

**Sec. 72-1. - General rules of interpretation.**

The following general rules of interpretation shall apply:

- (1) The present tense includes the future.
- (2) The singular number includes the plural, and vice versa.
- (3) The word shall is mandatory; the word may is permissive.
- (4) Reference in one section of this article to another section of this article by section number shall include all subsections within that section.
- (5) Merriam Webster's Collegiate Dictionary (G & C Merriam Co. 11th Edition) shall be used for the definition of any words not defined in this article.
- (6) Any reference in this chapter to a defined word or phrase shall be interpreted and applied to refer to the word or phrase as defined in section 72-2, unless such word or phrase is specifically defined in a division.

(Ord. No. 86-16, § II, 10-23-86; Ord. No. 98-25, § I, 12-17-98; Ord. No. 2004-20, § III, 12-16-04; Ord. No. 2008-25, § II, 12-4-08; Ord. No. 2012-05, I, 4-19-12)

**Sec. 72-2. - Definitions.**

*AASHTO*: The American Association of State Highway and Transportation Officials.

*Abandon*: Any cessation of an existing use of land or of any structure thereon for a period greater than that specified by this chapter, other than a cessation necessarily incident to probate, bankruptcy or mortgage foreclosure proceedings, or to the temporary absences of part-time residents.

*Accessory use or structure*: Any use or detached structure clearly incidental, subordinate and related to the principal use or structure and located on the same lot with such principal use or structure. Provided however, a recreational vehicle; motor vehicle; mobile home; trailer or semi-trailer; railroad car; bus, truck or automobile body, or other similar unit shall not be used as an accessory structure or converted into an accessory structure even when altered, stripped or otherwise rebuilt.

*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 load-bearing 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.

*Adult bookstore*: A premises which has a substantial or significant portion of its stock in trade, books, magazines, or other periodicals and which excludes minors by virtue of age as regulated in Florida Statutes.

*Adult theatre*: A premises which exhibits any motion picture, exhibition, show, live show, representation, or other presentation which, in whole or in part, depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse and is harmful to minors, as defined in F.S. § 847.013, as may be amended,

and admission of minors to which is unlawful in accordance with F.S. § 847.013, as may be amended. This includes any exhibition to one or more persons, including facilities commonly known as peep booths or peep shows.

*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 for agriculture, including but not limited to, horticulture, floriculture, viticulture, forestry, silviculture, dairy, livestock, poultry, beekeeping, aquaculture, and all forms of farm products and farm production. This definition also includes "normal farming operation" as defined herein.

*Agricultural waste:* The solid wastes resulting from the rearing and slaughtering of animals and the processing of animal products, orchard and field crops which are stored, transported or disposed of as an unwanted waste material.

*Agriculture:* The growing and harvesting, primarily for sale, of vegetation, crops or plants, or the feeding and raising, primarily for sale, of livestock, dairies and timber production. The definition shall include any normal accessory structures thereto; provided, however, the following shall not be included in this definition; independently owned or operated commercial citrus facilities, livestock sales facilities, packing plants and other similar commercial or industrial type facilities. Whenever the term "agriculture" or "agricultural use" is used in this chapter, it will be interpreted to mean "bona fide agriculture or bona fide agricultural use."

*Air curtain incinerator:* A portable or stationary combustion device that directs a plane of high-velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

*Alteration:* Any changes in structural parts; type of construction; kind or class of occupancy. The word "alteration" shall include the word "alter" or "reconstruct."

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

*Alternative support structure:* Structures other than communication towers, which may include, but are not limited to, buildings, water towers, light poles, power poles, telephone poles and other essential public utility structures.

*Anchor tenant:* The largest retail establishment in a nonresidential center that draws customers and thereby generates business for the remaining businesses in the center.

*Animal shelter:* Premises other than hobby breeders, for the boarding of abandoned dogs and cats where the total combined number over six months of age exceeds that permitted in subsection 72-306(a).

*ANSI:* American National Standards Institute.

*Antenna:* Any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves.

*Appeal:* A request for a review of the enforcement official's interpretation of any provision of this chapter 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.

*Aquaculture:* Cultivation of animal and plant life in a water environment.

*Area of shallow flooding:* A designated AO 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 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. § 334.03. 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.

*ASTM:* American Society for Testing and Materials.

*Automobile service station:*

*Type A:* Any premises used for the servicing of motor vehicles, including engine tuneups and repair; wheel balancing, alignment, brake service; the retail sale of fuel, lubricants and other products necessary to the operation and maintenance of motor vehicles, and the installation of such products; the sale of refreshments; but excluding the rebuilding or reconditioning of engines and body repair.

*Type B:* In addition to type A uses, any repair, rebuilding or reconditioning of any motor vehicle.

*Type C:* Any premises used or designed to be used for the sale of gasoline in conjunction with a retail use such as convenience stores.

*Automotive storage:* The storage of operable automobiles for the purpose of holding the vehicles for sale, distribution or storage.

*AWWA:* American Water Works Association.

*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.

*Banner sign:* A sign made of fabric or any nonrigid material with no enclosing framework.

*Bar:* Premises devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any other premises where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises. The word "bar" shall include the words "saloon," "tavern," "pub," "barroom," "cocktail lounge," and "cabaret."

*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.

*Bed and breakfast:* An owner-occupied building used as a single-family residential dwelling that provides lodging and breakfast to paying guests.

*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 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.

**Board:** The act of owning or providing care and shelter to a dog or cat.

**Boardinghouse:** Premises other than a hotel, restaurant or congregate living facility where meals and lodging are furnished for compensation to seven or more persons unrelated to the owner of the premises by marriage, birth or legal adoption.

**Boathouse:** A roofed structure extending over water from a seawall or the shore designed solely for the protection or storage of watercraft.

**Bona fide agricultural purposes:** Good faith commercial or domestic agricultural use of the land. In determining whether the proposed agricultural use of land is bona fide, the following factors shall be taken into consideration:

- (1) Whether the property could qualify as a bona fide agricultural purpose within the meaning of F.S. § 193.461(3)(b), as amended;
- (2) Consistency with Volusia County Comprehensive Plan; and
- (3) Whether the current zoning of the property is agricultural.

**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:** The area established by minimum yard requirements outside of which no principal structure may be erected.

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

**Building, principal:** The building which contains the primary use.

**Building height:** The vertical distance from the finished grade, along the front of the structure, to the highest point of a flat roof, or to the deck line of a mansard roof; or to the average distance between eaves and ridge for gable, hip and gambrel roofs; or, if no roof, to the highest point of any structure, or communication tower.

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

**Building setback line:** That line parallel to and of the same configuration as the lot line, and which is located behind the front lot line, the minimum distance required by the front yard requirements of this chapter, in front of which no structure shall be permitted, erected or placed, unless otherwise expressly permitted by section 72-277 of this chapter.

**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."

*Cafeteria:* Premises where a variety of foods and beverages are prepared in advance and then selected by customers from a buffet for consumption on the premises.

*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.

*Camouflaged communication tower:* A communication tower designed to reasonably blend into the existing surroundings and be disguised so as to not have the appearance of a communication tower. Such structures shall be considered communication towers and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations.

