

## ARTICLE 9

### DEFINITIONS

For the purposes of this Code, the following terms shall have the meanings set forth below. Included are pertinent definitions adopted in the Comprehensive Plan, in addition to others applicable to this Code but not covered in the Plan. It is the intent of this Article to incorporate Comprehensive Plan definitions in substantially the same form in which they were adopted, although some terms may be defined here in a more detailed or restrictive manner. In the event a Comprehensive Plan amendment conflicts with a definition contained herein, the definition in the Comprehensive Plan shall take precedence, and shall be incorporated into this Code by reference.

All words in the Code shall have the customary dictionary meaning. The present tense includes the future tense, and the future tense includes the present tense. The singular includes the plural and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust or partnership. The word “shall” is always mandatory. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

**Accessory Building or Use:** A building, use of a building, a use of land or water that is clearly secondary and incidental to the principal use of a building, water or land, which building or use is located on the same parcel of land with the principal building or use.

**Adjacent Municipalities:** Those municipalities that could have an immediate effect on land use decisions.

**Adjusted for Family Size:** Adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility otherwise determined, based upon a formula as established by the US Dept. of HUD. (9J-5.003 F.A.C.)

**Adjusted gross income:** All wages, regular cash or noncash contributions from persons outside the household, and such other resources and benefits as may be determined to be income by the US Dept. of HUD, adjusted for family size, less deductions allowable under s.62 of the Internal Revenue Code. (9J-5.003 F.A.C.)

**Adult Day Care Center:** Any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services. (c. 400.551, F.S.)

**Adult Entertainment Establishment:** Any business that excludes minors by virtue of age due to the presence or display of films, photographs, published materials, or activities of a sexual nature or nudity. This definition shall include adult bookstores and theaters, and

establishments offering massage, body rubs and similar activities to the exclusion of minors. Establishments that offer medical and therapeutic services provided by state licensed practitioners are excluded from this definition. Any business qualifying as an incidental adult materials vendor shall also be excluded from this definition.

**Adult Family-Care Home:** A full-time, family-type living arrangement, in a private home, under which a person(s) provide, for profit or not for profit, room, board, and one or more personal services, as appropriate for the level of functional impairment, for no more than five aged persons or disabled adults who are not relatives. The following establishments are not adult family-care homes:

- (a) An establishment that provides personal services for three or fewer adults who do not receive optional state supplementation under s. 409.212, F.S., but that does not hold itself out to the public to be an establishment that regularly provides such services.
- (b) An establishment in which a person(s) provide personal services only to their relatives.
- (c) An establishment that is licensed as an assisted living facility.  
(c. 400.617, F.S.)

**Affordable Housing:** Housing for which monthly rents or monthly mortgage payments, including taxes, insurance and utilities, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for households or persons indicated in s. 420.004, F.S. (1991). (9J-5.003 F.A.C.)

**Agricultural Uses, Limited:** Land uses in residential areas that are characterized as agricultural in nature and are limited to orchards; vineyards; nurseries; ornamental horticulture areas; groves; noncommercial greenhouses; bee keeping; and, raising exotic species with the exception of venomous reptiles.

**Agricultural Uses:** Activities within land areas which are predominantly used for the cultivation of crops and livestock including: crop land; pasture land; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; and silviculture areas. (9J-5.003 F.A.C.)

**Aircraft Establishments:** An establishment engaged in the retail selling of new and/or used aircraft and related new parts accessories. Aircraft establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of aircraft and related aircraft accessories.

**Airport Clear Zone:** A designated area of land which is subject to peak aircraft noise and on which there is the highest potential of danger from airport operations. (9J-5.003 F.A.C.)

**Airport Facility:** Any area of land or water improved, maintained or operated by a governmental agency for the landing and takeoff of aircraft, or privately owned paved runways of 4,000 or more feet in length, and any appurtenant area which is used for airport buildings, or other airport facilities or rights-of-way. (9J-5.003 F.A.C.)

**Alley:** A permanent service way providing secondary means of access to abutting properties. For the purposes of this Code, it includes any public right-of-way less than 25 feet.

**Alteration:** Any change in, addition to, deletion from, or rearrangement of structures, walls, roofs, floors, wiring, pipes, or other structural parts of a building, except customary maintenance or repair.

**Amendment:** Any action of a local government which has the effect of amending, adding to, deleting from or changing an adopted comprehensive plan element or map or map series, including an action affecting a prior plan or plan amendment adoption ordinance, but shall not mean a legislative act which only codifies local legislation or makes corrections, updates and modification of the capital improvements element concerning costs, revenue sources, acceptance of facilities or facility construction dates consistent with the plan as provided in Subsection 163.3177(3)(b), F.S., and corrections, updates or modifications of current costs in other elements, as provided in Subsection 163.3187(2). F.S. (9J-5.003 F.A.C.)

**Amusement Enterprise, Indoor:** See Recreation, Commercial, Indoor.

**Amusement Enterprise, Outdoor:** See Recreation, Commercial Outdoor.

**Annexation:** The adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality. (171-031 F.S.)

**Antenna:** A mechanism, less than 30 feet in height, the purpose of which is to receive television or radio signals directly from ground-based sources, or to transmit such signals directly to ground-based receivers.

**Antique Car/ Vehicle:** Any vehicle 25 years or older.

**Antique Stores:** An establishment engaged in the selling of antique furniture, home furnishings and objects of art and related antique accessories.

**Apartment:** A dwelling unit in a duplex or multiple family dwelling.

**Apartment Building:** A building that is used or intended to be used as a home or residence for three, or more, families living in separate dwelling units.

**Aquifer:** A water bearing stratum of permeable rock, sand, or gravel.

**Area of Shallow Flooding:** Areas located within the areas of special flood hazard having hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.

Area of Special Flood Hazard: The Area of Special Flood Hazard shall include:

1. All areas designated as an area of special flood hazard pursuant to Section 5.01.01(C). The relevant Flood Hazard Boundary Map and Flood Insurance Rate Maps, and any revisions thereto, are adopted by reference and declared to be a part of this Code.
2. Other areas of the community designated on a map by the Development Director as having a one percent or greater chance of flooding in any given year. This may include isolated topographic depressions with a history of flooding or a high potential for flooding.

Arterial Road: A roadway providing service that is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road. (9J-5.003 FAC)

Assisted Living Facility (aka Adult Congregate Living Facility): Any building or buildings, section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged or other place, whether operated for profit or not, that undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing, food service, and one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services; or to provide extended congregate care, limited nursing services or limited mental health services, when specifically licensed to do so pursuant to s. 400.407, unless the facility is licensed as an adult family-care home. A facility offering personal services, extended congregate care, limited nursing services, or limited nursing services, or limited mental health services for fewer than four adults is within the meaning of this definition, if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment that regularly provides such services, unless the facility is licensed as an adult family-care home. (§400.402, F.S.)

Auto Salvage Yard: A commercial business which disassembles inoperable vehicles for the purpose of resale of automobile parts. Not more than three inoperable vehicles may be stored at any one time. See "Junkyard" for a business which stores more than three inoperable vehicles.

Automobile, Boat, Farm Equipment, Motorcycle and Truck Repair Establishments: See Vehicle Repair Establishments.

Automotive Repair, Major: See Major Vehicle Repair.

Automotive Repair, Minor (Service Station): See Minor Vehicle Repair.

Availability or Available: With regard to the provision of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be

provided in accordance with the standards set forth in Rule 9J-S.0055(2), FAC. (9J-5.003 FAC)

**Backlogged Facility:** A state roadway, at least 0.2 miles in length, operating below the Florida Department of Transportation's statewide adopted minimum operating level of service standards for its functional classification, and that is not in the FDOT's Five-Year Work Program and has not been determined by FDOT to be a constrained facility. Unlike a constrained roadway, there are no prohibitive costs or environmental constraints.

**Bars and Lounges:** An establishment designed for the serving of alcoholic beverages for consumption on the premises. In general, bars serve food accessory to the alcoholic beverages served, and lounges serve alcoholic beverages accessory to the food that is served.

**Bed and Breakfast:** An owner-occupied dwelling unit containing guest rooms for rent on a short-term basis (usually overnight and not more than one week) with breakfast included as part of the fee for the room. "Bed and Breakfast" or "B and B" is a term used for many restored, historic buildings that offer this type of lodging.

**Best Management Practice (BMP):** A practice or combination of practices that are determined to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

**Bicycle and Pedestrian Ways:** Any road, path or way that is open to bicycle travel and traffic afoot and from which motor vehicles are excluded. (9J-5.003 FAC)

**Billboard:** The total surface area of signs other than billboards shall not exceed 200 square feet per zoning lot. A billboard is defined as a sign composed of a flat, continuous and uninterrupted surface (including cut-outs) that measures 72 square feet in aggregate sign area or more and upon which advertising or other matter may be displayed promoting goods, services or other things not sold or available upon the site which the sign is located. A billboard includes a changeable copy sign. All billboards must have approval of the City Council.

**Blighted Areas:** Developed areas that have deteriorated through neglect or abandonment and which could benefit the community if redeveloped.

**Board of Adjustment and Appeals:** The board of the City of Wauchula as established by Article 8 of this Code.

**Boarding House:** A building or portion of a building, in which two or more sleeping rooms are provided for occupancy by nontransient persons with or without meals for compensation on a prearranged weekly or monthly basis. A boarding or rooming house may include living quarters containing independent cooking facilities designed for the resident manager only.

