

Subpart B - LAND DEVELOPMENT REGULATIONS

Footnotes:

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Editor's note— Printed herein are the City of Alachua Land Development Regulations, being Ordinance No. 06-11, § 1, adopted February 27, 2006. Subsequent amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings and catchlines has been used. Additions made for clarity are indicated by brackets.

State Law reference— Land development code required, F.S. § 163.3202(3).

Article 10 - DEFINITIONS

Sec. 10.1. - Rules of interpretation.

The following rules shall apply for construing or interpreting the terms and provisions of these LDRs:

- 10.1.1 *Meanings and intent.* All provisions, terms, phrases, and expressions contained in these LDRs shall be construed according to the general purposes set forth in Section 1.3, General purpose, and the specific purpose statements set forth throughout these regulations. When a specific section of these regulations gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.
- 10.1.1 *Headings, illustrations and text.* In the event of a conflict or inconsistency between the text of these regulations and any heading, caption, figure, illustration, table or map, the text shall control.
- 10.1.2 *Lists and examples.* Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.
- 10.1.3 *Computation of time.* The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.
- 10.1.4 *References to other regulations/publications.* Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document,

unless otherwise specifically stated.

- 10.1.5 *Delegation of authority.* Any act authorized by these LDRs to be carried out by a specific official of the City may be carried out by a designee of such official.
- 10.1.6 *Technical and nontechnical terms.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- 10.1.7 *Public officials and agencies.* All public officials, bodies and agencies to which references are made are those of the City of Alachua, unless otherwise indicated.
- 10.1.8 *Mandatory and discretionary terms.* The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.
- 10.1.9 *Conjunctions.* Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
 - (A) "And" indicates that all connected items, conditions, provisions or events apply; and
 - (B) "Or" indicates that one or more of the connected items, conditions, provisions or events apply.
- 10.1.10 *Tenses, plurals and gender.* Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

Sec. 10.2. - Definitions.

Abutting or adjacent property means abutting or adjacent property means property that is immediately adjacent to the property being considered under these LDRs.

Access means the primary means of ingress and egress to abutting property from a dedicated right-of-way.

Accessory structure means a structure that is subordinate in use and square footage to a principal structure or permitted use.

Addition means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by an independent perimeter load bearing wall is new construction.

Administrative adjustment means a permit reviewed and approved, approved with conditions, or denied by the LDR Administrator in accordance with Section 2.4.8, Administrative adjustment.

Adult day care center means a licensed facility, whether operated for profit or not, which is provided through its ownership or management, for a part of the day only, providing basic care services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and require such services. (See F.S. ch. 400.)

Adverse effect means a negative consequence for the physical, social, or economic environment resulting from an action or project.

Affected party means, for the purposes of Section 2.2.9(A)(8), Notify affected parties where they may be heard, any person who will suffer an adverse effect to a property interest from the proposed application for development permit, including interests related to health and safety, densities and intensities, traffic congestion, environmental impacts, aesthetic impacts, and similar effects. Any person who has land adjacent to the land subject to the application for development permit is an affected party.

Affordable housing means housing that is available at a total cost (including monthly rents or mortgages, taxes, insurance, and utilities) that does not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for low-income households or very low-income households.

Aggrieved or adversely affected person means any person (including an owner, developer, or applicant for a development order) who will suffer an adverse effect to an interest protected or furthered by the local government Comprehensive Plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest 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 processing means processing operations for agricultural products raised on the premises or locally only, including: meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting and grading, as an accessory use to an agriculture, horticulture or animal husbandry use.

Agricultural research facility means a facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

Agriculture, general use category means uses characterized by general active and ongoing agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, apiculture, silviculture (including the harvesting of timber) and similar uses. The term "agriculture" does not include a grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products. The term "agriculture" does not include preparatory functions such as grading or creation of planting beds through

stockpiling of dirt or other means when such preparations do not result in an active and ongoing agricultural activity within 30 days. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses. See also Section 4.2.4(A).

Agriculture support and services (directly related). See Section 4.2.4(D).

Agriculture support and services (not directly related). See Section 4.2.4(E).

Agri-education means a facility for the investigation, testing, or demonstration of, or for training or educating persons in, products and processes related to agriculture, horticulture, or animal husbandry, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

Agri-entertainment means events and activities such as corn mazes, hay rides and petting zoos that allow for recreation, entertainment and tourism in conjunction with agriculture support (directly related).

Airplane landing strip means any area designed and used for the takeoff and landing of small private aircraft, having no more than one airstrip.

Airport means any area of land or water designed and set aside for the landing and take off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Alley or service drive means a private right-of-way or easement which affords only a secondary means of access to property abutting thereon, provided however, that within cottage neighborhoods, an alley or service drive may serve as the primary means of vehicular access to cottage homes.

Alter or alteration of a stormwater management system means, for the purposes of Section 6.9.3, Stormwater management standards, work done other than that necessary to maintain the system's original design and function.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Amended certificate of concurrency compliance means a certificate of concurrency compliance obtained from the LDR Administrator due to changes in a proposed development's timing, density, or intensity in accordance with Section 2.4.14 of these LDRs.

Amphitheater means a building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities and maintenance areas.

Animal care business means an enterprise that provides care and services for livestock or other farm animals, such as animal grooming or training, but which is not a kennel, a veterinary service, or an animal hospital.

Animal grooming means any place or establishment, public or private, where animals are bathed, clipped, or combed for the purposes of enhancing their aesthetic value and/or health and for which a fee is charged.

Animal hospital means a place for the medical care of animals; a veterinary hospital. The boarding of animals at an animal hospital is limited to that incidental to the hospital use.

Animal husbandry, general use category means the active and ongoing propagation, rearing, exercising, feeding, milking, housing, controlling, handling or general care of living animals, including the raising and production of cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, poultry, sheep and similar animal husbandry uses. Animal husbandry also includes the raising and production of aquatic or hydroponic plants and animals. See also Section 4.2.4(B).

Animal sales, services and care. See Section 4.2.4(F).

Animal shelter means a facility used to house and care for stray, homeless, abandoned or neglected animals and that is owned, operated or maintained by a public body, an established humane society, or other private or nonprofit organization.

Annual concurrency status report means the report issued once each year as a supplement to the monthly development report that assesses the impacts of the approved development listed in the monthly development report upon the adopted level of service standards for those public facilities subject to concurrency in accordance with Section 2.4.14.

Antenna. See definition of *Wireless telecommunication antenna*.

Appellant means one who files an appeal.

Aquifer or *aquifer system* means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

Arboretum means a place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational or passive recreational purposes, not including the harvest of plants or their produce.

Arcade means an area contiguous to a street or public plaza that is accessible to the public at all times, and that provides covered or semi-covered pedestrian ways, visibility to storefronts, landscaping and other pedestrian features such as seating.

Archery range means an outdoor facility that may include buildings or structures used for target practice with bows and arrows.

Arterial street means a major street for carrying a large volume of traffic in the area; normally controlled by traffic signs and signals.

ASCE 24 means a standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code, as amended. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Assisted living facility means a building, section or distinct part of a building, private home, boardinghome, 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, health care assistance, 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 (see F.S. ch. 400). Accessory uses may include dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility. The term "assisted living facility" includes nursing homes and convalescent homes.

Auction arena for livestock means a place where livestock or farm equipment is offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

Auction house means a place where the property of others, such as objects of art, furniture and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

Auditorium means a building or structure designed or intended for use for spectator sports, entertainment events, expositions and other public gatherings.

Authorized agent means a person with express written consent to act upon a landowner's behalf.

Auto service station means the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, not including bodywork, framework, welding and major painting service.

Auto service station and wash and detail means the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, not including bodywork, framework, welding, major painting service and carwash and detailing services.

Automatic standby generator means a natural gas, liquid gas propane or diesel fuel powered generator which is permanently connected to the electrical system of a principal structure and only operates in the event of a power outage in order to provide backup power to the principal structure. Gasoline powered generators are not permitted as standby generators that are permanently connected to electrical systems of principal structures.

Automobile includes automobiles and light trucks. The term "light truck" means a motorized vehicle with a manufacturer-defined "curb weight" (fully fueled vehicle weight with no passengers or cargo) of three tons (6,000 pounds) or less.

Automobile body shop means the repair of automobiles, vehicles or trailers, including body work, framework, welding and major painting service.

Automobile parts sales means premises which is used for the display and sale of new or used parts for automobiles, light trucks, vans, trailers, or recreation vehicles.

Automobile rental and sales means premises on which new or used passenger automobiles, trailers, or light trucks in operating condition are displayed for sale, lease or rental.

Automobile repair and servicing means the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including body work, framework, welding and major painting service.

Axis means the centerline of a structure which divides the structure into two halves.

Backhaul network means, for the purposes of Section 4.3.2(I)(1), the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Banquet hall means a building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, that is not open to the general public, whether or not a fee is charged. Also known as a meeting hall or reception hall, but does not include private clubs or lodges.

Bar, nightclub or cocktail lounge means an establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises. Sandwiches, light meals, snacks and/or full-service meals are available for consumption on the premises but are not the principal or predominant use of the establishment.

Base flood means, for the purposes of Section 6.9.4, Floodprone area standards, the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation has the meaning as defined in Section 202, Florida Building Code, as amended.

Basement means that portion of a building between the floor and ceiling, which is partly below and partly above grade, but located so that the vertical distance from the grade to the floor below is less than the vertical distance from the grade to the ceiling; provided, however, that the distance from the grade to the ceiling shall be at least four feet six inches; provided however, for purposes of Section 6.9.4, Floodprone area standards, basement has the meaning as defined in Section 202, Florida Building Code, as amended, for flood loads.

Bath house means an establishment which is not a hotel, but which contains any combination of baths, showers, saunas and pools for public use and which excludes persons under the age of 18 from part or all of the facility that is open to adults.

Bed and breakfast means a private residence, generally a single-family dwelling, in which guestrooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide breakfast service for guests only.

Bed and breakfast inn means a use that provides guestrooms in an operator- or owner-occupied residential unit that is primarily used for inn activities. Bed and breakfast inns are operated as a commercial enterprise. They may provide meals for guests and the general public. Accommodations for overnight stays are limited to ten guestrooms.

Beneficial use determination means a determination made by the City Commission in accordance with Section 2.4.23, Beneficial use determination.

Berm means an elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent land uses.

Birth center means any facility, institution, or place, which is not an ambulatory surgical center or a hospital or in a hospital, in which births are planned to occur away from the mother's usual residence following a normal, uncomplicated, low-risk pregnancy.

Block means a tier or group of lots existing with well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name through which it may be identified.

Blood collection facilities means a facility where blood or related materials are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection station is a facility which is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs the testing.

Board of Adjustment means the Board of Adjustment, as herein provided for within these LDRs.

Boat and marine rental and sales means premises on which new or used boats and other marine vessels are displayed for sale, lease or rental.

Bollard means one of a series of posts preventing vehicles from entering an area.

Bosque means a formal landscape architectural design element in which a group of trees are planted in a geometric grid pattern and transected by walks or pedestrian paths. Typically, the trees are of one size and species.

Botanical garden means a garden having documented collections of living plants for the purposes of scientific research, conservation, display or education.

Buffer means a strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Building means any structure, either temporary or permanent, having a roof impervious to weather, and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms or vehicles serving in any way the function of a building as described herein. This definition of a building does not include screened enclosures not having a roof impervious to weather.

Building area means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on the lot.

Building footprint means the area of a lot or a site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards.

Building front yard setback line. See Section 5.2.2(A)(2).

Building line. See Section 5.2.2(A)(1).

Build-to line means an alignment which is established a certain distance from the front property line, front building line, or lot frontage to a line on an individual property along which the front building facade edge shall be built.

Caliper means a horticultural method of measuring the diameter of a tree trunk for the purpose of determining size. The caliper of the trunk is measured six inches above the ground for trees up to and including four inches in diameter, 12 inches above the ground for trees greater than four inches up to 12 inches in diameter, and at breast height (4.5 feet) for trees greater than 12 inches in diameter.