*Camper:* See "Mobile recreational shelters and vehicles."

*Campground:* An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

*Carwash:* A structure containing specialized mechanical apparatus and facilities for washing motor vehicles.

*Catering services:* Premises where a variety of foods and beverages are primarily prepared in advance and then delivered to customers for consumption off the premises.

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

*Change of occupancy:* A discontinuance of an existing use and the substitution of a different kind or class of use. Change in occupancy is not intended to include a change in tenants or proprietors unless accompanied by a change of use.

*Church:* See "House of worship."

*Circus headquarters:* The administrative and operational center of a circus. Such a center would typically provide for the keeping of livestock and wild animals, storage and maintenance of vehicles, equipment and recreational vehicles, offices, dormitories, buildings and structures and training facilities customarily associated with such an enterprise.

*Civic center:* A building or complex of buildings that house municipal offices and services and which may include cultural, recreational, athletic, convention and/or entertainment facilities owned or operated by a governmental agency.

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

*Clearing:* Means the removal of any trees or brush from 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.

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

*Cluster subdivision:* A design technique allowing for the clustering of residential lots. This form of development employs a more compact arrangement of dwelling units by allowing for reduction in the standard lot requirements of the applicable zoning classification, with the difference between the reduced lot size and the standard lot requirement being placed in common open space. The total development density shall not exceed that which could be constructed on the site under conventional zoning classification.

*Coastal construction control line (CCCL):* The Volusia County Coastal Construction Control Line established by the State of Florida Department of Environmental Protection, Division of Beach and Shores, and the line as defined in F.S. ch. 161.

*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. § 334.03, as amended.

*Co-location:* The placement of more than one communication antenna by more than one telecommunications service provider on a single existing or new communication tower or other supporting structure.

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

*Commercial fish processing plant:* Premises used for the receiving, processing, packaging, storage, and wholesale or retail distribution and sale of sea and fresh water food products.

*Common open space:* A commonly owned area of land reserved and designed for the leisure or recreational use of the owners of a residential development and may include recreational facilities. Common open space can be referred to as public space when including recreation facilities, or in nonresidential uses, such features as plazas or courtyards. Common open space does not include retention or detention ponds, natural waterbodies or wetlands.

*Communication tower:* Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole

towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, amateur operator radio towers, cellular telephone towers, alternative tower structures, associated equipment structures and the like.

*Community garden:* A property that is cultivated by a group of people, rather than a single-family or individual, and used for the processing, packaging, storage, and sale of produce or other plants raised on the premises.

*Community residential home:* A dwelling unit licensed to serve clients of the Florida Department of Children and Family Services which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents.

*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. ch. 163, as amended.

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

*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 scrap, 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:* The duly permitted permanent placing or erection of construction materials into position. When excavation or removal of an existing structure has commenced in preparation for new construction, such excavation or removal shall be deemed to be the start of construction provided that work continues thereafter until the new construction is completed. The term includes built, constructed, reconstructed, moved upon or any physical operation on the premises required for building. The term shall also include the constructing, building, raising, assembling, relocating, placing, replacing, affixing, creating, structurally altering, painting, drawing, or in any other way creating or establishing a sign. It shall not include changing the copy or the customary maintenance or repair of a sign.

*Construction and demolition debris:* As defined in F.S. § 403.703.

*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.

*Contractor:* Building or service industry contractors, including, but not limited to, plumbing, heating, air conditioning, carpentry, electrical, masonry and metal working.

*Contractor's shop:* An establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.

*Contractor's yard:* An establishment used for the outdoor repair, maintenance or storage of a

contractor's vehicles, equipment or materials.

*Convenience store:* A retail establishment providing for the sale of food items, nonprescription drugs, small household items, gifts, gasoline and diesel fuel.

*Country club:* A land area and buildings containing recreational facilities, club house and usual accessory uses, primarily open to members and their guests for a membership fee, may include, but are not limited to, swimming pools, tennis courts, squash courts, golf courses, stables and riding facilities, polo and equestrian events, but not racetracks. The facilities may include dining facilities, a lounge, a conference room, and a bar for use by members, guests and the general public.

*County:* The County of Volusia, Florida.

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

*County manager:* The chief administrative officer for the county.

*County property:* Land and appurtenances owned by Volusia County.

*County thoroughfares:* Roads identified in Figure 2-1 "Thoroughfare Roadway System" of the Volusia County Comprehensive Plan, Ordinance No. 90-10, as amended.

*Cross sectional area:* The area of the trunk of a tree taken 4½ feet above the base of the tree measured perpendicular to the axis of the trunk.

*Curb market:* The retail sales of only fresh fruit and vegetables (not live plants) from a temporary structure or vehicle on a lot.

*Day care center:* Premises where more than five persons, other than members of the immediate family occupying the premises, are kept under supervision. The term "day care center" includes day nurseries, kindergartens, day care services, day care center, day care agency, nursery school, play school, preschool or any other terms indicating that persons are under day care control. Provided, however, that this term does not include family day care homes as defined in F.S. § 402.302.

*Deck:* A structure abutting a dwelling with no roof or walls except for visual partitions and railings which is constructed on piers or on a foundation at or above grade, for use as an outdoor living area.

*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 20 of the comprehensive plan.

*Density:* The total number of dwellings per acre of land. For purposes of residential density calculation, land will not include the following: Existing artificial and natural waterbodies; watercourses; industrial; commercial and office sites; existing communication facility sites; utility sites; easements and rights-of-way that extend through the border of the project boundary, i.e., existing power line easements, public roads, etc.; nonlocal parks and nature preserves; universities and colleges and other institutional uses; any land that has been credited for other development; previously dedicated road rights-of-way and developed parcels. May be referred to as "gross residential acre."

For purposes of applying a specified density regulation, a fractional part of an acre will permit that fractional part of the number of dwellings allowed for a full acre; calculations resulting in a fractional part of a dwelling shall be rounded up to the next whole number of dwellings whenever

the fractional part of a dwelling is 0.5 or greater.

*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 article III.

*Developer:* Any person engaged in developing or improving a project or group of lots for use, occupancy or sale.

*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 chapter, 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 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 chapter.

*Development review committee (DRC):* The group of people as set forth in division 1 of the Land Development Code, article III, herein.

*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 4½ feet above the average ground level at the base of the tree. Provided, however, if the tree forks above 4½ feet above ground level, it is measured below the swell resulting from the double stem. Stems that fork below 4½ 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.

*Dock:* A pier, platform, walkway or boathouse extending over water from a seawall or the shore, which is used to secure or provide access to boats.

*Domesticated pets:* Any animal ordinarily and customarily kept as a domesticated house pet, including, but not limited to, dogs, cats, birds, guinea pigs, hamsters, gerbils, mice, rats, rabbits, snakes, lizards and arachnids.

*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.

*DRC:* Development review committee.

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

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

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 of land which provides vehicular access from a street to the off-street parking space of a premises.