**Buffer Yard:** An area or strip of land established to separate and protect one type of land use from another with which it is incompatible. A buffer area typically is landscaped and contains vegetative plantings, berms, and/or walls or fences to create a visual and/or sound barrier between the two incompatible uses.

**Building:** A structure that is permanently affixed to the ground, has a roof, and is used for the shelter of humans, animals, property or goods.

**Building Area:** The gross land area covered by a building or buildings, including the total land coverage by roofs, steps, balconies, and unroofed porches, stoops, porticos, and patios, including accessory buildings.

**Building Height:** The vertical distance from the average finish grade elevation at the building line to the highest point of the structure.

**Building Line:** The vertical projection of the outer limits of the roof and portions of the structure onto the ground.

**Building Permit:** A permit that may be required by appropriate authority as described herein, relating to the location, construction, alteration, demolition, or relocation of structures within the area of jurisdiction.

**Building Site:** The lot, lots, or parcel of land upon which a building or use of land has been located or is proposed to be located.

**Bulk Storage of Explosive Gases:** The maintenance on a commercial or industrial development site, for sale or on-site use, of a quantity of fuel-related gases exceeding 500 gallons.

**Business, Professional and Nonprofit Organization Offices:** An establishment in which a person practices a particular kind of occupation requiring specialized knowledge and often a long and intensive preparation, that results in a specialized aid, assistance or action directly or indirectly to the needs of individuals, clients or persons engaged in commerce or industry. The type of specialized aid, assistance or action provided by a business, professional and nonprofit organization office includes the following: finance, insurance and real estate functions; medical and other health out-patient functions; legal functions; engineering, architectural and planning functions; accounting, auditing and bookkeeping functions; welfare and charitable administration and executive functions; business, professional, political, labor, civic, social and fraternal associations, organizations and union administrative and executive functions; advertising, employment, protective, business and management consulting functions; administration and executive functions.

**Business Training Schools:** An establishment engaged in furnishing nonacademic instruction and trade courses. Business training schools include the following: correspondence schools; business and stenographic schools; barber and beauty schools; art and music schools; and dancing schools.

**Camouflaged construction:** Methods of design and construction of communication towers which permit such towers to unobtrusively blend into the existing surroundings and be disguised so as to not have the appearance of a communication tower. Notwithstanding the camouflaged construction, the structure shall continue to be considered a communication tower for purposes of this Code.

**Canopy:** Canopy refers to the area shaded by the crown of mature tree. The general measurement of canopy for species approved as “canopy trees” according to this Code is found in Table 3.07A of Article 3.

**Capital Budget:** The portion of each local government's budget that reflects capital improvements scheduled for a fiscal year. (9J-5.003 FAC)

**Capital Improvement:** Physical assets constructed or purchased to provide, improve or replace a public facility and that are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of this rule, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements. (9J-5.003 FAC)

**Capital Improvement Program (CIP):** A five year listing of proposed capital improvement projects.

**Carport:** A carport is an accessory structure of a principal structure, consisting of a roof and support members such as columns or beams unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles or boats owned and used by the occupants of a building to which it is accessory.

**Cemetery:** A plot or parcel of land used or intended for use as a burial place in or above the ground for dead human bodies, whether or not markers or monuments are used.

**Central Business District:** A compact urban core area of a municipality or unincorporated urbanized area which serves as the primary center for economic activity in the jurisdiction. (9J-5.003 F.A.C.)

**Certificate of Occupancy:** A certificate, required by appropriate authority under the provisions of this ordinance, which authorizes the occupancy of a structure or premises and is required prior to occupancy, change of use and under other specific conditions.

**Child Care:** The care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care. (402.302, F.S.)

**Child Care, Drop-in:** Child care provided occasionally in a child care facility in a shopping mall or business establishment where a child is in care for no more than a 4-hour period and

the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements shall meet all requirements for a child care facility unless specifically exempted. (402.302, F.S.)

**Child Care, Evening:** Child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m. to accommodate parents who work evenings and late-night shifts. (402.302, F.S.)

**Child Care, Weekend:** Child care provided between the hours of 6 p.m. on Friday and 6 a.m. on Monday. (402.302, F.S.)

**Child Care Facility:** Any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- (a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025, F.S.;
- (b) Summer camps having children in full-time residence;
- (c) Summer day camps;
- (d) Bible schools normally conducted during vacation periods; and
- (e) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435. (402.302, F.S.)

**Church:** Any building or structure used or intended for use by a nonprofit religious organization or group primarily for worship purposes, and any use customarily accessory thereto.

**City:** The City of Wauchula, Florida.

**Classic Car/ Vehicle:** A vehicle 20 years or older.

**Clearing:** The alteration of the shoreline vegetation by complete removal, chemical treatment, and mechanical or nonmechanical uprooting.

**Clerk of the Circuit Court:** The Clerk of the Circuit Court in and for Hardee County, Florida.

**Clinic:** An establishment operated by one or more persons for the purpose of rendering human health care or services by any lawful practitioner of medical arts under Florida statutes.

**Club:** Building, facilities and property owned and operated by a corporation or association of persons for social or recreational purposes, including those organized chiefly to promote friendship and welfare among its members, but not operated primarily for profit or to render a service that is customarily carried on as a business. The term when used herein shall also mean lodge, fraternal order, or society.

**Cluster Development:** Generally refers to a development pattern - for residential, commercial, industrial, institutional, or combinations of such uses - in which the uses are grouped or "clustered", rather than spread evenly throughout a parcel as a conventional lot-by-lot development. A zoning ordinance may authorize such development by permitting smaller lot sizes if a specified portion of the land is kept in permanent open space either through public dedication or through creation of a homeowners association.

**Clustering:** The grouping together of structures and infrastructure on a portion of a development site. (9J-5.003 F.A.C.)

**Collector Road:** A roadway providing service that is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads. (9J-5.003 FAC)

**Commercial Uses:** Activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance of services. (s. 9J-5.003 FAC)

**Commercial Zone Apartments:** Amendment Note: Ordinance Number 1491-A, enacted on March 21, 1988, amended the definitions by deleting Commercial Zone Apartments.

**Commission:** The City Council for Wauchula, Florida.

**Communications Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals.

**Communications Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more communication antenna for telephone, radio, and similar communication purposes, including self-supporting guyed towers or monopole towers, microwave towers, common carrier towers, cellular telephone towers, camouflaged towers, and any support structures thereto.

**Community Park:** A park between 16 and 100 acres in size designed to serve more than one neighborhood.

**Comparison Goods Stores:** An establishment engaged in the selling of merchandise in less than bulk quantities. Comparison goods stores as distinct convenience goods stores are further defined by the following characteristics: retail sale or merchandise purchase by the consumer on an infrequent basis, before making a final decision the consumer will probably visit several stores in which he will compare prices, styles and brands; comparison goods stores offer a large variety and selection of merchandise which enables the consumer to fulfill his particular desire; and, the type of merchandise in comparison goods stores includes clothing, shoes, apparel accessories, furniture, appliances and home furnishings. Trade stamp redemption stores are included in the comparison goods store

category.

**Compatibility:** A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. (9J-5.003 F.A.C.)

**Comprehensive Plan:** The Comprehensive Plan of the City of Wauchula, adopted pursuant to the Local Government Comprehensive Planning Act, Section 163.3161 et seq., F.S.

**Concurrency:** The necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur. (9J-5.003 FAC)

**Concurrency Management System:** The procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development. (9J-5.003 FAC)

**Concurrent with the Impacts of Development:** Pursuant to 9J-5.0055(2), FAC, concurrent with the impacts of development shall be satisfied when: the necessary facilities and services are in place at the time a development permit is issued; or a development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or that the necessary facilities are under construction at the time a permit is issued; or that the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of concurrency as defined. For recreation facilities, concurrency may also be met by adherence to 9J-5.0055(2)(b), FAC For roads, concurrency may also be met by adherence to 9J-5.0055(2)(c), FAC

**Conditional use:** Conditional Uses are those uses that have some special impact or uniqueness such that their effect on the surrounding environment cannot be accurately determined in advance of the use being proposed for a particular location. As a result, a Conditional Use is subjected to the highest standard of review, and combines the analysis and considerations required for amending the Comprehensive Plan, Rezoning and review of a Site Development Plan.

**Cone of Influence:** An area around one or more major water wells the boundary of which is determined by the government agency having specific statutory authority to make such a determination based on groundwater travel or drawdown depth. (9J-5.003 FAC)

**Conservation:** The preservation of native plants and trees to provide canopy, buffer yards, and reduce water demanded to maintain landscaping.

**Conservation Easement:** A right or interest in real property intended to maintain land or water areas predominantly in their natural, scenic, open, or wooded condition. Such areas may preserve habitat for fish, plants, or wildlife; the structural integrity or physical appearance of sites of historical, architectural, archaeological, or cultural significance; or

existing land uses compatible with conservation of natural resources.

**Conservation Uses:** Activities or conditions within land areas designated for the purpose of conserving or protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, commercially or recreationally valuable fish and shellfish, or protection of vegetative communities or wildlife habitats. (9J-5.003 F.A.C.)

**Constrained Facility:** A segment of roadway on the state highway system operating below the adopted level of service standard and unable to reach the standard because of prohibitive costs and environmental constraints. Existing level of service must be maintained on these roadways.