Canopy means:

- (1) With reference to trees, the upper portion of a tree consisting of limbs, branches and leaves.
- (2) With reference to structures, a roof-like cover, including an awning, that projects from the wall of a building over a door, entrance or window; or a freestanding or projecting cover above an outdoor service area, such as at a gasoline service station.

Capital improvements means physical assets constructed or purchased to provide, improve, or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. Physical assets which have been identified as existing or projected needs in the Comprehensive Plan shall be considered capital improvements.

Capital improvements element (CIE) means the capital improvements element in the Comprehensive Plan, or its most recent amendment.

Capital improvements program (CIP) means the list of capital projects updated annually and adopted in the capital improvement element by the City Commission that is used to identify capital improvements that will contribute to the maintenance of level of service standards adopted in the capital improvements

element for each public facility.

Carrier means, for the purposes of Section 4.3.2(I)(1), a company licensed by the Federal Communications Commission (FCC) that provides wireless services. A tower builder or owner is not a carrier unless also licensed by the FCC to provide personal wireless services.

Carwash and auto detail means an establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Automatic carwash establishments are further defined under the two following categories:

1. *Full-service*. An establishment featuring a conveyor system to move vehicles through the wash cycle. This type of carwash may include sales of gasoline, oil and other vehicle related merchandise. On-site attendants are required. Building size is limited by lot size, parking requirements, building and landscape setbacks or other site characteristics.
2. *Self-service*. An establishment featuring a carwash system where vehicles are manually driven through a wash cycle, or washed manually using a wand or other hose. Incidental interior cleaning and exterior drying are performed by vehicle operator. This type of carwash does not have an on-site attendant and there is no gasoline, oil or other merchandise for sale.

Cemetery, columbarium, and mausoleum means uses intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory.

Central farm distribution hub for agricultural products means a place where farmers can deliver agricultural products for pick up by consumers or wholesalers, but not including a central place operated by a farm co-op where farmers can deliver products for pick up by consumers. The term "central farm product distribution hub" does not include such uses as a trucking operation, stockyard, auction house, slaughterhouse or other processing facility. See *Farm co-op*.

Certificate of appropriateness means a permit reviewed and approved, approved with conditions, or denied by the Planning and Zoning Board or the LDR Administrator in accordance with Section 2.4.6, Certificate of appropriateness.

Certificate of concurrency compliance means a permit reviewed and approved, approved with conditions, or denied by the LDR Administrator in accordance with Section 2.4.14, Certificate of concurrency compliance.

Certificate of LDR compliance means a permit reviewed and approved, approved with conditions, or denied by the LDR Administrator in accordance with Section 2.4.15, Certificate of LDR compliance.

Child day care center means a facility licensed by Alachua County to provide day care and/or educational services for six or more children under the age of five, other than members of the family. The term includes day nurseries, kindergartens, day care services, nursery school or preschool.

Circumference means the distance around the trunk surface of a tree.

City means the City of Alachua, Florida.

City Commission means the City Commission of Alachua, Florida.

Clear trunk means the distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.

Clear wood (gray wood) means the portion of the palm trunk which is mature hardwood measured from the top of the root ball to the base of green terminal growth or fronds.

Co-housing means a residential arrangement on the site of an active agriculture, horticulture or animal husbandry operation consisting of more than one individually owned dwelling unit and extensive common facilities, such as a large dining room, kitchen, lounges, meeting rooms, recreation areas, library, workshops, child care, laundry, greenhouse or other facilities for use by the organized group of residents living in the co-housing who participate in the planning, design, ongoing management and maintenance of the residential arrangement and in the routine activities of household living.

Cold storage plant means a building, structure, machinery, appurtenances, appliances and apparatus occupied and used in the business of freezing food products or storing frozen food products.

College or university means an institution other than a business/vocational school that provides full-time or part-time education beyond high school.

Commencement of construction means issuance of a building permit and commencement of infrastructure or building construction activities.

Commercial message means a sign, wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

Commercial recreation, indoor, a private indoor (entirely within enclosed structure) use providing for sport and recreation activities, which are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, Yoga studios, Pilates studios, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools and racquet and tennis club facilities (indoor).

Commercial recreation, outdoor, a private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, privately owned golf driving ranges, miniature golf facilities, outdoor

commercial tourist attractions, and privately owned active sports facilities such as ballfields and basketball courts, and racquet and tennis club facilities (outdoor).

Community center means a building to be used as a place of meeting, recreation, or social activity and not operated for profit.

Community garden means a private or public facility for cultivation of fruits, flowers, vegetables or ornamental plants by more than one person.

Community residential home (6 or fewer residents) means a dwelling unit licensed to serve residents who are clients of the Florida Department of Elderly Affairs, the Florida Agency for Persons with Disabilities, the Florida Department of Juvenile Justice, the Florida Department of Children and Family Services or licensed by the Florida Agency for Health Care Administration, which provides a living environment for six 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.

Community residential home (7 to 14 residents) means a dwelling unit licensed to serve clients of the residents who are clients of the Florida Department of Elderly Affairs, the Florida Agency for Persons with Disabilities, the Florida Department of Juvenile Justice, the Florida Department of Children and Family Services or licensed by the Florida Agency for Health Care Administration, which provides a living environment for seven 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.

Community service. See Section 4.2.3(A).

Completely enclosed building means a building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance and exit doors.

Compost means solid waste which has undergone biological decomposition of organic matter, and has been disinfected using composting or similar technologies, and has been stabilized to a degree which is potentially beneficial to plant growth and which is used or sold for use as a soil amendment, artificial top soil, growing medium amendment or other similar uses.

Composting means the process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled and used in an environmentally acceptable manner. The presence of anaerobic zones within the composting material will not cause the process to be classified as other than composting.

Composting facility means a solid waste management facility where solid waste is processed using composting technology. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter.

Comprehensive plan means the Comprehensive Plan adopted by the City Commission in accordance with the Community Planning Act (F.S. § 163.2511 et seq.), as amended.

Concurrency management system means the procedures and/or process that the City will utilize to ensure that development orders and permits are not issued unless facilities will be available concurrent with the impacts of development.

Concurrent means that the public facilities necessary to maintain the level of service standards adopted in the Comprehensive Plan and these LDRs will be available when the impacts of development occur on the public facilities affected by the development.

Cone of influence means, for the purposes of Section 6.9.7, Potable water wellfield protection standards, an area around one or more major water wells, the boundary of which is based on groundwater travel or drawdown depth.

Conference and training centers. See Section 4.2.5(B).

Conference center means a facility designed to accommodate less than 500 persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premises consumption.

Connectivity means the relative degree of connection between streets, sidewalks or other means of travel.

Conservation area means the portion of a conservation subdivision that is designated for permanent protection. The conservation area is typically composed of primary conservation areas, secondary conservation areas, and any additional open space set-asides.

Conservation easement means a nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; ensuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Conservation subdivision means a subdivision of land for single-family residential dwelling units that reduces the lot area of individual lots in favor of a larger unified open space set-aside area that is owned in common and located to preserve environmental, agricultural or other sensitive resources found on the site.

Construction, actual, means the placing of substantial construction materials in permanent position and fastened in a permanent manner; except that where demolition, excavation, or removal of an existing structure has been substantially begun preparatory to new construction, such excavation, demolition or removal shall be deemed to be actual construction, provided that work shall be continuously carried on until the completion of the new construction involved. The term "actual construction" shall include only work begun under a valid building permit.

Construction documents has the meaning as defined in Section 202 of the Florida Building Code, as amended.

Construction plans means plans prepared as part of the subdivision plat approval process which depict the location of lots and public facilities, in accordance with Section 2.4.10, Subdivision.

Contractor, building, heating, plumbing or electrical, means the offices for building, heating, plumbing or electrical contractors, and related storage facilities.

Convenience store means a general retail store of limited size (generally no more than 3,000 square feet in area) that sells goods and services and that may include the sale of ready-to-eat food products (not intended for on-premises consumption), a limited range of groceries, and sundries. The sales and distribution of gasoline and related products is not allowed at a convenience store.

Convention center means a facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premises consumption.

Cornice means any horizontal member, structural or nonstructural, that projects outward from the exterior wall of a building at that building's roofline. The term "cornices" include eaves and roof overhangs.

Cottage home means a principal residential dwelling located within a cottage neighborhood and consistent with the standards in Article 4 of these LDRs.

Cottage neighborhood means a collection of cottage homes clustered around by common green space.

Country club means land and buildings associated with indoor or outdoor recreation/entertainment use categories and may include a clubhouse, restaurant, swimming pool, tennis courts, professional shop, and similar recreational or service uses.

County means Alachua County, Florida.

County Health Department means the Health Department of Alachua County, Florida.

Crematory means a facility containing furnaces for the reduction of dead bodies to ashes by fire.

Critical root zone means an underground area extending laterally in all four cardinal directions from the base of a tree's trunk to a distance typically 1½ times larger than the perimeter of the tree's dripline.

Cultural facility means establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational or cultural interest, which are not operated commercially.

Curb break means a driveway or any other point of access or opening for vehicles onto a public street.

Custom operators means an enterprise in which a contractor or other operator agrees to perform all or some machine operations, providing equipment and labor, for production and related activities on agricultural sites in exchange for a payment or a payment along with a percentage of profits. Field operations performed by a custom operator may include field preparation, planting, cultivating, harvesting, tilling, bush hogging, crop storage, hauling and fencing.

Day care. See Section 4.2.3(B).

Day care home (up to and including 6 persons) means a dwelling in which a permanent occupant provides for the care of up to six children or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and who are not dependents of the occupant do not reside on the site.

De minimis impact means an impact of not more than ten average daily trips on the affected road from an existing parcel of record, contiguous commonly-held parcels, or a development proposal unless the impact exceeds the adopted level of service of a designated hurricane evacuation route.

Deed-restricted affordable housing means affordable housing that is subject to a deed restriction or other covenant requiring that it be sold only to persons in households that qualify as low-income or very low-income households.

Density, gross residential. See Section 5.2.4(A)(1).

Density, net residential. See Section 5.2.4(A)(2).

Department or discount store means a business that is conducted under a single owner's name in which a variety of unrelated merchandise and services are housed and are exhibited and sold directly to the consumer for whom the goods and services are furnished.

Design flood has the meaning as defined in Section 202, Florida Building Code, as amended.

Design flood elevation has the meaning as defined in Section 202, Florida Building Code, as amended.

Developer means any person undertaking any development as defined in F.S. §§ 163.3164 and 380.04.

Developer agreement means an agreement by a developer with the City that clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.

Development has the meaning as defined in F.S. §§ 163.3164 and 380.04, as amended; provided, however, for the purposes of Section 6.9.4, Floodprone area standards, means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Development agreement means an agreement entered into between a local government and a person associated with the development of land, including, but not limited to, development agreements in accordance with the Florida Local Government Development Agreement Act (F.S. 163.3220 et seq.), or an agreement on a development order in accordance with F.S. ch. 380.

Development area means as used in Section 7.9, Conservation subdivision, the portion of land in a conservation subdivision designated for clearing, grading, ingress, egress, wells, septic systems, utilities and other forms of development.

Development order means any order approving, approving with conditions, or disapproving a development permit.

Development order, final, means, for the purposes of Section 2.4.14, Certificate of concurrency compliance, the final approval for a site plan, minor subdivision plat, final plat for subdivision, or final PD plan.

Development order, preliminary, means, for the purposes of Section 2.4.14, Certificate of concurrency compliance, the approval for a site-specific amendment to the Official Zoning Atlas, planned development master plan, special exception permit, certificate of appropriateness, variance permit, administrative adjustment, major subdivision preliminary plats or special permit.

Development permit includes any building permit, subdivision approval, site-specific amendment to the Official Zoning Atlas, special exception permit, certificate of appropriateness, variance permit, site plan, special permit, temporary use permit, sign permit, special event permit, tree removal permit, certificate of concurrency, certificate of LDR compliance, mobile home move-on permit, wellfield exemption permit, beneficial use determination, or any other official action of the City permitting the development of land.

Diameter at breast height (DBH) means the measurement of the diameter of a tree trunk taken at a height of 4.5 feet above the natural ground line.

