

## ARTICLE II DEFINITIONS

When used in this Code, the following terms shall have the meanings herein ascribed to them. It is the purpose of this Part to provide for a central reference for the definitions of terms used in the Land Development Regulations of the City of Fellsmere, Florida.

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*Abandon:* To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or re-arranging a facility, or during normal periods of vacation or seasonal closure.

*Abandoned or Discontinued Sign or Sign Structure:* A sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of three months or longer. The following conditions shall be considered as the failure to operate or maintain a sign:

1. A sign displaying advertising for a product or service which is no longer available, displaying advertising for a business which is no longer licensed or no longer has a certificate of occupancy, or
2. A sign which is blank, no longer legible or in disrepair.

*Abutting:* Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

*Accessory Apartment or Dwelling:* A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

*Accessory Structure:* A structure which is customarily associated with, subordinate in size and incidental in use to the principal structure and located on the same site.

*Accessory Use:* A use that:

1. Is subordinate to and serves an existing principal use or activity;
2. Is subordinate in area, extent, and purpose to the principal structure or principal use served;
3. Contributes to the comfort, convenience, or necessity of the occupant, business, or industry in the principal structure or use; and,
4. Is located on the same lot as or on an adjoining lot in the same ownership the principal structure or use.

*Actual Construction:* The term includes the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing structure has been substantially begun preparatory to new construction, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the new construction involved. Excavation, fill, drainage and the like shall be considered a part of construction. Such construction shall be completed within the period specified in the "site development permit".

**Addition:** An extension or increase in floor area, roof area or height of a building or structure. As used in Chapter 38, Article II, Flood Damage Prevention of the City Code, “*addition*” means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a load-bearing wall other than a fire wall. Any walled or roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is considered new construction.

**Adult Day Care Facilities or Centers:** A premises, or portion of a premises, occupied by persons or establishment licensed to provide day care and related services to unrelated individuals for periods of time less than twenty-four (24) hours. Adult Day Care centers may include living quarters containing a kitchen located within the principal building and designed for the resident family, owner, caretaker or watchmen employed on the premises. Such facility shall be subject to the requirements of the Florida Department of Health and Rehabilitative Services (Fla. Admin. Code r. 10A-6, as may be amended).

**Adult congregate living facility (ACLF):** A home, institution, building(s) or residence(s), public or private, whether operated for profit or not, licensed by the state, which provides housing, food service, and one or more personal services for a period exceeding twenty-four (24) hours to four (4) or more adults who are not related to the operator. Such a facility may provide extended congregate care, limited nursing services and limited mental health services for on-site residents when licensed by the state.

**Adult Family-Care Home:** A full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives. An Adult Family-Care Home shall be licensed by the State pursuant to Chapter 429, Fla. Stat., as amended.

**Advertising:** Sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, entertainment, or real or personal property.

**Advertising Display Area:** The advertising display surface area (copy area encompassed within any regular geometric figure which would enclose all parts of a sign.)

**Advertising Structure:** Any structure, with or without any advertisement display thereon, situated upon or attached to real property and/or motorized and non-motorized vehicles, upon which any sign may be placed and:

1. Is used to inform, attract attention, or advertise; and
2. Is readily visible from any public place off the premises; and
3. Upon which writing, pictorial representation, decoration, emblem (except a religious emblem) flag, figure, character or other media is located.

**Aggrieved or Adversely Affected Person:** Any person who is suffering or will suffer an adverse effect because of an interest protected or furthered by the local government comprehensive plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

*Agricultural Building or Structure:* Any agricultural building or structure accessory to the principal permitted farming, forestry, horticultural nursery farm, livestock, poultry or other agricultural use of the land. The term agricultural building specifically includes greenhouses, frame houses, cloth houses, lath houses and/or similar sheathing type structures accessory to horticultural nursery farm products.

*Agricultural Processing Establishment:* A premises, or portion of a premises, occupied by an establishment primarily engaged in the processing of agricultural product for sale, resale or other processing of charge normally for the wholesale market, for inter-establishment transfer, or to order for other processors, rather than for direct retail sale to the domestic consumer. Processing refers to the mechanical or chemical transformation of agricultural products into new products and they include the use of material handling equipment and related storage facilities. Agricultural processing included the assembling of component parts of processed products if the resulting new product is neither a structure nor other fixed improvement. The final product of agricultural processing may be "finished" in the sense that it is ready for utilization of consumption, or it may be "semi-finished" to become a raw material for an establishment engaged in further processing. Processing also includes the making, packaging, crating, shipping or any other similar activity that results in this part of the creating or changing the form of agricultural products including any major specialized cleaning or reconditioning operation or any other similar major original or restorative treatment.

*Agriculture Use or Operation:* Land use and associated activities relating to bona fide agricultural production, including but not limited to farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, whereby said land use is the principal use of a property and said property is classified as agricultural land for purposes of ad valorem tax assessment.

*Air Curtain Incinerator:* A portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

*Alley:* A public or private way affording only secondary means of access to abutting property.

*Alter (Altered or Alteration):* To move, change or rearrange the structural parts, the interior partitions or the means of access to a building or structure or changes in the rate, volume or timing of discharges.

*Animal Raising:* The housing, penning, caging, boarding, keeping, training and/or raising of the following animals in the specified number(s) when such animals have reached the specified age as measured from birth: four (4) or more dogs of twelve (12) weeks; four (4) or more cats of twelve (12) weeks; three (3) or more rabbits of ten (10) weeks; one (1) or more rare animals of ten (10) weeks; one (1) or more other specialty animals at eight (8) weeks.

*Animated Sign:* A sign which includes physical or light action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn. Animated signs shall include flashing or oscillating/rotating signs and swinging signs, and shall exclude electronic message centers, electronic adjustable alternation displays and time or temperature units. An animated sign differs from a flashing sign in that it uses movement to create a special effect or scene.

*Antenna:* Any system of wires, poles, rods, reflecting disc, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

*Apartment Building:* A structure containing four or more dwelling units. Apartment buildings are distinguished from hotels, motels, etc., by the fact that dwellings in apartment buildings are primarily occupied and used for private lodging on a permanent basis; they are not subject to the rules of the division of hotels and restaurants of the department of business and professional regulation, State of Florida or they do not have an occupational license as a hotel-motel.

*Apartment Hotel, also known as Extended Stay Hotel or Condo Hotel:* A facility offering transient lodging accommodation to the general public and where rooms or suites may include kitchen facilities and sitting rooms in addition to the bedroom for periods less than four (4) months.

*Apartment House:* This term shall mean the same as "multiple dwelling".

*Appeal:* A request for a review by a higher authority (board of adjustment, City Council, or court) of a ruling or an interpretation of any provision of the Fellsmere Land Development Code.

*Applicant:* Any person or his duly authorized representative who submits plans through any city department for the purpose of obtaining approval thereof.

*Aquifer:* A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

*Aquifer, Floridan:* A geological unit comprised of layers of limestone and dolomite of the middle Eocene through Oligocene ages, underlying the Hawthorn Formation of Miocene age. The Floridan Aquifer underlies all of Indian River County at depths ranging from about two hundred fifty (250) feet to more than two thousand seven hundred (2,700) feet below sea level.

*Aquifer Recharge Area:* An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

*Aquifer, Shallow:* See "surficial aquifer."

*Aquifer, Surficial:* A water bearing stratum which is not covered by a confining (impervious) bed and which can be replenished directly by rainfall. In Indian River County, the surficial aquifer generally extends from the top of the water table to about one hundred fifty (150) feet below land surface.

*Architectural Detail:* Any projection, relief, change of material, window or door opening, exterior lighting, inlay, or other exterior building features not specifically classified as a sign. The term includes, but is not limited to, relief or inlay features or patterns that distinguish window or door openings, exterior lighting that frames building features, and changes in facade materials to create an architectural effect.

*Area of Shallow Flooding:* A designated AO, AH or VO Zone on the flood insurance rate map (FIRM). The base flood depths range from one (1) to three (3) feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

*Area of Special Flood Hazard:* Refers to the land in the floodplain that is subject to a one percent or greater chance of flooding in any given year. The area may be designated on the Flood Hazard Boundary Map (FHBM) as Zone A, AO, AH, A1-A30, AE, A99, VO or V1-V30, VE or V.

*Artificial Light:* Any fixed source of light emanating from a manmade device, including but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, spotlights, street lights, construction or security lights.

**Artwork:** A two- or three-dimensional representation of a creative idea that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed. All outdoor artwork shall conform to the maximum height and size restrictions in any particular zone in which it is located. All outdoor artwork shall also conform to any applicable building and safety standards.

**Assessed Value:** The value of real property as determined by the most recent appraisal by the Indian River County Property Appraiser's Office.

**Assisted Living Facility:** Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

**Attached sign:** Means any sign attached to, on, or supported by any part of a building (e.g., walls, awning, windows, or canopy), which encloses or covers useable space.

**Attraction Board:** A sign upon which characters, letters, or illustrations can be changed or rearranged manually on a periodic basis, without altering the face of the sign, to advertise special sales or other special events.

**Auction Sales Establishment:** A premises, or portion of a premises, occupied by an establishment primarily engaged in the selling of merchandise, goods and other items by means of auctioneer or other similar process of bidding on a routine or otherwise regularly schedule basis.

**Automotive, Equipment, Manufactured, Mobile Home Housing and Recreational Vehicle Dealer Sales:** A premises, or portion of a premises, occupied by one or more of the following:

1. **Automobile and Truck Sales:** An establishment primarily engaged in the retail selling of a new and/or used automobiles and trucks and related new parts and accessories directly to ultimate consumers and not for resale. Automobile and truck sales establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of automobiles and trucks.
2. **Boat Sales:** An establishment primarily engaged in the retail selling of new and/or used boats, motors and related new parts and accessories directly to ultimate consumers and not for resale.
3. **Farm Equipment Sales:** An establishment primarily engaged in the retail selling of new and/or used farm tractors, equipment and machinery directly to ultimate consumers and not for resale. Farm equipment sales establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of farm tractors, equipment and machinery.
4. **Major Equipment Sales:** An establishment primarily engaged in the retail selling of new and/or used road building equipment, construction equipment, industrial equipment and related large equipment and major machinery and related new parts and accessories and not for resale. Major equipment sale establishments may include repair departments if such department(s) are incidental and accessory to the principal retail selling of large equipment and major machinery.
5. **Manufactured and Mobile Home Housing Sales:** An establishment primarily engaged in the retail selling of new and/or used manufactured housing, mobile

homes and related accessories directly to ultimate consumers on the premises and not for resale. Manufactured housing and mobile home sales establishments may include maintenance facilities provided such maintenance are incidental and accessory to the principal retail selling of the manufactured housing and mobile homes.

6. *Travel Trailer Sales:* An establishment primarily engaged in the retail selling of new and/or used travel trailers (including park models) and related new parts and accessories directly to ultimate consumers and not for resale. Travel trailer sales establishments may include maintenance facilities provided such maintenance facilities are incidental and accessory to the principal retail selling of travel trailers.

*Automobile and Truck Accessory Sales and Installation:* A premises, or portion of a premises, occupied by an establishment primarily engaged in the retail selling and installation of automobile tires, batteries and other automobile and truck parts and accessories directly to ultimate consumers and not for resale. Automobile and truck accessory sales establishments include installation of the automotive accessories sold on the premises provided such activities are incidental and accessory to the principal retail selling of tires, batteries and automotive accessories.

*Automobile, Truck and Trailer Rental:* A premises, or portion of a premises, occupied by an establishment primarily engaged in renting or leasing passenger automobiles and/or trucks without drivers, as well as nonmotorized hauling trailers intended to meet the needs of ultimate consumers. Automobile and truck rental establishments may include maintenance facilities to the principal renting or leasing of passenger automobiles, trucks and nonmotorized hauling trailers.

*Automobile Rental Office:* A premises, or portion of a premises, occupied by an establishment primarily engaged in renting or leasing passenger automobiles without drivers intended to meet the needs of ultimate consumers. Automobile rental offices do not include nonmotorized hauling trailer or truck rental or leasing or maintenance facilities.

*Automobile and Truck Repair Garage/Tow Truck Service:* A premises, or portion of a premises, occupied by an establishment on which a person, or persons, practice a vocation or occupation that performs a type of labor, act or work, that primarily results in the fixing and major repair of automobiles and trucks intended for and directly incidental to the needs of ultimate consumers normally for a fee or charge. Includes automobile and truck towing services.

*Automobile and Truck Service:* A premises, or portion of a premises, occupied by one or more of the following:

1. *Automobile parking establishment.* A facility primarily used in providing commercial parking facilities on open air lots and/or structures for relatively short periods of time directly to meet the needs of ultimate consumers normally for a fee or charge.
2. *Automobile cleaning establishment.* A facility primarily engaged in furnishing automobile washing, waxing, polishing, detailing and/or similar services, except repairs, intended for and directly incidental to the needs of ultimate consumers normally for a fee or charge.
3. *Automobile service station.* An establishment primarily engaged in the retail selling of gasoline, recreation and home fuels and lubricating oils directly to ultimate consumers and not for resale.
4. *Automotive service stations* may include the retail selling of minor automotive accessories, the performing of minor automotive repair work and the renting of small nonmotorized hauling trailers provided such activities are incidental and accessory to the principal retail selling of gasoline and lubricating oils.

Uses prohibited at an automotive service station includes, but are not limited to, removal and replacement of heads, crankcase or body parts considered major mechanical and body work, painting, welding, tire recapping or regrooving, or storage of automobiles not in operating condition, or other work to an extent greater than normally found in service stations.

*Automotive Specialty Sales:* An establishment engaged primarily in the retail selling of new and/or used off-road recreational vehicles, motorbikes, motorcycles and similar automotive product specialties and related new parts and accessories directly to ultimate consumers and not for resale. Automotive specialty sales establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of motorbikes, motorcycles and similar automotive product specialties.

*Automobile Wrecking:* The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

*Awning:* A detachable, roof-like cover, supported by the walls of a building for protection from sun and weather.

*Awning Sign:* See "canopy sign".

*Average Annual Daily Traffic (AADT) Volume:* Seasonally adjusted average number of vehicles that pass a point on a roadway segment on a daily basis.

*Background Traffic:* Existing and projected traffic, including the traffic from each prior vested and current vested project that is assigned to segments on the concurrency determination network.

*Backlogged Segment:* A roadway segment on the concurrency determination network where the existing level of service is below the adopted level of service standard.

*Banktop:* The point where the upward slope of the land from the water surface, or the bottom of a dry excavation intersects with the existing ground elevation or crest of berm, whichever is of higher elevation.

*Banner:* Any sign having characters, letters, illustrations, or ornamentations applied to cloth, paper, balloons, or fabric of any kind with only such material for foundation. The word "banner" shall also include pennant or any animated device, with or without lettering for design, and manufactured and placed for the purpose of attracting attention. Flags shall not be considered banners for the purpose of this definition.

*Bar, Cocktail Lounge or Saloon:* Any building or structure devoted primarily to the retailing and on-premises drinking of malt, vinous or other alcoholic beverages, including any facility where a sign is exhibited or displayed indicating that alcoholic beverages are obtainable on the premises.

*Base Building Line:* A line drawn parallel to the existing or proposed street right-of-way at the interior boundary of the designated right-of-way and/or minimum building setback required by this Code.

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

*Basement:* A story which has at least fifty-one (51) percent or more of its outside surface area on one (1) or more exterior walls located below finished grade and is used for storage, parking, mechanical equipment or other accessory use rather than for the principal use of the premises.

**Bathhouse:** An establishment or business which provided the services of baths of any type, including all forms and methods of hydrotherapy, unless operated by a medical practitioner or professional physical therapist licensed by the State of Florida.

**Beacon:** A stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention expect, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar agency. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

**Bed and Breakfast Establishment:** A building often of historic significance, containing 10 or fewer bedrooms for temporary overnight rental with generally only breakfast and snacks provided. The length of stay in a Bed and Breakfast establishment is typically no more than 5 days.

**Bedroom:** A single room for living purposes without cooking or other amenities that is located within a dwelling unit. Such a room is generally intended and designed to be utilized for human slumber.