**Construction and Demolition Debris:** Materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, iron, aluminum, brass, copper, cast iron, metal, tin, glass, plexiglass, plastic, vinyl, rubber (excluding whole tires), leather, concrete, asphalt, tar paper, shingles, non-contaminated gravel, non-contaminated rocks, non-contaminated soils, street sweepings, plants, grass, lumber, dry paint-dyes, drywall, dry spackling-plaster-stucco-grout, paper, cardboard, dry ink-adhesives and wood. Household garbage, medical waste, liquid waste, biohazardous waste or toxic waste shall be prohibited. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition structure, will cause it to be classified as other than construction and demolition debris.

**Construction Service Establishments:** An establishment in which a person practices a vocation or occupation that performs a type of labor, act or work off the premises that directly results in the fabrication, construction, addition, alteration, repair or development of land, buildings or other structures on a given premises. Construction services include the following: operative and investment builders; subdividers and developers; general building, heavy construction and special trade contractors; plumbing, painting, electrical work and carpentry contractors; and highway, bridges, dams, sewer and water system contractors.

**Consumptive Use Permit:** A permit issued by the Water Management District that allows the production (or pumping) of groundwater up to a specified amount, usually expressed in gallons per day.

**Contiguous:** Sharing a common boundary line.

**County clerk:** The clerk of the local court of record or other appropriate and duly designated public recording officer for Hardee County, Florida.

**Convenience Stores:** A small retail store, 10,000 feet for less that sells convenience items as its primary sales. A convenience store that sells gas and diesel fuel shall be known as a filling station for the purposes of this Code and shall be allowed in a C2 or I district: but

no gas or diesel pumps are permitted within the C1 district.

**Cultural Facilities:** Such establishments include libraries, museums, art galleries and arboreta, botanical and zoological gardens.

**Day:** The word “day” shall mean a working day, unless a specific calendar day is indicated.

**DCA:** The Florida Department of Community Affairs.

**Demolition:** The complete or constructive removal of any or part or whole of a building or structure upon any site when same will not be relocated intact to a new site.

**Density, gross:** A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open space, but exclusive of bodies of water.

**Density, net:** A ratio expressed as the number of dwelling units per net acre. The ratio is derived by dividing the total number of dwelling units by the net land area used or proposed to be used for residential purposes exclusive of road right-of-ways, roads, sidewalks, parks, playgrounds, open space and bodies of water.

**Density Bonus:** An additional number of dwelling units above what would otherwise be permissible within a particular zoning classification or future land use classification.

**Developer:** Any person, including a governmental agency, undertaking any development as defined in this Code.

**Development:** The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

The following activities or uses shall be taken to involve "development:"

A reconstruction, alteration of the size, or material change in the external appearance of a structure on land; a change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land; alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction"; commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land; demolition of a structure; clearing of land as an adjunct of construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken to involve "development":

Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way; work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights of way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like; work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure; the use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; the use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, raising livestock, or for other agricultural purposes; a change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class; a change in the ownership or form of ownership of any parcel or structure; the creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

"Development" as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. (380.04 F.S.)

**Development Capacity:** An element of the concurrency management system, addressing the ability of public facilities to absorb development that has not been built, or that has not been completely built out, and that therefore has not impacted, or fully impacted, existing public facilities. The availability of public facilities to accommodate future development, in order to maintain an established level of service, will take into account this vested but currently unused or under-utilized capacity.

**Development Controls:** Standards in the comprehensive plan which control the development or use of land and which are in addition to the densities, intensities, and uses assigned to land by the future conditions maps. (9J-5.003 F.A.C.)

**Development of Regional Impact (DRI):** Any development that, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

**Development Order:** Any order granting, denying, or granting with conditions an application for a development permit. (380.031 F.S.)

**Development Permit:** Includes any building permit, zoning permit, plat approval, or rezoning, certification, variance, or other action having the effect of permitting development. (380.031 F.S.)

**Dimensional Variances:** A departure from the terms of this ordinance pertaining to height, width, depth and area of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the actions of the applicant, the literal enforcement of this ordinance would result in unnecessary and undue hardship.

**Domestic and Business Repair Establishments:** An establishment in which a person, or persons, performs a type of labor, act or work that results in the fixing and repair of an article of merchandise or piece of equipment intended for and directly incidental to the customer's business or domestic use. The type of fixing and repair provided by a domestic and business repair establishment includes the following: small electrical appliances, radios and television repairs; reupholster and furniture repairs; bicycle, leather goods, locks, guns, and musical instruments repairs; and business machine and typewriter repairs.

**Domestic and Business Service Establishments:** An establishment in which a person performs a type of labor, act or work that results in a specialized aid or assistance intended and directly incidental to the customer's domestic or business operations. The type of specialized aid or assistance provided by a domestic and business service establishment includes the following: duplicating, mailing and stenographic services; blueprinting and photocopying services; window cleaning, floor waxing, office cleaning and janitorial services; disinfecting and exterminating services; ambulance services; and catering services.

**Domestic Rental Establishment:** An establishment engaged in renting or leasing small miscellaneous merchandise, products or goods.

**Dormitory, Fraternity House or Sorority House:** A building in which rooms are provided for occupancy by, and maintained as a place of residence exclusively for students affiliated with an academic or professional college or university, with or without meals, and when approved and regulated by such institution.

**Drive-in Restaurant:** A business establishment where food or drink is served to patrons in automobiles, or that have take-out services or provide parking spaces, or outside tables for use by patrons.

**Duplex:** A single building containing two dwelling units.

**Dwelling:** A building used or intended for use primarily for human habitation. The word shall not include hotels, motels, tourist courts, fraternity or sorority houses, rooming or boarding houses, nor other structures primarily for transient uses.

**Dwelling, single family:** A building used or designed to be used as a dwelling unit.

**Dwelling, two family:** See Duplex.

Dwelling, multiple family: A building used or designed to be used for three or more dwelling units.

Dwelling Unit (DU): A room or rooms comprising the essential elements of a single housekeeping unit. Facilities for preparation, storage, and keeping of food for consumption within the premises shall identify the unit as a dwelling unit.

EAR: An Evaluation and Appraisal Report as defined in 163.3191, F.S. (9J-5.003 F.A.C.). In general, a report that accompanies a comprehensive plan amendment.

Easement: A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give or sell an easement on his property to allow utility facilities like power lines or pipelines, or to allow access to another property. A property owner may also sell or dedicate to the government the development rights for all or part of a parcel, thereby keeping the land open for conservation, recreation, scenic or open space purposes.

Eating and Drinking Establishments: An establishment for preparation and retail sale of food and/or beverages.

Educational Uses: Activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking. (9J-5.003 FAC)

Efficiency Apartment: A minimum dwelling unit.

Emergency Services: Buildings, garages, parking and/or dispatch centers for ambulances, fire, police and rescue.

Environmentally Sensitive Land: Areas of land or water which are determined necessary by the local government, based on locally determined criteria, to conserve or protect natural habitats and ecological systems. Nothing in this definition shall be construed to prohibit silvicultural operations which employ the Florida Department of Agriculture and Consumer Affairs Best Management Practices as revised in 1993. (9J-5.003 F.A.C.)

Evacuation Routes: Routes designated by county civil defense authorities or the regional evacuation plan, for the movement of persons to safety, in the event of a hurricane. (9J-5.003 FAC)

FAA: The Federal Aviation Administration.

FAC: Florida Administrative Code.

FCC: The Federal Communications Commission.

Facility Availability: Whether or not a facility is available in a manner to satisfy the concurrency management system. (9J-5.003 F.A.C.)

Factory-built Housing: Shall mean any residential building, or building component or building system therefor, which is of closed construction and that is made or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. Factory-built housing may also mean any residential building, or building component or building system therefor of open construction made or assembled in manufacturing facilities for installation or assembly and installation on the building site.

Family: (a) An individual, or two or more persons related by blood, marriage, or adoption; which include only spouse, children, stepchildren, foster children, parents, stepparents, foster-parents, brothers, sisters, grandparents, and step-grandparents; living together as a single household unit, or;

(b) A group of not more than four persons, who need not be related by blood, marriage, or adoption, living together as a single household unit.

Family Day Care Home: An occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

(a) A maximum of four children from birth to 12 months of age.

(b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

(c) A maximum of six preschool children if all are older than 12 months of age.

(d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age. (402.302, F.S.)

Family Foster Home: A private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes, family foster group homes, and specialized foster homes for children with special needs. The following are not considered a family foster home: a person who cares for a child of a friend for a period not to exceed 90 days; a relative who cares for a child and does not receive reimbursement for such care from the state or federal government; or an adoptive home which has been approved by the state or by a licensed child-placing agency for children places for adoption. (c. 409.175, F.S.)

Farm Animals: Farm animals allowed within the City Limits are horses, llamas, cattle, sheep and goats, poultry and swine (ostriches are considered poultry).

Farm Equipment and Supply Establishments: An establishment engaged in the selling of farm

equipment, machinery, hardware, production supplies and other miscellaneous farm and garden supplies. Farm equipment and supply establishments may include farm equipment repair departments provided such repair departments are incidental and accessory to the principal selling of farm equipment and supplies.

**Farming:** An establishment having as the principal purpose of business the production for sale of field crops, fruit, tree nuts, vegetables, livestock, livestock products, poultry hatcheries and animal husbandry activities.

**Farm Labor Camp:** Shall be developed under the same regulations as a Manufactured Home Subdivision. See the regulations in Article 3 for Manufactured Home Subdivision.

**Farming Service Establishments:** An establishment in which a person performs a type of labor, act or work off the premises that results in a variety of farming services such as crop dusting, vegetable and fruit picking, grain cleaning, harvesting, plowing and similar operations.

