

VILLAGE OF INDIANTOWN - Land Development Regulations

Chapter X

ARTICLE 2 – RULES OF INTERPRETATION AND DEFINITIONS

Sec. 2-1. – Purpose and Applicability.

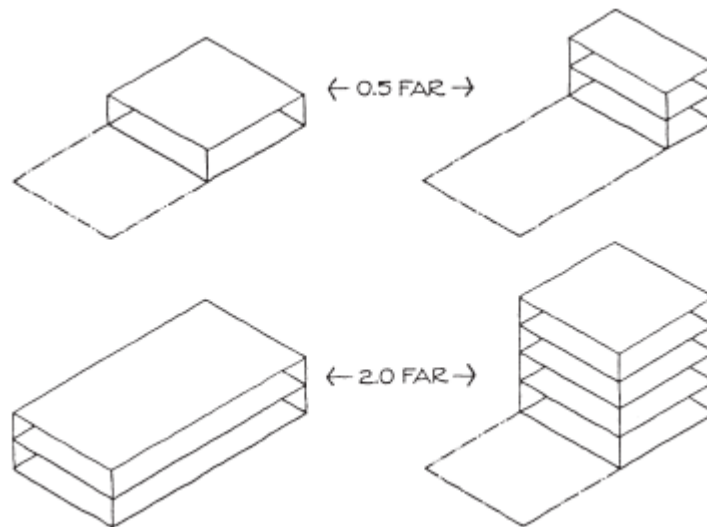
The rules of interpretation and definitions are provided to ensure clarity of meaning for these Land Development Regulations (LDR). The following rules of interpretation, terms, phrases, words, and their derivations shall have the meaning given herein and shall apply to this entire LDR.

Sec. 2-2. – Rules of Interpretation.

In the interpretation and application of this LDR all provisions shall be liberally construed in favor of the objectives and purposes of the Village and deemed neither to limit nor repeal any other powers granted under state statutes.

(1) Computation of Floor Area Ratio (FAR)- Floor area ratio is calculated by dividing the floor area by the net land area of the parcel of land. Examples: A one-acre site with a single story building one-half acre in size will have a FAR of .5 (.5 acre floor area /1 acre land area=.5 FAR). A one-acre site with a four-story building with each floor equaling one-half acre in size will have a FAR of 2 ((.5+.5+.5+.5 acre floor area)/1 acre land area=2 FAR). See figure 2-2.a.

Figure 2-2.a.



(2) Computation of Maximum Residential Density: Maximum density is calculated by dividing the gross land area of a parcel of land (in acres) by the maximum number of dwelling units permitted in the Future Land Use District where the parcel is located. When the result of the density calculation is a number that ends in .5 or higher, the total unit count should be rounded up.

(a) Planned Unit Developments (PUD) that cross Future Land Use Districts - To determine density for proposed PUD zoning districts, which include two or more future land use districts, the total maximum density of the applicable residential future land use designations may be distributed within the PUD boundary without regard to the precise boundary line of the underlying land use. In no case shall the blending of densities allow more residential units to be approved than the maximum gross densities allowed by the individual future land use designations.

(b) Mixed Use Developments - Calculation for determining the number of residential units in a Mixed Use development is calculated as follows: $RB/TP \times PA \times MD = TU$ (RB= Residential Building (or unit) square footage; TP=Total Project square footage; PA= Project Acreage; MD= Maximum Density; TU=Total Maximum Dwelling Units) Residential building unit square footage divided by the total project building square footage multiplied by the total project acreage multiplied by maximum density per acre equals the maximum total dwelling units .

(c) Downtown and Village Mixed-Use zoning districts – When determining density within Downtown and Village Mixed-Use zoning districts, units of 800 or fewer square feet shall be counted as one half of a unit.

(3) Computation of Lot Coverage. The Lot Coverage shall be the total of all impervious surfaces on a parcel divided by the total parcel area minus wetlands or waterbodies. Example: A 10,000 square foot lot with 1,000 square feet of wetlands has a 5,000 square foot parking lot on it. Lot coverage would be calculated as, $5,000 / (10,000 - 1,000) = .55$ or 55%.

(4) Computation of Building Coverage: The building coverage shall be the total horizontal area of all principal and accessory buildings on a site divided by the site's lot area. Horizontal area means any area under a roof. The term "horizontal area" does not include any area occupied by unroofed structures such as driveways, sidewalks, patios, outside stairways, or open swimming pools, and does not include any area whose roof is screened rather than solid such as swimming pool enclosures.

(5) Measuring Building Height: Building height shall be measured from the lowest elevation above the existing grade which complies with finished floor elevation requirements established by flood maps or building code and the highest point of the coping of a flat or Bermuda roof, the mean height between the eave and the top of ridge of a mansard roof, or the mean height level between eaves and ridge for gable, hip and gambrel roofs. See figure 2-2.b.

(a) For buildings constructed on a slope, the main entry level will be considered the first finished floor for height measurement purposes.

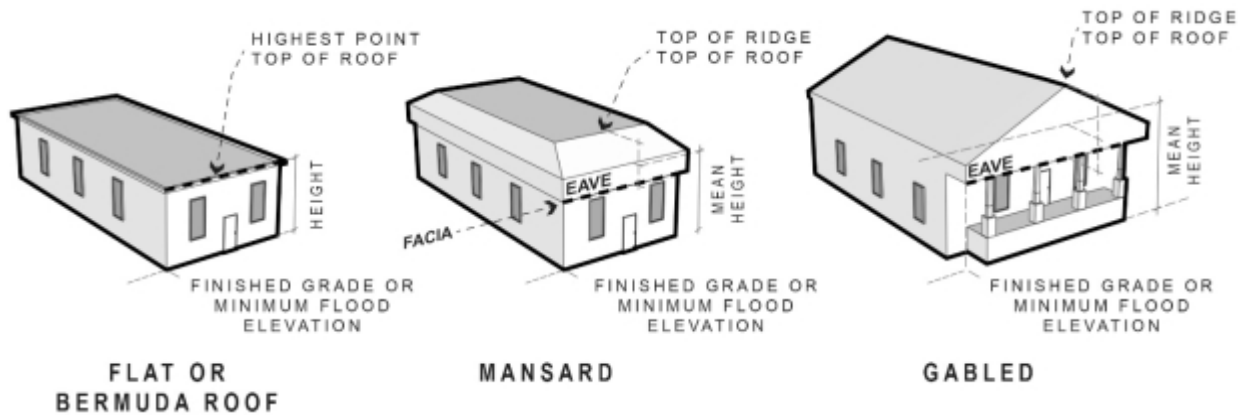
(b) Allowable structures over maximum building height:

1. Mechanical, elevator and telecommunications equipment, renewable energy system components and stairways may be up to 10 feet over the allowable building height.
2. Uninhabitable architectural features may be constructed up to 20 feet above the allowable building height.

