ARTICLE II

DEFINITIONS

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DEFINITIONS

SECTION 21-20 - DEFINITIONS

21-20.01 - INTENT

Unless otherwise expressly stated the following terms shall, for the purposes of these regulations have the meaning indicated. Words in the singular include the plural, and those in the plural include the singular. Words used in the present tense include the future tense. The words "person," "subdivider," "developer" and "owner" include a corporation, unincorporated association and a partnership or other legal entity, as well as an individual. The word "watercourse" includes channel, creek, ditch, spring and streams.

The words "should" and "may" are permissive. The words "shall" and "will" are mandatory and directive. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary or the applicable state statutes and/or administrative rules. The words and terms herein shall have the meanings ascribed thereto.

21-20.02 - Definitions

ABANDON means to discontinue an existing use of land or structure for 181 consecutive days, other than cessation due to probate or mortgage foreclosure activities.

ABUT OR ABUTTING means to physically touch or border upon, or to share a common property line, or be separated from such a border by an alley, easement, street or canal.

ACCESS means a dedicated, or recorded right-of-way, road, lane, alley or easement affording perpetual ingress and egress to a subject property, to a public thoroughfare or to a water body.

ACCESSORY BUILDING means a structure, the use of which is customarily incidental and subordinate to that of the main building on the same lot, including but not limited to, detached garages, or carport, barns, greenhouse, woodshed, tool shed, gazebos, docks, boat houses and similar uses that are used to shelter and/or protect equipment, supplies, chemicals, goods, furniture and the like for use by the principal occupant.

ACCESSORY USE means a use that is incidental, related, appropriate and clearly subordinate to the principal use of the building, lot or parcel and is under the direct control or ownership of any person who occupies or operates the principal use of the same building, lot or parcel.

ACTUAL START means the first placement of, permanent construction 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 the placement of a manufactured home on a foundation.

ADMINISTRATIVE OFFICIAL means the Development Services Director or Building Official of the City of Edgewater.

ADULT DAY CARE CENTER means any building, buildings, whether operated for profit or not, in which is provided through its ownership or management, for any part of a day, basic services to three or more persons who are 18 years of age or older, who are unrelated to the owner or operator by blood or marriage, and who require such services.

ADVERTISING DISPLAY AREA OR DISPLAY AREA means the advertising display surface area (copy area) which may be encompassed within any regular geometric figure and which forms the informational component of a sign, not including the structural support components of a sign.

AFFILIATE means a person that directly or indirectly owns or controls, or has common ownership or control with another person. For purposes of this paragraph**,** the term own means to own an equity interest (or the equivalent thereof) of more than 10 percent.

AFFORDABLE HOUSING means residential units priced so that monthly costs do not exceed thirty (30) percent of the household gross income.

AGRICULTURAL USE means the use of land in horticulture, floriculture, viticulture, forestry, diary, livestock, poultry, beekeeping, pisciculture and all forms of farm products and farm production.

AGRICULTURE means general farming activities and attendant accessory uses and subsequent processing and industrial activities.

AIRCRAFT HANGER means an enclosed or semi-enclosed building specifically intended for the storage of aircraft.

ALLEY means a public right-of-way primarily designated to serve as a secondary means of access to the side or rear of abutting properties having principal lot frontage on a street.

ALTERED OR ALTERATIONS means any change in a building's structural parts; stairways; type of construction; kind or class of occupancy; light and ventilation; means of ingress and egress; wiring, plumbing, heating or cooling system; and other changes affecting or regulated by building codes or the ordinances.

ALTERATION in regards to Historic Preservation means any act that changes the exterior features of a designated property.

ALTERED WETLAND means wetlands that have been substantially affected by development, but which continue to provide some environmental benefit.

ALTERNATIVE SUPPORT STRUCTURE means structures, other than telecommunication towers, including, but not limited to: buildings; water towers; light poles; power poles; telephone poles and other public utilities structures.

AMORTIZATION OR AMORTIZING means a method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

ANIMAL BOARDING means the housing of animals for compensation for more than 12 hours.

ANTENNA means any system of wires, poles, rods, reflecting discs or similar devices, used for the transmission or reception of electromagnetic waves external to, or attached to, the exterior of any building.

APARTMENT- see "Dwelling" for various housing types.

APPEAL means a request for a review of an administrative interpretation of any provision of this Code, a decision made by any City official, City board or the City Council.

APPLICANT means any person who submits appropriate documentation as required by the City relating to all aspects of this Code.

AQUACULTURE means raising aquatic animals for sale.

AQUACULTURE, LIMITED means the cultivation, production and raising of the natural products of water including hatcheries, nurseries and maintenance of products in above ground tanks less than 10,000 gallons of capacity.

AREA OF SHALLOW FLOODING means a designated AO or VO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD means the land in a flood plain in a community subject to a one percent or greater chance of flooding in any given year.

AS-BUILT SURVEY means a survey which depicts the location and dimension of all structures, parking areas, stormwater management facilities and associated grades, road easements or other improvements as may be required or constructed on the parcel and includes the location and limits of the 100-year flood plain, if any.

ASSISTED LIVING FACILITY (ALF) means a residential facility, for more than three persons unrelated to the owner, where shelter and services are provided and may include meals, housekeeping, and personal care assistance. Residents shall not be under in-house nursing/medical care.

Facilities which provide for a specific number of residents are listed below.

FAMILY RESIDENTIAL HOME means a dwelling unit licensed to serve clients of the Department of Children and Families (formerly Department of Health and Rehabilitative Services) and other authorized agencies, which provides a living environment for six (6) or fewer unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. The term "family residential home" shall include congregate care facilities, foster homes, group care homes, and child care facilities with six (6) or fewer residents and that otherwise meet the definitional requirements of a family residential home.

COMMUNITY RESIDENTIAL HOME means a dwelling unit licensed to serve clients of the Department of Children and Families (formerly Department of Health and Rehabilitative Services) and other authorized agencies, which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. The term "community residential home" shall include congregate care facilities, foster homes, and group care homes with seven (7) to fourteen (14) residents and that otherwise meet the definitional requirements of a community residential home.

INSTITUTIONAL RESIDENTIAL HOME means a dwelling unit licensed to serve clients of the Department of Children and Families (formerly Department of Health and Rehabilitative Services) and other authorized agencies, which provides a living environment for more than fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. The term "institutional residential home" shall include congregate care facilities, foster homes, and group care homes with more than fourteen (14) residents and that otherwise meet the definitional requirements of institutional residential home.

AUTOMOTIVE PAINT AND BODY SHOP means an establishment for automotive bodywork including the painting, repainting, restoring of a vehicle, parts or components including engine removal or dismantling, straightening or welding of vehicle frames or body

parts, or the performance of other related vehicle services.

AUTOMOTIVE REPAIR means a use or establishment performing mechanical repair or serving work to automobiles and light trucks and does not include large trucks or other mechanical equipment. The term does not include any of the following activities or uses:

(a) Vehicle paint and body shop.
(b) Vehicle fabrication or assembly uses.
(c) Vehicle welding services or repairs.

AUTOMOTIVE SERVICE STATION means an establishment that is used primarily for the retail sale and direct delivery to motor vehicles of motor fuels and lubricants.

AWNING means a roof-like structure, regardless of the material used for construction, attached to a building which shelters doors or windows from the weather.

BANNER SIGN means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentation applied to paper, plastic or fabric of any kind, including such signs stretched across or hung over any public right-of-way.

BASE FLOOD means the flood having a one-percent (1%) chance of being equaled or exceeded in any given year (100 year storm event).

BASE FLOOD ELEVATION means the maximum elevation above mean sea level expected to be reached by flood waters during a 100-year storm event.

BASEMENT means that portion of a structure having its finished floor (below ground level) on all sides.

BEACON LIGHT SIGN means any sign or device which includes any light with beams capable of being revolved automatically.

BED AND BREAKFAST means a house or portion thereof where lodging rooms are available for short-term rental and meals may be provided to the guests renting the rooms and where the operator of the establishment lives on the premises.

BENCH SIGN means a bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed thereto, as further described in Chapter 337.408, F.S.