Direct market business, for the sale of products produced on site means a commercial enterprise in which agriculture products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Direct market business, including, but not limited to, pick-your-own (PYO) operations, and operations in which delivery of products is made directly to consumers, such as farm-share arrangements under which periodic delivery of farm products is made for a subscription fee.

Dispensing organization means an organization that meets the requirements of F.S. § 381.986(5)(b)1., including its contractual agents, which has been authorized by the State of Florida to cultivate, process and dispense low-THC cannabis.

Display publicly means the act of exposing, placing, posting, exhibiting or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from any portion of the premises where items and material other than sexually oriented media are on display to the public.

Disturbed land/ground means any land where the original natural vegetation has been removed, displaced or raked.

Dormitory means a building used principally to provide rooms for sleeping accommodations at an educational, public or religious institution; a common kitchen, sanitary and social gathering rooms may also be provided.

Drainage basin means 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 means a structure that 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 means a system of manmade structures designed to collect, convey, hold, divert or discharge stormwater, including, but not limited to, stormwater sewers, canals, detention structures and retention structures.

Drainage retention structure means a structure designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.

Dripline means the ground area surrounding the trunk of a tree that is described by the vertical plane enclosing the outermost branches.

Drive-through or drive-in means an establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, or obtain goods while remaining in their automobile.

Drug and alcohol treatment facility means an inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.

Drug store or pharmacy means a freestanding establishment that is engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies.

Dwelling means a single unit providing complete independent living facilities, including areas for cooking and sanitation for one family.

Dwelling, accessory, means a second dwelling unit, either within or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the single-family detached dwelling, for use as a complete independent living unit with provision for cooking, eating, sanitation and sleeping.

Dwelling, live/work, means a structure or portion of a structure combining a residential living space with an integrated work space principally used by one or more of the residents.

Dwelling, manufactured home, means a structure building on an integral chassis designed to be used as a dwelling unit when connected to the required utilities, fabricated in an off-site manufacturing facility after June 15, 1976, in one or more sections, which includes the plumbing, heating, air conditioning and electrical systems contained therein, with each section bearing the HUD Code Seal certifying compliance with the Federal Manufactured Home Construction and Safety Standards Act, designed to be transported for installation or assembly at the building site, also known as a "HUD-Code Home." This definition does not include recreational vehicles, mobile home dwellings or modular home dwellings; provided however, for the purposes of Section 6.9.4, Floodprone area standards, has the meaning as defined in Chapter 15C-1.0101, Florida Administrative Code.

Dwelling, mobile home, means a structure built on an integral chassis and designed to be used as a dwelling unit when connected to the required utilities, fabricated in an off-site manufacturing facility before June 15, 1976, in one or more sections, designed to be transported for installation or assembly at the building site. Sections do not carry the HUD Code Seal. This definition does not include recreational vehicles, manufactured homes or modular homes.

Dwelling, multiple-family, means, for the purposes of these LDRs, a structure containing five or more individual dwelling units on a single lot, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings. Housing for the aged, which meets this definition and does not provide for routine nursing and/or medical care, shall be construed to be a multiple-family dwelling.

Dwelling, single-family attached, means two or more single-family dwelling units, each with its own outside entrance, which are joined together by a common party wall or connecting permanent structures such as breezeways, carports or garages, and are on adjoining individual lots.

Dwelling, single-family detached, means a residential building containing not more than one dwelling unit to be occupied by one family, not physically attached to any other principal structure. For regulatory purposes, this term does not include mobile homes, recreational vehicles or other forms of temporary or portable housing. Manufactured buildings constructed for use as single-family dwelling units (manufactured home dwellings) are treated similar to single-family detached dwellings.

Dwelling, townhouse, means a type of multifamily dwelling, in which five or more individual dwelling units on a single lot are attached by one or more vertical party walls, with the habitable spaces of different dwelling units arranged on a side-by-side rather than a stacked configuration, and each individual unit being two stories, or more. Each individual townhouse dwelling unit has its own front and rear access to the outside.

Dwelling, two- to four-family, means a residential building containing two, three or four individual dwelling units located on a single lot.

Dwelling, upper-story, means a dwelling unit located on the second floor or higher of an office, retail or other commercial building.

Easement means a grant by the landowner to persons for the right to use an identifiable piece of land for specified purposes, such as for access or utilities.

Eating establishments. See Section 4.2.5(A).

Educational facilities. See Section 4.2.3(C).

Electric motor repair means an establishment that repairs electric motors for compensation.

Electronic message board means any sign that uses changing lights or electronic or digital display to form a changing sign message wherein the message or sequence of messages and the rate of change can be modified by electronic processes.

Encroachment means, for the purposes of Section 6.9.4, Floodprone area standards, the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Engineer means a professional engineer registered to practice engineering by the State of Florida who is in good standing with the Florida Department of Business and Professional Regulation.

Entertainment establishment means indoor continuous entertainment activities such as game arcades, video and pinball parlors, pool halls, indoor firing ranges, cinemas, concert halls and theaters.

Equestrian facility means a commercial facility for the keeping of horses, having more than 20 horses for boarding and three or more active riding instructors.

Existing building or existing structure means, for the purposes of Section 6.9.4, Floodprone area standards, any buildings and structures for which the "start of construction" commenced before February 21, 1994.

Existing deficiency means a deficiency in a public facility caused when the existing and reserved demand (from approved development through the issuance of a certificate of concurrency compliance) exceeds the capacity of said facility at the adopted LOS standards.

Existing manufactured home park or subdivision means, for the purposes of Section 6.9.4, Floodprone area standards, 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 February 21, 1994.

Expansion to an existing manufactured home park or subdivision means, for the purposes of Section 6.9.4, Floodprone area standards, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FAA means the Federal Aviation Administration.

Fairgrounds means a parcel or tract of land wherein buildings, structures and land are used for County fairs, exhibitions and shows, and can include, but is not limited to, agriculture related office buildings, animal shows and judging, carnivals, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters. Fairgrounds do not include racetracks or motorized contests of speed.

Fair market value means the monetary price that a parcel of land, portion of land, improvement on land, or other commodity will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus.

Family means any one of the following:

- (a) One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit;
- (b) A group of not more than five persons not related by blood, marriage, adoption or legal guardianship (including foster children) living together in a dwelling unit; or
- (c) Two unrelated persons and their minor children living together in a dwelling unit.

Farm co-op means a facility used by an organization of farm producers for co-operative technical and marketing assistance, which may include a central market place where farmers can deliver products for pick up by consumers, but not a wholesale distribution center.

Farm machinery repair means a commercial enterprise for the repair of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of nonfarm equipment or materials.

Farm machinery sales, rental and service means an establishment for the sale, rental and/or service of equipment normally or routinely used on farms and in gardens, and related parts, tools and accessories, but not nonfarm equipment or materials.

Farm market means a principal use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider and similar agriculture products. A minimum of 25 percent of the products sold must be agricultural products produced on site.

Farm produce stand means a structure or land used for the sale, by the owner or the owner's family or tenant, of agriculture or horticulture produce principally produced on the farm or agriculture operation on which the farm produce stand is located. The term "farm produce stand" may include produce grown on other farms in the vicinity and accessory products, which are clearly a secondary use of the premises and do not change the character of the farm produce stand.

FCC means the Federal Communications Commission.

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Feedlot (for ongoing, on-site animal husbandry activities) means an enclosure (including a lot, yard, building, or corral) in which animals fed for slaughter are confined, that is used for more than 30 days in a one-year period, with or without an area for the raising of crops, forage or other vegetation and upon which animals fed for slaughter are allowed to graze or feed. The term "feedlot" does not include any area where animals are held for slaughter by a processor for a period of 30 days or less.

Fence means a structure used to delineate a boundary or act as a barrier or means of protection, confinement or screening.

Fill means soil materials deposited for the purpose of raising the level of natural land surface.

Financial institution means an establishment that provides retail banking services, mortgage lending or similar financial services to individuals and businesses. The term "financial institutions" include those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. Financial institutions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walkup customers only. Financial institutions may include drive-through facilities.

Finished floor elevation means the elevation (above mean sea level) of the surface of the lowest habitable floor in a structure after the structure has been completed.

Fire and EMS means facilities for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty.

Flag means a piece of cloth or similar material bearing a distinctive design and emblem or symbol representing a County, State, a political subdivision of a State or another organization.

Flag lot means a lot which abuts or gains access to a street through a narrow portion which does not meet the minimum frontage or lot width requirements for the zone district where it is located.

Flood means the unusual and rapid accumulation or runoff of surface water of any source.

Flood damage-resistant materials has the meaning as defined in Section 202, Florida Building Code, as amended.

Flood hazard area has the meaning as defined in Section 202, Florida Building Code, as amended.

Flood insurance rate map (FIRM) means, for the purposes of Section 6.9.4, Floodprone area standards, the official map issued and updated from time to time by FEMA where both the areas of special flood hazard and the risk premium zones applicable to the City have been delineated.

Flood Insurance Study means, for the purposes of Section 6.9.4, Floodprone area standards, the official report provided by FEMA. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood for the City.

Floodplain Administrator means, for the purposes of Section 6.9.4, Floodprone area standards, the office or position designated and charged with the administration and enforcement of Section 6.9.4, (may also be referred to as the Floodplain Manager).

Floodplain development permit or approval means, for the purposes of Section 6.9.4, Floodprone area standards, an official document or certificate, including but not limited to a building permit or a Certificate of LDR Compliance, issued by the City, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with Section 6.9.4.

Floodplain development variance means a grant of relief from the requirements of Section 6.9.4, Floodprone area standards, or the flood resistant construction requirements of the Florida Building Code, as amended, which permits construction in a manner that would not otherwise be permitted by Section 6.9.4, or the Florida Building Code, as amended.

Floodway means, for the purposes of Section 6.9.4, Floodprone area standards, 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.

Floodway encroachment analysis means, for the purposes of Section 6.9.4, Floodprone area standards, an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Floor area. See Section 5.2.4(A)(4).

Floor area ratio (FAR). See Section 5.2.4(A)(5).

Florida Building Code means those codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas; which are incorporated into Florida Statutes, as amended.

Florida Friendly Landscaping has the meaning as defined in F.S. § 373.185, as amended.

Floridan Aquifer System means the thick carbonate sequence that includes all or part of the Paleocene to early Miocene Series and functions regionally as a water-yielding hydraulic unit. Where overlaid by either the intermediate aquifer system or the intermediate confining unit, the Florida Aquifer contains water under confined conditions. Where overlaid directly by the surficial aquifer system, the Florida Aquifer may or may not contain water under confined conditions, depending on the extent of low permeability materials in the surficial aquifer system. Where the carbonate rocks crop out, the Floridan generally contains water under unconfined conditions near the top of the aquifer system, but, because of vertical variations in permeability, deeper zones may contain water under confined conditions. The Florida Aquifer is the deepest part of the active groundwater flow system. The top of the aquifer system generally coincides with the absence of significant thicknesses of clastics from the section and with the top of the vertically persistent permeable carbonate section. For the most part, the top of the aquifer system coincides with the top of the Suwannee Limestone, where present, or the top of the Ocala Group. Where these are missing, the Avon Park Limestone or permeable carbonate beds of the Hawthorn Formation form the top of the aquifer system. The base of the aquifer system coincides with the appearance of the regionally persistent sequence of anhydride beds that lie near the top of the Cedar Key Limestone.

Footcandle means the amount of light that falls onto a surface as emitted by an exterior lighting device.

Front facade or front elevation means the exterior walls of a structure which are immediately adjacent to the street which the structure fronts.

Fuel oil distributor means an establishment that distributes fuel oil for compensation.

Full cutoff lens means an artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

Functionally dependent use means, for the purposes of Section 6.9.4, Floodprone area standards, a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Funeral home means an establishment which provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.

Gasoline sales, full-service, mini-service, and self-service, means an establishment providing sales of gasoline and related vehicle fuel, at retail. This may be done either through a full-service automobile service station (that may also provide repair services such as lubrication, oil and tire changes, and engine repair, but not vehicle bodywork or painting) or a self-service establishment (where the customer is responsible for pumping the gasoline), or a combination of the two. Convenience goods may also be offered for sale, such as ready-to-eat food products, prepackaged food items, tobacco, periodicals, a limited range of groceries and sundries.