3. Parapet walls and chimneys may be constructed up to 4 feet above the allowable building height.

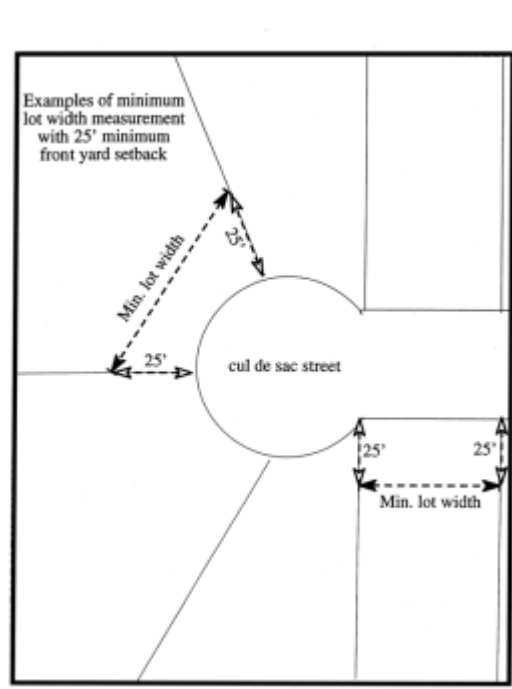
4. Wireless telecommunications towers shall not be governed by the zoning district height limits, see Sec. 3-7.18. Wireless Communications Facilities.

Figure 2-2.b.



(6) Measuring Lot Width: Lot width shall be measured along the straight line which connects the two points located on the side lot lines at a distance equal to the minimum front setback required for the proposed use from the street. See figure 2-2.c.

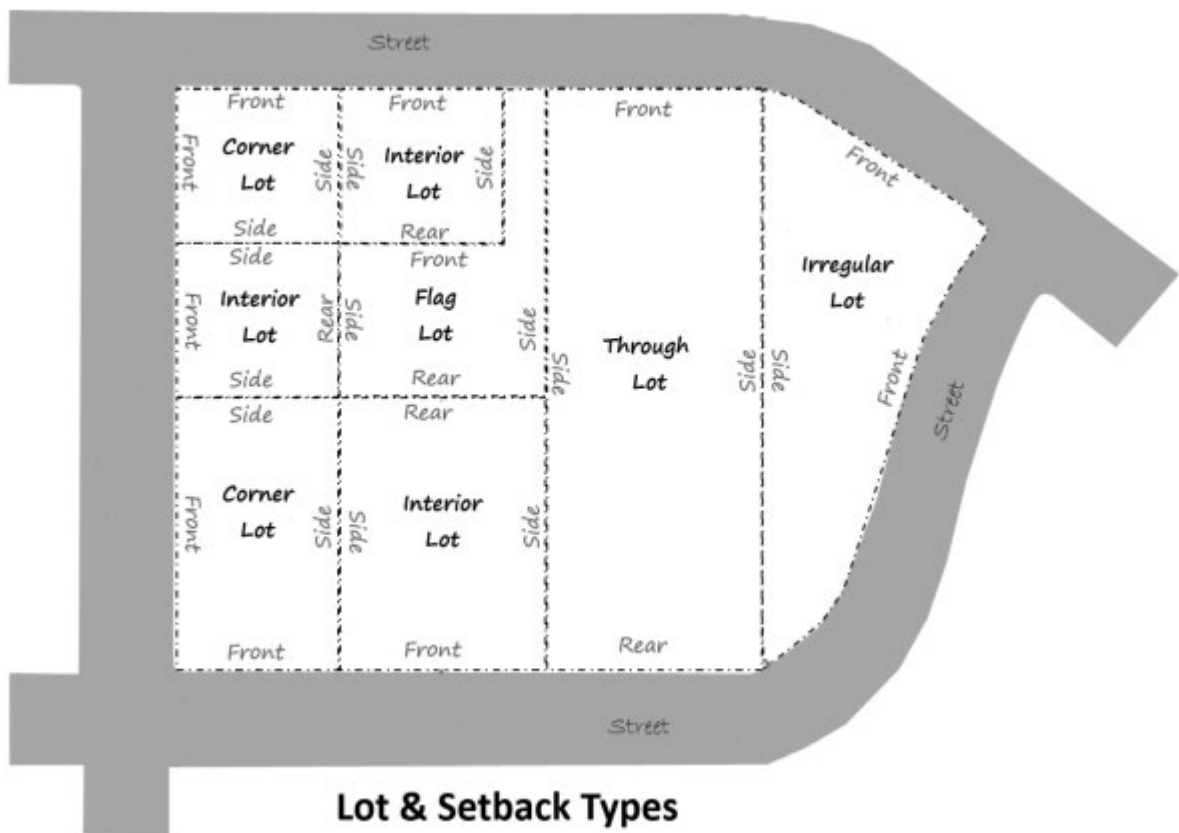
Figure 2-2.c.



(7) Measuring Setbacks: Location of all setback types found in Figure 2-2.d.

- (a) Right-of-Way or Front Setback: The setback shall be measured from the property line which abuts the right of way. In the case of irregularly shaped lots, including cul-de-sacs, the depth may be measured at right angles to a straight line joining the foremost points of the side lot lines, provided the depth of the front yard at any point is never less than 18 feet.
- (b) Where a right-of-way encroaches a property, the right-of-way setback shall be measured from the edge of pavement or sidewalk.
- (c) Rear Yard Setbacks: Where only one right-of-way setback exists, the rear setback will be the line most parallel and distant from the right-of-way frontage.
- (d) Corner Lot Setbacks: Where a property has two adjacent right-of-way frontages, the remaining property lines will be considered sides. The side setback requirement shall apply to those remaining property lines.
- (e) Through Lot Setbacks: Where a property connects two generally parallel streets and is not a corner lot, the right-of-way frontage setback shall be the predominant orientation of surrounding developed lots. Through lots shall have one right-of-way setback and one rear setback.
- (f) Flag Lots: The front setback shall be measured from the front lot line, which is the lot line nearest and approximately parallel to the street the lot accesses.

Figure 2-2.d.



Sec. 2-3. - Definitions.

Any words not specifically defined within this LDR shall assume the meaning as indicated in the latest edition of Merriam-Webster's Collegiate Dictionary by Merriam-Webster, Inc. When the common definition is insufficient, an administrative zoning interpretation may be requested.

A

Abut or abutting: To share a common property line or boundary at any one point.

Access: The means or place of ingress and egress, by pedestrian or vehicle, to a lot or parcel.