BERM means a manmade or natural mound of earth located so as to form a mound above the general elevation of the adjacent ground or surface.

BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, treatment methods and other management practices to prevent or reduce pollutants from entering the MS4 (see definition).

BILLBOARD SIGN means a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

BLOCK means a tract of land existing within well defined and fixed boundaries, usually being a group of lots surrounded by streets or other physical barriers.

BOAT HOUSE means an accessory structure typically but not necessarily attached to a dock designed and used for the protection and storage of boats and boating supplies.

BOUNDARY LINE means a delineation that indicates or defines limits between differing lot or property lines.

BOUNDARY SURVEY means a survey that depicts the physical boundaries and dimensions of a parcel and its legal description.

BREAK POINT means the location on a communication tower of a designed feature which, in the event of a tower failure, would result in the tower falling entirely within the boundaries of the property on which it is located.

BREAKAWAY WALL means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevation portion of the building or the supporting foundation system.

BUFFER means a land area of specified width and/or height which is used to separate one use from another, or to shield or block noise, lights, or other nuisances.

BUILDABLE AREA means that portion of a lot remaining excluding the established front, rear and side setbacks.

BUILDING means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or moveable property of any kind.

BUILDING ADDITION means any expansion to the perimeter of a building to which the addition is connected.

BUILDING FRONTAGE means the side of a building facing the principal road, street, highway or easement serving the building.

BUILDING HEIGHT means the vertical distance measured from the required minimum finished floor elevation to the highest point of the roof.

BUILDING PERMIT EXPIRATION means every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Building Official.

BUILDING SETBACK LINE means a line within a lot or other parcel of land so designated on the final plat, between which line and the adjacent boundary of the street or street widening setback line, where applicable, upon which the lot or parcel abuts the erection of a building is prohibited, as prescribed by the zoning ordinance.

BULKHEAD LINE means a line established to fix the maximum distance from the shoreline within which filling may occur.

BUSINESS TAX RECEIPT means a permit to engage in an activity that requires regulation and all regulated activities must operate from within a permanent structure.

CALIPER means the trunk diameter of trees at a predetermined point.

CANOPY (FREESTANDING)/TEMPORARY CARPORTS means a rigid supported structure (capable of disassembly) covered with fabric, and supported by columns or posts embedded in the ground and/or attached at other points. Does not include the term carport.

CAPACITY means the availability of a public or private service or facility to accommodate users, expressed in an appropriate unit of measure such as gallons per day or average daily trips.

CARTWAY means the actual road surface areas from curb line to curb line or the hard surface road width of the road surface when no curbs are present.

CARPORT means an accessory structure or portion of a principal structure consisting of roofed area open on one, two, or three sides and free standing or attached to the main building by support members for storage of one or more vehicle. Does not include the term canopy (freestanding).

CAMOUFLAGE COMMUNICATION TOWER means a tower designed to merge and blend into and conform in appearance with existing surroundings. An example of a camouflage communication tower would be one that is constructed in the form and shape of a tree in order to appear to be part a forested area or a tower constructed to appear to be a component of a bell tower or to be or appear to be a component of church steeple in order for the tower to be or appear to be part of these more aesthetically pleasing structures.

CANAL means an artificial, primary water conveyance facility with an open channel and usually a wet bottom.

CEMETERY means land used or intended to be used as a burial ground or burial place of the human dead and dedicated for crematories, mausoleums and mortuaries if operated in connection within the boundaries of such cemetery.

CERTIFICATE OF CONCURRENCY means a statement issued by the City and relating to a specific development project on a specific parcel of real property or part thereof, which is valid and states that all concurrency requirements are satisfied and that a specified quantity of concurrency facilities is reserved for a specified period of time.

CERTIFIED LOCAL GOVERNMENT means a government meeting the requirements of the National Historic Preservation Act Amendments of the 1980 (P.A. 96-515) and the implementing regulations of the U. S. Department of the Interior and the State of Florida.

CHANGEABLE COPY SIGN means a sign that is designed so that characters, letters or illustrations can be changed or rearranged, including billboards.

CHILD CARE FACILITY means any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

(a) Public schools and nonpublic schools and their integral programs, except as provided in Chapter 402.3025, F.S. (2005);
(b) Summer camps having children in full-time residence;
(c) Summer day camps;
(d) Bible schools normally conducted during vacation periods; and
(e) Operators of transient establishments, as defined in Chapter 509 (F.S.), which provide child care services solely for the guests of their establishment or resort provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of Chapter 435.

CHRONIC NONMALIGNANT PAIN means pain unrelated to cancer or rheumatoid arthritis, which persists beyond the usual course of the disease or injury that is the cause of the pain, or more than ninety (90) days after surgery.

CITY means the City of Edgewater, a Florida municipal corporation.

CITY COUNCIL means the governing body of the City.

CITY ENGINEER means a professional engineer employed by the City or the designated consultant professional engineer.

CLEAN WATER ACT (CWA) means Public Law (PL) 92-500, as amended PL 95-217. PL 95-576, PL 6-483, and PL 97-117, 33 U.S.C. 1251 et seq., as amended by the Water Quality

Act of 1987, PL 100-4.

CLEARING means the removal of trees and/or brush from a parcel, not including mowing.

CLUB means a building or facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business and where the serving or sale of alcohol is not the primary use.

COASTAL HIGH HAZARD ZONE OR AREA means the area subject to high-velocity waters caused by, but not limited to, hurricane wave wash found in Category 1 storms.

CODE OF ORDINANCES means the laws, rules and regulations of the City of Edgewater which shall include, but not be limited to, the Code of Ordinances and the Land Development Code.

COMMERCIAL MASCOT means any person(s), animal(s) and/or facsimile thereof holding, spinning, waving and/or otherwise displaying signage for the advertising of commercial products or services within any public right-of-way or visible from any public right-of-way, including any person(s), animal(s) and/or facsimile thereof attired or decorated with commercial insignia, images or symbols, for the advertising of commercial products or services within any public right-of-way or visible from any public right-of-way. This shall include, but not be limited to, sign spinners, sign twirlers, sign walkers, sign clowns, etc.

COMMERCIAL MOBILE SERVICES means the communications Act and the FCC's rules, and include cellular telephone services regulated under Part 22 of the FCC's rules, SMR services regulated under Part 90 of the FCC's rules, and PCS regulated under Part 21 of the FCC’s rules.

COMMUNICATION ANTENNA means an antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC).

COMMUNICATION TOWER means a tower greater than 35 feet in height (including the antenna component) which supports communication (transmission or receiving) equipment. Amateur radio operators' equipment, as licensed by the FCC, shall not be deemed a communication tower.

COMMUNITY WATER SYSTEM - means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

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

COMPREHENSIVE PLAN means an ordinance of the City which contains the official statement of public policy for the development and/or redevelopment of the City, and which conforms to the relevant requirements of Chapter 163, Part II, F.S. and the appropriate portions of the Florida Administrative Code.

COMPUTERIZED SWEEPSTAKES DEVICE means any computer, machine, game or apparatus which, upon the insertion of a coin, token, access number, magnetic card, or similar object, or upon the payment of anything of value, and which may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which provides the user with a chance to win anything of value that is not de minimis. Machines designated for use by the State Lottery Commission are not Computerized Sweepstakes Devices for purposes of this definition.

CONCEPTUAL PLAN means a preliminary presentation and attendant documentation of a proposed development project of sufficient accuracy to be used for meaningful discussion.

CONCURRENCY means a finding that required public facilities and services necessary to support a proposed development are available, or will be made available concurrent with the impacts of the development. Roadways, wastewater, solid waste, drainage, potable water, open space/parks and recreation facilities and schools have or will have the necessary capacity to meet the adopted level of service standards at the time the impact of a new or expanded development occurs. Transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation.

