

DEFINITIONS

For the purposes of this article, the following terms, phrases, words and their derivation shall have the meanings given herein when not inconsistent with the text. Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural include the singular. The word "shall" is mandatory, and the word "may" is permissive. The word "person" includes a firm, partnership, trust, estate, company, association and organization, whether for profit or nonprofit, individual, copartnership, joint venture or corporation.

For the purpose of this article, certain words or phrases shall be defined as follows: Webster's New Collegiate Dictionary (G&C Merriam Co., most recent edition) shall be used for the definition of any words not defined in this glossary.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adverse impact (roads): Where project traffic added to background traffic or official benchmark traffic count increases the traffic volume on an impacted thoroughfare road beyond the maximum allowable volume established for the minimum acceptable level of service standard as adopted in the Volusia County Comprehensive Plan.

Agricultural use: The use of land in horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, beekeeping, pisciculture and all forms of farm products and farm production.

Altered wetlands: Wetlands which have been substantially affected by man, but which continue to be dominated by wetland or transitional vegetation.

Appeal: A request for a review of the enforcement official's interpretation of any provision of this article or a request for a variance.

Applicant: Any person applying for or who has been granted a development order and/or permit to proceed with a project.

Area of shallow flooding: A designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Armoring: The placement of manmade structures or devices in or near the coastal system for the purpose of preventing erosion of the beach or the upland dune system or to protect upland structures from the effects of coastal wave and current activity. Rigid armoring is the construction of rigid coastal

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protection structures such as, but not limited to, seawalls, bulkheads or revetments. Flexible armoring, includes soft engineering techniques, such as sand nourishment, the development of new sand dunes or enhancement of existing or historical dunes or activity designed to bring sand back onto the beach system, for protection, such as, but not limited to, renourishment or restoration.

Arterial road: A route providing service which is or has the potential of relatively continuous and or relatively high traffic volume, long average trip length, high operative speed, and high mobility importance. The County of Volusia arterials include those designated on the Volusia County Thoroughfare System Plan Map and those designated by the Florida Department of Transportation in accordance with F.S. § 335.04. In addition, all United States or State of Florida numbered highways shall be considered arterial roads.

Artificial drainage system: Any canal, ditch, culvert, dike, storm sewer or other manmade facility which tends to control the surface flow of water.

Artificial lighting: Any source of temporary, fixed or movable light emanating from a manmade device, including, but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, spotlights, streetlights, construction security lights or lights which illuminate signs. This definition shall not include handheld or vehicular lighting.

As-built plans: The amended final site plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed.

Background traffic: Traffic on the thoroughfare roads in the Volusia County thoroughfare network not attributable to the proposed development order.

Backlogged thoroughfare: A state or county roadway operating at a level of service below the minimum standard level of service adopted by the Volusia County Council and is not programmed for construction in the first three years of the State of Florida Department of Transportation, Five-Year Road Program for State Roads or is not included in the Volusia County Five-Year Program for Capacity Improvements.

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

Basement: That portion of a building having its floor subgrade below ground level on all sides.

Beach: Means lands and waters lying seaward of the seawall or line of permanent vegetation and within three miles seaward of the mean low-water mark.

Benchmark traffic counts: The last traffic counts made prior to the adoption of the Volusia County Comprehensive Plan that are used as the base for measuring degradation on constrained and backlogged roads.

Best management practices (BMP): Management practices as found in "Silviculture Best Management Practices Manual", Florida Department of Agriculture and Consumer Services, Division of Forestry.

Bicycle facilities: A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities, maps, all bikeways, and shared use of roadways not specifically designed for bicycle use.

Bikeways: Any road, path or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or

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are to be shared with other transportation modes.

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

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

Buffer: Upland areas adjacent to wetlands which are necessary to protect the wetlands and wetland species from the detrimental impacts of development or alteration. The buffer shall include canopy, understory and groundcover which consists of preserved existing vegetation or planted native species.

Buildable area: That portion of a lot excluding the front, rear, side or waterfront yards as set forth in the single-family residential or two-family residential classification in division 7 of Volusia County Ordinance No. 80-8, as amended [chapter 72, article II, Code of Ordinances].

Building: Any structure built for support, shelter or enclosure for any occupancy or storage.

Building permit: The permit required by section 103 of the Standard Building Code, Southern Building Code Congress, as adopted by Volusia County.

Bulkhead: A structure or partition to retain or prevent sliding of the land. A secondary purpose is to protect the upland against damage from wave action. A form of rigid armoring.

Bulkhead line: A governmentally ordered, legally described line, established in or along the Atlantic Ocean, a river, watercourse or other body of water, that establishes the minimum distance from the water any property improvements must be located. The term "bulkhead line" shall include the term "seawall line".

Caliper: Trunk caliper (trunk diameter) is measured six inches from the ground on trees up to and including four inches in caliper, and 12 inches above the ground for larger trees. Since trunks are seldom round, the average of the largest diameter and that perpendicular to it is referred to as caliper. Any accurate device including a diameter tape may be used to measure caliper.