Accessory apartment: A living unit, which is subordinate and attached to a single-family residence and could be made available for rent or lease.

Accessory, use or structure: A use or structure located on the same lot as, and either detached or attached to, a main use or structure. Accessory uses and structures are customarily incidental, and always subordinate in size or purpose to the main use or structure.

Adjacent: To share a common property line or boundary, or to be separated by a public right-of-way, easement, or water body.

Adult business establishment: Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities, the regulation of which is preempted by state law.

Adverse Impacts: Impacts generated by land alteration or land use, whether permanent or temporary, which, as a result of an environment or hydrological impact analyses, are likely to or have been shown to have a negative impact on any of the following: listed species and their habitat; natural reservations and other areas of protected native vegetation; wetlands; surface or groundwater; natural waterbodies; air quality, and historic or archeological resources identified by the Village of Indiantown, Martin County, regional agencies or the State of Florida.

Agricultural activities: Crop raising; horticulture; fruit and nut production; forestry; groves; nurseries; ranching; beekeeping; poultry and egg production; milk production; livestock raising, and aquaculture for non-invasive species subject to Florida Fish and Wildlife Conservation Commission permits.

Airport: Any area designed and set aside for the landing and taking off of aircraft. The term may include facilities for refueling, repair, handling, and storage of aircraft or facilities for passengers and freight.

Airport hazard: Any structure or tree or use of land which would exceed the federal obstruction standards as defined by Florida State Statute 333.01, and which obstructs the airspace required for the flight of aircraft in taking off, maneuvering, or landing, or is otherwise hazardous to such taking off, maneuvering, or landing of aircraft.

Alley: A public or approved private way which affords only a secondary means of access to abutting properties and which is not intended for general traffic circulation.

Alter: Any change to one or more external features or dimensions of a building or structure; any change to supporting members or bearing walls of a building or structure; any change to lot area or dimensions; and any moving of a building or structure. Any change to the shape, area, or dimensions of required landscaped areas, designated open spaces, parking lots and vehicle use areas, or accessory uses or structures.

Anchor tenant: The tenant of a multiple-occupancy commercial structure, which generally occupies a larger square footage than the majority of commercial tenants. Anchor tenants tend to be those tenants, within a multi-use structure, with whom the center may be identified, or which may generate higher volumes of traffic. A multi-occupancy structure may have 1 or more anchor tenants.

Applicant: The owner of record of property, or authorized agent, making an application or other submission to the Village of Indiantown for approval of development.

Aquifer: A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells and springs.

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

Assisted living facility: Any building(s), section of a building, section of distinct part of a building, private home, boarding home, home for the aged or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals and one or more personal services for a period exceeding 24 hours to one (1) or more adults who are not relatives of the owner or administrator.

Authorized agent: Any person authorized in writing by the owner of record to act on the behalf of the owner of record of a particular parcel of land.

Average daily trips: A weighted average of the number of vehicle trips or trip ends per unit of independent variable (e.g. trip ends per occupied dwelling unit or employee) using a site's driveway(s). The weighted average rate is calculated by summing all trips or trip ends and all independent trip variable units where paired data are available, and then dividing the sum of the trip ends by the sum of the independent variable units.

Awning: Canvas or other material covering extending from and attached to the facade of a building, without ground supports.

B

Balcony: A horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

Base flood elevation (BFE): See Flood elevation, base.

Berm: A mound of earth to provide screening or buffering between uses.

Best Management Practices (BMP) for land disturbing: Schedule of activity, maintenance procedures, pre-emptive site control measures and other management techniques intended to reduce the discharge of pollutants to waters of the United States.

Bike lane: A portion of a roadway which has been designed, constructed and designated by signing and pavement markings in accordance with the most current "Florida Bicycle Facilities Design Standards and Guidelines" requirements.

Block: A parcel or parcels of land bounded by public streets (other than alleys), public land, a water body or physical barrier. Also, the land fronting a street between intersecting streets.

Boatel: A facility offering transient lodging accommodations normally on a daily rate for boat travelers. These accommodations include wet boat slips, where guests may or may not sleep on their boat.

Boathouse: A building or structure used for the storage of boats, watercraft or equipment that is accessory to boats or watercraft.

Buffer (also, landscape buffer): Land or a combination of land and vegetation for the separation of one use from another and the alleviation of adverse effects of one use to another.

Build-to-line: The line to which a building facade must be built, not a minimum distance.

Building: Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter or protection of persons, animals or property of any kind.

Building Height: The vertical distance from the lowest elevation above existing grade which complies with the finished floor elevation requirements established by flood maps or

building code to the highest point of the coping of a flat or Bermuda roof, the mean height between the eave and the top of ridge of a mansard roof or the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Bulkhead: A retainer wall or structure designed to prevent erosion of land by water action.

C

Cabana: An accessory structure providing shelter for recreational use with or without toilet facilities, not to be used for living quarters.

Campground: A lot in single ownership that is developed or intended to be developed for transient occupants dwelling in tents, all types of recreational vehicles and temporary or permanent buildings.

Church: See Place of Worship

Civic and institutional buildings: Structures developed for or used by established organizations or foundations dedicated to public service or cultural activities including, but not limited to, the arts, education, government and places of worship.

Clearing: Any activity which removes the vegetative ground cover, including but not limited to, the removal of root mat or topsoil.

Cluster development: A form of development that employs a more compact arrangement of dwelling units by allowing for, or requiring, as the case may be, reductions in the standard or typical lot size and yard requirements of the applicable zoning district, in order to: increase common open space, reduce the overall development area, reduce alterations and impacts to natural resources on the site, to preserve additional native vegetation and habitat areas, and, to reduce the cost of providing services.

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

Community Facility: A community use including but not limited to schools, places of worship, community centers, fire stations, libraries, parks and playgrounds, cemeteries or government buildings.

Community residential home: A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. (F.S. Chapter 419).

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

Comprehensive Plan: The adopted official statement of the Village containing the goals, objectives and policies that lay out the long-term vision for the Village's physical, social, and economic development.

Concurrency: A circumstance wherein adequate public facilities, services and infrastructure capacity are provided to maintain the adopted level of service standards.

Condominium: That form of ownership of real property which is created pursuant to the provisions of F.S. Ch. 718, as may be revised, under which units or improvements are subject to ownership by one (1) or more owners and an undivided share in common elements.

Consistency: Compatibility and agreement with the comprehensive plan. Florida statutes require consistency between the comprehensive plan and implementing documents such as the Land Development Regulations. Consistency exists when the standards and criteria of the comprehensive plan are met or exceeded.

Control measure: Any best management practice or stormwater facility or other method used to minimize the discharge of pollutants to state waters.