CONCURRENCY MANAGEMENT means the procedure and process that the City uses to ensure that no development order or permit is issued by the City unless the necessary concurrent public facilities are available. This means public facilities and services for which a Level of Service (LOS) must be met concurrent with the impact of development, or an acceptable deadline as mandated in the Comprehensive Plan pursuant to Chapter 163, Florida Statutes, and 9J-5.0055, Florida Administrative Codes, and shall include but may not be limited to:

(a) potable water
(b) sanitary sewer
(c) drainage
(d) recreation/open space
(e) solid waste
(f) roadways
(g) schools

CONSTRUCTION PLANS means signed and sealed drawings by an appropriate professional, and/or specifications indicating specific locations of site improvements and other similar matters.

CONSTRUCTION SIGN means any sign giving the names of contractors, design professionals and lending institutions responsible for construction occurring on the same parcel.

CONSTRUCTION TRAILER means a temporary office placed upon a parcel for the purpose of supervising the development of said site, and can only be installed after site plan approval and must be removed within five days of the issuance of a Certificate of Occupancy.

CONDITIONAL USE means a use within a zoning district that may be permitted, pursuant to express standards and criteria, which are consistent with the Comprehensive Plan.

CONTIGUOUS means lands which abut each other or are separated by streets, easements, pipelines, power lines, conduits, or rights-of-way under ownership of the petitioner, governmental agencies, subdivision, or public or private utility.

CONTROLLED SUBSTANCE MEDICATION means any controlled substances identified in Schedules I, II, III or IV of Chapter 893, Florida Statutes as may be amended from time to time.

COSTS with regard to hazardous substances means those necessary and reasonable costs incurred by the City in connection with investigating, mitigating, minimizing, removing or abating discharges of hazardous substances, including but not limited to: the actual labor costs of city personnel or authorized agents, cost of equipment operation and rental, cost of expendable items, including but not limited to, firefighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums, goggles and protective clothing (both structural and chemical protective, disposable or standard use). Costs shall further include overhead costs and indirect expenses allocable to the foregoing costs.

CREMATORIUM means an establishment in which a deceased body is reduced to ashes in a furnace. This type of facility must be licensed with the Florida Department of Business and Professional Regulation and meet the criteria of the Florida Department of Health Department of Environmental Protection, pursuant to Florida Statutes, Chapter 470.

DECISION OR RECOMMENDATION regarding Historic Preservation means when referring to the Recreation/Cultural Services Board, the executive action taken by the Board on an application for a designation or a certificate of appropriateness regardless of whether that decision or recommendation is immediately reduced to writing.

DEMOLITION means any act that destroys in whole or in part, a building or structure, landmark or archeological site.

DENSITY means an objective measurement of the number of residential units allowed per unit of land.

DESIGN CAPACITY means the limit of capacity of a public facility beyond which it ceases to function efficiently.

DESIGN HIGH WATER (DHW) means the water elevation expected to occur at a

particular design storm event. Examples are:

DHW 10	10-year storm event
DHW 25	25-year storm event
DHW 100	100-year storm event

DEVELOPER means any person, partnership or corporation, or duly authorized agent who undertakes any material changes to land or other development activities under these regulations.

DEVELOPMENT means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three (3) or more parcels and includes the following activities or uses:

(a) A reconstruction, alteration of the size or material change in the external appearance of a structure or land:
(b) A change is the intensity of use of land, such as an increase in the number of dwelling units in a structure, or on land, or a material increase in the number of businesses manufacturing establishments, offices, or dwelling units in a structure or on land;
(c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal including any "coastal construction' as defined in Section 161.021, Florida Statutes;
(d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land;
(e) Demolition of a structure;
(f) Clearing of land as adjunct of construction;
(g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land; or
(h) The subdivision of land consistent with this regulation.

When appropriate to the context, "development" refers to the act of developing or to the result of development.

DEVELOPMENT AGREEMENT means an agreement entered into between the City and another party associated with the development of land, including agreements associated with development orders issued pursuant to Section 21-101 of this Code.

DEVELOPMENT ORDER means an order or permit granting, denying, or granting with conditions an application for a development permit.

DEVELOPMENT SIGN means a sign designed and intended to advertise and promote the sale of buildings or subdivided lots on the same parcel.

DIAMETER AT BREAST HEIGHT (DBH) means the diameter of a tree, measured 4-1/2 feet above the average ground elevation at its base. If the tree, or shrub forks 4-1/2 feet

above the ground level, it is measured below the swell resulting from the double stem. Stems that fork below 4-1/2 feet above the ground level should be considered a separate plant.

DIRECTORY SIGN means a sign on which the names and locations of occupants or the use of a building is given.

DISCHARGE shall mean any intentional or unintentional action or omission resulting in the release of liquid, solid or gaseous material and includes but is not limited to a release, spilling, leaking, seeping, pouring, emitting, emptying, and dumping of any substance or material.

DOCUMENTATION means any photographs, slides, drawings, plans, electronic media, or additional written description or narrative relating to the specific matter.

DREDGING means excavation by any means that occurs in a water body or which is, or is proposed to be, connected to a water body via excavated water bodies or a series of excavated water bodies.

DWELLING means any building or portion thereof designed or used exclusively for residential living occupancy.

DWELLING TYPES

SINGLE-FAMILY means a residential building designed for, or occupied exclusively by one family.

DUPLEX means a residential building containing two dwelling units joined by a minimum 2-hour rated firewall each having separate entrances and kitchen facilities.

MULTI-FAMILY means a residential building on one parcel of land designed for, or occupied exclusively by three or more families with separate housekeeping and cooking facilities for each unit.

APARTMENT means a rented or leased room, or a suite of rooms, occupied, or which is intended or designed to be occupied as the home or residence of one individual, family, or household for housekeeping purposes with each unit separated by a minimum one-hour rated fire wall.

TOWNHOUSE means a one family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common wall with a minimum 2-hour rated fire wall.

GARAGE APARTMENT means a two story attached accessory building

with a ground floor automobile storage and single family living quarters on the second floor located in a multi-family designated district.

GARDEN APARTMENT means a residential building containing more than four apartments, not exceeding three stories in height with units located side by side and on top of each other with each unit separated by a minimum one-hour rated fire wall.

UNIT means a group of interrelated rooms which are intended or designed for the use of one family, separated from other spaces by lockable doors, having access to the outdoors without crossing another dwelling, having living and sleeping facilities and cooking facilities, fixed or portable, and complete sanitary facilities.

MID-RISE means a residential building containing more than four apartments, not less than four stories with units located side by side and on top of each other.

CLUSTER HOUSING means a development involving two or more detached dwellings to be constructed on a parcel on which all land areas not occupied by dwelling units shall be designated as common space.

DRY BOTTOM means any water retention, detention, or conveyance facility which evacuates its water level below its designated bottom within seventy-two hours of its deigned storm event, by either natural or artificial draw down means; and whose bottom is maintained a minimum twelve inches above the SHWT.

EASEMENT means any strip of land created by a subdivider, or granted by the owner for public utilities, drainage, sanitation or other specified and limited uses, the title to which shall remain in the name of the property owner subject to the right of use designated in the conveyance.

ELEVATED BUILDING means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers).

EMF (electromagnetic field) means a wireless communication.

ENGINEER means a person practicing engineering and licensed in the State of Florida pursuant to the requirements of Chapter 471, F.S.

ENVIRONMENTAL CONSTRAINTS means natural resources or natural characteristics that are sensitive to improvements and require mitigative actions to be maintained by owner.

EQUIPMENT means the implements used in an operation or activity.

EQUIVALENT RESIDENTIAL UNIT (ERU) means 250 gallons per day potable water usage, and 237.5 (95% of water use) gallons per day of wastewater contribution to be an equivalent residential unit.

ERECT shall mean to build, construct, attach, hang, place, suspend or affix, whether temporary or permanent, and shall include the painting of wall signs.

ERECTED means attached, altered, constructed, enlarged, reconstructed, or moved whether temporary or permanent.

EXCHANGE ACCESS means the offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services.

EXFILTRATION SYSTEM means water passing through a permeable substance such that water is filtered as it is discharged from a water conveyance facility (e.g., exfiltration pipe).

EXISTING CONSTRUCTION means any structure for which the "start of construction" commenced before June 17, 1974.

