenants or owners, pursuant to recorded restrictive covenants requiring city approval to amend or  
19 pursuant to the applicable rules or regulations of any governmental agency participating in the financing  
20 of such development or in the subsidization of the rent or mortgage payments of the occupants.

21 **Ice manufacturing/vending machine** means a self-contained ice plant that produces, stores, bags, and  
22 sells ice utilizing a vending machine concept.

23 **Identification sign** means any sign with a message than includes only the name of a subdivision,  
24 neighborhood, or residential development.

25 **Illuminance** means a quantity of incident light, measured in footcandles.

26 **Illuminated sign** means any sign that is illuminated by artificial light, either from an interior or exterior  
27 source, including reflective or phosphorescent light.

28 **Illuminating Engineering Society of North America (IESNA)** means the recognized technical authority on  
29 illumination, whose mission is to advance knowledge and disseminate information for the improvement  
30 of the lighted environment to the benefit of society.

31 **Impervious** means material incapable of being penetrated, as by moisture, such as concrete or asphalt.

32 **Impervious ground coverage** means an area of ground covered by any part of a building, street, parking  
33 lot or any other structure, improvement, facility or material that is incapable of being penetrated, as by  
34 moisture.

35 **Impervious surface** means a surface that has been compacted or covered with a layer of material so that  
36 it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces  
37 such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots  
38 and other similar structures.

39 **Improved street** means those streets where physical improvements such as clearing, grading, curb and  
40 gutter, stormwater management facilities, pavement, sidewalks and bicycle facilities are constructed as  
41 required by the standards of this chapter and the code of ordinances.

1 **Improvements** means physical changes made to raw land and structures placed on or under the land  
2 surface, in order to make the land more usable. Typical improvements would be clearing and grubbing,  
3 grading, street pavements, sidewalks, bicycle facilities, curb and gutter, drainage ditches, required trees,  
4 storm and sanitary sewers, streetlights, fire hydrants, street name signs, permanent control points  
5 (PCP's), etc.

6 **Industrial** means a use where the principal purpose is the mechanical or chemical transformation of  
7 materials or substances, including the bulk storage of raw materials, and which process may emit noise,  
8 vibration, dust, odor or pollutants. Activities include manufacturing, assembly and fabrication, including  
9 large scale or specialized industrial operations, processing and compounding of mostly-finished, and/or  
10 raw material in bulk form to be used in an operation.

11 **Infill** means the use of vacant or underutilized land within a built-up area for further construction or  
12 development.

13 **Intensity of development or intensity of use** means the extent of development of any land, expressed as  
14 building coverage and/or building height.

15 **Intersecting roadways** means the intersection of roadways of public rights-of-way or the intersection of  
16 a public street and a private driveway or a private roadway of a significant traffic generator.

17 **Invasive, nonnative vegetation** means any plant not indigenous to Florida, which exhibits, or has the  
18 potential to exhibit, uncontrolled growth and invasion or alteration of the natural qualities and functions  
19 of any native habitat.

20 **Junk** means all waste or scrap materials, including but not limited to all scrap metals; discarded rope,  
21 batteries, paper, trash and other natural or synthetic fibers; discarded glass, tinware and plastic; and  
22 discarded household goods and hardware. This term shall also include inoperable motor vehicles,  
23 machinery and appliances no longer used as such, to be used for scrap metal or stripping of parts, and  
24 parts of such vehicles, machinery or appliances.

25 **Junkyard (or salvage yard)** means an open area where junk is bought, sold, exchanged, stored,  
26 processed or handled as a principal or accessory use. This term shall also include operations primarily  
27 engaged in the dismantling, demolition or abandonment of automobiles or other vehicles or machinery  
28 or parts thereof.

29 **Laboratories, medical and dental** means laboratories primarily engaged in providing analytic or  
30 diagnostic services to either the medical profession or to a patient on referral from a health practitioner,  
31 and include blood banks, plasma centers, plasmapheresis centers, and other body fluid collection,  
32 storage, and analysis, diagnostic imaging, and related services.

33 **Land surveyor** means a land surveyor registered under Chapter 472, Florida Statutes, who is in good  
34 standing with the board of professional land surveyors.

35 **Land use element** means the future land use element of the Comprehensive Plan, and relates to  
36 permissible planned uses of land.

37 **Land use plan** means the future land use element of the most recent city Comprehensive Plan adopted  
38 pursuant to Chapter 163, Florida Statutes, and all amendments thereto.

39 **Land use regulation** means any ordinance or resolution controlling the use, development, maintenance  
40 or transfer of real property.

41 **Landlord** means any person, owner, agent, individual, firm or corporation or any combination thereof  
42 who leases, sublets, rents or allows the occupancy of any single-family dwelling, two-family dwelling,

1 three-family dwelling, four-family dwelling, multiple-family dwelling, group housing or other dwelling  
2 unit to or by another person or persons not members of his/her family in designated districts whether  
3 or not for consideration.

4 **Landscape materials** means improvements such as living trees, shrubs, vines, grasses, ground covers  
5 and other plants, sand, wood mulch, and other materials that do not require soil compaction for their  
6 installation.

7 **Landscape zone** means the portion of the area between the curb and the sidewalk designated for  
8 required street landscaping.

9 **Large scale retail** means a retail or wholesale user that occupies at least 100,000 square feet of ground  
10 floor area, and has a regional sales market. Large scale retailers include, but are not limited to,  
11 membership warehouse clubs that emphasize bulk sales, and discount, home improvement, sports  
12 equipment, furniture and department stores. Retail uses that do not meet these criteria are classified as  
13 retail sales, unless otherwise noted in this code.

14 **Lattice tower** means a guyed or self-supporting three or four-sided, open, steel frame structure used to  
15 support communications equipment.

16 **Level of service standard** or **LOS standard** means an indicator of the extent or degree of service  
17 provided by or proposed to be provided by a public facility based on and related to the operational  
18 characteristics of the public facility.

19 **Light assembly, fabrication, and processing** means a use with a principal purpose that includes the  
20 assembly, fabrication, processing, or packaging of components or products that are derived from  
21 previously prepared materials. Also included in this definition are research and development  
22 laboratories, printing and publishing plants, industrial type cleaning and laundry services, and specialty  
23 t-shirt production uses. This use is distinguished from industrial uses based on: the size and scope of the  
24 operation, the absence of heavy manufacturing processes, the absence of outdoor storage, and the  
25 ability to conduct all operations within a fully enclosed structure. See *personal services* and *business*  
26 *services* for repair of household appliances and office equipment, respectively.

27 **Light pollution** means any adverse effect of artificial light including, but not limited to, glare, light  
28 trespass, skyglow, energy waste, and impacts on the nocturnal environment.

29 **Light trespass** means light emitted by a luminaire that is cast beyond the boundaries of the property on  
30 which the luminaire is sited.

31 **Liner building** means a building specifically designed to mask from the street the large expanse of blank  
32 facades common with parking structures, cinemas, supermarkets and similar structures, intended to  
33 present a façade that has adequate glazing.

34 **Listed species** means those species of plants and animals listed by federal or Florida law as endangered,  
35 threatened, or a species of special concern; and those species ranked by the FNAI as S1, S2 and S3  
36 plants, and S1 animals, S2 animals and only S3 animals that are breeding/nesting.

37 **Livestock** means pigs and pig-like animals (Suidae); rabbits and rabbit-like animals (Leporidae); cows,  
38 sheep, goats and like animals (Bovidae); and horses and horse-like animals (Equidae).

39 **Local register** means a means by which to identify and classify various sites, buildings, structures,  
40 objects, areas and districts as historic and/or architecturally significant.

41 **Local street** means any street that is not designated as a collector or arterial on the Roadway Map on  
42 file in the Public Works Department, is not functionally classified by the state department of

1 transportation, and, by nature of its physical design, the local nature of trip purposes and the existing  
2 and anticipated traffic characteristics, is not suited to carry more than 1,200 average daily trips.

3 **Lot** means a parcel of land contained within property lines of a specific area, including land within  
4 easements and building setback lines of the area, but excluding any land within street right-of-way. The  
5 word "lot" includes the words "plot," "unit," "parcel" and "tract."

6 A. **Corner lot** means a lot located at the intersection of two streets and abutting such streets on two  
7 adjacent sides of the lot, or a lot with two adjacent sides abutting adjoining and deflected right-of-  
8 way lines of the same street that form an interior angle of less than 135 degrees.

9 B. **Double-frontage lot** means a lot other than a corner lot having frontage on two or more streets or  
10 two portions of the same street.

11 C. **Interior lot** means a lot other than a corner lot having frontage only on one street.

12 D. **Reverse-frontage lot** means a lot extending between and having frontage on a collector or arterial  
13 street and a local street and shall include double-frontage lots.

14 **Lot area** means the total horizontal area included within lot lines.

15 **Lot coverage** means the maximum combined area occupied by all principal and accessory buildings or  
16 structures expressed as a percentage, measured from the exterior walls that are roofed or otherwise  
17 covered.

18 **Lot depth** means the mean horizontal distance between the front and rear lot lines.

19 **Lot line or property line** means the boundary line of a lot.

