

Appendix B

Definitions

Abut

To physically touch or border upon; or to share a common property line.

Abutting Property

Any property that is immediately adjacent or contiguous to a subject property or that is located immediately across any road or public right-of-way from a subject property.

Accessory Building and Use

A building or use that is clearly subordinate or ancillary in its customary purpose or use to the principal building or use, that is located upon the same parcel of property occupied by the principal building, and that does not occupy more than 25 percent of the rear yard area.

Accessory Sign

A permanent ground or building sign that is permitted under this Code as incidental to an existing or proposed use of land.

Accessory Structure (appurtenant structure)

For the purpose of the City's floodplain regulations: a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principle structure. Accessory uses constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Accessory Use

A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

Addition(to an existing structure)

Any walled and roofed expansion to the perimeter of a building where the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed

addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls will be considered new construction.

Adjacent To a Protected Environmentally Sensitive Area

Any location within five hundred (500) feet of the boundary of any Protected Environmentally Sensitive Area, whether the locations on or off the development site.

Administrator

The Federal Insurance Administrator.

Adult Congregate Living Facility (ACLF)

A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes.

Any building or buildings, institutions, residence, private home, boarding home, home for the aged, or other place, whether operating for profit or not, which undertakes through its ownership or management, to provide for a period exceeding 24-hours, one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services. A facility offering personal services for fewer than four adults shall be within the meaning of this definition if it holds itself out to the public to be an establishment, which regularly provides such services. Such facility must comply with the requirements contained in Chapter 400, Part 2, Florida Statutes. The definition shall not apply to transient rentals as defined in Section 212.03, Florida Statutes, or to college dormitories.

Adverse Effects

Any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Adversely Affected Person

Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of

the community at large, but must exceed in degree the general interest in community good shared by all persons.

Advertising

Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Agricultural Activity

Any farming and forestry operation affecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, harvesting, construction of access roads, extraction of stumps and submerged logs, and placement of bridges and culverts.

Airfield

Any public or private aircraft landing facility in compliance with Florida Department of Transportation and/or Federal Aviation Administration requirements, as applicable. This term shall not be construed to include helicopter landing facilities.

Airpark

A type of residential development wherein an airfield adjoins adjacent residential lots with lot owners having direct access and use of the airfield by virtue of common ownership agreement. By definition, lot owners are allowed to build hangars, either free standing or as a component of their home, to house an aircraft therein.

Alcoholic Beverage

A liquid brewed or distilled for human consumption containing more than one percent alcohol by weight.

Alley

A private or public way that affords a secondary means of access to an abutting property.

Alter or Alteration

Work done on a Stormwater Management System other than that necessary to maintain the system's original design and function.

Apartment House

(See Multiple Family Dwelling).

Appeal

As pertains to the City's floodplain regulations: a request for review of the Floodplain Management Administrator's interpretation of any provision of this ordinance or a request for a variance.

Arcade

Any establishment where more than five electronic, mechanical or any other types of amusement devices are used.

Area of Shallow Flooding

A designated AO, AH or VO zone on the Flood Insurance Rate Map, or other area designated on a map by the Director with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident.

Area of Special Flood Hazard

The Area of Special Flood Hazard is the land in the floodplains within the City subject to a one percent or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area".

Artisanal Use

Premises for the manufacture and sale of artifacts employing only handwork and/or table mounted electrical machinery emitting no odors or noise beyond the immediate premises.

Associated Wetland

Any wetland that is adjacent or contiguous to waters, or which has a direct hydrologic connection to waters.

Attic

The habitable area within the pitch of a roof.

Automobile Service Station

Buildings and premises designed so as to cater principally to automobiles, where gasoline, oils and greases, batteries, tire and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation).

Automotive Use

Premises for the selling, servicing and/or repairing of motorized wheeled vehicles.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year (also called “the 100-year flood” and “the regulatory flood”).

Base Flood Elevation

The water-surface elevation associated with the base flood..

Basement

Any portion of a building having its floor sub grade (below ground level) on at least three sides.

Beneficial Functions Of A Protected Environmentally Sensitive Area

Those functions, described in the Conservation Element of the Comprehensive Plan, that justify designating area as environmentally sensitive.

Block

The aggregate of Lots and Alley Tracts circumscribed by a continuous set of Street Tracts.

Boarding House

A dwelling used for the purpose of providing meals and/or lodging for a fee to persons other than members of the family occupying such dwelling, including bed and breakfast facilities.

Breakaway Wall

A wall that is not part of the structural support of the building and is intended as designed and constructed to collapse under specified lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building

Any structure designed or built for the support, enclosure, shelter or protection of persons, animals or property of any kind, but does not include mobile homes as defined herein.

Building Height

The vertical distance from the grade to the highest point of the roof excluding chimneys, spires, etc.