Coworking: An arrangement in which unaffiliated workers share an office space.

Cul-de-sac: A street terminated at the end by a vehicular turnaround.

D

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

- (a) Public and nonpublic schools and their integral programs, except as provided in F.S. 402.3025;
- (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, 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 Florida Statute requirements.

Day Care, family: "Family day care home" means an occupied residence in which child care is regularly provided for children from at least two unrelated families, for payment, and meets the definitions of F.S. 402.302(8), as may be amended.

Deck: A platform, more than 18 inches above grade, either freestanding or attached to a building, that is supported by pillars or posts.

Density: The permitted ratio of residential dwelling units to land area (usually calculated on an acre basis). Density can be calculated on a gross or net acre basis. See Sec. 2-2. Rules of Interpretation, for computation of density on a parcel.

Density blending: The distribution of the gross density allowable on a parcel or parcels being developed as a PUD, without regard to the precise boundary lines of the underlying land use. Maximum gross density on the entire property may not exceed that allowed by the combined individual land use designations.

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

Development: Any building activity or mining operation or making any material change in the use or appearance of any structure or land, or dividing land into 3 or more parcels. The following activities or uses shall be taken for the purposes of this code to involve "development":

- (a) Construction, reconstruction, alteration of the size or material change in the external appearance of a structure on land.
- (b) 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.
- (c) Alteration of a shore or bank of a river, stream, lake, pond or canal.
- (d) Commencement of drilling, except to obtain soil samples, mining or excavation on a parcel of land.
- (e) Demolition of a structure.
- (f) Clearing of land as an adjunct of construction.
- (g) Deposit of refuse, solid or liquid waste or fill on a parcel of land.

Development agreement: A voluntary contract between the Village of Indiantown and a person who owns or controls property within the Village, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property. Although the agreements are voluntary, once made they are binding on the parties and their successors. Agreement must comply with the requirements of the Florida Local Government Development Agreement Act, §§ 163.3220—163.3243, F.S. as may be amended.

Development order: Any order, permit, determination or action granting, denying or granting with conditions, any development or any other official action of the Village of Indiantown having the effect of permitting development as defined in this code.

Diameter at breast height: The diameter of the trunk, limb or stem material measured at the point or points of the tree located four and one-half (4½) feet, along the trunk, from where the tree emerges from the ground. In the case of multi-trunked trees, the DBH is measured by the sum of diameters of each trunk at the point or points located four and one-half (4½) feet, along the trunk, from where the tree emerges from the ground.

Dock: Any structure built in or over a waterway which may provide a location for mooring a boat or other watercraft.

Dock facility: Includes walkways, piers, boathouses, pilings and any other over-water structures associated with the dock.

Dock master: A person in charge of a dock used for freight, logistics and repair or maintenance of ships.

Drainage facilities (also called stormwater management facilities): Man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures and retention structures.

Driveway: A vehicular access or a private road that enables vehicles to travel from a public or private road to the entrance of a public or private property.

Dumpster: See Solid Waste Bulk Container.

Dwelling or residence: Any building or part thereof, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently, or temporarily. A dwelling unit contains sleeping facilities, sanitary facilities, and a kitchen.

Dwelling, attached: A dwelling that is attached to another dwelling, excluding accessory dwellings.

Dwelling, mobile home: A structure transportable in one or more sections, which is more than 8 feet in width, is built on a permanent chassis and is designed for use as a single-family residential dwelling unit when connected to the required utilities. If fabricated after June 15, 1976, each section should bear a U.S. Department of Housing and Urban Development (HUD) label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards, 42 USC 5401 and 24 CFR 3282 and 3283. This use does not include manufactured units meeting the criteria contained in the definition of a modular home and does not include park trailers contained in the definition of recreational vehicles.

Dwelling, modular home: A structure transportable in one or more sections, with or without a permanent chassis, which is designed for and used as a residential dwelling unit when connected to a foundation and the required utilities. Fabrication of such units shall comply with F.S. Ch. 553 and the Florida Building Code. A modular home does not include manufactured

units meeting the criteria contained in the definition of a mobile home and does not include park trailers contained in the definition of recreational vehicles.

Dwelling, multifamily: Three or more dwelling units within one building located on a single lot.

Dwelling, single-family detached: A detached building on a single lot containing one dwelling unit.

Dwelling, townhouse or rowhouse: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, located or capable of being located on a separate lot, and having a totally exposed front and rear wall to be used for access.

Dwelling, two-family: A structure containing two dwelling units, each of which has direct access to the outside and is located or capable of being located on a separate lot.

Dwelling, zero lot line single-family: A single-family dwelling unit which has one or more walls located on or close to one interior side lot line or shares a party wall with another such unit on an adjacent lot.

E

Easement: An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

Educational facilities: Buildings and equipment, structures and areas that are built, installed or established to serve primarily the educational purposes of the community.

Environmental quality: The character or degree of excellence or degradation in the total essential natural resources of the area as measured by the findings and standards of the physical, natural, and social sciences, the arts and technology, and the quantitative guidelines of federal, state, and county governments.

Environmental Impact Statement (EIS): A document or documents that provide an objective evaluation of the impacts of a proposed development or other alteration of the existing natural conditions on the natural resources, environmental quality and listed species.

Essential services: Those services and facilities, including utilities, safety services and other government services, necessary to promote and protect public health, safety and welfare, including but not limited to the following: police; fire, emergency medical, public park and public library facilities; and all services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers that have been approved and authorized according to laws having appropriate jurisdiction, and governmental facilities.

Excavating: Any digging, scooping or other methods of removing earth materials.

F

Facade: The entire area of an exterior building wall from the ground to the roof or parapet which does not include any elements which extends beyond the wall.

Farming activities: See Agricultural activities.

Filling: Any depositing or stockpiling of earth materials.

Final development order: Any valid, unexpired permit issued by the Village.

Flood: A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation, base (BFE): A flood elevation having a one percent chance of being equaled or exceeded in any given year.

Flood hazard area, special: An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone AE.

Flood prone area: Any land area susceptible to being inundated by water from any source.

Floodplain: An area inundated during a 100-year flood event or identified by the National Flood Insurance Program as an A Zone or V Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

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

Floor area : The sum of the gross horizontal areas of all of the floors of a building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two (2) buildings, excluding attic areas with a headroom of less than seven (7) feet (if a flat ceiling) or five (5) feet (if a sloped ceiling), enclosed or unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, parking structures and crawl spaces.