Certificate of capacity: A certificate approved by the DRC pursuant to the terms of this article that constitutes proof of adequate public facilities to serve the proposed development.

Certificate of capacity exemption: A certificate approved by the LDM pursuant to the terms of this article evidencing a determination by the LDM that the development is exempted from division 14 of this article.

Classified: Carries a zoning classification of the zoning ordinance [chapter 72, article II, Code of Ordinances].

Clearing: The removal of any trees or brush from the land, but shall not include mowing or grubbing, except as provided in division 11 of this article.

Closed basin: Any basin that, during a 10-year, 24-hour storm event, does not ultimately discharge to a river or the Atlantic Ocean.

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Closure: The termination of any regulated or prohibited nonresidential land use or activity covered by this article.

Coastal construction control line (CCCL): The Volusia County Coastal Construction Control Line established by the State of Florida Department of Natural Resources, Division of Beach and Shores, to define that portion of the beach and dune system which is subject to severe fluctuations based on a 100-year storm surge, storm-induced waves or other predictable weather conditions.

Coastal high-hazard area: The area subject to high-velocity waters caused by, but not limited to hurricane wave wash. The area is designated on a FIRM as zones V1-30, VE or V.

Collector road: A route providing service which is of relatively moderate, average traffic volume, moderately average trip length and moderately average operating speed. These routes also collect and distribute traffic between local roads and/or arterial roads and serve as a linkage between land access and mobility needs. The County of Volusia collectors include those designated on the County of Volusia Thoroughfare System Plan Map and those designated by the Florida Department of Transportation in accordance with F.S. § 335.04.

Commensal: Living in a relationship in which one animal derives food, refuge, or other benefits from another animal without hurting or helping it.

Comprehensive plan: The "Volusia County Comprehensive Plan" adopted by the county council pursuant to Ordinance No. 90-10, as amended, in compliance with the requirements of the local government comprehensive planning and land development regulations, F.S. § 163.3161 et seq., as amended.

Concurrency: To ensure that public facilities and services needed to support development are available concurrent with the impacts of such developments.

Conifer: [Repealed by Ord. No. 89-26, § XV, 6-1-89.]

Conservation zone: A protection zone along the entire Atlantic Ocean beach of Volusia County, 30 feet seaward from the seaward toe of the most seaward dune, dune scarp, or manmade structure, or half the distance to mean high-water level, whichever is lesser.

Conservation zone management plan: A plan adopted in accordance with the Unified Beach Code [chapter 126, article II, Code of Ordinances] to standardize vehicle and pedestrian restrictions, beach nourishment, preservation and restoration.

Constrained thoroughfare: A state or county roadway upon which adding two or more through lanes to meet current or future traffic needs is not possible because of physical or policy barriers.

Construction plans: Drawings or renderings, prepared by a Florida registered engineer or architect, showing how a specific structure, building or other improvement is to be constructed.

County: The County of Volusia, Florida.

County council: The seven duly constituted members of the County Council of Volusia County, Florida.

County property: Land and appurtenances owned by Volusia County.

Cross sectional area: The area of the trunk of a tree taken four and one-half feet above the base of the

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tree measured perpendicular to the axis of the trunk.

Deficit road segment: A road segment that is operating below the adopted level of service standard set forth in the comprehensive plan. A deficit road segment may be either a backlogged or constrained thoroughfare as identified in chapter 2 of the comprehensive plan.

Designated thoroughfare: A thoroughfare, the location of which is defined with sufficient specificity pursuant to division 9, so that a legal description may be derived therefrom and so that persons owning property affected thereby may be in a position to determine the nature and extent of such effect.

Designated thoroughfare plan: A plan or plans of all or such portions of the geographical area of the County of Volusia as the county council shall from time to time adopt in conformity with the requirements of division 9 and which depicts a unified network or system of thoroughfares designed or intended to meet present and anticipated future needs of the County of Volusia.

Deteriorated: Degenerated or damaged to the point where death of the tree is imminent or to the point where the tree poses a significant hazard.

Determination of capacity: A comparison of a development's impact on public facilities with the capacity of the required public facilities that are or will be available concurrent with the impacts of development as provided in division 14 of this article.

Developer: Any person undertaking any development as defined in this article.

Development: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials, or the dividing of land into two or more parcels. Development shall include:

- (1) A reconstruction, or remodeling for the purpose of division 12 when said remodeling includes the alteration of exterior lighting, alteration of the size, or structural change in the external appearance of a structure on land.
- (2) A change in 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.
- (3) Alteration of a shore or bank of a seacoast, river, stream, lake, pond or canal, including any "coastal construction", as defined in F.S. § 161.021.
- (4) Commencement of drilling, except to obtain soil samples; mining; or excavation on a parcel of land.
- (5) Demolition or removal of a structure.
- (6) Clearing of land as an adjunct of construction.
- (7) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

"Development", as designated in this article, or in a development order or permit, includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference

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to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.