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

*Due public notice:*

(1) "Due public notice" as used in connection with the phrase "public hearing" or "hearing with due public notice" shall mean with respect to applications in which there is to be a public hearing of the planning and land development regulation commission or county council as provided for in this section.

a. Notice of public hearing shall be published at least once in a newspaper of general circulation in the area at least ten days prior to the date of such public hearing. Said notice shall contain the following information: Date, time, place and purpose, place or places within the county where the change may be inspected by the public, and that interested parties may appear at the meeting and be heard with respect to the proposed change.

b. The applicant shall mail notices setting forth the time, date, place and purpose of the public hearing. Said notice shall be sent by certified mail to adjacent property owners at least ten days prior to the public hearing. The owner of said property or the duly authorized agent shall acknowledge receipt of the notice forms provided by the zoning enforcement official. For rezonings and special exceptions, the applicant shall send notice by certified mail 30 days prior to the county council public hearing. A copy of said notice shall be kept available for public inspection during the regular business hours in the office of the zoning enforcement official.

c. The owner or his duly authorized agent shall also post, at least ten days prior to the date of each public hearing, a notice provided by the zoning enforcement official in a conspicuous place or places on or around such lot, parcel or tract of land as may be involved in the hearing. Said posted notice should remain in place until final public hearing. In the case of an intervening easement or right-of-way, the term "property adjoining" shall mean the property adjoining the property involved in the request which is not owned or leased by the owner. In the case of an application by the owners of 51 percent or more of the area involved, the county shall require such persons to give the notice required by mail and to post the property in accordance with this section. In all cases, affidavit proof of the required publication, mailing, and posting of the notices shall be presented at the hearing.

d. Provided, however, in lieu of the foregoing, with respect to the publication of the notice concerning amendments to the text of this section, or amendments initiated by the county council on more than ten contiguous acres, said notice shall be as provided in subsection (1)a., above.

(2) The county council shall provide for due public notice as used in connection with the phrase "public hearing," or "hearing with due public notice" for the hearing of the county council in the manner as provided in F.S. § 125.66(4).

*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.

*Dwelling:* Any building or portion thereof designed, occupied or intended for occupancy as a complete, independent living facility for the exclusive use of one family, including permanent full provisions for sleeping, eating, cooking and sanitation. A dwelling unit shall have no more than one kitchen and shall provide complete internal access to all rooms in the unit. Buildings with more than one set of cooking facilities are considered to contain multiple-dwelling units.

*Dwelling, attached:* A dwelling attached to another dwelling's foundation, wall or roof.

*Dwelling, detached:* A dwelling entirely surrounded by open space and not attached to another dwelling's foundation, wall or roof.

*Dwelling, manufactured modular:* A structure or building module as defined by statute and under the jurisdiction and control of the Florida Department of Community Affairs, installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The structure contains plumbing, heating, air conditioning, and an electrical system. The term does not include a mobile home as defined by statute; nor does it include building modules incorporating concrete or masonry as the primary structural component.

*Dwelling, mobile home:* A structure, transportable in one or more sections, which is eight body feet or more in width and which is built on a 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. All single-family mobile home manufactured since June 1976, must be built to standards established by the U.S. Department of Housing and Urban Development (HUD), and must display a label certifying compliance.

*Dwelling, model:* Any new dwelling temporarily used by the building/developer for the purpose of on-site sales, construction or security of the type of dwelling he is constructing only in the development in which it is located (refer to section 72-295).

*Dwelling, multiple-family:* A building containing three or more dwellings intended to be occupied primarily by permanent residents.

*Dwelling, single-family:* A building containing only one dwelling. Each single-family dwelling unit shall be provided with a maximum of one meter for each utility, unless otherwise approved by the zoning enforcement official.

*Dwelling, standard:* A dwelling unit constructed in compliance with Florida Building Code.

*Dwelling, two-family:* A building containing only two dwellings. The term "duplex" is synonymous.

*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.

*Efficiency unit:* A dwelling consisting of not more than one room in addition to kitchen and bath. It is synonymous with "studio unit."

*Electronic message centers:* Signs that utilize computer generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, light emitting diodes, liquid crystal displays, changeable copy panels or synchronized rotating copy panels.

*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.

*Enclosed storage area:* An area that is surrounded on all sides by a continuously connected fence or wall except where it is necessary to provide for pedestrian or vehicle openings.

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

*Entertainment:* Any public performance, musical rendition, concert, contest, rally, play, dance, song, or comedic presentation, or any combination thereof, performed by one or more persons, whether or not those persons are compensated for said performance.

*Entertainment and recreational uses and structures:* Any for-profit use or structure whose primary purpose is for recreation or entertainment such as go-cart tracks, water slides, driving ranges independent of golf courses, miniature golf courses, etc.

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

*Environmentally sensitive lands:* Lands and/or associated waters which provide ecologically important or vital resources, particularly those ecological communities which are locally or regionally rare or threatened, or which provide habitat for wildlife species which are officially listed as endangered, threatened, or of special concern (also referred to as "critical habitat"). Examples of environmentally sensitive lands include, but are not limited to, wetlands; upland fringes of wetlands and shorelines; hardwood hammocks; and areas designated for the purpose of conserving or protecting natural resources of environmental quality.

*EPA:* United States Environmental Protection Agency.

*Equestrian/livestock event facility:* A facility where equestrian or livestock related events (including, but not limited to, rodeos, horse or livestock shows) take place, and are attended by ten or more persons who are not residents of the premises.

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

*Erected:* See "Construction, start of."

*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, lift stations, conduits, cable towers, digital loop carriers, 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, water tanks, gas transfer stations, and water and sewage treatment plants, buildings and municipal water supply wells.

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

*Excavator:* Any person who sells or offers for sale, whether directly or indirectly, any excavated materials, or any person who excavates any material and transfers such excavated material from one parcel of land to any noncontiguous parcel.

*Existing development:* Means a building or structure for which a building permit has been issued prior to the adoption of this chapter.

*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).

*FAA:* The Federal Aviation Administration.

*Family:* One or more persons living together, interrelated by marriage, birth or legal adoption, and occupying one dwelling. A family may also include up to six unrelated persons.

*Farm:* For the purposes of this chapter, farm means property one acre or larger in size on which crops are grown or livestock is raised for commercial purposes. A farm does not include the family garden or family pets, even though the underlying property may be classified as agriculturally zoned.

*Farm worker:* Any person who assists with the chores, operation, security or maintenance of a farm or ranch.

*Farm worker living facility:* One or more dwellings located on a lot used to house farm workers. Also includes a bunkhouse.

*FCC:* The Federal Communications Commission.

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

*Fenestration:* Window treatment in a building or building facade.

*Festoons:* A string of ribbons, tinsel, small flags, pinwheels, balloons or other similar items.

*Figurine:* A small carved or molded figure.

*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 (FPL).

*Final site plan (FSP):* The plan required by division 3 of the Land Development Code, article III, herein, in order to obtain a development order or permit which demonstrates the manner in which the developer shall conform with the requirements of said code.

*Financial institutions:* An establishment for the custody, loan, exchange or issue of money for extension of credit and for facilitating the transmission of funds. The term bank, savings and loan, loan company and credit union are synonymous.

*Finished grade:* The completed surface of lawns, walks or driveways brought to the grade shown on any approved building plans.

*Fish camp:* Any premises designed to provide for the harboring, sale or rental of boats, fishing equipment or other fishing essentials.