Floor area ratio (FAR): The term that describes a calculation of the floor area of all the structures on a lot divided by the lot area. Floor area ratio is expressed as a numerical value. The concept is a measure of development intensity. (See Sec. 2-2. Rules of Interpretation for additional details and examples)

Flowway: A natural or manmade swath of land, varying in width and length, providing for the conveyance of water, primarily sheet flow, during seasonally wet periods, generally from north to south, and providing beneficial wildlife habitat and aquifer recharge.

Food truck: See Mobile Food Vendor.

Fowl: Any bird used as food or for egg production which includes, but shall not be limited to chicken, ducks, geese and turkey.

Fracking: See Hydraulic Fracturing.

Fuel pump: Any self-service or full-service device used for the dispensing of fuel for motor vehicles.

G

Garbage Can/Container: See Solid Waste Standard Container.

Grade: The average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point six (6) ft. from the building, whichever is closer to the building.

Grading: Any excavating, filling, leveling or sloping of earth materials, or any combination thereof, including the land in its excavated, filled, leveled or sloped condition.

Gross land area: All contiguous land areas under common ownership, including land to be dedicated for public or private rights-of-way, with the following provisions and exceptions: *Waterbodies*. In cases where land abuts a lake, canal, and all tributaries, the boundary of land shall be delineated as established by state statutes. *Submerged land areas*. No submerged land areas waterward of the boundary described above shall be included in the calculation of gross site area.

Group home (neighborhood assisted residences with six or fewer residents): A facility which provides a living environment for a maximum of six unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult congregate living facilities comparable in size to group home are included in this definition. The term "group home" shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes or emergency shelters.

Guest quarters/guest suites: An attached or detached room or suite, which could be used as a temporary sleeping accommodation, which is integrated as part of the principal use of the property and is not configured or of a size that may accommodate a kitchen.

Guesthouse: An accessory dwelling structure which is attached to or detached from, a principal dwelling located on the same residential parcel and which provides living quarters for the occupants of the principal dwelling, their temporary guests or their domestic employees and which may contain kitchen facilities.

H

Home occupation: Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes, conducted solely by residents of the dwelling and meeting other criteria as described in Article 3, Sec. 3-7.10.

Hydraulic fracturing (also called Fracking): The process of injecting liquid at high pressure into subterranean rocks, boreholes, etc. so as to force open existing fissures and extract oil or gas.

Hospital: A building or group of buildings having facilities for overnight care of one (1) or more human patients, providing medical, surgical and skilled nursing services to inpatients; services include primary and/or urgent care treatment; may include incidental and subordinate facilities.

Hotel (also motel): A building or group of buildings offering transient lodging accommodations normally on a daily rate to the general public with or without accessory uses, such as restaurants, meeting rooms or recreational facilities.

I

Impervious: Any hard-surfaced, man-made area that does not readily absorb or retain water, including but is not limited to buildings, parking and driveway areas including graveled parking and driving areas, sidewalks, pools and paved recreation areas. The term refers to any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land.

Infill development: The development of vacant or partially developed parcels which are surrounded by or near areas that are substantially or fully developed.

Infrastructure: Streets, sidewalks, water and sewer lines and any other utilities necessary to the functioning of a community.

Intensity: The level of concentration of activity occurring on a site or in an area. Intensity is usually measured through the calculation of floor area ratio (FAR) but the term is sometimes also used interchangeably with density.

Itinerant merchant: See Peddler

K

Kennel: An establishment licensed to operate as a facility housing more than five (5) dogs, cats or other household pets.

Kitchen: A room in a principal dwelling or guesthouse which is used, designed and intended for the preparation and cooking of food, often where meals are also eaten.

L

Land disturbance or land-disturbing activity: A man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, filling or excavation.

Landowner: Any owner of a legal or equitable interest in real property, and includes the heirs, successors and assigns of such ownership interests, including developer's holding development rights susceptible to claims of vested rights or takings.

Level of service: 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.

Light trespass: The shining of light that crosses property lines and illuminates adjacent grounds or buildings in an objectionable manner.

Livestock: Domesticated animals commonly kept on a farm, including cattle, horses, donkeys, goats, sheep and pigs.

Live/Work unit: A single dwelling unit that also accommodates limited commercial uses within the dwelling unit. The predominate use of a live/work unit is residential, and commercial activity is a secondary use. Additional criteria can be found in Article 3, Sec. 3-7.10.

Loading space: An area for the temporary parking of a commercial vehicle for pick-up or delivery, loading or unloading of merchandise or goods.

Lot: A single area or parcel of land established by plat or by metes and bounds. See Figure 2-3.a. for lot types.

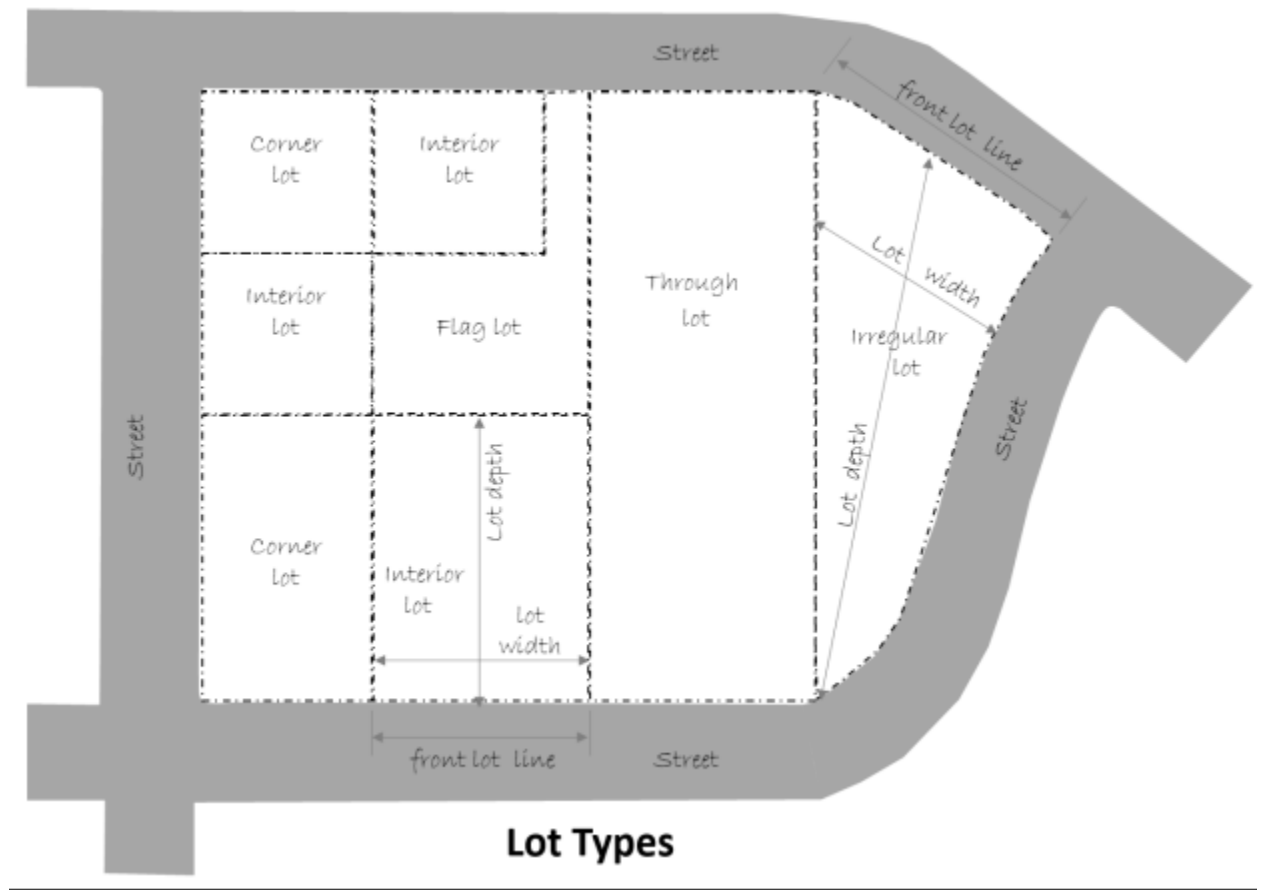
Lot, corner: A lot having frontage at the intersection of two streets or a curve, with an angle of less than 135 degrees. In the case of corner lots, the front yard with the shorter street frontage shall establish the required minimum lot width. Corner lots have two right-of-lines and two side lot lines.