General amendment to the Official Zoning Atlas means a decision made by the City Council regarding the Official Zoning Atlas in accordance with Section 2.4.1, Text amendment and general amendments to the Official Zoning Atlas.

General industrial service means establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products or byproducts. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking and storage.

General media store means:

- (1) A general term for the retail sale or rental of books and other media, including stores that may have some sexually oriented media, but excluding those stores that are classified as sexually oriented media stores. A store that sells or rents media in which less than ten percent of the numbers of items in inventory are sexually explicit media and in which less than ten percent of the retail floor area is devoted to sexually explicit media shall be considered a general media store unless it is a sex shop. A general media store meeting these inventory and floor area limits shall not be considered a sexually oriented business.
- (2) A general media store which devotes more than ten percent of its floor area or ten percent of the number of items in inventory to sexually explicit media, but devotes less than 30 percent of its floor area or less than 30 percent of the number of items in inventory to sexually explicit media shall be treated for the purposes of these LDRs as a general media store and not as a sexually oriented media store or other sexually oriented business, provided that it continuously meets the following conditions:
 1. All sexually explicit media is maintained in a room that is separated from other media by an opaque wall that extends to the ceiling or eight feet above the floor, whichever is less;
 2. Access to the room containing the sexually explicit media shall be through an opaque, solid door;
 3. The room containing sexually explicit media shall be posted with a notice indicating that only persons 18 years of age or older are allowed in the room;

4. Access to the room is physically limited to adults through control of access by an employee of the store, through the use of an access release located at least 66 inches off the floor, or through constant monitoring of the room by an employee on duty, through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station; and
5. If either the 30 percent threshold of gross floor area or number of items in inventory is exceeded, then the use shall be classified as a sexually oriented media store and considered a sexually oriented business.

Glazing means the portion of an exterior building surface occupied by glass or windows.

Golf course, private or public, means a tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways and hazards. The term "public or private golf course" may include a clubhouse and shelters.

Golf driving range means a limited area on which golfers do not walk, but hit golf balls from central driving tees. A golf driving range may contain outdoor lighting. A golf driving range may have, as an accessory use, a putting or chipping green, miniature golf course, baseball batting cages, a refreshment stand and/or equipment rental of items pertaining to golf and baseball.

Good cause means impediments to submission of a final development plan or delays in securing other permits in a timely manner. The term "good cause" does not include adverse market conditions, delays in securing financing, or self-imposed hardships resulting from the actions or inaction of the developer.

Government facilities. See Section 4.2.3(D).

Government maintenance, storage and distribution facility means a facility housing government shops, maintenance and repair centers and equipment storage yards.

Government office means an office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.

Grade. See Section 5.2.3(A)(3).

Gross public floor area means, for the purposes of Section 4.3.4(l), the total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind the counter areas, storage areas visible from other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways and entryways serving such areas.

Ground cover means a low-growing plant that, by the nature of its growth characteristics, completely covers the ground, does not usually exceed two feet in height, and renders the soil surface stable against accelerated erosion.

Ground or roof mounted solar energy system means a device or design feature meant to provide for the collection, storage, and distribution of solar energy for heating, cooling, electricity generation and storage, or water heating.

Groundwater means water in saturated zones or stratum beneath the surface of land or water, whether or not it is flowing through known and definite channels.

Group home means a facility licensed to serve residents who are clients of the Florida Department of Elderly Affairs, the Florida Agency for Persons with Disabilities, the Florida Department of Juvenile Justice, the Florida Department of Children and Family Services or licensed by the Florida Agency for Health Care Administration that provides a living environment for 15 or more unrelated residents, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. (See also *Community residential home*.)

Group living. See Section 4.2.2(B).

Hard core material means media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

Hazardous waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment.

Hazardous waste collection site means an establishment for the collection and/or transfer of hazardous waste.

Health care facilities. See Section 4.2.3(E).

Heavy equipment sales, rental or repair means an establishment engaged in the display, sale, leasing or rental of heavy equipment of 12,000 or more pounds gross vehicular weight (GVW).

Hedge means a row of evenly spaced shrubs planted to form a continuous, unbroken visual screen.

Height, building. See Section 5.2.3(A)(1).

Helicopter landing facilities means an area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic Overlay District means an area of land in the City designated as an Historic Overlay (HO) District by ordinance of the City Commission, in accordance with Section 2.4.2, Site specific amendment to the Official Zoning Atlas (rezone), and Section 3.7.2(A), Historic Overlay (HO) District. It is an area within the City which constitutes an outstanding or distinctive area worthy of protection and enhancement under these LDRs based on the presence, within definable geographic boundaries, of one or more lands, structures, or sites of historic or cultural value.

Historic structure means, for the purposes of Section 6.9.4, Floodprone area standards, any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, as amended.

Home occupation means a business activity conducted entirely in a dwelling unit, in accordance with the home occupation criteria in Section 4.4.4(C) of these LDRs.

Homeowners' association or property owners' association means a private nonprofit association which is organized by the developer of a development in which individual owners share common interests in open space, easements and/or facilities and are in charge of preserving, managing and maintaining the common property, and enforces improvements or other certain covenants and restrictions.

Horticulture, general use category, means the active and ongoing cultivation and production of orchard, garden or nursery crops on a small or large scale, including the production of orchards, field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables and similar horticultural uses; and the cultivation of such produce by means of biotechnical or genetic engineering techniques. The term "horticulture" does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and ongoing horticulture activity within 30 days. See also Section 4.2.4(C).

Hospital means an establishment providing physical or mental health services with overnight accommodations for the sick and injured.

Hotel or motel means a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a roominghouse. The terms "hotel" and "motel" are to be considered synonymous uses.

Household living. See Section 4.2.2(A).

Housing product means a type of residential dwelling unit (e.g., townhouse, patio home, single-family detached, etc.) or a different model or format of a residential type within a single development.

Hue means the visible color emitted from an artificial source of exterior lighting.

Human scale means the proportional relationship of a particular building, structure or streetscape element to the human form and function.

Human-scale design means, as used in Section 3.6.3(B)(5)(f), the utilization of buildings, building features and exterior materials that are organized into discreet units that are easily distinguished from surrounding features, sized to be easily perceived by the human eye, and of a small scale so as to create a proportional relationship with pedestrians using nearby areas.

Ice cream shop means an eating establishment primarily intended for the on- and off-site consumption of ice cream and other similar foods.

Imminent deficiency means an approaching deficiency in a public facility caused when the existing demand and capacity reserved for approved development through the issuance of a certificate of concurrency compliance reaches 95 percent of the capacity of said facility at the adopted LOS standards.

Impervious means the condition of being impenetrable by water.

Impervious surface area means a surface that is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventional surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Imperviousness means the degree to which a site is impervious.

Improvements. See *Private improvements* or *Public improvements*.

Incinerator means a facility that burns refuse at high temperatures to reduce the volume of waste. See also *Resource recovery plant*.

Industrial services. See Section 4.2.5(C).

Infill means the development or redevelopment of land that has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process. Generally, the areas and/or sites are not particularly of prime quality, however they are usually served by or are readily accessible to the infrastructure (services and facilities) provided by the local government.

Institutions. See Section 4.2.3(F).

Internet café/simulated gambling establishment means a building, edifice, structure, or location, along with its grounds, in which simulated gambling devices are used, operated, or stored, including but not limited to game rooms, arcades, internet cafes, internet centers or sweepstakes redemption centers. The definition does not include any establishment that is expressly permitted by state law, including but not limited to an "arcade amusement center" as defined in F.S. § 546.10.

Interpretation means a decision made in writing by the LDR Administrator in accordance with the standards in Section 2.4.19, Interpretation by the LDR Administrator.

Irrigation means the method of supplying plant materials with water other than by natural rainfall.

Kennel means a facility where four or more dogs, cats or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated or groomed. Such a facility may have an indoor and outdoor component.

Kennel, indoor, means a facility where four or more dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. The facility shall be entirely indoors.

Land means the earth, water and air, above, below or on the surface, and includes any improvements or structures customarily regarded as land.

Land development regulations (LDRs) means the regulations adopted by the City to implement the Comprehensive Plan. The term "LDRs" include regulations related to the use of land, development and design standards, procedures for the review of development, subdivision, drainage and stormwater management, protection of environmentally sensitive areas, sign controls, standards for public facilities and services, on-site traffic flow and parking and any other regulations deemed appropriate by the City to implement the Comprehensive Plan.

Land disturbing activity means:

- (1) The use of the land in residential, industrial, educational, institutional or commercial development; or
- (2) Street construction and maintenance that results in a change in the natural cover or topography, and that may cause or contribute to sedimentation.

Land, parcel of. See *Parcel [of land]*.

Land spreading of wastes means the application or disposal of effluents or sludges on, above or into the surface of the ground through spray irrigation, land spreading or other methods.

Land use means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under the Comprehensive Plan, these LDRs, or an amendment thereto.

Landfill means a solid waste disposal facility, which is an area of land or an excavation where wastes are or have been placed for disposal, for which a permit, other than a general permit, is required by F.S. § 403.707. This term shall not include:

- (a) A land spreading site;
- (b) A surface impoundment;
- (c) An injection well defined under and subject to the provisions of Chapter 62-528, F.A.C.; or
- (d) A construction and demolition debris disposal site regulated by Rule 62-701.730, F.A.C.

Landscape means an expanse of natural scenery, such as lawns, trees, plants and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains and pools.

Landscape architect means a professional, who is often certified, that analyzes, plans, designs, manages and/or serves as a steward of the natural and built environments.

Landscape services means an establishment engaged in the provision of landscape maintenance or installation services. Examples include lawn mowing; tree, shrub and hedge trimming; leaf blowing; landscape design; landscape installation and irrigation repair/installation.

Large retail establishment means a single business established engaged in retail sales activities and located in a stand-alone single tenant building larger than 20,000 square feet in size.

Laundromat means a facility where patrons wash, dry or dry clean clothing or other fabrics in machines operated by the patron.

Laundry, dry cleaning and carpet cleaning facilities means a facility used for cleaning fabrics, textiles, wearing apparel or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents.

Laws means, for the purposes of Section 2.5, Development agreements, all ordinances, resolutions, regulations, Comprehensive Plans, land development regulations and rules adopted by a local government affecting the development of land.

LDR Administrator means the Land Development Regulation Administrator designated by the City Commission for the administration and enforcement of these LDRs.

Legible means, as related to Section 6.5, Signs, that a message can be comprehended by a person with eyesight adequate to obtain a current Florida driver's license standing in the public right-of-way or other location from which legibility is to be determined. Where such facts are material, it shall be presumed that the observation takes place in daylight hours, and that the person making the observation is standing and is between five feet, two inches and six feet tall.

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the City's floodplain management regulations.

Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Level of service means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service indicates the capacity per unit of demand for each public facility.

Library means a public facility for the use, but not sale, of literary, musical, artistic or reference materials.

Lien means a claim on the property of another as security against the payment of a just debt.

Light-duty truck, as defined in 40 C.F.R. 86.082-2, as amended, means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Liquor store means an establishment licensed by the State exclusively for the retail sale of alcoholic beverages, excluding beer and wine, in original packages for consumption off the premises where sold.

Local planning agency means the entity designated by the City Commission, under the provisions of F.S. §§ 163.3161 through 163.3215.

Lot means a portion of a subdivision or any parcel of land intended as a unit for building development or for transfer of ownership or both. The term "lot" includes the terms "plot," "parcel," "tract" or "site" and may consist of:

1. A single lot of record;

2. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record; or
3. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these LDRs.

Lot area. See Section 5.2.1(A)(1).

Lot, corner. See Section 5.2.1(A)(6)(a).

Lot coverage. See Section 5.2.4(A)(3).

Lot depth. See Section 5.2.1(A)(4).

Lot frontage. See Section 5.2.1(A)(2).

Lot, interior. See Section 5.2.1(A)(6)(b).

Lot line. See Section 5.2.1(A)(3).

Lot of record means a lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been recorded on or before February 22, 2005.

Lot, reversed frontage. See Section 5.2.1(A)(6)(d).