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

*Flea markets:* The retail sale of merchandise from individually rented spaces or temporary structures on a lot. The term is not intended to apply to similar temporary activities conducted by houses of worship, or other nonprofit organizations.

*Flex office/warehouse:* Flex-type or incubator tenant space that lends itself to a variety of uses. The building may be designed for single or multiple tenants, divided in spaces running front to rear. Office space is typically located at the front of the building with warehouse space toward the rear and accessed by roll-up delivery doors. The space may include such uses as offices; retail and wholesale stores; warehousing, manufacturing, or scientific research functions.

*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.

*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.

*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.

*Floor area:* The sum of the gross horizontal heated areas of the several floors of a dwelling measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but excluding:

- (1) Unheated attic areas with a headroom of less than seven feet;
- (2) Unenclosed stairs or fire escape;
- (3) Elevator structures;
- (4) Cooling towers;
- (5) Areas devoted to air conditioning, ventilating or heating or other building machinery and equipment;
- (6) Vehicle parking structures;
- (7) Unheated basement space not devoted to residential use;
- (8) Porches, patios, breezeways, sun porches or other similar structural additions that are unenclosed or are enclosed with screening.

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

*Foot-candle:* A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot.

*FPL:* Final plat development order (division 2).

*Frontage, building:* The length of an exterior building wall along a street right-of-way.

*Frontage, street:* The length of the lot line of any one premises along the street right-of-way line on which the lot borders.

*FSP:* Final site plan (division 3).

*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.

*Garage apartment:* An accessory building containing a storage area for one or more motor vehicles and one single-family dwelling occupying not more than 800 square feet of living area.

*Garage sales:* The sale of household goods and personal property of the occupant of the premises, providing that no more than two such sales are held during any calendar year and that such sales are limited to a duration of one week.

*General office:* A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering and business offices of public utilities, organizations, and association but excluding medical offices or clinics.

*Golf course:* A relatively large premises designed and constructed to accommodate the sport of golf. The term is not intended to include independent driving ranges or miniature golf courses.

*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.

*Gross floor areas:* The total floor area designed for occupancy and exclusive use, including basements, mezzanines, and upper floors, expressed in square feet and measured from outside wall face to outside wall face.

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

*Group home:* A residential facility licensed under F.S. ch. 393, which provides a family living environment for at least four, but not more than 15 residents, including supervision and care necessary to meet the physical, emotional and social needs of its residents.

*Guesthouse:* Living quarters within a detached accessory building located on the same lot with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters and not rented or otherwise used as a separate dwelling.

*Guyed tower:* A communication tower which is anchored with guy wires.

*Hardware/home improvement center:* A facility engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery.

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

*Hazardous waste transporter facility:* A premises used by a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water. Said facility means any transportation-related complex, including loading docks, parking areas, or storage areas where shipments of hazardous waste are held during the normal course of transportation.

*Health club or spa:* A facility in which memberships in a program of physical exercise or the rights and privileges to use one or more of the following are sold: Sauna, whirlpool, weightlifting room, massage, steam room, or exercising machine or device.

*Helipads:* A designated landing area used primarily for the operation and basing of rotorcraft.

*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.

*Hobby breeder:* A use allowing for the breeding or training of dogs or cats belonging to the resident of the premises and which has been licensed as a hobby breeder by the county.

*Hog farm:* Any premises where ten or more hogs over six months of age are harbored.

*Hospital:* Premises with overnight facilities providing medical or surgical care of sick or injured persons.

*Hospital, animal:* Premises with overnight facilities for the medical or surgical care of sick or injured animals.

*Hotel/motel:* A building or group of buildings in which sleeping accommodations and sanitary facilities are offered to the public and intended for rental to transients with daily, weekly or seasonal charge. A transient lodging facility is distinguished from multifamily dwellings (apartments) where rentals are for periods of a month or longer and occupancy is by residents rather than transients. It is synonymous with "motel," "boatel," and "tourist homes or cabins."

*House of worship:* Premises used for worship and permitted customary accessory uses by an organization of religious believers.

*Household moving center:* A business specializing exclusively in the rental of household moving trucks and utility trailers and in the sale and rental of other products and services directly related to do-it-yourself moving.

*Hunting camp:* Premises to accommodate individuals who hunt game; however, a camp should be temporary, in accordance with applicable hunting seasons and shall be limited to tents, camping trailers, travel trailers or self-propelled vehicles.

*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.

*Illuminance:* The luminous flux incident per unit area of the surface.

*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.

*Industry:* Any activity involving the manufacture, assembly, packaging, canning, bottling or processing of any item.

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

*ISO:* Insurance services offices.

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

*Junkyard:* Premises where junk materials such as scrapped metal, rubber tires, glass, wood scraps, plastic, tools, equipment, fixtures, appliances, construction materials, automobile parts, discarded automobiles, and paper or similar materials are bought, sold, exchanged, stored, baled, packaged, packed, disassembled or handled. The term also includes automobile wrecking yard and salvage yard operations. This term may also include recycling collection centers.

*Kenel:* Premises other than hobby breeders for the boarding of dogs and cats where the total combined number over six months of age exceeds that permitted in subsection 72-306(a) for a form of remuneration.

*Kitchen or kitchen facilities:* Any room or portion of a room within a building designed and/or used or intended to be used for the cooking or preparation of food, which may also include, but is not limited to, stoves, microwave ovens, sinks, refrigerators, storage, countertop working space, or other food preparation equipment, or any combination thereof. This may not include outside grilling facilities, or other apparatus determined by the zoning enforcement official to not constitute a kitchen.

*Lamp:* The source of light within a luminaire.

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

*Land clearing debris disposal facility:* A place or facility where rocks, soils, tree remains, trees, and other vegetative material which normally results from land clearing or land development operations for a construction project are processed or stored. Land clearing debris does not include vegetative matter from lawn maintenance, commercial or residential landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations or any other sources not directly related to a construction project (Chapter 62-701.200 F.A.C., as amended).

*Land Development Code:* The Land Development Code of Volusia County, Florida, including all amendments thereto [article III].

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

- (1) A land spreading site; or

- (2) A surface impoundment; or
- (3) An injection well defined under and subject to the provisions of Chapter 62-528, F.A.C.
- (4) A construction and demolition debris disposal site regulated by rule 62-701.730, F.A.C.

*Landscape buffer:* An area of land which is required to be set aside along the perimeter of a lot in which landscaping (existing, relocated or introduced) is used to provide a transition between, and to reduce the undesirable or incompatible impacts between differing land uses.

*LDD:* Land development division.

*LDM:* Land development manager.

*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.

*Livestock feed lot:* Any limited area designed or used for the mass feeding of livestock.

*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."

*Lot classifications:* Lots shall be classified as corner lots, interior lots, through lots and atypical lots. The following diagram illustrates these lot types:

IMAGE NOT FOUND:\file1.municode.com16652-67-1.jpg

### **Lot Classifications**

In the diagram, A designates corner lots. Corner lots are defined as lots located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the frontmost points of the side lot lines to the frontmost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A(1) in the diagram. B designates interior lots. Interior lots are defined as lots with only one frontage on a street. C designates through lots. Through lots are defined as lots other than corner lots with frontage on more than one street. Through lots abutting two streets may also be referred to as double-frontage lots. D designates atypical lots. Atypical lots are defined as lots within a subdivision where, as a result of subdivision design, the lots abut a street at one end and any of the following at the opposite end:

- (1) The Atlantic Ocean;
- (2) A waterway or body either of which is 100 feet or more in width;
- (3) A golf course fairway or green;
- (4) An open space area which by itself, or when combined with other open space areas within the same subdivision, comprises at least 15 percent of the total land area in said subdivision, and in which an undivided interest is conveyed with each lot.