F.A.C. means the most current version of the Florida Administrative Code which is the administrative rules implementing state statutes.

FAMILY means a group of individuals living under one roof. Those who dwell under the same roof and compose a family; a social unity comprised of those living together in the same dwelling.

FEMA means the Federal Emergency Management Agency.

FENCE means a barrier, usually comprised of wooden or metal posts, rails or wire mesh, used as a boundary marker or means of protection or confinement.

FIREWALL means a wall as described in the Standard Building Code which is of sufficient fire resistance, durability and stability to withstand the effects of an uncontrolled fire exposure, which may result in collapse of the structural framework on either side. Openings in the wall, if allowed, must be protected.

FIRM means the Flood Insurance Rate Map.

FIS means Flood Insurance Study.

FIXED BASE OPERATIONS means directly related activities to operate and support an airport and its users.

FLASHING SIGN means a sign that contains an intermittent or sequential flashing light source. An animated or moving sign shall not be considered a flashing sign. Such signs shall not be deemed to include time and temperature signs.

FLOOD OR FLOODING means 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.

FLOOD HAZARD AREA means land in the flood plain within a community which is subject to a one percent (1%) or greater chance of flooding in any given year. Also defined as the one hundred (100) year storm event or Base Flood.

FLOOD INSURANCE RATE MAP (FIRM) means an official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means a Federal Emergency Management Agency (FEMA) report containing flood profiles, flood boundary maps and the water surface elevation of the base flood.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

FLOOD PLAIN means boundaries of the special flood hazard area indicating a flood having one percent (1%) chance of occurrence in any given year as indicated on the Federal Insurance Rate Map (FIRM) Flood Hazard Boundary Map. Flood plain can also be defined as or include a ten (10) year, twenty-five (25) year or one hundred (100) year storm event.

FLOOR means the top surface of an enclosed area in a building, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction, but does not include the floor of a garage used solely for parking vehicles.

FLOOR AREA means the sum of the gross horizontal area of the several floors of a building, except that in structures used as a residence, cellar, basement, garage, carport, patio, porch and attic floor area not devoted to living use shall be excluded. All dimensions shall be measured between exterior faces of walls or the center line of the wall separating two attached buildings.

FLOOR AREA RATIO (FAR) means the gross floor area of a building or structure divided by the gross area of the parcel.

FOWL means any guineas, peafowl, pigeons, pheasants or poultry or similar wild birds.

FRONTAGE see "Lot Frontage."

F.S. means the most current version of the Florida Statutes.

FUTURE LAND USE MAP (FLUM) means a graphic representation of the land use categories adopted as part of the Edgewater Comprehensive Plan. The Future Land Use Map may also be referred to as the "Land Use Map" or "Future Land Use Map Series."

GARAGE means an accessory building incidental to a dwelling unit which is intended for the off-street storage of motor vehicles belonging to the inhabitants of the dwelling unit on the parcel on which the garage is located; and is not intended to be used for any commercial business purpose.

GRADE means the slope of a road, street, unimproved land, or any other land improved, altered or changed; specified in percent.

GROUND SIGN mean a sign that is anchored to, and not elevated above, the ground and maintains essentially the same contour from the ground to the top of the sign.

GUEST COTTAGE means living quarters within a detached accessory building located on the same lot or parcel as the main building to be used exclusively for housing members of the family occupying the main building and/or their nonpaying guests; such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

GUYED TOWER means a communication tower that is supported, in whole or in part, by guy wires and ground anchors.

HAZARDOUS MATERIALS means any substance or material, solution, mixture, or a formulation containing such materials and includes any material which due to its chemical composition poses an unreasonable and eminent risk to the life, health, safety or welfare of persons, property or environment. Materials deemed hazardous are as specified in the following:

(a) Chapter 38F-41 of the Florida Administrative Code
(b) Title 40 of the Code of Federal Regulations, Part 261
(c) Title 40 of the Code of Federal Regulations, Part 302.4
(d) Title 40 of the Code of Federal Regulations, Part 355

HEALTH/EXERCISE CLUB means an establishment which provides for athletic and physical force training or health and recreational exercise whether private or public.

HIGHEST ADJACENT GRADE means the highest elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC DISTRICT means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects or areas, which are united by past events. A district also may be comprised of individual resources which are separated geographically but are linked by association or history.

HOME OCCUPATION means a commercial enterprise within a residence for the purpose of sending and receiving communication, maintaining records and similar functions; and where no business is conducted other than by phone, mail or electronically; and employing no persons other than members of the immediate family residing on the premises. No commercial delivery shall be allowed.

HOSPITAL means an institution where the sick or injured are given medical or surgical care.

HOTEL see "Motel."

ILLEGAL SIGN means a sign that does not meet the requirements of this Code and that has not received nonconforming status.

ILLICIT CONNECTION means point source discharges to the City's MS4 or to waters of the United States, which are not composed entirely of stormwater and are not authorized by a permit.

ILLICIT DISCHARGE means the discharge to the City's MS4 or to waters of the United States which is not composed entirely of stormwater, unless exempted pursuant to local, state and/or federal permits.

ILLUMINATED SIGN shall mean any sign illuminated in any manner by an artificial light source.

IMPERVIOUS SURFACE AREA (ISA) means the area of a lot or parcel of land covered by any part of a building, street, parking lot, or any other structure, improvement, facility or material, except roof overhang, which restricts natural percolation by rain water. This includes swimming pools, all asphalt, brick or wooden surfaces and areas devoted to any outdoor storage and/or display of materials and merchandise. Unpaved parking shall be considered impervious surfaces.

IMPERVIOUS SURFACE RATIO (ISR) means the gross impervious surface area divided by the gross area of the parcel.

IMPROVEMENT means any building, structure, construction, demolition, excavation, landscaping, or any part thereof existing, built, erected, placed, made, or done on land or other real property for its permanent benefit. Property abutting a street, waterway or utility easement shall be considered improved.

INFILL DEVELOPMENT means the addition of new housing or other buildings on scattered vacant sites or platted lots in a developed area or subdivision.

INFILTRATION means water passing through a permeable surface such that the water is filtered before it is collected by a water conveyance facility (e.g., under drain pipe).

INFORMATION SERVICES means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

INTEGRAL SIGN means memorial signs or tablets, including names of buildings and date of erection when cut into any noncombustible materials mounted on the face of a building.

INTERNET/SWEEPSTAKES CAFÉ means any business, establishment or portion of business or establishment, which conducts giveaways through drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes, game promotions, to include any giveaways obtained with any "Computerized Sweepstakes Device", as defined in this Section, and that does not otherwise violate Florida law and is located for the use or entertainment of the public.

JUNKYARD see "Salvage Yards."

KENNEL means any place of business where dogs or cats regardless of number are kept for sale, breeding, boarding or treatment purposes, except an animal hospital, grooming facility or pet shop. The term "kennel" shall include any premises used for residential purposes where five (5) or more dogs or cats four (4) months or older are kept, harbored or maintained for monetary compensation.

LAND PLANNING AGENCY means the Planning and Zoning Board as designated pursuant to the requirements of Chapter 163.3174, F.S.

LANDMARK in regards to Historic Preservation means a building or structure meeting one or more of the criteria required in Article XIV of this Code. A "landmark" shall include the location of significant archeological structures, features or of an historical event.

LANDMARK SITE in regards to Historic Preservation means the land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the settings for the landmark.

LATTICE TOWER means a telecommunication tower that is constructed without guy wires and ground anchors.

LEVEL OF SERVICE STANDARD (LOS) means the volume of capacity per unit of demand for certain public facilities as adopted in the Comprehensive Plan.

LITTER means any garbage, rubbish, trash, refuse, cans, bottles, boxes, container paper, tobacco products, tires, appliances, electronic equipment, mechanical equipment or parts, building or construction material, tools, machinery, wood, motor vehicles or motor vehicle parts, vessels, aircraft, farm machinery or equipment, sludge from a water treatment facility, water treatment plant or pollution control facility; or substances in any form resulting from domestic, industrial, commercial, mining, agriculture or governmental operations as defined in Chapter 403.413, F.S.

