

1 **ARTICLE II. DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **Aircraft** means any motor vehicle or contrivance now known, or hereafter invented, used or designed
14 for navigation of or flight in the air.

15 **Airport** means those areas of land or water designed or set aside for the landing and taking-off of
16 aircraft utilized, or to be utilized, in the interest of the public for such purpose, and validly licensed by
17 the State of Florida Department of Transportation (FDOT) as a "Public Airport" known as the Gainesville
18 Regional Airport.

19 **Airport authority** means the Gainesville-Alachua County Regional Airport Authority.

20 **Airport obstruction** means any structure or tree or use of land that would exceed the federal
21 obstruction standards as contained in 14 CFR 77.21, 77.23, 77.25, 77.28 and 77.29 and that obstructs
22 the airspace required for flight of aircraft in taking off, maneuvering or landing at an airport; or,
23 regardless of height, may otherwise be hazardous to or interfere with the taking off, maneuvering or
24 landing of aircraft.

25 **Airport elevation** means the highest point of an airport's usable landing area measured in feet from
26 mean sea level.

27 **Airport reference point** means the approximate geometric center of the runways of an airport,
28 expressed by its latitude and longitude, as shown on the approved airport layout plan of the Gainesville
29 Regional Airport, and identified as the "future airport reference point."

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

32 A. Involves the retail sale of alcoholic beverages for consumption on the premises. This phrase does
33 not include: 1) uses that involve a de minimus retail sale of alcoholic beverages, or 2) an accessory
34 use that involves the retail sale of alcoholic beverages for consumption on-premises if the principal
35 use is:

- 36 1. Civic, social, or fraternal organizations.
- 37 2. Amusement and recreation services.
- 38 3. Motion picture theaters.
- 39 4. Hotels and motels when the alcoholic beverage establishment is operated by the management
40 of the hotel or motel.
- 41 5. Restaurants, as defined below.

- 1 B. Is a bottle club as defined below.
- 2 **Alcoholic beverage** means all beverages containing more than one percent of alcohol by weight.
- 3 **Alley** means a right-of-way providing access to parking, service areas, and outbuildings at the rear or
4 side of the property.
- 5 **Amateur radio towers** means structural facilities used to support amateur radio antennas as licensed
6 and operated by federally licensed amateur radio station operators.
- 7 **Animated sign** means any sign that contains text or pictorial information that moves or changes, or that
8 uses movement or change of lighting and/or color to depict action or create a special effect or scene.
- 9 **Antenna** means any exterior apparatus designed for sending and/or receiving intelligence without
10 physical connection.
- 11 **Applicant** means a landowner, developer, builder or other person who files a petition for a development
12 order and/or a development permit.
- 13 **Application for development permit** means an application submitted to the city requesting the issuance
14 of a development permit.
- 15 **Approach, transitional, horizontal and conical zones** means zones that apply to the area under the
16 approach, transitional, horizontal and conical surfaces defined in Part 77 of the Federal Aviation
17 Regulations (FAR).
- 18 **Appropriate reviewing board** means the board responsible for reviewing or rendering a decision on a
19 particular subject, development plan, zoning, appeals or any other action provided for in this chapter.
20 The boards include the city plan board, development review board, and historic preservation board.
- 21 **Apron** means the paved area between the back edge of the sidewalk and the back of the curb.
- 22 **Arcade** means a private frontage typically used in conjunction with a retail use where the façade
23 includes a colonnade supporting habitable space.
- 24 **Archaeological site** means a property or location that has yielded or may yield information on the city's
25 history or prehistory, as generally evidenced by the presence of archaeological resources.
- 26 **Archaeological resources** means physical evidences of past human activity, as well as evidences of the
27 effects of that activity on the environment, including but not limited to: monuments, memorials, Indian
28 habitations, ceremonial sites, abandoned settlements, sunken or abandoned watercraft, engineering
29 works, treasure troves, artifacts, or other sites, landforms, properties, objects or features with intrinsic
30 archaeological value. Generally, this term applies to physical evidences equal to, or greater than, 50
31 years in age.
- 32 **Area** means a clear or open space of land or right-of-way, or the enclosed space or location on which a
33 building stood, stands, or could stand, a definitely bounded part or section of a district, site, building,
34 structure or object set aside for a specific purpose.
- 35 **Area lighting** means lighting of predominately horizontal surfaces, including parking areas, recreational
36 areas and building entrance walkways.
- 37 **Arterial** or **arterial street** means any street:
- 38 A. Designated as arterial on the Roadway Map on file in the Public Works Department;

- 1 B. Functionally classified by the state department of transportation as an urban principal arterial street
2 or an urban minor arterial street; or
- 3 C. Designated by the City Commission as an arterial street based on its physical design, moderately
4 long trip length, and existing or anticipated traffic characteristics.
- 5 **Assessed value** means the total value of a tax parcel, excluding the value of the land, as determined by
6 the Alachua County Property Appraiser and shown on the most recent property tax bill sent to the
7 owner of record by Alachua County. In the absence of such information, applicants may submit an
8 assessment prepared by a professional appraiser.
- 9 **Assisted living facility (ALF)** means a facility that provides housing, meals, and one or more personal
10 services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or
11 administrator.
- 12 **Attached dwelling** means two or more dwelling units that are attached horizontally, where each unit
13 has its own front yard and direct entrance from the ground level. This term includes townhouses and
14 rowhouses, and dwelling units that may be on one combined lot or individual lots.
- 15 **Automotive detailing** means establishments engaged in providing any of the following services:
16 washing, waxing and polishing by hand, pinstriping, window tinting, interior cleaning and carpet
17 shampooing, sales and installation of basic car accessories such as car covers and car masks.
- 18 **Average daily traffic** means the number of vehicles traveling in all directions over a given section of
19 roadway during a 24-hour period.
- 20 **Avigation easement** means the permanent grant of airspace rights over and above the surface of
21 property in order to permit airport operations and operation of aircraft, despite the associated nuisance
22 effects on the underlying surface property, such as but not limited to, noise, vibration, fumes, and fuel
23 particles.
- 24 **Awning** means a light roof-like structure, supported entirely from the exterior wall of a building.
25 Awnings extend over doors, windows, and/or show windows with the purpose of providing protection
26 from sun and rain and/or embellishment of the façade.
- 27 **Awning sign.** See "marquee sign."
- 28 **Banner sign** means a banner or other flexible sign characteristically suspended along or across any of
29 the public streets of the city.
- 30 **Base flood** means the flood having a one-percent chance of being equaled or exceeded in any single
31 year (i.e., the 100-year flood).
- 32 **Basement** means that portion of a building having its floor subgrade (below ground level) on all sides.
- 33 **Bed and breakfast establishment** means a dwelling unit personally and physically operated and
34 occupied by the owner or manager in which, as a use subordinate to and included in the residential
35 dwelling unit, transient guests, in return for payment, are provided an overnight sleeping room and only
36 breakfast.
- 37 **Bicycle lane** means a dedicated lane for cycling within a street, demarcated by striping.
- 38 **Bikeway** means any road, street, path or way that in some manner is specifically designated as being
39 open to bicycle travel, regardless of whether the facility is designed for the exclusive use of bicycles or is
40 to be shared with other transportation modes.

