

Chapter 100

DEFINITIONS

Sec. 100-1. Definitions.

Any definitions not covered in this chapter are the same as generally accepted in common usage.

Abandonment. To cease or discontinue a use or activity for a period of 180 consecutive days. This does not include temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or re-arranging a facility, or during normal periods of vacation or seasonal closure.

Absorption area. Any designed or natural pervious area capable of allowing water percolation.

Absorption rate. The speed at which the ground allows water to percolate. The rate is usually determined by use of a perc (percolation) test to determine soil suitability for drainage or septic system purposes.

Abut or abutting. To physically touch or border upon; or to share a common property line or be separated from such a common border by a right-of-way, alley, or easement of record.

Accessory apartment. A second dwelling unit located on an existing single family lot, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory structure. A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. An accessory structure shall not be an independent living facility.

Accessory use. A use or structure that:

- (1) Is clearly incidental to and customarily found in connection with a principal building or use;
- (2) Is subordinate to and serves a principal building or a principal use;
- (3) Is subordinate in area, extent, or purpose to the principal building or principal use served;
- (4) Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
- (5) Is located on the same parcel of land as the principal building or use served.

Agricultural. Land use category that encompasses cultivating and farming activities such as crop production, horticulture, floriculture, silviculture, viticulture, fruit and citrus, dairy, pasturage, and livestock husbandry and the necessary accessory uses of packing, treating, or sorting the produce; provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. The uses listed below are permitted within the agricultural land use category, including but not limited to the following:

- (1) Farms that produce traditional field crops, such as, vegetables, grains, fruits and citrus, berries, nuts and seeds.
- (2) Farms that produce household/landscape plant materials, such as, trees, shrubs, flowers and lawn grass (includes nurseries, greenhouses, and tree/sod farms).
- (3) Livestock and animal husbandry farms, such as, grazing and pasturage, feedlots, dairy and breeding farms (including boarding stables and riding academies).
- (4) Aquaculture farms, such as, fish/frog farms, fish hatcheries, and bait farms.
- (5) Apiaries and honey extracting/processing farms.
- (6) Roadside farm stands, provided that the products for sale are raised or produced on the same tract of land that the stand is located.
- (7) Other agricultural uses not listed, but of similar nature as interpreted by the city manager.

Agriculture. The science or practice of cultivating and farming land including, but not limited to, the following activities: crop production, floriculture, silviculture, viticulture, dairy, pasturage, and livestock husbandry and the necessary accessory uses packing, treating, or sorting the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Alcoholic beverage. Any spirit, wine, beer, ale, or other liquid containing more than one percent of alcohol by weight, which is fit for beverage purposes; other than any medicine or drug dispensed by drug stores or prescription shops for medical purposes.

Alcoholic beverages, establishments dealing in. Any business or commercial establishment including those licensed by the state for the sale of alcoholic beverages or any alcoholic content or any bottle club, hotel, motel, restaurant, night club, or similar establishment where a product or article is sold, dispensed, served, or provided, with the knowledge, actual or implied, that the same will be, or is intended to be, mixed, combined with, or drunk in connection or combination with an alcoholic beverage on the premises of said business or commercial establishment shall be considered an establishment dealing in alcoholic beverages. A private residence is not an establishment dealing in alcoholic beverages.

Alley. Any public or private space or thoroughfare twenty (20) feet or less in width which has been dedicated or deeded for public use which may afford only a secondary means of access to abutting property.

Anchor tenant. A retail store(s) in a shopping center that is/are in excess of fifteen thousand (15,000) square feet of gross floor area and possess at least one hundred (100) feet of building frontage.

Approved trees. Trees which are native species, as defined herein, or other non-native species of a non-threatening nature to people, plants and plant communities, as listed in section 115-8.7, Approved tree list, of this land development regulation. The city commission may amend section 115-8.7 of this land development regulation, if warranted; however, no invasive, self-propagating, or poisonous species shall be added to the approved tree list.

Architectural feature, sign. Any construction attending to, but not an integral part of the sign, such as, by way of example not limitation, landscape, building, or structural forms that enhance the site in general; it also includes, graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a building provided such treatment does not include lettering, logos or pictures.

Area or area of jurisdiction. The incorporated city limits of the City of Eustis.

Articulate. To give emphasis to or distinctly identify a particular element. An articulated façade would be the emphasis of elements on the face of a wall including a change in setback, materials, roof pitch or height.

Awning. Any metal, canvas, or plastic cover, hood, or canopy projecting from and supported by a building when such device extends beyond the building, building line, setback line, or property line.

Background structure, sign. With regard to sign regulations, it is parts of a sign, exclusive of the copy area, such as means, buttresses, poles, cables, and stringers, which support the sign face.

Balcony. That portion of the seating space of an assembly room, the lowest part of which is raised four (4) feet or more above level of the main floor.

Beacon light. Any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically; or a fixed or flashing intensity light, such as a spotlight or floodlight.