20 A. **Front lot line** means that property line that abuts a public street. If a lot abuts on two or more  
21 streets, the front lot line shall be that property line abutting a street that has been so designated by  
22 the owner at the time of an application for a building permit, provided such lot is not thereby made  
23 nonconforming.

24 B. **Side lot line** means any property line not a front lot line or a rear lot line. A side lot line separating a  
25 lot from another lot or lots is an interior side lot line.

26 C. **Rear lot line** means that property line that is most distant from and is, or is most nearly, parallel to  
27 the front lot line.

28 **Lot of record** means, for the purposes of determining vested rights, a designated parcel, tract or area of  
29 land established by plat, lot split, metes and bounds description, or otherwise permitted by law, to be  
30 used, developed or built upon as a unit and which existed in the records of the county property  
31 appraiser on November 16, 1992.

32 **Lot split** means the division of a single tract of land into two lots or parcels, where there are no roadway,  
33 drainage or other required improvements, and where the resultant lots comply with the standards of  
34 this chapter.

35 **Lot width** means the shortest horizontal distance between side lot lines, measured along any line that  
36 intersects the minimum required front yard setback line.

37 **Low-THC cannabis** means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent  
38 or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds  
39 thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative,

1 mixture, or preparation of such plant or its seeds or resin that is dispensed only from a medical  
2 marijuana dispensary (as defined in this code).

3 **Luminaire** means a complete lighting unit (i.e., fixture), consisting of a lamp, or lamps and ballast(s)  
4 when applicable, together with the parts designed to distribute the light (e.g., reflector, lens, diffuser),  
5 to position and protect the lamps, and to connect the lamps to the power supply.

6 **Maintain** means to preserve from decline, keep in an existing state, or retain in possession or control.

7 **Marquee** means a permanent roof-like structure supported entirely from an exterior wall of a building  
8 and intended for providing protection from sun and rain or embellishment of the facade. The sides of a  
9 marquee are typically used for the display of signs.

10 **Marquee sign** means a building-mounted sign that is attached to an architectural feature that projects  
11 from a building, such as a marquee of the sort typically associated with a theater, a solid structural  
12 canopy, or an awning that extends over the entrance of a building.

13 **Maximum Uniformity Ratio** means the maximum level of illuminance in relation to the minimum level  
14 of illuminance for a given area. For example, a maximum uniformity ratio of 10:1 means that for a given  
15 area, the minimum level of illuminance shall be no less than 10% of the maximum level of illuminance.

16 **Medical marijuana dispensary** means a dispensary organization approved by the Florida Department of  
17 Health pursuant to and in accordance with to the regulations of the “Compassionate Medical Cannabis  
18 Act of 2014” (codified in Section 381.986, Florida Statutes) to cultivate, process, and dispense low-THC  
19 cannabis for medical use to Florida residents who have been added to the state compassionate use  
20 registry by a physician licensed under Chapter 458 or Chapter 459, Florida Statutes, because the patient  
21 is suffering from cancer or a physical medical condition that chronically produces symptoms of seizures  
22 or severe and persistent muscle spasms with no other satisfactory alternative treatment options.

23 **Message-board sign** means a sign, no greater than six square feet in area that is mounted on the wall,  
24 door, or window of a business. The board may be mounted in a protective frame having a maximum  
25 depth of six inches. Chalk boards and bulletin boards are two types of message board signs.

26 **Microbrewery** means a facility that produces no more than 15,000 barrels per year of fermented malt  
27 beverages on site and may include a taproom for sale of beer for on premise consumption or in sealed  
28 containers for takeaway.

29 **Microdistillery** means a facility that produces no more than 15,000 gallons per year of spirituous  
30 beverages on site and may include a tasting room in which guests/customers may sample the product.  
31 Sale of spirituous beverages in sealed containers for take-away may be permitted in accordance with  
32 Florida law.

33 **Microwinery** means a facility that produces no more than 100,000 gallons per year of vinous beverages  
34 on site and may include a tasting room for sale of wine for on premise consumption or in sealed  
35 containers for take-away.

36 **Microwave transmission tower** means a structure operated for the specific purpose of transmitting  
37 microwave frequency bands not open to public correspondence, operated by and for the sole use of  
38 those licensees operating their own point-to-point radio communication facilities in the public safety,  
39 business, industrial, land transportation, marine or aviation service.

40 **Mile, statute** means a distance of 5,280 feet.

1 **Minor subdivision** means the subdivision of a tract of land into five or fewer lots in accordance with the  
2 requirements set forth in this chapter and where the resultant lots comply with all the standards of  
3 these regulations.

4 **Mitigation** means compensatory actions taken before, during or after development to preserve,  
5 replace, enhance, create, or restore various environmental functions or features of a natural area, or to  
6 buffer or protect nearby land uses from adverse impacts of the development, or protect other  
7 significant local resources.

8 **Mobile home** means any movable building or vehicle, with or without independent motorized power,  
9 built on an integral chassis or sections thereof, which is used or usable as a temporary or permanent  
10 dwelling.

11 **Mobile home park** means a parcel of land designed, constructed or used for the provision of individual  
12 lots or spaces, through lease or separate ownership, on which are placed mobile homes for residential  
13 purposes.

14 **Model home center** means residential structures not occupied as a dwelling unit, open to the public for  
15 inspection, and used solely for demonstration and selling of residential dwellings.

16 **Model home unit** means a residential structure built to code for eventual residential use, not occupied  
17 as a dwelling unit, open to the public for inspection, and used solely for demonstration and selling of  
18 residential dwellings being constructed in the same subdivision or development.

19 **Monopole tower** means a communication tower consisting of a single pole, constructed without guy  
20 wires and ground anchors, used for the transmission of wireless communication.

21 **Monument sign** means a freestanding sign with a base, either a solid structural base or a non-structural  
22 base that gives the appearance of a solid structural base that is at least 75% of the length of the sign  
23 face.

24 **Motion picture arcade** means any booth, cubicle, stall or compartment that is smaller than 600 square  
25 feet in floor area, that is designed, constructed or used to hold or seat customers, and that is used for  
26 presenting motion pictures or viewing publications for a fee by any photographic, electronic, magnetic,  
27 digital or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc,  
28 cd-rom, books, magazines or periodicals) for observation by customers therein. Motion picture arcades  
29 are a prohibited use in all zoning districts in the city.

30 **Mounting height** means the distance between the average grade and the bottom of the luminous  
31 opening of a luminaire.

32 **Multiple-family dwelling** means a building containing two or more dwellings.

33 **Multiple occupancy** means a building or development with two or more separate and distinct  
34 businesses and/or organizations.

35 **Native** means those plants and animals, including commonized vegetation, and especially vegetation  
36 known to have existed locally when Ponce de Leon arrived in Florida, which are appropriate to the  
37 ecological setting, have noninvasive growth habits, are tolerant of the hydrologic conditions of the site,  
38 and require little maintenance upon maturity.

39 **Native plants** means all plant life that persists and reproduces in Florida without the influence of  
40 humans and that are thought to have been present in the region prior to A.D. 1500 (year of first  
41 documented European contact).

1 **Natural vegetation** means vegetation existing prior to development of a site that includes understory  
2 vegetation and typically includes a wooded area, of generally native species.

3 **Natural community** means a distinct and recurring assemblage of populations of plants, animals, fungi  
4 and microorganisms naturally associated with each other and their physical environment. For the  
5 purposes of this Code, classification and nomenclature for natural communities shall follow the FNAI  
6 Guide. Natural communities do not include altered landcover types that are listed in Appendix 2 of the  
7 FNAI Guide.

8 **Natural resources** means the biological, physical, geological and hydrological components of the  
9 environment in the City of Gainesville.

10 **Nature parks and public conservation/preservation areas** means those lands owned and managed for  
11 the protection, preservation, and/or conservation of natural communities, as well as any other public  
12 park, preserve, or conservation areas, or the portion of those parks, preserves, or conservation areas,  
13 that are established to preserve natural communities. Nature parks and public  
14 conservation/preservation areas are shown in the Nature Parks and Public Conservation/Preservation  
15 Areas District Map that is maintained in the city's GIS map library.

16 **Noise level reduction (NLR)** means a measurement standard for the reduction in sound level  
17 transmission between the exterior and interior of a structure. NLR standards are used to evaluate the  
18 effectiveness or establish requirements of techniques to limit sound transmission in order to prevent or  
19 mitigate adverse noise impacts through incorporation of noise attenuation into the design and  
20 construction of a structure.

21 **Nonconforming lot** means any lot that does not meet the requirements for minimum lot area, lot depth  
22 or lot width, for any use, for the zoning district in which such lot is located.

23 **Nonconforming structure** means any building or structure that does not meet the applicable zoning  
24 district's regulations for dimensions and location, site improvements or development standards.

25 **Nonconforming use** means the use of any building or land for anything other than a use specifically  
26 permitted in the zoning district in which such building or land is located.

27 **Nonpresumptive vested rights** means those instances where presumptive vested rights cannot be  
28 shown, but in which the property owner proves the following: upon some act or omission of the city, a  
29 property owner, relying in good faith, has made such a substantial change in position or has incurred  
30 such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the  
31 rights acquired, and that development has commenced and is continuing in good faith.