Building Permit

For purposes of these regulations, a building permit is that official Walton County document which authorizes the commencement of a specific development activity without need for further application and approval; subsequent to receipt of authorization of such permit from the City of Freeport Planning and Development Department. Building permits include all types of construction permits (plumbing, electrical, mechanical, and so forth), in addition to the building permit itself, sign permits, demolition permits, change of use permits, etc.

Building Sign

A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper. (see article 8, figure 8.00.04-A)

Campground

A place where sites for recreational vehicles or tents, or buildings are rented for use as temporary living quarters for recreational purposes.

Cellar

(See Basement)

Certification

Pertaining to the City floodplain regulations: means a certification by a registered professional engineer or other party and does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analyses is a statement that the analyses have been performed correctly and in accordance with sound engineering practices to provide protection from the base flood. Certification of "as built" conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

Church

A building designed and/or used for public worship.

City

City shall mean the City of Freeport, Florida.

City Council

City Council shall mean the City Council of the City of Freeport, Florida.

City Development Permit

Authorization by the City of Freeport Planning and Development Department for specific minor development activities without need for further application and approval. Permits may be issued accordingly for fences, temporary signs, 30-day auto repair, satellite receiving dish, television and radio tower antennas, commercial tents, temporary structures and tree removal, etc.

Clearing

The removal of trees and brush from the land, not including the ordinary mowing of grass

Clinic

An establishment where patients who are not lodged overnight are admitted for examination and treatment by a person or persons, practicing any form of healing or health services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession which is lawful to practice in the State of Florida.

Club

Buildings, facilities and property owned and operated by a corporation or association of persons for social or recreational purposes, including those organized chiefly to promote friendship and welfare among its members, but not operated primarily for profit or to render a service which is customarily carried on as a business.

Coastal High Hazard Area

All areas designated on a Flood Insurance Rate Map as X₁, VE or V

Commercial/Business Vehicle

Any type vehicle whose use is intended for commercial or business type activity.

Commercially Developed Parcel

A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Concurrency

A condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development project.

Congregate Living

(See Adult Congregate Living Facility)

Condominium Projects

A housing complex where each dwelling unit and a portion of the land area is individually owned. The purpose of the condominium project is to retain the qualities of home ownership and at the same time provide for the attractive qualities of apartment living including higher density, efficiency, convenience, economy, and effectively designed and maintained open space. Parking lots, driveways, walkways, and accessory recreation areas may be located in areas retained in common ownership which are owned jointly by the owners of condominium units.

Copy

The linguistic or graphic content of a sign.

County

County shall mean the County of Walton.

Critical Facility

As pertains to the City's floodplain regulations: means a facility where even a small chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations that produce, use, and store hazardous materials or hazardous waste.

Crown

The main mass of branching of a plant above the ground.

Curb Radius

The curved edge of the street in an intersection measured at the inner edge of the parking lane.

Datum

As pertains to the City's floodplain regulations: a reference surface used to ensure that all elevation records are properly related. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

Day Care Center

A facility providing daytime supervision of young children or adults in compliance with State licensing requirements, not including homecare for children or adults that is operated as a home occupation.

Decibel

A unit of measurement of the intensity of sound or sound pressure.

Density or Gross Density

The total number of dwelling units divided by the total site area, less public right-of-way.

Department

The Department of Planning and Development whose responsibilities will be performed by the City Planner.

Detention

The collection and storage of surface water for subsequent gradual discharge.

Developer

Any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

Development Approval Authority

The individual or group of individuals having the authority to issue development orders or specific city development permits as provided for in these regulations.

Development or Development Activity

Any of the following activities:

1. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.

2. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.
3. Subdividing land into two or more parcels.
4. A tree removal for which authorization is required under this Code.
5. Erection of a permanent sign unless expressly exempted by ARTICLE VIII of this Code.
6. Alteration of an historic property for which authorization is required under this Code.
7. Changing the use of a site so that the need for parking is increased.
8. Construction, elimination or alteration of a driveway onto a public street.

Development Order

An order granting, denying, or granting with conditions an application for approval of a development project or activity. A distinction is made between development order, which encompasses all orders and permits, and three distinct types of development orders: preliminary development order, final development order, and development permit. See sub-paragraphs below.

Preliminary Development Order

Any preliminary approval which does not authorize actual construction, mining, or alterations to land and/or structures. A preliminary development order may authorize a change in the allowable use of land or a building, any may include conceptual and conditional approvals where a series of sequential approvals are required before action authorizes commencement of construction or land alteration. For purposes of this code preliminary development orders include Future Land Use Map amendments, Comprehensive Plan amendments which affect land use or development standards, preliminary development plan approval, and master plan approval.

Final Development Order

The final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of this Code. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this Code the final development plan approval is the final development order.

Development Permit

For purposes of this code a development permit is that official city/county document which authorizes the commencement of construction or land alteration

without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, etc.