**FDCA (DCA):** Florida Department of Community Affairs; and the arm of the state government that administers the growth management act by reviewing all comprehensive plans and amendments.

**FDEP:** The Florida Department of Environmental Protection.

**Feedlot, commercial:** Any premises used principally for the raising or keeping of animals in a confined area at a concentration of one animal per 600 square feet or less.

**Fence:** Artificial barrier installed or constructed for the purpose of screening or enclosing property. All fences shall be appropriate for use in an urban area. Fences in Residential Districts shall be fabricated from materials which are compatible with surrounding properties, including, but not limited to, chain link, wood stockade panels, or masonry. In all Residential Districts, electrified fences shall be prohibited, and fences shall not be constructed of the following materials: barbed wire, chicken wire, hog wire, or razor wire. The Development Director shall approve all fences erected in the City of Wauchula.

**Filling Station (Convenience Store with Gas):** A building and land used or intended for use to dispense, sell, or offer for sale any motor fuels, oils, or automotive accessories, but where no major automotive repair, body rebuilding, welding, tire capping, or painting is or is intended to be performed.

**Flood or Flooding:** A temporary partial or complete inundation of normally dry land from the overflow of lakes, rivers, or other water bodies, or from the unusual and rapid accumulation of runoff or surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood

hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM):** An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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

**Floodprone Areas:** Areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps, produced by FEMA. (9J-5.003 F.A.C.)

**Flood Protection Elevation:** The elevation of the base flood plus one (1) foot.

**Floodway:** The channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights.

**Floor Area Ratio, maximum, gross:** The ratio of floor area that can be built for each square foot of land area.  $\text{Maximum Gross Floor Ratio} \times \text{Land Area} = \text{Floor Area}$ .

**Floor Area:** The total floor area of all stories, including halls, stairways and elevator shafts, measured to outside faces of exterior walls.

**Floor Space:** That portion of the total area of a building which is suitable for year-round use, including fully enclosed porches and breezeways, but excluding enclosed garages, carports, and screened porches.

**Florida Master Site File:** The state's clearinghouse for information on archaeological sites, historical structures, and field surveys for such sites. A combination of both paper and computer files, it is administered by the Bureau of Archaeological Research, Division of Historical Resources, Florida Department of State.

**Foster Care Facility:** A residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall not be more than three residents. (c. 393.063, F.S.)

**Fowl:** Chickens, pigeons and peacocks, and the like.

**F.S.:** Florida Statutes.

**Garage Apartment:** An additional dwelling unit on a parcel, offered for rent. Garage apartments are accessory to a principal building. The principal building must be owner-occupied for

the garage apartment to be rented out. The parcel must have an additional 2,000 s.f. above the minimum required for the zoning district. The garage apartment must have a minimum of 600 s.f. floor area and must be set back a minimum of 7.5 feet from the property line and five feet from any other building.

**Garage, Residential:** A garage is an accessory structure designed or used for inside parking of private passenger vehicles, recreational vehicles, or boats, owned by the occupants of the main building. A residential garage attached to or part of the main structure is to be considered part of the principal building. An unattached garage is to be considered as an accessory structure.

**Garage, mechanical:** See Major Automotive Repair.

**Garage, private:** A building, attached or detached to or from the principal structure, intended for the storage of automobiles or other wheeled property belonging primarily to occupants of the premises.

**Garage, public:** Any land or building used for the storage of automobiles or other wheeled property primarily for non-occupants of the premises, whether or not remuneration is paid or received for such storage.

**Gasoline Service Stations:** See Minor Automotive Repair.

**Government Uses and Structures:** Any land, building, structure, uses or activity that is owned and operated by the city, county, state or federal government or legally empowered special governmental district and is necessary to the conduct of government, the furnishing of public services or of an institutional character and over which such governments exercise direct and complete control.

**Group Home Facility:** A residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall be at least four residents but not more than 15 residents. For the purposes of this chapter, group home facilities shall not be considered commercial enterprises. (c. 393.063, F.S.)

**Growth Management Act:** Chapter 163, Part II, Florida Statutes, known and cited as the "Local Government Comprehensive Planning and Land Development Regulation Act."

**Hazardous Material:** A hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of Title III, Superfund Amendments and Reauthorization Act of 1986 (42 USC s. 11001, et seq.). (s. 252.82 FS)

**Hazardous Waste:** Solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible

or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed. (9J-5.003 FAC)

**Heating Fuel and Ice Establishments:** An establishment engaged in the selling of coal, wood, heating fuel oil, bottled gas and/or ice.

**Heavy uses:** Refers to those uses which are hazardous although the maximum public and private safety precautions have been taken and the most stringent performance standards have been met and/or those uses whose premises do contain outdoor or open storage or above-ground tank storage of merchandise, products or materials or any outdoor or open storage of equipment, materials or other items utilized by such establishments in practicing their vocation or occupation except for automobiles and delivery trucks.

**Height:** when referring to a communications tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

**High Recharge Area or Prime Recharge Area:** An area so designated by the appropriate water management district governing board. High recharge and prime recharge areas shall receive a level of protection commensurate with their significance to natural systems or their status as current or future sources of potable water. (9J-5.003 F.A.C.)

**Historic Resources:** Historically significant structures or archeological sites.

**Historic Site:** A single lot or portion of a lot containing an improvement, landscape feature, or archaeological site, or a historically related complex of improvements, landscape features or archaeological sites that may yield information on history or prehistory.

**Home-based Occupation:** An accessory use in a residence consisting of an occupation carried on entirely within a dwelling with no more than two (2) non-family, non-resident employees, where no evidence of the home occupation is noticeable from off of the premises; where no pedestrian or vehicular traffic in excess of that which is customary in residential areas is generated; and where no commercial vehicles are kept on the premises or parked overnight on the premises, unless otherwise permitted by these regulations. Home-based occupations are intended to allow an individual to generate income “at home” without the expense of renting office space.

Usual home occupations include, but are not limited to, personal services such as are furnished by a musician, artist, beauty operator, seamstress, notary public; home party product and catalogue sales such as Avon, Mary Kay, Tupperware and Amway; insurance work; computer work; woodworking; and cabinetry shops.

Also allowed are home-based occupation for professional services such as an architect, accountant, lawyer, engineer or member of the medical or similar profession, so long as the residential character of the neighborhood is not compromised and no additional traffic

in the neighborhood is generated.

In historic homes: Bed and Breakfast inns, tearooms, antique stores and other similar uses are encouraged and allowed if the regulations in Article 2, Section 2.03.11 “Home-based Occupations” can be met.

**Horticultural Specialty Farms:** An establishment having as the principal purpose of business the production for sale of greenhouse, frame, cloth house, lath house, or outdoor grown horticultural products such as bulbs, florists' greens, herbs, mushrooms, flower seeds, and sod crops. Horticultural specialty farms may include landscaping service establishments.

**Hospice:** A centrally administered corporation not for profit (“not-for profit” as defined in c. 617, F.S.) providing a continuum of palliative and supportive care for the terminally ill patient and his or her family. (400.601, F.S.)

**Hospice Residential Unit:** A homelike living facility, or other facility licensed under other parts of c. 400, F.S., or c. 395, F.S., that is operated by a hospice for the benefit of its patients and is considered by a patient who lives there to be his or her primary residence. (c. 400.6005, F.S.)

**Hospital:** An establishment engaged in providing health in-patient facilities, in which medical or surgical services are a main function.

**Hotel:** A building or other structure used and maintained as primarily a place where sleeping and supplemental accommodations are supplied transient guests.

**Hurricane Shelter:** A structure designated by local officials as a place of safe refuge during a storm or hurricane. A hurricane shelter is required in all new mobile home parks, RV parks and RV campgrounds. (9J-5.003 FAC)

**Impermeable surface:** Any surface that does not allow, or only minimally allows, the penetration of water.

**Incompatible Land Uses:** Land uses that, if occurring adjacent to one another, have a detrimental effect on one or both of the uses.

**Indoor:** Refers to that which is within a building.

**Industrial Uses:** The activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products. (9J-5.003 FAC)

**Infrastructure:** Those man made structures that serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways. (9J-5.003 FAC)

**Inoperable vehicle:** A motor vehicle which does not have a current state license plate; or a vehicle which is licensed but is disassembled or wrecked in part or in whole and is unable to move under its own power.

**Institutional use:** A use by a public or nonprofit, quasi-public or private institution of educational, religious, charitable, medical, scientific research or civic purposes.

**Intensity:** An objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. (9J-5.003 F.A.C.)

**Junkyard:** A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or closed storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations. Storage of more than three (3) inoperable vehicles constitutes a junkyard.

[Note: An individual who is restoring, not for profit, a classic or antique vehicle, may have three inoperable vehicles as long as they are of the same make and model of the vehicle he is restoring.]

**Kennel:** Any premises, except veterinary clinics, where five or more dogs or other domestic animals which are not sick or injured and are four months in age or older are boarded for compensation, cared for, trained for hire, kept for sale, or bred for sale.

**Land Area:** The total land area within the property lines.

**Land Development Regulations:** Includes local zoning, subdivision, building, and other regulations controlling the development of land. (380.031 F.S.)

**Land Use:** The development that has occurred on land. (380.031 F.S.)

**Land use intensity:** The overall structural mass and open space relationship in a developed property. It correlates the amount of floor area, livability space, recreation space and car storage space of a property with the size of its site or land area.