LIVING AREA means space in a structure in which the air is conditioned by heating and/or air conditioning and the space is habitable and enclosed.

LOADING SPACE means a space within, or adjacent to, the main building on a lot providing for the standing, loading or unloading of trucks.

LOCAL REGISTER in regards to Historic Preservation means a method by which to identify and classify various sites, buildings and objects as historic and/or architecturally significant.

LOCATION means any lot, premises, building, structure, wall or any place whatsoever upon which a sign, structure or dwelling is located.

LOT means an area of land which abuts a street and which either complies with or is exempt from the City's regulations, and is sufficient in size to meet the minimum area and width requirements for its zoning classification as established in Article V of the Land Development Code or in Article VII entitled "Non-Conforming Uses" or a subdivision or any other tract or parcel of land, including the airspace above or contiguous thereto, intended as a unit for transfer of ownership or for development or both. The word "lot" includes the word "plot", "tract" or "parcel".

LOT AREA means the total horizontal area within the boundaries of a lot of record.

LOT, CORNER means either a lot bounded entirely by streets, or a lot that adjoins the point of intersection of two or more streets and includes lots on curves.

LOT COVERAGE means that portion of the lot area expressed as a percentage, occupied by all buildings.

LOT, FLAG means a lot or building site which has minimum required frontage on a public or private street typically behind another lot also fronting on the same street shaped similar to a flag.

LOT FRONTAGE means any portion of a lot which fronts upon a public or private street. The primary front line is that frontage on which the address is given.

LOT, THROUGH (DOUBLE FRONTAGE) means any lot, not on a corner, having both the front and rear property lines adjacent to a public street.

LOT LINE means the boundary of a lot.

LOT LINE, FRONT means the continuous line formed by the lot frontage.

LOT LINE, REAR means any lot line, except a front or side lot line.

LOT LINE, SIDE means a continuous line which runs back from an intersection with the lot front line, and which forms the boundary line between the lot and the adjacent parcel of land.

LOT LINE, ZERO means a single-family dwelling unit sited on a lot contiguous to one side lot line with no more than a 5-foot separation.

LOT OF RECORD means a lot or parcel whether or not a part of a subdivision which exists as shown or described on a plat or deed in the Official Records of Volusia County as of June 17, 1974.

LOUNGE means a building or portion of a building wherein alcoholic beverages are sold by the drink and consumed on the premises (includes the word Nightclub).

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished shed or flood-resistant enclosure which is not within a basement but which is usable solely for parking of vehicles, building access or storage purpose, is not considered a building's (or structure's) lowest floor, providing such enclosure is built in compliance with applicable non-elevation design requirements of this Code.

MANGROVE STAND means an assemblage of mangrove trees which is mostly low trees noted of a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species:

Black Mangrove	-	(Avicennia nitida)
Red Mangrove	-	(Rhizophora mangle)
White Mangrove	-	(Laguncularia racemosa)
Buttonwood	-	(Conocarpus erecta)

MANSARD means a sloped roof or roof-like facade architecturally comparable to a building wall.

MANUFACTURED HOME (OR STRUCTURE) means a mobile home 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 Federal Manufactured Home Construction and Safety Standard Act.

MANUFACTURING means a premises, or portion of a premises, occupied by an establishment primarily engaged in the making of a product, fabrication or processing of materials, products or personal property.

MARQUEE means a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall that is designed and constructed to provide protection against the weather.

MEAN HIGH WATER means the average height of waters over a 19-year period. For shorter periods of observation, "mean high water," means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19 year value.

MEAN SEA LEVEL means the average height of the sea for all stages of the tide and is used as a reference to establish flood plain elevations.

MECHANICAL REPAIR see "**VEHICLE REPAIR**."

MICROWAVE means a dish antenna, or a dish-like antenna used to link communication sites together by wireless transmission of voice or data.

MINI-WAREHOUSE means a structure, or structures in a controlled access and fenced compound that contains varying sizes of individual climate controlled compartmentalized and controlled access stalls or lockers without water, sewer or electric connections for the dead storage of customers' goods or wares.

MINOR SUBDIVISION means any division or re-division of a parcel of land in single ownership whose entire area is ten (10) acres or less, into not more than three (3) lots if all of the following requirements are met:

(a) All resultant lots or parcels front by at least twenty feet (20') on an existing public or private street and;
(b) The division or re-division does not involve the construction of any new street, road or change in an existing street or road and;
(c) The division or re-division does not require the extension of municipal water or sewer or the creation of any public improvement.

MIXED USE DEVELOPMENT means more than one (1) type of use in a single parcel or structure.

MOBILE and LAND BASED TELECOMMUNICATION FACILITY means whip

antennas, panel antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless transmission with low wattage transmitters not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.

MOBILE HOME means a structure, transportable in one (1) or more sections which is eight (8) body feet or more in width, and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For the purpose of this section, a travel trailer is not classified as a mobile home.

MOBILE HOME PARK means a parcel or tract of land of contiguous ownership where lots or spaces are rented or leased to accommodate more than one (1) mobile home.

MOBILE VENDOR (Mobile Dispensing Vehicle) means any vehicle mounted public establishment that is self-propelled or otherwise moveable from place to place, and is self-sufficient for utilities, such as gas, water, electricity, and liquid waste disposal. Proof of inspection by the State of Florida Department of Motor Vehicles is required.

MODEL HOME CENTER means an area comprised of one (1) or more lots containing one (1) or more model dwellings upon which active sales or demonstration activities are conducted regardless of the ownership status of the model dwellings or lots.

MODULAR HOME means a structure constructed to the same state, local or regional building codes as site-built homes. Other types of system-built homes include panelized wall systems, log homes, structural insulated panels, and insulating concrete forms. A modular home is designed to be set on a permanent foundation and is not intended to be moved once set.

MONOPOLE TOWER means a telecommunication tower consisting of a single pole or spire self supported by a permanent foundation, constructed without guy wires and ground anchors.

MOTEL means a building, or group of buildings, which contains sleeping accommodations for transient occupancy and may have individual entrances from outside the building to serve each such sleeping unit. Motels may have one (1) or more dining rooms, restaurants or cafes as accessory uses. For the purposes of this Code, motel and hotel shall have the same meaning.

MOVABLE SIGN means any mobile sign or sign structure, not securely attached to the ground or to any other structure, but does not include trailer signs as defined below.

MOVING SIGN means a sign all or part of which is in motion, including fluttering, rotating, revolving or any other motion.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) means a conveyance, storage area or system of conveyances and storage areas (including, but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, storm drains, treatment ponds, and other structural BMPs) owned or operated by a local government that discharges to waters of the United States or to other MS4's, that is designed solely for collecting, treating or conveying stormwater, and that is not part of a publicly owned treatment works (POTW) as defined by 40 Code of the Federal Register 122.2 or any amendments thereto.

MUNICIPALITY means a duly incorporated municipality in the County.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) means a vertical control used as a reference for establishing varying elevations within the flood plain.

NAVD88 means the North American Vertical Datum of 1988.

NET DENSITY means the number of dwelling units per acre of land devoted to residential uses and excludes right-of-ways, wetlands and lands below the 100-year flood plain.

NEW CONSTRUCTION means any structure for which the "start of construction" commenced after adoption of this Article and includes any subsequent improvements to such structure.

NGVD29 means the National Geodetic Vertical Datum of 1929.

NIGHTCLUB See "Lounge."

NONCONFORMING BUILDING OR STRUCTURE means a structure or building existing as of June 17, 1974 which does not conform to the property development regulations of area, height, lot coverage, yard setbacks, lot location or other like requirements of the district in which it is located.

NONCONFORMING LOT means an existing single lot, tract or parcel of land at the effective date of this Code which does not conform to the property development regulations of area, lot width, depth or both or other like requirements of the district in which it is located.

NONCONFORMING USE means any use of land, building or structure which does not conform to all of the provisions, requirements and regulations of this Code at the time of adoption.

NONCONFORMING SIGN means any sign that was a legal sign prior to adoption of this Code, but which does not conform to all of the requirements of this Code.