**Bench Advertising Sign:** An advertising sign appearing on a bench or on or adjacent to a public right-of-way.

**Best Management Practices (BMP):** A practice, or combination of practices, that is determined by a state (or designated area wide planning agency) after problem assessment, examination of alternative practices, and appropriate public participation to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by non point sources to a level compatible with environmental quality goals.

**Bicycle:** Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, and including any vehicle generally recognized as a bicycle though equipped with two (2) front or two (2) rear wheels, except such vehicles with a seat height of no more than twenty-five (25) inches from the ground when the seat is adjusted to its highest position, and except scooters and similar devices.

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

**Bicycle Lane (bike lane):** A portion of a roadway which has been designated by striping, signing and/or pavement markings for the preferential or exclusive use of bicyclists.

**Bicycle Path (bikepath):** A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

**Bicycle Route (bike route):** A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

**Bikeway:** Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

**Billboard:** A sign structure and/or sign utilized for advertising an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign structure and/or sign is located. (See “off-premises sign”).

**Block:** A tract of land or group of lots bounded by streets or other well-defined and fixed boundaries.

**Board or Boards:** The term Boards or Boards when used in this Code shall mean the Board of Adjustment, the Planning and Zoning Commission, the Local Planning Agency, the City Council or any other duly appointed Board or Commission carrying out a specific function or activity as directed and authorized by the City Council or a requirement of this Code or the City of Fellsmere Code of Ordinances.

**Board of Adjustment:** The term Board of Adjustment or Zoning Board of Adjustment means the same as Board of Adjustment. Powers and duties of the Board, as assigned by the City Council and codified, generally relate only to variances and appeals of administrative decisions.

**Boarding House:** Is a term which includes the following:

1. Lodging house or rooming house. A building, other than a hotel or motel, where sleeping rooms are provided for occupancy by persons for compensation. Accommodations are without provisions for cooking by guests, but meals may or may not be provided. A lodging house may include living quarters containing independent cooking facilities designed for the resident manager only.
2. Reserved.

**Boat Livery:** A premises, or portion of a premises, where boats, boat motors, minor repair and maintenance of boats and boat motors and small boat hauling and storage facilities are provided and includes marinas.

**Boat Trailer:** A conveyance drawn by other motive power for transporting a boat.

**Boat Yards and Ways:** A premises, or portion of a premises, where facilities for the construction, reconstruction, major repair, maintenance and/or sale of boats, marine engines, equipment and services of all kinds are provided including marine railways, lifting or boat liveries and marinas.

**Borrow Pit:** Any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

**Bottle Club:** A commercial premises primarily established for the on-site consumption of alcoholic beverages and other materials normally associated with the preparation of alcoholic beverages to be consumed on-site, but not requiring an alcoholic beverage license. Bottle clubs may be public or private. Other private clubs such as golf and tennis clubs, health clubs, beach clubs, or social membership organization, where the on-site consumption of alcohol is not the primary purpose of attendance, shall not be considered to be bottle clubs.

**Breakaway Wall or Frangible Wall:** Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Breezeway:** An outdoor covered pedestrian walkway at finished grade.

**Broken Plane:** As applied to signs shall mean any sign combining several geometric shapes or shapes of unusual configuration.

**Buffer:** A specified land area, together with the planting and landscaping required on the land, used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

**Buffer Yard:** An area of land either retained in its natural state or landscaped with grass, shrubs, and trees, intended to provide buffering for adjacent land uses and facilitate on-site percolation of storm runoff.

**Building:** Any structure, including a roof supported by walls, designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, that is erected for permanent location on the ground. A manufactured building shall be considered a building for the purposes of this Code. A mobile home shall not be considered a building for the purposes of this Code.

**Buildable or Building Area:** The space remaining on a lot after the minimum open space requirements, coverage, yards, and setbacks have been met.

**Building Coverage:** The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

**Building Frontage:** The orientation and location of the building's principal entry relative to the street. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance or where two sides of a building have entrances of equal importance and carry approximately equal volume of pedestrian traffic, the city manager or designee shall determine the building frontage on the basis of interior layout of the building, traffic on adjacent streets, or other indicators available. For the purposes of computation of number and area of signs permitted on buildings in cases where the lineal feet of building frontage is a determinant, the frontage of a building shall be computed as nearly at ground level as computation of horizontal distance permits. In no instance, other than that allowed in these regulations, shall more than one sign be allowed per building or per business, in the case of multiple businesses in one building, such as a shopping plaza. Building frontage may be used in determining lot frontage.

**Building Height:** The vertical distance to the intersection of the highest inside finished face of the exterior vertical wall and the highest ceiling, measured from the minimum finished grade or the minimum flood elevation, whichever is higher. However, where there is a thirty-five (35) foot height limitation, architectural embellishments, including but not limited to mansard, gable, hip and gambrel roofs; mechanical equipment and enclosures for such equipment; elevator shafts and stairway enclosures; and similar structures, may be allowed to exceed the maximum building height of thirty-five (35) feet by not more than fifteen (15) feet. Where there is a fifty (50) foot or sixty-five (65) foot height limitation, architectural embellishments, including but not limited to mansard, gable, hip and gambrel roofs; mechanical equipment and enclosures for such equipment; elevator shafts and stairway enclosures; and similar structures, may be allowed to exceed the maximum building height of fifty (50) feet or sixty-five (65) feet by not more than fifteen (15) feet. Parapet walls located at the building roof-top edge may extend no more than five (5) feet above the thirty-five (35) foot, fifty (50) foot, or sixty-five (65) foot height limit. Other than the parapet walls, roof-top structures such as screen walls, elevator shafts and enclosures, stairways and enclosures, and similar structures shall be set back from the building roof-top edge one (1) foot horizontal distance for every one (1) foot of vertical rise above a building height of thirty-five (35) feet.

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**Building Line:** A line drawn to the front parcel line and tangent to the nearest part of the principal building and extending from parcel line to parcel line; whether constructed or staked out for

construction, including all structural components except the chimneys, cornices, sills or eaves; provided that where the projection of any chimney, cornice, sill or eave extends more than three feet beyond the building line as defined above, the building line shall be considered to be three feet inside the outermost extension of any such projection.

*Building Permit:* A document or authorization issued by the appropriate authority under the provisions of this Code allowing for the erection, placement or construction of any building, structure, or related building system or building system component, or mobile home, or portion thereof.

*Building Setback:* The term "Building Setback" means the same as, and shall be interchangeable with, the term "yard".

*Building Setback Line:* The line established by law, beyond which a building shall not extend, except as specifically provided by law, and determined from the extreme support for the roof of the main structure or appurtenance thereto.

*Building Site:* That part of a parcel of land designed to be occupied by the principal building and such accessory buildings or uses customarily incidental to it.

*Building Site Area Requirements:* Those portions of these regulations which regulate the size of the areas upon which structures may be located.

*Building Support Structure:* Any structure which supports floor, wall or column loads, and transmits them to the foundation. The term shall include beams, grade beams, or joists, and includes the lowest horizontal structural member exclusive of piles, columns, or footings.

*Business and Professional Office:* A building, or portion of a building, occupied by an establishment in which a person, or persons, practice a particular kind of occupation requiring specialized knowledge and often a long and intensive preparation that primarily results in a specialized aid, assistance or action directly or indirectly to the needs of individuals, clients or persons engaged in commerce or industry normally for a fee or charge.

*Business Training School:* A building, or portion of a building, occupied by an establishment primarily engaged in furnishing nonacademic instruction and trade courses normally for a fee or charge.

*Bus Shelter Advertising Sign:* An advertising sign appearing on a bus shelter or on or adjacent to a public right-of-way.

*Bus Stop Informational Sign:* A freestanding or attached non-commercial sign located at a bus stop and providing information as to the route, hours or times of service.

*Cabana:* An open or tent-like structure at a swimming pool or other type of water front facility.

*Campground:* An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment and which is primarily used for recreational purposes and retains an open air or natural character.

*Canopy:*

1. Any roof or other form that shelters from sunshine, rain, snow, or other forms of precipitation, open on at least one side. A canopy may be attached to a permanent building or it may be an independent structure permitted in accordance with the Florida Building Code.

2. The area shaded by the crown of a mature tree and has a vertical clearance beneath its lowest branches of at least eight feet. Such clearance may be achieved by selective pruning, so long as the health of the tree is not endangered.

*Canopy Sign:* Any sign that is a part of or printed, stamped, stitched or otherwise applied onto a protective awning, canopy or other fabric, plastic, or structural protective cover, over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

*Carport:* A canopy, rooflike structure, or shed, open on two (2) sides, three (3) sides, or four (4) sides, whose purpose is to provide shelter for one (1) or more motor vehicles.

*Capital Budget:* A plan of proposed capital outlay appropriations and means of financing them.

*Capital Improvement:* Any physical asset constructed or purchased to provide, improve or replace a public facility and which is large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing.

*Capital Improvements Element (CIE):* That portion of the City of Fellsmere Comprehensive Plan which meets the requirements in Chapter 163, Fla. Stat., as amended; Fla. Admin. Code r. 9J-5, as amended. This is the Comprehensive Plan element which guides the provision of the needed capital improvements identified in the other plan elements.

*Capital Improvement Program (CIP):* A multi-year schedule of capital improvements which not only reflects those improvements identified in the comprehensive plan but also those other capital improvements which are desired by the county.

*Carport:* A canopy, rooflike structure, or shed, open on two (2) sides, three (3) sides, or four (4) sides, whose purpose is to provide shelter for one (1) or more motor vehicles.

*Carwash:* A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

*Cemetery:* Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, or mortuaries operated in conjunction with and on the same land as the cemetery.

*Central Sewage Treatment Facilities:* A premises, or portion of a premises, occupied by a structure designed for the treatment of sewage and intended to serve more than one (1) tract, platted subdivision or planned development project.

*Certificate of Capacity:* A certificate approved by the city manager or designee, pursuant to the terms of this Code that constitutes proof of adequate public facilities to serve the proposed development.

*Certificate of Compliance:* A term commonly used synonymously with a zoning permit in which an official certifies that the plans for a proposed use are in conformance with the zoning regulations.

*Certificate of Completion:* A certificate issued for subdivision projects by the city manager or designee, after final inspection of a subdivision or land development activity acknowledging that improvements have been completed in conformity with the requirements of city land development regulations and with the approved land development plans and specifications.

*Certificate of Concurrency Determination:* A certificate of concurrency compliance. The certificate will be issued only after review and approval of a concurrency determination application.

*Certificate of Occupancy:* The document issued by the appropriate authority under the provisions of this Code, certifying that the structure and site, including all improvements, complies with the provisions of applicable statutes, agreements and regulations which authorizes the use of a structure or premises and is required prior to such use.

*Certificate of Ownership:* An opinion of title prepared by an attorney at law licensed in Florida or a certification by an abstractor or a title company showing that apparent record title to the land described and shown on the plat is in the name of the person(s) or business entity executing the dedication, if any, as it is shown on the plat, if a plat does not contain a dedication, that the developer has apparent record title to the land. The title opinion or certification shall also show all mortgages or other encumbrances of record not satisfied or released and shall be in the form set forth in Article XV Subdivision and Platting.

*Certified Plan:* A development plan which has complete drawings, specifications, and plans and which has received final approval from all requisite city departments and which has all required approvals and permits from appropriate state, county, and other agencies and authorities.

*Certified Survey:* A scaled drawing of the boundaries of a parcel of land containing a written legal description of the property and a statement regarding its accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision the survey was prepared.

*Change of Occupancy:* The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution with of [sic] a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

*Changeable Copy Sign:* A sign that is designed so that characters, letters or illustrations can be manually changed or rearranged without altering the face or the surface of the sign.

*Character:* Any symbol, mark, logo, or inscription.

*Child Care:* The care, protection and supervision of a child for a period of less than twenty-four (24) hours a day on a regular basis which supplements for the child, in accordance with his individual needs, daily care, enrichment opportunities, and health supervision and where a payment, fee or grant is made for care.

*Child Care Facility:* A Child Care Facility includes 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:

1. Public schools and nonpublic schools and their integral programs, except as provided in Section 402.3025 Fla. Stat., as amended;
2. Summer camps having children in full-time residence;
3. Summer day camps;
4. Bible schools normally conducted during vacation periods; and
5. Operators of transient establishments, as defined in Chapter 509, Fla. Stat., as amended, 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, Fla. Stat., as amended.

*Church:* A premises, or portion of a premises, occupied by a religious organization operated primarily for worship and related activities. The term "church" does not include day care facilities or educational facilities.

*Circuit Court:* The Circuit Court of the Nineteenth Judicial Circuit of the State of Florida, in and for the County of Indian River, or of the judicial circuit in which the County shall at the time be located, or any judge thereof.

*City:* The City of Fellsmere, Florida.

*City Attorney:* The attorney for the City of Fellsmere, Florida.

*City Clerk:* The Clerk of the City of Fellsmere, Florida.

*City Code:* The Code of Ordinances of and for the City of Fellsmere, Florida.

*City Council or Council:* The elected officials of the City of Fellsmere, Florida.

*City Engineer:* An Engineer hired by the city to perform engineering services requested to be performed.

*City Manager:* The duly appointed manager of the City of Fellsmere, who is deemed responsible for the overall administration and enforcement of this Code, or his duly authorized representative.

*City Standards:* The minimum specifications, design standards and construction details as compiled by the office of the City Engineer and adopted by resolution of the City Council as the "City of Fellsmere Engineering Standards".

*Cluster Subdivision:* A subdivision of land into lots generally smaller in area and width than the minimum required in the zoning district in which the parcel is located with no increase in density and where the surplus land is put into common use, generally in the form of open space.

*Code:* The Land Development Regulations of the City of Fellsmere

*Code Enforcement Official:* The city manager or designee, duly authorized by the City Council, to enforce city regulations.

*Code of Ordinances:* The Code of Ordinances of the City of Fellsmere, Florida.

*Co-Generation Facility:* A place where there is the combined production of two (2) or more forms of energy which usually involves the capture of waste heat for use in another process.

*Collector Road or Street:* A route providing service that is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads.

*Color:* Any distinct tint, hue or shade including white, black or gray.

*Commercial Amusements:* A premises, or portion of a premises, occupied by an establishment whose primary function is to provide profit oriented amusements and is engaged in the commercial operation of sports and recreational services normally on payment of a fee or admission charge.

**Commercial Message:** Any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

**Commercial Unit:** Any commercial use under separate ownership or lease and designated for commercial uses on the Future Land Use and Zoning Maps of the city.

**Commercial Motor Vehicle:** Every vehicle designed, used or maintained primarily for the transportation of property with a gross vehicular weight of seven thousand (7,000) pounds or more. It shall also mean any bus with a gross vehicle weight in excess of seven thousand (7,000) pounds.

**Common Area:** A parcel of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites in the development.

**Communications Tower:** A structure used for the primary purpose of supporting one or more antennas, and related attachments such as safety lighting and lightning rods. The following shall be considered not to be a "communications tower":

1. A structure supporting a utility transmission line(s) only.
2. A structure up to one hundred fifty (150) feet high supporting a 69 KV or higher voltage utility transmission line(s) and an antenna(s), when located in non-residential zoning districts.

*Note: Notwithstanding anything in Article VII to the contrary, within residential zoning districts no telecommunications additions (such as antennas or support structures) shall be made to utility poles that would result in a increased height of the pole and its attachments.*

Certain types of communications towers are defined as follows:

1. **Amateur Radio:** A tower structure used by an individual or individuals licensed by the Federal Communications Commission as an amateur radio operator(s) and where such use is covered by the Federal Communications Commission PRB-1 preemption.
2. **Commercial:** A tower structure used by a telecommunications provider, other than an amateur radio operator. Examples of such providers/services include: AM/FM radio, television, microwave, telephone, cellular, personal wireless services, and related forms of electronic communication.
3. **Commercial Camouflaged:** A communications tower and support facilities designed to blend into the existing surroundings and to be disguised so as not to have the appearance of a communications tower and tower support facilities. Camouflaged towers may be disguised to appear as either part of or within the structure housing the site's principal use or as an accessory structure that is normally associated with the site's principal use. Examples of such camouflaged towers include towers disguised or within or as a part of a steeple, clock tower, or light pole. Camouflaged towers may also be disguised to blend in with or be designed to complement their surroundings. Examples of such camouflaged towers include towers constructed in the form of a tree to appear to be part of a forested area or towers disguised within a monument that blends in with an entranceway feature or park.
4. **Lattice:** A self supporting tower structure other than a monopole, characteristics by a lattice structural appearance.
5. **Monopole:** A tower structure that consists of a single pole supported by a permanent foundation.