Development order: An order authorizing the granting, denying, or granting with conditions [of] the issuance of development permits for a development which is the subject of an application.

Development permit: Any permit, other than a building permit, or any other official action of a unit or agency of local government having the effect of allowing the development of land to commence.

Development plan: Any subdivision or site plan which is the subject of this article.

Development, rural: Generally development with a comprehensive plan land use designation of environmental system corridor, forestry resource, agricultural resource or rural. Specifically limited to areas appropriately zoned and/or proposed for or developed at a density less than one residential unit per acre.

Development, urban: Generally development in areas with a comprehensive plan land use designation other than described in the rural development definition. Specifically applied to areas appropriately zoned and proposed for or developed at a density of greater than one residential unit per acre.

Development, urban and suburban: Residential development where the maximum density is greater than one unit per acre.

Diameter at breast height (DBH): The trunk diameter of a tree measured four and one-half feet above the average ground level at the base of the tree. Provided, however, if the tree forks above four and one-half feet above ground level, it is measured below the swell resulting from the double stem. Stems that fork below four and one-half feet above ground level shall be considered separate trees.

Directly illuminating: Illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible to a person who is in a standing position on the beach.

Discharge, discharge point: The outflow of water from a project, site aquifer, drainage basin or facility.

District park: This park will satisfy recreational needs in terms of resource-based and active-based facilities that are not typically available or suitable for the local park system. In consideration of developing a district park where acreage and locational factors are to be studied, the district parks may eliminate the need for a regional park system. These large park sites may adjoin the public junior/senior high schools or a community college site. The district park service shall include a large population sector and should be located and designed as an outdoor recreation unit.

Drainage easement: Land in which the public or the County of Volusia has an easement devoted to, planned, proposed or required for use as a public drainage system.

Drainage system, natural drainage: Surface streams or swamps which convey water to natural points of discharge.

Dredging: Excavation by any means in water or wetland. It also means the excavation or creation of a water body which is or is to be connected to waters, directly or via excavated water bodies or a series of excavated water bodies.

Drip line: The peripheral limits of the horizontal crown of a tree spread vertically to the ground;

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provided, however, that the same shall not be less than a circle with a ten-foot radius measured from the center of the tree.

Driveway: An area that connects the parking aisles of a parking lot to the public right-of-way, to a private street or to another major driveway.

Driveway entrance: Portion of a driveway which immediately abuts the public right-of-way or a private street.

Dune: A mound or ridge of loose sediment, usually sand-sized, lying upland of the beach or shore, deposited by any natural or artificial mechanism. The term may also include a beach ridge, dune ridge, chenier or similar topographic feature.

Effectively destroy: To cause, suffer, allow or permit any act which will cause a tree to die or go into a period of unnatural decline within a period of two years from the date of the act. Acts which may effectively destroy a tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents or intentional fire damage to the tree permitting infection or pest infestation, the infliction of a trunk wound that is 50 percent or greater of the circumference of the trunk, or the removal or sufficient canopy to cause the unnatural decline of the tree.

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

Emergency repairs: Work necessary to protect and preserve life and property of inhabitants of the County of Volusia.

Enforcement official: For the purpose of this article, the growth and resource management department director, or his/her duly authorized representative.

Environmental management director (EMD): For the purpose of this article, the director of environmental management of the county or his/her duly authorized representative.

EPA: United States Environmental Protection Agency.

Equivalent residential unit (ERU): A measure of consumption for potable water and sanitary sewer services.

Essential utility services: Publicly owned or regulated utility distribution systems for gas, water, sewer, telephone, television, radio or electricity of 230 kilovolts or less, including poles, wires, mains, drains, sewers, pipes, conduits, cable towers, and antennas 70 feet or less in height, and other similar equipment and accessories which are necessary for furnishing of service by such public utilities, but not including electric power plants; substations; gas transfer stations and buildings for utility uses.

Excavation: The hollowing out, removal by digging or leveling of any land, dirt, sand, clay, soil, rock, solid minerals or other soil materials.

Existing development means a building or structure for which a building permit has been issued prior to the adoption of this article.

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Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots in which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before December 31, 1974.

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

Filling: The deposit or burial of materials, such as land-clearing debris, soil, rock or other solid minerals, onto any land, water or wetlands. Does not include permitted landfills with garbage or other similar waste matter; landfilling.

Final development order: A building permit, final site plan development order; preliminary plat or final plat development order.

Fixture: The device that holds, protects and provides the optical system and power connections for a lamp.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation of surface water runoff from any source.

Flood hazard boundary map (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined.

Flood insurance rate map (FIRM): An official map of a community, 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: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

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

Floodplain/prone: A land area which would be inundated by stormwater runoff or tidal flooding with a frequency of once in 100 years.

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

Floor: The top surface of an enclosed area in a building (including basement, garage), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Florida registered: Currently registered to practice a profession in the State of Florida.