- 1 **Block** means a group of lots existing within well-defined and fixed boundaries, usually being an area
2 surrounded by streets or other physical barriers.
- 3 **Bona fide agriculture and/or silviculture** means the good faith commercial agricultural and/or
4 silvicultural use of the land determined by using the factors outlined in Section 193.461, Florida
5 Statutes.
- 6 **Bottle club** means a business establishment not licensed to sell alcoholic beverages providing facilities
7 for the consumption of alcoholic beverages by its patrons on the premises, but without regard as to
8 whether the patrons are required to be members of the bottle club. A bottle club does not include a
9 social, fraternal or civic association or organization not licensed to sell alcoholic beverages that only
10 incidentally, as opposed to primarily, provides facilities for on-premises consumption of alcoholic
11 beverages by its members and their guests. A bottle club can be a private club or a public business
12 establishment in which the principal revenue would be derived from the sale of setups, mixers, ice and
13 water and charges for any entertainment provided.
- 14 **Broadcast** means to transmit information without physical connections to two or more receiving devices
15 simultaneously. Information can be transmitted over local television or radio stations, satellite systems
16 or wireless data communications networks.
- 17 **Buffer matrix** means a matrix showing the required width of a buffer strip and amount of plant material
18 to be located in a buffer strip based on the proposed relationship between land uses.
- 19 **Buffer strip** means the area reserved along the boundary of a parcel in which landscaping and/or walls,
20 fences or berms provide a separation for uses of differing type and intensity as well as providing an
21 attractive boundary between parcels, particularly ensuring landscaping between multiple-family
22 complexes.
- 23 **Buffering** means the use of any manmade or natural materials or open space in any fashion designed to
24 limit the effects of one land use upon adjoining land uses.
- 25 **Building** means any structure, either temporary or permanent, except a fence or as otherwise provided
26 in this definition, used or built for the enclosure or shelter of persons, vehicles, goods, merchandise,
27 equipment, materials or property generally. This definition shall include tents, dining cars, trailers,
28 mobile homes, sheds, garages, carports, animal kennels, storerooms, jails, barns or vehicles serving in
29 any way the function of a building as described herein. This definition shall not include individual doll
30 houses, play houses, and animal or bird houses.
- 31 **Building envelope** means the outermost surfaces forming the complete enclosure of a building.
- 32 **Building frontage** means the total length in linear feet of a building façade(s) within a development that
33 fronts directly on a required street or urban walkway. Building frontage is regulated as a required
34 percentage of the total length of the development frontage along the street or urban walkway. For
35 corner lots, the building frontage calculation shall exclude the widths of the required landscape zone,
36 sidewalk zone and building frontage areas.
- 37 **Building frontage zone** means the area between the edge of the sidewalk opposite to the travel lane
38 and the building façade.
- 39 **Building height** means the vertical distance measured from the average elevation of the proposed
40 finished grade to the top plate of the highest story.
- 41 **Building official** means the person designated as building official by the City Manager.

- 1 **Building permit** means an official document or certificate issued by the building official, as provided for
2 in the Standard Building Code as adopted in **Chapter 6**, authorizing performance of construction or
3 alteration of a building or structure.
- 4 **Building setback line** means a line, established at the minimum setback line as set forth by the
5 applicable zoning district, within a lot or other parcel of land so designated on the plat.
- 6 **Business service** means a business where the provision of services is focused on support to professional
7 office establishments, including copy, printing and binding centers, secretarial services, and computer
8 rental-repair services.
- 9 **Camouflaged facility** means any wireless communication facility that is designed to blend into the
10 surrounding environment or that camouflages or conceals the presence of the wireless communication
11 facility. Examples of camouflaged towers include, but are not limited to, man-made trees, clock towers,
12 bell steeples, flag poles, light poles, and similar alternative-design mounting structures. Examples of
13 camouflaged antennas include, but are not limited to, architecturally screened roof-mounted antennas,
14 building-mounted antennas painted to match the existing structure, and antennas integrated into
15 architectural elements.
- 16 **Canopy (in reference to landscaping)** means the uppermost layer of vegetation in a forest consisting of
17 the tops of trees forming a kind of ceiling.
- 18 **Canopy (in reference to buildings)** means a covered structure open for pedestrian and/or vehicular
19 access. This definition shall include, but shall not be limited to, canopies associated with drive-throughs
20 of retail and financial establishments and fueling stations.
- 21 **Canopy sign.** See "marquee sign."
- 22 **Capacity** means the maximum lawful level of designed use of any structure, or part thereof, as
23 determined by the city's adopted building code and expressed in terms of occupants, seats, persons,
24 employees or other units specified by the building code.
- 25 **Capital improvements element** means the capital improvements element of the Comprehensive Plan as
26 it may be amended from time to time.
- 27 **Carwash** means a facility for the cleaning and washing of motor vehicles including interior cleaning,
28 vacuuming, waxing and detailing, by means of self-service, automated mechanical equipment, manual
29 labor or a combination thereof. Any carwash facility dispensing gasoline or other motor vehicle fuels
30 shall be considered a gasoline or alternative fuel station.
- 31 **Certificate of appropriateness** means the permit that is required to be issued by the historic
32 preservation board prior to any action as set forth in this chapter.
- 33 **Certificate of concurrency exemption** means a certificate issued by the City Manager or designee
34 pursuant to this chapter, evidencing that a project is exempt from concurrency review.
- 35 **Certificate of conditional concurrency reservation** means a certificate issued by the City Manager or
36 designee, in conjunction with a development agreement that is approved by the City Manager or
37 designee, evidencing that:
- 38 A. All available public facility capacity to serve a proposed project has been reserved, but such capacity
39 is not adequate to serve the proposed project;
- 40 B. The additional public facility capacity needed for the proposed project may be assured by an
41 executed development agreement; and

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

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

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

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

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

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

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

39 **City plan board** or **plan board** means the local planning agency designated by the City Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 **Community residential home** means a dwelling unit licensed to serve clients of the state department of
40 health and rehabilitative services, which provides a living environment for residents who operate as the
41 functional equivalent of a family, including such supervision and care by supportive staff as may be

1 necessary to meet the physical, emotional and social needs of the residents. Community residential
2 homes are further defined by F.S. Ch. 419, and regulated by the state department of health and
3 rehabilitative services. This definition shall not include foster family homes for children, rooming or
4 boarding homes, clubs, dormitories, fraternities, sororities, monasteries or convents, hotels, residential
5 treatment facilities (Levels I, III or V), nursing homes, emergency shelters, social service homes or
6 halfway houses, or residences for destitute people.

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

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

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

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

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

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

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

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

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

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

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

- 1 **Contributing properties** means properties located in a local register of historic places district that meet
2 the following criteria:
- 3 A. The property is one that, by its location, design, setting, materials, workmanship, feeling and
4 association, adds to the district's sense of time and place and historical development.
- 5 B. A property should not be considered contributing if the property's integrity of location, design,
6 setting, materials, workmanship, feeling and association have been so altered by man or physical
7 deterioration that the overall integrity of the property has been irretrievably lost.
- 8 C. Ordinarily structures that have been built within the past 50 years shall not be considered to
9 contribute to the significance of a district unless a strong justification concerning their historical or
10 architectural merit is given or the historical attributes of the district are considered to be less than
11 50 years old.
- 12 **Council of tree and landscape appraisers** means a group of professional societies specializing in
13 arboriculture, horticulture and nursery practices that have established a methodology for appraising the
14 financial value of trees and landscaping.
- 15 **Courtyard** means an inset area along a building frontage that may be covered or uncovered. The inset
16 area is for pedestrians and may be used for a building entry area, seating area, landscape or garden
17 area, art or sculpture display, or fountains. Courtyards may be used to provide building articulation and
18 architectural interest.
- 19 **Critical duration** means the duration of a specific storm event that creates the largest volume or highest
20 rate of net stormwater runoff (post-development runoff less pre-development runoff) for typical
21 durations. The critical duration is determined by comparing various durations of the specified storm and
22 calculating the peak, rate and volume of runoff for each. The duration resulting in the highest peak rate
23 or largest total volume is the critical duration storm.
- 24 **Crown** means the foliated portion of a tree, from the lowest branch to the treetop; synonymous with
25 canopy.
- 26 **Crown spread** means the measurement of the outermost tips of a tree's branches as they form a circle.
27 It is calculated by averaging the diameters of two circles - the distance across the narrowest point and at
28 the widest point.
- 29 **Cul-de-sac** means a street that terminates at one end with vehicle turnaround facilities at the end.
- 30 **Curb** or **curbline** means the inside vertical face of a masonry curb, the centerline of a valley gutter, or
31 the edge of the pavement where no curb or gutter exists.
- 32 **Dangerous person** means a person who:
- 33 A. Has charges of an illegal act of violence pending against himself/herself or is confined pending
34 resolution of his/her competency to stand trial for such an act;
- 35 B. Has been found not guilty of such an act by reason of insanity;
- 36 C. Has been convicted of such an act within the past five years or is serving a sentence for such an act;
- 37 D. Has been charged with a violent offense that was plea bargained to a lesser nonviolent offense or
38 resulted in the withholding of adjudication as to guilt;
- 39 E. Has committed a victim-related sex offense;