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

34 **Obscene** means material, as defined by *Miller v. California*, 413 U.S. 15 (1973), that:

35 A. Taken as a whole, the average person applying contemporary community standards would find  
36 appeals to the prurient interest;

37 B. Depicts or describes, in a patently offensive way, sexual conduct as specifically defined herein; and  
38 C. Taken as a whole, lacks serious literary, artistic, political, or scientific value.

39 **Occupancy** means the use of a dwelling unit for residential purposes, not necessarily absolutely  
40 continuously, but as a place of usual return (except as otherwise defined in articles of this chapter).

1 **Occupant (occupancy)** means a legal occupant of a building or premises licensed to engage in a  
2 business, occupation or profession, or exempt from license due to governmental, educational, religious  
3 or other privileged status.

4 **Occupied rooms** means rooms within enclosed structures that are, or may reasonably be expected to  
5 be, used for human activities including, but not limited to, sound communications, education or  
6 instruction, sleeping, eating, entertainment, or the use of telephones and other audio devices.

7 **Occupied structure** means a structure with at least one occupied room. See "Occupied Rooms."

8 **Office** means a room, studio, suite or building in which a person transacts his business or carries on his  
9 stated occupation. However, this term does not include any facility involving manufacturing,  
10 fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods  
11 and products; or the sale or delivery of any materials, goods or products that are physically located on  
12 the premises. This term includes administrative, business and professional offices, and radio and  
13 television studios, as well as banks and savings institutions, but excludes medical and dental offices.

14 **Office, medical and dental** means an office in which the principal use is the dispensing of health and/or  
15 dental services by licensed practitioners. The use shall include massage therapists (masseurs/  
16 masseuses) licensed by the State of Florida.

17 **Official roadway map** means a map maintained by the public works department showing the official  
18 designation of all existing and proposed arterial and collector streets, as adopted by ordinance of the  
19 City Commission after review and recommendation by the City Plan Board, and showing all other streets  
20 for informational purposes.

21 **Off-premises sign** means any sign (with the exception of vehicle signs) with a commercial message that  
22 directs attention to a specific business, product, service, entertainment event or activity, or any other  
23 type of event, activity or thing that is not provided, sold, produced, manufactured, furnished,  
24 conducted, or located at the property upon which the sign is located.

25 **Ordinary maintenance** means work that does not require a building permit and that is done to repair  
26 damage or to prevent deterioration or decay of a building or structure or any part thereof by restoring  
27 the building or structure or part thereof as nearly as practicable to its condition prior to the damage,  
28 deterioration or decay.

29 **Original appearance** means that appearance (except for specific color) that, to the satisfaction of the  
30 City Manager or designee, closely resembles the appearance of either:

31 A. The feature on the building as it was originally built or was likely to have been built; or  
32 B. The feature on the building as it presently exists so long as the present appearance is appropriate, in  
33 the opinion of the City Manager or designee, to the style and materials of the building.

34 **Other-than-utility runway** means any existing or planned runway that is constructed for, and intended  
35 to be used by, all types of aircraft, including those having gross weights greater than 12,500 pounds.

36 **Outdoor activity** means any service or activity conducted or provided outside of the principal structure  
37 on a regular or recurring basis, approved as part of a development plan.

38 **Outdoor cafe** means an unenclosed establishment that is open to the public and operating under the  
39 regulations for food service of the Florida Department of Agriculture or Florida Department of Business  
40 and Professional Regulation. *Outdoor cafe* does not include mobile food vending vehicles or any use of  
41 property that does not provide a permanent structure for restrooms and kitchen facilities.

1 **Outdoor storage** means the storage or display, outside of a completely enclosed building, of  
2 merchandise offered for sale as a permitted use or of equipment, machinery and materials used in the  
3 ordinary course of a permitted use, or the storage of inoperable motor vehicles, or the storage of used  
4 materials or items whether for sale or not. This term expressly does not include junk or junkyards as  
5 defined in this section.

6 **Outdoor work space** means an area, delineated on the development plan of a limited automotive  
7 service, which meets the requirements for use for the provision of services and repairs outside an  
8 enclosed building. This term does not include junkyards or outdoor storage.

9 **Outparcel** means a separate tract of land, platted or otherwise created, which was included as an  
10 integral part of a unified development that was approved by the city through the development plan,  
11 subdivision and/or planned development review process. The outparcel shall have unified landscaping  
12 and buffers, shared parking, and traffic access and circulation and stormwater management systems  
13 integrated with the remainder of the development. The outparcel may or may not be a recorded parcel.  
14 For the purpose of development review and permitting, an outparcel may not be considered as an  
15 independent parcel unless it and the remainder of the parcels in the unified development can  
16 independently meet all of the applicable code requirements.

17 **Owner** means a person who, or entity which, alone, jointly or severally with others, or in a  
18 representative capacity (including, without limitation, an authorized agent, attorney, executor, personal  
19 representative or trustee) has legal or equitable title to any property in question, or a tenant, if the  
20 tenancy is chargeable under his/her lease for the maintenance of the property.

21 **Parapet** means a low wall projecting upward from the outside edge of a roof.

22 **Parcel** means a unit of land within legally established property lines. Legally established property lines  
23 means those lines created by a recorded plat, minor plat or lot split, those units of land recognized as  
24 lots formed prior to 1961 as recorded on a map kept by the building division, and those lots recognized  
25 by the county code enforcement department at the time of any annexation.

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

30 **Parking, interior** means all parking spaces not located along the perimeter of the parking area.

31 **Parking, perimeter** means parking spaces located along the edge of the paved parking surface.

32 **Parking space** means an area adjacent to a driveway or other vehicular access, designed to be used for  
33 the parking of a motor vehicle.

34 **Parking garage.** See “structured parking.”

35 **Paved area** means an improved area consisting of asphaltic concrete, concrete, brick or similar material  
36 that is intended or designated for parking, maneuvering and/or vehicular movement, and including  
37 pedestrian accessways immediately adjacent to such areas.

38 **Pedestal-type sign** means a permanent ground-mounted sign, no greater than 1½ feet by 1½ feet in size  
39 and up to five feet in height, which advertises products or services provided on the premises.

40 **Pennant** means a piece of cloth, plastic, paper or similar material that is attached to any staff, cord, or  
41 wire, either singularly or in a series.

1 **Person** means any individual, group of persons, firm, corporation, association, company, organization,  
2 business trust, estate trust and any governmental agency or their representatives, except that the words  
3 "natural person" shall mean only a single human being.

4 **Personal service** means a service use primarily engaged in providing services involving the care of a  
5 person, his or her apparel, pets, or small appliances. Some examples include barbershops, beauty shops,  
6 exercise studios, funeral homes, pet grooming, appliance repair/service, laundromats, health and fitness  
7 clubs, parcel delivery offices, etc.

8 **Personal wireless services (PWS)** means commercial mobile services, unlicensed wireless services and  
9 common carrier wireless exchange access services as defined by federal regulations.

10 **Personal wireless service (PWS) antenna** means a device used for sending or receiving radio signals  
11 used by a personal wireless service provider (a company authorized by the FCC to operate a PWS  
12 system), including the support structure used to hold the antenna at a particular height. This does not  
13 include accessory personal use antennas as allowed by the City Code of Ordinances.

14 **Pet services** means establishments primarily engaged in performing services for pets, equines, and other  
15 animal specialties. Examples include, but are not limited to, training facilities, animal shelters, boarding  
16 kennels, dog pounds, veterinary services, services that are conducted outdoors, and similar uses.  
17 Excluded from this category are pet grooming facilities (see personal services).

18 **Place of religious assembly** means a church, synagogue, mosque, temple or other permanent building  
19 used as a place of assembly for religious worship or services.

20 **Planned development layout plan** means an unexpired development plan submitted for a proposed  
21 planned development that has been approved and adopted by ordinance by the City Commission.

22 **Planning parcel** means a land area within city limits made up of the parcel on which development or  
23 alteration is proposed and all contiguous parcels within city limits under common ownership or control  
24 as of the date of application submittal. Common ownership or control means the contiguous parcels  
25 that are owned by the owner/applicant or by entities owned or controlled by the owner/applicant.

26 **Pole height** means the vertical distance measured from the average grade level on the ground to the  
27 base of the luminaire.

28 **Political sign** means any sign that is designed to influence political action. Political signs may not contain  
29 commercial advertising.

30 **Pollution or pollutants** means adverse impacts to the physical, chemical or biological characteristics of  
31 the air, water or soil, which can harm to humans, animals, vegetation or structures. Pollutants are  
32 agents that cause pollution.

33 **Porch** means a covered area adjoining the entrance to a building. Porches may be "engaged" (with two  
34 sides partially or fully enclosed by walls and roof), "integral" (part of the overall massing and roof form  
35 of the building), or "projecting" (open on three sides with a roof that is separate from the main building  
36 roof).

37 **Portable sign** means any sign, except a vehicle sign, that is not permanently erected or that may be  
38 moved readily from place to place.

39 **Portable storage unit** means any portable container or facility that is designed and/or used for the  
40 temporary storage or shipment of personal property, household goods, wares, building materials or  
41 merchandise, and which is located outside of an enclosed building and is delivered and removed by  
42 truck.