Diameter at Breast Height (DBH)

“Breast height” is defined to be fifty-four (54) inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

Direct Hydrologic Connection

A surface water connection which, under normal hydrological conditions, occurs on an average of thirty (30) or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of wetlands may be used to establish a direct hydrologic connection.

District

An area designated as a zoning district within the City of Freeport to which specific regulations regarding the use of land and the location and use of structures apply and within which the zoning regulations are uniform.

Domestic Animals

A tame animal such as a cow, horse, sheep, pig, or chicken, but not necessarily limited to these animals. Dogs, cats, and other household pets are not included.

Dormitories

A room, apartment or building containing sleeping accommodations which is operated for the use of students enrolled in an educational institution.

Drip Line

The outermost perimeter of the crown of a plant as projected vertically to the ground.

Drive-Through Restaurants

An establishment where food is served to persons through a drive-up window for consumption off premises.

Dry Cleaners

A building wherein the process of removing dirt, grease, paints and other stains from wearing apparel, textiles, fabrics, rugs, etc., by the use of non-aqueous liquid solvents, flammable or non-flammable, is carried on. It shall include the process of dyeing clothes or other fabrics or textiles in a solution of dye colors and non-aqueous liquid solvents.

Dwelling

A building or portion thereof, designed or used exclusively for residential occupancy, but not including hotels, lodging houses, motels or mobile homes.

Dwelling – Two Family (Duplex)

A dwelling which contains two separate dwelling units and is designed for or occupied exclusively by no more than two families and having one or two primary entrances.

Dwelling Unit

A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Electric Sign

Any sign containing electric wiring.

Elevated Building

As pertains the City's floodplain regulations: means a non-basement building, built to have the lowest floor elevated above the ground level by foundations walls, pilings, columns, posts, piers, or shear walls.

Emission

The act of passing into the atmosphere an air contaminant or gas stream which contains or may contain an air contaminant; or the material so passed into the atmosphere.

Encroachment

As pertains to the City's floodplain regulations: the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Erect a Sign

To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any

of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Erosion

As pertains to the City's floodplain regulations: the process of the gradual wearing away of land masses. In general, erosion involves the detachment and movement of soil and rock fragments, during a flood or storm or over a period of years, through the action of wind, water or other geologic processes.

Excavation

Removal or recovers by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Existing

For purposes of the stormwater management provisions of this Code, the average condition immediately before development or redevelopment commences.

Existing Construction

Means, for purposes of floodplain management, structures for which the "start of construction" commenced before November 8, 2010. Existing construction means, for the purpose of determining rates, structures for which the "start of construction" commenced before November 8, 2010. This term may also be referred to as "existing structures".

Façade

The wall of a building which corresponds to the lot Frontage.

Fallout Shelters

The following terms are used in this Code in defining fallout shelters:

Above-ground – Constructed entirely above the natural grade of the property, exception the foundation.

Under-ground – Constructed entirely below the natural grade of the property, except vents (not to exceed 36 inches in height) and entrance ways (not to exceed 36 inches in height when in open position).

Family

One or more persons occupying a dwelling unit, living as a single housekeeping unit, and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

Fast Food Restaurants

An establishment where food is served to persons for consumption on or off premises. Such facilities may or may not provide drive-in windows for service and typically have a high customer turnover rate.

Flood or Flooding

- (1) a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) the overflow of inland or tidal waters;
 - b) the unusual and rapid accumulation or runoff of surface waters from any source;
 - c) mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an usually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood Boundary and Floodway Map (FBFM)

Means an official map of the City of Freeport issued by the Federal Emergency management Agency (FEMA), delineating the areas of flood hazards and regulatory floodway.

Flood Hazard Boundary Map (FHBM)

Means an official map of the City of Freeport, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as only Approximate Zone A.

Flood Insurance Rate Map (FIRM)

The official map issued by the Federal Emergency Management Agency showing both the Area of Special Flood Hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS)

Means the official hydrology and hydraulics report provided by FEMA. The study contains flood profiles, an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, and other related data and information.

Flood Protection Elevation

The elevation of the base flood plus one (1) foot.

Floodplain

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

Floodplain Management

Means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Administrator

The individual appointed to administer and enforce the floodplain management regulations of the community.

Floodplain Management Regulations

Means the City's most current floodplain ordinance and other zoning ordinances, subdivisions regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing

Means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water, or sanitary facilities, structures and their contents.

Floodway

The channel of a natural stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the

water surface elevation more than one foot. This term is also referred to as the “regulatory floodway”.

Floodway Fringe

Means that area of the one-percent (base or 100-year) floodplain on either side of the regulatory floodway.

Floor

Means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking of vehicles.

Floor Area Ratio

Floor area ratio shall be defined as the total floor area of a building or buildings on a lot, divided by the area of the lot. The total floor area for this purpose is the gross horizontal area of the several floors of all buildings on the lot measured from the interior faces of the interior walls and shall include fully enclosed porches and utility rooms.