- 1 F. Has been determined by the department of health and rehabilitative services to be presently
2 dangerous to himself/herself or others or to present a clear and present potential to escape;
- 3 G. Has been determined by a licensed psychiatrist or a licensed clinical psychologist to be presently
4 dangerous to himself/herself or others or to present a clear and present potential to escape; or
- 5 H. Has a history of committing acts of violence or escaping from secured premises.
- 6 **Day care center** means any place, building or location, other than an occupied dwelling, where care is
7 provided for four or more natural persons, not related to the operator. Such care may be rendered day
8 or night. Such term specifically includes a kindergarten (when not part of a school), nursery school, child
9 care center, preschool and adult day care facility.
- 10 **Day night average sound level (DNL)** means the sound exposure level generated by aircraft operations,
11 as defined in Federal Aviation Regulation Part 150 entitled "Airport Noise Compatibility Planning" (FAR
12 Part 150) codified under 14 C.F.R. Part 150, estimated using the Federal Aviation Administration (FAA)
13 Integrated Noise Model (INM) in a manner that complies with the requirements set forth in Part 150.
- 14 **De minimis development** means a development of such low intensity as to have a de minimis effect, if
15 any, on the level of service standards adopted in the Comprehensive Plan. De minimis development
16 includes one single-family dwelling or one two-family dwelling on a lot of record as of the effective date
17 of adoption of this chapter. It also includes additions to or the erection of structures smaller than 200
18 square feet. De minimis development shall be eligible for a certificate of concurrency exemption.
- 19 **Deferral of capacity reservation** means that water and wastewater treatment plant capacity is not
20 reserved and plant connection fees are not assessed at the certificate of preliminary or final concurrency
21 stage. An applicant for a deferral shall sign a deferral form available from the city. The applicant shall
22 still meet water/wastewater concurrency requirements, but these are deferred until an application for a
23 building permit is made. The city makes no guarantees that capacity will be available for the project.
- 24 **Degrade or degraded** means to cause a feature or area to suffer an adverse impact. A degraded feature
25 or area is one that has suffered an adverse impact from which full restoration to historic natural
26 functioning has not yet been attained.
- 27 **Demolition** means the tearing down or razing of 25% or more of a structure's existing external walls.
- 28 **Density** means the extent of development of residential uses, expressed in dwelling units per acre of
29 land.
- 30 **Design manual** means a manual prepared and updated by the City Manager or designee and on file in
31 the public works department that provides design guidelines and illustrations to be used in the design
32 and construction of physical improvements within the city.
- 33 **Developed area** means the area within an imaginary line formed by the outer perimeter of all
34 structures, parking lots, and other paving and manmade alterations to the natural condition of any lot or
35 parcel of land, except for sidewalks in public rights-of-way and driveways, the perimeters to be adjusted
36 to the closest geometric shape for which an area may be reasonably easily calculated.
- 37 **Developer** means any person who engages in or proposes to engage in a development activity either as
38 the owner or as the agent of an owner of property.
- 39 **Development or development activity** means any of the following activities:
- 40 A. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise
41 significantly disturbing the soil or vegetation of a site.

- 1 B. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface or
2 water management system, and including the long term storage of materials.
- 3 C. The erection, placement, alteration, remodeling or reconstruction of any building on any land or the
4 authorization of any improvements on any land to facilitate the use of such land.
- 5 D. Subdividing land into two or more parcels.
- 6 E. A tree removal for which authorization is required under this Code of Ordinances.
- 7 F. Erection of a permanent sign unless expressly exempted by this Code of Ordinances.
- 8 G. Alteration of a historic property for which authorization is required under this Code of Ordinances.
- 9 H. Changing the use of a site so that the need for parking is increased.
- 10 I. Construction, elimination or alteration of a driveway onto a public street.
- 11 J. For the purpose of vested rights, development has the meaning given to it in F.S. § 380.04, as
12 amended.

13 **Development agreement** means an agreement entered into between the city and a developer for the
14 purpose of assuring the city that the developer shall provide required public facility capacity.
15 Development agreements include, but are not limited to, agreements authorized pursuant to F.S. §
16 163.3220 and F.S. § 380.01 et seq., both as amended from time to time.

17 **Development order** means any order granting, denying or granting with conditions an application for
18 approval of a development project or activity.

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

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

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

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

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

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

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

38 **District (for the purpose of historic preservation)** means a geographically definable area, urban or rural,
39 possessing a significant concentration, linkage or continuity of sites, buildings, structures, objects or

1 areas, which are united by past events or aesthetically by plan or physical development. A district also
2 may be comprised of individual resources that are separated geographically but are linked by
3 association or history.

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

7 **Documentation** means photographs, slides, drawings, plans, factual written descriptions or legal
8 records.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **Excess parking** means vehicular parking that exceeds the amount required by this chapter by more than
14 10 spaces or more than 10%, whichever is greater.

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

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

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

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

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

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

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

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

- 13 A. A maximum of 8 children from birth to 24 months of age.
14 B. A maximum of 12 children, with no more than 4 children under 24 months of age.

15 **Family day care home, small** means an occupied residence, licensed by the Alachua County Health
16 Department as a *family child care home*, in which child care is regularly provided for children from at
17 least two unrelated families and which receives a payment, fee or grant for any of the children receiving
18 care, whether or not operated for profit. Household children under 13 years of age, when on the
19 premises of the family day care home or on a field trip with children enrolled in child care, shall be
20 included in the overall capacity of the licensed home. A family day care home shall be allowed to
21 provide care for one of the following groups of children, which shall include household children less than
22 13 years of age:

- 23 A. A maximum of four children from birth to 12 months of age.
24 B. A maximum of three children from birth to 12 months of age, and other children, for a maximum
25 total of six children.
26 C. A maximum of six preschool children if all are older than 12 months of age.
27 D. A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are
28 under 12 months of age.

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

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

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

40 **Final development order for purposes of concurrency** means the final approval of a development
41 project, the approval of which shall be granted prior to issuance of a development permit as defined in
42 this chapter. (The final development order authorizes the project, whereas the development permit
43 authorizes specific components of the project, such as building construction, parking lot installation,

1 landscaping and the like.) For purposes of this chapter the final development plan approval is the final
2 development order.

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

- 6 A. Building permit;
- 7 B. Final development plan approval; and
- 8 C. Final plat approval.

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

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

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

16 **Floor area** means the sum of the horizontal areas of all floors of a building, or buildings, on a
17 development site, measured from the exterior faces of exterior walls. Included within such sum shall be
18 the areas of attic spaces with a vertical structural clearance of at least seven feet. Also included are
19 floors of interior balconies or mezzanines, and floors of any other space reasonably usable for any
20 purpose, including but not limited to garages, carports, patios, porches, decks, elevators, stairwells, and
21 canopies.

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

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

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

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

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

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

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

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

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

15 **Fraternity house.** See "dormitory."

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

18 **Front open space** means the area enclosed by the side lot lines, the street right-of-way line in the front
19 of the property and the established line of setback. The established line of setback shall be the line,
20 drawn parallel to the street in front of the property, extending from the point at which the principal
21 building is closest to the street outward to the lot lines. All area directly in front of any part of the
22 principal building shall also be considered to be in front of the established line of setback.