*Communications Tower Height:* Tower height shall be measured vertically from the tower site's average natural grade elevation to the tower's highest point above the ground, including the highest point of the highest antenna attached to the tower. Required safety appurtenances such as air traffic lighting and lightning rods covering a vertical distance of eight (8) feet or less shall not be included in the calculation of tower height.

*Community Development Director:* The head of the Department of Community Development, who shall be appointed to serve at the pleasure of the city manager.

*Community Residential Home:* A dwelling unit licensed to serve residents, as defined in Section 419.001(1)(a), Florida Statutes, as amended, 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 Family Services or a dwelling unit 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.

*Completely Enclosed Building:* A building having a complete, permanent roof and continuous walls on all sides, either party walls or exterior walls, including any customary windows and doors.

*Comprehensive Plan:* The Comprehensive Land Use Plan, City of Fellsmere, known as the Fellsmere Comprehensive Plan. It is the result of considerable study and analysis of existing physical, economic and social conditions, and a projection of future conditions. All land use changes, capital improvement programs, and land development regulations must be consistent with the comprehensive plan.

*Concurrency Management System:* The process used to determine that public facilities and services needed to support development are available concurrent with the impacts of such development.

*Concurrency Review Process:* The procedures, review timeframes, and appeals process pursuant to a concurrency Management System of the City of Fellsmere Land Development Regulations.

*Conditional Use:* A use that is generally compatible with the use characteristics of a zoning district, but that requires individual review of its location, design, potential effect on nearby properties, and configuration in accordance with Section 17.19 to determine the appropriateness of the use on any particular site in the district.

*Conditional Use Permit:* The written, approved permit issued by the City Council in accordance with the provisions of this Code which authorizes a conditional use, and is required prior to issuance of a site development permit, certificate of occupancy or occupational license for the premises.

*Congregate Care Facility:* Any institution, building, residence, private home, or other place, licensed by the Florida Department of Children and Families, whether operated for profit or not, that undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours; nursing care, personal care, or custodial care for three (3) or more persons not related to the owner or manager by blood or marriage. A facility offering services for fewer than three (3) 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. The definition of congregate care facility shall not include foster homes.

*Conservation Areas:* Conservation areas are real property supporting a natural area or areas protected via the filing of a conservation easement, whereby such areas are preserved in viable condition with intact canopy, understory, and groundcover, as applicable. Such areas include freshwater and estuarine wetlands, and upland plant communities such as coastal strand, hardwood hammocks, xeric scrub, coastal/tropical hammocks, pine flatwoods, and dry prairies. Certain activities, such as passive recreation, may be allowed in conservation areas provided the activities are not detrimental to the health of the ecological system.

*Conservation Easement:* An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.

*Consistency, Consistent With, or In Compliance:* Means the compared item is in accordance with, in agreement with, within the parameters specified by, exemplified by, compatible with, and furthers the norm to which it is compared. If the compared item deviates or departs in any direction or degree from the parameters of the norm, the compared item or action is not "consistent" with the norm. The term "consistent with" means that the compared item is not in conflict with the norm. The term "furthers" means to take action in the direction of realizing goals, policies or objectives of the norm. For purposes of determining the "consistency" of a development proposal with the Comprehensive Plan or the Land Development Regulations, each of the latter "norms" shall be construed as a whole and no specific goal, policy or objective shall be construed or applied in isolation from the other goals, policies and objectives contained therein.

*Constrained Facility:* A roadway segment on the concurrency determination network that is currently backlogged or projected to be backlogged due to the inability to expand the facility because of environmental concerns, inability to economically obtain required right-of-way, or community policies about the extent of road widening considered to be acceptable without undue degradation of neighborhood character.

*Construction:* The building of, or substantial improvement to, any structure of the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction. Fill and the installation of drainage facilities shall be considered a part of construction. Construction shall also include work begun and continued under a valid building permit.

*Construction and Demolition Debris:* Discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris. The term Construction and demolition debris also includes:

1. Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;
2. Except as provided in Chapter 403.707(12)(j), Fla. Stat., as amended, unpainted, nontreated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, nontreated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets

implements reasonable practices of the generating industry to minimize the co-mingling of wood scraps or pallets with other solid waste; and

3. De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

*Construction Office:* A building or mobile home used on a temporary basis on the site of a construction project, as an office for the contractor.

*Construction Sign:* A temporary on-premise sign identifying the ongoing construction activity during the time that a building permit is active and prior to completion of the work for which the permit was issued and containing sign copy that is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site. Signs at construction sites on portable toilets and/or construction trailers are excluded. Construction signs shall not exceed three square feet in sign area and three feet in height for residential properties, 16 square feet in sign area and six feet in height for nonresidential properties.

*Contaminant:* An undesirable substance not naturally present, or an unusually high concentration of a naturally occurring substance in water, soil or other environmental medium.

*Contractor:* A person, firm or corporation authorized by the owner or developer of property to undertake any construction, installation and/or maintenance activities defined in this Code.

*Contiguous:* Means abutting, touching, the sharing of a common border at one or more points of intersection.

*Convalescent Home:* A building wherein, for compensation, nursing care is provided for persons suffering from illness other [than] that mental or contagious illness, which is not of sufficient severity to require hospitalization, or for persons requiring further care after being discharged from a hospital other than a mental hospital.

*Copy:* The linguistic or graphic content of a sign.

*County:* Indian River County, Florida.

*County Clerk:* The Clerk of the Circuit Court of Indian River County, Florida.

*County Commission:* The Board of County Commissioners of Indian River County, Florida.

*County Engineer:* The regular engineer for the county or any qualified engineer employed by the County Commission to perform the engineering services requested to be performed.

*County Standards:* The minimum specifications, design standards and construction details as compiled by the office of the County Engineer and adopted by resolution of the Board of County Commissioners as the "Indian River County Engineering Standards."

*Courtyard:* An unoccupied open space on the same lot with the principal building and fully enclosed on at least two (2) adjacent sides by the walls of the principal building.

*Critical Flood Zone:* An area characterized by the following:

1. Lands subject to inundation by a ten-year flood;
2. Wetlands, watercourses and waterbodies;
3. Floodways; and

4. Isolated topographic depressions with a history of flooding or a high potential for flooding.

*Cul-de-sac:* A street having only one (1) end open for vehicular traffic and the other permanently terminated by an approved turn-a-round for vehicles.

*Cultural or Civic Facility:* A building or complex of buildings that houses public or private not-for-profit facilities, offices or services, and which may include civic or community centers, theaters, predominantly used for live performances, libraries, zoological or botanical gardens, historical landmarks, museums and similar facilities.

*Dedicate or Dedicated:* Transfer of ownership or other interest to the City or another entity without any cost or payment by the City or other entity.

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

*Density, Gross:* The number of dwelling units located on an area of land, divided by the entire area of the development including lots, streets, and other development associated with the dwelling units. If a parcel of land is divided by a public right-of-way or zoning atlas boundary, it may, at the owner's discretion, be considered to be one (1) parcel for the purpose of determining gross density. When computing allowable density, fractions greater than or equal to 0.5 shall be rounded to the next higher whole number.

*Density, Net:* The number of dwelling units located on an area of land, divided by the area of the lot or parcel (excluding streets and other development associated with the dwelling units). When computing allowable density, fractions greater than or equal to 0.5 shall be rounded to the next higher whole number.

*DEP (FDEP):* The Florida Department of Environmental Protection.

*Detached Sign:* See "ground sign".

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

*Development:* The carrying out of any work to modify site conditions including, but not limited to, building, clearing, filling, excavation, grading, or planting of vegetation; or the making of any material change in the size or use of any structure or the appearance of site conditions; or the placement of equipment or materials upon such site.

*Development Agreement:* An agreement entered into between a local government and a person associated with the development of land, including, but not limited to Development Agreements pursuant to Section 163.3220, Fla. Stat., as amended, or an agreement on a development order issued pursuant to Chapter 380 *et. seq.*, Fla. Stat., as amended.

*Development Order:* Any order granting, denying or granting with conditions an application for a development permit.

*Development Order, Final:* Any building permit(s) authorizing construction of a new building, or the expansion of floor area, or the increase in the number of dwelling units contained in an existing building, or modifications to an existing building, or modifications to an existing building or site to accommodate a change in use for which a new CO will be required, and any CO authorizing a change in the use or authorizing the initial use of a parcel or structure or portion thereof where there is no other final development order in effect, reviewed and approved in accordance with this ordinance, authorizing said use.

*Development Order, Preliminary:* Any development order which grants, denies, or grants with conditions an application for development; such as preliminary subdivision plans, site development plans, and Development of Regional Impact. These DO's do not issue building permits for construction or change of use which require a new certificate of occupancy (C.O.).

*Development Permit:* Any building permit, zoning permit, preliminary subdivision plan, subdivision or other plat approval, site and development plan approval, comprehensive plan land use amendment, rezoning, certification, special exception, variance, environmental permit or any other official action of City Council or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of the City of Fellsmere Land Development Regulations. Development shall include all activities set forth in Section 380.04, Fla. Stat., as amended.

*Development Plan, Final:* A detailed Site Plan for a single or multiple phase of planned development district.

*Development Plan, Preliminary:* An overall concept or master plan associated with a planned development district that establishes a mixture of land use types, including overall intensities and densities.

*Diameter at Breast Height (DBH):* The standard measure of a single stemmed tree at four and one-half (4 1/2) feet above grade. When a tree has grown with cluster stems at breast height, DBH shall be equal to the sum or aggregate of the individual stems measured at four and one-half (4 1/2) feet above grade.

*Directional Sign:* An on-site non-commercial sign directing only the movement of pedestrian or vehicular traffic on the premises where it is located. These signs may be erected by a governmental agency to denote the name of any thoroughfare; to point out the route to any city, educational institution, public building, public place, historic place, hospital, or park; to direct and regulate traffic; or to denote any railroad crossing, bridge, or other transportation facility and may use words such as "entrance," "exit," "caution," "no parking," "one way only," "no trespassing," and the like, or arrows or similar graphics. These may be attached or freestanding.

*Directory Sign:* A non-commercial sign which lists the names of individuals or businesses occupying a building or complex of buildings on one site.

*District:* A zoning classification which applies to certain designated property within the City of Fellsmere to which these regulations apply and within which the zoning regulations are uniform.

*District Boundaries:* For purposes of calculating setbacks as required in these regulations, district boundaries shall be construed as beginning at the nearest adjacent property line within a district. This is specifically intended to prevent establishment of setbacks from artificial boundary lines including streets, railroads or similar locations except as specifically provided herein.

*Dock:* A boat mooring facility which has no more than ten (10) boat slips, and which does not provide a fuel facility, sewage pump-out station, or commercial land-to-water boat hoist.

*Domestic and Business Service:* A premises, or portion of a premises, occupied by an establishment in which a person or persons, practice a vocation that performs a type of labor, act or work, that results primarily in a specialized aid or assistance intended and directly incidental to the customer's domestic or business operations normally for a fee or charge.

*DOT (FDOT):* The Florida Department of Transportation.

*Double-Faced Sign:* A sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on which face being either in contact with the other face or in contact with the same background. V shaped signs (interior angle is less than 60 degrees) may be considered as one sign.

*Drainage:* The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls designed to minimize erosion and sedimentation during and after construction or development, to preserve the water supply, and to promote water quality, and to prevent or alleviate flooding.

*Drainage Basin:* The area defined by topographic boundaries which contributes stormwater to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

*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.

*Drainage Facilities:* A system of manmade structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.

*Drainage Retention Structure:* A structure designed to collect and prevent the release of a given amount of stormwater by complete on-site storage.

*Drainage System (artificial):* Any canal, ditch, culvert, dike, storm sewer or other manmade facility which tends to control the surface flow of water.

*Drainage System (natural):* Surface streams or marshes which convey water to natural points of drainage.

*Drive-in Establishment/Business:* A business establishment wherein patrons are usually served while seated in parked vehicles or entertained on the same lot. This definition shall be deemed to include "drive-in restaurants," which are more completely described in this section, as well as drive-in service establishments, including banks and dry cleaners that provide this service and automobile service stations.

*Drive-in Restaurant or Refreshment Stand:* Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises and/or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for purposes of these zoning regulations. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

*Drive-in Theater:* A place of outdoor assembly used for the showing of plays, operas, motion pictures and similar forms of entertainment which is designed to permit the audiences to view the performance from self-propelled vehicles parked within the theater enclosure.

*Driveway:* Every entrance or exit used by vehicular traffic to or from properties adjoining roadways.

*Driveway, Divided:* A driveway so designated that traffic entering it is separated from traffic leaving it by a raised median or physical barrier.

*Driveway, Joint Use:* A driveway shared by two (2) adjoining properties for connection to both properties.

*Driveway Return Radius:* A circular pavement transition between the driveway and the highway for facilitating turning movements.

*Driveway Width:* The narrowest width of driveway measured perpendicular to centerline of driveway.

*Due Public Notice:* As used in connection with the phrase "public hearing" or "hearing" to be held after due public notice means publication of notice of the time, place and purpose of such hearing one (1) time in a newspaper of general circulation in the area with the publication not less than fifteen (15) days prior to the date of the hearing.

*Dwelling:* Any building or structure or portion thereof, that is designed for or used for residential purposes as defined below:

Single-Family, Detached: An individual dwelling unit located in a building that is not physically connected to any other dwelling unit and that is designed to be occupied by no more than one (1) family, living as a separate household unit. A single-family dwelling shall not include a mobile home.

Single-Family, Attached: Single family dwelling units situated on separately deeded contiguous lots, with each unit attached by a shared party wall to the unit immediately adjacent; said party wall being located on the common lot line between units.

Multiple Family: A building containing three (3) or more dwelling units, designed to be occupied by three (3) or more families living independently of each other, each as a separate housekeeping unit.

Two-family (duplex): A building containing two (2) dwelling units, designed to be occupied by not more than two (2) families living independently of each other, each as a separate housekeeping unit. Each dwelling unit in a duplex may have a separate entrance or may share a combined entrance.

*Dwelling Unit:* A self-sufficient dwelling that is designed for or used as a residence by a single housekeeping unit. A dwelling unit does not include hotels, motels, boarding houses, day care facilities, resident care facilities, travel trailers or any temporary lodging, boarding or rooming building or structure designed for transient residence. A dwelling unit shall not be construed to mean a sleeping unit.

*Easement:* A grant by a property owner of the use of a specified portion of his land to another party for a specific purpose.

*Eating and Drinking Establishment:* An establishment that conducts the business of selling food or drink for on premises consumption.

*Education Facilities:* A building, or portion of a public or private building occupied by an establishment primarily engaged in furnishing accredited academic courses and/or technical instruction. Educational facilities include grade kindergarten through post graduate and vocational educational courses.

*Efficiency Apartment:* A multiple-family dwelling unit consisting of not more than one (1) habitable room together with cooking and sanitary facilities. An efficiency shall not be construed to mean a sleeping unit, bedroom or sleeping room.

*Election sign:* A temporary sign erected or displayed for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which the voters of the city shall vote.

*Elevated Building:* A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

*Elevation:* Height in feet expressed in relation to mean sea level and referenced to the National Geodetic Vertical Datum (NGVD).

*Encroachment:* Any protrusion of a structure, vehicle or other object into a designated area, subject to the allowances and restrictions of county regulations.

*Enforceable Development Agreement:* Any agreement entered into by a local government with any person having a legal or equitable interest in real property located within its jurisdiction as provided for by Sections 163.3220-163.3243, Fla. Stat., as amended.

*Engineer:* A person registered and currently licensed to practice civil engineering in the State of Florida.

*Erect:* To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish, but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

*Excavation:* Any mechanical or manual removal of rock, consolidated or unconsolidated soil material, sand, or vegetation. "Excavation" includes, but is not limited to, dredging, dragging, bulldozing, scraping, digging, scooping, or hollowing out.