Bed and breakfast inn. An official historic residential structure, or portion thereof, where short-term lodging rooms and meals are provided, for compensation. Meals are regularly prepared and served in a communal or family style, without service or ordering of individual portions from a menu. There is one central kitchen, with no provision for cooking in any of the individual rooms occupied by paying guests. The owner or manager of the inn shall live in the principal structure or in an adjacent structure on the same lot. All residential structures

requesting a bed and breakfast conditional use permit must be an official historic structure, as defined by federal, state or local criteria or listed on the National Register, state master site file, or the city's list of historic structures.

Big box structures. Any building floor plate greater than fifteen thousand (15, 000) square feet of building area.

Billboards. Outdoor advertising signs erected and maintained by an advertising business or service upon which advertising matter may be displayed, and which generally advertise firms and organizations that, along with their goods and services, are not located on the same premises as the sign; and whose surface is sold, rented, or leased for the display or advertising material.

Boarding house. A residential structure, or portion thereof, where permanent lodging or occupancy is provided, for compensation with meals, for three or more persons not related by blood, marriage, or adoption to the owner. Meals are regularly prepared and served in communal or family style, without service or ordering or individual portions from a menu. There is one central kitchen, with no provision for cooking in any of the individual rooms occupied by paying guests. The owner of the boarding house or a resident manager shall live in the principal structure or in an adjacent structure on the same lot.

Bona fide agricultural use. Land on which the city has determined that the use of the land for agricultural purposes is bona fide taking into consideration the following factors: the length of time that the land has been so utilized, whether the use has been continuous, the tax status of the land (as listed on the most recent tax roll), whether there has been an indicated effort to use the land in accordance with accepted agricultural practices.

Building. Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

Building face, front. Any building face, which can be touched by a line, drawn perpendicular to street (public or private).

Building face, public. Any building side which is visible from public or private right-of-ways and/or the faces that contain public entry.

Building face, of wall. All window and wall area of a building in one (1) plane or elevation.

Building frontage. The horizontal length of a wall of a building where such wall faces a street. The measurement of such length is along a line parallel to the street. Where a building is arranged to include establishments with exterior public entrances but no wall space facing a street, the horizontal dimension of one wall of each such establishment which faces a mall or other private way may be considered to be building frontage.

Building line. A line, established by law, beyond which a building shall not extend, except as specifically provided by law.

Building mass. The building's expanse or bulk and is typically used in reference to structures of considerable size.

Building permit. An official document or certificate issued by the building official authorizing performance of a specified activity.

Building signage. Any sign attached to any part of a building, including but not limited to, awning, canopy, wall or projecting signage.

Caliper. The minimum trunk diameter of a replacement tree as measured at a predetermined point measurement.

Central business district (CBD). A common and usually central area of the community where citizens carry on commercial trade and purchasing. The central business district is distinguished from satellite business centers, shopping districts, and highway commercial districts.

City. The City of Eustis.

City manager. The City of Eustis City Manager or his appointed designee.

Commercial. Land use category that encompasses a wide variety of retail and wholesale businesses.

Commercial, high intensity. Land use category that encompasses a wide variety of retail and wholesale businesses, with a potential for greater nuisance to adjacent properties than the uses listed in the commercial land use category.

Commercial use. An occupation, business, employment, enterprise, activity, or other undertaking that is carried on for profit by the owner, lessee, or licensee; or a not-for-profit enterprise or activity which exhibits similar commercial land use characteristics, such as traffic generation, parking and loading requirements, noise, fumes, extended hours of operation, etc.

Commercial, Neighborhood. Neighborhood serving uses that are compatible with the size, floor area of the adjacent residential development. The intent of neighborhood commercial is for it to be the same scale and integrate in with the residential area without causing taxing of the existing transportation system and flow.

Comprehensive plan. The City of Eustis Comprehensive Plan.

Concept plan. A general sketch or outline of a proposed development showing the intended layout of a subdivision or site plan. The document should be of sufficient accuracy to be used for discussion and preliminary evaluation. Discussion of a concept plan is informal and carries no vesting or guarantees to either party.

Concurrency. A condition where specified public facilities and services have, or will have, the necessary capacity to meet the adopted level of service standard (LOSS) at the time of

impact of a development project. (See chapter 106 of this land development regulation.)

Concurrency management system. The process used to determine that public facilities and services needed to support development are available, at the adopted level of service, concurrent with the impacts of such development.

Conditional use. A use that, owing to some special characteristics to its operation; e.g. potential danger, smoke, or noise, is permitted in a district subject to approval by the city, and subject to special requirements different from those usual requirements for this district in which the conditional use may be located. A use that would not be appropriate generally or without restriction throughout the land use district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

Connection. A driveway, street, turnout, or other means of providing for the movement of vehicles to or from property abutting an adjacent public road. Two one-way connections to a property may constitute a single connection.

Conservation areas. Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas include freshwater marshes, shallow grassy ponds, hardwood swamps, cypress swamps, natural shorelines, sand pine-scrub communities, and other areas of significant biological productivity or uniqueness.