**Landscaping Service Establishments:** An establishment in which a person performs a type of labor, act or work off the premises that results in horticultural services such as cemetery upkeep, landscape gardening, tree planting and similar operations. Landscaping service establishments do not include horticultural specialty farms.

**Laundromats, Self-service or Coin-operated:** An establishment designed to provide limited laundry and dry cleaning facilities which are used and operated by ultimate consumers on

the premises on a self-service basis and not by employees of the establishment itself.

**Laundry and Dry Cleaning Pick-up Establishments:** An establishment designed for the convenient and efficient pick up of and drop off of laundry or dry cleaning on the premises by persons not employed by the establishment. No actual laundry or dry cleaning service or work is performed on the premises except for the collecting and distributing activities stated above.

**Laundry and Dry Cleaning Plants:** An establishment engaged in the commercial operation of mechanical laundries with steam or other power and including rug cleaning, dry cleaning or dyeing apparel and household fabrics or establishments supply laundered linens, work clothing, diapers, baby linens or uniforms.

**Level of Service (LOS):** An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on, and related to, the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility. Levels of Service are adopted in the Comprehensive Plan for potable water, sanitary sewer, drainage, traffic on roads and recreation space needed per person in the City. (9J-5.003 FAC)

**Light Industrial/Manufacturing:** Includes steam laundry, creamery, printing shop and any other light manufacturing or industrial enterprises of similar character and extent, employing electricity or other nonobjectionable motor power, utilizing hand labor or unobjectionable machinery or processes; business establishments that are clean, quiet and free of hazardous or objectionable elements, such as noise, odor, dust, smoke or glare

**Living Area:** In calculating the square feet of living area, calculate the floor area of the dwelling unit exclusive of carports, breezeways or open porches.

**Local Comprehensive Plan:** Any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, as amended. (380.031 F.S.)

**Local Road:** A roadway providing service that is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property. (9J-5.003 FAC)

**Lodging House:** A building in which up to four sleeping rooms are provided for occupancy by nontransient persons with or without meals. A lodging house may include living quarters containing independent cooking facilities designed for the resident manager only.

**Lot:** Includes the word “plot” or “parcel” and is: A parcel of land under one principal building and its accessory buildings and including the open spaces and yards required under this ordinance.

a. **Lot Line:** The boundary dividing a lot from a right-of-way adjoining lot, or other

adjoining tract of land.

- 1) Front lot line: The lot line abutting a street right-of-way line.
- 2) Rear lot line: The lot line opposite the front lot line.
- 3) Side lot line: Lot lines other than the front or rear lot lines.
  - b. Corner lot: A lot which abuts on two or more intersecting streets at their intersection.
  - c. Double frontage lot: Any lot other than a corner lot which abuts on two streets.
  - d. Lot of record: A lot which is duly recorded in the office of the clerk of the circuit court.
- 4) Corner Lot: A corner lot has two front yards and must meet the front yard setbacks on both streets. The side and rear yard shall be designated by the homeowner or by the Development Director if a variance to setbacks is required.

**Low Income Persons:** One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater. For the City of Bartow, the median income of Polk County is used. (420.004, F.S. 1991 and 9J-5.003 F.A.C.)

**Major Vehicle Repair:** Includes activities listed under Minor Vehicle Repair, as well as removal and major overhaul of engines; transmissions and drive systems; all types of paint and body work; battery and ignition systems; radiators; repair and replacement of glass; and, general and specialized repairs.

**Manufactured Home or Mobile Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. If fabricated after June 15, 1976, each section bears a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards. (320.01, F.S. 1992 Supplement)

**Manufactured Home Subdivision (MHP):** A subdivision containing manufactured homes. Mixed use development sites on which manufactured homes are installed and organized

around amenities such as a golf course, clubhouse or recreation facility, must be developed under the Planned Unit Development (PUD) regulations. Strictly residential subdivisions do not have to be developed as a PUD. A manufactured home subdivision may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted.

**Manufacturing:** Assembly or fabrication of parts that are free of hazardous or objectionable elements, such as noise, odor, dust, smoke or glare, that may be detectable to the normal senses from outside the building. Such uses shall operate entirely within enclosed structures, and the premises shall not contain any outdoor or open storage or aboveground tank storage of merchandise, products or materials or any outdoor or open storage of equipment, materials or other items utilized by such establishments except for automobiles and delivery or service trucks. Such uses shall not involve electrical interference to television, radio or communication systems off the premises.

**Marine Establishments:** An establishment engaged in the retail selling of new and/or used boats and motor boats and related new parts and accessories. Marine establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of boats and related marine accessories.

**Minerals:** All solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, that are contained in the soils or waters of the state. (9J-5.003 FAC)

**Mining:** The act of taking mineral substances from a pit or excavation in the earth. Mining is not a permitted use in the City of Wauchula.

**Minor Arterial:** A route that is relatively continuous, of high traffic volume, of shorter trip lengths, of moderate operating speed. Minor arterials allow greater access to adjacent properties. Such roads are designated on the Future Traffic Circulation Map of the City of Wauchula Comprehensive Plan.

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

**Minor Vehicle Repair (Service Station):** Activities conducted at a service garage involving maintenance or small-scale mechanical work on motor vehicles. This shall include inspection, maintenance, repair or replacement of the following: brake systems; ignition and electrical systems; carburetors and fuel systems; batteries; oil, antifreeze and other fluids; and tires. Also included are auto washing and detailing, and the tuning and adjustment, but not disassembly or removal, of engines and transmissions.

**Mitigation:** Any action, including but not limited to, restoration, enhancement, or creation of

wetlands, required to be taken in order to offset environmental impacts on permitted activities.

**Moderate Income Persons:** One or more natural persons or a family, the total annual adjusted gross household income of which does is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater. For the City of Bartow, the median income of Polk County is used. (420.004, F.S. 1991 and (9J-5.003 F.A.C.)

**Modular Home or Building:** Any structure, or portion of a structure, including electrical, plumbing, heating, or ventilating systems, that was built in a manufacturing facility for installation or erection as a finished building or as part of a finished building. Modular buildings are regulated by the Florida department of Community Affairs (DCA) and must be constructed to meet the requirements of the Standard Building Code and any other design standards the City may adopt which apply to conventional construction. Modular buildings may include residential, commercial, institutional, storage, and industrial structures. For purposes of this Code modular building shall not mean a mobile home (manufactured home) but refers to a unit primarily constructed off-site and assembled at the site as a standard home, meeting all the Southern Building Standard Code requirements. Modular homes are indistinguishable from site-built homes.

**Mortuaries, Funeral Homes and Crematories:** An establishment engaged in preparing the dead for burial, conducting funerals and cremating the dead and includes emergency ambulance service.

**Motel:** Shall also include the terms motor hotel, tourist court, transient accommodations, and efficiency motel; a building primarily for the use of persons traveling by automotive vehicles and consisting of two or more rooms or suites for rent for the purpose of sleeping and/or light housekeeping with no common entrance or lobby.

**Motion Picture Theaters:** An establishment engaged in the commercial exhibition of motion pictures, with or without stage presentations.

**Motor Freight Transportation Establishments:** An establishment engaged in furnishing local or long distance trucking, transfer and draying services with or without the storage of merchandise, products or materials and including maintenance facilities provided such maintenance facilities are incidental to the principal trucking and freight handling services.

- a. **Light motor freight transportation establishments:** Those motor freight transportation establishments which are nonhazardous and whose premises do not contain any outdoor or open storage or aboveground tank storage of merchandise, products or materials.

- b. Heavy motor freight transportation establishments: Those motor freight transportation establishments which are hazardous, although the maximum public and private safety precautions have been taken and the most stringent performance standards have been met and/or those motor freight transportation establishments whose premises do contain outdoor or open storage or aboveground tank storage of merchandise, products or materials.

Motor Home: Shall include the terms motor coach, sport coach, and describe any self-propelled vehicle fitted and equipped for living purposes, including facilities for sleeping or preparation of goods for consumption.

National Register of Historic Places: Established by Congress in 1935, the National Register of Historic Places is a listing of culturally significant buildings, structures, objects, sites, and districts in the United States. The listing is maintained by the U.S. Department of Interior.

Natural Drainage Features: The naturally occurring features of an area which accommodate the flow of significant amounts of stormwater, such as streams, rivers, lakes, sloughs, floodplains, and wetlands. (9J-5.003 F.A.C.)

Natural Drainage Flow: The pattern of surface and stormwater drainage through or from a particular site before the construction or installation of improvements or prior to regrading. (9J-5.003 F.A.C.)

Natural Reservations: Areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or non-profit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters. This definition does not include privately owned land managed by a state agency on either a voluntary or a short-term contractual basis. (9J-5.003 F.A.C.)

Natural Resources: Land, air, water, groundwater, drinking water supplies, fish and their habitats, wildlife and their habitats, biota, and other such resources belonging to , managed by, held in trust by, appertaining to, or otherwise controlled by the State of Florida and situated in an area of critical state concern or offshore from an area of critical state concern. (380.0558 F.S.)

Natural Vegetation: Vegetative communities that are native to, and therefore tolerant of, a particular geographic location.

New Town: A new urban activity center and community designated on the future land use map and located within a rural area or at the rural-urban fringe, clearly functionally distinct or geographically separated from existing urban areas and other new towns. A new town shall

be of sufficient size, population and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services. A new town shall be based on a master development plan, and shall be bordered by land use designations which provide a clear distinction between the new town and surrounding land uses. (9J-5.003 F.A.C.)