Lot, through. See Section 5.2.1(A)(6)(c).

Lot width. See Section 5.2.1(A)(5).

Low-income household means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the State, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the County in which the person or family resides, whichever is greater.

Low-THC cannabis means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than ten percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization. The term does not include the possession, use, or administration of cannabis or cannabis derivative by burning or igniting and inhaling the smoke. See F.S. § 385.211.

Lowest floor, for the purposes of Section 6.9.4, Floodprone area standards, has the meaning as defined in Section 202, Florida Building Code, as amended.

Lumen means a unit of luminous flux. One footcandle is one lumen per square foot. Lumen output values shall be the initial lumen output ratings of a lamp.

Machine shop means an establishment where metal is cut and shaped by machine tools.

Manufactured home park or subdivision means, for the purposes of Section 6.9.4, Floodprone area standards, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing and production. See Section 4.2.5(D).

Manufacturing, heavy, means manufacturing uses that involve the generation outside the property of noise, odor, vibration or dust. Examples include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, asphalt/concrete plants, and the manufacture of chemicals, fertilizers, paint and turpentine.

Manufacturing, light, means the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of prefabricated parts; manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids and surgical instruments; manufacture, processing, and packing of food products, cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations and any similar item.

Marginal access street. See *Street, marginal access*.

Market value means, for the purposes of Section 6.9.4, Floodprone area standards, the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in Section 6.9.4, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or building value as assessed by the Alachua County Property Appraiser's office, plus 20 percent of the tax assessment value.

Massage means touch, stroking, kneading, stretching, friction, percussion and vibration, and including holding, positioning, and causing movement of soft tissues and applying manual touch and pressure to the body.

Massage parlor means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, massage therapist or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Massage therapist means a person licensed in accordance with F.S. ch. 480.

Massage therapy means the profession licensed in accordance with F.S. ch. 480.

Maximum extent practicable means that no feasible or practical alternative exists, as determined by City staff, and all possible efforts to comply with the regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining maximum extent practicable.

Maximum service volume means the maximum capacity of a public facility based on the adopted LOS standard. For the purposes of roadway capacity, maximum service volume shall be determined by the latest Florida Department of Transportation (FDOT) Generalized Tables, a more detailed analysis such as FDOT's arterial planning software or the Highway Capacity Manual, subject to acceptance/approval by the LDR Administrator.

Media means anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication; including, but not limited to, books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other magnetic media, and undeveloped pictures.

Medical and dental clinics means a building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only.

Medical and dental labs means facilities and offices for performing diagnostic or therapeutic medical procedures of a nonsurgical nature.

Medical marijuana means low- THC cannabis permitted by the State of Florida for the treatment of medical conditions.

Medical marijuana cultivation means a location where the dispensing organization has been authorized by the State of Florida to cultivate medical marijuana. This includes research carried out by entities permitted by the State to carry out such research.

Medical marijuana dispensary means a location where the dispensing organization has been authorized by the State of Florida to dispense medical marijuana at retail to those individuals who have been added to the State's compassionate use registry by an authorized physician.

Medical marijuana processing means a location where the dispensing organization has been authorized by the State of Florida to process medical marijuana.

Medical radioisotope laboratory means a research facility specializing in the study and production of radioactive isotopes (radionuclides) to diagnose and treat disease. This facility shall generate less than or equal to ten milliwatts of power. This power can only be used for research purposes and cannot be distributed for electricity generation. All such research facilities shall be consistent with the Nuclear Regulatory Commission standards for medical research.

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

Mixed-use means a building or an area containing a mix of uses which functionally integrate and interconnect with one another. Uses may include, but is not limited to, retail, professional services, restaurants and eating establishments, offices, and single and multifamily residential.

Mobile home move-on permit means a permit reviewed and approved, approved with conditions, or denied by the LDR Administrator in accordance with Section 2.4.18, Mobile home move-on permit.

Mobile home park means a parcel of land under single ownership or management which is operated as a business engaged in providing a place where manufactured or mobile homes are installed for nontransient living or sleeping purposes and where sites or lots are set aside or offered for lease or rent for use by manufactured homes or mobile homes for living or sleeping purposes, including any land, building, structure or facilities used by occupants of manufactured or mobile homes on such premises. Accessory uses to mobile home parks include owners' and managers' sleeping quarters, laundry facilities and facilities for parks and recreation.

Mobile home stand means a lot or parcel of ground designated for the accommodation of not more than one mobile home.

Mobile home subdivision means a residential subdivision where lots are offered for sale for use exclusively by mobile homes.

Motion picture arcade booth means any booth, cubicle, stall or compartment which is designed, constructed, or used to hold or seat customers and is used for presenting sexually explicit material, motion pictures, or viewing publications by any photographic, electronic, magnetic, digital, or other means or medium for observation by customers therein (also known as "booth," "arcade booth," "preview booth," "video arcade booth," "video viewing booth" and "peep show booth").

Mulch means organic material such as wood chips, pine straw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and enrich the soil.

Multipurpose trail means a trail designated for use by pedestrian, bicyclists, equestrians, or for other forms of nonmotorized transport. Such trails may be paved or surfaced with mulch, and are typically wider than public sidewalks. The term "multipurpose trail" is also known as a "recreational trail."

National Geodetic Vertical Datum (NGVD) means a vertical control, as corrected in 1988, used as a reference for establishing varying elevations within a floodplain.

Natural drainage features means the naturally occurring features of an area which accommodates the flow of stormwater, such as streams, rivers, lakes and wetlands.

Neighborhood recreation center means a facility providing recreation facilities and/or meeting rooms, that is typically oriented to addressing the recreational needs of the residents of a neighborhood or community area.

New construction means, for the purposes of Section 6.9.4, Floodprone area standards and the flood resistant construction requirements of the Florida Building Code, as amended, structures for which the "start of construction" commenced on or after February 21, 1994 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means, for the purposes of Section 6.9.4, Floodprone area standards, 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 February 21, 1994.

Newspaper of general circulation has the meaning as defined in F.S. § 163.3164.

Non-medical marijuana cultivation means a location, as defined in Chapter 64-4, F.A.C., where recreational or non-medical marijuana is cultivated.

Non-medical marijuana dispensary means a location, as defined in Chapter 64-4, F.A.C., where recreational or non-medical marijuana is distributed at retail.

Non-medical marijuana processing means a location, as defined in Chapter 64-4, F.A.C., where recreational or non-medical marijuana is processed.

Noncommercial message means any sign, wording, logo, or other representation that does not directly or indirectly name, advertise, or call attention to a business, product, service or other commercial activity.

Nonconforming lot means a lot that was legally established before the effective date of these LDRs or subsequent amendment thereof, but that does not comply with the dimensional standards that apply in the zoning district in which the lot is located.

Nonconforming sign means a sign or sign structure, legally developed before the effective date of these LDRs, or any amendment thereto, that does not comply with the standards in Section 6.5, Signage.

Nonconforming structure means a structure or portion thereof, not including signs, legally erected before the effective date of these LDRs, or any amendment thereto, and conflicting with the dimensional standards or these LDRs applicable to the zoning district in which the structure is situated.

Nonconforming tower means a communications or other tower, legally erected before the effective date of these LDRs, or any amendment thereto, that does not comply with the standards of Section 4.3.2(I), Utilities.

Nonconforming use means the legal use of a structure or premises before the effective date of these LDRs, or any amendment thereto, but that does not comply with the use standards of these LDRs.

Nonconformity means a nonconforming use, sign, lot, structure or building.

Notice means, for the purposes of Section 6.2.1, the written notification to landowners or occupants as agent of landowners, for the tree removal or pruning done on private property. Such notice may be accomplished by mail, hand delivery or posting on the property.

Notice of activity means the written communication to the LDR Administrator regarding the commencement of certain silviculture and agriculture activities.

Nuisance means any of the following:

1. Any public nuisance known in common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human life or is detrimental to health, as determined by the County Health Officer.
4. Overcrowding a room with occupants.
5. Insufficient ventilation or illumination.
6. Inadequate or unsanitary sewerage or plumbing facilities.

7. Uncleanliness, as determined by the County Health Officer.
8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the County Health Officer.

Nursery, commercial, means an agricultural/commercial enterprise where plants and accessory products are sold on a retail basis. Twenty-five percent of the gross sales receipts of the commercial nursery must be derived from plants produced on site; or 25 percent of the area designated as a commercial nursery shall be dedicated to the cultivation of plants to be sold on site.

Nursery, production, means an agricultural enterprise where only plants grown on site are sold on a retail or wholesale basis.

Nursing home means a private home, institution, building, residence or other place, whether operated for profit or not, including those places operated by units of government, which undertake through its ownership or management to provide for a period exceeding 24 hours, maintenance, personal care or nursing for three or more persons not related by lineal consanguinity or marriage to the operator, who by reason of illness, physical infirmity or advanced age are unable to care for themselves; provided, that this definition shall include homes offering services for less than three persons where the homes are held out to the public to be establishments which regularly provide nursing, extended care and custodial services. See also *Assisted living facility*.

Office, business services, means a room or group of rooms used for conducting the affairs of a general business establishment, other than financial services and professional services. Examples of business services office uses include offices for retail and wholesale establishments.

Office, contractor, means a room or group of rooms used for conducting business affairs of a development contractor that does not use any exterior storage area.

Office, financial services, means a room or group of rooms used for conducting the affairs of a business offering financial services, such as banking services, investment banking, stock brokerage, investment services, credit card services and the like.

Office, professional services, means a room or group of rooms used for conducting the affairs of a business, profession, or service industry. Examples of professional services offices include offices for lawyers, accountants, engineers, architects, and real estate agents.

Offices. See Section 4.2.5(E).

Official 10-year flood elevations means the most recent and reliable flood elevations based on a Log Pearson Type III Probability Distribution produced by the United States Geological Survey and based on historical data.

Opacity means a measurement indicating the degree of obscuration of light or visibility.

Outdoor storage means the keeping, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land where located or as an accessory use to another principal use.

Outpatient facility means a facility where patients, who are not lodged overnight, are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists or any such profession, the practice of which is regulated by the State of Florida. A public clinic is one operated by any governmental organization for the benefit of the general public. All other clinics are private clinics.

Overnight child care center means a facility licensed by the State to provide care services in the evening or overnight for six or more children under the age of five, other than members of the family.

Owner or *landowner* means the holder of the title in fee simple of property, and any person in whose name tax bills on land are submitted. The term "owner" or "landowner" also means any person who, alone, or jointly, or severally with others has:

1. Legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
2. Charge, care or control of any dwelling, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possessions, or assignee of rents, lessee or other person, firm or corporation in control of a building; of their duly authorized agents. Any such person thus representing the actual owner is considered to be bound by these LDRs to the same extent as if the person were the owner. It is the person's responsibility to notify the actual owner of the reported infractions of these LDRs pertaining to the property which apply to the owner.

Parapet means a building facade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

Parcel of land has the meaning as defined in F.S. § 163.3164.

Parcel services means retail sales or business services establishment to facilitate the transmittal and receipt of parcels.

Park trailer, for purposes of Section 6.9.4, Floodprone area standards, has the meaning as defined in F.S. § 320.01(1)(b)7.

Park, public and private, means land used for recreation, exercise, sports, education, rehabilitation or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

Park-and-ride facility means an off-street parking facility designed or intended to provide short-term parking to accommodate commuter traffic using public transportation; accessory structures include passenger shelters.

Parking bay means the parking module consisting of one or two rows of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

Parking, commercial. See Section 4.2.5(F).

Parking lot means the portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

Parking lot landscaping, interior, means vegetative material, structures (walls or fences), berms, and associated ground cover located within the interior of a parking lot, or other vehicular use area for the purposes of providing visual relief and heat abatement.

Parking lot landscaping, perimeter, means vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area when such areas are adjacent to a street right-of-way or residentially zoned or used property, for the purposes of screening the vehicular use area from off-site views.

Parking, off-site, means an off-street parking area provided on a different parcel than the use it is intended to serve.

Parking space, accessible, means a space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.

Parking space, handicapped, means an off-street parking space which is reserved for persons who are physically disabled or handicapped.