*Lot, substandard:* Any lot with less than 5,000 square feet of area, or less than 50 feet of width at the front building line; provided, however, that approved cluster subdivision lots shall not be considered substandard.

*Lot coverage:* That area of a lot from the ground up which is occupied by principal and accessory buildings.

*Lot depth:* The average horizontal distance between the front and rear lot lines.

*Lot line, front:* The property line abutting any street right-of-way, or for streets with less than 50 feet of dedicated right-of-way, an imaginary line located 15 feet from and parallel to the edge of the traveled way of publically dedicated or maintained roadways.

*Lot line, rear:* The property line most distant from and most nearly parallel to the front lot line, with the exception that on corner lots, the property line most distant from and parallel to the front lot lines shall be considered side lot lines.

*Lot line, side:* Any property line that is not a front or rear property line.

*Lot lines:* The perimeter property lines around the lot or the space line of a rental space.

*Lot width:* The horizontal distance between the side lot lines measured along the front building setback line.

*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.

*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.

*Lumen:* A unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

*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 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.

*Marina:* A boat dock or basin with facilities for berthing, securing, fueling and servicing various types of recreational watercraft. It may include the provision of supplies and storage. It does not include boat docks that are accessory to residential uses.

*Materials recovery facility:* A solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

*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 chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

*Medical or dental clinic:* Premises where patients who are not lodged overnight are admitted for examination and treatment by one or more persons practicing any form of the human healing arts, whether they are medical doctors, chiropractors, osteopaths, chiropodists, optometrists, dentists or any similar professional licensed by the State of Florida. The term does not include a veterinarian clinic.

*Mini-warehouse:* An enclosed storage area containing individually rented or owned compartments or stalls for storage only.

*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.

*Mixed use:* A development made up of a combination of uses usually found in separate districts. Examples of mixed uses may include: Two or more types of residential dwelling units; or combinations of residential, commercial, industrial or institutional land uses. All uses must be in conformance with the future land use element of the comprehensive plan.

*Mobile home:* See "Dwelling, mobile home."

*Mobile home park:* An area of land under one ownership where designated spaces for mobile home dwellings are rented. The overall operation is managed on a full- or part-time basis and provides various services and facilities for common use.

*Mobile home space:* An improved area within an approved mobile home park, designated for the placement of only one mobile home dwelling.

*Mobile home subdivision:* An approved subdivision with lots for sale as residential sites for mobile home dwellings.

*Mobile recreational shelters and vehicles:* Portable shelters and vehicles, designed for travel or recreational purposes which are not more than 8½ feet wide. The term includes the following:

(1) *Tent, tent camper or camping trailer:* A portable shelter usually fabricated of canvas or other water-repellant and fire-resistant material. The shelter may be designed to collapse for independent storage or may be designed to fold out from a special trailer body towed behind a motor vehicle.

(2) *Truck camper:* A portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping or travel use.

(3) *Travel trailer:* A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

(4) *Motor home:* A vehicular unit which does not exceed 40 feet in length and the height and the width limitations provided in F.S. § 316.515, is a self-propelled motor vehicle and is primarily designed to provide temporary living quarters for recreational, camping or travel use.

(5) *Pickup cover:* A portable enclosure placed on the bed of a pickup truck, usually lacking any self-containment features, and primarily providing simple sleeping arrangements.

(6) *Private motor coach:* A vehicular unit which does not exceed the length, width, and height limitations provided in F.S. § 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping or travel use.

(7) *Fifth-wheel trailer:* A vehicular unit mounted on wheels, designed to provide temporary living

quarters for recreational, camping or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

*Monopole tower:* A single self-supporting communication tower of spin-cast concrete, concrete, steel or other similar materials containing no guy wires.

*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 section.

*Museum:* An institution for the collection, display and distribution of objects of art or science sponsored by a public or quasi-public agency, which is open to the general public.

*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 chapter.

*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.

*Nightclub:* Commercial premises where food, alcoholic beverages or other refreshments may be obtained for consumption on the premises and where floor shows or other forms of entertainment may be provided for the customers.

*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 chapter 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.

*Nonconforming lots:* An area of land which abuts a street and which either complied with or was exempt from the Volusia County Subdivision Regulations [division 2 of the Land Development Code] on the effective date of the ordinance from which chapter 72, article II derives, but which does not meet the minimum area and width requirements of its zoning classifications.

*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 chapter.

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

*Normal farming operation:* The customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in during the production and preparation for market of poultry, livestock and associated farm products; and in the production and harvesting of agricultural crops which include, but are not limited to, agronomic, horticultural and silvicultural crops. Included is the management, collection, storage, composting, transportation and utilization of organic agricultural waste, manure, and wastes solely derived from agricultural crops.

*Nuisance tree:* Any of the following tree species:

Common Name

| 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>         |

*Nursing home:* Premises where meals, lodging, nursing care and related medical services are furnished for compensation to six or more persons unrelated by marriage, birth or legal adoption. It does not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

*ODP*: Overall development plan development order (division 2).

*Official zoning map*: A graphic illustration of zoning boundaries and classifications drawn approved and maintained by the county as part of the records of the County of Volusia.

*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.

*Off-street loading space*: A permanently located off-street space for the temporary parking of vehicles which pick up, deliver, load or unload goods, supplies and merchandise.

*Off-street parking space*: A permanently located off-street space for the temporary parking of vehicles.

*Open space*: That portion of a project not used for buildings, street rights-of-way or off-street parking and loading areas or other impervious surfaces (not including recreational facilities). Open space is intended to perform one or all of the following purposes:

- (1) Protection of natural resources (uplands, wildlife habitats and groundwater recharge areas) and areas unsuitable for development due to natural conditions (wetlands, floodplain and poor soils);
- (2) Recreation areas; and
- (3) Enhancement of the urban environment (buffer areas, landscaped areas, plazas and courtyards).

*Outdoor entertainment and recreational uses and structures*: Privately owned and operated facilities providing outdoor recreation, entertainment or amusement activities to the general public usually for an admission fee. Examples of such facilities include: Miniature golf courses, amusement parks, water slide and sport facilities, rifle shooting ranges, golf driving ranges, and go-cart tracks. Speedway, racetracks, motorized vehicle or motorcross courses, agricultural centers and associated fairgrounds, outdoor entertainment events, and circus headquarters are not included in this definition.

*Outdoor entertainment event*: Any activity designed to attract 500 or more persons per day, for one or more days, for the purpose of listening to, viewing, and/or participating in outdoor entertainment, conducted in open spaces, outside of an enclosed building.

*Outdoor sales*: Year-round sales which occur outside, on the same lot or parcel as an existing retail business.