Lot, flag: A lot so shaped that the main building site area is set back from the street on which it fronts and includes an access strip, less than the minimum lot width, connecting the main building site with the frontage street.

Lot, interior: A lot, other than a corner lot, with only one frontage on a street.

Lot, through: Any lot that connects two generally parallel streets and is not a corner lot. The primary frontage of a through lot should be determined based on the predominant orientation of surrounding developed lots.

Figure 2-3.a.



Lot coverage: The portion of a lot that is impervious (i.e., does not absorb water). This portion includes but is not limited to all areas covered by buildings, parking structures, driveways, roads, sidewalks and any area of concrete or asphalt. In the case of storage yards, areas where materials cover the ground also constitutes impervious surfaces.

Lot frontage: The side of a lot abutting on a street; typically, the front lot line.

Lot line: The boundary of a lot; the legally defined limits of a lot. Lots lines are further distinguished as follows:

- (a) *Lot line, rear:* The lot line opposite the right-of-way lot line.
- (b) *Lot line, right-of-way:* The line dividing a lot from the street.
- (c) *Lot line, side:* Any lot line which is not a right-of-way lot line or a rear lot line.

Marina: A boating facility, chiefly for recreational boating, located on navigable waters, and providing all or any combination of the following: boat slips or dockage, dry boat storage, small boat hauling or launching facilities, marine fuel and lubricants, marine supplies, bait and fishing equipment, restaurants, boat and boat motor sales, and rentals. Does not include dredge, barge, or other work-dockage or service, boat construction or reconstruction, or boat sales lot.

Marine manufacturing: A facility engaged in the fabrication of watercraft, motors or components of watercraft.

Maritime activities: Activities required for, supportive of, or commonly associated with the construction, repair, operation, storage, loading, and unloading of boats, waterfront dock and marinas, navigation aids, boat fuel and equipment supply, ground-level parking incidental to such uses, and other activities the primary purpose of which is to facilitate maritime trade.

Medical marijuana dispensing facility: A facility operated by a Medical Marijuana Treatment Center (MMTC) licensed in accordance with Section 381.986, Florida Statutes by the Florida Department of Health. The services provided at the building or structure used as a dispensing facility includes the dispensing and the delivery of medical marijuana to qualified patients or caregivers.

Medical services: The provision of therapeutic, preventive or other corrective personal treatment services by physicians, dentists or other licensed medical practitioners, as well as the provision of medical testing and analysis services. These services do not include overnight lodging or pain management clinics.

Mixed-use: A development that includes non-residential and residential uses on the same development site, building or structure, such as but not limited to residential, office, retail, public or entertainment, resulting in a compact urban form.

Mobile Food Vendors/Food Trucks: A vehicle mounted or vehicle towed food cooking and/or preparing establishment designed to be readily movable.

Mobile home: A structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Mobile home park: A parcel of land under single or unified ownership, which is designed and used for long-term placement of manufactured homes for non-transient residential use; may include accessory services and facilities for the residents of the manufactured home park.

Monopole communications tower: A commercial vertical self-supporting tower for nonparabolic antennas with small effective radii.

Motel: See hotel.

N

Non-chartered financial institutions (pay-day lenders, check cashing businesses): A financial related business which is not a chartered bank, meaning it has not received the government's permission to operate in the financial services industry and safeguard monetary deposits for individuals and organizations, as well as to lend money.

Nonconformity: A building/structure, property, or characteristic that lawfully existed prior to the enactment of the requirements of this LDR but does not comply with the current requirements, such as signs, parking, loading, landscaping, performance standards, setbacks or condition of a use.

O

Office: A room or group of rooms used for conducting the affairs of a business, profession, service industry or government.

Office, administrative: An establishment primarily engaged in providing internal business office services as opposed to customer service. Generally, the majority of the traffic generated from administrative offices comes from internal employees and not the general public.

Office, medical: A building used exclusively by physicians, dentists and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Office, professional: Office space for professionals to work and meet their clients. Businesses typically considered in this category include: accounting, auditing and bookkeeping services; advertising agencies; architectural, engineering, planning and surveying services; attorneys; counseling services; court reporting services; data processing and computer services; detective agencies and similar services; educational, scientific, and research organizations; employment services; government offices including agency and administrative office facilities; management, public relations and consulting services; photography and commercial art studios; writers and artists offices outside the home. Professional offices do not typically incorporate a retail component.

Office, temporary: A mobile home, modular unit, or space within a permanent structure used as a temporary office facility. Purposes for temporary offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

Oil and gas exploration: Activities and facilities involved in the search for and subsequent production testing and field delineation of discovered petroleum and natural gas resources as

defined by or used in the context of Florida Statutes and Administrative Code, which may include geophysical exploration activities and surveys, construction of temporary access roads and pads, exploratory drilling and the in-field separation and removal of test production.

Open space: Areas that are not occupied by buildings, impervious parking areas, streets, driveways or loading areas and which may be equipped or developed with amenities designed to encourage the use and enjoyment of the space either privately or by the general public. Examples of open space include: areas of preserved indigenous native vegetation; areas replanted with vegetation after construction; lawns, landscaped areas and greenways; outdoor recreational facilities; and plazas, atriums, courtyards and other similar spaces.