*Existing Construction:* As used in Chapter 38, Article II, Flood Damage Prevention of the City Code, means any structure for which start of construction commenced before May 4, 1989.

*Existing Grade:* The vertical location of the existing ground surface prior to cutting and/or filling.

*Existing Manufactured Home Park or Subdivision:* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before May 4, 1989.

*Existing Use:* The use of a lot, parcel or structure at the time of enactment of this Code.

*Externally Illuminated Sign:* A sign where the fixed source of illumination is reflected off the surface of the sign. A sign utilizing exposed neon lighting, or otherwise meeting the definition of an internally illuminated sign, shall not be considered an externally illuminated sign.

*Facade:* The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

*Fall Radius:* The distance measured from the center of the base of a tower which defines the maximum circular area into which the tower or any part of a tower may fall in case of structural

failure. The fall radius is calculated through a breakpoint analysis prepared by a licensed engineer.

*Family:* Any number of individuals, not exceeding the occupant load as regulated by the City of Fellsmere, adopted code, related by blood, marriage or adoption, or up to four (4) individuals not so related, living together as a single house keeping unit and utilizing common kitchen facilities within the dwelling.

*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:

1. A maximum of four children from birth to 12 months of age.
2. A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
3. A maximum of six preschool children if all are older than 12 months of age.
4. 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.

*Family Residential Home:* A dwelling unit licensed to serve clients of the Department of Children and Families, which provides a living environment for six (6) or fewer 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. The term "family residential home" shall include congregate care facilities, foster homes, group care homes and child care facilities with six (6) or fewer residents and that otherwise meet the definitional requirements of a family day care home.

*Farm or Farmland:* A parcel of land, in one ownership, that is used primarily for the commercial, soil dependent cultivation of agricultural crop production and/or for the raising of livestock. The term "one ownership" shall include an individual, corporation, business trust, estate, trust, partnership, association, or two (2) or more persons having a joint or common interest in the land.

*Farming Service Establishment:* A premises, or portion of a premises, occupied by an establishment in which a person or persons, practice a vocation that performs a type of labor, act of work, off the premises that primarily results in a variety of farming services such as crop dusting, vegetable and fruit packing, harvesting, plowing and similar operations on a given farming premises normally on a contract basis or for a fee or charge.

*Fast Order Food Establishment:* An establishment whose primary business is the sale of fast order food for consumption either on or off the premises.

*FCC:* The Federal Communications Commission.

*FEMA:* Federal Emergency Management Agency.

*Fence (or wall):* A man-made barrier of any material or combination of materials erected to enclose or screen areas of land. Materials to be used shall not include barbed wire except as otherwise provided for in this Code.

*Festival:* The temporary or seasonal use of land for the purpose of entertainment or celebrations which may offer such activities as rides, games, exhibits, displays, religious events, etc. Also would include such uses as carnivals, fairs, circuses, etc.

*Filling:* The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or an excavation to raise the existing grade.

*Filling Station:* See "service station".

*Final Plat:* That plat to be filed for recording and which includes all proposed improvements and dedications.

*Finished Grade:* The top surface elevation of lawns, accessways, walkways or other improvement surfaces after completion of construction or grading operations.

*Fishery:* A premises, or portion of a premises, occupied by an establishment primarily engaged in commercial fishing and the operation of fish hatcheries or fishing preserves.

*Fixed Aerial Advertising Sign:* Any aerial advertising medium that is tethered to the ground.

*Flag:* Any fabric or similar material, or bunting containing distinct colors, patterns or symbols, used as an ornamental flag or as a symbol of government, nation, organization of nations, state, county, city, religious, fraternal or civic organization, political subdivision, corporation or business or other entity, that hangs for the purpose of attracting attention to the site and which is not a banner.

*Flag Lot:* A lot or parcel shaped such that the majority of lot area does not front on a road right-of-way but is connected to a road right-of-way by a strip of land narrower than the applicable minimum lot width.

*Flagpole:* A pole on which to raise a flag.

*Flammable Fuel:* Means gasoline, kerosene, propane, diesel or other combustible fuel product.

*Flashing Sign:* Any sign utilizing a continually intermittent or sequential flashing light source.

*Flea Market:* An occasional or periodic market held in an open area of land, and/or within structures, or buildings where groups of individual sellers offer produce and/or goods for sale to the public.

*Flood or Flooding:* Generally a temporary condition of partial or complete inundation of normally dry land areas from:

1. Overflow of inland or tidal water.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood, Regulatory:* The one-hundred year flood, which is the flood that has a one percent probability of being equaled or exceeded in any given year, as indicated on the official county flood hazard map, the flood insurance rate map (FIRM).

*Flood Insurance Rate Map (FIRM):* An official map of a community, on which the federal emergency management agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood Insurance Study:* The official report provided by the federal emergency management agency. The report contains flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood.

*Flood, Ten-Year:* That flood that has a ten (10) percent probability of being equaled or exceeded in any given year.

*Floodlight:* Reflector type light fixture which is attached directly to a building and which is unshielded.

*Floodplain:* An area inundated during a one hundred-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:* As used in Chapter 38, Article II Flood Damage Prevention of the City Code, means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

*Floor Area:* The area included within the outside dimensions of all enclosed floor area under roof, excluding residential accessory buildings such as garages, open and screened porches, carports, terraces, and patios.

*Floor Area, Gross:* The sum of the total horizontal areas of several floors of all buildings on a lot, measured from the exterior faces of exterior walls. The gross floor area shall include basement; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.

*Floor Area Ratio (FAR):* A measure determined by dividing the gross floor area of all buildings on a lot by the area of that lot. For example, a floor area ratio of "1" means that the footprint of the building(s) can cover the entire lot. An FAR of ".25" means that the total combined area of the building footprints cannot exceed twenty-five (25%) percent of the area of the entire lot.

*Foot-Candle:* A unit of measure of luminosity of a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

*Foot-Lambert:* The centimeter gram second unit of brightness equal to the brightness of a perfectly diffused surface that radiates or reflects one lumen per square centimeter.

*Foster Home:* A facility licensed by the Florida Department of Health and Rehabilitative Services, whether operated for profit or not, providing housing and collective care and sustenance for no more than three (3) adults or children on a twenty-four (24) hour basis who are unrelated by blood, adoption, or marriage.

*Free Expression Sign:* A sign, not in excess of three square feet in size (area) and the top of the sign is not more than three feet off the ground if freestanding and communicating information or views of concern to the owner of the sign, or containing any other non-commercial message that is otherwise lawful.

*Freestanding Sign:* A sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of support from any building or other structure. (See "ground sign").

*Frontage:* The length of a lot that fronts on a public street or that fronts on a private street having been constructed in conformance with the City of Fellsmere, specifications for streets.

*Frontage street facade:* A building facade which fronts on a street. If same shall be over thirty (30) feet, only the first thirty (30) feet of commercial facade shall be considered the frontage street facade. Only one street facade may be designated as the frontage street facade.

*Fueling Facility:* An establishment where flammable products are supplied, stored or dispensed.

*Funeral Home and/or Crematory:* A building or portion of a building occupied by an establishment primarily engaged in preparing the deceased for burial, conducting funerals and/or cremating the deceased.

*Garage or Yard Sale or Garage-Yard Sign:* Any on-site temporary sign pertaining to the sale of personal property in, at or upon any residentially-zoned property located in the city. Garage or yard sales shall include but not be limited to all such sales and shall include the advertising of the holding of any such sale, or other offering to make any sale, whether made under any name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, attic sale, rummage sale, patio sale, moving sale, or any similar designation.

*Garage, Private:* An enclosed building or part thereof, which is accessory to the principal building, and which is designed or used for parking or storage of motor vehicles owned or operated by the occupants of the principal building. No business or commercial use shall be conducted in or from a private garage.

*Garage, Public:* An enclosed building or part thereof which is used commercially for the parking or storage of motor vehicles.

*Glare:* A sensation of brightness within the visual field that causes annoyance, discomfort, loss in visual performance and visibility.

*Government Owned:* Any land, building, structure use 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. Government owned uses are subject to the same requirements as nongovernment owned uses of the same type except as otherwise provided for in the Code.

*Grade, Natural:* The elevation of the ground surface, in its natural conditions, prior to any man made alteration resulting in an increase or decrease in elevation relative to Mean Sea Level (MSL).

*Grade, Finished:* The elevation of the finished surface of the ground adjacent to the exterior wall(s) of a building or structure.

*Graphics:* The use of illustrations, photos, logos, typography, etc. as a wall treatment and/or sign used as part of the interior and/or exterior design of a building, either illuminated and/or non-illuminated.

*Gross Land Area:* Gross land area for the purpose of computing density/intensity shall be the total land area within the boundaries of the subject parcel and specifically exclusive of submerged lands or public road right-of-way.

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

*Ground-Level Barrier:* Any natural or artificial structure rising above the ground which prevents beachfront lighting from shining directly onto the beach-dune system.

*Ground Sign:* Any sign which is supported by structures or supports in or upon the ground and independent of support from any building; however, a ground sign shall include any sign which is partially supported by structures or supports in or upon the ground and independent of support from any building. Ground signs include "pole signs," "monument signs," "freestanding signs," and "detached signs."

*Groundwater:* Water beneath the surface of the ground, whether or not it is flowing through known and definite channels.

*Group Care Home:* A facility or dwelling unit licensed by the Florida Department of Children and Families housing persons unrelated by blood, adoption, or marriage, and operating as a single housekeeping unit under a common housekeeping management plan based on an internally structured relationship providing organization.

*Grubbing:* The removal of vegetation from land by means of digging, raking, dragging or otherwise disturbing the roots of vegetation and the soil in which such roots are located.

*Guest House:* A dwelling unit on the same premises as, but separate from and in addition to, the principal residential building, specifically for receiving and lodging guests on a temporary and non-continuous, non-fee or charge basis.

*Guyed Tower:* A telecommunications tower that is supported in whole or in part by guy wires and ground anchors.

*Hazardous Substances:* Any substance or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such materials or substances.

*Hazardous Use:* A building or structure or any portion thereof that is used for the storage, manufacture or processing of highly combustible or explosive products or materials that are likely to burn with extreme rapidity or that may produce poisonous fumes or explosions.

*Hazardous Waste:* Solid waste, or a combination of solid wastes, which because of its quantity, concentration, 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. These materials include volatile, chemical, biological, explosive, flammable, radioactive, toxic materials, fecal wastes, animal carcasses, and pathologic wastes.

*Height:* See "building height".

*Helipad:* An area designed to accommodate touch-down and lift-off of one helicopter for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one tie down space and such additional facilities as required by law, ordinance or regulation.

*Heliport:* An area designed to accommodate all phases of operation of helicopters with suitable space and facilities for a terminal, loading, unloading service and storage of such aircraft, to include facilities for such accessory uses as are commonly associated with an airport terminal.

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

*Highway:* A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way.

*Historic Roads, Protected Area:* The area thirty (30) feet parallel to and abutting the right-of-way lines on any historic or scenic road set forth in the comprehensive plan of Indian River County for County roadways or the Comprehensive Plan of the City of Fellsmere for city roadways.

*Historic Structure:* Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
2. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district preliminarily determined by the secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the secretary of the interior, or
  - b. Directly by the secretary of the interior in states without approved programs.

*Holiday and Seasonal Decorations:* Decorations that pertain to legal or other recognized holidays or to a season of the year.

*Holographic Display Sign:* An advertising display that creates a three-dimensional image through projection.

*Home Occupation:* Any occupation or activity carried on within a residential property, where the activity is conducted only by members of the family living within the residence where products are not offered for sale from the premises, where no evidence of the occupation is visible or audible from the exterior of the residential property, where traffic is not generated in excess of that customary at residences and where no commercial vehicles are kept on the premises or parked overnight on the premises unless otherwise permitted by these regulations.

*Horticultural Nursery Farm:* A premises, or portion of a premises, occupied by an establishment primarily having as the principal purpose of business the production of horticultural specialty products for the purpose of nonretail sales in bulk quantities to persons who intend resale of the products so bought. Horticultural nursery farms do not include landscaping service establishments or horticultural nursery sales.

*Hospital/Medical Clinic:* A building, or portion of a building, occupied by an establishment primarily engaged in providing health and mental in-patient facilities, in which medical or surgical services are a main function, and may include out-patient facilities, emergency ambulance and rescue service.

*Hotel and Motel:* A building or combination of buildings in which lodging is provided and offered to the public for compensation and duly licensed pursuant to Ch. 509 Fla. Stat., as amended. It shall provide an inside office that shall be supervised by a person in charge at all times. As used in this definition, the term "guestrooms" means those rooms intended or designed to be used or which are used, rented or hired out to be occupied or which guests occupy for sleeping purposes. Hotels and motels may have a "dining facility."

*Household Pets:* Household Pets shall be considered as an accessory use and are permitted in all districts, subject to all applicable regulations, ordinances and codes. Household pets shall include but not be limited to domesticated dogs, cats, tropical birds, fish, rodents, rabbits, potbellied pigs, etc. or any other pets that are maintained within the confines of a residence and do not create a nuisance. Household pets shall be limited to three (3) or less per residence. Household pets shall not be considered to include grazing animals such as cattle, horses, swine and sheep. Household pets shall also not include pigeons, poultry or other animals normally raised for food production or exotic animals whose normal habitat is in the wild, whether born in the wild or not, unless permitted by the Florida Fish and Wildlife Conservation Commission.

*Identification Sign:* Any structural device, display board, screen, surface, or wall with characters, letters or illustrations placed, by any method or means whatsoever, where the material displayed is used only to indicate to the public, the legal or exact firm name or the character of the business carried on therein. Identification signs are subject to the size and height restrictions delineated elsewhere in this Code.

*Illuminated Sign:* Any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

*Indirectly Illuminated Sign:* Any sign, the facing of which reflects light from a source intentionally directed upon it.

*Impact Fees:* Fees charged to new development to cover, in whole or in part, the anticipated cost of improvements that will be necessary as a result of the development.

*Impacted Segment:* Any segment on the concurrency determination network on which the project traffic consumes five (5) percent or more of the total project traffic.

*Impermeable Surface:* Any material applied to the surface of land that inhibits the natural infiltration or passage of water into the ground.

*Impervious Surface:* A surface which is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures. Water surfaces such as lakes shall be considered impervious for runoff calculations.

*Impervious Surface Coverage:* That percentage of the building site or premises which is covered by impervious surfaces.

*Improved Property:* Any real property on which is located any structure or other valuable improvement such that the property is capable of generating solid waste.

*Improvement:* Includes, but is not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (PRM's), permanent control points (PCP's) or any other improvement required by the governing body.

*Incidental Use:* A land use that is subordinate to, but not necessary or subservient to, the principal or accessory use.

*Indoor:* That which is within a wholly enclosed building.

*Industrial Equipment:* Farm tractors, backhoes, bulldozers, draglines, cranes, derricks, heavy earthmoving equipment normally used in farming, excavation and/or heavy construction activities.

*Industrial Wastewater:* Wastewater not otherwise defined as domestic wastewater, Chapter 17-6.030, Fla. Admin. Code, as amended, including the runoff and leachate from areas that receive pollutants associated with industrial or commercial storage, handling, or processing.

*Infill Development:* The addition of new housing or other buildings on scattered vacant sites in a built-up area.

*Infiltration:* Water, other than wastewater, that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections or manholes.

*Inflow:* Water, other than wastewater, that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swamping areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters or drainage.

*Install:* To erect, replace, hang, paint, display, apply, or otherwise put in place in any manner whatsoever.

*Instruction Sign:* A sign, the message of which is limited to orders or commands such as: "No Trespassing", "No Soliciting", "Keep Off", or similar phrases.

*Intensity:* Intensity refers to non-residential land uses and is the amount or degree to which such lands are occupied. The generally accepted measurement of intensity is in terms of Floor Area Ratio (FAR).

*Internal Capture:* The type of trips generated by a mixed use project in which travel occurs from one on-site land use to another on-site land use.

*Internal Capture Factor:* The percentage of the total trips generated by a mixed use project that are trips from one on-site land use to another on-site land use.

*Internally Illuminated Sign:* Any sign which has the source of light entirely enclosed within the sign not visible to the eye.

*Intersection Analysis:* A mathematical analysis of two intersecting roadways to determine the vehicular capacity and level of service of the intersection.