Conservation easement. A right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; or maintaining existing land uses and which prohibits or limits the activities described in F.S. § 704.06.

Conservation facilities. Interpretative and educational features and related facilities for nature study and enjoyment.

Construction. A term used to refer to the construction industry, including, but not limited to builders, who form structures by ordering and uniting materials by gradual means according to a systematic plan, either from the ground up or by enlargement, alteration, repair, or demolition of an existing building or structure. Construction also includes the erection, installation, enlargement, alteration, repair, removal, conversion, or replacement of any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by technical codes and the carrying out of such work.

Copy Area. The part of a sign, including trim, embellishments, and background, which contains the copy. The copy is computed by straight lines drawn closest to copy extremities encompassing individual letters or words.

Copy, permanent and temporary. The wording and embellishments on a sign surface either in permanent or removable letter form.

Created wetland. The conversion of a persistent upland or shallow water area into a wetland through some activity of man.

Day care facility, child. A facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers and family day care homes.

Density, gross. The total number of dwelling units divided by the total number of acres on the site equals gross density. This calculation includes all internal streets, easements, rights-of-way, water and wetlands, environmental and conservation areas, open space, stormwater facilities, etc.

Density, net. The total number of dwelling units divided by the total number of net buildable acres on the site equals net density.

Developer. Any person who engages in land development including, but not limited to, the property owner.

Development. Any building activity or other activity that makes any material change in the use of the land or any structures situated upon the land, or the dividing of land into two or more parcels.

- (1) Activities or uses shall to be considered development for the purposes of this land development regulation include, but are not limited to, the following:
 - a. A reconstruction or alteration of the size of a structure on land.
 - b. 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.
 - c. Alteration of a shore or bank of a river, stream, lake, pond, or canal, and alteration of topography which affects the flow of surface water or ground water.
 - d. Commencement of drilling, except to obtain soil samples, or excavation on a parcel of land.
 - e. Demolition of a structure.
 - f. Clearing of land as an adjunct of construction.
 - g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- (2) The following operations or uses shall not be considered development for the

purposes of this land development regulation:

- a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
- b. Work by any utility and other persons engaged in the distribution or transmission of gas or water, or electric, stormwater, wastewater, cable TV, telephone, on utility easements of record, or established rights-of-way, above or underground, for the purpose of inspecting, repairing, renewing, or constructing on such utility easements of record or on established rights-of-way any sewers, mains, pipes, cables, poles, or the like.
- c. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the decoration of the exterior of the structure without affecting the intensity of use.
- d. The use of any land for agricultural cultivation or pasturage purposes.
- e. A change in the ownership or form of ownership of any parcel or structure.
- f. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land, except land division.

Development activity. Any activity, excluding normal day-to-day maintenance, which alters the natural state or topography of the land. These activities include, but are not limited to, clearing, grubbing; clear cutting, strip clearing, grading, construction, installation, removal or demolition of a structure, unless for an agricultural use.

Development agreement. An agreement between the city and a property owner/developer which conforms to the requirements of F.S. §§ 163.3220 through 163.3243.

Development order. Any order granting, denying, or granting with conditions an application for a development permit.

Development permit. Includes any building permit, land use permit, subdivision approval, certification, special exception, variance, or any other official action of the city having the effect of permitting the development of land.

Development services director. The City of Eustis Director of Development Services; the appointed head of the division of development services (building, development services, and code enforcement departments).

Diameter at breast height (DBH). The diameter of a tree measured at breast height, which is 54 inches (4 1/2 feet), above the grade at the base of the tree. A tree that has multiple

trunks shall be measured using the sum of the diameters.

Drip line. An artificial line measured in a radial pattern around a tree corresponding to the root protection zone. The line extends from the perimeter of a tree canopy vertically down to the ground.

Drive-through facility. A commercial structure or portion of said structure, designed in such a manner as to allow business transactions directly with customers who are located in motor vehicles during such business transactions.

Dwelling. A building, or portion thereof, used exclusively for residential and/or lawful accessory use purposes, including single-family (detached and attached), two-family (duplex), and multi-family dwelling units, but excluding hotels, motels, and establishments that provide temporary lodging.

Dwelling unit. One or more rooms physically arranged so as to create an independent housekeeping establishment or occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Erect. To build, construct, attach, hang, place, suspend, affix, or paint a wall sign or other sign or street graphic.

Façade. The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

Family. Two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen; six or fewer unrelated persons living as one housekeeping unit using one kitchen; or a combination of the persons described above which are living together as one housekeeping unit using one kitchen.

Final permit for land development activity. A permit which actually authorizes commencement of construction or development activity, and specifically includes building permits, final engineering/construction plan approvals, final subdivision plat approvals, and any other approvals required for planned unit developments, and development orders for developments of regional impact (DRIs).