Open space, common: Those areas within or related to a development, not in individually owned lots, designed and intended to be accessible to, and for the common use or enjoyment of, the residents of the development or general public.

Outparcel: A site for a freestanding building or buildings, which is generally related to an original (parent) development tract and is adjacent to a roadway that interrupts the frontage of another lot and is intended or withheld by the developer for development separately from the majority of the original development.

P

Parcel: 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.

Park, neighborhood: Means a park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

Passive recreation: Activities characterized by a natural resource emphasis and non-motorized activities. These activities are deemed to have minimal negative impacts on natural resources; or are consistent with preservation, enhancement, restoration and maintenance goals for the purpose of habitat conservation. Examples of passive recreation include, but are not limited to, bird watching and nature study, swimming, picnicking, hiking, fishing and hunting, where appropriate.

Pathway: A defined corridor for the primary use of non-motorized travel.

Patio: An exterior, unroofed area, usually made of concrete, brick, or other masonry material, which is elevated less than 18 inches above the surface of the ground.

Peddler: Any person who engages in a temporary and transient business selling goods, wares, merchandise, and sells door-to-door from a vehicle or on foot or leases or uses a parking lot of a developed parcel, or space in a structure already occupied by another business for the exhibition or sale of goods, wares or merchandise. This shall not include mobile food vendors or

commercial travelers/selling agents who sell their goods to merchants, dealers or traders where same is to become a part of said merchant, dealer or trader's stock in trade in his established place of business in the Village.

Permeable: A solid surface which allows natural drainage and migration of water into the earth by permitting water to drain through spaces between the surfaces.

Personal services: Enterprises or places of business primarily engaged in the provision of frequent or recurrent personal services, not limited to: barber shops, beauty salons and spas, clothing rental, coin-operated laundromats, massage therapy services, dry cleaning establishments, animal grooming without outdoor kennels and tattoo parlors. These uses may also include accessory retail sales of products related to the services provided.

Pervious (also pervious surface or pervious area): Material that allows the percolation or absorption of water into the ground including, but not limited to grass, mulch and stone, not used as a driving surface. Pavers, concrete, asphalt (even those which are called pervious) and limerock are not considered pervious surfaces.

Pharmacy: A retail facility that primarily sells prescription and non-prescription drugs. These facilities may also sell cosmetics, toiletries, medications, stationary, personal care products, limited food products and general merchandise. This type of store may contain drive-through windows.

Place of worship: A building or group of buildings and/or structures providing a place of assembly for worship, ceremonies or rituals pertaining to a particular system of beliefs.

Porch: A covered or uncovered, single-story, floor, deck or platform at an entrance to a building, the height of which is eight inches or more above the average level of the adjoining ground.

Porous: A surface with "holes or openings" which allows drainage directly through the opening.

Power plant: An electrical energy generating facility with generating capacity of more than 50 megawatts and any appurtenant facilities.

Principal use, building or structure: The main or primary use on a lot or parcel. Also, the building in which the main or primary use is housed or carried out.

R

Railyard: An area of land, a portion of which is covered by a system of tracks, that provides for the necessary functions of a railroad. These uses include but are not limited to storing, weighing and distributing goods, as well as assembly and repair work as necessary.

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

Redevelopment: Any demolition and replacement or expansion, addition or major facade change to an existing building, structure or parking facility that will exceed 50 percent of the assessed value of the building or structure.

Renovation: Restoration, remodeling, improvement, in whole or in part, of an existing building. If the value of the renovation exceeds 50 percent of the value of the structure, it will be considered redevelopment.

Resort: A building or series of buildings under common ownership which provide overnight accommodations and visitor and vacation services. Typical uses include but are not limited to: overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, recreation facilities, and restaurant and retail uses which are customarily appurtenant to such uses.

Restaurant: A building or part of a building where food is offered for sale or sold to the public primarily for immediate consumption.

Retail store: Establishments selling commodities directly to the consumer.

Retail, heavy: A retail use that involves the sale of a single category of merchandise and is characterized by one or more of the following: 1) outdoor displays larger in area than the footprint of the principal building; 2) lease or sale of goods/equipment to businesses that are permitted in the Industrial district; or 3) sale of goods that are manufactured on-site. Examples include: 1) Permanent retail operations that are located outside of enclosed buildings; 2) Lumber & building materials; 3) Lawn, garden & farm equipment, and related supplies; 4) Heavy truck or recreational vehicle leasing or sales; 5) Manufactured home sales; & 6) Industrial or construction equipment leasing or sales. (Not included in this definition: Warehouse clubs, superstores & home centers)

Right-of-way (ROW): 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.

S

Self-storage facility: Buildings where customers lease secure space to store and retrieve their goods. No business shall be conducted or work performed within an individual self-storage unit.

Setback or setback line: A line marking the minimum distance between a right-of-way line, lot line, shoreline, bulkhead or other defined location and the beginning point of the buildable area.

Setback, front: See right-of-way setback.

Setback, right-of-way: The minimum distance from the right-of-way lot line to the nearest point of the allowable principal building measured perpendicular to the right-of-way lot line. Any lot line that abuts a right-of-way shall be considered a right-of-way lot line. When a property has two right-of-way lot lines, the remaining lot lines shall be considered sides and side setbacks shall apply.

Setback, rear: The minimum distance from the rear lot line to the nearest point of the allowable principal building measured perpendicular to the rear lot line.

Setback side: The minimum distance from the side lot line to the nearest point of the allowable building measured perpendicular to the side lot line.

Setback, water: The minimum distance from a property line that abuts a waterbody or waterway to the point of the allowable building line.

Sewage system, central: A system for the collection and disposal of wastewater from multiple residences and/or businesses, including pipes, pumps, tanks, treatment plants and other appurtenances which comprise the system.

Sewage system, on-site: A system designed to serve 1 dwelling unit, comprised of pipes, tanks and a subsurface absorption field, or other approved treatment device, for handling and disposing of wastewater.

Shooting range, indoor: The use of a structure for archery and the discharging of firearms for the purposes of target practice or occasional competitions.

Shooting range, outdoor: The use of land for archery and the discharging of firearms for the purposes of target practice, skeet and trap shooting or occasional competitions. Excluded from this definition are general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

Shopping center: A group of unified commercial establishments built on a site which is planned, developed, owned or managed as an operating unit and related in its location, size and type of shops to the trade area that the unit serves.

Sidewalk: That portion of a right-of-way or crosswalk, paved or otherwise surfaced, intended for pedestrian use and also bicycle use.