*Inundation:* Temporarily or periodically, but not normally flooded or covered by water.

*Irrigation:* The methods of supply and application of water other than natural rainfall.

*Irrigation System:* A permanent, artificial watering system designed to transport and distribute water to plants.

*Internally Illuminated Sign:* A sign where the source of illumination is located inside the sign face and light emanates through the message of the sign. A sign utilizing exposed neon lighting shall be considered an internally illuminated sign.

*Junk Yard:* A premises, or portion of a premises, occupied by an establishment primarily engaged in the accumulation, storage and/or processing of discarded or leftover materials which are no longer of enough value or effectiveness to be retained in their original condition and includes articles or parts of which have been discarded and are intended for permanent dismantlement and/or destruction. Junk yards may include the selling of various articles, parts and/or materials salvaged as a result of the junk yard operation; provided, however, that such sales shall be incidental and accessory to the principal accumulation, storage and/or processing of discarded or leftover materials, articles or parts which have been discarded and are intended for permanent dismantlement and/or destruction.

*Kennel:* An establishment, with or without special buildings or structures, which is used for keeping, boarding, selling, breeding or maintaining dogs or cats. Any property used to keep or maintain five (5) or more such animals shall be considered a kennel. Dog beauty parlors may be a permitted use. Pet shops and veterinary clinics are excluded as are puppies or kittens up to six (6) months old.

*Land:* The earth, water, and air above or on the surface, including any improvement or structure customarily regarded as land.

*Land Area:* The total area of land contained within the lot, tract or project boundary lines.

*Land Clearing Debris:* Means uprooted or cleared vegetation resulting from a land clearing operation.

*Land Coverage:* The area of the land covered by the ground floor of principal and accessory buildings and structures, including all areas covered by the roof of such buildings and structures. Land coverage shall be calculated by measuring along the exterior faces of the walls or along the foundation line, between the exterior faces of supporting columns, from the centerline of walls separating two buildings or any a combination of the foregoing, whichever produces the greatest amount of square feet for such uses and structures.

*Land Development Permit:* The permit to begin any construction or improvements according to the land development plans and specifications approved under this Code.

*Land Surveyor:* A land surveyor registered under the Florida Statutes, who is in good standing with the Florida State Board of Professional Engineers and Land Surveyors.

*Land Use:* The development, activity, or use that has occurred on the land, or the development that is proposed by a developer on the land.

*Landscaping:* The improvement of appearance or beautification of an area by planting of trees, grass, shrubs or other plant materials, or by alteration of the contours of the land.

*Landscaping Service Establishment:* A premises, or portion of a premises, occupied by an establishment in which a person, or persons, practice a vocation that performs a type of labor, act of work, off the premises normally on a contract basis or for a fee or charge. Landscaping service establishments do not include horticultural nursery farms or horticultural nursery sales.

*Laundry and Dry Cleaning Plant:* A building, or portion of a building occupied by an establishment primarily engaged in the commercial operation of mechanical laundries with steam or other power normally for a fee or charge, or establishments supplying laundered items on a contract basis when laundry facilities are located on the same premises. Laundry and dry

cleaning plants normally involve a substantial amount of equipment and serves a relatively large trade area through direct or indirect pick-up and delivery of laundry and dry cleaning articles by personnel employed by the establishment.

*Laundromats, Self-Service Or Coin-Operated:* A building, or portion of a building, occupied by an establishment designed primarily to provide limited laundry and dry cleaning facilities which are used and operated by ultimate consumers on the premises on a self-service basis for a fee or charge.

*Laundry and Cleaning Pick-Up Establishments:* A building, or portion of a building, occupied by an establishment designed primarily for the convenient and efficient pick-up of and/or drop-off of laundry or dry cleaning by a person(s) 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.

*Lattice Tower:* A communications tower that is constructed to be self-supporting by lattice type supports and without the use of guy wires or other supports.

*Level of Service:* An indicator of the extent or degree of service provided by a public facility and related to the operational characteristics of the public facility.

*Legal Positive Outfall:* The availability of a permanent and legally established watercourse or similar facility or means which has the hydraulic capability of conveying the stormwater discharge from a development project to receiving waters downstream. "Legally established watercourse" refers to a watercourse which is established by either an express easement, plat dedication, or other documentation, or implied easement or servitude as may be demonstrated to exist in accordance with Florida law.

*Level of Service (Traffic):* A qualitative measure describing the operational conditions within a traffic stream, and their perception by motorists and/or passengers. This qualitative description describes the roadway operating conditions in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, delay, comfort and convenience, and safety. The six (6) levels of service are defined for each type of facility with letter designations A through F. Level of service A represents the best operating conditions and level of service F the worst operating conditions.

*Level of Service "C":* A measure of roadway sufficiency, a zone of stable traffic flow in which speeds and maneuverability are closely controlled by the higher volumes of traffic.

*Level of Service "D":* A measure of roadway operating condition during the peak hour indicating an unstable traffic flow, with tolerable operating speeds being maintained even though they are considerably affected by changes in operating conditions. Fluctuations in volume and temporary restrictions to flow may cause substantial drops in operating speeds. Drivers have little freedom to maneuver, and comfort and convenience are low, but conditions can be tolerated for short periods of time.

*Level of Service (LOS) standards:* Indicators 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. LOS indicates the capacity per unit of demand of each public facility.

*Level of Wastewater Treatment:* The proportion of solid and organic materials removed from the wastewater. The most common levels of treatment are: primary; secondary; and tertiary.

*License, Local Occupations:* The privilege granted by the local governing authority to engage in or manage any business, profession or occupation within its jurisdiction. It shall not mean any fees or licenses paid to any board, commission or officer for permits, registration, examination or

inspection which are hereby deemed to be regulatory and in addition to and not in lieu of any local occupational license imposed under the provisions of this chapter unless otherwise provided by law.

*Library:* A building, or portion of a building, occupied by an establishment where books are kept for use and not for sale.

*Limited Access:* Access only at authorized and controlled points or for restricted uses or at restricted times.

*Limited Use Right-Of-Way:* A right-of-way dedicated to a governmental entity that is limited to uses that do not accommodate general vehicular traffic. A limited use right-of-way may be used for non-general vehicular traffic purposes such as for pedestrian, drainage, and utility uses.

*Link:* A portion of a roadway segment located on the concurrency determination network defined by two (2) consecutive intersecting roadways.

*Link Improvements:* A change in the physical or operating characteristics of a portion of a roadway segment that results in increased capacity and/or improvements to the general quality, level of service and safety characteristics of the link.

*Litter:* All garbage, rubbish, garden trash and all waste materials, including, but not limited to, bottles, glass, cans, scrap metal, junk, paper, disposable packages or containers and all other similar materials, and any substance of any kind or nature whatsoever that creates a public health, safety or fire hazard or a public nuisance.

*Livestock:* Any domesticated hooved quadrupeds held as property, raised for personal use or raised for the production of livestock and livestock products for sale. The term "livestock" includes the boarding, breeding, training, exercising, care and treatment of livestock on the premises and the accessory facilities and structures designed for such purposes.

*Living Area:* The total floor area of a dwelling unit made suitable for human habitation excluding: garages, carports, areas that are not wholly enclosed such as screen rooms; common corridors, hallways or exits provided for access or vertical travel between multiple-family dwelling units; any utility room or storage area that is within the principal structure.

*Local Road or Street:* A route providing service which is of relatively low average traffic volume, short average trip length or minimal through-traffic involvements and high land access for abutting property.

*Location:* Location shall mean any lot, premises, building structure wall, or any place whatsoever upon which a sign is located.

*Lot:* A parcel of land occupied or intended for occupancy by a use that includes or will include at least one (1) structure together with any accessory structure, yard, open space, buffer area, or parking spaces required by this Code.

*Lot, Corner:* A lot situated at the junction of two (2) or more public rights-of-way.

*Lot, Depth of:* The average horizontal distance between the front lot line and the rear lot line.

*Lot Line:* The boundary of a lot.

*Lot of Record:* As used in this code, a lot of record shall mean:

1. Any contiguous quantity of land that is part of an approved subdivision recorded in the Office of the Clerk of the Circuit Court; or
2. Any contiguous quantity of land which is capable of being described with such definitiveness that its location and boundaries are established, and which has been so recorded in the public records in the Office of the Clerk of the Circuit Court prior to December 17, 1956, unless otherwise considered to be a nonconforming lot of record as described in Article VIII of this Code; or
3. Any contiguous quantity of land which is the subject of an agreement for deed or other instrument of conveyance properly executed prior to December 17, 1956, and which describes the parcel with such definitiveness that its location and boundaries are established and recognized by Florida Law, unless otherwise considered to be a nonconforming lot of record as described in Article VIII of this Code.

*Lot Split:* The division of land into two contiguous lots or parcels without involving the establishment of a new street.

*Lot, Platted:* A lot platted in accordance with this Code after the effective date of this Code.

*Lot, Width of:* The distance between side lot lines. If the side lot lines are parallel, this distance is measured along a perpendicular to the side lot lines. If the side lot lines are not parallel, this distance is measured along a line drawn such that its intersections with the side lot lines form equal angles.

*Low Profile Luminaire:* Light fixture set on a base which raises the source of the light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is directed downward from a hooded light source.

*Low Water Elevation:* The dry season groundwater table elevation as determined by the City engineer based on information contained in the USCS soil survey for the City and on-site soil testing reports.

*Lowest Floor:* The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor.

*Machinery and Equipment Signs:* Any sign that is integral to the machinery or equipment and that identifies the manufacturer of the machinery or equipment that is placed on the machinery or equipment at the factory at the time of manufacture.

*Machinery, Heavy:* Trucks, mechanical land clearing, earth moving, or earth working equipment with a gross weight in excess of five thousand (5,000) pounds. For the purposes of this Code, all machinery that utilizes steel tracks for traction shall be considered heavy machinery.

*Maintenance:* The repairing or repainting of a portion of a sign or sign structure, periodically changing changeable copy or renewing copy, which has been made unusable by ordinary wear.

*Major Equipment Rental:* A premises, or portion of a premises, occupied by an establishment primarily engaged in renting or leasing large equipment and major machinery and including maintenance facilities provided such maintenance facilities are designed for and incidental to the principal renting or leasing of large equipment and major machinery.

*Major Equipment Repairs:* A premises, or portion of a premises, occupied by an establishment in which a person, or persons, practice a vocation or occupation that performs a type of labor, act or work, that primarily results in the fixing and repair of large equipment and major machinery normally for a fee or charge. Major equipment repair also includes the fixing and repair of mobile homes and large farm equipment.

*Manufacturing:* A premises, or portion of a premises, occupied by an establishment primarily engaged in the processing of materials, products or personal property for sale, resale or other processing of materials products or personal property for sale, resale or other processing charge normally for the wholesale market, for inter-establishment transfer, or to order for other processors, rather than for direct retail sale to the domestic consumer. Processing refers to the mechanical or chemical transformation of inorganic or organic substances into new products and usually includes the use of power driver machines and material handling equipment. Processing includes the assembling of component parts of processed products if the resulting new product is neither a structure nor other fixed improvement. The final product of processing may be "finished" in the sense that it is ready for utilization or consumption, or it may be "semi-finished" to become a raw material for an establishment engaged in further processing. Processing also includes the making, packing or any other similar activity that results in the creating or changing the form of materials, products or personal property including any major specialized cleaning or recondition operation of any other similar major original or restorative treatment. The term manufacturing does not include the fabricating operations performed at the site of construction by construction or contractor establishments nor the incidental and accessory minor processing operations performed by retail sales, service and repair establishments and other domestic consumer and business operation customer establishments so defined by this Code; provided, however, that such processing is performed as a specialized aid, assistance of customer service intended for and directly incidental to the needs of ultimate consumers served on the premises or as a customer service directly for the domestic consumer and business operation customer served by the establishment or if all products processed are sold at retail directly to ultimate consumers and not for resale. Manufacturing includes boat yards and ways and research and testing laboratories but does not include agricultural processing establishments, junk yard or mining.

*Manufactured Building:* A structure, building assembly, or system of subassemblies, approved by and bearing the insignia of approval of the Florida Department of Community Affairs, or its successor agency, pursuant to the provisions of Part IV of Chapter 553, Fla. Stat., as amended. No mobile home, whether complying or not complying with mobile home construction standards promulgated by the United States Department of Housing and Urban Development or required by the State of Florida shall be considered a manufactured building for the purpose of this Code.

*Manufactured Home:*

1. A mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.
2. As used in Chapter 38, Article II Flood Damage Prevention of the City Code, means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

*Manufactured Homes/Mobile Home Parks:* A legally platted parcel of land meeting the requirements of a subdivision under regulations of the City of Fellsmere where lots or parcels are offered for rent or sale, with required improvements and utilities for placement and accommodation of manufactured homes and mobile homes only, which may include any land, buildings, structures, services and facilities for common use of the residents.

*Marquee:* Any permanent wall or roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

*Marquee Sign:* Any sign attached to a marquee. See "canopy sign."

*Marsh and Salt Tolerant Vegetation:* Native salt tolerant forbes, herbs, grasses, sedges, rushes, and nurse plants (for recruitment) which are listed in Chapters 17-4.02(17) or 17-4.022, Fla. Admin. Code, as amended, in addition to: *Halodule wrightii* (cuban shoal grass), *Ruppia maritima*, *Syringodium filiformis* (manatee grass), and *Thalassia testudinum* (turtle grass).

*Memorial Sign:* A sign with the name of the building and/or date of building erection cut into any masonry surface or constructed of bronze or other noncombustible material.

*Menu Display Sign:* A fully enclosed or otherwise protected from the elements sign structure, including but not limited to a box, shadow box or cabinet, attached to a wall or freestanding, which is used solely for the purpose of displaying restaurant menus. A menu display sign may be used for a restaurant without drive-through service and for transient lodging facilities which have restaurant facilities open to the general public in addition to the registered guests. Menu display sign structures shall be limited to one per establishment.

*Menu Sign, Drive-in:* An attached sign that is located at each drive-in stall or bay of a restaurant and which may provide a mechanism for ordering the products while viewing the sign.

*Menu Sign, Drive-through:* A sign placed so as to be viewed from a drive-through lane and which contains only a listing of the products, with prices, offered for sale by the restaurant where the sign is located and which may provide a mechanism for ordering the products while viewing the sign.

*Message Center Sign:* An electronically changeable sign upon which graphic displays, symbols, or words can be varied upon the face or faces of the sign to display time, temperature, public service, or other general information.

*Microwave Antenna:* A dish-shaped device used to transmit and/or receive microwave signals in a straight line to and from similarly earth bound point sources.

*Mining (and Excavation):* The extraction of limerock, phosphate and minerals occurring naturally such as ores, petroleum and natural gas, a quarrying of sand, gravel, rock, fill material and peat. Mining also includes processing activities such as well operation, washing, crushing, screening, flotation, storing and distributing necessary in conjunction with mining activities to render the materials marketable. For purposes of definition, haul roads shall be considered part of mining/excavation operations. In general, mining is not permitted in the city except as authorized herein.

*Mini-warehouse:* A building or group of buildings in a controlled access compound that contains equal or varying size of individual compartmentalized, and controlled access stalls or lockers for the dead storage of customers' goods or wares. The utilization of such units for manufacturing, wholesale or retailing of goods or materials is prohibited.

*Mobile Home:* A residential structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term "mobile home" does not include manufactured homes or travel trailers.

*Monument Sign:* A freestanding sign whose ratio of width of sign to width of support is less than three to one and is subject to all other restrictions as applicable elsewhere in this Code.

*Motel:* A building, or portion of a building, containing sleeping units which may or may not have cooking facilities and are normally occupied on a daily or short term basis. A motel may include living quarters containing individual cooking facilities designed for the resident manager only and/or restaurant facilities. Generally, motel rooms are distinguished from hotels by having access to the rooms from an outside hallway or passageway.

*Motion Picture Theater:* A premises, or portion of a premises occupied by an establishment primarily engaged in the commercial exhibition of motion pictures normally open to the general public.

*Monopole Tower:* A communications tower consisting of a single pole or spire self-supported on a permanent foundation, constructed without guy wires, ground anchors, or other supports.

*Monument Sign:* See "ground sign."