Fraternalities, Sorority House or Student Cooperative

A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning and regulated by such institution.

Free of Obstruction

The condition of any type of lower area enclosure or other construction element which will not obstruct the flow of velocity water and wave action beneath the lowest horizontal structure member of the lowest floor of an elevated building during a case flood event.

Freeboard

The additional height usually expressed as a factor of safety in feet above a flood level, for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

Frontage

The length of the property line of any one parcel along a street on which it borders.

Frontage Line

The lot line which coincides with a Street Tract.

Functionally Dependent Use

A use which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking, loading and unloading of cargo or passengers, ship building and ship repair, or processing seafood. The term does not include long-term storage or related manufacturing uses.

Garage Apartment

An accessory or subordinate building containing living facilities and space for at least one automobile, not a part of or attached to the principal building.

Garage, Residential

An accessory building or portion of the principal building, including a carport, used for the storage of automobiles by the occupants of the principal building.

Garage, Mechanical

Buildings and premises where the functions and services rendered by an automobile service station may be rendered and, in addition thereto, all other services catering to the maintenance, service and repair of automobiles may be rendered, except:

- body work;
- painting of automobiles or other vehicles;
- storage of vehicles for the purpose of using parts of said vehicles for sale or repair; and/or
- any condition which may be classified as a junk yard.

Garage, Storage

A building or portion thereof designed or used exclusively for the storage or parking of automobiles. Services, other than storage at such storage garage shall be limited to refueling, lubrication, washing, waxing and polishing.

Grade

The average elevation of the ground adjoining a building or structure on all sides.

Greenbelt

An open area surrounding the built-up area of a Traditional Neighborhood Development along 75% of its perimeter; being no less than 50% of the total area of the Traditional Neighborhood Development and no less than 200 ft. wide at any place. The area shall be

preserved in perpetuity in its natural condition, or used for farming, animal husbandry, golf courses, or subdivided into House lots no smaller than 5 acres.

Gross Density or Density

The total number of dwelling units divided by the total site area, less public right-of-way.

Gross Floor Area

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face or exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Ground Sign

A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

Group Homes

See Adult Congregate Living Facility.

Guest Cottages

Living quarters within a detached accessory building located on the same lot or parcel of land as the principal building, to be used exclusively for housing members of the family occupying the principal building and their non-paying guests. Such quarters shall not be rented or otherwise used as a separate dwelling.

Harmful to Minors

With regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

- a. predominately appeals to the prurient, shameful, or morbid interest of minors in sex, and
- b. is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors, and
- c. taken as a whole, lacks serious literary, artistic, political, or scientific value.

The term “harmful to minors” shall also include any non-erotic word or picture when it:

- a. is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable for viewing by minors, and

- b. taken as a whole, lacks serious literary, artistic, political, or scientific value.

Hazardous Waste

Waste or a combination of wastes, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or which may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored or treated or otherwise managed.

Highest Adjacent Grade

The highest natural elevation of the ground surface adjacent to the proposed walls of a structure.

Historic Structure

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Dept. of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the Florida inventory of historic places, which has been approved by the secretary of the interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By the approved Florida program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior.

Home Association

A legal entity established to be responsible for the operation of a condominium. All persons owning a vested present interesting the fee title to any of the condominium units shall automatically be members of the association.

Home Occupation

An occupation, profession or any use, whether for monetary compensation or not, carried on by a member of a family residing on the premises or an occupant thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. No mechanical equipment may be installed except such used for purely domestic or household purposes; and provided not over 25 percent of the total ground area is used for home occupation purposes.

Homeowner's Association

The owners of lots and buildings within the Traditional Neighborhood Development, incorporated under the auspices of articles which safeguard the rights of the owners in compliance with the laws of the State. The document shall institute a system or representative government by the assembly of the owners maintaining prerogatives for the developer greater than that of the owners only during the period of sales. The document shall set: standards for construction and maintenance on private lots; provisions for maintenance on public tracts; and support for the construction of new buildings on civic lots by an ongoing special assessment equivalent to no less than 10% of the total yearly assessment of the Association.

Hospital

A building used for the housing of persons under the care of doctors and where medical and surgical diagnosis or treatment is available.

Hotel

A building or other structure used and maintained as a place where sleeping accommodations are supplied for transient guests.

Illuminated Sign

A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs which reflectors that depend upon automobile headlights for an image.

Impervious Surface

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

Improvement

Any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate.

Increased Cost of Compliance (ICC)

As pertains to the City's floodplain regulations: means the coverage by a standard flood insurance policy under the NFIP that provides for the payment of a claim for the cost to comply with the State of Florida and City of Freeport floodplain management laws and ordinances after a direct physical loss by flood, when the City declares the structure to be "substantially" or "repetitively" flood damaged. ICC coverage is provided for in every standard NFIP flood insurance policy, and will help pay for the cost to flood proof, relocate, elevate, or demolish the structure.