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

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

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

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

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

38 **Gainesville tree list** means the list of trees provided in **Article IX** of this chapter.

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

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

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

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

12 **Golf cart, electric** means a motor vehicle that is designed and manufactured for operation on a golf
13 course for sporting or recreational purposes that is not capable of exceeding speeds of 20 miles per
14 hour, and that is powered by an electric motor that draws current from rechargeable storage batteries,
15 fuel cells, or other sources of electrical current. This definition does not include low-speed vehicles as
16 defined by F.S. § 320.01(42).

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

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

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

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

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

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

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

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

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

- 1 **Half or partial street** means a street, generally parallel with and adjacent to the boundary line of a tract,
2 having a lesser right-of-way width than required for a full width of the type involved.
- 3 **Hardcore (pornography)** means depictions of sexual conduct that include one or more of the following:
4 erect male organ; contact of the mouth of one person with the genitals of another; penetration of a
5 finger or male organ into any bodily orifice in another person; open female labia; penetration of a sex
6 toy or other device into a bodily orifice of any person, sometimes assisted by another person; actual
7 male ejaculation; or the aftermath of male ejaculation.
- 8 **Health service** means establishments primarily engaged in furnishing medical, surgical, and other health
9 services to persons and pets.
- 10 **Heritage trees** means trees that are larger than 20 inches diameter breast height; except for Water Oaks
11 (quercus nigra), Laurel Oaks (Quercus hemispherica), Sweetgums (Liquidambar styraciflua), Loblolly Pine
12 (Pinus taeda) and Slash Pine (Pinus elliottii), which become heritage trees only when they are larger than
13 30 inches diameter breast height.
- 14 **High quality trees** means any trees of the following species: Live Oak (Quercus virginiana), Sand Live Oak
15 (O. geminata), Bluff Oak (Q. austrina), Basket Oak (Q. michauxii), Southern Red Oak (Q. falcata),
16 Southern Magnolia (Magnolia grandiflora), Florida Maple (Acer barbatum), Longleaf Pine (Pinus
17 palustris), Spruce Pine (P. glabra), Cedar Elm (Ulmus crassifolia), Winged Elm (U. alata), Florida Elm (U.
18 floridana), Bald Cypress (Taxodium distichum), Pond Cypress (T. ascendens), Tupelo (Nyssa sylvatica),
19 Mockernut Hickory (Carya tomentosa), Pignut Hickory (C. glabra), Pecan (C. illinoensis), Persimmon
20 (Diospyros virginiana), Basswood (Tilia Americana), Tulip Poplar (Liriodendron tulipifera), White Ash
21 (Fraxinus Americana), Green Ash (F. pennsylvanica) and Yaupon, Dahoon, and American Holly species (Ilex
22 vomitoria, I. cassine, and I. opaca).
- 23 **High quality heritage trees** means heritage trees of the species identified in the definition of high
24 quality trees.
- 25 **High quality shade trees** means trees of the native species listed in the definition of high quality trees
26 that are identified on the Gainesville tree list in the category "high quality shade."
- 27 **Historic/cultural resource** means a resource identified by the survey of resources conducted by ERLA
28 and Associates and adopted by the city as part of the preservation and conservation element of the
29 city's Comprehensive Plan or a resource added to the city's inventory (Florida site file) or local register.
- 30 **Home occupation** means a gainful occupation, profession or use conducted by the occupant of a
31 dwelling, when the activity is incidental to the primary use of the building as a residence. Home
32 occupations shall not include the teaching of fine arts, family day care homes and community residential
33 homes.
- 34 **Homeowners/condominium association** means a private, nonprofit corporation, association or other
35 legal entity established by the developer for the benefit and enjoyment of its membership and to
36 provide for the care, maintenance, operation and protection of common areas within a development.
- 37 **Hotel or motel** means a building in which lodging and/or boarding are provided and offered to the
38 public for compensation.
- 39 **Housing for the elderly** means residential development restricted to occupancy by elderly persons, as
40 either tenants or owners, pursuant to recorded restrictive covenants requiring city approval to amend or
41 pursuant to the applicable rules or regulations of any governmental agency participating in the financing
42 of such development or in the subsidization of the rent or mortgage payments of the occupants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **Land surveyor** means a land surveyor registered under F.S. Ch. 472 who is in good standing with the
15 board of professional land surveyors.

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

18 **Land use plan** means the future land use element of the most recent city Comprehensive Plan adopted
19 pursuant to F.S. Ch. 163, and all amendments thereto.

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

22 **Landlord** means any person, owner, agent, individual, firm or corporation or any combination thereof
23 who leases, sublets, rents or allows the occupancy of any single-family dwelling, two-family dwelling,
24 three-family dwelling, four-family dwelling, multiple-family dwelling, group housing or other dwelling
25 unit to or by another person or persons not members of his/her family in designated districts whether
26 or not for consideration.

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

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

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

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

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

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

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

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

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

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

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

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

23 **Local street** means any street that is not designated as a collector or arterial on the Roadway Map on
24 file in the Public Works Department, is not functionally classified by the state department of
25 transportation, and, by nature of its physical design, the local nature of trip purposes and the existing
26 and anticipated traffic characteristics, is not suited to carry more than 1,200 average daily trips.

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

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

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

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

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

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

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

- 1 **Lot depth** means the mean horizontal distance between the front and rear lot lines.
- 2 **Lot line** or **property line** means the boundary line of a lot.
- 3 A. **Front lot line** means that property line that abuts a public street. If a lot abuts on two or more
4 streets, the front lot line shall be that property line abutting a street that has been so designated by
5 the owner at the time of an application for a building permit, provided such lot is not thereby made
6 nonconforming.
- 7 B. **Side lot line** means any property line not a front lot line or a rear lot line. A side lot line separating a
8 lot from another lot or lots is an interior side lot line.
- 9 C. **Rear lot line** means that property line that is most distant from and is, or is most nearly, parallel to
10 the front lot line.
- 11 **Lot of record** means, for the purposes of determining vested rights, a designated parcel, tract or area of
12 land established by plat, lot split, metes and bounds description, or otherwise permitted by law, to be
13 used, developed or built upon as a unit and which existed in the records of the county property
14 appraiser on November 16, 1992.
- 15 **Lot split** means the division of a single tract of land into two lots or parcels, where there are no roadway,
16 drainage or other required improvements, and where the resultant lots comply with the standards of
17 this chapter.
- 18 **Lot width** means the shortest horizontal distance between side lot lines, measured along any line that
19 intersects the minimum required front yard setback line.
- 20 **Luminaire** means a complete lighting unit (i.e., fixture), consisting of a lamp, or lamps and ballast(s)
21 when applicable, together with the parts designed to distribute the light (e.g., reflector, lens, diffuser),
22 to position and protect the lamps, and to connect the lamps to the power supply.
- 23 **Maintain** means to preserve from decline, keep in an existing state, or retain in possession or control.
- 24 **Marquee** means a permanent roof-like structure supported entirely from an exterior wall of a building
25 and intended for providing protection from sun and rain or embellishment of the facade. The sides of a
26 marquee are typically used for the display of signs.
- 27 **Marquee sign** means a building-mounted sign that is attached to an architectural feature that projects
28 from a building, such as a marquee of the sort typically associated with a theater, a solid structural
29 canopy, or an awning that extends over the entrance of a building.
- 30 **Maximum Uniformity Ratio** means the maximum level of illuminance in relation to the minimum level
31 of illuminance for a given area. For example, a maximum uniformity ratio of 10:1 means that for a given
32 area, the minimum level of illuminance shall be no less than 10% of the maximum level of illuminance.
- 33 **Message-board sign** means a sign, no greater than six square feet in area that is mounted on the wall,
34 door, or window of a business. The board may be mounted in a protective frame having a maximum
35 depth of six inches. Chalk boards and bulletin boards are two types of message board signs.
- 36 **Microbrewery** means a facility that produces no more than 15,000 barrels per year of fermented malt
37 beverages on site and may include a taproom for sale of beer for on premise consumption or in sealed
38 containers for takeaway.
- 39 **Microdistillery** means a facility that produces no more than 15,000 gallons per year of spirituous
40 beverages on site and may include a tasting room in which guests/customers may sample the product.