NONRESIDENTIAL ACTIVITY means any activity occurring on any described parcel of land, whether or not within a structure, that is not a residential activity as defined herein.

NON-TRANSIENT NON-COMMUNITY WATER SYSTEM means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.

NUMBER PORTABILITY means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

NUISANCE means an offensive, annoying, unpleasant, or obnoxious object, odor, noise or practice; a cause or source of annoyance, especially a continuing or repeated invasion or disturbance of another's right, including the actual or potential emanation of any physical characteristics of activity or use across a property line, which emanation can be perceived by or affects a human being.

NURSING HOME means a licensed and regulated facility for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

OFFICIAL MAP means the map established by the City Council as amended from time to time showing the streets, highways and parks thereafter laid out, adopted and established by the law and any additions resulting from the approval of subdivision plans or annexations.

OPEN SPACE means any parcel or area of land or water set aside, reserved or dedicated for the use and enjoyment of all owners and occupants of the project. Usable common space shall include area(s) readily accessible and generally acceptable for active or passive recreational use. Open space shall not include required setback areas, contain structures, impervious surfaces, or right-of-ways other than those intended for landscape or recreational purposes.

OUTSTANDING FLORIDA WATERS (OFW) means special designation by the FDEP, for waters worthy of special protection because of their natural attributes, pursuant to the criteria set forth in Section 17-3.041 of the Florida Administrative Code. The eastern border of the City of Edgewater along the Intracoastal Waterway also referred to as the Mosquito Lagoon, an aquatic preserve, is considered an OFW.

OWNER means any person, partnership, corporation or corporations, or other legal entity having legal title to the land sought to be subdivided or developed under this Code.

PAIN CLINIC (hereinafter "pain clinics" shall include, but not be limited to, pain clinics, pain management clinics, wellness clinics, urgent care facilities or detox centers) shall have the same meanings and same exemptions as provided for in Florida Statutes Chapter 458 and 459 as amended from time to time, or any successor state law. Pain clinic means a privately owned pain management clinic, facility or office which advertises in any medium for any type of

pain management services or employs a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and is required to register with the Florida Department of Health pursuant to Florida Statutes Chapter 458 and 459 as amended from time to time, or any successor state law. A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Pain management clinic does not include a clinic:

(a) Licensed as a facility pursuant to Chapter 395, Florida Statutes, as may be amended from time to time;
(b) Where the majority of the physicians who provide services in the clinic primarily provide surgical services;
(c) Owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded fifty million dollars ($50,000,000.00);
(d) Affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;
(e) That does not prescribe or dispense controlled substances for the treatment of pain; or
(f) Owned by a corporate entity exempt from federal taxation.

PANEL ANTENNA means an array of antennas designed to concentrate a radio signal in a particular area.

PAWN SHOP means an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

PENNANTS shall include the terms "ribbons" and “streamers" and shall mean pieces of cloth, flexible plastic or other flexible material intended to attract attention because of their bright colors and/or flapping caused by action of the wind and shall include a single pennant, ribbon or streamer or a series of such pennants, ribbons or streamers.

100 PERCENT CLEAR ZONE means the requirement that in the event of a tower failure, the entire height of the tower would fall completely within the boundaries of the subject parcel.

PERMANENT CONSTRUCTION shall mean designed, constructed and intended to be used for more than 180 days, but does not include land preparation, such as clearing, grading and filling.

PERMANENT STRUCTURE means a building designed, and constructed from the ground up, meeting all building code and fire protection standards and intended to be used for more than 180 days, but does not include land preparation, such as clearing, grading, and filling.

PERSON means any individual, firm, association, organization, whether social, fraternal of business, partnership, joint venture, trust company, corporation, receiver, syndicate, business trust, or other group or combination acting as a unit, including any government.

PERSONAL SERVICES means a use primarily engaged to provide services involving the care of a person's appearance or apparel.

PLACE OF WORSHIP means a premises, or portion of, occupied by a religious organization operated primarily for worship and related activities; may also be called a church, temple, synagogue or other names appropriate to the worship and related activities. The term worship does not include day care facilities or educational facilities.

PLANNED UNIT DEVELOPMENT (PUD) means a land area under unified control, designed and planned to be developed for residential, commercial or industrial uses in an approved Final Development Plan. Total land area must be fifteen (15) acres or more.

PLAT means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of all applicable sections of this Code and any other local or state legislation including Chapter 177, F.S. and may include the terms "replat", "amended plat," or "revised plat."

POLE SIGN means a sign attached to, and elevated above, the ground by means of a pole or poles.

POLITICAL SIGN OR CAMPAIGN SIGN means a sign relating to any person, political party or matter subject to a public election.

PORTABLE SIGN means a sign that is mounted on a trailer or other chassis and is capable of being moved as an entire unit.

POTABLE WATER means water that is satisfactory for drinking, culinary and domestic purposes meeting current State and Federal drinking water standards.

POTABLE WATER SUPPLY WELL means water supply well which has been permitted for consumptive use by the SJRWMD**.**

PREMISES means a parcel of land with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit of real estate.

PRIMARY CONTAINMENT means the first level of product-tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous substance being contained.

PROJECTING SIGN means any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

PUBLIC BODY means any governmental agency of the City, Volusia County, the State of Florida or the United States.

REAL ESTATE SIGN means any sign that is used to offer for sale, lease or rent the property upon which the sign is placed.

RECHARGE AREA means a recharge area designated by the SJRWMD for the surficial aquifer in the City of Edgewater.

RECLAIMED WATER means treated wastewater effluent that has received at least advanced secondary treatment and high-level disinfection.

RECREATIONAL VEHICLE means a vehicle designed as temporary living quarters for recreational camping or travel use, which either has its own motor power or is mounted on, or drawn by, another vehicle. The term recreational vehicle excludes park trailers, automotive vans and mobile homes, but includes travel trailers, camping trailers, truck campers and motor homes as defined by Chapter 320.01, F.S.

REPEAT VIOLATION means a violation of a provision of a code or ordinance by a person who has been previously found through the Code Compliance Board to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations which occurred at different locations.

RESIDENTIAL ACTIVITY means any structure, or portion thereof, that is used for residential purposes, including those customary and accessory residential activities.

RESTAURANT means where meals are prepared, and food, including beverages and confections, is served to customers, with the food and nonalcoholic beverage sales amounting to at least fifty-one percent (51%) of the total food sales. Restaurants are hereby classified as follows:

Type A. Restaurants with dining tables and counter stools having all service indoors and providing no service to persons inside vehicles or at walk-up windows.

Type B. Restaurants which have indoor service and may serve food for consumption on or off the premises and which specialize in short order foods and beverages, including “drive-through” and/or “walk-up” service.

RE-SUBDIVIDE means the making of a new subdivision and/or replatting of previously subdivided and/or platted parcels.

REUSE means the deliberate application of reclaimed water, in compliance with Florida Department of Environmental Protection and the St. Johns River Water Management District rules, for a beneficial purpose.

RIGHT-OF-WAY means land dedicated, deeded, used or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, utilities or other purpose by the public, certain designated individuals, or governing bodies.

ROADWAY/STREETS means public or private roads falling into one of several categories, more particularly defined as follows:

Expressway means a limited access facility of four (4) or more lanes designed primarily for the high-speed movement of traffic.

Arterial means a facility of two (2) or more lanes designed primarily to serve as a major access route to expressways and/or as a connector of subregions, inter-county and inter-city vehicular movement. The main function is to move large volumes of vehicles (greater than 6,000 Average Daily Trips (ADT's).

Collector means roads of two (2) or more lanes designed primarily for traffic movement within and between residential neighborhoods, commercial and industrial areas and all other roads.

Cul-de-sac means a minor street with only one (1) outlet terminating at one (1) end with a circular turn around.

Local means road facilities designed primarily to provide direct access to abutting property. Average daily trips are normally less than 1000 vehicles.

Marginal Access means roads which are parallel to, and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

Private means any street that has not been dedicated for public use.