*Outdoor storage*: An unroofed area in which equipment, goods, junk material, merchandise or vehicles are kept for more than 24 hours.

*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 chapter.

*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 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.

*Park trailer:* A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 Standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body to the exterior of the rear of the body, including any protrusions.

*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.

*Patio:* A surfaced, open space of land at grade adjacent to a residential dwelling unit or mobile home which is used as an extension to the interior of the home for private or semi-private entertainment or leisure activities.

*Penthouse:* An enclosed structure or structures above the roof of a building occupying not more than an aggregate area of one-third of the area of the supporting roof. Penthouses shall not be used for purposes other than the shelter of mechanical equipment or shelter of vertical shaft openings in the roof.

*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.

*Person, interested:* Any person who presents evidence, testimony or argument at any public hearings, whether oral or written, in person or by representative and who provides his name and address to the hearing body.

*Person aggrieved:* A person aggrieved is one whose legal right is invaded by a decision complained of, or whose pecuniary interest is directly affected by a decision. The person's interest must be specific and personal, not common to all members of the community. When the decision affects any public recreation area, however, the phrase shall include any user of that area.

*Personal pet:* A dog or cat owned by a person.

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

*Planned unit development (PUD):* A tract of land under unified ownership, to be planned and developed according to the master development plan specified in this chapter.

*Planning and land development regulation commission (PLDRC):* The commission as defined in division II of article II of these regulations.

*Planning and zoning department:* See the definition for "growth management department".

*Plant nursery, retail:* A facility which often includes artificially heated and/or cooled buildings where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting.

*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 "repair," "amended plat" or "revised plat".

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

*PLDRC:* Planning and land development regulation commission.

*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.

*Poultry farm:* Premises where more than 100 domesticated birds such as chickens, ducks, geese or turkeys are hatched or raised for sale, or kept for the sale of eggs.

*PPL:* Preliminary plat and construction plan development order (chapter 72, article III, Code of Ordinances).

*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].

*Premises:* A lot, together with all buildings and structures thereon.

*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 well and extending a radial distance of 200 feet.

*Principal structure:* Any structure occupied by the principal use.

*Principal use:* The primary purpose for which the premises are intended to be used.

*Private club:* Nonprofit associations and organizations of a fraternal, social, leisure or recreational character.

*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:* Any area of land that is planned, designed and developed in an integral and unified arrangement. It includes all structures, improvements and equipment of every kind, nature or description incident to the development.

*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 use:* A use of any premises by a public body, board, commission or authority, such as a municipal, county, state or federal government, or any agency or department thereof for a governmental or proprietary purpose.

*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.

*Public utility uses and structures:* Publicly owned or regulated electric power plants, substations, water tanks, gas transfer stations, water and sewage treatment plants and other buildings and uses not defined as "essential utility services."

*Publicly owned parks and recreational facilities:* An area of land, often in a largely natural state, having facilities for rest, recreation or sports activities owned or managed by a municipal, county, state or federal government or any agency or department thereof for the benefit or enjoyment of the general public.

*PUD:* Planned unit development.

*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 materials:* Metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

*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 areas:* Privately owned and operated facilities providing recreation and sport uses such as golf courses, country clubs, swim clubs, tennis clubs, and the like. Private recreational facilities are generally sustained through the sales of memberships, but may be open to the general public for a fee. Speedways, racetracks, motorized vehicle or motorcross courses, agricultural centers and associated fairgrounds, and circus headquarters are not included in this definition.

*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 park:* An area of land under single ownership divided into lots or spaces for the placement of mobile recreational shelters and vehicles.

*Recreational vehicle space:* An improved area within a recreational vehicle or mobile home park designated for the placement of a single mobile recreational shelter and vehicle.

*Recreational vehicles:* See "Mobile recreational shelters and vehicles."

*Recycling collection center:* A facility which is solely devoted to the collection and temporary storage of aluminum products, glass, plastic, newspapers and similar recyclable materials. This facility is not located upon the same premises as the recycling manufacturer and is an ancillary use/structure. The maximum land area which may be devoted to this use is 1,000 square feet. It is intended that this use be narrower in scope and the range of materials collected is more limited than that associated with a junkyard.

*Recycling transfer station:* A facility where materials from a recycling collection center are placed into larger vehicles/containers and temporarily stored prior to being transferred to a recycling manufacturer. This definition also includes a recovered materials facility.

*Registered land surveyor:* A professional surveyor and mapper 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.

*Rendition:* The filing of a signed, written decision with the zoning enforcement official. If a timely petition for rehearing has been filed, the decision shall not be deemed rendered until its disposition.

*Replacement stock:* Any immature tree having an overall height of at least six feet and a minimum caliper of at least two inches, but does not include any tree species listed as exempt.

*Research and development establishment:* A facility that conducts research, development or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes, but is not limited to, a biotechnology firm or a manufacturer of nontoxic computer components.

*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, article II, division 7, 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.

*Restaurant:* Premises where meals, including beverages or confections are served to customers. Restaurants are classified as:

*Type A:* Buildings where the customers normally order from individual menus while seated at a table. The order is then normally served by a restaurant employee to the same table and there consumed by the customer. This group also includes cafeterias.

*Type B:* Any building containing a restaurant other than type A.

*Retail sales and services:* The duly licensed selling of general or specialized merchandise directly to the consumer from a store, shop or similar building. The repair, installation, servicing and making of that merchandise is allowed as an accessory use to the permitted sales. This definition does not include a flea market or curb market.

*Retail specialty shops:* Specialized retail sale shops, which are normally associated with and restricted to general gift items or special-interest boutique items. Such shops shall include gift, candy, florist, jewelry, craft, hobby, book, video, clothing shops; interior decorating sales; bicycle rental, excluding bicycle sales and repair; and stores of a similar nature not to include adult bookstores as defined in this section, adult video stores, or the sale or distribution of any obscene materials.

*Revetment:* A sloped facing structure of an armoring material such as, but not limited to, quarystone,

concrete or geotextile fabrics, built to protect a scrap, embankment, or shore structure against erosion by wave action or currents (see "Toe scour protection"). A form of rigid armoring.

*Rib:* A long, narrow, usually arched member projecting from the surface of a structure or building.

*Riding stable:* A premises where the teaching of horseback riding or horsemanship for five or more students is conducted for a fee. This use also includes the keeping of five or more equine animals which may be hired for recreational riding purposes for a fixed period of time by an individual other than the owner of said animals. The definition is not intended to limit the agricultural use of horse boarding and training.

*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.

*Rock crusher:* A portable or fixed machine(s) and any related equipment such as belts, elevators, bins, and conveyors, used to crush or grind concrete, asphalt, or any nonmetallic minerals which may include, but may not be limited to, crushed or broken stone, limestone, dolomite, granite, sandstone, quartz, marl, marble, gypsum, shell and sand. Such machine(s) may include, but not be limited to, the following types: Jaw, gyratory, cone, roll, rod mill, hammermill and impactor.

*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, Fl. Admin. 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 spreading site, a surface impoundment, or an injection well defined under and subject to the provisions of chapter 17-28, Fl. Admin. 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 weighted 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.

*Seawall line:* The closest point or distance between the seaward edge of a seawall structure and the closest edge of an adjacent structure or building.