1 **Preliminary development order** means any preliminary approval that does not authorize actual  
2 construction, mining or alterations to land and/or structures. A preliminary development order may  
3 authorize a change in the allowable use of land or a building, and may include approvals with conditions  
4 where a series of sequential approvals are required before action authorizes commencement of  
5 construction or land alteration. For the purposes of this chapter preliminary development orders include  
6 preliminary development plan approval, approval of rezoning to planned development, residential  
7 design plat approval, residential minor subdivisions, approval of a special use permit, approval of an  
8 amendment to a planned development ordinance, change of use permit approval, application for a  
9 building permit where vested rights have expired, and development on state and federal properties.

10 **Presumptive vested rights** means those instances where there are reasonable grounds to believe that  
11 vested rights exist as determined by the director by virtue of the possession of a valid, unexpired final  
12 development order issued by the city prior to the effective date of the vested rights review ordinance.

13 **Primary frontage** means the site frontage facing the primary street.

14 **Primary street** means the street that a property for development fronts. At street intersections, the  
15 larger, more important street shall be recognized as the primary street.

16 **Principal structure** means a structure in which is conducted the principal use of the lot on which it is  
17 situated, including any attached carport, shed, garage or any other structure that is a part of the  
18 principal building and structurally dependent, totally or in part, on the principal building. In a residential  
19 district any dwelling shall be deemed to be the principal structure on the lot on which the same is  
20 situated.

21 **Principal use** means the use that constitutes the primary activity, function or purpose of a parcel of land  
22 or building.

23 **Private school** means a school that is not operated by any governmental agency but that meets all  
24 criteria imposed by law or ordinance to satisfy the requirements for mandatory school attendance of  
25 elementary, middle or high school.

26 **Private street, approved** means any privately-owned accessway that has been determined by the City  
27 Manager or designee to meet the access and construction standards set forth in this code. For purposes  
28 of lot split or minor subdivision, "existing" approved private street means an approved private street  
29 that exists on the date of filing the application for the minor subdivision or lot split. "New" approved  
30 private street means a new street is being approved as part of the minor subdivision or lot split process.

31 **Professional care** means care rendered by a person with specialized training in that type of care,  
32 including but not limited to medical care, counseling and other types of therapy and rehabilitative  
33 services.

34 **Professional school** means a school that teaches a specialized type of intellectual knowledge, expertise  
35 or training acquired by a prolonged course of classroom study resulting in some type of credential, as  
36 distinguished from a course of study involving manual or physical processes that involves training  
37 outside the confines of a classroom or that involves noise that is audible outside the confines of a  
38 classroom. The term includes colleges, universities, vocational and trade schools.

39 **Project** means a single development as designated by the applicant, but two or more purportedly  
40 separate developments shall be considered one project if the City Manager or designee determines that  
41 three or more of the following criteria exist:

42 A. The purportedly separate developments are located within 250 feet of each other;

- 1 B. The same person has an ownership interest or an option to obtain an ownership interest of more  
2 than 50% of the legal title to each purportedly separate development;
- 3 C. There is a unified development plan for the purportedly separate developments;
- 4 D. The purportedly separate developments voluntarily do or shall share private infrastructure; or
- 5 E. There is or will be a common management or advertising scheme for the purportedly separate  
6 developments.
- 7 **Projecting sign** means any sign that is affixed to any building wall or structure and extends more than 12  
8 inches horizontally from the plane of the building wall.
- 9 **Public administration buildings** means federal, state, and local government facilities, including  
10 administrative offices, fire and police stations, tax collection, supervisor of elections, post office, and  
11 similar establishments. Public facilities that involve outdoor storage, vehicle repair, manufacturing and  
12 similar activities are classified as *public maintenance and storage facilities*.
- 13 **Public facilities** means transportation facilities (including roads, transit, sidewalks, and bicycle/trails),  
14 wastewater facilities, solid waste facilities, stormwater management facilities, potable water facilities,  
15 water supply, public school facilities and recreation facilities.
- 16 **Public library** means a facility operated by a governmental agency to collect, organize and make  
17 accessible educational, informational and cultural resources to the general public.
- 18 **Public maintenance and storage facilities** means publicly owned and operated facilities that involve  
19 vehicular storage, fleet maintenance facilities (workshops, fueling stations, vehicle washes), materials  
20 storage, equipment storage, training (indoor and outdoor).
- 21 **Public park** means properties and facilities owned and operated by any governmental agency that are  
22 open to the general public for recreational purposes.
- 23 **Public school** means a school that is operated by a governmental agency and meets all criteria imposed  
24 by law or ordinance to satisfy the requirements for mandatory school attendance of elementary, middle  
25 or high school.
- 26 **Public service sign** means a sign the advertising message of which relates only to the nonprofit activities  
27 of any place of religious assembly, school, governmental agency or nonprofit corporation of a religious,  
28 educational or charitable nature.
- 29 **Public service vehicle** means a mobile unit such as a bloodmobile, bookmobile or X-ray laboratory  
30 designed to provide a noncommercial public service in a temporary location.
- 31 **Public use** means the use of any land, water or building by a governmental agency for a public service or  
32 purpose.
- 33 **Public utility** means a utility owned, operated and maintained by a public or governmental entity or a  
34 publicly-regulated utility company, including but not limited to stormwater, drainage, water,  
35 wastewater, reclaimed water, chilled water, natural gas, electric or telecommunications facilities.
- 36 **Public utility easement (PUE)** means a non-possessory, non-exclusive interest in the land of another and  
37 the right to use the property for the purpose of installing, operating and maintaining public utility  
38 facilities.
- 39 **Qualitative tree survey.** See “tree survey, qualitative.”
- 40 **Radius return (R)** means the curved arc between intersecting street pavements.

1 **Real estate sign** means any temporary sign advertising the real property upon which the sign is located  
2 for rent, lease, or sale and providing information regarding the owner or his/her agent.

3 **Rear lane** means a vehicular way located to the rear of lots providing access to service areas, parking,  
4 and outbuildings and containing utility easements. The streetscape consists of gravel or landscaped  
5 edges. Rear lanes have no raised curb, and are drained by percolation. (See *Alley* definition).

6 **Recreational area** or **recreation area** means any common area or dedicated public area, including open  
7 space or buildings, but not including streets or off-street parking or loading areas, which is usable for  
8 either passive or active recreational activities. Passive recreational activities are those that involve mere  
9 observation or only a small amount of activity to derive relaxation or pleasure, and they include such  
10 pursuits as sightseeing, bird watching, picnicking, fishing and the like. Active recreational activities are  
11 those that require a certain degree of physical exertion in order to obtain exercise or a release of  
12 energy, and they include both team sports and individual sports, playground activities, exercise facilities  
13 and the like.

14 **Recreation, indoor** means an indoor public or private establishment designed and equipped for the  
15 conduct of sports and leisure time activities. Some examples include bowling alleys, theaters,  
16 gymnasiums, fitness facilities, pool halls, laser tag, and skating rinks. This category does not include  
17 sexually-oriented motion picture theaters, stadium/sports arenas, or any public recreation facilities.

18 **Recreation, outdoor** means any premises where the principal use is the provision of outdoor  
19 amusements, sports, games, athletic facilities, or other outdoor recreational facilities and/or services.  
20 This term includes golf driving ranges, miniature golf, paintball facilities, and water slides; but does not  
21 include golf courses, shooting ranges, drive-in theaters, stadiums/sports arenas, or any public parks.

22 **Recreational vehicle** means any vehicle, not exceeding thirty-five (35) feet in overall length or eight (8)  
23 feet in width, designed and intended for recreational purposes, including trailers, travel trailers, boats,  
24 campers, pickup campers, buses, tent trailers, motor homes and other similar vehicles with or without  
25 motive power, designed and constructed to travel on public thoroughfares.

26 **Recycling center** means operations primarily engaged in collecting, sorting, transporting, compacting,  
27 cleaning and breaking of reusable material, including but not limited to glass, paper, aluminum, steel  
28 cans, reusable household items and plastic, which is intended for reuse, remanufacture or reconstitution  
29 in an altered form. This definition excludes operations engaged in burning or melting of such products,  
30 the collection of refuse, household appliances, auto parts or hazardous materials, and the wrecking or  
31 dismantling of auto salvage material.

32 **Regulated natural** or **archaeological resource** means any of the following: significant natural  
33 communities, listed species, strategic ecosystems, Floridan aquifer high recharge areas, significant  
34 archaeological resources, and significant geological resource features. Surface waters and wetlands, and  
35 regulated trees, including champion and heritage trees, are specifically excluded as they are regulated  
36 under separate provisions of this Code.

37 **Regulated trees** means trees of 8 inches or greater in diameter breast height or any tree that was  
38 planted in compliance with an approved development order or to mitigate the removal of a regulated  
39 tree. Slash and Loblolly Pines are not regulated until they reach 20 inches in diameter, except those that  
40 were preserved during development in order to meet a landscaping requirement, which are considered  
41 regulated regardless of size.

1 **Rehabilitation center** means a facility providing professional care, nonresident only, for those requiring  
2 therapy, counseling or other rehabilitative services related to drug abuse, alcohol abuse, social  
3 disorders, physical disabilities, intellectual disabilities or similar problems.