Public means any street designed to serve more than one (1) property owner which is dedicated to the public use and accepted for ownership and maintenance by the City Council or other regulatory public body, includes any street right-of-way dedicated to the public prior to, or at the time of, adoption of this Code.

ROOF LINE means the top edge of the roof or the top of a parapet; whichever forms the top line of the building silhouette.

ROOF SIGN means any sign erected or constructed wholly upon and over the roof of

any building and supported solely on the roof structure.

SALVAGE YARD means a location used for collection, storage and/or abandonment of discarded or waste materials.

SCREEN ENCLOSURE means an addition to an existing structure that is attached to the principal structure and is enclosed with screen and has a roof and three (3) sides.

SEASONAL HIGH WATER LEVEL (SHWL) means the elevation to which ground or surface water can be expected to rise during a normal wet season.

SEASONAL HIGH GROUND WATER TABLE (SHGWT) means the zone of water saturated soil at the highest average depth during the wettest season of the year.

SECONDARY CONTAINMENT means the level of product containment separate from the primary containment.

SELF-SUPPORT TOWER means a communication tower that is constructed without guy wires and ground anchors.

SEMI-TRAILER see "Vehicle - Commercial."

SERVICE STATION means an establishment that is used primarily for the retail sale and direct delivery to motor vehicles of motor fuel and lubricants, as well as lubrication, washing, repairs and installation of automobile parts and accessories.

SETBACK (OR SETBACK LINE) means a line determined by measurement, parallel to a lot line, creating an area between the lot line and the setback line in which all structures (unless otherwise permitted) may not be erected.

SHOPPING CENTER means a group of commercial establishments planned, developed, owned and managed as a unit, with off-street parking provided on a site of at least one (1) acre and related in its location, size and type of shops to the trade area which the unit serves.

SHRUBS AND HEDGES means that shrubs and hedges shall be self-supporting woody evergreen species and shall be a minimum of two (2') foot in height, immediately after planting. Plants shall be spaced no more than three (3') feet apart measured from center to center.

SIGN means any device, structure, fixture, or placard using graphics, identifiable corporate, or business symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods or service.

SILVICULTURE means the cultivation and harvesting of forest products for sale and which has an agricultural exemption from the State.

SINGLE OR SOLE SOURCE AQUIFER means the portion of the Florida Aquifer underlying most of Volusia County as designated pursuant to the requirements of Chapter 17-520, F.A.C.

SITE IMPROVEMENT means any man-made alteration to a parcel of land for the purpose of preparing the land for future construction, the actual construction/renovation of structure or paving of a surface and/or the planting or installation of permanent landscaping.

SITE PLAN means an illustration of the details of development of areas such as commercial, industrial, recreational, multi-family, residential and other uses not reflected on the plat.

SJRWMD means the St. Johns River Water Management District, a state agency designated by Chapter 373, F.S. with broad authority to manage the waters of the State.

SNIPE SIGN means any sign of any material whatsoever that is attached in any way to a utility pole, tree or any object located or situated on public or private property.

SPECIMEN TREE means any tree that is unique by reason of age, size, rarity, or status as a landmark as determined by an arborist or botanist and includes the following species of trees with the minimum specified diameter in inches at breast height:

Common Name	Botanical Name	Inches (DBH)
Elm	Ulmus spp.	12 plus
Hickory	Carya spp.	12 plus
Loblolly Bay	Gordonia lasianthus	12 plus
Magnolia	Magnolia grandiflora	12 plus
Maple	Acer spp.	12 plus
Other Oak Species	Quercus spp.	12 plus
Red Bay	Persea borbonia	12 plus
Red Cedar	Juniperus silicicola	12 plus
Swamp Bay	Persea palustris	12 plus
Sweet Bay	Magnolia virginiana	12 plus
Sweet Gum	Liquidambar styraciflua	12 plus
Sycamore	Platanus occidentalis	12 plus
Turkey Oak	Quercus laevis	12 plus
Cypress	Taxodium spp.	12 Plus
Sugarberry/Hackberry	Celtis laevigata	12 Plus
Slash Pine	Pinus Elliotti	18 Plus
Longleaf Pine	Pinus Palustris	18 Plus

SPILL means the release or escape of a hazardous substance, directly or indirectly to soils, surface waters, or groundwater.

START OF CONSTRUCTION (except for construction, or substantial improvement under the Coastal Barrier Resources Act, PL97-348) means the date the building permit was issued and includes the first placement of permanent construction of a structure (including a manufactured or modular building) on a site or plot, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling.

STEALTH FACILITY means any telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mount antennas, antennas integrated into architectural elements, and telecommunications towers designed to look like light poles, power poles or trees.

STORAGE BUILDING means any structure used to shelter and/or protect equipment, supplies, chemicals, goods, furniture and the like for use by the principal occupant of the site.

STORAGE, OUTDOOR means the safekeeping of any goods, products, equipment or vehicles which are customarily incidental to the principal use, in an uncovered outdoor space and which is screened from view by the general public and neighboring properties.

STORAGE SYSTEM means any one or combination of tanks, sumps, wet floors, waste treatment facilities, pipes, vaults, or other portable or fixed containers used, or designed to be used, for the storage of hazardous substances at a facility.

STORY means that part of a building between the surface of a floor and the surface of the floor next above it, or if there is no floor above it then the space between the floor and the ceiling above it. For the purposes of this Code the minimum elevation change between a story shall be ten (10') feet. Any less dimension shall be considered a half-story.

STRUCTURAL ALTERATIONS means any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists or any substantial change in the roof or in the exterior walls of a building.

STRUCTURE means anything constructed, installed, or portable, which requires a location on a parcel of land. It includes a moveable structure while it is located on land which can be used for housing, business, commercial or industrial purposes whether temporary or permanent. Structure shall include, but not be limited to walls, billboards, swimming pools and decks, communication towers, on-site signs, tents, porches, fences, privacy screens, docks, arbor, gazebos, canopies/temporary carports, sheds and similar structures. Structure shall not include, pipes, pump stations and any other construction below ground level.

SUBDIVIDER means any person, firm, partnership, association, corporation, estate or trust or any other group or combination acting as a unit, dividing or proposing to divide land so

as to constitute a subdivision as herein described.

SUBDIVISION means the platting of real property into three (3) or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land, and includes establishment of new streets and alleys, additions, and resubdivisions and when appropriate to the context, relates to the process of subdividing or to the land or area subdivided. (See Chapter 177.031(18), F.S.)

SUBDIVISION PLAT, PRELIMINARY means a drawing to scale and other supporting data, of a proposed subdivision prepared for the purposes of establishing the overall general layout and design for the provision of streets, lots, blocks and the location, plans and specifications for streets, utilities and other improvements.

SUBDIVISION SIGN means a sign designed as a permanent structure containing only the name of a subdivision, and not used for promotional purposes.

SUBDIVISION SKETCH PLAN means a drawing, not necessarily to scale, which shows a conceptual layout of the proposed subdivision.

SUBSTANTIAL DAMAGE See current Florida Building Code.

SUBSTANTIAL IMPROVEMENT See current Florida Building Code.

SURVEYOR means a land surveyor duly registered in the State of Florida.

SWALE means a man-made trench or channel approximately 1-foot deep or less and having side slopes equal to or greater than 4-foot horizontal to 1-foot vertical.

SWIMMING POOL means a body of water in an artificial or semi-public or private swimming setting or other water-related recreational activity intended for the use and enjoyment by adults and/or children, whether or not any charge or fee is imposed upon such adults or children, operated and maintained by any person, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool. This definition shall include whirlpools, spas, and hot tubs unless separately identified and shall exclude 110-volt plug-in Jacuzzi/hot tubs.

SWIMMING POOL, COMMERCIAL means a swimming pool and attendant equipment operated for profit or nonprofit open to the public and/or serving more than one family.

TATTOO PARLOR/BODY- PIERCING STUDIO means an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

a) The placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances which result in the permanent

coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

b) The creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This term does not include a permanent makeup establishment.

TELECOMMUNICATIONS means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content.