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Full circulation parking lot: A parking lot design which permits a car entering a parking lot to circulate in front of all parking stalls and restart the same movement again without using the public right-of-way.

Functionally dependent facility: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

Gopher tortoise (Gopherus polyphemus): A moderate-sized terrestrial turtle with stumpy, elephantine hind feet and flattened, shovel-like fore limbs adapted for digging.

Gopher tortoise burrow: A tunnel in the ground with a cross-section that closely approximates the shape of a gopher tortoise.

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

Hardwood: [Repealed by Ord. No. 89-26, § XV, 6-1-89.]

Hazardous substances: Those materials specified in section 72-964 of this article.

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

Historic: Any Live Oak (*Quercus virginiana*) or Bald Cypress (*Taxodium distichum*) 36 inches DBH or greater, or other tree which is determined by the County Council of Volusia County to be of such unique and intrinsic value to the general public because of its size, age, historic association or ecological value as to justify this classification. Any tree in this county selected and duly designated a Florida State Champion, United States Champion or a World Champion by the American Forestry Association shall likewise be within this definition.

Hydrograph: A graph of discharge versus time for a selected outfall point.

Hydrologic cycle: The movement of water through the environment on, above and below the surface of the earth.

Hydroperiod: A measure of the time (usually in days per year) that water is at or above solid surface under normal hydrologic conditions.

Impervious area: An area covered by a material which does not permit infiltration or percolation of water into the ground.

Indirectly illuminating: Illuminated as a result of the glowing element(s), lamp(s), globe(s) or reflector(s) of an artificial light source which is not visible to a person who is in a standing position on the beach.

Intervisible: Mutually visible, or in sight, the one from the other, as stations.

Isolated wetlands: Wetlands that have no hydrological or vegetative connections with "waters of the state" as defined in F.S. § 403.032(3).

Lamp: The source of light within a luminaire.

Land: The earth, water, air above, below or on the surface, and includes any vegetation, improvements

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or structures customarily regarded as land.

Level of service: An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on the operational characteristics of the facility.

Load factor: A mass transit service quality measure. Load factor refers to the maximum allowable passengers over a given period of time as a ratio of vehicle seating capacity.

Local park (five—19 acres): A pedestrian-oriented park located at the approximate center of a neighborhood and designed to serve one or more of the recreational needs of the neighborhood population. The park may be landscaped areas designed for passive recreation or contain a broad range of active recreational facilities. The facilities to be provided are a function of the community requirements in a specific location and other facilities available elsewhere. This small local park may be located among several developed subdivisions or planned unit developments.

Local park (20—50 acres): A park designated and located to provide the recreational needs of several neighborhoods, urbanized communities (North Peninsula, Silver Sands/Bethune Beach, DeBary, Deltona) or rural communities (DeLeon Springs, Samsula, Cassadaga, Barberville, Volusia, Tomaka Farms, Lake Ashby, Glenwood, Osteen, Seville). The larger local park is primarily land-based with a diversity of active/user facilities and may serve a combination of the urban and rural communities. In lower density areas this type of park may be provided on-site or adjacent to a public school. In denser areas, this park can be provided at the convergence of several neighborhoods and is intended to serve a larger population.

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

Lot: An area of land which abuts a street and which either complies with or is exempt from the Volusia County Subdivision Regulations and is sufficient in size to meet the minimum area and width requirements for its zoning classification as established in division 7 of the Volusia County Ordinance No. 80-8, as amended [chapter 72, article II, Code of Ordinances], and a portion of a subdivision or any other tract or parcel of land, including the air space 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".

Low-profile luminaire: Light fixture set on a base which raises the source of the light no higher than 48 inches off the ground, and designed in such a way that light is directed downward from a hooded light source.

Lowest floor: The lowest floor of the lowest enclosed area (including basement, garage), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Luminaire: A complete unit that artificially produces and distributes light. An artificial light source, including fixture, ballast, mounting and lamp(s).

Mangrove stand: An assemblage of mangrove trees, which is mostly low trees noted for 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*); and buttonwood (*Conocarpus erecta*).

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent

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chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Mean high-water: The average height of the high 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 high-water line: The intersection of the tidal plane of mean high-water with the shore.

Mean sea level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Mitigation: Actions including, but not limited to, restoration, enhancement, or creation of wetlands, required to be taken by a person to offset environmental impacts of permitted activities.

Mitigation (traffic): Special actions, programs and procedures intended to reduce, redistribute, modify the traffic impact on the thoroughfare system and/or increase capacity to the thoroughfare system by using professionally accepted standards and methods.

Mowing: To cut grass, brush and other nonprotected vegetation which falls below a two-inch caliper with a machine designed to remove such material without disturbing the soil and plant roots.

Multifamily parcel: A residential parcel of land which is not classified as a single-family or duplex parcel as defined in this glossary.

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

Natural flow pattern: The rate, volume and direction of the surface or groundwater flow occurring under natural conditions for any given portion of the County of Volusia.