4 **Relocatable structure** means a building or portion of a building made up of prefabricated units able to  
5 be disassembled and reassembled frequently; a single unit of construction consisting of walls, roof and  
6 floor that is movable as a unit, either on wheels or by truck. The terms "mobile," "demountable,"  
7 "divisible" and "portable" connote types of relocatable buildings. A relocatable structure shall meet all  
8 code requirements for its particular use.

9 **Required tree** means trees planted to meet a specific landscaping requirement such as trees in buffers,  
10 landscape islands, and stormwater management areas.

11 **Research, development and testing facilities** means establishments primarily engaged in conducting  
12 research and experimental development in the physical, engineering, or life sciences, such as  
13 agriculture, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food,  
14 fisheries, forest, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary,  
15 and other allied subjects.

16 **Residence for destitute people** means establishments primarily engaged in the provision of temporary  
17 residences for those persons lacking residences, possessions or resources. Services include overnight  
18 accommodations and furnishing of meals to residents only. Revenue is derived only from charitable  
19 sources.

20 **Residential area** means, when used in the context of regulating sexually oriented businesses, any of the  
21 following: land zoned in any RSF district, any RMF district, the MH district, the RC district, or the PD  
22 district (if predominantly residential).

23 **Residential zoning district** means zoning districts that allow predominantly residential uses, including  
24 RSF, RC, MH, RMF, U1, and U2. All other districts are deemed non-residential.

25 **Resources, historic** means sites, buildings, structures, objects and areas whether public or private, either  
26 singly or in combination, as defined in this section.

27 **Restaurant** means any use located in any structure or building or portion thereof where the use  
28 primarily involves the retail sale of food and beverages, which may include alcoholic beverages for  
29 consumption on the premises and where at least 51% of the monthly gross revenues derived from such  
30 use are attributable to the sale of food and nonalcoholic beverages. This use may include caterers and  
31 industrial and institutional food service establishments.

32 **Restoration** means the revival or rehabilitation of structures, natural areas or features to a condition in  
33 which the structure, area or feature functions in a relatively self-maintaining, historically natural  
34 condition.

35 **Retransmission tower** means a structure operated for the specific purpose of retransmitting the signals  
36 of a radio broadcast station or another retransmission facility without significantly altering the  
37 characteristics of the incoming signal other than its frequency or amplitude.

38 **Revolving sign** means any sign or other structure so erected or constructed as to periodically change the  
39 direction toward which any plane containing part of the sign area is oriented.

40 **Right-of-way** means land dedicated, deeded, used or to be used for a street, alley, walkway, boulevard,  
41 drainage facility, access for ingress or egress, or other purposes by the public.

- 1 **Roof sign** means any building-mounted sign erected and constructed wholly on and over the roof of a  
2 building, supported by the roof structure. Signs on parapet walls or mansards are not considered roof  
3 signs.
- 4 **Roofline** means the highest continuous horizontal line of a roof. On a sloping roof the roofline is the  
5 principal ridge line, or the highest line common to one or more principal slopes of the roof. On a flat roof  
6 the roofline is the highest continuous line of the roof or parapet, whichever is higher.
- 7 **Roll-off** means an open-top dumpster or facility that is delivered and removed by truck and is commonly  
8 used to collect and store a variety of waste materials such as, but not limited to, construction and  
9 demolition waste.
- 10 **Rooming house.** See “dormitory.”
- 11 **Rootzone** means the allotted area of soil that is provided for the growth of tree roots.
- 12 **Rootzone media** means the appropriate soil structure and texture to accommodate healthy root growth  
13 for required landscaping. The minimum components of rootzone media are uncompacted soil (bulk  
14 density less than 1.50 g/cc in loam. 1.70 g/cc sand, or 1.40 g/cc clay soil) devoid of seeds of invasive  
15 exotic species and of pH 5.5 to 6.5, composted leaf mold or peat moss, and well-graded, medium  
16 angular sand (0.50 to 0.25 mm). The natural topsoil of the site qualifies if the above qualities exist. The  
17 maximum depth for structural soil used as root zone media shall be 36”, the maximum depth for root  
18 zone media used with structural root box cells shall be 45”.
- 19 **Root zone volume** means a measurement of the net soil volume not including structural components  
20 such as stone. The root zone can include soil within the tree opening or soil under pavement, as long as  
21 the soil volumes are compacted to no more than 85% dry density. Structural soils are exempt from this  
22 compaction requirement. A variety of techniques are suitable for under pavement locations, including  
23 but not limited to structural root box cells, structural soil, tree wells, root paths and soil trenches. The  
24 soil volumes shall be accessible to the tree roots to be considered part of the root zone volume. Rooting  
25 space should be composed of soil defined in the ordinance as root zone media. The depth of root zone,  
26 for purposes of calculating the volume, shall not exceed four feet.
- 27 **Root paths** means narrow trenches under pavement filled with root zone media and strip drain board,  
28 which are used to guide roots out of confined planting areas.
- 29 **Row house.** See “attached dwelling.”
- 30 **Sadomasochistic practices** means flagellation or torture by or upon a person clothed or naked, or the  
31 condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or  
32 naked.
- 33 **Salvage yard.** See "junkyard."
- 34 **Scooter** means a motor vehicle powered by a motor with a displacement not exceeding 151 cubic  
35 centimeters and designed to travel on not more than three wheels in contact with the ground. This  
36 definition shall include mopeds and motorized scooters as defined by the Florida Statutes. For the  
37 purpose of this code and unless specified otherwise, scooters are deemed to be vehicles – see “vehicle”  
38 definition.
- 39 **Secondary frontage** means that frontage facing the secondary street.
- 40 **Secondary street** means any street fronting a development that is not identified as the primary street.

1 **Sediment** means solid material, mineral or organic, that is in suspension, is being transported, or has  
2 moved from its site of origin, by water.

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

5 **Service area entrance** means an external door opening into an enclosed building that contains one or  
6 more service bays.

7 **Service bay** means an area that is designed and constructed for the repair, servicing, or maintenance of  
8 a single motor vehicle and may include a vehicle lift or service well.

9 **Service provider** means any individual, company, firm or other entity that provides telecommunications  
10 service over telecommunications facilities.

11 **Setback** or **setback line** means a line determined by measurement, parallel to a lot line, creating an area  
12 between the lot line and the setback line in which all structures (unless otherwise limited) may not be  
13 erected.

14 **Setback, street** means a line determined by measurement, parallel to the street curb (on all sides of the  
15 lot facing a street), creating an area between the street curb and building façade.

16 **Sexual conduct** or **specified sexual activities** means the engaging in or the commission of an act of  
17 sexual intercourse, oral genital contact, masturbation, or the touching of the sexual organs, public  
18 region, buttock or female breast of another person for the purpose of arousing or gratifying the sexual  
19 desire of another person.

20 **Sexually oriented business** means an inclusive term used to describe collectively: sexually oriented  
21 cabaret; sexually oriented motion picture theater; motion picture arcade; massage parlor, establishment  
22 or practice that is not licensed under Chapter 480, Florida Statutes; and sexually oriented retail store.  
23 This collective term does not describe a specific land use and shall not be considered a single use  
24 category for purposes of the zoning code or other applicable ordinances.

25 **Sexually oriented cabaret** means a building that features dancing or other live entertainment that is  
26 distinguished or characterized by an emphasis on the exhibiting of "sexual conduct" or "specified  
27 anatomical areas" for observation by customers therein on more than half the days that it is open, or  
28 which is marketed as or offers performances described as "adult" or "XXX." The fact that an  
29 establishment does not serve alcoholic beverages shall not remove it from classification as a "sexually  
30 oriented cabaret" if it otherwise falls under this definition. This definition is intended to include "adult  
31 performance establishments" as defined in Chapter 14.5, Article IV of the Gainesville Code of  
32 Ordinances, but this definition is not limited to such establishments.

33 **Sexually oriented devices** means any three-dimensional object designed and marketed for stimulation  
34 of the male or female human genital organ or anus or for sadomasochistic use or use in sexual conduct  
35 and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the  
36 human genital organs. Nothing in this definition shall be construed to include devices primarily intended  
37 for protection against sexually transmitted diseases or for preventing pregnancy.

38 **Sexually oriented media** means media, including magazines, books, videotapes, movies, slides, cd-roms  
39 or other devices used to record computer images, that are distinguished or characterized by their  
40 emphasis on matter depicting, describing or relating to "sexual conduct" or "specified anatomical areas"  
41 (separately defined).

1 **Sexually oriented motion picture theater** means a cinema or motion picture theater that shows  
2 hardcore features on more than half the days that it is open, or which is marketed as or offers features  
3 described as "adult" or "XXX". This definition specifically excludes motion picture arcades.

4 **Sexually oriented retail store** means a retail sales or service establishment that meets any one of the  
5 following four tests:

6 A. More than 30% of the gross public floor area or stock in trade consists of sexually oriented media;  
7 B. It offers for sale items from any two of the following categories: sexually oriented media; lingerie;  
8 leather goods marketed or presented in a context to suggest their use for sadomasochistic practices;  
9 and the combination of such items comprise more than 10% of its gross public floor area or stock in  
10 trade;

11 C. More than 5% of its gross public floor area or stock in trade consists of sexually oriented devices; or  
12 D. It is advertised, marketed, or holds itself out in any forum as an "XXX," "adult," or "sex" business.