*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.

*Self-service laundry:* Premises where equipment for washing and drying laundry is made available to retail customers for a charge. It is synonymous with "laundromat."

*Self-supporting lattice tower:* A communication tower which is self-supporting and has three or more sides of open-framed supports.

*Shopping center:* A group of retail/commercial uses, located in a zoning classification where retailing is permitted as a principal use and having any or all of the following characteristics:

- (1) The uses are connected by party walls, partitions, canopies and similar features; or
- (2) Some or all of the uses are located in separate buildings which are designed as a single commercial group sharing common parking areas and vehicular travelways and are connected by walkways and accessways designed to encourage customer interchange between uses, and otherwise present the appearance of a continuous commercial area without regard to ownership.

*Sign:* A sign is any surface, fabric, device or display that is designed to advertise, inform, identify or to attract the attention of persons and is visible from an abutting property, public right-of-way, private right-of-way open to the public or body of water. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered a single sign. The term does not include a traffic control sign or device or marker caused to be erected or approved by the governing jurisdiction. The term shall include all structural parts.

*Sign copy:* The area of a sign that consists of letters, numbers, symbols, pictures, illustrations, announcements, insignia, trademarks or the like.

*Sign copy area:* The surface area of a sign upon which its copy is displayed. (Refer to section 72-298 to determine the method of calculating the copy area square footage.)

*Sign, canopy:* Refer to "Sign, marquee."

*Sign, ground:* A sign erected on a freestanding frame, mast or pole that extends from the ground.

*Sign, marquee:* A sign that is erected to a projection or extension of a building and constructed in such a manner to provide a shelter or cover over the approach to a store, theater, business or place of public assembly. A marquee sign is intended to include a canopy sign.

*Sign, monument:* A freestanding sign that has a base at least as wide as the width of the sign placed upon or supported by structures or supports in or upon the ground and independent of support from any building so that the top edge of the sign face does not exceed eight feet in overall height.

*Sign, off-premises:* A type of ground sign which advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed. This term is synonymous with

"billboard."

*Sign, on-premises:* A sign erected by the owner or lessee of a premises that is incidental, subordinate and accessory to the permitted principal use or structure and located on the same premises of such principal use or structure. It is a sign identifying a business, person, activity, goods or services located on the premises where the sign is installed and maintained.

*Sign, portable:* A sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A- or T-frame sign, or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

It is characteristic of such a portable sign that the space provided for advertising matter consists of a sign that is mounted on a vehicle normally licensed by the State of Florida as a trailer.

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*Sign, post and hanger:* A sign attached to, hung from, or supported from a horizontal post which is affixed to another self-supporting structure wholly independent of any building.

*Sign, projecting:* A sign erected or designed as an integral part of a building or structure that extends more than 12 inches and less than four feet beyond such building or structure.

*Sign, roof:* A sign erected wholly upon or over the roof of any building and having its principal support on the roof structure.

*Sign, sandwich:* Any sign consisting of two faces that are joined together and is free of structure or support and not secured to the ground.

*Sign, temporary:* A sign that is intended to be displayed for a limited period of time.

*Sign, wall:* A sign erected to the wall of any building that extends 12 inches or less beyond such wall.

*Sign, window:* A sign erected inside or upon a window facing the outside which is intended to be seen from the exterior.

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

*Skirting:* A type of wall constructed of approved fire- and weather-resistant material enclosing the area between the ground and floor of a mobile home dwelling.

*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 water effluents, dissolved materials in irrigation return flows or other common water pollutants or hazardous waste as defined herein.

*Solid waste disposal facility:* Any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

*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.

*Solid waste transfer station:* A facility where solid waste from several vehicles is placed into a larger vehicle before being transferred to a solid waste processing or disposal facility.

*Source of light:* Means 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.

*Special exception, permitted:* A use expressly so designated that would not be appropriate generally or without restriction throughout a particular zoning classification but that would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals or general welfare, if controlled in number, area, location, relation to the neighborhood, or in other appropriate respects. The term "conditional use" is synonymous.

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

| Common Name       | Botanical Name                     | DBH                  |
|-------------------|------------------------------------|----------------------|
| Turkey Oak        | ( <i>Quercus leavis</i> )          | 12 inches and larger |
| Other Oak species | ( <i>Quercus spp.</i> )            | 18 inches and larger |
| Maple             | ( <i>Acer spp.</i> )               | 18 inches and larger |
| Sweet Gum         | ( <i>Liquidambar styraciflua</i> ) | 18 inches and larger |
| Hickory           | ( <i>Carya spp.</i> )              | 18 inches and larger |
| Elm               | ( <i>Ulmus spp.</i> )              | 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 |

*Speedway:* A course for the racing of both motorized and nonmotorized vehicles. The term "speedway" includes a dragstrip.

*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 vehicular 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.

*Structure:* Anything constructed or erected on the ground or attached to anything constructed or erected on the ground, but not including fences or above ground utility poles for essential utility services.

*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 as assessed by the property appraiser 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.

*Sweepstakes center:* Any premises or establishment that operates, maintains, or places into operation for use by a person on the premises any machine, computer, or other electronic or mechanical device that is used or adapted for the use to conduct or reveal results of a drawing by chance in connection with the sale of a consumer product or service, sweepstake or game promotion that, with or without payment of consideration, a person may enter to win or become eligible to receive anything of value from a predetermined finite pool of entries, determination of which is dependent on any element of chance. This definition does not include amusement games or machines described in F.S. § 849.161, as amended, or business licensed under F.S. ch. 550.

*Tailwater recovery systems:* Facilities, permitted by the St. John's River Water Management District, or the United States Department of Agriculture Natural Resource Conservation Service, to collect, store and transport irrigation tailwater for reuse in a farm irrigation distribution system.

*Temporary campground:* A campground facility established for temporary use for three days before, during and three days after any regularly scheduled racing event at the Daytona Beach International Speedway for Speedweeks, Biketoberfest, the Pepsi 400, and Bike Week.

*Temporary outdoor sales:* Seasonal retail sales temporary in nature which occur outside, on the same lot or parcel as an existing retail business. Temporary outdoor sales do not include curb markets, flea markets or garage sales as defined in this article. Temporary sales can be products not sold at the existing retail business.

*Tent:* A collapsible structure of fabric, including, but not limited to, canvas, nylon and vinyl, stretched and sustained by poles or other temporary means of support. The term "tent" shall include collapsible structures of fabric with or without enclosed sides.

*Terminal platform:* That part of a dock that is connected to the access dock and is used for securing and loading a vessel or for fishing. The terminal platform is considered the activity area of the dock.

*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.

*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").

*Town house:* An individually owned single-family standard or manufactured dwelling constructed as a group of three or more attached single-family dwellings, each on its own lot.

*Tract:* An area of land, public or private, occupied or intended to be occupied, by or for a lawful purpose, including a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, storm drainageway, water main, sanitary or storm sewer main, canal, landscape buffer, or for similar use. The term "tract," when used for land platting purposes, means an area separate and distinct from platted lots or parcels and not included within the dimensions or areas of such lots or parcels. Unless otherwise expressly stated, the dedication of a tract on a plat reflects an intention of the dedicatior(s) to dedicate such tract as a fee simple interest in land, subject to any easement(s) stated on the plat or otherwise of record.