Natural resource management area (NRMA): A land use category identified in chapter 1, future land use element, of the Volusia County Comprehensive Plan, Ordinance No. 90-10, as amended.

Nest: An area where sea turtle eggs have been naturally deposited or subsequently relocated.

Nesting season: The period from May 1 through October 31 of each year.

New buildings: Buildings for which the "start of construction" commenced on or after July 6, 1978, for purposes of division 7, coastal area flood protection.

New construction: Structures for which the "start of construction" commenced on or after the effective date of this article.

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after December 31, 1974.

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Nonconcurrency affidavit: A document signed by an applicant which defers the application for a certificate of capacity and acknowledges that:

- (1) The issuance of building permits or final development orders are subject to the requirements of this article for obtaining a determination of capacity, a certificate of capacity reservation; and
- (2) No vested rights to obtain building permits or final development orders, or any other rights to develop the subject property have been granted or implied by the County of Volusia's approval of the preliminary development order.

Nonresidential activity: Any activity occurring on any described parcel of land, whether or not within a structure, with the exception of residential activity, as defined herein.

Nonresidential parcel: A parcel of land other than a residential parcel, as defined in this glossary.

Nonvehicular ingress and egress easement: An easement entitling the holder of the easement to control access across the easement by motor vehicles.

Nuisance tree: Any of the following tree species:

Common Name	Botanical Name
Australian Pine	<i>Casuarina litorea</i>
Australian Pine	<i>Casuarina glauca</i>
Brazilian Pepper	<i>Schinus terebinthefolius</i>
Camphor Tree	<i>Cinnamomum camphora</i>
Chinaberry	<i>Melia azedarach</i>
Citrus	<i>Citrus species</i>
Ear Pod Tree	<i>Enterolobium cyclocarpa</i>
Eucalyptus	<i>Eucalyptus species</i>
Punk Tree or Cajeput	<i>Melaleuca quinquenervia</i>
Silk Oak	<i>Grevillea robusta</i>
Woman's Tongue	<i>Albizia lebbbeck</i>
Chinese Tallow-tree	<i>Sapium Sebiferum</i>

Off-street loading area: An off-street loading area is an area provided off the public right-of-way for the temporary parking of trucks being loaded or unloaded.

Outstanding Florida waters (OFW): Waters and associated wetlands identified in the Florida Administrative Code, 17-302.700.

Owner: Any person, group of persons, firm or firms, joint venture, corporation or corporations, or any other legal entity having legal title to the land sought to be developed under this article.

Owner-occupied: A dwelling occupied by the owner of record, holding a valid certificate of occupancy.

Package treatment plant: Small wastewater treatment systems which have a collection network, treatment plant and disposal system. Package treatment plants are generally used to serve isolated

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development and are partially or completely preassembled by the manufacturer prior to shipment to the site of use.

Parcel of land: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as a unit or which has been used or developed as a unit.

Parking aisle: The area immediately adjacent to the car parking stalls which permits maneuvering of the cars entering and leaving a parking stall, and which connects the parking stalls to the driveway.

Parking stall: The space that is necessary to park a car, excluding aisles and driveways.

Partial circulation parking lot: Parking lot design which permits a car entering a parking lot to circulate in front of all parking stalls without using the public right-of-way.

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

Pervious area: Area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

Plat: A map or delineated representation of the subdivision of land showing the designation of such land as lot(s), block(s), parcel(s), or other portions thereof, and other information. "Plat" may include the term "replat", "amended plat" or "revised plat".

Platted land: Any land which can be referenced to a plat.

Pole lighting: Light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Potable water or potable water facilities: Water that is satisfactory for drinking, culinary and domestic purposes meeting current state and federal drinking water standards. The water meets the criteria of sections 17-3.071, 17-3.404, and/or 17-22, F.A.C.

Potable water supply well: A potable water well to supply water which has been permitted for consumptive use by the St. Johns River Water Management District and the casing diameter is six inches or greater.

Preliminary development order: A rezoning, special exception, planned unit development, subdivision sketch plan or overall development plan, conceptual or preliminary site plan, or any other development order other than a final development order, except a variance authorized under Ordinance No. 80-8, as amended [chapter 72, article II, Code of Ordinances].

Primary containment: 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.

Primary dune: The first natural or manmade mound or bluff of sand which is located landward of the beach which has substantial vegetation, height, continuity and configuration.

Primary well field protection zone: The land area immediately surrounding any potable water supply

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well and extending a radial distance of 200 feet.

Product-tight: Impervious to the hazardous substance which is or could be contained so as to prevent the seepage of the hazardous substance from the containment system. To be product-tight, the containment system shall be made of a material that is not subject to physical or chemical deterioration by the hazardous substance being contained.

Project: The particular structures and improvements proposed by the applicant on a particular land area which are part of a common plan of development and shall include the subdivision of land.

Protective barrier: Conspicuously colored fences or like structures constructed of sturdy materials that are at least four feet in height which prevent or obstruct passage.