Flag. Any fabric, banner, or bunting which may contain distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flag lot. A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

Floor area ratio. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Frontage Types	<div style="text-align: right;"> LOT ▶ ← R.O.W. PRIVATE ▶ ← PUBLIC FRONTAGE </div>
<p>Common Lawn: a planted Frontage wherein the Facade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.</p>	
<p>Porch & Fence: a planted Frontage wherein the Facade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence at the Frontage Line maintains street spatial definition. Porches shall be no less than 8 feet deep.</p>	
<p>Forecourt: a Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. The Forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.</p>	
<p>Stoop: a Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.</p>	
<p>Shopfront: & Awning a Frontage wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has a substantial glazing on the Sidewalk level and an awning that should overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.</p>	

<p>Gallery: a Frontage wherein the Facade is aligned close to the Frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery shall be no less than 10 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.</p>	
<p>Arcade: a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide and should overlap the Sidewalk to within 2 feet of the Curb.</p>	

Gable. A triangular wall section at the end of a pitched roof, bounded by the two roof slopes.

Gated development. Any residential development that may be fenced and has a secured gate at the roadway entrance to the facility preventing free access by the public.

Governmental agency. Any group or organization, formed or appointed by a branch of government, whether national, state or local, for the purpose of enforcing or implementing the rules, regulations and/or standards of that branch of government.

Group Home. A facility licensed to serve clients of the Department of Children and Family Services that provides a living environment for unrelated residents, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. Resident means any of the following as defined in the Florida Statutes: a frail elder (Section 400.618); a physically disabled or handicapped person (Section 760.22(7)(a)); a developmentally disabled person (Section 393.063(12)); a non-dangerous mentally ill person (Section 394.455(18)); or a child (Sections 39.01(14), 984.03(9) or (12) or 985.03(8)).

Gross floor area. The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky.

Handbill distributor. Any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

Handbills. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, booklet, or any other printed or otherwise reproduced original, or copies of any matter of literature.

Handbills, commercial. Any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original, or copies of any matter or literature:

- (1) Which advertises for sale any merchandise, product, commodity, or thing; or
- (2) Which directs attention to any business, mercantile or commercial establishment, or activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profits; or
- (4) Which, although containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Handbill, noncommercial. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copy of any matter or literature not included in the definitions of a commercial handbill, or a newspaper.

Historic tree. A tree designated by the city commission as being of such historical importance so as to contribute to the overall cultural heritage of the city and of such significance as to warrant conservation and preservation.

Home occupation. An occupation, profession, activity, or use that is carried on for gainful employment within a residential dwelling unit.

Impervious surface. Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land, including graveled driveways and parking areas. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including compacted sand, clay, or lime rock, as well as most conventionally surfaced streets, roofs, sidewalks, and parking lots.

Impervious surface ratio. Determined by dividing the gross impervious surface of all structures on a building lot by the total area of the building lot.

Industrial. Any one or a number of different businesses engaged in the manufacture or production of materials or services. The industrial uses may be classified into general industrial and light industrial.

Industrial/light, clean; research: Research uses shall include theoretical and applied research in all the sciences, product development and testing, engineering, and marketing development provided that the by-products of the activity (smoke, noise odor, refuse, vibration,

intense glare, heat, and light, etc.) do not create a nuisance beyond the property on which the activity is located. Clean, light industrial uses shall include manufacturing, fabricating, processing, converting, altering and assembly of various products, including original works of art, provided that the by-products of the activity (smoke, noise, odor, refuse, vibration, intense glare, heat, and light, etc.) do not create a nuisance beyond the property on which the activity is located. No open storage is permitted for light industrial, clean/research uses. The term "nuisance" as used in this definition is determined by City staff. The manufacture and distribution of original works of art may also include a room or series of rooms devoted exclusively to the display of art work available for purchase.

Industrial/service, Heavy. Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited

Infrastructure. Roads, potable water facilities, sanitary sewer facilities, drainage facilities, solid waste facilities, park facilities, and other categories that may be added by Florida Statutes.

Institutional. Land use activity that encompasses a variety of public and/or quasi-public uses of a governmental, educational, medical, social or religious nature, including but not limited to the following:

- (1) Education facilities (public or private) with academic or vocational/technical curricula only.
- (2) Government offices and facilities.
- (3) Libraries, museums and art galleries (public or private).
- (4) Places of religious worship (includes churches, church schools, and other customary church-operated accessory uses and facilities).
- (5) Cemeteries without funeral homes/mortuaries.
- (6) Residential care facilities, (including adult congregate living facilities (ACLF) and group care homes, halfway and recovery houses, emergency shelters, residential treatment centers, nursing homes, and other similar uses).
- (7) Other institutional uses not listed, but of a similar nature as interpreted by the city manager.

Isolated wetland. Any wetland not under jurisdiction of the Florida Department of Environmental Regulation (DER) for the purpose of regulation of dredging and filling. Multiple individual wetlands normally connected by surface flows during a wet season with average rainfall shall be presumed to be an isolated wetland.

Land. The earth, water and air, above, below, or on the surface, including any

improvements or structures customarily regarded as land.