Sign: A communication device, structure or fixture, on any surface, that incorporates graphics, symbols or written copy intended to promote the sale of a product, commodity or service, or to provide direction or identification for a premises or facility.

Sign, back-lit: A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

Sign, blade/bracket: A typically small, pedestrian-oriented sign that projects perpendicular from a structure (blade sign) or is hung beneath a canopy (bracket sign).

Sign, banner: A sign applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing

Sign, canopy or awning: A sign that is mounted, painted or attached to a canopy or awning.

Sign, changeable copy: A sign designed to allow the changing of copy through manual, mechanical or electrical means including time and temperature.

Sign copy: Any combination of graphics, numerals, symbols, insignias, text or combination thereof which is primarily intended to advertise, identify or notify.

Sign, double-face: A sign constructed to display its message on the outer surfaces of two identical and opposite planes, at an angle of 60 degrees or less.

Sign, directional: A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians on the site.

Sign, drive-thru menu board: A permanently mounted sign displaying the bill of fare for a drive-through restaurant.

Sign, freestanding: A sign not attached to or painted on a building, but which is affixed to the ground.

Sign, government: A sign erected and maintained by or on behalf of the United States, the state, the county, the Village, or other governmental agency for the purpose of regulating traffic or for civic purposes.

Sign, internal: A sign that is not intended to be viewed from outside the property, and located so as not to be visible from any public right-of-way or from any adjacent property, including any signs in interior areas of shopping centers, commercial buildings and structures, stadiums and similar structures of a recreational nature.

Sign, menu: A copy of a restaurant's menu which is displayed exterior to a restaurant allowing pedestrians to view offered fare.

Sign, monument: A freestanding sign where the base of the sign structure is on the ground or a maximum of 12 inches above adjacent grade and supported primarily by a solid structural feature other than support poles.

Sign, multitenant: An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.

Sign, parasitic: A sign affixed to a sign structure which is in addition to signs specifically designed for said sign structure.

Sign, pole: A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

Sign, real estate: A sign pertaining to the sale or lease of the premises on which the sign is located.

Sign, sandwich board: A movable, A-frame sign not secured or attached to the ground or surface upon which it is located.

Sign, snipe: An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences or to other objects.

Sign, subdivision identification: A permanent on-premises sign identifying a vehicular entrance to a subdivision, residential complex or institutional use.

Sign, wall: A sign mounted flat against and projecting less than 14 inches from, or painted on the wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This does not include window signs.

Sign, window: A sign affixed to the interior or exterior of a window or placed immediately behind a window pane so as to attract the attention of persons outside the building.

Signage plan: A graphic representation showing a comprehensive detail of all signage proposed for a particular lot or development.

Site plan: A graphic representation along with supportive information and data depicting a development.

Solid waste: Garbage, refuse, yard trash, clean debris, white goods, special waste, ashes or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid waste bulk container: Any watertight, portable nonabsorbent container equipped with a watertight lid or cover, which is used to store 2 or more cubic yards of solid waste emptied by mechanical means.

Solid waste disposal facility: A facility designed and utilized for the disposal of garbage, refuse, rubbish, sludge from wastewater treatment works, water supply treatment plants, or air pollution control facilities, or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.

Solid waste standard container: A watertight container made of nonabsorbent material provided with a closely fitting watertight cover, with handles and of 32 gallons or less gross capacity, or a sealed plastic bag of adequate strength to contain the waste materials therein.

Solid waste transfer station: A structure used to store or hold solid waste for transport to a processing or disposal facility. It does not include compactor units, permanent dumpsters, recycling collection stations and other containers from which such wastes are transported to a landfill or other solid waste management facility.

Stable/equestrian facility, commercial: A property used for commercial riding stable open to the general public. This may include boarding of livestock not involved with current breeding or training; training involving groups of five or more students; fields or arenas used for scheduled, public or club events; and guided group trail rides.

Stormwater. Precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff and surface runoff and drainage.

Stormwater Pollution Prevention Plan or SWPPP. A document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that reasonably may be expected to affect the quality of stormwater discharges from the construction site. In addition, the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

Story: That portion of a building included between a floor which is calculated as part of the building's habitable floor area and the floor or roof above it.

Street: A public or approved private thoroughfare, including the right-of-way, which affords the principal means of ingress/egress to abutting property. The term street includes lanes, ways, places, drives, boulevards, roads, avenues or other means of access, regardless of the descriptive term used.

Structure: Anything constructed or erected which requires a fixed location on the ground, or in the ground, or attached to something having a fixed location on or in the ground, including buildings, towers, smokestacks, utility poles and overhead transmission lines.

Studio, Artist: Work space for one or more artists or artisans, including the accessory sale of art produced on the premises.

Studio, Dance, Fitness or Martial Arts: a space in which students learn or practice a form of dance or physical fitness led by instructors.

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

Substantial damage: Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or any alteration of a historic structure.

T

Tower: A structure for the primary purpose to raise the height of an antenna.

U

Utilities: All lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunications, and telephone cable, and includes facilities for the generation of electricity.

V

Vegetation, exotic: A plant species introduced to Florida, purposefully or accidentally from a natural range outside of Florida. The terms Exotic vegetation and Nonnative vegetation are interchangeable. Exotic vegetation includes Naturalized Vegetation, and Category I and Category II Invasive Exotics listed by the Florida Exotic Pest Plant Council (FLEPPC).

Vegetation, native: Native vegetation means native Floridian species as determined by accepted valid scientific references such as those listed by University of Florida Institute of Food and Agricultural Sciences (IFAS).

Vegetation, prohibited exotic: Invasive Exotic Vegetation limited to those enumerated by The Florida Department of Agriculture and Consumer Services (FDACS).

Vegetation, protected: Any living, woody plant (tree, shrub or groundcover) and any dead woody plant that contains a nest of a bald eagle. Nuisance invasive vines and nuisance invasive groundcover are not protected vegetation.

W

Wastewater: The combination of liquid and water-carried pollutants from residential and commercial buildings, industrial plants and institutions together with any groundwater, surface runoff or leachate that may be present.

Water Facilities: Water and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by a public utility or jurisdiction.

Waterbody: A lake, pond, lagoon, river, stream, creek, canal or the like, or any tidal waters of the ocean.

Wetlands: Areas between land and water where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes: (a) have a predominance of hydric soils; (b) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (c) under normal circumstances support a prevalence of such vegetation.

Y

Yard: A required open space on a lot unoccupied and unobstructed by any structure or portion of a structure from ground level upward, except as otherwise provided herein.

Z

Zoning: The process of classifying land in a community into areas and districts which are generally referred to as “zones” and the prescribing and application of regulations concerning uses, structure design and placement allowed in each zone.