13 **Shielded fixture** means a luminaire that includes an adjustable mounting device allowing aiming in any  
14 direction and contains a shield, louver, visor, or baffle to reduce direct view of the lamp.

15 **Shrub** means a woody perennial plant differing from a perennial herb by its persistent and woody stems  
16 and from a tree by its low stature and habit of branching from the base.

17 **Sidewalk** means an area on public or private property where pedestrians walk or stand, generally  
18 parallel to the edge of a street, roadway or curb.

19 **Sidewalk cafe** means a seating area within the public right-of-way that is: adjacent to, operated by, and  
20 an accessory use to a restaurant or an alcoholic beverage establishment.

21 **Sight distance** means the continuous section of roadway visible to the driver of a vehicle from any  
22 particular point on the roadway.

23 **Sign** means any letter, number, symbol, figure, character, mark, plane, design, pictorial, stroke, stripe,  
24 trademark or combination of these so placed, attached, painted, erected, fastened, or installed for the  
25 purpose of attracting the attention of and communicating a message to members of the public, either  
26 pedestrians and/or motorists, and that can be seen from a public or private street.

27 **Sign area** means the total surface area contained within any common geometric figure (e.g.,  
28 parallelogram, circle, triangle, trapezoid, hexagon, ellipse, etc.) that encloses all names, letters,  
29 numbers, symbols, pictures, trademarks, logos or other commercial messages or identifications  
30 contained in a sign.

31 **Sign band** means a permanent architectural feature integrated into the façade of a building intended for  
32 the placement of a sign(s). The measurement of the sign area shall include only the actual sign elements  
33 within a sign band.

34 **Sign structure** means any accessory structure or device the primary purpose of which is to be or to  
35 display a sign.

36 **Significant adverse impact** means direct contamination, alteration, or destruction, or that which  
37 contributes to the contamination, alteration, or destruction of a natural resource, or portion thereof, to  
38 the degree that its environmental benefits are or will be eliminated, reduced or impaired, such that the  
39 activity will cause long-term negative impacts on the natural resource.

- 1 **Significant archaeological resources** mean those archaeological resources that are listed, or are eligible  
2 for listing, on the National Register of Historic Places.
- 3 **Significant geological resource features** means geological features that include, but are not limited to:  
4 point source features such as sinkholes, caves, spring heads, and limestone outcrops; lineal features  
5 such as lineaments, ridges, escarpments, and spring runs; and areal features such as steep slopes and  
6 springsheds.
- 7 **Significant natural community** means a natural community that exhibits ecological integrity, may be  
8 rare or provide functional connectedness within the landscape context, and can be maintained through  
9 appropriate management such as prescribed burning or alternate vegetation management methods,  
10 control and removal of exotic species, or hydrologic restoration. Significant natural communities often  
11 provide habitat for one or more rare plant and animal species, or contribute to the habitat requirements  
12 for animal species with large home ranges, or for migratory or colonial nesting species. Significant  
13 natural communities are those that are ranked as S1, S2, or S3 by the FNAI.
- 14 **Silviculture** means a process, following best management practices and/or accepted forest management  
15 principles, whereby the trees constituting forests are tended, harvested, and reproduced.
- 16 **Simulated gambling device** means any mechanical or electrical contrivance, computer, terminal, video  
17 or other equipment that may enable a user, upon the payment of consideration either directly or  
18 indirectly in connection with the sale of a consumer product or service, to play or operate a simulation  
19 of gambling or any game that, by either the use of skill or an element of chance with an outcome  
20 unpredictable to the user, may reveal, deliver or entitle the user to receive anything of value. This  
21 definition does not include any devices expressly permitted by state law, and does not include an  
22 individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of  
23 a device that could be construed to be a simulated gambling device.
- 24 **Simulated gambling establishment** means a building, edifice, structure or location, along with its  
25 grounds, in which simulated gambling devices are used, operated or stored, including but not limited to,  
26 game rooms, arcades, internet cafés, internet centers or sweepstakes redemption centers. This  
27 definition does not include any establishment that is expressly permitted by state law, including but not  
28 limited to an "arcade amusement center" as defined in Section 849.161, Florida Statutes.
- 29 **Sinkhole** means a funnel-shaped depression in the land surface, generally in a limestone region, caused  
30 by solution processes and often resulting in connection(s) with subterranean passages and groundwater  
31 systems.
- 32 **Single-family dwelling** means a single residential building consisting of one dwelling unit that is  
33 arranged, intended or designed for one family. A residential building with more than one kitchen, one  
34 meter for any utility (unless multiple meters are needed and billing is combined to one address); more  
35 than one address to the property; or more than two of the same major appliance (refrigerator, range,  
36 oven, kitchen sink, dishwasher, washer or dryer), even if consolidated in one kitchen or area, shall be  
37 considered a multifamily dwelling.
- 38 **Site, historic** means the location of a significant event, activity, building, structure or archaeological  
39 resource where the significance of the location and any archaeological remains outweighs the  
40 significance of any existing structures.
- 41 **Site plan.** See "development plan."

1 **Skilled nursing facility** means a facility that provides around-the-clock professional medical care for  
2 patients with chronic illnesses or patients recovering from acute illnesses who need skilled nursing care  
3 but do not need to be hospitalized.

4 **Snipe sign** means any temporary sign that is made of any material and is tacked, nailed, posted, pasted,  
5 glued or otherwise attached to trees, poles, stakes, fences, or other objects.

6 **Social service facility** or **halfway house** means an establishment providing professional care, resident or  
7 nonresident, for those requiring therapy, counseling or other rehabilitative services related to drug  
8 abuse, alcohol abuse, social disorders, physical disabilities, intellectual disabilities or similar problems.

9 **Soil bulk density** means a measure of soil compaction expressed as the mass of soil per unit of volume.

10 **Soil compaction** means compression of the soil resulting in a reduction of the total pore space,  
11 especially the macropores (air-filled spaces between soil particles) and micropores (which fill with  
12 water).

13 **Soil stabilization** means measures, strategies, practices or systems used to protect soil from raindrop  
14 impact and flowing water. Typical measures include vegetative establishment and mulching.

15 **Soil trenches** means trenches under reinforced structural slabs filled with root zone media compacted to  
16 a maximum 80% proctor, which are used to guide roots out of confined planting areas.

17 **Solar generation station** means an electrical energy generation plant, comprised of one or more  
18 devices, that captures solar energy and converts it to electrical energy primarily for sale or consumption  
19 off-premises. Solar generation station devices typically consist of photovoltaic solar cells, but can also be  
20 combinations of light reflectors, concentrators and heat exchangers. The term solar generation station is  
21 not intended to include the use of solar energy devices for net metering (producing electrical energy  
22 primarily for on-premises consumption).

23 **Sorority house.** See "dormitory."

24 **Sound level** means the quantity, in decibels, measured by an instrument satisfying the requirements of  
25 the American Standard Specification for Type I sound level meters. The sound level is the frequency-  
26 weighted sound pressure level obtained with the frequency weighting "A" and the standardized dynamic  
27 characteristic "SLOW."

28 **Special event** means a temporary meeting, activity, gathering, or group of persons or vehicles, or a  
29 combination thereof, having a common purpose, design, or goal that will affect or impact the ordinary  
30 and normal use by the general public upon any public or private facility, street, sidewalk, alley, public or  
31 private area, or building where the event substantially inhibits the usual flow of pedestrian or vehicular  
32 traffic, and is not the type approved for, or customarily associated with, the site upon which the event is  
33 located.

34 **Special protection species** means plant and animal species listed as threatened, endangered or of  
35 special concern. Refer to the "Special Protection Species of Alachua County" table in the city  
36 Comprehensive Plan.

37 **Special use permit** means a permit by which a use or activity that is not permitted by right may be  
38 allowed after careful consideration by the City Plan Board.