Land development regulations. Codes enacted by the city for the regulation of any aspect of development, including any land use, building construction, or sign regulations or any other regulations controlling the development of land in the city.

Land use. The development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

Level of service (LOS) standard. The standards for infrastructure facilities as set forth in the capital improvement element of the adopted comprehensive plan of the city (specifically in the policies under capital improvements element goal 1).

Local government. The City Commission of the City of Eustis.

Local planning agency. The agency designated to prepare the comprehensive plan and review for consistency the land development regulations required by F.S. ch. 163 "Local Government Comprehensive Planning and Land Development Regulation Act".

Lot. A designated parcel, tract, or area of land established as permitted by law.

Lot, corner. A lot where two sides front on a street or road.

Lot depth. The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot, interior. Any lot fronting on only one street or road or at the intersection of two streets.

Lot, island. Any lot completely surrounded by streets.

Lot line. A property line separating a lot from property outside the lot.

Major development. A sizable planning or construction project involving substantial property improvement and, usually, a change of land use character within the site; the act of using land for major building or extractive purposes.

Major variance. A dispensation of Code regulations granted by the city where such action will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this land development regulation would result in unnecessary and undue hardship.

Manufactured housing. A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. § 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built of a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent

hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Master plan. A comprehensive, long-range plan intended to guide the growth and development of a community or region. Such a plan usually includes inventory and analysis sections leading to recommendations for the community's future economic development, housing recreation and open space, transportation, community facilities or land use--all of these being related to the community's goals and objectives for those elements. This term is also used to refer to detailed plans for individual utilities or other city functions, i.e. sewer master plan, stormwater master plan, or emergency response master plan. The term "master plan" is also sometimes used interchangeably, by laymen, with the terms "comprehensive plan" and "long range plan." It also refers to concept plans with Phase I site plan for projects which are developed in phases.

Mini-storage facility. A building or group of buildings in a controlled access compound, which contains individual, self-contained units of varying sizes that are leased or owned for the purpose of storing household, business, or other materials.

Mini-warehouse. See "mini-storage facility."

Mitigation, wetlands. Actions including, but not limited to, restoration, enhancement, or creation of wetlands to compensate for permitted wetland losses.

Mobile home. A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Multi-family dwelling. A detached residential building, containing three or more separate and independent dwelling units used for permanent occupancy, including what is commonly known as an apartment building, apartment house, or courtyard apartment.

Native species. Plant types which are indigenous to the state according to the Guide to Vascular Plants of Central Florida by Richard P. Wunderlin (University Presses of Florida, University of South Florida, 1982). A reference copy is available for inspection at the development services department and the City of Eustis Public Library.

Net buildable acreage. The total number of acres within the perimeter boundaries of a development excluding wetlands and water bodies.

Net floor area. The area actually occupied not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features.

Newspaper. Any publication printed and published periodically, once a week, or more often, wholly or in large part in the English language, entered or qualified to be admitted and entered as second-class matter at a post office in the county where published, for sale to the public generally, available to the public generally for the publication of official or other notices

and customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public. Also, the term newspaper shall mean and include any periodical or current magazine regularly published with not less than four issued per year, and sold to the public.

Newspaper of general circulation. A newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but not including a newspaper intended primarily members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Non-altered wetland. A wetland that has not been or is not scheduled to be impacted, modified, or transformed in any way from its existing condition prior to any development activities.

Nonconforming use. A land use that does not comply with the land use category within which it is located, or does not meet the standards of other land use regulations.

Non-isolated wetland. Wetlands that have a hydrological or vegetative connection with "waters of the state" as defined in F.S. § 403.031(13) and FAC 17-301.200(4).

Noxious/exotic species. Certain plant species (non-native to Central Florida) that are a threat to people, plants or plant communities due to their invasive, self-propagating, or poisonous nature as defined by the Florida Exotic Pest Plant Council's 2007 List of Invasive Plant Species as may be updated and amended from time to time.

Open Space/General. The land area that remains undeveloped or minimally developed, such as trails and boardwalks, as part of a natural resource preserve, active or passive recreation areas and land preserved for conservation purposes. Open space may also include landscape buffers and common landscaped areas of the development. Open space excludes water bodies, wetlands, private residential lots, street rights-of-way, and impervious surfaces (unless otherwise provided as a part of a recreational facility). Golf courses shall be generally excluded with the exception that areas of a golf course that are naturally vegetated and not subject to chemical application may be credited towards the minimum open space requirements, and provided that the golf course is certified as being in compliance with Best Management Practices described in "Protecting Florida's Springs-Land Use Planning Strategies and Best Management Practices" (DCA/DEP – November, 2002). No more than 50% of the pervious area occupied by a golf course may count toward the minimum open space requirement. Open space may include permeable stormwater management areas if enhanced as amenities to the development consistent with the standards provided in Section 115-5 (e). Open space shall be calculated as a percentage of the net buildable acreage of a parcel, where net buildable acreage is defined as the total acreage less wetlands and water bodies.

Open space ratio. By calculation, that minimum proportion of a site that is devoted to open space and designated to regulate the intensity of development and preserve natural areas.