Parking space, off-street, means a space which is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way or parking aisle.

Parking structure means a structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

Parking, tandem, means a parking space within a group of two or more parking spaces arranged one behind the other.

Parks and open areas. See Section 4.2.3(G).

Passenger terminal, surface transportation, means a facility that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van or other similar vehicular services.

Pawn shop means an establishment that engages, in whole or in part, in lending or providing an advance of money or other things on the pledge and possession of personal property or secondhand goods, except for regulated metals property regulated under F.S. ch. 538, pt. II, or other than securities or written or printed evidences of indebtedness. The seller of such personal property or secondhand goods may be able to purchase back the items sold to the establishment upon stipulated terms. Merchandise and other secondhand goods may be available for purchase by customers of the establishment. This term shall not include financial institutions, retail sales establishments, or consignment shops.

Perimeter buffer means vegetative material and structures (i.e., walls, fences) which is used to separate land uses from each other as required by these LDRs, including but not limited to: Type A, basic; Type B, aesthetic; Type C, semi-opaque; and Type D, opaque, described in Section 6.2.2(D)(3), Perimeter buffers.

Perimeter landscape strip means vegetative material associated with the perimeter landscaping required for a parking lot.

Permanent control point (PCP) means a secondary horizontal control monument as defined in F.S. § 177.031(13).

Permanent reference monument (PRM) means a control monument as defined in F.S. § 177.031(15).

Person means any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity. For the purposes of Section 2.5, Development agreements, the term "person" means any individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, State agency or any legal entity. For the purposes of Article 9, Enforcement and Remedies, the term "person" includes any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in Article 9, Enforcement and Remedies, for violating these LDRs include: an architect, engineer, builder, contractor, developer, agency or any other person who participates in, assists, directs, creates, causes or maintains a condition that results in or constitutes a violation of these LDRs; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the land on which the violation occurs.

Personal services establishments, general, means an establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include laundromats; laundry and dry cleaning dropoff establishments; photographic studios; mailing or packing service, photocopy and blueprint services; hair, tanning and personal care services; psychics and mediums; martial arts schools; dance or music classes; taxidermists; and mortuaries.

Pet farm means an establishment in which livestock, farm animals and other animals are kept for public exhibition, viewing and contact, regardless of compensation, which may include related accessory uses and activities such as gift shops, picnic areas and recreational activities. For the purpose of these LDRs, the term "pet farm" shall not include retail pet stores and kennels, horse races, and such activities as fairs, livestock shows, rodeos, field trials and horse events.

Planned development means a tract of land that is planned and developed as an integral unit in accordance with a master plan and flexible development standards that illustrate and address land uses, circulation, utilities, parking, setbacks, housing densities, land coverage, landscaping and buffers, open space, and similar features of the project. (See Section 2.4.3, Planned development, and Section 3.6, Planned development (PD) districts.)

Planning and Zoning Board means the Planning and Zoning Board, as herein provided for within these LDRs.

Plat, final, means a finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

Plat, preliminary. See Section 2.4.10(G)(2).

Plat, replat, or revised plat means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of this part and of any local ordinances.

Police station means a building or part of a building that is designated by a chief of police or sheriff to be used as a police or sheriff's station and at which duly authorized officers perform law enforcement functions.

Portico means a porch or walkway with a roof supported by columns, often leading to the entrance of a building.

Post office means a facility designated or licensed by the Federal government to sell U.S. postage stamps and U.S. postal products and accept mail and packages for delivery.

Precious metals dealer has the meaning as defined in F.S. § 538.03.

Preexisting tower or preexisting antenna means, for the purposes of Section 4.3.2(I)(1), any tower or antenna for which a building permit or special exception permit has been properly issued prior to February 27, 2006, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Primary conservation area means as used in Section 7.9, Conservation subdivision, the geographic area occupied by priority conservation features to be actively conserved and protected from development, including 100-year floodplains, wetlands, habitat for endangered species, soils incapable of supporting

development, riparian corridors and steep slopes.

Primary drive aisle means the main aisle that extends from the street right-of-way, or from the driveway entrance serving a development along the front of the building it serves.

Primary entrance means the place of ingress and egress to a building, parcel or development used most frequently by the public.

Primary facade means the side of a building that contains the primary entrance.

Primary live entertainment means entertainment that characterizes the establishment, as determined (if necessary) from a pattern of advertising, as well as actual performances.

Private club or lodge means facilities owned or operated by an organization of persons for special purposes, such as the promulgation of sports, arts, literature, politics, but not operated for profit, and excluding religious institutions, and also excluding structures and uses associated with commercial or noncommercial outdoor recreation.

Private improvement means elements of a site or development located on privately owned land which are required by the provisions of these LDRs. The term "private improvement" includes, but is not limited to, off-street parking or loading spaces, landscaping, screening devices, fences, walls, facilities within open space set-aside areas, exterior lighting or signage.

Psychiatric treatment facility means an inpatient facility which provides care for persons with psychiatric problems and which may include outpatient follow-up care to the facility's patients.

Public facilities includes, for the purposes of Section 2.5, Development agreements, any major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities. For the purposes of Section 2.4.14, Certificate of concurrency compliance, one of the facilities for which a level of service standard is adopted in the Comprehensive Plan, including roads, sanitary sewer, solid waste, stormwater management, potable water or recreation facilities.

Public hearing means a public hearing conducted by a review or decision-making body in accordance with Section 2.3., Public hearing procedures.

Public improvements means major capital improvements, constructed by or dedicated to the City including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

Public safety. See Section 4.2.3(H).

Public Services Director means the Director of the Public Services Department for the City of Alachua.

Public square means a public open space which provides safe and accessible places for the public to meet or gather. It may provide shelter or benches, and public art, and groups or individuals can spend time in public squares without impeding neighboring streets, businesses, resources or homes.

Qualified applicant means, for purposes of Section 2.5, Development agreements, a person who has legal or equitable interest in the real property which is the subject of a development agreement. If there is a question as to whether a person is a qualified applicant, the applicant shall provide the City with an opinion of title from an attorney licensed to practice in the State of Florida or a commitment of title insurance demonstrating the person which has a legal or equitable interest in property subject to the proposed development agreement.

Quality tree protection area means an area protected through a tree preservation or conservation easement that is a minimum of one acre in size containing tree canopy coverage of at least 40 percent (or demonstrated to obtain such canopy coverage within 20 years of designation as quality tree protection area).

Quasi-judicial public hearing means a public hearing conducted by a review or decision-making body in accordance with Section 2.3.1, Quasi-judicial public hearings.

Radio and television broadcasting studio means a facility for the staging and recording of audio or television productions.

Railroad right-of-way means a public or private right-of-way on which tracks for trains are constructed. Such uses can include crossing lights, mechanical facilities, and short-term storage of maintenance equipment or other supplies.

Recreation/entertainment, indoor. See Section 4.2.5(G).

Recreation/entertainment, outdoor. See Section 4.2.5(H).

Recreational trail means a trail designed for and used for recreational purposes such as bicycling, trail biking, equestrian activities, day hiking, jogging or similar fitness activities.

Recreational vehicle means a transportable structure primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. Recreational vehicles, when traveling on the public roadways of the State, must comply with the length and width provisions of F.S. § 316.515. The term "recreational vehicle" shall include motor home, camper bus and travel trailer, camping trailer, truck camper but shall not include pick-up trucks with camper shells that extend one foot or less above the cab of the truck; provided however, for the purposes of Section 6.9.4, Floodprone area standards, means a vehicle, including a park trailer, which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicle rental and sales means the display and sales or rental of recreational vehicles.

Recycling and salvage center means a facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of Rule 62-701.220(2)(c), F.A.C.

Recycling dropoff center means a small collection facility where recyclable materials are purchased or accepted from the public. Typical uses include neighborhood recycling stations and thrift store collection trucks.

Regulated materials means the following:

- Petroleum products, which include fuels (gasoline, diesel fuel, kerosene and mixtures of these products, lubricating oils, motor oils, hydraulic fluids and other similar products. The term "regulated materials" does not include liquefied petroleum gas, American Society for Testing and Materials grade No. 5 and No. 6 residual oils, Bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher and asphalt oils.
- Substances listed by the Administrator of the United States Environmental Protection Agency pursuant to Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. This list is provided in Title 40 (Protection of the Environment) of the Code of Federal Regulations, Part 302, Designation, Reportable Quantities and Notification.
- Substances listed by the Administrator of the United States Environmental Protection Agency pursuant to Title III of the Superfund Amendments and Reauthorization Act of 1986. The list is provided in Title 40 of the Code of Federal Regulations, Part 355, Emergency Planning and Notification.
- Materials listed by the Secretary of the United States Department of Transportation pursuant to the Hazardous Materials Transport Act. This list is provided in Title 49 (Transportation) of the Code of Federal Regulations, Part 172, Hazardous Materials Tables and Communications Regulations.
- The following elemental metals, if they are stored in an easily crumbled, powdered or finely divided state: aluminum, beryllium, cadmium, chromium, copper, lead, manganese, mercury, molybdenum, nickel, rhodium, silver, tellurium, tin and zinc.
- Mixtures containing the materials set forth in this definition if they contain one per cent or more by volume or if they are wastes.
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Any material not included in this definition which may present similar or more severe risks to human health or the environment as determined by the LDR Administrator. Such determinations must be based upon competent testing or other objective means with conclusions which indicate the material may pose a significant potential or actual hazard.

Religious institution means a structure or place in which worship, ceremonies, rituals and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained and controlled under the direction of a religious group. The term "religious institutions" include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing and group living facilities such as convents.

Remove means, for the purposes of Section 6.2.1, the actual removal and effective removal through killing, damaging or destroying any regulated, heritage or champion tree.

Repair establishment means an establishment primarily engaged in the provision of repair services for TVs, bicycles, clocks, watches, shoes, guns, canvas products, appliances and office equipment; including tailor, locksmith and upholsterer.

Repair of scientific or professional instruments means an establishment primarily engaged in the provision of repair services for scientific or professional instruments for businesses.

Residential districts, for the purposes of Section 4.3.4(I) only, means land carrying the following zone district classifications: RSF-1, RSF-3, RSF-4, RSF-6, RMH-5, RMH-P, RMF-8, RMF-15, residential planned developments (PD-R), traditional neighborhood planned development (PD-TND), and the residential portions of major employment center planned developments (PD-EC).

Resource-based recreation uses means recreation uses that involve the use of existing natural resources, having a minimal impact on the environment.

Resource-based recreation uses, nonintensive, means recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking. Nonintensive resource-based recreation uses do not include activities involving vehicles or games such as paint ball.

Resource recovery plant means a facility that recovers materials or energy from solid waste, excluding those materials or solid waste under the control of the Nuclear Regulatory Commission. The facility uses resource recovery equipment, as defined by Chapter 62-701, F.A.C.

Restaurant, indoor seating only means an establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises, but only indoor seating is available for on-site consumption.

Restaurant, with drive-through or drive-in service means an establishment where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages to persons 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. A restaurant which provides drive-in facilities of any kind shall be deemed a drive-in restaurant. Such an establishment by design encourages or permits customers to obtain goods while remaining in their motor vehicles.

Restaurant, with outdoor seating means an establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises. Such a facility may include indoor and outdoor seating, but no drive-through service.

Restoration plan means a drawing that shows the type, size, number, and location of trees and other landscaping material that will be planted on a piece of property by an owner or developer to replace trees that have been removed without or in violation of a tree removal permit.

Retail sales and service. See Section 4.2.5(I).

Retention means the collection and storage of runoff without subsequent discharge to surface waters.

Right-of-way. See Section 5.2.2(A)(3).

Roadway functional classification means the assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads and collector roads, which may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.

Rolled plastic means a type of fencing material composed of plastic that is mounted to fence posts.

Roominghouse means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not related.

Root aeration system means vertical pipes or drains installed at various intervals under the tree canopy to allow for the exchange of air and gases. This procedure is normally used when backfill is added to a location under the tree canopy.

Right-of-way (ROW) line means the line which outlines the area owned or maintained by the City, County, State of Florida, Federal government, a public utility, a railroad or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities or railroads.