Infill Development

Construction on vacant lots within previously established or approved developments that have one or more vacant lots available for the construction of new structures.

Inoperative Vehicle

Any vehicle within view of a public right-of-way or abutting property either without a license tag or which has remained inoperative for 30 days or more.

Junkyard

Premises or portions thereof used for the storage or sale of used and discarded materials, including but not limited to, paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment, or parts thereof. The storage for a period of two (2) or more months or two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition shall also constitute a junkyard. For the purposes of this Code, such uses as automobile reclaiming businesses, automotive wrecking businesses, automotive salvage businesses and recycling centers shall be considered junkyards.

Kennel

Any structure or area used for the housing of four or more dogs or cats, except that litters of kittens or puppies may be kept for eight weeks without their presence constituting a kennel.

Kindergarten

A building or portion thereof used for the instruction of pre-school aged children. This term shall include day care centers for young children.

Laundry, Self- Service

A business which provides coin-operated washing, drying, dry cleaning, and/or ironing machines for hire to be used by customers on the premises.

Light Garment Manufacturing

Garment manufacturing with a land area of no more than two acres per establishment, with all storage and processing enclosed, utilizing no toxic chemicals and employing no more than 100 persons.

Light Manufacturing Use

Buildings for the repair, assembly or fabrication of artifacts emitting no atmospheric pollution, no noxious smells beyond the lot lines and noise for a period no longer than 8 daytime hours.

Limited Lodging Use

Buildings providing no more than 8 rooms for short-term letting and food service before noon only.

Limited Office Use

Buildings for the transaction of business or the supply of professional services, employing no more than 8 persons.

Lodging House

(See Boarding House)

Lodging Use

Buildings providing food services and rooms for short-term letting.

Lot

A designated parcel, tract or area of land established by plat, subdivision or as otherwise allowed by law.

Lot Area

The total area within the lot lines of a lot, excluding any rights-of-way.

Lot, Corner

A lot abutting two or more streets at their intersection.

Lot, Double Frontage

A lot having frontage on two non-intersecting streets as distinguished from a corner lot.

Lot Frontage, Residential

All property on the width of a lot abutting a street right-of-way.

Lot Frontage, Agricultural, Commercial and Industrial

All the agricultural, commercial and industrial property on the width of the lot abutting the street with heaviest traffic usage.

Lot, Interior

A lot other than a corner lot.

Lot Line

The legal boundary line of a lot.

Lot of Record

A lot that is part of a subdivision, the plat of which has been lawfully recorded in the office of the Clerk of the Circuit Court of Walton County, Florida.

Lot Width

The horizontal distances between the side lot lines measured along the front building setback line.

Lowest Adjacent Grade

The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design standards of 166.041 Florida Statutes.

Maintenance

That action taken to restore or preserve the original design and function of any Stormwater management System.

Major Street Plan

A plan for existing or proposed traffic thoroughfares for the City of Freeport, Florida.

Manufactured Home (or building)

A single-family dwelling unit fabricated on or after June 15, 1976 in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the U.S. Department of Housing and Urban Development construction and safety standards (HUD Code). Those manufactured homes built after July 1994 are treated the same as site built homes.

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home Park or Subdivision (Existing)

A manufactured home park or subdivision where the construction of facilities for servicing the lots where the manufactured home are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 8, 2010.

Manufactured Home Park or Subdivision (Expansion to Existing)

The preparation of additional home sites by the construction of facilities for servicing the lots where the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads).

Manufactured Home Park or Subdivision (Substantially Improved, Existing)

The state where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50 %) of the value of the streets, utilities, and pads before the repair, reconstruction or improvement commenced.

Manufactured Home Park or Subdivision (New)

The condition where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 8, 2010.

Marina

A premise or site used for the rental of covered or uncovered boat slips or dock space, marine fuel and lubricant sales, boat and motor rental facilities, live bait sales and boat dry storage.

Market Value

The building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

Marquee

A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Mean Sea Level

The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Code the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, or North American Vertical Datum (NAVD) of 1988.

Mining

The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; groundwater diversion; soil removal; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the mine site or as part of a mining activity.

Minor Replat

The subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area

of two or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

Minor Structure

Structures such as docks, piers, boardwalks, and gazebos, but not including such structures as communication towers, etc.

Mobile Camper

A mobile camper is any vehicle or similar portable structure, other than a mobile home, having been constructed with wheels and designed for temporary lodging by the user when traveling or camping. Mobile campers include recreational vehicles.

Mobile Home

A transportable, factory-built home, designed to be used as a year-round residential dwelling but not conforming to the definition of a manufactured home.