Owner. A person, group of persons, or legal entity who holds recorded interest in

property with the present ability to bind the property for perpetual use or uses. In the event of less than fee simple interest, it will require more than one entity to constitute "an owner." A tenant or one holding a leasehold interest shall not constitute an owner. A person, group of persons or legal entity holding a contract right to obtain a fee simple or other interest shall not constitute "an owner."

Parapet. The extension of a false front or wall above a roof line.

Parcel of land. Any quantity of contiguous and reasonably compact 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 land to be used, or developed as, a unit or which has been used or developed as a unit.

Passive recreation activity. Typical activities would include, but are not limited to, hiking, picnicking, and bird watching.

Passive recreation structure. Typical facilities would include, but are not limited to, elevated boardwalks, nature trails, picnic tables, picnic shelters, and docks.

Person. An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Planned development. Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

Portable storage unit: Any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.

Private premises. Any dwelling, house, building, or other structure, designed or used either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

Professional service/office. Land use activity that encompasses a variety of professional office uses, such as, medical, legal, financial and/or personal service businesses. Personal

service businesses are defined as businesses where services are rendered on an individual-to-individual basis as opposed to services performed on objects or personal property. The uses listed below are permitted, including but not limited to the following:

- (1) Medical facilities, including offices/clinics for physicians, surgeons, dentists, veterinarians (excluding outdoor kennels), and other medical/health practitioners licensed to practice in the state.
- (2) Professional businesses, includes offices for attorneys, engineers, architects, surveyors, planners, draftsmen, insurance/real estate agents, property appraisers, accountants, financial investors/consultants, financial institutions (excluding drive-through facilities), and data processing/computer applications.
- (3) Sales offices/showrooms (excluding on-premises inventory), includes catalog sales or showrooms where merchandise is selected and ordered, but not sold on-site; and offices of communication, or dispatching businesses (excluding on-site warehousing or actual distribution of goods).
- (4) Personal service businesses, includes barber shops, beauty salons, photography and art studios, travel/advertising agencies, interior decorators, and secretarial/telephone answering services.
- (5) Other professional service/office uses not listed, but of a similar nature as interpreted by the city manager.

Property access. A vehicular approach or entry to or exit from property as designated upon an approved site plan, plat, or building permit for the property.

Protected tree. Any tree not listed on the list of noxious/exotic species (section 115-8.9 of this land development regulation), and meeting one of the following requirements:

- (1) Trees with a DBH of six inches or greater.
- (2) Specimen or historic trees.
- (3) Trees located in a wetland area as determined by the agencies having jurisdiction.

Public facilities. Capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems, general government buildings, and facilities.

Public notice or due public notice. Publication of notice as required by state law when used in connection with the phrase "public hearing" or "hearing to be held after due public notice."

Public service/utility. Land use activity that encompasses a wide variety of public and quasi-public uses and activities, which provide essential or important public services. These

necessary uses may have characteristics of outdoor storage or of potential nuisance to adjacent properties due to noise, light or glare, or appearance. The uses listed below are permitted, including but not limited to the following:

- (1) Emergency/public safety facilities, including buildings, garages/parking, and dispatch centers for police, fire, paramedics/ambulance rescue.
- (2) Utility facilities, including water/wastewater plants, storage tanks and towers, utility substations.
- (3) Maintenance and storage areas, for schools, governmental agencies, and utility companies.
- (4) Communication facilities, including broadcasting stations, transmission towers, and satellite dishes.
- (5) Fuel facilities, for schools, governmental agencies, and utility companies (limited to storage/distribution facilities with a total fuel capacity of 1,000 gallons or less).
- (6) Transportation facilities, including airports/airfields; railroad or bus terminals/depots.
- (7) Other public service/utility uses not listed, but of a similar nature as interpreted by the city manager.

Public utility. Any legal entity (specifically including the city) with the power of eminent domain which is in the business of supplying electricity, natural gas, water, wastewater, transportation, or communication services to or for the general public.

Reasonable access. Access provided which is deemed not to be excessive as per limitations set forth by FAC (16C-20.0035(1)(c)). This does not include activities that fall under the scope of a dredge and fill activity or the placement of structures within those areas designated as wetlands.

Recreational vehicle. A vehicle designed for recreational use on land (as in camping).

Redevelopment. Construction, installation, replacement, reconstruction, alteration or other material change of a structure, impervious surface drainage facility or part thereof on a previously developed site.

Regional planning agency. The East Central Florida Regional Planning Council.

Residential. Land area designated for dwellings including streets, easements, and open space portions of a development.

Rooming house. (See "Boarding House")

Shielding. Illuminated signs shall provide shielding of any source of illumination other

than neon. No glare or source illumination shall be directly visible from a public way or any residence in a residential district.

Shopping center. A grouping of retail business and service uses on a single site with common parking.