Public improvements: Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, bridge, sidewalk, pedestrian way, planting strip, or other facility for which the county or other governmental agency may ultimately assume the responsibility for maintenance and operation.

Public services: Programs and employees determined necessary by local government to provide adequate operation and maintenance of public as well as those education, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state or federal law.

Public utility: An enterprise providing an essential service authorized and regulated by state or federal public utility commissions, or services owned, franchised or permitted by Volusia County or a municipality in Volusia County. Included are facilities necessary to provide the service such as water towers well houses, utility poles, transmission towers, substations, sewerage, communication equipment, street lighting and other similar equipment.

Rebuttable presumption: A presumption which may be rebutted by evidence.

Recharge: The inflow of water into a project, site aquifer, drainage basin or facility.

Recovered wastewater (reclaimed water): Effluent treated to advanced levels meeting the Florida Department of Environmental Regulation criteria and disposed of through irrigation or other approved methods.

Recreational facilities: Those improvements or artificially installed accessories which facilitate the use of an area or a resource for outdoor recreation. Facilities are divided into two categories: Primary facilities are those that are essential or extremely desirable for conducting a particular outdoor recreational activity, such as launching ramps for boating, trails, for cycling, roads for access to areas, etc.; secondary facilities are those that are desirable as a further enhancement of the recreational experience but are still dispensable, such as outdoor grills for picnicking and camping, docks for boating, etc.

Recreational vehicle: A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designated to be self-propelled or permanently towable by a light-duty truck; and

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(4) Designated primarily not for use as a permanently [permanent] dwelling but as a temporary living quarters for recreational, camping travel or seasonal use.

Registered land surveyor: A surveyor currently registered to practice land surveying in the State of Florida.

Regulated boundaries: The area between the Atlantic Ocean and the westerly boundary of any lots or parcels that abut the westerly right-of-way line of the easternmost north-south public maintained roadway. Said boundaries shall also include any docks, piers or other structures projecting into the Atlantic Ocean.

Removal: To cut down, dig up, destroy, effectively destroy, or the unlicensed relocation of any tree.

Replacement stock: Any immature tree having an overall height of at least six feet but does not include any nuisance tree. In addition replacement stock shall have minimum caliper of two inches.

Reservoir area: An area not on the public right-of-way which is provided for the temporary use of vehicles waiting to enter or leave a vehicle-oriented service, or an off-street parking facility.

Residential activity: Any building or structure or portion thereof that is designed for or used for residential purposes and any activity involving the use or occupancy of a lot for residential purposes. Residential activity shall include those customary and accessory residential activities associated with the principal permitted use of a lot for residential purposes as set out in the zoning ordinance [chapter 72, article II, Code of Ordinances] or other appropriate ordinance of Volusia County.

Residential construction: Construction of a single-family or two-family housing unit on an individual lot within an existing approved subdivision where property is classified (zoned) pursuant to chapter 72, division 7, article II, Volusia County Zoning Ordinance as amended, for single-family, two-family or mobile home use excluding mobile home parks, or is located in a residential use area in a community development plan or said use is in a residential planned unit development.

Residential parcel: A parcel of land on which a residential structure may be built without violating the comprehensive plan, or any applicable law or ordinance.

Revetment: A sloped facing structure of an armoring material such as, but not limited to, quarystone, concrete or geotextile fabrics, built to protect a scarp, embankment, or shore structure against erosion by wave action or currents (see "Toe scour protection"). A form of rigid armoring.

Right-of-way: An easement or dedicated strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for similar use.

Road: The term "road" shall be construed to include streets, sidewalks, alleys, highways and other ways open or unopened to travel by the public, including the roadbed, right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels and viaducts necessary for the maintenance of travel.

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

Sanitary landfill: A disposal facility which meets the criteria of chapter 17-701, Florida Administrative Code, and is permitted by the Florida Department of Environmental Regulation, excluding those exempted under subsections 17-7.030(1)(a)(1), (2) of that Rule. This term shall not include a land

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spreading site, a surface impoundment, or an injection well defined under and subject to the provisions of chapter 17-28, Florida Administrative Code. Sanitary landfills shall be classified into the following types:

- (1) *Class I:* Landfills which receive an average of 20 tons or more of solid waste per day as weighed by scale if available, or 50 cubic yards or more of solid waste per day as measured in place after covering.
- (2) *Class II:* Landfills which receive an average of less than 20 tons of solid waste per day as weighed by scale if available, or less than 50 cubic yards of solid waste per day as measured in place after covering.
- (3) *Class III:* Landfills which receive only trash or yard trash. The county council may further limit the types of materials which may be deposited in a class III landfill.

Sea turtles: Any specimen belonging to the species *Caretta caretta* (loggerhead turtle), *Chelonia mydas* (green turtle), *Dermochelys coriacea* (leatherback turtle), or any other marine turtle using Volusia County beaches as a nesting habitat.

Seawall: A structure separating land from water areas, primarily designed to prevent upland erosion and other damage as a result of wave action. A form of rigid armoring.