**Nonconforming Structure:** A structure or portion thereof, existing at the effective date of this chapter, or any amendment thereto, which was occupied, designed, erected, intended, or structurally altered for a use not permitted at its location by the provisions of this chapter for a new use, and/or which does not conform to all of the regulations applicable to the district in which it is located. A nonconforming structure cannot be rebuilt, replaced or enlarged, except as provided in this Code. The presence of a nonconforming structure on a parcel of land does not allow the reestablishment of a nonconforming use which has been abandoned or eliminated. (See Article 7, Section 7.12.00 of this Code)

**Nonconforming Use:** Land use or activity that is prohibited under the current provisions of the Comprehensive Plan or this Code, but complied with those requirements in effect at the time it was established. Such uses may continue indefinitely, except where this Code requires their elimination. Once a nonconforming use is eliminated, removed, or suspended permanently, associated land or structures shall be used only in accordance with the adopted Comprehensive Plan and this Code (see Article 7, Section 7.12.00 of this Code).

**Nonhazardous:** Those structures, uses, materials or premises that do not constitute a fire, explosion or safety hazard and/or not emit any atmospheric or environmental pollutant, light flashes, noxious gases, electromagnetic interference, radioactive emissions, smoke or heat, glare, dust, dirt, odor, noise or vibrations which may be heard or felt off the premises.

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

**Open Space:** Undeveloped lands suitable for passive recreation or conservation uses. (9J-5.003 FAC)

Outdoor: Refers to that which is not within a building.

Outdoor Advertising Service Establishment: An establishment engaged in the maintenance, distribution and erection of display boards, posters and painted and electric spectacular displays on panels, bulletins and frames principally outdoors and off the premises.

Outpatient Clinic: An establishment where patients are not lodged overnight, but are admitted for examination and treatment by, but not limited to, physicians, dentists, optometrists and clinical laboratory personnel.

Parcel of Land: Includes the words “lot” and “plot” and is: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit. (380.031 F.S.)

If , however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a “parcel” may be as designated for a particular site by the Development Director.

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

Patio Home: Homes that are single family detached dwelling units on individually platted lots, which are designed to provide maximum usage of outdoor living space while ensuring privacy from adjacent housing by providing for a side yard or “patio” of greater than normal width on one side of the dwelling and not on the other.

Personal Service Establishments: An establishment in which a person performs a type of labor, act or work that results in a specialized aid or assistance directly to the personal needs of ultimate consumers. The type of specialized aid or assistance provided by a personal service establishment includes the following: beauty and barber services; garment mending, alteration and related minor pressing services; laundry and dry cleaning pick-up services; self-service or coin-operated laundromat services; fur repair and storage services; shoe shining, shoe repair and hat cleaning services; watch, clock and jewelry repair services; and commercial photographic services. Personal service establishments do not include laundry and dry cleaning plants.

**Planned Unit Development (PUD):** A form of development characterized by a unified site design for a number of housing units, clustering buildings, and providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. Also, a process in which public officials have considerable involvement in determining the nature of development through site plan review. It includes aspects of both subdivision and zoning regulation and usually is administered either through a special permit or a rezoning process.

**Planning and Zoning Board:** The zoning board for the City of Wauchula, Florida.

**Plat:** A map, plan or chart of a tract of land or property which is drawn to scale and shows the existing or proposed location of boundary lines, buildings, structures, uses or any other required data or information.

**Potable Water:** Water suitable for human consumption and that meets water quality standards determined by the Department of Health and Rehabilitative Services, provided through a public system or by private well.

**Potable Water Facilities:** A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains. (9J-5.003 FAC)

**Potable Water Wellfield:** The site of one or more water wells which supply potable water for human consumption to a water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. (9J-5.003 F.A.C.)

**Premises:** A lot or other tract of land under one ownership and all the structures on it.

**Principal Arterial:** A route that is relatively continuous, of high traffic volume, of long average trip length, of high operating speed, of limited access to adjacent property and of high mobility importance. Such roads are designated on the Future Traffic Circulation Map of the City of Wauchula Comprehensive Plan.

**Principal Building:** The building in which is conducted the principal use of the lot on which it is situated. Construction trailers or mobile homes, used as offices, are not considered principal buildings.

**Property Line:** The recorded boundary of a lot or other tract of land under one ownership.

**Public Buildings and Grounds:** Structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings. (9J-5.003 FAC)

**Public Facilities:** Transportation systems or facilities, sewer systems or facilities, solid waste

systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems or facilities and public health systems or facilities. (9J-5.003 FAC)

**Public Hurricane Shelter:** A structure designated by local emergency management officials and the American Red Cross as a shelter during a hurricane. (308.032 F.S.)

**Public Offices:** A building occupied on a rental, lease or similarly obtained basis by the city, county, state or federal government or legally empowered special governmental district, but not owned by such governments, in which public officials and employees direct the administrative and executive functions and affairs of government.

**Public (Supply) Sanitary Sewer Facilities:** Sanitary sewer facilities which serve at least 15 service connections, or regularly serves at least 25 residents. Generally, a multi-user septic tank is not a public sanitary sewer facility.

**Public Service Structures:** Any structure, excluding buildings for general administrative, executive, studio, warehousing or storage functions or general maintenance operations, that is necessary for the operation and maintenance of a utility that is regulated or controlled by the city, county, state or federal government or legally empowered special governmental district, but not owned and operated by such government. Public service structures include the following: railroad tracks and related appurtenances; telephone and telegraph transmission lines, towers and related appurtenances; radio broadcasting, television transmission towers and related appurtenances; water and sanitary sewer distribution and collection mains, lines and related appurtenances; and electric, gas, petroleum and steam transmission lines, pipes, towers, transformers, meters, substations and related appurtenances.

**Public Supply Potable Water Wellfield:** A potable water wellfield that serves a public supply water system.

**Public Supply Water System:** A potable water facility which serves at least 15 service connections, or regularly serves at least 25 residents.

**Public Transportation Terminals:** An establishment engaged in passenger transportation by railway, highway, water, or air, or furnishing services related to transportation, including maintenance facilities and/or freight transportation provided such maintenance facilities and/or freight transportation is incidental and accessory to the principal passenger transportation services.

**Publishing and Printing Service Establishments:** An establishment in which a person performs a type of labor, act or work that results in newspaper publishing and printing and/or specialized aid and assistance performed as a customer service including the following: duplicating, mailing and stenographic services; blueprinting and photocopying services; commercial and job printing services.

**Purchase of Development Rights:** The acquisition of a governmentally recognized right to develop land which is severed from the realty and held or further conveyed by the purchaser. (9J-5.003 F.A.C.)

**Recharge Areas:** Geographic areas where the aquifer system is replenished through rainfall. Areas of high aquifer recharge are important for the continuation of potable ground water supplies.

**Reclamation:** The alteration and/or restoration of land, after a mining activity, establishing land suitable for agriculture, development, recreation, lakes, wetlands, or other natural environments.

**Reclamation Plan:** Plan for the rehabilitation, per Chapter 378, F.S., of land from which a mineral resource has been extracted.

**Recommended Practice:** In Article 4, Signs, the regulations will, in addition to the basic rights and responsibilities, set forth recommended practices. These practices represent the preference of the City with regard to signs but do not carry the force of law. Amendments, including but not limited to the recommended practices, may be adopted by the City in the future as law. The recommended practices constitute notice to the public that a sign conflicting with a recommended practice runs the risk of being a nonconforming sign in the future.

**Recreation:** The pursuit of leisure time activities occurring in an indoor or outdoor setting. (9J-5.003 FAC)

**Recreation Facility:** A component of a recreation site used such as a trail, tennis court, basketball court, athletic field, golf course or swimming pool. (9J-5.003 FAC)

**Recreation Uses, indoor, public:** Indoor recreation uses include areas for recreation activities including, but not limited to, aquariums, day or youth camps, community or recreation centers, gymnasiums, libraries or museums, indoor skating rinks, indoor swimming pools, indoor tennis, racquetball, handball courts, and all other institutional, indoor recreation.

**Recreation Uses, indoor commercial:** This category consists of uses that share land use characteristics such as traffic-generation rates and bulk (buildings) requirements. These uses include but are not limited to, bowling alleys, dance studios, schools for martial arts, physical fitness centers, private clubs or lodges, movie theater, theaters and auditoriums, and indoor skating rinks.

**Recreation Uses, outdoor, public:** Outdoor recreation uses include areas for recreation activities including, but not limited to, arboretums, basketball courts, boat launching ramps, areas for cycling, hiking, and jogging, golf courses (regulation or par 3), outdoor nature areas, parks (public or private), picnic areas, playfields, playgrounds, commercial stables,

outdoor swimming pools and springs, tennis courts, totlots, wildlife sanctuaries, and all other outdoor recreation uses. Specifically excluded are outdoor movie theaters, firing ranges, miniature golf courses, golf driving ranges, and marinas.

**Recreation Uses, outdoor commercial:** This group includes recreation uses that are greater nuisances than conventional outdoor recreation activities because of their size and scale, traffic volumes, noise, lights, or physical hazards such as flying objects or use of weapons. These uses include, but are not limited to, amusement parks, drive-in theaters, fairgrounds, golf driving ranges (including miniature golf), marinas, outdoor theaters (or amphitheaters), race tracks (e.g., auto, dog, go-cart, harness, horse, motorcycle), ranges (skeet, rifle, or archery), sport arenas, and all other outdoor commercial recreation uses.