Mobile Home Park

Any parcel of land upon which 5 or more mobile home sites are located. This term shall include trailer parks.

Modular Home

A single-family dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Florida Department of Community Affairs construction and safety standards. Modular homes are treated the same as site built homes, provided that they are compatible with existing conventional dwellings.

Motel

A building or group of buildings, whether detached or in connected units, used as sleeping accommodations designed primarily for transient automobile travelers. The term 'motel' includes buildings designated as auto courts, tourist courts, motor lodges and similar appellations.

Multi-Family Dwelling

Any residential structure containing two (2) or more separate dwelling units.

Multiple Occupancy Complex

A commercial use, i.e. any use other than residential or agricultural, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

National Geodetic Vertical Datum (NGVD) of 1929

A vertical control used as a reference for establishing varying elevations within the floodplain.

Natural Systems

Systems which predominantly consist of or are used by those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

Neighborhood Hall

A public assembly building containing at least one room having an area equivalent to twenty (20) square feet per dwelling.

Neighborhood Proper

The built-up area of a Traditional Neighborhood Development, including lots, Parks and Squares but excluding Greenbelt areas.

New Construction

For floodplain management purposes: Structures or substantial improvements for which the “start of construction” occurred on or after the effective date of this Code, November 8, 2010 and any alteration, repair, reconstruction, improvements or subsequent improvements to a structure which is in compliance with these flood damage prevention regulations.

Non-Conforming Use

Any use of a structure or land lawfully existing prior to the adoption of these regulations or amendments thereto; which after the adoption of this Code, or amendments thereto, does not conform with the regulations of the district in which it is located.

North American Vertical Datum (NAVD) of 1988

A vertical control datum established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.

Noxious Matter

Material which is capable of causing injury to living organisms by chemical reaction.

Nursing, Convalescent, or Rest Home

A home for the aged, convalescent, chronically ill, or incurable person, in which two or more persons not of the same immediate family are received, kept or provided with food and shelter or care; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Occupant (Occupancy)

A commercial use, i.e. any use other than residential or agricultural.

Octave Band Filter

An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

Out-Building

A structure erected for the purpose of sheltering domestic animals and/or for the storage of crops.

Outdoor Advertising Sign

A permanent ground sign supported by a single metallic pole attached to which is a sign face the bottom of which is at least 20 feet above the ground and which is at least 200 square feet in size.

Owner

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

Parcel

A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purpose of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the Director.

Park

An open space, paved no more than 10% of its area, naturalistically landscaped, and surrounded by building lots on 75% of its perimeter.

Parking Lot

An area or parcel of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a commercial, industrial or residential use.

Parking Space

A parcel of property not less than 180 square feet in area used for the parking of a motorized vehicle.

Participating Community

For the purposes of floodplain management: also known as an eligible community; means a community where FEMA has authorized the sale of flood insurance.

Particulate Matter

Material which is suspended or discharged into the atmosphere in a finely divided form either as a liquid or a solid.

Perceived Noise Level

A method of measuring complex sound designated in the Journal of the Acoustical Society of America, No. 31, Pages 1415-1429, 1959.

Performance Standard

A criteria established to control such matters as, but not limited to, noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare and heat generated by or inherent in uses of land or buildings.

Permanent

Designed, constructed and intended for more than short term use.

Permanent Foundation

For the purposes of floodplain management: a site-built foundation for a manufactured home, designed by a licensed professional engineer or architect with attachment points to anchor and stabilize the home to the underlying soil. Permanent foundations shall be designed for vertical and lateral stability to resist uplift and overturning due to wind forces in accordance with ASCE-7, as well as hydrostatic and hydrodynamic forces in

accordance with ASCE-24. Dry-stacked block foundations shall not be considered permanent foundations.

Person

Any individual, group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Pollutant

Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Portable Sign

Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an A or T frame sign and attached temporarily or permanently to the ground.

Principal Structure

A structure or use that is clearly identified as the primary building or use located on a parcel of property.

Principally Above Ground

For the purposes of floodplain management: at least fifty-one percent (51%) of the actual cash value of the structure is above ground.

Program Deficiency

For the purpose of floodplain management: a defect in the community's floodplain management regulations or administrative procedure that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program.

Protected Environmentally Sensitive Area

An environmentally sensitive area designated for protection in the Conservation Element of the City Comprehensive Plan.

Protected Tree

The following trees are considered protected trees: Live and Water Oak with a DBH of 10" or more; Hickory and other hardwood trees with a DBH of 8" or more ; any species with a DBH of 15" or more; all Cypress and Juniper.

Protected Wellhead

Those wellheads with a permitted capacity of 100,000 GPD or more.

Public Safety Nuisance

For the purposes of floodplain management: anything which is injurious to safety or health of the entire community, neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal or basin.

Raised Basement

A semi-underground story serving to raise the principal floor level no more than 5 ft. above the sidewalk.