Sign, animated. Any sign of which all or part thereof revolves or moves in any fashion whatsoever, including multi-prism indexing signs; any sign which contains or uses for illumination any light, lights, or lighting device or devices which change color, show movement or motion, or change the appearance of said sign or any part thereof automatically. This shall include public service information signs.

Sign, awning; canopy; marquee. A sign painted, stamped, perforated, stitched, or otherwise applied on the valance of an awning.

Sign, banner. A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

Sign, building. Any sign attached to any part of a building, including but not limited to, awning, wall or projecting signage. Also, a sign lettered to give the name of a building itself, as opposed to the name of occupants or services.

Sign, changeable copy. Any poster board, bulletin board, neon sign, screen, surface or wall, with characters, letters or illustrations affixed thereto or thereon, by any method or means whatsoever, that can be changed, rearranged or altered without changing the face of the poster board, bulletin board, neon sign, screen, surface, or wall.

Sign, changing (manual). A portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters or graphics to be modified from time to time manually, such as a bulletin board.

Sign, directional. Any sign used to indicate the direction to entrances, exits, parking area, restrooms, drive-through facilities, or other non-business related facilities on the site.

Sign, directory. A directory sign shall mean a sign which gives the name and/or occupation of the occupants of a building; or gives the use of the building, including office building directories, church directories, and apartment house directories.

Signs, discontinued. A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity and/or for which no legal owner can be found within a specified period of time.

Sign, free standing. A sign which is supported by one (1) or more columns, uprights, or braces anchored into the ground independent of support from any building, including ground signs and elevated signs.

Sign, gasoline station. Signs for buildings and premises in which a primary source of

revenue is the retail dispensing of motor fuels and shall include convenience stores, etc. where fuel is dispensed.

Sign, ground. A sign which is in contact with or the bottom edge of which is within seven (7) feet, eleven (11) inches of the ground and is supported by uprights or braces which is placed on, near or at ground level, and which is not attached to any building. The definitions of ground sign and pole sign are mutually exclusive.

Sign, illuminated. A sign illuminated in any manner by an artificial light source.

Sign, marquee (also known as under canopy sign). A sign suspended below the ceiling or roof of a canopy or marquee.

Sign, multi-tenant. A sign, which pertains to the uses of a parcel of property, or parcels of contiguous property, where two (2) or more separate establishments exist on the parcel of property.

Sign, pole or pylon. A sign supported by at least one (1) upright pole, pylon, or post which is secured to the ground and the bottom of the sign-face of which exceeds two (2) feet above the finished grade level. The definitions of pole sign and ground sign are mutually exclusive.

Sign, portable. Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of the vehicular or pedestrian traffic.

Sign, projecting. Any sign, other than a wall sign, which is attached to and projects from the wall or face of a building or structure, in such a manner that one or more copy areas are not parallel to the building wall including an arcade/marquee sign.

Sign, real estate. Any structure, device, display board, screen, surface or wall, with characters, letters or illustrations placed thereto, thereon or thereunder, by any method or means whatsoever, where the matter displayed shall be used solely for the purpose of offering for sale, or lease, or for rent, the exact property upon which the sign is placed.

Sign, roof. Any sign erected upon, against or directly above a roof or roof eave, or on top of or above the parapet, or on a functional architectural appendage above the roof or roof eave.

Sign, stick-in. A sign constructed of non durable materials which is manually inserted into the ground and is intended to be displayed for a limited period of time and is capable of being viewed from the public right-of-way.

Sign, subdivision identification. Any sign designed either as a temporary or permanent structure to identify a subdivision, neighborhood, apartment or condominium development, or commercial complex, but which shall not be designed or displayed for development or promotional purposes and shall not contain or be more than a single purpose sign.

Sign, temporary. A display, informational sign, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays or public demonstrations.

Sign, T-Frame. A portable sign utilizing an inverted "T" style of framing to support the sign.

Sign, vehicle. Any sign or street graphic on or affixed to a motorized vehicle, other than a registered logo, trademark or service mark.

Sign, wall (fascia sign). A sign affixed to the wall of any building, projecting not more than twelve (12) inches from the building. Also, a sign erected on the wall, cupola, or parapet of a building or structure in such a manner that only one (1) side of the sign is visible, or a sign which is affixed to or painted on the wall, cupola, or a parapet of a building or structure and projecting not more than twelve (12) inches from the building. A wall sign is sometimes referred as a fascia sign.. The definitions of wall sign and projecting sign are mutually exclusive.

Sign, window. A window sign that is displayed longer than thirty days. A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building except for sign that are not legible from a distance of more than three feet beyond the building in which such sign is located. This term does not include merchandise located in a window.




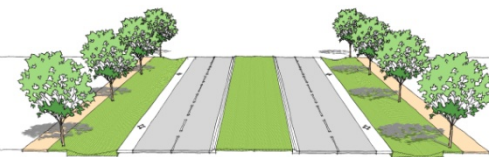
Single family attached dwelling. A residential building containing dwelling units, each of which has a primary ground floor access to the outside and which are attached to each other by common or party walls without openings. The term is intended primarily for such dwelling types as duplexes, townhouses/rowhouses, or cottages.