39 **Specialty t-shirt production** means establishments that buy broadwoven fabrics in the grey for  
40 conversion into T-shirts that are finished on-site and sold as wholesale (not retail). The finishing process  
41 may include bleaching, dyeing, printing (roller, screen, flick, or plisse), or other mechanical finishing such  
42 as pre-shrinking, shrinking, stone washing, sponging, calendaring, mercerizing, and napping. The

- 1 finishing process does not include coating, laminating, varnishing, waxing, rubberizing, or impregnating  
2 fabrics or textiles.
- 3 **Specified anatomical areas** mean any of the following, singly or in combination:
- 4 A. Less than completely and opaquely covered: human genitals, pubic region, buttock and female  
5 breast below a point immediately above the top of the areola.
- 6 B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 7 **Spinner** means any device designed to attract attention to the premises upon which it is displayed  
8 through mechanical movement or through movement caused by movement of the atmosphere.
- 9 **Spring** means water discharged as natural leakage or overflow from an aquifer through a natural  
10 opening in the ground. The term spring shall include karst windows, which are depression openings that  
11 reveal portions of a subterranean flow or the unroofed portion of a cave. It shall also include spring  
12 runs, whose flow is predominantly composed of spring discharge.
- 13 **Springshed** or **spring recharge basin** means those areas within ground and surface water basins that  
14 contribute to the discharge of a spring.
- 15 **State highway system** means roads that have been functionally classified by the state department of  
16 transportation as being part of the state highway system.
- 17 **Steep slope** means any ground surface having a slope greater than or equal to 5%.
- 18 **Stoop** means a small platform, entrance stairway at a building entrance covered by a secondary roof or  
19 awning.
- 20 **Storefront** means a building frontage conventional for retail use, with substantial glazing and awning or  
21 canopy, wherein the façade is aligned close to the sidewalk with the building entrance at sidewalk  
22 grade.
- 23 **Stormwater** means the flow of water that results from, and which occurs during and immediately  
24 following, a rainfall event.
- 25 **Story** means a habitable level within a building, excluding an attic or raised basement if they do not  
26 exceed five and one-half (5.5) feet.
- 27 **Strategic ecosystems** means the 47 ecosystem areas identified within the City of Gainesville and Alachua  
28 County, Florida, which were evaluated, described, and ranked in the KBN/Golder Associates Report,  
29 "Alachua County Ecological Inventory Project" (1996). Strategic ecosystems are generally larger natural  
30 resource areas that are intact, capable of restoration, and that require conservation or management to  
31 maintain reserves of biodiversity at the landscape, natural community, and species-specific level(s).
- 32 **Street** means any publicly dedicated accessway such as a street, road, highway, boulevard, parkway,  
33 circle, court or cul-de-sac, and shall include all of the land lying between any right-of-way lines as  
34 delineated on a plat showing such streets, whether improved or unimproved, except those accessways  
35 such as easements and rights-of-way intended solely for utilities and similar facilities and easements of  
36 ingress and egress.
- 37 **Street banner** means a flexible sign generally suspended along or across a street.
- 38 **Street centerline** means the surveyed and prescribed centerline of a street established by the state  
39 department of transportation or city public works department or, if no centerline has been so  
40 established, the line midway between the existing or proposed street right-of-way lines.

1 **Street right-of-way** means a strip or area of land dedicated or deeded for use of and by the public as a  
2 public street.

3 **Street right-of-way line** means that line denoting the edge of the right-of-way of the street and being  
4 identical with the property lines of persons owning property fronting on the streets. For the purposes of  
5 establishing the vision triangle as described in the Engineering Design and Construction Manual, the  
6 street right-of-way line for a private driveway or private roadway shall be set as a parallel line 10 feet  
7 from the face of the curb, edge of pavement or edge of the driving surface.

8 **Structural root box cells** means fiberglass-reinforced polypropylene structures including frames and  
9 decks designed to support pavement loads and hold root zone media for the purpose of supporting tree  
10 growth.

11 **Structural soil** means a designed medium that can meet or exceed pavement design and installation  
12 requirements while remaining root penetrable and supportive of tree growth.

13 **Structure** means anything constructed or erected with a fixed location on the ground or attached to  
14 something having a fixed location on the ground, and having a height of four inches or more, except for  
15 patios, ground-level parking and loading facilities, fences and individual doll houses, play houses, and  
16 animal or bird houses that are neither to be used for human habitation, i.e., a place of permanent or  
17 temporary residence, nor storage as a principal use.

18 **Structure (for the purpose of historic preservation)** means a work made up of interdependent and  
19 interrelated parts in a definite pattern of organization. Constructed by man, it may be an engineering  
20 project large in scale.

21 **Structured parking** means a building or structure consisting of two or more vertical levels that is used to  
22 park motor vehicles. Structured parking can either be: a stand-alone building with two or more vertical  
23 levels of parking; or, part of a multi-story building that may contain a mix of uses where the parking is on  
24 a separate level and at least one level of parking is above grade (such as the third floor of a 3-story  
25 building). Structured parking specifically excludes individual garages accessory to a dwelling unit or non-  
26 residential unit, whether attached to or detached from the unit.

27 **Subdivider** means the owner, or the agent of the owner, of any tract or parcel of land, who divides or  
28 subdivides or resubdivides the tract or parcel of land into three or more lots, building sites or other  
29 divisions, for the purpose of transferring an ownership interest therein, or any person who performs any  
30 clearing and grubbing on any land incidental to or preparatory to the construction or laying out of  
31 improvements on the site to facilitate a subdivision of the property, or any owner of property or the  
32 agent of the owner who develops or improves property in accordance with a subdivision plat approved  
33 pursuant to this chapter.

34 **Subdivision** means any division or resubdivision of a tract or parcel of land into three or more lots,  
35 building sites or other divisions; provided, however, that the following shall not be included within this  
36 definition nor be subject to the provisions of this chapter except as specifically set forth in this chapter:

37 A. Conversion of a building into individual units for the purpose of transferring an ownership interest  
38 therein.

39 B. The public acquisition of strips of land for widening or opening streets, or for drainage or public  
40 utilities improvements.

41 **Substandard lot** means a nonconforming lot that meets any one of the following criteria:

- 1 A. Has less than 5,000 square feet of lot area in a district where the minimum required lot area is 5,000  
2 feet or greater;
- 3 B. Has less than 80% of the minimum required lot area in a district where the minimum required lot  
4 area is less than 5,000 square feet; or
- 5 C. Has a lot width or lot depth that is less than 50% of the minimum required lot width or lot depth in  
6 the specific district.
- 7 **Substantial development** means the point in development when all the required permits necessary to  
8 continue the development have been obtained and the actual construction of water and sewer lines, or  
9 streets, or the stormwater management system, on such portion of the development is complete or is  
10 progressing in a manner that significantly moves the entire development toward completion.
- 11 **Surface parking** means a single level of parking at grade, whether covered or uncovered; or attached or  
12 detached from a building. Surface parking is also defined as a single level of ground floor parking within  
13 the footprint of a building. Individual garages that are accessory to a dwelling unit or non-residential  
14 unit, whether attached to or detached from the unit are surface parking.
- 15 **Surface waters** means all waters on the surface of the earth, contained in bounds created naturally or  
16 artificially, including, the lakes, ponds, impoundments, rivers, streams, springs, creeks, branches,  
17 sloughs, tributaries and other watercourses.
- 18 **Technical review committee** means a committee created by Article III of this chapter.
- 19 **Three-family dwelling** means a building containing three dwelling units.
- 20 **Tower height** means the vertical distance measured from the base of the tower or antenna support  
21 structure at grade to the highest point of any part of the structure.
- 22 **Townhouse.** See “attached dwelling.”
- 23 **Trail** means any greenway, pathway, bike path or other accessway not open to motor vehicles, other  
24 than emergency and maintenance vehicles, within a public right-of-way or easement or on privately-  
25 owned land that is open to the public for the purpose of an off-road pathway system.
- 26 **Transect** means a geographical cross-section of a region used to reveal a sequence of environments.  
27 This cross section can be used to identify environments that vary by their level and intensity of urban  
28 character, a continuum that ranges from rural to urban.
- 29 **Transect zone (T-zone)** means one of several zoning districts on the zoning map, based on the principles  
30 of the transect. Transect zones are the equivalent of other zoning districts, except that in addition to the  
31 usual building use, density, height, and setback requirements, they include standards pertaining to the  
32 design and form of development.
- 33 **Transmitter tower** means a structure designed, constructed or used for the purpose of supporting an  
34 antenna used for transmitting and/or receiving any form of radio, television, radar or other type of  
35 wave, impulse or other electromagnetic signal. Antennas mounted on poles that are less than three  
36 inches in diameter and are no more than twenty feet above the highest point of the roof are secondary  
37 towers and shall not be considered transmitter towers. This definition also does not include structures  
38 supporting antennas constructed and/or used by public utilities and governmental agencies.
- 39 **Tree appraised value** means the dollar value to the city of a tree on private or public property used for  
40 the purpose of calculating cash recompense for removal or destruction. This payment shall be made at

1 the time of the site work permits are provided to the developer. The Tree appraised value shall be  
2 calculated as follows:

3  $(3.14) \times (\frac{1}{2} \text{ diameter breast height})^2 = \text{trunk area}$

4  $(\text{trunk area}) \times (\text{unit factor for square inch price, as determined annually by the Tree Advisory Board in}$   
5  $\text{consultation with the City Manager or designee}) = \text{square inch value}$

6  $(\text{square inch value}) \times (55\% \text{ diminution rating}) = \text{tree appraised value}$

7 Example calculation: 20" Live Oak in fair or better condition:

8  $(3.14) \times (1/2 \times 20)^2 = 314 \text{ square inches of trunk area}$

9  $(314 \text{ sq in}) \times (\$40) = \$12,560 \text{ square inch value}$

10  $(\$12,560) \times (.55) = \$6,908 \text{ tree appraised value}$

11 **Tree** means any living self-supporting perennial plant whose one main stem attains at least a diameter  
12 of three inches (nine inches in circumference) at 4½ feet above ground level and a height of 15 feet at  
13 maturity.

14 **Tree grouping** or **major tree grouping** means an assemblage of closely spaced trees that encompass an  
15 area of at least 400 square feet and that provide coverage of at least 50% of that area.

16 **Tree lawn** means a pervious area between the back-of-curb and sidewalk or along the street edge  
17 intended for the planting of street trees.