*Motor Vehicle:* An automobile, motorcycle, truck, trailer, semi-trailer, truck-tractor, and semi-trailer combination, or any other vehicle operated on the roads of this city, used to transport persons or property, and propelled by power other than muscular power.

*Mulch:* Non-living small aggregate materials such as gravel, rock, pebbles, bark, or pine needles, used as ground cover.

*Multiface Sign:* Any sign having three (3) or more faces that are not parallel, nor back to back, upon which the same or dissimilar copy is displayed.

*Multiple-Message Sign:* A sign on which information content can be changed automatically by means of rotating panels which constitute or are a part of the sign face.

*Mural:* A two-dimensional artwork made of paint, tile, fresco or other materials applied to the surface of a building or freestanding wall or fence. A mural shall contain no commercial message or advertisement for a product or service.

*Murphy Deed Reservation:* Rights reserved by the State of Florida under the 1937 Murphy Act for use of properties for public right-of-way purposes.

*Nameplate Sign or Occupant Identification Sign:* An attached wall sign indicating the name and/or profession or address of a person or persons residing on the premises where the sign is located or legally occupying the premises where the sign is located.

*National Geodetic Vertical Datum (NGVD):* As corrected in 1929, a vertical control used as a reference for establishing varying elevations.

*Natural Drainage Features:* Naturally occurring features of an area which accommodate the flow of stormwater, such as streams, rivers, lakes, and wetlands.

*New Construction:* As used in Chapter 38, Article II Flood Damage Prevention of the City Code, any structure for which the start of construction commenced on or after May 4, 1989. The term also includes any subsequent improvements to such structure.

*New Manufactured Home Park Or Subdivision:* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 4, 1989.

*Neighborhood:* A discernible area in which the development scheme has resulted in the erection of structures which are similar in size, exterior design and placement on the parcel whether such development took place in stages or all at one time; or in a development where the land area is in common ownership, which has resulted in a discernible scheme, or where the structures are of similar size and similar setbacks from the road, or there is an evident unity of development.

*Newspaper of General Circulation:* A newspaper published at least on a weekly basis and distributed within the City of Fellsmere; it does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

*Nightclub:* A restaurant, dining facility, bar or other similar establishment providing food and/or refreshments where floor shows or other forms of paid entertainment are provided.

*Non-Commercial Message:* Any message which is not a commercial message.

*Nonconforming Lot or Parcel:* An undeveloped lot of record, the location or dimensions of which do not conform with all of the provisions of this Code respecting a proposed use thereof.

*Nonconforming Lot of Record:* A lot of record that does not meet minimum area, width, depth or frontage requirements of this Code and as further described in Article VIII of the Code.

*Nonconforming Sign:* A sign which does not conform with the regulations contained in this Code.

*Nonconforming Structure:* Any lawfully existing structure or building on the effective date of this Code that does not comply with all of the provisions of this Code.

*Nonconforming Use:* Any use lawfully being made of any land, building, or structure on the effective date of this Code that does not comply with the provisions of this Code.

*Non-Hazardous Use:* A use which is identified in the text of this Code, including any schedule, as being "non-hazardous" and subject to the non-hazardous use regulations.

*Non-Native Vegetation:* Any tree, plant or shrub established from outside sources where local climatic and geologic conditions are similar to the source of origin and therefore favorable to growth.

*Nonprofit Club:* A premises, or portion of a premises, owned and operated by a group or association of persons and maintained and operated solely by and for the members of such group or association and their guests and is not available for unrestricted public access or use.

*Nonprofit Clubs:* Include golf, country, yacht, tennis, riding, fraternal and similar noncommercial groups and associations of persons and related facilities. The organization must hold a 501(c)(3) or other valid not-for-profit certificate.

*Nonstructural Trim:* The moldings, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure and are nonstructural in nature and do not contribute to the support of the sign.

*Nursing/convalescent home (intermediate care facility, continuing care facility):* A home, institution, building or residence, public or private, whether operated for profit or not, presently licensed by the state, which provides maintenance, personal care or nursing for a period exceeding twenty-four (24) hours to three (3) or more ill, physically infirm, convalescing, or aged persons who are not related by blood or marriage to the operator. The definition of nursing or convalescent home does not include hospitals, clinics or similar institutions which are devoted primarily to the diagnosis and treatment of the sick or injured.

*Obsolete Sign:* Any sign that identifies or advertises any product, accommodation, service or business, that is no longer available to the public at the location indicated on the sign.

*Occupant:* The person, persons or family in actual possession of the premises regardless of ownership of the premises.

*Occupant Sign:* A sign bearing only property numbers, postbox numbers or names of occupants or premises.

*Off-Premises Sign:* Any permanently affixed structure that is erected and maintained for the purpose of advertising the name of a business, services, accommodations, uses, products or activities that are not available on the premises on which the sign is located. An off-premises sign may also be called a billboard.

*Off-Site Permanent Monument Identification Sign:* A permanent monument sign that identifies a residential or commercial subdivision, office park, shopping center, industrial subdivision, or industrial park, located within 100 feet of the location of such sign, and that contains no other copy other than the identification of such development. This sign-type shall not be considered a billboard.

*Off-Street Parking:* Any area except a public right-of-way, used for the purpose of parking, storing, or display of vehicles, boats, trailers, and mobile homes, including used car lots and other open lot uses.

*One-Hundred-Year Storm or 100-Year Storm:* A shore incident hurricane or any other storm with accompanying wind, wave and storm surge intensity having a one (1) percent chance of being equaled or exceeded in any given year, during any 100-year interval.

*On-Premises Sign or On-Site Sign:* Any sign relating in its subject matter to the commodities, accommodations, service, uses or activities on the premises on which it is located. An "on-premises" sign is limited to advertising a product or service actually offered on the premises where the sign is located.

*Open Burning:* The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

*Open Space:* Any parcel or area of land or water that is set aside, open and unobstructed to the sky, and designated or reserved for public or private use or enjoyment.

*Open Space, Common:* A parcel or area of land or water in or related to a development site that is set aside and designated or reserved for the use or enjoyment of the public or the residents, occupants, and/or owners of the development or project site. Common open space areas shall

not be individually owned except by a recognized unit of local or state government or an entity or organization acceptable to the City Council.

*Open Storage:* The display or storage outside of a structure of such items as building materials, supplies, merchandise, equipment, vehicles and the like.

*Open Water Areas:* Those waters defined as state jurisdictional waters herein.

*Operational Entity:* An acceptable, legally bound, responsible entity which agrees to operate and maintain a facility or system.

*Ordinary High Water Mark:* The intersection of the plane of mean high water and the shore. Mean high water is the average height of the high waters over a 19-year period.

*Ornamental Flag:* Any fabric or similar material containing patterns, drawings or symbols used for decorative purposes and designed to be flown as a flag.

*Outdoor:* That which is not within a wholly enclosed building.

*Own:* To hold legal or equitable title to a parcel of real property evidenced by instrument of conveyance lawfully recorded in the Office of the County Clerk.

*Owner:* A person, firm or corporation that holds legal or equitable title to a parcel of real property as evidenced by an instrument of lawful conveyance.

*Package Liquor Store:* A building, or portion of a building, where alcoholic beverages are sold in containers for consumption off the premises.

*Painted Sign:* Any sign painted on any surface, including the roof of any building.

*Parcel of Land:* Any contiguous quantity of land capable of being described with such definiteness that its location and boundaries may be established, that is designated by its owner(s) or developer(s) as land to be used or developed as a unit, or that has been or developed as a unit. If such a parcel of land is divided by a right-of-way or zoning boundary it may be considered to be one (1) parcel by the owner.

*Parking:* An area designated for temporary storage of a motor vehicle.

*Parking Area:* Any public or private land area designed and used for parking motor vehicles including parking lots, garages, structures, tiers, private driveways and legally designated areas of public streets.

*Parking Space:* An area designated for temporary storage of a motor vehicle.

*Parapet:* A wall extension above the roof line.

*Patio:* An outdoor paved court or area, adjoining or enclosed by walls or arcades of a house; used for outdoor dining or living.

*Peak Hour/Peak Direction/Peak Season Volume:* The number of vehicles that pass a point on a roadway segment during the highest one hour of traffic during the peak season in the direction of travel with the highest traffic volume.

*Pedestrian Sign:* A sign that is attached to the underside of a cantilevered roof, portico, or overhang, that extends from the wall face of an establishment or use, and that covers a pedestrian passageway.

*Pennant:* Any series of small flag-like or streamer-like pieces of cloth, plastic, paper or similar material attached in a row to any staff, cord, building, or at only one or two edges, the remainder hanging loosely.

*Permanently Attached:* Affixed by foundations, poles, braces, or other immovable structural means to the ground or to a building or structure. Signs manufactured or intended for portable use and affixed to the ground by ropes, chains, cables, weights, or other means deemed non-structural by the Community Development Director shall not be deemed to be permanently attached.

*Permanent Control Point (PCP):* As defined in Chapter 177, Fla. Stat., as amended, a permanent control point which shall be a secondary horizontal control monument and shall be a metal marker with the point of reference marked thereon or a four-inch-by-four-inch concrete monument a minimum of twenty-four (24) inches long with the point of reference marked thereon. Each "P.C.P." shall bear the registration number of the surveyor filing the plat of record.

*Permanent Reference Monument (PRM):* As defined in Chapter 177, Fla. Stat., as amended, a metal rod a minimum of twenty-four (24) inches long or a one and one-half (1 1/2) inch minimum diameter metal pipe a minimum of twenty (20) inches long, either of which shall be encased in a solid block of concrete or set in natural bedrock, a minimum of six (6) inches in diameter, and extending a minimum of eighteen (18) inches below the top of the monument, or a concrete monument four-inches-by-four-inches, a minimum of twenty-four (24) inches long, with the point of reference marked thereon, and bearing the registration number of the surveyor certifying the plat of record, and the letters "PRM" shall be placed in the top of the monument.

*Permanent Sign:* Any sign which, when installed, is intended for permanent use. For the purposes of this division any sign with an intended use in excess of three months from the date of installation shall be deemed a permanent sign unless otherwise indicated elsewhere in this Code.

*Permit:* A written, approved and authorized document which grants the owner of land the right to develop the premises with buildings and improvements, provided that development or construction is accomplished in compliance with all regulations and codes applicable of and to the City of Fellsmere, Florida.

*Permit Holder:* The person in legal possession of any permit required under this Code.

*Permitted Use:* Any use allowed by right within a given zoning district upon satisfaction of applicable land development regulations.

*Person:* An individual, corporation, governmental agency, business trust, estate, trust, partnership, limited liability company, association, two or more persons having a joint or common interest, or any other legal entity.

*Planning and Zoning Commission:* The Planning and Zoning Commission of the City of Fellsmere.

*Plan:* A map or chart of a parcel 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 of information.

*Planned Development District or Planned Development:* An area of land consisting of five (5) acres or more under unified control, utilizing creative design techniques to preserve natural resources, encourage efficient use of land and benefiting the community, designed and planned to be developed in a single operation or by a series of development phases, according to an approved development plan.

*Plat, Final:* A finished map being a complete, exact representation of a subdivision accurately showing all legal requirements of subdivisions, which may include "replat," "amended plat" or "revised plat" consistent with the requirements of Chapter 177, Fla. Stat., as amended, and duly recorded in the Plat Books in the Office of the County Clerk of Indian River County.

*Plat, Preliminary:* A tentative plan of a proposed subdivision sufficient in detail to gauge compatibility with the comprehensive plan, zoning chapter and other development regulations of the City of Fellsmere, Florida.

*Pole Light:* Any lighting device elevated by a slender piece of material greater than forty-eight (48) inches above the ground for the purpose of illuminating a broad or specific area.

*Pole Sign:* A freestanding sign whose ratio of width of sign to width of support is equal to or greater than three to one. See "ground sign."

*Political Sign:* A temporary sign advertising a candidate for public office, a political party, or a measure or issue scheduled for an election or referendum. (See also "election sign").

*Portable Sign:* Any sign, banner, or poster that is not permanently attached to the ground or to a structure that is attached to the ground. For purposes of this division, a cold air inflatable sign, "trailer," "sidewalk" or "sandwich" sign shall be considered to be a portable sign.

*Potable Water:* Water, either naturally occurring or processed, which is of a quality suitable for consumption.

*Potable Water System:* A system of structures designed to treat and distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

*Porch:* A roofed-over structure attached to the outside of an exterior wall of a building, usually to shelter an entrance, which has no enclosure other than the exterior wall of the building. Open mesh screening shall not be considered an enclosure.

*Porte Cocheres:* An outdoor covered vehicular driveway at finished grade leading to the pedestrian entrance of a building which is neither designed for nor includes any space for a vehicular off-street parking.

*Premises:* A distinct unit or parcel of land under one (1) ownership and including the appurtenances thereon.

*Pre-Existing Towers and Pre-Existing Antennas:* Any permitted existing tower or antenna constructed or existing prior to March 7, 2002.

*Principal Building or Structure:* The building in which is conducted the principal use of the premises on which it is situated.

*Principal Use:* The primary or predominant purpose and use for which any parcel of property and/or structure is designated, arranged or intended to be utilized or occupied and maintained.

*Printing and Publishing:* A building, or portion of a building, occupied by an establishment in which a person, or persons, practice a vocation or occupation that performs a type of labor, act or work, that primarily results in publishing a printing of documents and/or materials such as but not limited to newspapers, business forms, brochures and similar materials.

*Private Club or Lodge:* A building and related facilities owned or operated by a corporation, association or group of individuals established for the fraternal, social, educational, recreational or

cultural enrichment of its members and not primarily for profit. The term shall not include casinos, nightclubs, bottle clubs or other institutions otherwise operated for a profit.

*Private Recreation Area:* Active or passive parks and recreation areas contained within a subdivision for the use by the subdivision residents only. May not include amusements facilities, which are Ferris wheels, rollercoaster's, etc.

*Private School:* Any building, or group of buildings, the use of which meets state requirements for primary, secondary or higher education and which use does not secure the major part of its funding from any government agency.

*Professional Office:* The office of a member of a registered profession, maintained for the conduct of that profession; or individuals providing services customarily on a consulting rather than a retail basis, and those licensed by the Florida Department of Professional Regulation.

*Projecting Sign:* Any sign affixed perpendicular to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall. This type of sign does not include a wall, marquee, pedestrian, canopy, or awning sign that extends from the face of any primary supporting exterior wall of the structure to which it is attached.

*Project Marketing Sign:* A temporary sign indicating that real property which is located within the common development site on which such sign is placed is available for sale, rent, or lease.

*Projection:* A feature extending from the structural element of a building or structure. A projection may include and ac/heating compressor unit, sidewalk, or similar feature.

*Property Line:* The boundary of a parcel of real property under ownership as evidence by an instrument or instruments of conveyance lawfully recorded in the office of the county clerk.

*Protected Species:* Plant and animal species that are considered endangered, threatened, rare, or of special concern by the Florida Committee on Rare and Endangered Plants and Animals, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Agriculture and Consumer Services, and the U.S. Fish and Wildlife Service.

*Prune or Trim:* To cut away parts from a plant, top or lateral limbs, so as not to cause death or to shorten its natural life span.

*Public Hearing:* A meeting announced and advertised in advance which is conducted by a city official or board and which is open to the public, with the public given an opportunity to talk and participate.

*Public Notice:* The legal advertisement given of an action or proposed action of a governing body or its designee.

*Public Offices:* A building, or portion of a building, occupied by the city, county, state or federal government or legally empowered special governmental district, in which public officials and employees direct the administrative and executive functions and affairs of government.

*Public Protective Services:* Public facilities, or private firms serving the general public, providing emergency police, fire, rescue, or ambulance or similar services, excluding funeral home.

*Public Recreation Facility:* A recreation facility owned by a government agency.

*Public Rights-of-Way:* Any street, road, alley, or highway or public easement acquired by a governmental entity by purchase, gift, devise, dedication, prescription, or otherwise within the City of Fellsmere.