TELECOMMUNICATION CARRIER means any provider of telecommunications services, except that such term does not include aggregators of telecommunications services. A telecommunications carrier shall be treated as a common carrier only to the extent that it is engaged in providing telecommunications services, except that the FCC shall determine whether the provision of fixed and mobile satellite services shall be treated as common carriage.

TELECOMMUNICATIONS EQUIPMENT means equipment, other than customer premises equipment, used by a carrier to provide telecommunications services, and includes software integral to such equipment (including upgrades).

TELECOMMUNICATION SERVICES means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

TEMPORARY SIGN means any sign or advertising display intended for use for a period of time not to exceed twenty-four (24) days and designed and constructed in accordance with this intention.

TRAILER means any non self-propelled wheeled vehicle licensed by the State of Florida as a trailer, not otherwise regulated herein as “Commercial”, “Watercraft” or “Recreational”.

TRAILER SIGN means any sign mounted on a vehicle normally licensed by the State of Florida as a trailer.

TRAVELING LIGHTS SIGN means any sign that includes a series of lights, or lighting device that appears to move or travel in automatic sequence on the display surface of the sign.

TREE means any living, self-supporting perennial plant which has a trunk diameter of at least six inches (6") at D.B.H.

TREE SURVEY means a drawing prepared by a licensed Surveyor or Arborist in a readable scale for the site’s size that provides the location, and common name for each tree equal

to or greater than the defined DBH per each specimen and historic tree. The survey shall include a numbered list of the identified trees.

TRIP means a single or one-way vehicle movement.

TRIP END means the origin or destination of a trip.

TRIP GENERATION means the total number of trip ends produced by a specific land use or activity.

UNLICENSED WIRELESS SERVICES means the offering of telecommunications services using duly authorized devices which do not require individual licenses; direct-to-home satellite services are excluded from this definition.

USE means the purpose for which land or a structure thereon is designed, arranged or intended to be occupied or utilized, or for which it is occupied or maintained.

Use, Permitted - means a use which is permitted in a particular zoning district providing it conforms with all requirements, regulations and standards of such district.

Use, Principal - means the primary purpose for which the land or building used as permitted by the applicable zoning district.

UTILITIES means, but is not limited to: water systems, electrical power, sanitary sewer systems, stormwater management systems, gas systems, communication systems, telephone and television cable systems, and street lighting.

UTILITY SHED means a building either constructed on site or pre-manufactured, containing 120 square feet or less.

UTILITY SERVICE FACILITIES means elements of utility distribution, collection or transmission networks required by their nature to be relatively dispersed throughout the service area. Typical facilities include, but are not limited to, electrical substations and telephone exchange structures.

VARIANCE means a modification of the strict application of site development requirements related to yard setbacks, building height, parking requirements, landscaping, drainage, and/or signage.

VEHICLE means any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance.

VEHICLE, ABANDONED means a vehicle that has no appearance of use for 60 days or more. Indication of an abandoned vehicle may include: no maintenance, no cover or

screening, grass and weeds growing under and around vehicle and/or flat tires.

VEHICLE, COMMERCIAL means any vehicle, concession wagon, semi-trailer cab, or trailer with a rated capacity of more than one ton, and/or has more than two (2) axels, is over twenty-four (24) feet long, is intended or used for the transportation of people or goods as part of a business; and/or is either commercially or privately registered. Commercial vehicle shall not include rental vehicles designed for temporary personal use.

VEHICLE, LICENSED means any vehicle which is currently licensed by the State of Florida

VEHICLE, MARINE means any vehicle designed for and used on any water body.

VEHICLE PAINT AND BODY SHOP See "Automotive Paint and Body Shop."

VEHICLE ACCESSORY INSTALLATION means the following:

(a) Vehicle tune-up shops.

(b) Installation, repair or services of vehicle glass, sun roofs, convertible tops, interiors, tinting, audio equipment, alarms and similar items.

(c) Installation, repair or servicing of vehicle brakes, shock absorbers, radiators or air conditioning devices.

(d) Installation, repair or servicing of vehicle electrical or ignition systems.

(e) Washing, waxing, accenting and similar activities commonly known as detailing.

VEHICLE REPAIR means all maintenance of and modification and repairs to motor vehicles, and diagnostic work incident thereto, including, but not limited to, the rebuilding or restoring of rebuilt vehicles, warranty work, and other work customarily undertaken by motor vehicle repair shops.

VESTED RIGHTS, COMMON LAW means a right not created by statute or the provisions of the City of Edgewater Comprehensive Plan which would authorize the development of real property or the continued development of real property notwithstanding the provisions of the City of Edgewater Comprehensive Plan. The assignment of a particular zoning classification, or a particular land use designation to a parcel of real property does not guarantee or vest any specific development rights to any person or entity as to said real property.

VESTED RIGHTS, STATUTORY See Section 21.07.

VIOLATION means non-conformance with a code or ordinance, intentionally or unintentionally.

WALL SIGN means any sign painted on, or attached essentially parallel to, the outside wall of any building and supported by such wall with no copy on the sides or edges.

WAREHOUSE means a structure that stores goods and/or merchandise for use off-site.

WATERS means and shall include but not be limited to rivers, lakes, streams, springs, impoundments and all other waters or bodies of water whether surface or subsurface and whether navigable or non-navigable. The term shall encompass all bottom lands lying below the mean high water mark, whether said bottom lands are submerged or not.

WATERS OF THE UNITED STATES means surface and ground waters as defined by 40 Code of the Federal Register 122.2.

WATERCRAFT means any vehicle designed for use in water.

WATERWAY means a channel, creek, ditch, drainage way, dry run, spring, stream, river and canal; but not a lake, pond or pool without a water outlet.

WELL means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater.

WELLFIELD means an area of land that contains one or more potable water supply wells.

WELLHEAD PROTECTION AREA means an area designated by the City, upon the advice of the SJRWMD, to provide land use protection for the groundwater source for a potable water wellfield, including the surface and subsurface area surrounding the wellfield.

WELLFIELD PROTECTION ZONE - PRIMARY means the land area immediately surrounding any potable water supply well and extending a radial distance of five hundred feet (500') from said well(s).

WELLFIELD PROTECTION ZONE - SECONDARY means the land area, adjacent and surrounding the primary wellfield protection zone extending and defined by a radial distance of one thousand feet (1,000') from the well(s).

WELLFIELD PROTECTION ZONE PERMIT means that permit issued by the city authorizing the activities.

WET BOTTOM means any water retention, detention, or conveyance facility which cannot evacuate its water level (naturally or artificially) below its design bottom within seventy-two 72 hours of its design storm event or those tidally influenced facilities that contain water above their bottom more than twelve (12) hours a day.

WETLANDS means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances

do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include, but are not limited to, swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an under story dominated by saw palmetto. The delineation of actual wetland boundaries may be made by any professionally accepted methodology consistent with the type of wetlands being delineated but shall be consistent with any unified statewide methodology for the delineation of the extent of wetlands ratified by the Legislature.

WETLAND BOUNDARY means the location on the ground where:

(a) The vegetation type shifts from dominantly wetland types to dominantly upland species; or

(b) The soil type shifts from dominantly wetland types to dominantly upland types; or

(c) Flooding, inundation, or saturated soil indicators are no longer present.

WETLAND BUFFER means the twenty-five feet (25') upland areas adjacent to wetlands that protect the wetlands and consists of the existing canopy, under story, and groundcover.

WETLAND MITIGATION means any action to restore and/or create wetlands in compensation for permitted development activities.

WHIP ANTENNA means a cylindrical antenna that transmits signals in three hundred and sixty (360) degrees.

WINDOW SIGN means any sign on a window facing the outside and which is intended to be seen from the exterior.

WRECKER/TOW TRUCK means a motor vehicle equipped with hoisting apparatus or other equipment designed for the towing or servicing of wrecked, disabled or inoperable automobiles, trucks, motor vehicles or industrial equipment.

XERISCAPE means a landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system. The principles of xeriscape include planning and design, appropriate choice of plants, soil analysis, the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

YARD means a required open space clear from the ground surface upward, unoccupied and unobstructed by any structure except for fences, walls, trees, and other living landscape material as provided herein.