Rate

Volume per unit of time.

Recreation Vehicle

A vehicle that is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonable use.

Regulatory Floodway

The channel of a river or other watercourse and the adjacent land areas that must be unobstructed in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Remedy a Deficiency or Violation

For the purposes of floodplain management: to bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal, or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the City's floodplain regulations or otherwise deterring future similar

violations, or reducing Federal financial exposure with regard to the structures or other development.

Remove

To relocate, cut down, damage, poison, or in any other manner destroy or cause to be destroyed, a tree.

Repetitive Loss

For the purposes of floodplain management: flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event where the second claim is made, for which the cost of repairs at the time of each flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damages occurred.

Restaurant

Any establishment where food is served within an enclosed building for consumption on or off the premises.

Retention

The collection and storage of runoff without subsequent discharge to surface waters.

Ringlemann Chart

A method of designating smoke density or opacity as designated in the U.S. Bureau of Mines Information Circular No. 7718 and subsequent amendments thereto.

Riverine

For the purposes of floodplain management: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Roof Line

A horizontal line intersecting the highest point or points of a roof.

Roof Sign

A sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

Runoff Coefficient

Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which run-off can be calculated.

Sand Dunes

Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

School

An institution primarily for academic instruction, public, parochial or private and having a curriculum similar to that ordinarily given in a public school.

Security Fence

A fence with a minimum height of six feet, which prohibits unauthorized access and which may be topped with a maximum of three strands of barbed wire, provided that the first line of such barbed wire is located a minimum of six feet above grade.

Sediment

The mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

Service Station

(See Automobile Service Station)

Shade Tree

A deciduous tree of wide canopy, resistant to root pressure and sodium, no less than 4" caliper and 8 ft. clear trunk at the time of planting.

Shopping Center

One or more retail stores and/or service establishments containing a minimum of 15,000 square feet of floor space.

Sign

Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

Sign Face

The part of a sign that is or may be used for copy.

Sign Face Area

The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Sign Structure

Any construction used or designed to support a sign.

Significant Adverse Effect

Any modification, alteration, of effect upon a Protected Environmentally Sensitive Area which measurably reduces the Area's beneficial functions as delineated in the Conservation Element of the City Comprehensive Plan.

Single-Family Dwelling

A structure containing one dwelling unit, and not attached to any other dwelling unit by any means. A single-family unit may contain an accessory apartment pursuant to this Code.

Site

Generally, any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project.

Special Exception

“Special Exception” as used in connection with the provisions of these land development regulations, means a use that would not be appropriate generally or without restriction throughout the particular zoning district or classification, but which, if controlled as to number, area, location, or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare. Such uses may be permitted in such zoning district or classification as special exceptions only if specific provisions and standards for such special exception are made in these regulations. (See variance)

Special Flood Hazard Area

For the purposes of floodplain management: see “Area of Special Flood Hazard”.

Square

An open space paved not less than 35% of its area surrounded by building lots on 90% of its perimeter.

Stable, Private

A structure where horses are kept by the owners or occupants of the premises and are not kept for hire or sale.

Standard Conditions

A condition in which the gas temperature is 60 degrees Fahrenheit and the gas pressure is 14.7 pounds per square inch, dry basis.

Start of Construction

The date the construction permit was issued, provided the “actual start of construction” was within 180 days of the permit date. The “actual start of construction” means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of appurtenant structures. This definition does not apply to new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348).

Stormwater

The flow of water which results from, and that occurs immediately following, a rainfall.

Stormwater Runoff

That portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed circuit system.

Stormwater Management System

The system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site.

Story

A habitable level within a building no more than 14 ft. in height from finished floor to finished ceiling.

That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the height of the space between such floor and the ceiling next above it. In computing the height of a building, the height of basement shall not be included if below grade.

Story, Half

A story under a gabled, hipped or gambrel roof, in which the wall plates on at least two opposite exterior walls are not more than three feet above the finished floor of such story.

Street

A public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

A public or private thoroughfare which affords the principal means of access to abutting property, including publicly owned or controlled street and permanent easements of record, for ingress and egress which pass with the land. Street includes arterials, collectors, local roads, lanes, ways, or other means of ingress and egress regardless of the term used to describe it.

Street Lamps

A light standard between 8 and 14 ft. in height equipped with an incandescent or metal halide light source.

Street Right-of-Way Line

The boundary line between a lot, tract or parcel of land and the established right-of-way of a contiguous street.

Street Tree

A deciduous tree or palm resistant to root pressure and sodium, no less than 4" in caliper and 8 ft. clear trunk at the time of planting.

Street Vista

A building site located to terminate the view down the axis of a Street Tract.

Streetwall

A masonry wall or wood fence built along the Frontage Line between 3 and 5 ft. in height.

Structure

A walled and roofed building, including a manufactured home or other manufactured non-residential structures, and a gas or liquid storage tank that is principally above ground.