1 Sale of spirituous beverages in sealed containers for take-away may be permitted in accordance with
2 Florida law.

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

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

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

11 **Minimum descent altitude (MDA)** means the lowest AMSL altitude to which descent is authorized on
12 final approach or during circling-to-land maneuvering in execution of a standard instrument approach
13 procedure where electronic glide slope is not provided.

14 **Minimum obstruction clearance altitude (MOCA)** means the lowest published altitude between radio
15 fixes on federal voice omni range (VOR) airways.

16 **Minimum vectoring altitude (MVA)** means the lowest above mean sea level (AMSL) altitude at which
17 aircraft operating on instrument flight rules (IFR) will be vectored by a radar controller, except when
18 otherwise authorized for radar approaches, departures or missed approaches.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 **Noise Exposure Map** means documentation identifying aircraft-related noise exposure around an
35 airport that is developed in a manner that FAA finds compliant with the requirements set forth in FAR
36 Part 150.

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

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

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

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

7 **Nonconforming use, airport** means any preexisting structure, object of natural growth, or use of land
8 that is inconsistent with the provisions of this chapter or an amendment thereto.

9 **Nonprecision instrument runway** means a runway having an existing instrument approach procedure
10 utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for
11 which a straight-in nonprecision instrument approach procedure has been approved or planned, and for
12 which no precision approach facilities are planned or indicated on a Federal Aviation Administration
13 (FAA) planning document or military service's military airport planning document.

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

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

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

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

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

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

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

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

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

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

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

4 **Official roadway map** means a map maintained by the public works department showing the official
5 designation of all existing and proposed arterial and collector streets, as adopted by ordinance of the
6 City Commission after review and recommendation by the city plan board, and showing all other streets
7 for informational purposes.

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

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

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

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

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

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

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

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

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

37 **Outparcel** means a separate tract of land, platted or otherwise created, which was included as an
38 integral part of a unified development that was approved by the city through the development plan,
39 subdivision and/or planned development review process. The outparcel shall have unified landscaping
40 and buffers, shared parking, and traffic access and circulation and stormwater management systems
41 integrated with the remainder of the development. The outparcel may or may not be a recorded parcel.
42 For the purpose of development review and permitting, an outparcel may not be considered as an

1 independent parcel unless it and the remainder of the parcels in the unified development can
2 independently meet all of the applicable code requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **Precision instrument runway** means a runway having an existing instrument approach procedure
31 utilizing an Instrument Landing System, Microwave Landing System, or a Precision Approach Radar, or
32 any runway for which a precision approach system is planned.

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

- 1 **Presumptive vested rights** means those instances where there are reasonable grounds to believe that
2 vested rights exist as determined by the director by virtue of the possession of a valid, unexpired final
3 development order issued by the city prior to the effective date of the vested rights review ordinance.
- 4 **Primary surface** means a surface longitudinally centered on a runway extending 200 feet beyond each
5 end of that runway's prepared surface. The width of the primary surface of a runway will be that width
6 prescribed in FAR Part 77 for the most precise approach existing or planned for either end of that
7 runway. The elevation of any point on the primary surface is the same as the elevation of the nearest
8 point on the runway centerline.
- 9 **Primary frontage** means the site frontage facing the primary street.
- 10 **Primary street** means the street that a property for development fronts. At street intersections, the
11 larger, more important street shall be recognized as the primary street.
- 12 **Principal structure** means a structure in which is conducted the principal use of the lot on which it is
13 situated, including any attached carport, shed, garage or any other structure that is a part of the
14 principal building and structurally dependent, totally or in part, on the principal building. In a residential
15 district any dwelling shall be deemed to be the principal structure on the lot on which the same is
16 situated.
- 17 **Principal use** means the use that constitutes the primary activity, function or purpose of a parcel of land
18 or building.
- 19 **Private school** means a school that is not operated by any governmental agency but that meets all
20 criteria imposed by law or ordinance to satisfy the requirements for mandatory school attendance of
21 elementary, middle or high school.
- 22 **Private street, approved** means any privately-owned accessway that has been determined by the City
23 Manager or designee to meet the access and construction standards set forth in this code. For purposes
24 of lot split or minor subdivision, "existing" approved private street means an approved private street
25 that exists on the date of filing the application for the minor subdivision or lot split. "New" approved
26 private street means a new street is being approved as part of the minor subdivision or lot split process.
- 27 **Professional care** means care rendered by a person with specialized training in that type of care,
28 including but not limited to medical care, counseling and other types of therapy and rehabilitative
29 services.
- 30 **Professional school** means a school that teaches a specialized type of intellectual knowledge, expertise
31 or training acquired by a prolonged course of classroom study resulting in some type of credential, as
32 distinguished from a course of study involving manual or physical processes that involves training
33 outside the confines of a classroom or that involves noise that is audible outside the confines of a
34 classroom. The term includes colleges, universities, vocational and trade schools.
- 35 **Project** means a single development as designated by the applicant, but two or more purportedly
36 separate developments shall be considered one project if the City Manager or designee determines that
37 three or more of the following criteria exist:
- 38 A. The purportedly separate developments are located within 250 feet of each other;
39 B. The same person has an ownership interest or an option to obtain an ownership interest of more
40 than 50% of the legal title to each purportedly separate development;
41 C. There is a unified development plan for the purportedly separate developments;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **Residential zoning district** means districts that allow predominantly residential uses, such as all the RSF
21 and RMF zoning districts, the RC district, the MH district, and the U1 and U2 transect zones. All other
22 districts are deemed non-residential.

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

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

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

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

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

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

40 **Roof sign** means any building-mounted sign erected and constructed wholly on and over the roof of a
41 building, supported by the roof structure. Signs on parapet walls or mansards are not considered roof
42 signs.

1 **Roofline** means the highest continuous horizontal line of a roof. On a sloping roof the roofline is the
2 principal ridge line, or the highest line common to one or more principal slopes of the roof. On a flat roof
3 the roofline is the highest continuous line of the roof or parapet, whichever is higher.

4 **Roll-off** means an open-top dumpster or facility that is delivered and removed by truck and is commonly
5 used to collect and store a variety of waste materials such as, but not limited to, construction and
6 demolition waste.

7 **Rooming house.** See "dormitory."

8 **Rootzone** means the allotted area of soil that is provided for the growth of tree roots.

9 **Rootzone media** means the appropriate soil structure and texture to accommodate healthy root growth
10 for required landscaping. The minimum components of rootzone media are uncompacted soil (bulk
11 density less than 1.50 g/cc in loam, 1.70 g/cc sand, or 1.40 g/cc clay soil) devoid of seeds of invasive
12 exotic species and of pH 5.5 to 6.5, composted leaf mold or peat moss, and well-graded, medium
13 angular sand (0.50 to 0.25 mm). The natural topsoil of the site qualifies if the above qualities exist. The
14 maximum depth for structural soil used as root zone media shall be 36", the maximum depth for root
15 zone media used with structural root box cells shall be 45".

16 **Root zone volume** means a measurement of the net soil volume not including structural components
17 such as stone. The root zone can include soil within the tree opening or soil under pavement, as long as
18 the soil volumes are compacted to no more than 85% dry density. Structural soils are exempt from this
19 compaction requirement. A variety of techniques are suitable for under pavement locations, including
20 but not limited to structural root box cells, structural soil, tree wells, root paths and soil trenches. The
21 soil volumes shall be accessible to the tree roots to be considered part of the root zone volume. Rooting
22 space should be composed of soil defined in the ordinance as root zone media. The depth of root zone,
23 for purposes of calculating the volume, shall not exceed four feet.