**Recreation Vehicle (RV):** A unit primarily designed as temporary living quarters for recreation, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle. The basic entities of recreation vehicles are: travel trailer, fifth-wheel travel trailer, camping trailer, truck camper, motor home, private motor coach, van conversion, and park model RV/park trailer. (320.01, F.S.)

**Recreation Vehicle (RV) Campgrounds:** A development designed specifically to accommodate recreation vehicles for overnight or limited vacation-season stays.

**Recreation Vehicle (RV) Parks:** A development designed specifically to accommodate recreation vehicles in which recreation vehicles and/or "park model" mobile homes are permanently sited and occupied year round.

**Recreation Vehicle Unit:** Those units primarily designed as temporary living quarters for recreation, camping or travel use, that either have their own mode of power or are mounted on or drawn by another vehicle:

1. "Travel trailer": A vehicular Portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use. It is of a body width, not more than eight feet and a body length of no more than 35 feet when factory equipped.
2. "Camping trailer": A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreation, camping or travel use.
3. "Truck camper": A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters, for recreation, camping, or travel use.
4. "Motor home": A vehicular unit built on a self-propelled motor vehicle chassis,

primarily designed to provide temporary living quarters for recreation, camping or travel use.

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

**Religious Establishments:** A building occupied by a religious organization operated for worship and related activities.

**Research, Development and Testing Laboratories:** An establishment engaged in research, development and testing.

**Residential Uses:** Activities within land areas used predominantly for housing. (9J-5.003 FAC)

**Resource Recovery:** The process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission. (171.031 F.S.)

**Restaurant:** An eating and drinking establishment designed to serve customers foods and beverages which are consumed within the confines of the principal building itself.

**Right of Way:** Land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use (9J-5.003 FAC); and, any land dedicated, deeded, used, or to be used, for a street, alley, walkway boulevard, drainage facility, access for ingress and egress, or other purpose by the public, or certain designated individuals, or governing bodies.

**Roadway:** A road, that includes streets, sidewalks, alleys, highways, and other ways open to travel by the public, including the roadbed, right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith. (334.03(18) FS)

**Roadway Functional Classification:** The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, that may be

subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories. (9J-5.003 FAC)

**Rural Areas:** Low density areas characterized by social, economic and institutional activities which may be largely based on agricultural uses or the extraction of natural resources in unprocessed form, or areas containing large proportions of undeveloped, unimproved, or low density property. (9J-5.003 F.A.C.)

**Rural Village or Rural Activity Center:** A small, compact node of development within a rural area containing development, uses and activities which are supportive of and have a functional relationship with the social, economic and institutional needs of the surrounding rural areas. (9J-5.003 F.A.C.)

**Sanitary Landfill:** includes the following types of facilities:

- a) **Class I Sanitary Landfill:** a disposal facility which receives an average of 20 tons or more per day, if scales are available, or 50 cubic yards or more per day of solid waste, as measured in place after covering, and which receives an initial cover daily. Such sites shall receive an initial cover at the end of each working day in accordance with FAC Rule 17-701.050(6)(m). (171.031 F.S. and Rule 17.050, FAC)
- b) **Class II Sanitary Landfill:** a disposal facility which receives an average of less than 50 cubic yards per day of solid waste, as measured in place after covering, and which receives an initial cover at least once every four days. Such sites shall receive an initial cover at least once every four days. If Class II sites receive sewage or industrial sludge, dead animals, rendering wastes, or other nuisance wastes, Class I covering frequency shall be required. (171.031 F.S. and Rule 17.050, FAC)
- c) **Class III Sanitary Landfill:** a disposal facility which receives only trash or yard trash. Class III sites which are operated as trash facilities, based on site specific information, may be exempt from the liner and leachate and gas controls required in FAC Rule 17-701.050(5)(a), (b), (c), (d), (e), (f), (i), (j), and 6(i), and are required to apply initial cover once every week. In determining whether a Class III landfill qualifies for the exemptions from certain requirements of Rule 17-701.050, the FDEP shall consider the hydrogeology, types of waste, and methods used to control types of waste received for disposal. Class III sites which are operated as yard trash composting facilities are not required to apply initial cover and, additionally, are exempt from FAC Rules 17-701.050(3)(a) and (b), (4), (5), and (6)(a), (c)4., (d), (f), (h), (i), (j), (k), (l), (m), (n), and (o). If trash or yard trash is mixed with other types of solid waste, the disposal site shall be classified as a Class I or II landfill. (Rule 17.050, FAC).

**Sanitary Sewer Facilities:** Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants

and disposal systems. (9J-5.003 FAC)

**Seasonal Population:** Part time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short term and long term visitors. (9J-5.003 FAC)

**Secondhand Stores:** An establishment engaged in the retail selling of used merchandise and goods including clothing, furniture, books and similar miscellaneous used merchandise and goods. Secondhand stores may include repair departments.

**Semi-Public Use:** Includes for-profit and nonprofit churches, organizations and governmental entities operating for a public purpose; or a public service; or public utility that is essential. It includes such organizations as recreational and neighborhood associations and cultural activities. A cemetery is considered a semi-public use.

**Septic Tank:** A watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system. (10D-6 FAC)

**Setback:** The distance between a street right of way line and the front building line of a principal building or structure, projected to the side lines of the lot, and including driveways and parking areas except where otherwise restricted by this ordinance.

**Service Station:** See Minor Automotive Repairs.

**Services:** The programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state, or federal law. (9J-5.003 FAC)

**Signable area of a building:** A rectangular area on the facade of a building that is free of windows and doors or major architectural detail. Any portion of a roof less than 20 feet from the ground is included. Illustrations of signable areas are on file with the City and should be consulted before applying for the required sign permit.

**Sign Area:** The entire area within a continuous perimeter, and a single plane, composed of a square, circle or rectangle that encloses the extreme limit of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. The owner may not increase the allowed total area, but may use more than one square, circle or rectangle in order to calculate the area. Sign area of a ground-mounted sign is the entire area of one side of such sign so that two sides that are back to back are counted only once.

**Sign:** Any object which contains a written word or words or symbol which word, words or symbol is visible from a public right-of-way.

**Sign, Abandoned:** A sign that no longer serves to advertise a bona fide business conducted, service performed or product sold.

**Sign, Ground-mounted:** Any sign that is supported by an upright, uprights or braces in or upon the ground.

**Sign, Portable:** Any sign, whether on its own trailer, wheels or otherwise, that is designed to be transported from one place to another.

**Sign, Nonconforming:** A sign not in compliance with these regulations and that has not received a special permit pursuant to Article 4 or extension of time pursuant to Article 4.

**Sign, Right-angle:** A sign that is affixed to any building wall or structure and extends more than 12 inches horizontally from the building wall.

**Sign, Wall-mounted:** Signs mounted parallel to the face of the building and projecting not more than 12 inches from the building wall. The area of individual letters, figures or signs shall be the area of the simple geometric form (rectangle, square, etc.), necessary to enclose the name.

**Single Family Attached Dwelling Unit:** Attached dwelling units, each unit owned separately. Examples of attached units are patio homes, town homes, row homes, and homes built with zero lot line development plans.

**Site:** The location of a significant event, activity, building, structure, or archaeological resource.

**Site Development Plan:** A plan, to scale, showing uses and structures proposed for a parcel of land. It includes lot lines, streets, building sites, reserved open spaces, buildings, major landscape features; both natural and man-made; the locations of proposed utility lines; and, other pertinent information, per Article 7, Section 7.05.00 of this Code.

**Site Plan Review:** The process whereby local officials review the site plans and maps of a developer to assure that they meet the stated purposes and standards of land development regulations, provide for the necessary public facilities, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping.

**Shall:** When the word “shall” is used, the action is mandatory; “may” is permissive.

**Sleeping Room:** A single room rented for living purposes but without cooking facilities or other amenities for separate and independent housekeeping. A sleeping room shall not be construed to mean a dwelling or sleeping unit.

**Sleeping Unit:** A single room or suite intended for occupancy by transient persons which are lodged with or without meals for compensation. A sleeping unit shall not be construed to mean a dwelling unit.

**Solid Waste:** Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. (9J-5.003 FAC)

**Solid Waste Facilities:** Structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems. (9J-5.003 FAC)

**Solid Waste Processing Plant:** A facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal. (9J-5.003 FAC)

**Solid Waste Transfer Station:** A facility for temporary collection of solid waste prior to transport to a processing plant or to final disposal. (9J-5.003 FAC)

**Special Exception Use:** A use which is essential to or would promote the public health, safety, or welfare in one or more districts, but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those imposed in this ordinance. No use shall be approved under this definition unless specifically listed as a special exception for a particular district in table in Article 2, Table 2.05.01(A), Table of Land Uses.

**Special Needs Housing:** Facilities that provide 24-hour care, services and housing in an institutional or residential setting for adults and/or children with conditions, disabilities or circumstances that qualify them for short or long-term housing and care. Such facilities include, but are not limited to: Adult Family-Care Home, Assisted Living Facility, Family Foster Home, Foster Care Facility, Group Home Facility, Hospice Residential Unit, Nursing Home Facility, and other similar facilities and homes; all of which are defined elsewhere in this Article.

**Special Transportation Services:** A means of transportation provided on a subsidized basis to transportation disadvantaged individuals by a public, private or non-profit organization, such as a bus company, a taxicab company, or a social service organization.

**Stormwater:** The flow of water that results from a rainfall event. (9J-5.003 FAC)

**Stormwater Basin (formerly Drainage Basin):** The area defined by topographic boundaries which contributes stormwater to a watershed, drainage system, estuarine waters, or oceanic water, including all areas artificially added to the basin. (9J-5.003 F.A.C.)