Includes all permanent or temporary, fixed or movable construction comprising buildings, stands, signs and billboard erected independently or affixed to exterior walls, provided however that utility lines and poles shall not be considered structures.

Structural Alteration

Any change in the supporting members of a building such as bearing walls, columns, beams or girders, except for repair and replacement.

Subordinate Structure

(See Accessory Use)

Substantial Damage

For the purposes of floodplain management: damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before it was damaged would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Substantial Improvement

Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a ten (10) year period), in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure is the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the occurrence of the damage. For the purpose of this definition, "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement of a structure to comply with existing health, sanitary, or safety codes, or any alteration of a structure listed on the national Register of Historic Places, the Local Register of Historic Places, or a State Inventory of Historic Places, unless that alteration will cause the structure to lose its historical designation.

Substantially Improved Existing Manufactured Home Park or Subdivision

For the purposes of floodplain management: where the repair reconstruction, rehabilitation or improvement to the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstructions or improvement commenced.

Surface Water

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

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

Swimming Pool

Any constructed pool over 24 inches in depth or with a surface area exceeding 250 square feet used for swimming or bathing.

Temporary

Designed, constructed, and intended to be used on a short-term basis.

Townhouse Project

A housing project which contains one or more townhouse buildings each of which contains two or more townhouse units connected by one or two party walls.

Toxic Materials

Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Trailer

(See Mobile Home)

Trailer Park

(See Mobile Home Park)

Tree Protection Zone

A circular zone around each protected tree defined as follows:

- a. If the drip line is less than six (6) feet from the trunk of the tree, the zone shall be that area within a radius of six (6) feet around the tree.
- b. If the drip line is more than six (6) feet from the trunk of the tree, but less than twenty (20) feet, the zone shall be that area within a radius of the full drip line around the tree.
- c. If the drip line is twenty (20) feet or more from the trunk of the tree, the zone shall be that area within a radius of twenty (20) feet around the tree.

Truck Stop or Terminal

Buildings and premises designed so as to cater principally to trucks, where the functions and services rendered by a mechanical garage may be provided, but shall not include the storage of vehicles for the purpose of using parts of said vehicle for sale or repair.

Unit

That part of a multiple occupancy complex housing one occupant.

Use, Principal

The main use of land or buildings as distinguished from a subordinate or accessory use.

Used Car Lot

Any parcel of land used for the storage, display and sales of used automobiles in running condition.

Variance

As used in connection with the provisions of these land development regulations, a variance means a deviation from strict adherence to requirements when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not as the result of actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. A variance may be authorized for requirements such as those pertaining to height, area, size of structure of size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district or classification or in adjoining zoning districts or classifications.

Vehicle Sign

Any sign affixed to a vehicle.

Vehicle Use Area

An area used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

Violation

For the purposes of floodplain management: the failure of a structure or other development to be fully compliant with the requirements of this chapter. A structure or other development without the elevation certificate, or certifications, or evidence of compliance required by these regulations is presumed to be in violation until such time as that documentation is provided.

Water or Waters

Includes, but is not limited to, water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

Water Body

Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline which ordinarily or intermittently contains water.

Water Surface Elevation

For the purposes of floodplain management: the height, in relation to the National Geodetic Vertical datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse

Any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks, or other discernible boundary. Watercourse includes specifically designated areas in which substantial flood damages may occur.

Water's Edge and Wetland's Edge

The water's or wetland's edge shall be determined by whichever of the following indices yields the most landward extent of waters or wetlands:

1. the boundary established by the average annual high water mark,
2. the landward boundary of hydric soils, or
3. the landward boundary of wetland vegetation, based on the wetland vegetation index.

Wellhead Protection Area

An area of 500 foot radius around protected wellheads is established as the Wellhead Protection Area in which development activities allowed but carefully regulated.

Wetland

Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, riverine cypress, cypress pond, bayheads and bogs, wet prairies, freshwater marshes, tidal flats, saltmarshes and marine meadows.

Yard

An open space at grade between a principal building and the adjoining property lines, unoccupied and unobstructed by a portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal structure, or any projections thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches shall be used.

Yard, Front

A yard extending across the front of a lot between the side lot lines and being a minimum horizontal distance between the street line and the principal structure or any projections thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard may be either side abutting the street.

Yard, Rear

A yard extending across the rear of a lot between the side lot lines, and being a minimum horizontal distance between the rear of the principal structure or any projections thereof (other than the projections of uncovered steps, uncovered balconies or uncovered porches) and the rear lot line.

Yard, Side

A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line, and being the minimum horizontal distance between a side lot line and the side of the principal structure or any projections thereof, other than the projections of uncovered steps, uncovered balconies, or uncovered porches.

Zone of Exclusion

All land within a two hundred (200) foot radius of an existing or designated protected wellhead.

Zoning District

(See District)