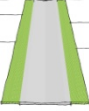

Single family detached dwelling. A residential building containing one dwelling unit entirely surrounded by open space on the same lot.

Specimen tree. A tree designated by the city commission that is rare or unique due to factors such as size, age, form ecological value, or type of species having one or more of the following characteristics:

- (1) A diameter of 30 inches DBH, or greater.
- (2) A determined age of 50 years, or greater.
- (3) A determined ecological value; e.g., wildlife habitat, erosion control, etc.
- (4) A determined unique form or shape due to geography, climate, environmental, or natural growth conditions.
- (5) A rare or unique, non-indigenous tree that is not common to the City (but not on the list of noxious/exotic species).

State land planning agency. Florida State Department of Community Affairs.

<u>STREET TYPES</u>	
<p>Boulevard - a long-distance, free movement thoroughfare traversing an urbanized area which is flanked by parking, sidewalks, and side parkways buffering buildings which line the edges</p>	
<p>Road - a small scale slow or free movement local thoroughfare suitable to provide frontage for low-density buildings</p>	
<p>Drive - a thoroughfare which defines the edge between an urbanized and natural condition, usually along a waterfront, a park, or a preserved natural area, with one side having the urban character or a street or boulevard, with sidewalks and buildings, while the other has the qualities of a road or parkway, with naturalistic planting and rural detailing</p>	
<p>Highway - a long-distance, speed movement thoroughfare which traverses open countryside and should be relatively free of intersections, driveways, and adjacent buildings</p>	

<p>Street - A small scale, slow or yield movement, local thoroughfare suitable for centers and cores providing frontage for higher density urban uses like shops, offices, apartment buildings, townhouses, or small-lot single family homes</p>	
<p>Avenue - A limited distance, free movement thoroughfare connecting locations within an urbanized area</p>	
<p>Rear Lane - a yield movement providing access to service areas, parking, outbuildings (garage) and contains utility easements. The streetscape consists of gravel or landscaped edges.</p>	
<p>Rear Alley - a yield movement providing access to service areas, parking, outbuildings (garage) and contains utility easements. This condition is more urban in nature and does not include any streetscape requirements</p>	

Structure. Anything constructed, installed, or portable, the use of which requires location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, storage, or office purposes either temporarily or permanently. "Structure" also includes any fences, billboards, swimming pools that have been erected and installed, poles, pipelines, transmission lines, railroad tracks, and advertising signs.

Transect. The rural-urban transect describes the physical form and character of a place according to the density of its land use.

Tree. A woody perennial plant, distinguished from a shrub by usually having a single elongated main stem or trunk, generally with few or no branches on its lower part. Most trees usually have a minimum main stem of 4 1/2 inches in diameter DBH at maturity.

Tree inventory. A drawing or accurate representation of appropriate (or sufficient) scale to show tree locations, which provides the necessary information for obtaining a tree removal permit. Requirements are listed in section 115-8.4, Submission requirements, of this land development regulation.

Tree protection zone. A circular zone around each protected tree as follows:

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

Trip. A single or one-way vehicle movement (See "trip end").

Trip end. The end of a single or one-way vehicle movement to or from a property or study area which can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

Trip generation. The total number of trip ends produced by a specific land use or activity.

Upland buffer zone. An area of specified width adjacent to wetland areas in which alterations and/or development activities are restricted in order to protect the wetland function and minimize impacts of upland development on the wetland function.

Vacation. The legal relinquishment of the use of an easement or the ownership and use of a right-of-way.

Warehouse. A building or group of buildings used primarily for the storage of goods and materials.

Wetland. Those areas that are inundated or saturated by surface or ground water with a frequency sufficient to support and under normal circumstances do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonably saturated soil conditions for growth and reproduction, such as swamps, marshes, bayheads, cypress ponds, sloughs, wet prairies, wet meadows, river overflows, mud flats and natural ponds.

Wetland (hydrologically contiguous with rivers or streams). Wetlands that are hydrologically connected to a river or stream. A connection is considered to be contiguous when an area of 35 square feet or greater exists at the point of connection.

Wetland jurisdiction line. The line demarcating the landward extent of surface waters and associated wetland vegetation. This line is defined for "waters of the state" in F.S. § 403.032, § F.S. § 403.817, 17-301200(3) FAC, and 17-301.400 FAC. For isolated wetland systems, this line is determined by regulations set forth by federal, state and local agencies, utilizing criteria including but not limited to vegetation, soils, and hydrology.

Yard. An open area that is unobstructed and unoccupied by any building, structure, or use from the ground up, except for landscaping, customary yard accessory uses, structures, ornaments, furniture or other items which are allowed to be placed within said open area as provided for in this land development regulation.

Xeriscape. Landscaping methods which, if used in combination, are designed to conserve water and provide for minimal maintenance of plant materials.

Zero lot line. The location of a building or structure on a lot in such a manner that one or more of the building's sides rests directly on a property or lot line.