Rural agricultural corporate retreat means a use compatible to the primary land use of agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation and development of new technologies, techniques, processes, or

services. Rural agricultural corporate retreats are to be utilized for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning. Rural agricultural corporate retreat facilities may include facilities for associated training programs, seminars, conferences, and related activities. No outdoor storage related to the corporate retreat use is permitted. No on-site retail or wholesale sales are permitted.

Sadomasochistic practices means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound or otherwise physically restrained, on the part of one so clothed or naked.

Safety fences means a solid and substantially built fence intended as a means of protection or security and designed to separate on-site and off-site areas.

Sales establishments, general, means commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Examples include stores selling, leasing, or renting consumer, home, and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries and food sales, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery and videos.

Sales office means a room or group of rooms used for conducting the sales affairs of a business.

Salvage yard and *junkyard* mean an establishment where junk, waste, discarded, salvaged or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers and the like, are brought, sold, exchanged, baled, packed, disassembled, stored or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places for the storage, sale or handling of salvaged house wrecking or structural steel materials. This definition shall not include automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage of secondhand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded or salvaged materials incident to manufacturing activity on the same site where such processing occurs.

Sanitary sewer means structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.

Sanitary sewer facilities means structures or systems designed for the collection, transmission, treatment or disposal of sewage, including trunk mains, interceptors, treatment plants and disposal systems.

Sawmill means a mill for sawing timber or logs into boards or lumber.

School means a public or private institution at the elementary, middle or high school level that provides educational instruction to students, but not including an establishment primarily for the instruction of adults, a day care, a day care home, a child care center, or an in-home school for the purposes of instructing children of the family residing in the household.

Secondary conservation areas means as used in Section 7.9, Conservation subdivision, the geographic area occupied by conservation features that occupy a lower priority for conservation and protection than primary conservation areas, but which are still required to be protected from development, including historic, archeological and cultural resources, mature forests, natural fields, prime agricultural lands, scenic corridors and areas that could be utilized to extend existing recreation areas.

Sediment means the mineral or organic particulate material that is in suspension or has settled in surface waters or groundwaters.

Self-service storage means a building divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.). A self-service storage is also known as a mini-warehouse. See also Section 4.2.5(J).

Senior center means a facility where older adults come together for services and activities that reflect their experience and skills, respond to their diverse needs and interests, enhance their dignity, support their independence and encourage their involvement in and with the center and the community.

Sex shop means an establishment offering goods for sale or rent and that meets any of the following tests:

1. More than ten percent of its stock in trade consists of sexually explicit media and/or sex toys and novelties, or any combination thereof, and it also offers for sale lingerie and/or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; or
2. More than ten percent of its gross public floor area is devoted to the display of sexually explicit media and/or sex toys and novelties, or any combination thereof, and it also offers for sale lingerie and/or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; or
3. More than ten percent of its gross vertical display area is devoted to the display of sexually explicit media and/or sex toys and novelties, or any combination thereof, and it also offers for sale lingerie and/or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; or
4. More than five percent of its stock in trade consists of sexually oriented toys or novelties; or
5. More than five percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

For the purposes of this definition, the "gross public floor area" devoted to any class of items shall include the aisles or other areas where customers stand when viewing such items as well as the actual area under the display racks for the items.

Sexual conduct means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, or female breast of another person for the purpose of arousing or gratifying the sexual desire of customers or members of the audience.

Sexual gratification means sexual conduct as defined herein.

Sexually explicit media means magazines, books, videotapes, movies, slides, CD-ROMs, or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas and/or sexual conduct.

Sexually oriented acts means sexual conduct as defined herein.

Sexually oriented business is an inclusive term used to describe collectively: sexually oriented cabaret; sexually oriented media store; sexually oriented motion picture theater; sex shop; bath house; and massage parlor (subject to exceptions in the separate definition of massage parlor) and/or sex shop.

Sexually oriented cabaret or *sex oriented cabaret* means a building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by customers therein; without limiting the foregoing, the definition also includes a building or portion of a building where the waitpersons, owners, operators, managers, their agents or other service staff display specified anatomical areas for observation by others therein.

Sexually oriented cinema, sexually oriented motion picture theater or *sex oriented cinema* means a cinema or motion picture theater that shows sexually explicit movies or other media on more than half the days that it is open during any 90-day period, or that advertises or holds itself out in any forum as offering movies or other media described as adult, XXX or sexually oriented.

Sexually oriented media store means an establishment that rents and/or sells media, and that meets any of the following three tests:

1. Thirty percent or more of the gross public floor area is devoted to sexually explicit media and/or to aisles from which customers view the displays of such media;
2. Thirty percent or more of the stock in trade consists of sexually explicit media;
3. It advertises or holds itself out in any forum as XXX, adult, sexually oriented or otherwise as a sexually oriented business other than a sexually oriented movie theater or sexually oriented cabaret.

Sexually oriented toys or novelties means instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs. The use for which a device is designed, intended or marketed may be determined from: the name of the device; the shape of the device; information on the package in which the device is offered; the retail context in which the device is offered; advertising material about the device or any combination of these factors.

Shrub means a woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

Sidewalk means that portion of the street right-of-way outside the roadway, which is improved for the use of pedestrian or bike traffic.

Sight distance triangle means the horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed, in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

Sign, banner, means a sign made of canvas or other approved flexible materials with or without a structural frame and attached to a building, canopy, pole, or other structure.

Sign, freestanding, means a sign which is supported by one or more poles, pylons, columns, platforms, uprights, or braces in the ground and is not attached to a building or structure; also known as a ground sign or monument sign.

Sign, incidental, means a sign generally informational, that has a secondary purpose to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and similar information and directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

Sign, on-site, means a sign containing copy relating only to the principal business, product, service, or activity conducted or sold on the same lot or parcel of record as that on which the sign is located or a noncommercial message.

Sign, permanent, means a sign that is permanently mounted to a foundation, a pole on a foundation, a wall, or any portion of a building.

Sign, portable, means any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made of A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for commercial messages; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business.

Sign, roof, means a sign erected, constructed, or maintained on the roof of a building or structure above the eaves, or above the mansards, parapets, or other similar architectural features of buildings or structures. Roof signs are prohibited.

Sign, sandwich board, means a temporary, portable sign consisting of two panels, hinged or otherwise joined together at the top and designed to be self-supporting by placement on the ground in the shape of an inverted V.

Sign, temporary, means any sign that is used only for a short, specifically limited time and that is not permanently mounted.

Silviculture means the planting, care, cultivation, and harvesting of forest trees.

Site landscaping means required vegetative material consisting of trees and shrubs which are placed on a development site to soften built edges and provide transitions.

Site plan means an engineering review, approved with conditions, or denied by the LDR Administrator in accordance with Section 2.4.9, Site plan.

Site-specific amendments to the Official Zoning Atlas means an application for adjustment to the Official Zoning Atlas reviewed and approved, approved with conditions, or denied by the City Commission in accordance with Section 2.4.2, Site-specific amendments to the Official Zoning Atlas.

Site work means those construction activities that are done to the ground surface of a construction site for the construction of a structure or that are done in conjunction with the construction of a structure. Site work included, but is not limited to, changing the grade of the ground surface; excavation; adding earth material fill; compaction; constructing parking lots and driveways; striping or parking directional arrows in parking and driveway areas; constructing sidewalks or walkways; erecting walls or fences; installing utility poles, or running wires from pole to pole or from pole to structure; installing underground utilities, including electric, gas, phone, sewer, or water lines; erecting signs; installing trash dumpster pads; and removing trees.

Soil survey means the United States Department of Agriculture, Soil Conservation Service Soil Survey for Alachua County, Florida.

Source of light means a single artificial point of luminescence that emits measurable radiant energy in or near the visible spectrum.

Special event permit means a permit reviewed and approved, approved with conditions, or denied by the LDR Administrator in accordance with Section 2.4.13, Special event permit.

Special exception permit means a permit reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.4.4, Special exception permit.

Special flood hazard area has the meaning as defined in Section 202, Florida Building Code, as amended.

Special permit means a permit reviewed and approved, approved with conditions, or denied by the LDR Administrator in accordance with Section 2.4.16, Special permits.

Specialty eating establishment means establishments selling specialty food items that normally do not constitute a full meal including, but not limited to: ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and bakeries.

Specified anatomical areas includes:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means and includes human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy.

Stable means a facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of ten or fewer horses and no more than one instructor engaged for the purpose of educating and training students in equitation.

Stacking/standing area means a portion of the parking lot on a site which is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development. Parking or the storage of vehicles is not permitted within the stacking/standing area.

Standard public hearing means a public hearing conducted by a review or decision-making body in accordance with Section 2.3.2, Standard public hearings.

Start of construction has the meaning as defined in Section 202, Florida Building Code, as amended.

State means the State of Florida.

Stormwater means the flow of water that results from and that occurs immediately following a rainfall.

Stormwater management device means the system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Stormwater management system means a system designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site.

Stormwater runoff means the portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

Street means a public or private roadway which affords the principal means of access to abutting property. The term "street" includes lanes, ways, places, drives, boulevards, roads, avenues or other means of ingress or egress regardless of the descriptive term used.

Street, arterial, means a street which carries large volumes of traffic over long distances.

Street, collector, means a street which serves as the connecting link for local streets and arterials. The traffic characteristics generally consist of relatively short trip lengths with moderate speeds and volumes.

Street, cul-de-sac, means a street with a single means of ingress and egress with a turnaround at the terminus.

Street, dead-end, means a street with a single common ingress and egress.

Street frontage means the distance for which a lot line adjoins a public or private street from one lot line intersecting said street to the furthest lot line intersecting the same street.

Street functional classification means the assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads and collector roads, which may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.

Street line means the line between the street and abutting property. A street line is also referred to as the "right-of-way line."

Street, local, means a street whose primary function is to provide the initial access to the collector and arterial streets. These facilities are characterized by short trips, low speeds and small traffic volumes.

Street, loop, means a street that originates and terminates at intersections with the same street.

Street, marginal access, means a street, parallel and adjacent to an existing street, providing access to abutting lots.

Street, private, means a way of access to two or more properties which is open to vehicular ingress and egress, owned and maintained by affected property owners, but which is not considered to be a driveway.

Street, public, means any street or road owned or maintained by a unit of government.

Street trees means canopy trees planted or existing along either side of street/road right-of-way.

Structure has the meaning as defined in F.S. §§ 163.3164 and 380.31.

Subdivider means any person dividing or proposing to divide land so as to constitute a subdivision as herein defined, including a developer or an agent of a developer.

Subdivision means the division of a parcel of land, whether improved or unimproved, into three or more lots or parcels of land, for the purpose of transfer of ownership. The term "subdivision" includes a resubdivision and replatting of lands located within an existing subdivision.

Subdivision, major, means any subdivision not classified as a minor subdivision, including but not limited to subdivisions of four or more lots, or any size subdivision requiring any new street or extension, the expansion of any existing street or road, the extension of local government facilities, or the creation of any public improvements.

Subdivision, minor, means any subdivision containing not more than six lots fronting on an existing street, which does not involve:

- (a) The establishment of a new street or road;
- (b) The expansion of existing streets or roads;
- (c) The extension of local government facilities;
- (d) The creation of any public improvements; and

does not adversely affect the remainder of the parcel or adjacent property; and is not in conflict with any provision or portion of the Comprehensive Plan or these LDRs.

Subdivision preliminary plat means an application for preliminary approval of a major subdivision reviewed and approved, approved with conditions, or denied by the City Commission in accordance with Section 2.4.10(G), Major subdivision.

Subdivision variance permit means a permit reviewed and approved, approved with conditions, or denied by the City Commission in accordance with Section 2.4.7(D), Subdivision variance permits.

Substantial construction means the point in development when all required permits necessary to continue the development have been obtained and actual construction of potable water, sanitary sewer lines, streets, or stormwater management systems, on such portion of the development is complete or progressing in a manner that moves the entire development towards completion.

Substantial damage has the meaning as defined in Section 202, Florida Building Code, as amended.

Substantial improvement has the meaning as defined in Section 202, Florida Building Code, as amended.