*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.

*Trailer:* A vehicle without motor power of its own, designed for carrying passengers or property, and drawn by an automobile, motor truck or tractor. It is intended to include the terms "tractor-trailer" and "semitrailer," but not to include "mobile home" or "mobile recreational shelters or vehicles."

*Trash:* The combination of yard trash and construction and demolition debris along with other debris such as paper, cardboard, cloth, glass, street sweepings and other like matter.

*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.

*Truck stop:* An establishment where the principal use is the refueling and servicing of trucks and tractor-trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

*Truck terminal:* An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

*Truck/light:* Any motor vehicle with a net vehicle weight of 5,000 pounds or less and which is designed or used principally for the carriage of goods and includes a motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers (F.S. § 320.01).

*Trucks/heavy:* Tractor-trailers, single-unit trucks, and some cargo vans weighing more than 5,000 pounds.

*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.

*Variance:* As used in connection with the provisions dealing with zoning, a variance is a modification of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the land, structure, sign copy area or building involved and which are not applicable to other lands, structures, sign copy area or buildings in the same zoning classification and not the result of the actions of the applicant, a literal enforcement of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classifications, under the terms of the ordinance, and would work an unnecessary and undue hardship on the applicant. As used in articles II or IV a zoning variance is authorized only to modify the height, area, yard size, parking and residential lot coverage. A variance shall not apply to permit or expand a use not generally or by special exception permitted in its zoning classification, nor grant a variance for the number of signs on a premises. Further, no variance shall be granted which is not consistent with the Volusia County Comprehensive Plan, Ordinance No. 90-10, as amended. A variance that is granted

must comply with all of the conditions listed in section 72-379.

*Vehicular use area:* A ground surface area, except public rights-of-way, used by any type of vehicle, whether moving or at rest, for such purposes as driving, parking, loading, unloading, storage, or display, including new or used car lots; activities of a drive-in nature in connection with banks, restaurants, filling stations, grocery stores, and other vehicular uses under, on, or within buildings.

*Veterinary clinic:* Premises for the medical and surgical care of sick or injured animals, with limited overnight facilities.

*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.

*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.

*Warehouse:* A building or substantial portion of a building where goods, merchandise, products, supplies, or equipment are stored before distribution to manufactures, retailers or wholesalers.

*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.

*Waterbody:* A lake, pond or other natural body of water of any type.

*Watercourse:* A natural or manmade channel through which water flows.

*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 chapter.

*Wet bar:* A small bar or counter for making alcoholic drinks (as in a home) that is equipped with a small single-basin bar sink and running water.

*Wetlands:* Lands which are identified by being inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The definition includes all contiguous and noncontiguous or isolated wetlands to waters, waterbodies and watercourses. Wetlands include, but are not limited to, swamp hammocks, hardwood hydric

hammocks, riverine cypress, cypress ponds, bayheads, bogs, wet prairies, freshwater marshes, tidal flats, salt marshes, mangrove swamps and marine meadows. The landward extent of wetlands shall be determined in accordance with Rule 62-340, Florida Administrative Code.

*Wholesaling:* The business of selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

*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.

*Yard:* That minimum area of land required by this chapter within which no structure or portion thereof shall be erected from the ground up, unless otherwise expressly permitted by this chapter. The various types of yards are illustrated as follows:

IMAGE NOT FOUND:\file1.municode.com16652-67-3.jpg

*Yard, front:* A yard extending across the front of a lot. It is bounded on the front by the front lot line, on the side by the side lot lines and on the rear by a line parallel to and located the minimum distance from the front lot line permitted by the applicable classification.

*Yard, rear:* A yard extending across the rear of a lot. It is bounded on the rear by the rear lot line, on the side by the side lot lines and on the front by a line parallel to and located the minimum distance from the rear lot line permitted by the applicable classification.

*Yard, side:* A yard between the side lot line and a line parallel to and located the minimum distance from the side lot line permitted by the applicable classification.

*Yard, waterfront:* A yard abutting a natural or artificial body of water or a watercourse [refer to section 72-294].

*Yard trash:* Vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and stumps.

*Zoning enforcement official:* The director of the building and zoning code administration division of the county or his duly authorized representative.

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

(Ord. No. 81-39, §§ II—IV, 11-19-81; Ord. No. 81-53, § I, 12-17-81; Ord. No. 82-20, §§ I, II, 12-9-82; Ord. No. 84-1, §§ I, II, 3-8-84; Ord. No. 85-24, § I, 10-10-85; Ord. No. 85-27, § I, 11-14-85; Ord. No. 86-16, §§ I, III, IV, 10-23-86; Ord. No. 87-14, § I, 6-18-87; Ord. No. 88-2, §§ I, II, 1-19-88; Ord. No. 89-20, § I, 6-20-89; 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. 90-34, § 1, 9-27-90; Ord. No. 91-11, § I, 5-16-91; Ord. No. 92-6, § I, 6-4-92; Ord. No. 92-18, § IV, 6-18-92; Ord. No. 93-15, § I, 6-17-93; Ord. No. 94-2, § 79, 4-7-94; Ord. No. 94-4, § I, 5-5-94; Ord. No. 95-17, § I, 6-15-95; Ord. No. 95-27, § I, 8-3-95; Ord. No. 95-30, § V, 8-24-95; Ord. No. 96-32, § LXXVI, 12-19-96; Ord. No. 97-19, § I, 8-7-97; Ord. No. 98-24, § VI, 12-3-98; Ord. No. 98-25, § II, 12-17-98; Ord. No. 99-2, § I, 1-21-99; Ord. No. 99-13, § VII, 6-17-99;

PART II - CODE OF ORDINANCES Chapter 72 - LAND PLANNING DEFINITIONS

Ord. No. 00-21, § I, 5-18-00; Ord. No. 01-20, § 4, 8-2-01; Ord. No. 01-21, § 1, 8-2-01; Ord. No. 02-04, § II, 1-17-02; Ord. No. 02-13, § II, 7-18-02; Ord. No. 2002-22, § I, 11-7-02; Ord. No. 2004-01, § 1, 1-22-04; Ord. No. 02-10, § I, 4-18-02; Ord. No. 2004-01, § 1, 1-22-04; Ord. No. 2004-20, §§ II, III, 12-16-04; Ord. No. 2006-02, § I, 2-2-06; Ord. No. 2008-25, §§ II, III, 12-4-08; Ord. No. 2009-17, § I, 5-21-09; Ord. No. 2009-19, § I, 8-6-09; Ord. No. 2009-24, § II, 10-1-09; Ord. No. 2010-02, § IX, 3-4-10; Ord. No. 2010-06, § I, 6-17-10; Ord. No. 2010-19, § I, 12-16-10; Ord. No. 2011-02, § I, 1-20-11; Ord. No. 2011-06, § I, 3-17-11; Ord. No. 2011-14, § VII, 5-19-11; Ord. No. 2011-25, § I, 9-22-11; Ord. No. 2012-05, § I, 4-19-12; Ord. No. 2012-06, § I, 5-3-12; Ord. No. 2012-07, § I, 5-17-12)