**Public Service Structure:** Any accessory structure 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. Buildings intended for general administrative, executive, studio, warehousing or storage functions or general maintenance operations of a utility shall not be considered as public service structures. Potable central water storage towers associated with a utility shall be considered as public service structures; however, central gas, petroleum or similar hazardous materials storage structures of a utility shall not be considered as a public service structure. Central power generating plants and related facilities shall be considered as public service structures subject to compliance with the Florida Electrical Power Plant Siting Act, Chapter 403 Fla. Stat., as amended. Central solid waste collecting stations, containers or garbage boxes serving more than one (1) parcel or planned development project shall be considered as public service structures if the site on which the structure of facility is located has been specifically approved for such use by the city council. Specifically approved and recorded easement, right-of-way and land or water areas, when referred to in regard to public service structures, shall include platted subdivisions, planned development project plans, master central water and sewer development plans approved by the appropriate City of Fellsmere officials and any easement or right-of-way of a utility that is regulated or controlled by the city, the county, state or federal government or a legally empowered special governmental district.

**Public Sign:** A sign placed by a duly authorized government official, including traffic signs, or signs on public buildings.

**Public Transportation Terminal:** A premises, or portion of a premises, occupied by an establishment primarily engaged in providing public use passenger transportation by railway, highway, water or air normally for a fee or charge. Public transportation terminals may include maintenance facilities and/or freight transportation, provided such maintenance facilities and/or freight transportation is incidental and accessory to the principal public use passenger transportation services.

**Public Utility:** Any privately-owned, municipally-owned, county-owned, or other government-owned system providing water service to the public which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily for at least sixty (60) days of the year, with a minimum permitted withdrawal capacity of one hundred thousand (100,000) gallons per day.

**Public Water Supply Well:** Wells withdrawing water from the surficial or floridan aquifer for use as potable water that are operated by public utilities.

**Real Estate Sign:** A temporary sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed temporarily.

**Record Drawings:** Amended site plans and/or construction drawings specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have actually been constructed. Record drawings must be signed, sealed and dated by a registered professional engineer.

**Recreational Equipment:** Means boats, personal watercraft, trailers and items on trailers, utility trailers, recreational vehicles, and similar vehicles or items.

*Recreational Vehicle:*

1. Any vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use and that either has its own mode of power or is mounted on or propelled by another vehicle as defined in Section 320.01, Fla. Stat., as amended.
2. A recreational vehicle shall not be used for habitation within the corporate limits of the City of Fellsmere except in designated parks.
3. Removal of the means of conveyance from a recreational vehicle or the construction of a permanent foundation for a recreational vehicle does not change the meaning of the word recreational vehicle as defined or used in the Code.

*Recreational Vehicle Park:* A place set aside and offered by a person or public body for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking and accommodation of three (3) or more recreational vehicles or tents utilized for sleeping or eating; and the term also includes buildings and sites set aside for group camping and similar recreational facilities. For the purposes of this chapter, the terms "campground," "camping resort," "R.V. resort," "travel resort," and "travel park," or any variations of these terms, shall be considered synonymous with the term "recreational vehicle park."

*Recyclable Materials:* Materials separated, at the point of generation, by the generator or his agent, and donated or sold by the generator for the purpose of recycling; including newsprint, cardboard, aluminum, glass, plastic, and ferrous metals.

*Recycling:* Any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

*Recycling Center:* An area of land with buildings used for, or occupied by, a service activity to deposit, collect, bind, bundle or store material for processing and recycling, such as newspapers, magazines, books or other paper products, aluminum, copper, cans, rags and glass. This term shall not include auto wrecking or junkyards.

*Regulatory 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 a designated height.

*Religious Facility:* A building in which persons regularly assemble for religious worship, and that is maintained and controlled by a religious body organized to sustain public worship and is exempt from the payment of federal income and local property taxes as 501(c)(3) organization of the internal revenue code.

*Remodeling, Redecorating or Refinishing:* Any change, removal, replacement or addition to walls, floors, ceilings and roof surfaces or coverings which do not support any beam, ceiling, floor load, bearing partition, columns, exterior walls, stairways, roofs or other structural elements of a building or a structure.

*Repair Garage:* A building or premises which may be designed or intended for some or all of the purpose indicated under "service station" but which, unlike a service station, includes provisions for major mechanical repairs and/or body work; provided, that body work and painting shall be conducted within a completely enclosed building and that self-propelled vehicles not in safe

operating condition and shall be temporarily stored within a fully-enclosed building or opaque, fenced area.

*Required Project Improvements:* All of the improvements required by the provisions of this Code for a particular type of land use or zoning district, including any buffer strip, screening or other project improvement required as a special condition or otherwise stipulated in conjunction with any official action approving such development. Project improvements proposed by the applicant and stipulated as improvements to be completed prior to any required final approval shall also be considered as required project improvements.

*Research, Development and Testing Laboratory:* A premises, or portion of a premises, occupied by an establishment primarily engaged in research and testing on a commercial basis normally on a contract basis for a fee or charge, or nonprofit organization primarily engaged in research and the dissemination of information for the public health or welfare.

*Residential Care Facility:* A building, or portion of a building, that constitutes a living facility which operated to provide the physical, emotional and social needs of its residents in a family-like setting, of three (3) or more residents. Such facilities shall include, but are not limited to: foster homes, group homes, family shelter homes and adult congregate living facilities as those terms are defined in the Florida Statutes.

*Residential Use:* A use for living and sleeping of persons, but not institutional or retail in character.

*Restaurant:* An establishment where food is ordered from a menu, prepared, and served for pay primarily for consumption on the premises in a completely enclosed room, under roof of the main structure, or in an interior court. A drive-in/fast food restaurant is not a restaurant. A cafeteria shall be deemed a restaurant for purposes of these regulations.

*Retail Service:* Establishments engaged in the provision of services or entertainment, as opposed to products, to the general public, including but not limited to, eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, education and social services.

*Retail Trade:* Establishments engaged in selling goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of the goods. Some of the important characteristics of retail trade establishments are: the establishment is usually a place of business and is engaged in activities to attract the general public to buy; the establishment buys or receives merchandise as well as sells; the establishment may process some of its products, but such processing is incidental or subordinate to selling activities; and, the establishments sell to customers for personal or household use.

*Revolving Sign or Rotating Sign:* Any sign that revolves or rotates.

*Right-of-Way:* A strip of land dedicated, deeded, used, or to be used for a street, alley, walkway, pedway, boulevard, utility installations, drainage facility, access for ingress or egress, or other purpose by the public, certain designated individuals, or governing bodies. Includes Murphy Deed Reservations.

*Riparian Lot Line:* A line of division separating the riparian use areas of adjacent waterfront parcels, extending waterward from the point of intersection of a side lot line and a shoreline. The riparian lot line shall be extended to the centerline ("thread") of a waterway, and shall be perpendicular to the general course of the waterway at that point.

*Road:* The term "road" 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.

*Roof Sign:* Any sign erected over or on the roof of a building.

*Room:* An unsubdivided portion of the interior of a dwelling, excluding closets, hallways and service porches.

*Rooming House:* Any dwelling in which more than two (2) persons are lodged on a continuing basis, without meals, for compensation.

*Roof Line (deck line):* The intersecting lines of a roof formed at the junction of the roof with the walls of a building. On a sloped roof, the deck line is the intersection of the sloped roof sides with the uppermost flat roof.

*Roof Sign:* Any sign erected and constructed wholly on or over the roof of a building and which is supported by the roof structure or any sign that extends in whole or in part above the roofline of a building.

*Safety Sign:* See "warning sign".

*School:* An educational institution with state approved curricula and state certification offering studies at different levels to groups of pupils of various ages, under either public or private auspices.

*Screen Enclosure or Screened Structure:* An outdoor frame built to support and be covered by insect screening. The screening shall be at least fifty (50) percent open area per square inch.

*Scrub Habitat:* A well drained, fire adapted, plant community occurring primarily on ridges (elevated areas), characterized by white or light colored, acidic sand. Generally, the habitat has a sparse sand pine canopy, with dense clumps or vast thickets of scrub oaks and other shrubs dominating the understory. The ground cover is generally very sparse, being dominated by lichens and herbs, with open patches of barren, exposed sand.

*Security:* Cash or a Letter Of Credit used to guarantee the construction of improvements.

*Self-service storage facility:* Any real property designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property.

*Service Use:* An establishment where the principal use is the provision of services for individuals, business and government establishments and other organizations; as opposed to the selling of goods or merchandise. This term includes automotive services, business services, major vehicle service, and personal Services, but does not include retailing uses, restaurants, residential social service facilities, or any industrial uses.

1. *Service, automotive:* Where the provision of services is focused on the repair and maintenance of automobiles. Examples of automotive service include detailing, mechanical or interior repair, tune-ups, tire sales and service, and stand alone car washes, etc. For the purpose of this appendix, automobile service stations are considered separately from automotive services.
2. *Service, business:* Where the provision of services is focused on support to professional office establishments. Some examples include copy centers, secretarial service, computer rental-repair service, etc.

3. Service, major vehicle: Vehicle service activities that do not meet the definition of automotive service or the design standards of Article VI, Section 2 (automobile service station standards) shall be classified as major vehicle service. Examples include bus terminal/maintenance facilities, truck terminal/maintenance facilities, and body and paint shops.
4. Service, personal: A service use primarily engaged in providing services involving the care of a person, his or her apparel, pets, or small appliances. Some examples include barbershops, beauty shops, dance studios, funeral homes, pet grooming, appliance services, laundromats, health and fitness clubs, etc.

*Service Station or Filling Station:* Any building, structure or land used primarily for the sale of motor fuels or oil at retail direct to the customer, including the supplying of accessories, parts, and services essential to the normal operation of automobiles.

*Setback:* The distance between any property line or street right-of-way line, and the building or structure, including porches, carports and accessory uses subject to yard encroachment provisions of Article IV.

*Setback Line:* The line that is the required minimum distance from a street right-of-way line or any other property line that established the area within which the building or structure must be erected or placed.

*Shopping Center:* A community or regional commercial shopping center in a CG or REAC zoning district, or a strip commercial neighborhood center in a CN zoning district classification, having at least 20,000 square feet of floor area and space for other retail or restaurant uses. The complex shall be used for uses allowed by the zoning district. Shopping centers are defined and classified by distinct type and characteristics as follows:

1. Neighborhood center or convenience center: A center that provides for the sale of convenience goods (food, drugs and sundries) and personal services, those which meet the daily needs of an intermediate neighborhood trade area. A supermarket or drugstore is usually the principal tenant; typical gross leasable floor area is approximately fifty thousand (50,000) square feet; and, the site will range from three (3) to ten (10) acres in size.
2. Community center: A center which offers a greater depth and range of merchandise and services. A junior department store, discount, or variety store usually accompanies the supermarket in this center; typical gross leasable floor area is approximately one hundred fifty thousand (150,000) square feet; and, the site will range from ten (10) to thirty (30) acres in size.
3. Regional center: A center which provides a full depth and variety of shopping goods, general merchandise, apparel, furniture and home furnishings. One (1) or more fully-lined department stores with at least one hundred thousand (100,000) square feet of gross leasable floor area, a pedestrian mall and supplementary tenant stores characterizes the center. The gross leasable floor area is typically four hundred thousand (400,000) square feet or greater; and, the site will range from thirty (30) to fifty (50) acres or more.

*Shrub:* Any living, self-supporting woody evergreen plant, other than a tree, normally grown in Indian River County.

*Side Lot Lines:* Straight lines connecting the end points of the front and rear lot lines.

*Sidewalk:* Improved hard surface way constructed within rights-of-way, along exclusive easements, or on private property, dedicated to public use, intended to be used for pedestrian traffic, from which motor vehicles are excluded and designed to provide access to adjacent roads and lots. Crosswalks shall be included as a required sidewalk.

*Sidewalk or Sandwich Sign:* See "portable sign".

*Sight Visibility Triangle:* A triangular shaped portion of land established at street intersections or driveway and street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sight visibility triangle is an area created by measuring a distance of 15 feet along the right-of-way line (property line) from the point of the intersection of two adjacent right-of-way lines and connecting the terminus of the two 15-foot right-of-way lines.

*Sign:* Any object, device, display structure or part thereof, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. For the purposes of these regulations, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. In the case of a permanent sign made of any fabric or other non-rigid material the sign shall conform to each specification for such signs found elsewhere in the Code. Signs do not include merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.

*Signable Area:* The total surface area on a single plane of a wall or window, similar structure, or a building facade, where a sign may be located under this Code.

*Signable Area, Wall:* For purposes of determining the maximum size (area) allowed for a wall sign; signable wall area is the continuous portion of a single plane of wall surface that is unbroken by doors, windows, or openings.

*Sign Area:* That area enclosed by one continuous line, connecting the extreme points or edges of a sign. This shall be determined by using the largest area of outline visible at any one time from any one point. This does not include the main supporting sign structure, but includes all other ornamental attachments, connecting links, etc., which are not a part of the main supports of the sign.

*Sign, Maintenance:* The replacing, repairing, or repainting of a portion of a sign structure, periodically changing copy, or renewing copy, which has been made unusable by ordinary wear or weather or accident. The replacing or repairing of a sign or sign structure of which 25 percent or more of the total areas has been damaged (as determined by the city manager or designee) shall not be considered maintenance.

*Sign, Traffic Control Device:* See "traffic control device sign".

*Site Development Approval:* The permission issued by appropriate authority under the provisions of this Code, usually in conjunction with or prior to a "building permit", which authorizes the construction or alteration of a structure or site and is required prior to such construction or

alteration. Final Site Plan approval by the City Council and evidence of receipt of all required permits for the project by the Community Development Department (CDD) shall be the authority given to start site preparation work.

*Site Improvement:* Any manmade alteration to a parcel of land for the purpose of preparing the site for future construction or the actual construction of structures or paved surfaces.

*Site Plan:* A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land, including all assignments set forth in this Code.

*Site-Related Right-of-Way Dedications:* Right-of-way dedications necessary to provide safe and adequate access to a development, which are made necessary by the traffic to be generated by or attracted to the development. Dedications of right-of-way to bring a road up to ultimate road standards set forth in the Comprehensive Plan or this Code are presumed to be site related.

*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 unit or sleeping unit.

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

*Snipe Sign:* Any sign tacked, nailed, posted, pasted, glued or otherwise attached to telephone poles, utility poles, trees or fences, with the message appearing thereon not applicable to the present use of the premises upon which the sign is located and any sign installed without permission of the owner of the property where the sign is placed.

*Solid Waste Disposal Facilities:* A premises, or portion of a premises, occupied by an establishment primarily engaged in the disposal of solid waste, rubbish, refuse and garbage, and with or without recycling facilities.

*Specimen Tree:* A tree which has been determined by the City of Fellsmere to be of high value because of its type, size, age, beauty or other relevant criteria, and has been so designated by the City in the public records book following a public hearing with due notice by certified mail to the owner.

*State:* The State of Florida.

*State Highway System:* Consists of:

1. Interstate system;
2. All rural arterial routes and their extensions into and through urban areas;
3. All urban principal arterial routes; and
4. Certain urban minor arterial routes designated by the Florida Department of Transportation.

*State Jurisdictional Waters:* Those waters and wetlands within the State dredge and fill jurisdiction pursuant to Sections 17-4.02 (17) and 17-4.022, Fla. Admin. Code, as amended, and rules on Sovereignty Lands, Chapter 16Q-21, Fla. Admin. Code, as amended and Florida Aquatic Preserves, Chapter 16Q-20, Fla. Admin. Code, as amended.

**State Minimum Building Code:** The building code adopted by a municipality or county pursuant to the requirements of Section 553.73, Fla. Stat., as amended.

**State Roads:** All streets, roads, highways, and other public ways open to travel by the public generally, and dedicated to the public use according to law or by prescription, and designated by the Florida Department of Transportation as provided by law, as parts of the State Highway System.

**Statutory Sign:** A sign required by any statute of the State of Florida or the United States.

**Start of Construction:** The first placement of permanent elements of a structure on a site such as pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation.

**Story:** That portion of a building between a floor and the next floor above, or if there is no next floor, the ceiling above.

**Street:** Any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and easements of ingress and egress.

1. **Collector:** A street that collects traffic from local streets and feeds it to the arterial street network. Collectors are divided into major and minor collectors depending upon their priority in the system and the amount of traffic.
2. **Local:** A street used primarily for access to abutting properties, usually residential.
3. **Minor arterial:** A street that feeds and distributes moderately high volume traffic to principal arterials. Arterial streets may provide controlled access to abutting property.
4. **Minor Collector Street or Road:** A street emphasizing traffic collection and distribution between roadways of a greater hierarchy (arterials and major collectors) and local streets or roads.
5. **Principal arterial:** A street that serves high volume traffic corridors and connects major population centers and traffic generators, generally with limited or controlled access.