Substation for fire and police means any building or part of a building that is designated by the chief of police or sheriff to be used as a police or sheriff's station or substation and at which duly authorized officers perform law enforcement functions.

Surface water means water above the surface of the ground whether or not flowing through definite channels, including the following:

1. Any natural or artificial pond, lake, reservoir or other area that ordinarily or intermittently contains water and that has a discernible shoreline;
2. Any natural or artificial stream, river, creek, channel, ditch, canal, conduit culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently and that has a definite channel, bed or banks; or
3. Any wetland.

Surficial aquifer system means the permeable hydrogeologic unit contiguous with land surface that is comprised principally of unconsolidated to poorly indurated clastic deposits. It also includes well-indurated carbonate rocks, other than those of the Floridan Aquifer System where the Floridan is at or near land surface. Rocks making up the surficial aquifer system belong to all or part of the upper Miocene to Holocene Series. It contains the water table and water within it is under mainly unconfined or locally confined conditions; however, beds of low permeability may cause semi-confined or locally confined conditions to prevail in its deeper parts. The lower limit of the surficial aquifer system coincides with the top of laterally extensive and vertically persistent beds of much lower permeability. Within the surficial aquifer system, one or more aquifers may be designated based on lateral or vertical variations on water bearing properties.

Surveyor, land, means a land surveyor registered under F.S. ch. 472, as amended, who is in good standing with the Florida Department of Business and Professional Regulations.

Tandem parking. See *Parking, Tandem*.

Tattoo parlor/body-piercing studio means an establishment whose principal business activity is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by such means, including but not limited to, the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Taxicab service means a service that offers transportation in passenger automobiles and vans to persons.

Temporary use permit means a permit review and approved, approved with conditions or denied by the LDR Administrator in accordance with Section 2.4.12, Temporary use permit.

Temporary vehicle storage means a use established for 30 days or less for the purpose of storing, or covering a motor vehicle with the intent to discontinue such use at the end of the 30-day period.

Text amendment means a request to amend or revise the text of these LDRs reviewed and approved, modified or denied by the City Commission in accordance with Section 2.4.1, Text amendments and general amendments to the Official Zoning Atlas.

Tire disposal or recycling means a facility which disposes of or recycles waste tires or waste tire residuals.

Tire sales and mounting means an establishment where the principal business is the sale or installation of new, used, or retread tires and tubes.

Tool repair means an establishment which repairs tools for compensation.

Topping, topped or top means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Tower means, for the purposes of Section 4.3.2(I)(1), any structure that is designed and constructed primarily for the purpose of supporting one or more antenna for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term "tower" includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term "tower" includes the structure and any support thereto.

Towing service means an establishment that provides services for the removing of an automobile by towing, carrying, hauling or pushing from public or private property. Towing services may be provided as part of an automobile servicing use. Towing services shall not include the outdoor storage of towed vehicles, unless they are part of an automobile servicing use.

Transitional swale means a swale, designed as a part of a stormwater management system that meets the pollutant removal goals of Chapter 62-40 of the Florida Administrative Code through the following criteria:

- (1) The average treatment efficiency of the areas treated and the areas not treated must achieve at least 80 percent reduction of the average annual load of pollutants that would cause or contribute to violations of state water quality standards for Class III waters.
- (2) The average treatment efficiency of the areas treated and the areas not treated must achieve at least 95 percent reduction of the average annual load of pollutants that would cause or contribute to violations of state water quality standards for Class I, Class II, Outstanding Florida Waters, or Class III waters which are approved, conditionally approved, restricted, or conditionally restricted for shellfish harvesting.

Transmission or muffler shop means an establishment where the principal business is the sale or installation of transmissions or mufflers.

Transportation. See Section 4.2.3(I).

Tree means a self-supporting, woody perennial plant, usually with one vertical stem or main trunk, which naturally develops a distinct, elevated crown and provides, at maturity, natural characteristics of the species.

Tree, canopy, means any self-supporting woody plant of a species that normally achieves an overall height at maturity of 30 feet or more.

Tree, champion, means those trees that have been identified by the Florida Division of Forestry as being the largest of their species within the State of Florida or by the American Forestry Association as the largest of their species in the United States. A champion tree is a regulated tree.

Tree, deciduous, means a tree which drops its foliage annually before becoming dormant.

Tree, evergreen, means a tree with foliage that is not dropped, or which remains green throughout the year.

Tree, heritage, means trees with a diameter of at least 30 inches or seven feet, ten inches in circumference, whichever dimension is lesser, measured at a point 4½ feet above ground level. A heritage tree is a regulated tree.

Tree, ornamental. See *Tree, understory*.

Tree, protected, means any tree growing within the tree protection area.

Tree protection area means the portion of a development site located under a tree canopy area to be retained during the development process. (See Section 6.2. Tree protection/landscape/xeriscape standards.)

Tree, regulated, means any living tree which is ten inches or more in diameter or two feet in circumference, whichever dimension is lesser, measured at a point 4½ feet above ground level. This definition shall not include any species of pine tree or nuisance tree regardless of size. Heritage trees and champion trees are regulated trees.

Tree removal permit means a permit reviewed and approved, approved with conditions, or denied by the LDR Administrator in accordance with Section 2.4.17, Tree removal permits.

Tree, replacement, means those species of trees which may be replanted for any of the replanting requirements of Section 6.2.1.

Tree, shade. See *Tree, canopy*.

Tree, street, means canopy or shade trees planted at regular intervals within or adjacent to existing street rights-of-way.

Tree, understory, means a tree that has an expected height at maturity no greater than 30 feet.

Truck or freight terminal means a use where buses, trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

Truck rental and sales means an establishment where new or used trucks are displayed for sale, lease or rental.

Uniformity ratio means a measurement of the relative difference in illumination values, at ground level, between differing exterior lighting sources on a single property.

Use category. See Section 4.2.

Use table. See Section 4.1.

Use type. See Section 4.2.

Utilities. See Section 4.2.3(J).

Utility, major, means infrastructure services providing regional or communitywide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities, electrical substations, and park-and-ride facilities..

Utility, minor, means infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, distribution electric substations, as defined in F.S. § 163.3208, stormwater retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops.

Utility strip means a strip of ground typically located between the sidewalk and the back of curb or edge of pavement of a public or private street. The utility strip is usually intended for the placement of underground or aboveground utilities.

Vehicle display pad means an area, frame or other device where automobiles or other vehicles are displayed for the purposes of sale.

Vehicle sales and service. See Section 4.2.5(L).

Vertical display area, gross means the total of the following: 1) all wall space used for product display or for photos of or posters about specific products, as measured by the smallest rectangle that will include all of the materials on one wall plane; and 2) for each set of display shelves, racks or other display devices, the area of the smallest rectangle that is perpendicular to the floor that will include the entire display rack or device and any and all products extending above or to the side of such rack.

Very low-income household means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the State, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the County in which the person or family resides, whichever is greater.

Vested rights certificate means a permit reviewed and approved, approved with conditions, or denied by the City Commission in accordance with Section 2.4.22, Vested rights certificate.

Veterinary clinic means a facility for the care and treatment of animals, including household pets. Such facilities may be entirely indoors or may have both indoor and outdoor components.

Veterinary services means a service characterized by the care and treatment of small animals, including household pets.

Vine means any plant with a long, slender stem that trails or creeps on the ground or climbs by winding itself on a support.

Visitor accommodations. See Section 4.2.5(M).

Vocational school means a specialized instructional school that provides on-site training of business, commercial and/or trade skills such as accounting, data processing and computer repair.

Wall means as used in required landscaping, a structure used to delineate a boundary or act as a barrier or means of protection, confinement or screening.

Warehouse and freight movement. See Section 4.2.5(N).

Warehouse (distribution) means a use engaged in distribution of manufactured products, supplies, and equipment.

Warehouse (storage) means a use engaged in storage of manufactured products, supplies and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

Waste composting means uses where solid wastes are composted using composting technology. Accessory uses may include offices and repackaging and transshipment of byproducts.

Waste-related services. See Section 4.2.5(O).

Water wells means wells excavated, drilled, dug, or driven for the supply of industrial, agricultural, or potable water for general public consumption.

Watercourse means any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed, bank or other discernible boundary.

Waterfront setback line means a line running parallel to a river and at a distance as specified within these land development regulations.

Well means 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 an aquifer or aquifer system to the surface by pumping or natural flow, to conduct waters or other liquids from the surface into any area beneath the surface of land or water by pumping or natural flow, or to monitor the characteristics of groundwater within an aquifer system. Geotechnical borings greater than 20 feet in depth shall be included in the definition of "well."

Wellfield exemption permit means a permit reviewed and approved, approved with conditions, or denied by the City Commission in accordance with Section 2.4.24, Wellfield exemption permit.

Wellfield management zone means a wellfield protection area around community water system wellheads. (See Section 6.9.7.)

Wetland means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The delineation of wetlands has been defined by the uniform statewide methodology adopted by the Florida Department of Environmental Protection and Water Management Districts as outlined in Rule 62-340, Florida Administrative Code, as the rule exists on January 1, 2001. The County shall not be limited by the threshold or connection requirements utilized by these agencies for purposes other than delineation.

Wetland setback. See Section 5.2.2(A)(4).

Wholesale sales (all uses) means establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers. The term "wholesale establishment" does not include office or retail sales of business supplies/office equipment.

Wireless telecommunication antenna means any apparatus designed for the transmitting and/or receiving of electromagnetic waves which includes, but is not limited to telephonic, radio or television communications. Types of antennas include, but are not limited to: Omni-directional (whip) antennas, sectorized (panel) antennas, multibay or single bay (FM and TV), yagie or parabolic (dish) antennas.

Wireless telecommunication antenna, collocation means a situation in which two or more different wireless communication service providers place wireless communication antennas and/or other wireless communications equipment on a common antenna-supporting structure (building, tower or other stationary device).

Wireless telecommunication antenna, placement on existing structure means the placement of a wireless telecommunication antenna on an existing business use or multifamily building with eight or more dwelling units as a permitted use.

Wireless telecommunication tower, alternative tower structure means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Wireless telecommunication tower and/or antenna, freestanding, means a structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

Yard. See Section 5.2.2(A)(6).

Yard, front. See Section 5.2.2(A)(7).

Yard, front; depth required. See Section 5.2.2(A)(8).

Yard, rear. See Section 5.2.2(A)(11).

Yard, rear; depth required. See Section 5.2.2(A)(12).

Yard, side. See Section 5.2.2(A)(9).

Yard, side; depth required. See Section 5.2.2(A)(10).

Yard, waterfront. See Section 5.2.2(A)(13).

Yield plan means a series of maps and other documentation illustrating the planning process undertaken for a conservation subdivision. The yield plan includes a site analysis map, a conservation and development areas map, a conservation plan, and a preliminary site improvements plan, as well as any supporting information.

Youth club facility means a boys' club, a girls' club, or any other facility that is not a school but which provides entertainment, recreation, crafts, tutorials or other quality of life enhancements for minors, whether a nonprofit facility or otherwise.

Zoning variance permit means a permit reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.4.7(C), Zoning variance permits.

(Ord. No. 09-29, § 3(10.2), 9-28-2009; Ord. No. 12-04, § 5, 12-12-2011; Ord. No. 12-06, § 3, 1-23-2012; Ord. No. 13-15, § 2, 11-4-2013; Ord. No. 16-04, § 3(Exh. A), 4-11-2016; Ord. No. 18-01, § 3(Exh. A), 10-23-2017; Ord. No. 18-05, § 3(Exh. A), 2-12-2018; Ord. No. 18-08, § 3(Exh. A), 4-9-2018; Ord. No. 19-05, § 3(Exh. A), 1-14-2019; Ord. No. 19-22, § 3(Exh. A), 3-25-2019; Ord. No. 19-25, § 2(Exh. A), 5-20-2019; Ord. No. 19-31, § 3(Exh. A), 7-22-2019; Ord. No. 20-08, § 3(Exh. A), 7-27-2020; Ord. No. 22-01, § 3(Exh. A), 10-11-2021; Ord. No. 22-12, § 3(Exh. A), 5-23-2022)