24 **Root paths** means narrow trenches under pavement filled with root zone media and strip drain board,
25 which are used to guide roots out of confined planting areas.

26 **Row house.** See "attached dwelling."

27 **Runways** means those existing or planned portions of the airport prepared for the landing and take-off
28 of aircraft, as shown on the approved airport layout plan of the Gainesville Regional Airport, or those
29 portions of each privately-owned airport prepared for the landing and take-off of aircraft, and identified
30 as such by the Florida Department of Transportation.

31 **Runway end elevation** means the elevation at each runway end centerline, expressed in "feet Above
32 Mean Sea Level (AMSL)," as shown on the approved airport layout plan of the Gainesville Regional
33 Airport. For each airport runway, the runway end elevation is that value reported by the Florida
34 Department of Transportation for each respective runway.

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

38 **Salvage yard.** See "junkyard."

39 **Scooter** means a motor vehicle powered by a motor with a displacement not exceeding 151 cubic
40 centimeters and designed to travel on not more than three wheels in contact with the ground. This
41 definition shall include mopeds and motorized scooters as defined by the Florida Statutes. For the

1 purpose of this code and unless specified otherwise, scooters are deemed to be vehicles – see “vehicle”
2 definition.

3 **Secondary frontage** means that frontage facing the secondary street.

4 **Secondary street** means any street fronting a development that is not identified as the primary street.

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

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

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

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

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

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

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

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

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

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

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

- 1 **Sexually oriented media** means media, including magazines, books, videotapes, movies, slides, cd-roms
2 or other devices used to record computer images, that are distinguished or characterized by their
3 emphasis on matter depicting, describing or relating to "sexual conduct" or "specified anatomical areas"
4 (separately defined).
- 5 **Sexually oriented motion picture theater** means a cinema or motion picture theater that shows
6 hardcore features on more than half the days that it is open, or which is marketed as or offers features
7 described as "adult" or "XXX". This definition specifically excludes motion picture arcades.
- 8 **Sexually oriented retail store** means a retail sales or service establishment that meets any one of the
9 following four tests:
- 10 A. More than 30% of the gross public floor area or stock in trade consists of sexually oriented media;
11 B. It offers for sale items from any two of the following categories: sexually oriented media; lingerie;
12 leather goods marketed or presented in a context to suggest their use for sadomasochistic practices;
13 and the combination of such items comprise more than 10% of its gross public floor area or stock in
14 trade;
15 C. More than 5% of its gross public floor area or stock in trade consists of sexually oriented devices; or
16 D. It is advertised, marketed, or holds itself out in any forum as an "XXX," "adult," or "sex" business.
- 17 **Shielded fixture** means a luminaire that includes an adjustable mounting device allowing aiming in any
18 direction and contains a shield, louver, visor, or baffle to reduce direct view of the lamp.
- 19 **Shrub** means a woody perennial plant differing from a perennial herb by its persistent and woody stems
20 and from a tree by its low stature and habit of branching from the base.
- 21 **Sidewalk** means an area on public or private property where pedestrians walk or stand, generally
22 parallel to the edge of a street, roadway or curb.
- 23 **Sidewalk cafe** means a seating area within the public right-of-way that is: adjacent to, operated by, and
24 an accessory use to a restaurant or an alcoholic beverage establishment.
- 25 **Sight distance** means the continuous section of roadway visible to the driver of a vehicle from any
26 particular point on the roadway.
- 27 **Sign** means any letter, number, symbol, figure, character, mark, plane, design, pictorial, stroke, stripe,
28 trademark or combination of these so placed, attached, painted, erected, fastened, or installed for the
29 purpose of attracting the attention of and communicating a message to members of the public, either
30 pedestrians and/or motorists, and that can be seen from a public or private street.
- 31 **Sign area** means the total surface area contained within any common geometric figure (e.g.,
32 parallelogram, circle, triangle, trapezoid, hexagon, ellipse, etc.) that encloses all names, letters,
33 numbers, symbols, pictures, trademarks, logos or other commercial messages or identifications
34 contained in a sign.
- 35 **Sign band** means a permanent architectural feature integrated into the façade of a building intended for
36 the placement of a sign(s). The measurement of the sign area shall include only the actual sign elements
37 within a sign band.
- 38 **Sign structure** means any accessory structure or device the primary purpose of which is to be or to
39 display a sign.

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

5 **Significant archaeological resources** means those archaeological resources that are listed, or are eligible
6 for listing, on the National Register of Historic Places.

7 **Significant geological resource features** means geological features that include, but are not limited to:
8 point source features such as sinkholes, caves, spring heads, and limestone outcrops; lineal features
9 such as lineaments, ridges, escarpments, and spring runs; and areal features such as steep slopes and
10 springsheds.

11 **Significant natural community** means a natural community that exhibits ecological integrity, may be
12 rare or provide functional connectedness within the landscape context, and can be maintained through
13 appropriate management such as prescribed burning or alternate vegetation management methods,
14 control and removal of exotic species, or hydrologic restoration. Significant natural communities often
15 provide habitat for one or more rare plant and animal species, or contribute to the habitat requirements
16 for animal species with large home ranges, or for migratory or colonial nesting species. Significant
17 natural communities are those that are ranked as S1, S2, or S3 by the FNAI.

18 **Silviculture** means a process, following best management practices and/or accepted forest management
19 principles, whereby the trees constituting forests are tended, harvested, and reproduced.

20 **Simulated gambling device** means any mechanical or electrical contrivance, computer, terminal, video
21 or other equipment that may enable a user, upon the payment of consideration either directly or
22 indirectly in connection with the sale of a consumer product or service, to play or operate a simulation
23 of gambling or any game that, by either the use of skill or an element of chance with an outcome
24 unpredictable to the user, may reveal, deliver or entitle the user to receive anything of value. This
25 definition does not include any devices expressly permitted by state law, and does not include an
26 individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of
27 a device that could be construed to be a simulated gambling device.

28 **Simulated gambling establishment** means a building, edifice, structure or location, along with its
29 grounds, in which simulated gambling devices are used, operated or stored, including but not limited to,
30 game rooms, arcades, internet cafés, internet centers or sweepstakes redemption centers. This
31 definition does not include any establishment that is expressly permitted by state law, including but not
32 limited to an "arcade amusement center" as defined in Section 849.161, Florida Statutes.

33 **Sinkhole** means a funnel-shaped depression in the land surface, generally in a limestone region, caused
34 by solution processes and often resulting in connection(s) with subterranean passages and groundwater
35 systems.

36 **Single-family dwelling** means a single residential building consisting of one dwelling unit that is
37 arranged, intended or designed for one family. A residential building with more than one kitchen, one
38 meter for any utility (unless multiple meters are needed and billing is combined to one address); more
39 than one address to the property; or more than two of the same major appliance (refrigerator, range,
40 oven, kitchen sink, dishwasher, washer or dryer), even if consolidated in one kitchen or area, shall be
41 considered a multifamily dwelling.

1 **Site, historic** means the location of a significant event, activity, building, structure or archaeological
2 resource where the significance of the location and any archaeological remains outweighs the
3 significance of any existing structures.

4 **Site plan.** See "development plan."

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

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

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

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

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

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

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

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

27 **Sorority house.** See "dormitory."

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

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

38 **Special exception** means a use that would not be appropriate generally or without restriction
39 throughout a district but which, if controlled as to number, size, location and relation to surrounding
40 areas, may be permitted by the appropriate reviewing board, based on compliance with the
41 requirements of this chapter as to any particular special exception use and as to special exceptions
42 generally.

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

4 **Special use permit** means a permit by which a use or activity that is not permitted by right may be
5 allowed after careful consideration by the city plan board.