**Street Address Sign:** Any sign denoting the street address of the premises on which it is attached or located.

**Street, Private:** A privately owned access to abutting property, which serves more than one property, is not dedicated to the general public and is maintained by a Property Owner's Association or other entity.

**Streetline:** A dividing line between a lot, tract or parcel of land and a contiguous street.

**Structure:** Anything constructed, erected, 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 which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes swimming pools, fences, freestanding signs, sidewalks,

patio slabs and driveways. When the context requires, the term "structure" shall be constructed as if followed by the words "or part thereof".

*Structure, Temporary:* Any structure built to serve a use temporarily, such as a field or sales office, or contractor's office.

*Structural Alteration:* Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

*Subdivision:* The division or platting of real property into three (3) or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land; and includes establishment of new streets and alleys, additions, resubdivisions and reconfiguring of lots; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

*Subdivision Plat:* A plat for the subdivision of land approved in accordance with the City of Fellsmere' Subdivision Regulations, or the Indian River County Subdivision Regulations, if platted prior to incorporation into the City of Fellsmere, Florida.

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

*Substantial Progress:* Relating to the construction of any structure or the installation of any required project improvements shall mean that binding contracts for such construction or installation have been let, or, in the absence of such contracts, that the construction of such structure or installation of such improvements has progressed to a conclusive degree or that prerequisite conditions involving significant investment shall be completed. When construction is not a part of the use, substantial progress shall mean that the use is in operation in compliance with the conditions, stipulations and regulations governing such use.

*Substantial Improvement:* The total cost of reconstruction, alteration, rehabilitation, addition, or other improvements to a building (including electrical, plumbing, heating, and air conditioning) taking place during a ten-year period, which equals or exceeds fifty (50) percent of the market value of the building. The market value of the building is the appraised or assessed value of the building, less the land, prior to the start of the initial repair or improvement. In the case of damage, the market value of the building is that prior to the damage occurring. If the assessed value represents only a percentage of building value, then the market value equals the assessed value plus an amount representing the discount percentage.

This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. It does not include repairs for damage from any origin which are determined to be less than "substantial damage" as defined in this ordinance.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not, however, include:

1. Any project for improvement of a building required to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the code enforcement official, which have been cause for issuance of a citation or condemnation, and which are solely the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure," and for which a variance has been granted pursuant to this ordinance.

*Substantially Improved Existing Manufactured Home Parks or Subdivisions:* Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

*Surface Water:* Water in lakes, ponds, marshes and swamps, manmade impoundments (reservoirs), or in the ocean.

*Swimming Pool:* Any portable or permanent structure, whether above or in ground, capable of containing water to a depth of eighteen (18) inches or more, and which is used or intended to be used for swimming, wading or any other water recreation purpose.

*Swinging Sign:* Any sign installed by any means that allows the sign to swing back and forth by wind action.

*Technical Review Committee (TRC):* See Article XVII Administration Section 17.5.

*Telecommunications Facility:* A facility that is used to provide one or more telecommunications services, including, without limitation, radio transmitting towers, other supporting structures, and associated facilities used to transmit telecommunications signals. An open video system is not a telecommunications facility to the extent that it only provides video services; a cable system is not a telecommunications facility to the extent that it only provides cable service.

*Telecommunications Facility Operator:* A provider of telecommunications services.

*Telecommunications Services:* The offering of telecommunications (or the transmission between or among points, specified by the user of information of the user's choosing without change in the form or content of the information as sent and received) for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

*Telecommunications Tower or Tower:* Any structure, and support thereto, designed and constructed primarily for the purpose of supporting one or more antennae intended to provide telecommunication services including lattice, monopole and guyed towers. The term includes personal wireless service, facilities used for the provision of commercial mobile services, unlicensed wireless services (telecommunication services using duly authorized devices which do not require individual licenses) and common carrier wireless exchange access services. For purposes of this Code the term include radio and television transmission towers. The following shall be considered not to be a telecommunications tower:

1. A structure supporting a utility transmission line(s) only, and
2. A structure up to 150 feet in height supporting a 69KV or higher voltage utility transmission line(s), and antenna(e), when located in non-residential zoning districts, and
3. A structure supporting a amateur radio antenna for residential uses only, and
4. A structure supporting a radio, television or satellite receiving antenna for residential uses only.

*Telecommunications Tower Height:* When referring to a communications tower or other structure, the distance measured from the finished grade of a parcel to the highest point on the tower or other structure, including the base pad and any antenna, but excluding lights and lightning rods.

*Temporary Building or Structure:* A temporary building or Structure is a building or structure that is intended to be located on a parcel of land for a limited period of time or duration. All temporary buildings or structures shall be adequately secured or anchored to the ground in accord with the requirements of the Florida Building Code or in the case of State Certified manufactured buildings or mobile homes, said modular buildings or mobile homes shall be properly anchored to applicable laws or regulations.

*Temporary Commercial Amusement:* A transient activity which does not require the construction of additional permanent structures nor involve the use of any premises for an extended period of time and which is provided by an establishment primarily engaged in the commercial operation of such activity for a profit, fee, admission charge or other similar means of compensation. Temporary commercial amusements include circuses, carnivals, fairs and similar promotional enterprises of a transient nature.

*Temporary Sign:* A sign intended for a use not permanent in nature that advertises for a limited period of time political candidates, parties, or issues; a building under construction; real estate for sale, rent, or lease; business grand openings; or other special events. For the purposes of this division, a sign with an intended use of three months or less shall be deemed a temporary sign unless otherwise indicated elsewhere in this Code.

*Temporary Use:* A use, other than an accessory use, that does not involve the construction or alteration of any permanent structure and that is established for a fixed period of time with the intent to discontinue such use upon the expiration of the established time period.

*Townhouse or Rowhouse:* Three (3) or more single family dwelling units separated by common "fire resistant" walls, each located on its own lot with individual title thereto and each possessing requisite parking to serve the unit. "Yard" requirements shall be appropriate to the construction location of the specific unit, and with regard to the requirements of the applicable district schedule in which the units are located, to include requisite front yards on corner lots.

*Tourist Home:* A building, or portion of a building, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, for a charge or fee, and which also serves as the residence of the operator.

*Traffic Control Device Sign:* Any sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

*Trailer Sign:* A licensed or unlicensed advertising structure mounted on skids, wheel, or wheels and constructed for the sole purpose of advertising.

*Transient Lodging Facilities:* Structures with units or rooms generally used for occupancies of less than four (4) weeks including without limitations hotels/motels, time share facilities and tourist courts.

*Transportation Corridor:* Any land area, designated by the state, county or the city which is between two geographic points and which area is used or is suitable for the movement of people

and goods by one or more modes of transportation and may include areas necessary for management of access and securing applicable approvals and permits. Transportation corridors shall contain, but are not limited to, the following:

1. Existing publicly owned rights-of-way;
2. All property or property interests necessary for future transportation facilities, including rights of access, air, view, and light, whether public or private, for the purpose of securing and utilizing future transportation rights-of-way, including, but not limited to, any lands reasonably necessary now or in the future for securing applicable approvals and permits, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access could be impaired due to the construction of a future facility, and replacement rights-of-way for relocation of rail and utility facilities.

*Transportation Facility:* Any public way provided for the passage of people and property from place to place that is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the passage of people and property from place to place.

*Travel Trailer:* A vehicular portable unit which:

1. Is identified by the manufacturer as a travel trailer or recreational vehicle; or
2. Is not more than eight (8) feet in body width; or
3. Is of any weight provided its body length does not exceed thirty-two (32) feet; or
4. Is of any length provided its gross weight, factory equipped for use, does not exceed four thousand five hundred (4,500) pounds.
5. Is designed primarily for short-term temporary living and sleeping purposes for travel, recreation and vacation purposes.
6. Include units designed to be mounted on, or attached to, a truck or automobile chassis of motorized self-propelled vehicles constructed as an integral unit.
7. Removal of the means of conveyance from a travel trailer or the construction of a permanent foundation for a travel trailer does not change the meaning of the word travel trailer as defined or used in the Code.

*Travel Trailer Park:* A parcel of property, or portion of a parcel of property, prepared and approved according to the procedures of this Code to accommodate travel trailers.

*Tree:* A woody plant having a well defined stem, a more or less well defined crown, and which is capable of attaining a height of at least fifteen (15) feet with a trunk diameter of not less than two (2) inches, or a cluster of main stems having an aggregate diameter of not less than two (2) inches, DBH.

*Tree Canopy:* The leafy portion of a tree.

*Trip Generation:* Means the total number of trip ends produced by a specific land use or activity.

*Type A, B, C, D, E Buffer:* See Article XI Landscaping Section 11.5.

***Umbrella Sign:*** A sign printed on umbrellas used for legal outdoor eating and drinking establishments, push-carts, sidewalk cafes and which is made of a lightweight fabric or similar material.

***Unincorporated County:*** The entire geographic area of Indian River County, except for municipalities.

***Unity of Title:*** Recorded legal instrument combining two or more lots or parcels into one lot or parcel.

***Use:*** Any activity on a site or within a structure.

***Use, change of:*** A change in an existing or previous use on a site or within a structure from one principal use to another principal use such that the change would require a different application of the land development regulations to the latter principal use than what is applicable to the former principal use.

***Use of Land:*** The use of land, water surface and land beneath the water to the extent covered by district schedule designations, and over which the city, county, state and federal government exercises legal jurisdiction.

***Vacant:*** A housing unit in which no one is living, unless the occupants are only temporarily absent. New units not yet occupied are counted as a dwelling but considered vacant when windows and doors are in place, finish floors are laid, and the building exterior is weatherproof.

***Vacate or Vacation:*** When used with reference to the plat of a subdivision means the procedures for vacation and annulment of plats provided in Chapter 177, Fla. Stat., as amended.

***Variance:*** A written authorization to depart from the literal requirements of a city code, regulation or ordinance.

***Variety or Department Store:*** A retail establishment that carries a general line of merchandise arranged by separate sections or departments. The departments and functions are integrated under single management and unified ownership.

***Vehicle:*** Any wheeled conveyance, whether motor powered, animal drawn or self propelled. The term shall include any trailer in tow of any size, kind or description.

***Vehicular Access:*** A driveway, roadway, apron or other travelway to facilitate vehicular movement to and from property adjoining a highway. Includes only that part of a driveway that lies within the highway right-of-way boundaries.

***Vehicle Sign:*** A sign affixed to a vehicle or trailer for the purpose of advertising. For the purposes of this Code, such signs shall only be applicable when said vehicle or trailer is temporarily or permanently located on a parcel for the primary purpose of conveying a business message.

***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. There can be no vested right in a sign permit if a sign permit is applied for under a sign ordinance that is later partially or wholly adjudicated to be unconstitutional by a court of competent jurisdiction.

*Veterinarian and Animal Hospital:* A premises, or portion of a premises, occupied by an establishment in which a person, or persons, practice a vocation or occupation that performs a type of labor, act or work, that primarily results in the medicine, dentistry, surgery and/or similar animal hospital and veterinarian services normally for a fee or charge. Veterinarian clinics may include dog grooming.

*Visibility clearance at intersections:* A space, approximately triangular in shape on a corner lot, in which nothing is permitted to be built, placed, or grown in a way that would impede visibility. Its purpose is to assure that vehicles and pedestrians have adequate and safe visibility.

*Visual Obstruction:* Any fence, wall, tree, hedge or shrub, or combination of them which limits visibility.

*Volume:* Occupied space measured in cubic units.

*Wall Face:* The entire building front including the parapet.

*Wall Mural:* A wall mural shall mean any picture or graphic design painted on or otherwise applied to the exterior of a building or structure or to the surface of window. A wall mural may include advertising or other commercial slogans or statements to the extent that the advertising or commercial slogan does not violate the wall sign requirements of the zoning district in which the mural is located.

*Wall Sign:* A sign which is painted on, carved in, fastened or otherwise affixed to the wall of a building with its face in a parallel plane with the plane of the building facade or wall.

*Warehouse:* A building used primarily for the storage of goods and materials.

*Warehousing and Distribution:* A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

*Warning Sign or Safety Sign:* A sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

*Weeds:* Any accumulation of untended, dead or living grasslike and/or herbaceous vegetation, generally found in association with an unkept yard area, which become infested with vermin, constitute a health hazard, or become a fire hazard under drought conditions. For the purposes of this definition, weeds generally refers to unkept sod grass, such as Bermuda, Centipede, Bahia, St. Augustine, and Zoysia grass. Such definition shall not include trees or shrubs, or understory vegetation which is in association with an undeveloped wooded lot. The term "weeds" shall not be deemed to include any vegetation protected under county land development regulations.

*Welding Establishment:* A premises, or portion of a premises, occupied by an establishment in which a person, or persons, practice a vocation or occupation that primarily performs a type of labor, act or work, that results in the welding of an article of merchandise or piece of equipment intended for and directly incidental to the needs of ultimate consumers normally for a fee or charge.

*Well:* Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater from a source bed to the surface, by pumping or natural flow, when groundwater from such excavation is used or is to be used for a public water supply well.

*Wetland:* An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

*Wetland Alteration:* Any dredging, filling, cutting, drainage, or flooding of a jurisdictional wetland.

*Wetland Dredging:* Any disruption or displacement of wetland substrate or bottom sediments or contours. It also means the excavation or creation of a water body which is or will be connected to jurisdictional wetlands.

*Wetland Filling:* The placement of any material in, on, or over a jurisdictional wetland.

*Wetland Functions:* The roles wetlands serve, including but not limited to flood storage, flood conveyance, ground water recharge and discharge, erosion control, wave attenuation, water quality enhancement and protection, nutrient removal, food chain support, wildlife habitat, breeding and habitat grounds for fishery species, and recreational values.

*Wetland Mitigation:* The compensation for the loss of wetland acreage, value and functions by the creation of new wetlands or the enhancement of existing wetlands.

*Whip Antenna:* A cylindrical antenna that transmits signals in 360 degrees.

*Wholesale Trade:* The sale of goods for resale by a retail establishment to the ultimate consumer.

*Window Sign:* Any sign mounted or placed in any fashion on the interior or exterior of the surface of a window of any building or door and intended to be seen from the exterior. This does not include merchandise on display.

*Wind Sign:* A sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind and shall include, pennants, ribbons, spinners, streamers or captive balloons, however, the term "wind sign" shall not include flags.

*Yard:* An open space at grade between a building and the property lines of the lot on which the building is located, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

*Yard, Front:* A yard extending across the front of a lot, bounded by the side lot lines, front property line and the front of the main building or any projections thereof. In all cases, the main building and any projections thereof must be behind the line of minimum lot width.

*Yard, Rear:* A yard extending across the rear of a lot between the side lot lines and the rear property line, and being the required minimum horizontal distance between the rear property line and the rear of the main building or any projections thereof. On all lots the rear yard shall be at the opposite end of the lot from the front yard.

*Yard, Side:* A yard between the main building and the side line of the lot, extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side property line and the side of the main building or any projections thereof.

*Yard Trash:* Means vegetative matter resulting from landscaping maintenance and land clearing operations.

*Zero Lot Line:* The location of a building on a lot in such a manner that one (1) of the buildings' sides rests directly on the lot line.

*Zoning:* The dividing of a legal jurisdiction into districts and the establishment of regulations governing the use, placement, spacing and size of land, buildings, structures and ancillary facilities thereon.

*Zoning District:* A specifically delineated area of the legal jurisdiction within which regulations and requirements uniformly govern the use, placement, spacing and size of land, buildings structures and ancillary facilities therein.

*Zoning Map:* The legally adopted map or map series that is a part of the zoning regulations, which delineate the boundaries of the specified zoning districts.

*Zoning Permit:* The document signed by the appropriate governmental authority as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a building or structure, which acknowledges that such use, building or structure complies with the provisions of the jurisdiction zoning district, or authorized variance there from. Zoning permits shall be made part of the building permit application package and a copy shall kept in the project file.

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