Secondary containment: The level of product-tight containment external to and separate from the primary containment.

Secondary well field protection zone: The land area surrounding the primary well field protection zone, and extending a radial distance of 800 feet from said primary well field protection zone.

Sign: Any surface, fabric, device or display that is designated to advertise, inform, identify or to attract the attention of persons. For the purpose of this article, the term "sign" shall include all structural parts.

Site plan: The plan required by division 3 to obtain a development order or permit which shows the means by which the developer will conform with the requirements of this article.

Solid waste: Garbage, rubbish, refuse or other discharged solid or semisolid materials resulting from domestic, commercial, industrial, agricultural or governmental operations; does not include solids or dissolved material in domestic sewage effluent or other significant pollutants in water resources. Significant pollutants would include: Silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants or hazardous waste as defined herein.

Solid waste facilities: Structures or systems designed for the collection, processing or disposal of solid wastes and includes transfer stations, processing plants, recycling plants and disposal systems.

Source of light: A bulb, lamp, filament or other manmade source that emanates light, including, but not limited to, incandescent, tungsten-iodine (quartz), mercury vapor, fluorescent, metal halide, neon, halogen, high pressure sodium, and low pressure sodium light sources, as well as natural gas lights, torches, camp and bonfires. This definition includes a bulb, lamp, filament, or other manmade source that is covered by or contained within a translucent material or fixture.

Specimen tree: The following species of trees with the minimum specified DBH are determined to be specimen trees in Volusia County, Florida:

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Common Name	Botanical Name	DBH
Turkey Oak	(<i>Quercus leavis</i>)	12 inches and larger
Other Oak species	(<i>Quercus</i> spp.)	18 inches and larger
Maple	(<i>Acer</i> spp.)	18 inches and larger
Sweet Gum	(<i>Liquidambar styraciflua</i>)	18 inches and larger
Hickory	(<i>Carya</i> spp.)	18 inches and larger
Elm	(<i>Ulmus</i> spp.)	18 inches and larger
Loblolly Bay	(<i>Gordonia lasianthus</i>)	12 inches and larger
Sweet Bay	(<i>Magnolia virginiana</i>)	12 inches and larger
Red Bay	(<i>Persea borbonia</i>)	12 inches and larger
Swamp Bay	(<i>Persea palustris</i>)	12 inches and larger
Sycamore	(<i>Platanus occidentalis</i>)	18 inches and larger
Magnolia	(<i>Magnolia grandiflora</i>)	12 inches and larger
Bald Cypress	(<i>Taxodium distichum</i>)	18 inches and larger
Red Cedar	(<i>Juniperup silicicola</i>)	12 inches and larger

Spill: The unpermitted release or escape of a hazardous substance, directly or indirectly to soils, surface waters or groundwaters.

Start of construction: For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), this includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) 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. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Storage system: 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.)

Stormwater management system facility: A system of manmade structures or natural resources designed or used to collect, convey, hold, divert or discharge stormwater and includes stormwater sewers, canals, detention structures, retention structures, lakes, holding basins, wetlands and natural depressions.

Stormwater retention facility: A structure designed to collect and prevent the release of a given volume of stormwater by complete on-site storage for a given storm event.

Street: A public or private vehicular right-of-way or easement which affords a primary means of access to abutting properties, whether designated as a street, avenue, highway, road or however otherwise designated, but excepting driveways to other buildings. The term "street" shall include all road designations shown on the thoroughfare system plan map.

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Structure: Anything constructed, installed or portable, the use of which requires a location on a parcel of land, such as buildings, trailers, fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, advertising signs, a gas or liquid storage tank, seawall, bulkhead, revetment, or other manmade facilities or infrastructure.

Subdivision: The division of a parcel or tract of land, whether improved or unimproved, into two or more lots or parcels of land for the purpose, whether immediate or future, of any kind of transfer of ownership or right to possession, or for any building development, including a condominium in which there is or is intended to be: (1) any division of any parcel or tract into units; or (2) any division of the air space into units above or contiguous to any parcel or tract held in common, undivided ownership. If the establishment of a new street is involved, this term shall mean any division of any parcel or tract of land. "Subdivision" includes a resubdivision and replatting and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

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

Substantial improvement: Any alteration, repair, reconstruction, or improvement of a building, the cost of which equals or exceeds over a five-year period, a cumulative total of 50 percent of the building's market value as determined by the property appraiser or a certified appraisal either: (1) before the alteration, repair, reconstruction or improvement is started; or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include: (1) any alteration, repair, reconstruction or improvement of a building to comply with existing state or local health, sanitary or safety codes that are solely necessary to assure safe living conditions; or (2) any alteration of a building listed on the National Register of Historic Places or a state inventory of historic places.

Substantially improved existing manufactured home parks or subdivision: Where the repair, reconstruction, rehabilitation or improvements of the streets, utilities and pads equals or exceed 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

The traveled way: The paved portion of the roadway or that surface between both edges of pavement or back of curb, including, but not limited to, turn lanes, parking lanes, deceleration and acceleration lanes, or 12 feet from centerline on both sides of the right-of-way of unpaved roads.