6 **Specialty t-shirt production** means establishments that buy broadwoven fabrics in the grey for
7 conversion into T-shirts that are finished on-site and sold as wholesale (not retail). The finishing process
8 may include bleaching, dyeing, printing (roller, screen, flick, or plisse), or other mechanical finishing such
9 as pre-shrinking, shrinking, stone washing, sponging, calendaring, mercerizing, and napping. The
10 finishing process does not include coating, laminating, varnishing, waxing, rubberizing, or impregnating
11 fabrics or textiles.

12 **Specified anatomical areas** means any of the following, singly or in combination:

13 A. Less than completely and opaquely covered: human genitals, pubic region, buttock and female
14 breast below a point immediately above the top of the areola.

15 B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

16 **Spinner** means any device designed to attract attention to the premises upon which it is displayed
17 through mechanical movement or through movement caused by movement of the atmosphere.

18 **Spring** means water discharged as natural leakage or overflow from an aquifer through a natural
19 opening in the ground. The term spring shall include karst windows, which are depression openings that
20 reveal portions of a subterranean flow or the unroofed portion of a cave. It shall also include spring
21 runs, whose flow is predominantly composed of spring discharge.

22 **Springshed or spring recharge basin** means those areas within ground and surface water basins that
23 contribute to the discharge of a spring.

24 **State highway system** means roads that have been functionally classified by the state department of
25 transportation as being part of the state highway system.

26 **Steep slope** means any ground surface having a slope greater than or equal to 5%.

27 **Stoop** means a small platform, entrance stairway at a building entrance covered by a secondary roof or
28 awning.

29 **Storefront** means a building frontage conventional for retail use, with substantial glazing and awning or
30 canopy, wherein the façade is aligned close to the sidewalk with the building entrance at sidewalk
31 grade.

32 **Stormwater** means the flow of water that results from, and which occurs during and immediately
33 following, a rainfall event.

34 **Story** means a habitable level within a building, excluding an attic or raised basement if they do not
35 exceed five and one-half (5.5) feet.

36 **Strategic ecosystems** means the 47 ecosystem areas identified within the City of Gainesville and Alachua
37 County, Florida, which were evaluated, described, and ranked in the KBN/Golder Associates Report,
38 "Alachua County Ecological Inventory Project" (1996). Strategic ecosystems are generally larger natural
39 resource areas that are intact, capable of restoration, and that require conservation or management to
40 maintain reserves of biodiversity at the landscape, natural community, and species-specific level(s).

1 **Street** means any publicly dedicated accessway such as a street, road, highway, boulevard, parkway,
2 circle, court or cul-de-sac, and shall include all of the land lying between any right-of-way lines as
3 delineated on a plat showing such streets, whether improved or unimproved, except those accessways
4 such as easements and rights-of-way intended solely for utilities and similar facilities and easements of
5 ingress and egress.

6 **Street banner** means a flexible sign generally suspended along or across a street.

7 **Street centerline** means the surveyed and prescribed centerline of a street established by the state
8 department of transportation or city public works department or, if no centerline has been so
9 established, the line midway between the existing or proposed street right-of-way lines.

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

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

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

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

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

27 **Structure, airport** means an object constructed or installed by man, including, but without limitation,
28 buildings, towers, smokestacks, earth formations and overhead transmission lines.

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

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

38 **Subdivider** means the owner, or the agent of the owner, of any tract or parcel of land, who divides or
39 subdivides or resubdivides the tract or parcel of land into three or more lots, building sites or other
40 divisions, for the purpose of transferring an ownership interest therein, or any person who performs any
41 clearing and grubbing on any land incidental to or preparatory to the construction or laying out of
42 improvements on the site to facilitate a subdivision of the property, or any owner of property or the

- 1 agent of the owner who develops or improves property in accordance with a subdivision plat approved
2 pursuant to this chapter.
- 3 **Subdivision** means any division or resubdivision of a tract or parcel of land into three or more lots,
4 building sites or other divisions; provided, however, that the following shall not be included within this
5 definition nor be subject to the provisions of this chapter except as specifically set forth in this chapter:
- 6 A. Conversion of a building into individual units for the purpose of transferring an ownership interest
7 therein.
- 8 B. The public acquisition of strips of land for widening or opening streets, or for drainage or public
9 utilities improvements.
- 10 **Substandard lot** means a nonconforming lot that meets any one of the following criteria:
- 11 A. Has less than 5,000 square feet of lot area in a district where the minimum required lot area is 5,000
12 feet or greater;
- 13 B. Has less than 80% of the minimum required lot area in a district where the minimum required lot
14 area is less than 5,000 square feet; or
- 15 C. Has a lot width or lot depth that is less than 50% of the minimum required lot width or lot depth in
16 the specific district.
- 17 **Substantial development** means the point in development when all the required permits necessary to
18 continue the development have been obtained and the actual construction of water and sewer lines, or
19 streets, or the stormwater management system, on such portion of the development is complete or is
20 progressing in a manner that significantly moves the entire development toward completion.
- 21 **Surface parking** means a single level of parking at grade, whether covered or uncovered; or attached or
22 detached from a building. Surface parking is also defined as a single level of ground floor parking within
23 the footprint of a building. Individual garages that are accessory to a dwelling unit or non-residential
24 unit, whether attached to or detached from the unit are surface parking.
- 25 **Surface waters** means all waters on the surface of the earth, contained in bounds created naturally or
26 artificially, including, the lakes, ponds, impoundments, rivers, streams, springs, creeks, branches,
27 sloughs, tributaries and other watercourses.
- 28 **Technical review committee** means a committee created by **Article IV** of this chapter.
- 29 **Three-family dwelling** means a building containing three dwelling units.
- 30 **Tower height** means the vertical distance measured from the base of the tower or antenna support
31 structure at grade to the highest point of any part of the structure.
- 32 **Townhouse.** See “attached dwelling.”
- 33 **Trail** means any greenway, pathway, bike path or other accessway not open to motor vehicles, other
34 than emergency and maintenance vehicles, within a public right-of-way or easement or on privately-
35 owned land that is open to the public for the purpose of an off-road pathway system.
- 36 **Transect** means a geographical cross-section of a region used to reveal a sequence of environments.
37 This cross section can be used to identify environments that vary by their level and intensity of urban
38 character, a continuum that ranges from rural to urban.
- 39 **Transect zone (T-zone)** means one of several zoning districts on the zoning map, based on the principles
40 of the transect. Transect zones are the equivalent of other zoning districts, except that in addition to the

1 usual building use, density, height, and setback requirements, they include standards pertaining to the
2 design and form of development.

3 **Transmitter tower** means a structure designed, constructed or used for the purpose of supporting an
4 antenna used for transmitting and/or receiving any form of radio, television, radar or other type of
5 wave, impulse or other electromagnetic signal. Antennas mounted on poles that are less than three
6 inches in diameter and are no more than twenty feet above the highest point of the roof are secondary
7 towers and shall not be considered transmitter towers. This definition also does not include structures
8 supporting antennas constructed and/or used by public utilities and governmental agencies.