18 **Tree root plate** means the below-ground area adjacent to the trunk where the major buttress roots and  
19 support roots occur, generally a circular area with a radius of four (4) times the diameter of the tree  
20 trunk at ground level. For example, a 2 foot diameter trunk has a root plate radius of 8 feet outside the  
21 trunk on all sides.

22 **Tree survey** means a map that depicts the geographic location of regulated trees with their scientific  
23 names (both genus and species) and indicates the diameter of each regulated tree measured at 4.5 feet  
24 above the natural grade at the base.

25 **Tree survey, qualitative** means an alternative to the tree survey. A qualitative tree survey shall be  
26 prepared by and executed by a certified arborist with current credentials from the International Society  
27 of Arboriculture or by a licensed landscape architect. The report shall show the surveyed location,  
28 diameter, genus and species of all Heritage trees, all regulated trees of high quality shade tree species,  
29 other trees worthy of protection, and existing trees planted to comply with earlier approved  
30 development plans. On-site meetings with the City Manager or designee will confirm which trees shall  
31 be included in the survey and to confirm that the survey meets code requirements. The survey shall also  
32 cover matters identified as significant relative to the urban forest based on site conditions.

33 **Tree well** means a complete or partial enclosure below ground, filled with rootzone media, where a tree  
34 is planted. Apertures at the surface are provided to conduit air and water to the tree roots.

35 **T-zone.** See "transect zone."

36 **Under-canopy sign** means a sign suspended beneath a canopy, marquee, awning, or other roof  
37 projection.

38 **Understory** means the complex of woody, fibrous, herbaceous and grass and sedge plant species  
39 typically associated with a forested community.

- 1 **Understory trees** means trees that average less than 40 feet in height at maturity, whether or not the  
2 tree is found in an understory habitat.
- 3 **Uniformity ratio** means the average level of illuminance in relation to the minimum level of illuminance  
4 for a given area. For example, a uniformity ratio of 4:1 means that for a given area, the minimum level  
5 of illuminance shall be no less than 25% of the average level of illuminance.
- 6 **Uplands** means all land areas that are neither wetlands nor surface waters.
- 7 **Urban forest** means the sum total of all vegetation growing within the city limits, whether on public or  
8 private property.
- 9 **Usable open space** means that part of the ground, roof, balcony or a porch that is devoted to outdoor  
10 living or recreation. Such space shall be provided as a common area conveniently located and readily  
11 accessible from all living units located on the building site and shall have no dimension less than 20 feet.  
12 Such space shall not include private roadways open to vehicular traffic, off-street parking area, loading  
13 space or required minimum front yard area.
- 14 **Use** means any activity, function or purpose to which or for which a parcel of land or building is put,  
15 used, arranged or occupied, for any purpose, including any residential, office, business, industrial, public  
16 or any other purpose or use.
- 17 **Utilities** mean any water system, electrical power system, sanitary sewer system, stormwater  
18 management system, gas, telephone and television cable system, or similar system.
- 19 **Utility building or facility** means a location or installation of a utility company where employees are not  
20 stationed and traffic is not generated, such as a substation or lift station.
- 21 **Variance** means a relaxation from strict compliance with the requirements of this chapter or building  
22 chapters, in accordance with the criteria of this chapter.
- 23 **Variances for improvements on roadways** means a relaxation of the terms of Chapter 23 of the City of  
24 Gainesville Code of Ordinances, where the variance will not be contrary to the public interest and  
25 where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, or  
26 his/her predecessors, a literal enforcement of this chapter would result in unnecessary and undue  
27 hardship. As further defined for the purpose of this chapter, a variance is authorized only for driveway  
28 widths, street line corner clearances, and property line edge clearances. No variances shall be granted  
29 for roads on the state highway system or county-maintained streets without prior written permission  
30 from the state department of transportation or the county to authorize the activity requested in the  
31 variance application.
- 32 **Vehicle** means any self-propelled conveyance designed or used for the purpose of transporting or  
33 moving persons, animals, freight, merchandise or any substance, including passenger cars, trucks, buses,  
34 golf carts, motorcycles and scooters, but not including tractors, construction equipment, machinery or  
35 any device used in performing a job other than transportation.
- 36 **Vehicle repair** means any vehicle repair and service establishments that do not meet the definition of  
37 vehicle services.
- 38 **Vehicle services** means the provision of any of the following services: automobile stereo sales and  
39 installation; auto detailing that may include washing, waxing and polishing by hand; pinstriping, window  
40 tinting, interior cleaning and carpet shampooing; rustproofing; sales and installation of car accessories  
41 such as car covers, car masks, sunroofs and louvers; automobile batteries, tires and brakes, sales and  
42 installation; automotive lubrication and fluid change operations that may include the replacement of

1 engine oil, brake and transmission fluids, and filters; and diagnostic automotive center (tune-up clinics),  
2 which may include the testing, adjustment and replacement of spark plugs, points, condensers, coils,  
3 carburetors, fuel injectors, distributor caps, voltage regulators, fan belts and water hoses.

4 **Vehicle sign** means any sign on or affixed to a motorized vehicle that has a total sign area in excess of 10  
5 square feet.

6 **Vehicular canopy** means a roofed, open, drive-through structure designed to provide temporary shelter  
7 for vehicles and their occupants while making use of a service.

8 **Vehicular use area** means all paved and unpaved areas intended for the use of vehicles, including off-  
9 street parking, vehicular storage, driveways and/or accessways.

10 **Vested rights certificate** means a certificate issued by the city indicating the possession of vested rights  
11 to development, the extent of these vested rights and the time period during which these vested rights  
12 remain valid.

13 **Vocational and trade schools** means establishments primarily engaged in offering vocational and  
14 technical training in a variety of technical subjects and trades. The training often leads to job-specific  
15 certification. Instruction may be provided in diverse settings and through diverse means. The training  
16 provided by these establishments may include the use of simulators and simulation methods.

17 **Wall sign** means any building-mounted sign mounted on and approximately parallel to the face of a  
18 principal building wall and projecting not more than 12 inches from the plane of the wall.

19 **Warehouse/distribution facilities** mean any premises where the principal use is the storage of goods  
20 and materials.

21 **Waste management facility** means a facility that collects, transports, processes or disposes, manages  
22 and monitors waste materials. Uses found under this classification include but are not limited to  
23 hazardous materials, recycling, junkyard and salvage yards and recycling centers.

24 **Watercourse** means any channel, drain, drainage creek, ditch, drainageway, dry run, spring, stream or  
25 canal, but not including a lake, pond or pool without outlet under normal circumstances.

26 **Wet detention** means a stormwater management facility in which a design water pool is normally  
27 maintained and that has the extended capacity to provide detention for the required stormwater  
28 treatment volume. Water quality treatment is enhanced by nutrient uptake through the use of water-  
29 tolerant vegetation, and by settling and absorption by soils.

30 **Wetland function** means the values of a wetland for: water quality protection and enhancement;  
31 attenuation of flood damage; aesthetic, scenic and open space values; recreation; habitat for fish,  
32 wildlife and native plant communities; historic and archeological heritage; groundwater recharge;  
33 contributions to the base flow of streams; scientific investigation and education; or as a type of place  
34 that is rare or unique in the area.

35 **Wetlands** mean those areas that are inundated or saturated by surface water or groundwater at a  
36 frequency and duration sufficient to support, and under normal circumstances do support, a prevalence  
37 of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified  
38 as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The  
39 prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes  
40 that are typically adapted to areas having soil conditions described above. These species, due to  
41 morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist  
42 in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps,

1 marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and  
2 marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida  
3 wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw  
4 palmetto.

5 **Wholesale trade** means any premises where the principal use is the sale of goods and materials in bulk  
6 quantities primarily for purposes of resale.

7 **Wildlife corridor** means a habitat linkage along which wide-ranging animals can travel, plants can  
8 propagate, genetic interchange can occur, and populations can move in response to environmental  
9 changes and natural disasters.

10 **Window sign** means a building-mounted sign painted, mounted and/or attached to the inside or outside  
11 of a window.

12 **Wireless communications facility** means any equipment or facility used to provide personal wireless  
13 services, including antennae, towers, equipment enclosures, cabling, antenna brackets, and other such  
14 equipment. Placing a wireless communications facility on an existing structure does not cause the  
15 existing structure to become a wireless communications facility. This does not include television  
16 antennas as defined in Article V in this chapter or other accessory personal use antennas as allowed by  
17 the Code of Ordinances.

18 **Xeriscape** means the use of innovative design to achieve a landscape needing relatively little water,  
19 fertilizer, pesticides and maintenance.

20 **Yard** means the space on any lot between the lot lines and the minimum required setback line for  
21 principal structures.

22 A. **Front yard** means the area between the front lot line and the minimum required front yard setback.  
23 B. **Rear yard** means the area between the rear lot line and the minimum required rear yard setback.  
24 C. **Side yard** means the area between the side lot line and the minimum required side yard setback,  
25 not including any part of the front or rear yard.

26 **Youth association** means any building used for providing programs and recreational activities for youth  
27 from public schools and private schools, such as but not limited to, YMCA, YWCA, Boys' and Girls' Club.

28 **Zoning map atlas (zoning map)** means the official map adopted by this chapter, showing the zoning  
29 districts and transect zones applicable to all lands within the city, and all amendments thereto.