Thoroughfare: A public road, the primary though not sole purpose or use of which is to facilitate through movement of vehicles in moderate to substantial volume, rather than the providing of direct access to abutting properties.

Thoroughfare corridor: The land area comprised of a thoroughfare and its intersections, and that part of any intersecting nonthoroughfare street and its intersections which is within 660 feet of the thoroughfare as measured along the centerline of the nonthoroughfare street from the centerline of the thoroughfare.

Thoroughfare system (network): All state roadways and any roadway that has been designated by the Volusia County Council as either a county arterial or collector or a municipality's arterial or collector that is shown on the future traffic circulation map contained in the traffic circulation element.

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Thoroughfare system plan: The thoroughfare plan as set out and included in the comprehensive plan.

Tinted glass: Any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

To plat: To divide or subdivide land into lots, blocks, parcels, tracts, sites or other divisions, however the same may be designated, and the recording of a plat in the Office of the Clerk of the Circuit Court of the County of Volusia, Florida. The term "to plat" shall include replat.

Toe: The lowest part of an embankment.

Toe scour protection: Mechanisms, devices or structures designed to prevent or minimize the removal of material by waves and currents at the base of a beach front structure, which includes sea walls, bulkheads and revetments (see "Armoring").

Traffic analysis zone: A limited geographic area defined and used for traffic modeling and analysis.

Traffic impact analysis: A study prepared by a qualified professional engineer, licensed to practice within the State of Florida, to determine the vehicular impact of the development upon the major road network system. This study includes: Determination of trip generation; trip distribution; traffic assignment; capacity analysis; and improvements to the roadway system necessitated by the development, such as required new roads, additional lanes and signalization.

Travel time and delay study: A travel time and delay study is a study to evaluate the quality of traffic movement along a thoroughfare road and determine the locations, types and extent of traffic delays by using a moving test vehicle for the ultimate objective of determining whether the existing level of service and available roadway capacities differ from the service levels and available capacities used by the conventional and generalized Florida Department of Transportation Highway Capacity Tables.

Tree: Any woody self-supporting plant characterized by having a single trunk of at least six inches DBH or multistem trunk system with well-developed crown at least 15 feet high, as measured from its base shall be considered a tree.

Trip: A one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

Trip generation: The attraction or production of trips caused by a given type of land development.

Unimproved path: A path cut through the existing dune system which permits pedestrian access to the coastal beaches.

Urban bus system: A fixed-route mass transit system in which the estimated demand for mass transit service is equal to or greater than 20 passenger trips per square mile.

Utilities: The term "utilities" includes, but is not limited to, water systems, electrical power, sanitary sewer systems, gas distribution systems, storm drainage systems, telephone systems and cable television systems.

Violation: The failure of a structure or other development to be compliant with the provisions of the Volusia County Land Development Code of the Code of Ordinances, County of Volusia.

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Walkover: A combination of ramps and stairs elevated over the dune system which link the beaches with public roads and rights-of-way.

Walkway: Improved path of either concrete or asphalt which permits pedestrian access to the coastal beaches.

Water detention structure, water management structure: A facility which provides for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm.

Water retention structure: A facility which provides for storage of stormwater runoff.

Well: 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; but such term does not include any well for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying, for inserting media to dispose of oil brines or to repressure oil bearing or natural gas-bearing formations or for storing petroleum or natural gas or other products or for temporary dewatering or subsurface formations for mining, quarrying or construction purposes.

Well field: An area of land which contains one or more potable water supply well.

Well field protection zone permit: That permit issued by the local government authorizing the activities provided in section 72-968 of this article.

Wetlands: Wetlands shall be defined as in F.S. § 373.019.

Xeriscape: 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.

Zoning ordinance: The Zoning Ordinance of Volusia County, Florida, Ordinance No. 80-8, as amended [chapter 72, article II, Code of Ordinances].

(Ord. No. 89-26, § XV, 6-1-89; Ord. No. 89-52, § III, 12-7-89; Ord. No. 90-22, § V, 5-17-90; Ord. No. 90-33, § LXI, 9-27-90; Ord. No. 92-18, § IV, 6-18-92; Ord. No. 94-2, § 79, 4-7-94; Ord. No. 95-30, § V, 8-24-95; Ord. No. 96-32, § LXXVI, 12-19-96; Ord. No. 98-24, § VI, 12-3-98; Ord. No. 99-2, § I, 1-21-99; Ord. No. 99-13, § VII, 6-17-99; Ord. No. 01-20, § 4, 8-2-01; Ord. No. 02-04, § II, 1-17-02; Ord. No. 02-13, § II, 7-18-02; Ord. No. 2006-02, § I, 2-2-06; Ord. No. 2008-25, § III, 12-4-08; Ord. No. 2010-02, § IX, 3-4-10; Ord. No. 2011-14, § VII, 5-19-11)