9 **Tree appraised value** means the dollar value to the city of a tree on private or public property used for
10 the purpose of calculating cash recompense for removal or destruction. This payment shall be made at
11 the time of the site work permits are provided to the developer. The Tree appraised value shall be
12 calculated as follows:

13 $(3.14) \times (\frac{1}{2} \text{ diameter breast height})^2 = \text{trunk area}$

14 $(\text{trunk area}) \times (\text{unit factor for square inch price, as determined annually by the Tree Advisory Board in}$
15 $\text{consultation with the City Manager or designee}) = \text{square inch value}$

16 $(\text{square inch value}) \times (55\% \text{ diminution rating}) = \text{tree appraised value}$

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

18 $(3.14) \times (1/2 \times 20)^2 = 314 \text{ square inches of trunk area}$

19 $(314 \text{ sq in}) \times (\$40) = \$12,560 \text{ square inch value}$

20 $(\$12,560) \times (.55) = \$6,908 \text{ tree appraised value}$

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

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

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

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

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

35 **Tree survey, qualitative** means an alternative to the tree survey. A qualitative tree survey shall be
36 prepared by and executed by a certified arborist with current credentials from the International Society
37 of Arboriculture or by a licensed landscape architect. The report shall show the surveyed location,
38 diameter, genus and species of all Heritage trees, all regulated trees of high quality shade tree species,
39 other trees worthy of protection, and existing trees planted to comply with earlier approved
40 development plans. On-site meetings with the City Manager or designee will confirm which trees shall

1 be included in the survey and to confirm that the survey meets code requirements. The survey shall also
2 cover matters identified as significant relative to the urban forest based on site conditions.

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

5 **T-zone.** See “transect zone.”

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

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

10 **Understory trees** means trees that average less than 40 feet in height at maturity, whether or not the
11 tree is found in an understory habitat.

12 **Uniformity ratio** means the average level of illuminance in relation to the minimum level of illuminance
13 for a given area. For example, a uniformity ratio of 4:1 means that for a given area, the minimum level
14 of illuminance shall be no less than 25% of the average level of illuminance.

15 **Uplands** means all land areas that are neither wetlands nor surface waters.

16 **Urban forest** means the sum total of all vegetation growing within the city limits, whether on public or
17 private property.

18 **Usable open space** means that part of the ground, roof, balcony or a porch that is devoted to outdoor
19 living or recreation. Such space shall be provided as a common area conveniently located and readily
20 accessible from all living units located on the building site and shall have no dimension less than 20 feet.
21 Such space shall not include private roadways open to vehicular traffic, off-street parking area, loading
22 space or required minimum front yard area.

23 **Use** means any activity, function or purpose to which or for which a parcel of land or building is put,
24 used, arranged or occupied, for any purpose, including any residential, office, business, industrial, public
25 or any other purpose or use.

26 **Utilities** means any water system, electrical power system, sanitary sewer system, stormwater
27 management system, gas, telephone and television cable system, or similar system.

28 **Utility building or facility** means a location or installation of a utility company where employees are not
29 stationed and traffic is not generated, such as a substation or lift station.

30 **Utility runway** means a runway that is constructed for and intended to be used only by propeller-driven
31 aircraft of 12,500 pounds maximum gross weight and less.

32 **Variance** means a relaxation of the terms of this chapter or building chapters by the development
33 review board, where such variance will not be contrary to the public interest and where, owing to
34 conditions peculiar to the property and not the result of the actions of the applicant or any predecessor-
35 in-interest of the property, a literal enforcement of those terms of the Land Development Code or
36 building chapters would result in unnecessary and undue hardship.

37 **Variances for improvements on roadways** means a relaxation of the terms of **Chapter 23**, where the
38 variance will not be contrary to the public interest and where, owing to conditions peculiar to the
39 property, and not the result of the actions of the applicant, or his/her predecessors, a literal
40 enforcement of this chapter would result in unnecessary and undue hardship. As further defined for the
41 purpose of this chapter, a variance is authorized only for driveway widths, street line corner clearances,

1 and property line edge clearances. No variances shall be granted for roads on the state highway system
2 or county-maintained streets without prior written permission from the state department of
3 transportation or the county to authorize the activity requested in the variance application.

4 **Vehicle** means any self-propelled conveyance designed or used for the purpose of transporting or
5 moving persons, animals, freight, merchandise or any substance, including passenger cars, trucks, buses,
6 golf carts, motorcycles and scooters, but not including tractors, construction equipment, machinery or
7 any device used in performing a job other than transportation.

8 **Vehicle repair** means any vehicle repair and service establishments that do not meet the definition of
9 vehicle services.

10 **Vehicle services** means the provision of any of the following services: automobile stereo sales and
11 installation; auto detailing that may include washing, waxing and polishing by hand; pinstriping, window
12 tinting, interior cleaning and carpet shampooing; rustproofing; sales and installation of car accessories
13 such as car covers, car masks, sunroofs and louvers; automobile batteries, tires and brakes, sales and
14 installation; automotive lubrication and fluid change operations that may include the replacement of
15 engine oil, brake and transmission fluids, and filters; and diagnostic automotive center (tune-up clinics),
16 which may include the testing, adjustment and replacement of spark plugs, points, condensers, coils,
17 carburetors, fuel injectors, distributor caps, voltage regulators, fan belts and water hoses.

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

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

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

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

27 **Visual runway** means a runway intended solely for the operation of aircraft using visual approach
28 procedures with no straight-in instrument approach procedure and no instrument designation indicated
29 on an FAA airport layout plan, or by any planning document submitted to the FAA by competent
30 authority.

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

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

37 **Warehouse/distribution facilities** means any premises where the principal use is the storage of goods
38 and materials.

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

- 1 **Watercourse** means any channel, drain, drainage creek, ditch, drainageway, dry run, spring, stream or
2 canal, but not including a lake, pond or pool without outlet under normal circumstances.
- 3 **Wet detention** means a stormwater management facility in which a design water pool is normally
4 maintained and that has the extended capacity to provide detention for the required stormwater
5 treatment volume. Water quality treatment is enhanced by nutrient uptake through the use of water-
6 tolerant vegetation, and by settling and absorption by soils.
- 7 **Wetland function** means the values of a wetland for: water quality protection and enhancement;
8 attenuation of flood damage; aesthetic, scenic and open space values; recreation; habitat for fish,
9 wildlife and native plant communities; historic and archeological heritage; groundwater recharge;
10 contributions to the base flow of streams; scientific investigation and education; or as a type of place
11 that is rare or unique in the area.
- 12 **Wetlands** mean those areas that are inundated or saturated by surface water or groundwater at a
13 frequency and duration sufficient to support, and under normal circumstances do support, a prevalence
14 of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified
15 as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The
16 prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes
17 that are typically adapted to areas having soil conditions described above. These species, due to
18 morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist
19 in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps,
20 marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and
21 marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida
22 wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw
23 palmetto.
- 24 **Wholesale trade** means any premises where the principal use is the sale of goods and materials in bulk
25 quantities primarily for purposes of resale.
- 26 **Wildlife corridor** means a habitat linkage along which wide-ranging animals can travel, plants can
27 propagate, genetic interchange can occur, and populations can move in response to environmental
28 changes and natural disasters.
- 29 **Window sign** means a building-mounted sign painted, mounted and/or attached to the inside or outside
30 of a window.
- 31 **Wireless communications facility** means any equipment or facility used to provide personal wireless
32 services, including antennae, towers, equipment enclosures, cabling, antenna brackets, and other such
33 equipment. Placing a wireless communications facility on an existing structure does not cause the
34 existing structure to become a wireless communications facility. This does not include television
35 antennas as defined in **Article VI** in this chapter or other accessory personal use antennas as allowed by
36 the Code of Ordinances.
- 37 **Xeriscape** means the use of innovative design to achieve a landscape needing relatively little water,
38 fertilizer, pesticides and maintenance.
- 39 **Yard** means the space on any lot between the lot lines and the minimum required setback line for
40 principal structures.
- 41 A. **Front yard** means the area between the front lot line and the minimum required front yard setback.
- 42 B. **Rear yard** means the area between the rear lot line and the minimum required rear yard setback.

- 1 C. **Side yard** means the area between the side lot line and the minimum required side yard setback,
2 not including any part of the front or rear yard.
- 3 **Youth association** means any building used for providing programs and recreational activities for youth
4 from public schools and private schools, such as but not limited to, YMCA, YWCA, Boys' and Girls' Club.
- 5 **Zoning map atlas (zoning map)** means the official map adopted by this chapter, showing the zoning
6 districts and transect zones applicable to all lands within the city, and all amendments thereto.