**Stormwater Detention Structure (formerly Drainage Detention Structure):** A structure which collects and temporarily stores stormwater for the purpose of treatment through physical, chemical or biological processes with subsequent gradual release of the stormwater. (9J-5.003 F.A.C.)

**Stormwater Management Facilities:** Manmade structures that are part of a stormwater management system designed to collect, convey, hold, divert, or discharge stormwater, and may include stormwater sewers, canals, detention facilities and retention facilities. (9J-5.003 F.A.C.)

**Stormwater Management Retention Structure (formerly Drainage Retention Structure):** A structure designed to collect and prevent the release of a given volume of stormwater by complete on-site storage. (9J-5.003 F.A.C.)

**Street:** A public access way 20 feet or more in width dedicated or otherwise having legal sanction for unlimited public use, includes the terms road, avenue, lane, boulevard, thoroughfare, highway, place, way, drive, and terrace.

**Structure:** Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land that can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs. (380.031 F.S.)

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

**Sufficiency Review:** Department of Community Affairs (DCA) review of an adopted evaluation and appraisal report to determine whether it has been submitted in a timely fashion and whether it contains components in accordance with the prescribed criteria in Section 163.3191, F.S., and Rule 9J-5. (9J-5.003 F.A.C.)

**Surfaced in a Stable Manner:** The term "surfaced in a stable manner" shall mean hard penetration type asphalt or concrete with proper drainage and precluding excessive glare in a manner approved by the administrative official; except that areas of parking facilities utilized for parking spaces, excluding moving aisles, access roads and off-street parking appurtenances may be surfaced with materials such as wood chips, gravel, wood bark, synthetic materials, open web concrete blocks and other means; provided, however, the grade preparation and subgrade has not more than four-tenths percent grade and base soil will provide percolation.

**SWFWMD:** The Southwest Florida Water Management District.

**Swimming Pool:** Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground

swimming pools, hot tubs, and spas.

**Tire and Automotive Accessory Establishments:** An establishment engaged in the selling of automobile tires, batteries and other new automobile parts and accessories, including installation of the automotive accessories sold on the premises provided such activities are incidental and accessory to the principal selling of tires and automotive accessories.

**Town House:** A design term, referring to the physical form of more than two single-family attached homes with a ground floor entry. A single-family dwelling unit forming one of a group of two (2) attached single-family dwellings, each built upon an individual plot, separated by fire or party walls, which do not permit passage or visibility between such units, with separate utilities and services provided for each unit. In a Planned-development Project, a town house may be a detached single-family dwelling utilizing a zero yard set-back on one side.

**Transfer of Development Rights:** A governmentally recognized right to use or develop land at a certain density, or intensity, or for a particular purpose, which is severed from the realty and placed on some other property. (9J-5.003 F.A.C.)

**Tree:** For the purpose of obtaining a tree removal permit within the City Limits of Wauchula, a tree is defined as a woody, self-supporting plant having a diameter of six inches when measured 4.5 feet above ground level, and having a height of ten feet or more.

**25-Year Frequency, 24-Hour Duration Storm Event:** A storm event and associated rainfall during a continuous 24-hour period that may be expected to occur once every 25 years. Its associated floodplain is that land which may be expected to be flooded during the storm event.

**Urban Areas:** An area of or for development characterized by social, economic and institutional activities which are predominantly based on the manufacture, production, distribution, or provision of goods and services in a setting which typically includes residential and nonresidential development uses other than those which are characteristic of rural areas. (9J-5.003 F.A.C.)

**Urban Sprawl:** Urban development or uses which are located in predominantly rural areas, or rural areas interspersed with generally low-intensity or low-density urban uses, and which are characterized by one or more of the following conditions: (a) The premature or poorly planned conversion of rural land to other uses; (b) The creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent area; or (c) The creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided. Urban sprawl is typically manifested in one or more of the following land use or development patterns: leapfrog or scattered development; ribbon or strip commercial or other development; or large expanses of predominantly low-intensity, low-density, or single-use development. (9J-5.003 F.A.C.)

**Use:** Use refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.

**Variance:** A variance is an approved modification to the development standards established by this Code. A variance may only be granted for height, area, size of structure or size of yards and open spaces, or other dimensional requirements, and once granted runs with the land. See Article 7, Section 7.11.00.

**Vegetative Communities:** Ecological communities, such as coastal strands, oak hammocks, and cypress swamps, that are classified based on the presence of certain soils, vegetation and animals. (9J-5.003 FAC)

**Vehicle Dealer Establishments:** An establishment engaged in the selling of new and/or used vehicles and related new parts and accessories. Vehicle dealer establishments may include repair departments provide such repair departments are clearly incidental and accessory to the principal selling of vehicles.

**Vehicle Equipment Rental Establishments:** An establishment engaged in renting or leasing large equipment and machinery.

**Vehicle Parking Establishments:** An establishment engaged in providing commercial parking facilities on open air lots surfaced in a stable manner and/or structures for a fee or charge.

**Vehicle Rental Establishments:** An establishment engaged in renting or leasing of vehicles without drivers.

**Vehicle Repair Establishments:** An establishment in which a person practices a vocation or occupation that performs a type of labor, act or work, that results in the fixing and repair of any kind of vehicle, including automobiles, boats, farm equipment, motorcycles and trucks. Included are: activities listed under Major and Minor Vehicle Repair, as well as removal and major overhaul of engines; transmissions and drive systems; all types of paint and body work; battery and ignition systems; radiators; repair and replacement of glass; and, general and specialized repairs.

**Vehicle Restoration/Antique or Classic (Private and "Not for Profit"):** Restoring of classic vehicles (more than 20 years old) or antique vehicles (more than 25 years old) by a private individual and "not for profit". All activities must take place under cover. Stored vehicles must be screened. Vehicles may not be stored in front of the principal structure and must be setback ten feet from side and rear property lines. An individual who is restoring a classic or antique vehicle, may have three inoperable vehicles as long as they are of the same make and model of the vehicle he is restoring.

**Vehicle Service Establishments or Car Wash:** An establishment engaged in furnishing vehicle washing, waxing, polishing and/or similar services except repairs.

**Vehicle Specialty Establishments:** An establishment engaged in the selling of new and/or used travel trailers, mobile homes, motorcycles and similar vehicle product specialties and related new parts and accessories within a building or on open air lots surfaced in a stable manner.

**Very-low Income Family, Very-low Income Household:** One or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the metropolitan statistical areas (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater. For the City of Bartow, the median income of Polk County is used. (420.004, F.S. and 9J-5.003 F.A.C.)

**Vested Right:** A right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid for. There is no vested right to an existing zoning classification or to have zoning remain the same forever. However, once development has been started or has been completed, there is a right to maintain that particular use regardless of the classification given the property. In order for a nonconforming use to earn the right to continue when the zoning is changed, the right must have vested before the change. If the right to complete the development was not vested, it may not be built, no nonconforming use will be established, and the new regulations will have to be complied with.

**Veterinarian and Animal Hospital Service Establishments:** An establishment in which a person performs a type of labor, act or work that results in the medicine, dentistry, or surgery or similar animal hospital and veterinarian services. Veterinarian and animal hospital service establishments do not include animal specialty farms.

**Water Recharge Areas:** Land or water areas through which groundwater is replenished. (s. 9J-5.003 FAC)

**Water Wells:** Wells excavated, drilled, dug, or driven for the supply of industrial, agricultural or potable water for general public consumption. (s. 9J-5.003 FAC)

**Wellhead Protection Area:** An area designated by local government to provide land use protection for the groundwater source for a potable water wellfield, as defined in this code, including the surface and subsurface area surrounding the wellfield. Differing levels of protection may be established within the wellhead protection area commensurate with the capacity of the well and an evaluation of the risk to human health and the environment. Wellhead protection areas shall be delineated using professionally accepted methodologies based on the best available data and taking into account any zones or contribution described in existing data. (9J-5.003 F.A.C.)

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

wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas.

Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The delineation of actual wetland boundaries may be made by any professionally accepted methodology consistent with the type of wetlands being delineated but shall be consistent with any unified statewide methodology for the delineation of the extent of wetlands ratified by the Legislature. (9J-5.003 F.A.C.)

**Wholesale and Storage Establishments:** An establishment engaged in the wholesaling of merchandise, products or materials in bulk quantities; or where merchandise, products or materials are stored or held for safekeeping until later disposal or distribution.

**Written or In Writing:** The term “written” or “in writing” shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

**Yard:** The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building except where specifically permitted by this ordinance. Yards are further defined as follows:

- a. **Front yard:** That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which line shall be designated as the front yard line.
- b. **Rear yard:** That portion of the yard extending the full width of the lot and measured between the rear lot line and parallel line tangent to the nearest part of the principal building.
- c. **Side yards:** Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the principal building; provided, however, that overhanging eaves may extend two feet into the required side yard.

**Year:** The word “year” shall mean a calendar year, unless otherwise indicated.

**Zero Lot Line Development:** A development approach in which a building is sited on one lot line with no yard while retaining the other required yards. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot.

Zoning Permit: A permit, required by appropriate authority under the provisions of this ordinance, which authorizes the excavation, construction or alteration of a structure and is required prior to such construction or alteration, except for recurring maintenance work regardless of cost or the installation of required improvements according to an approved preliminary subdivision plat or an approved preliminary development plat including planned-development projects and special exception uses.

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*[RESERVED]*