

**CHAPTER 4. DEFINITIONS**

TABLE OF CONTENTS

ARTICLE 1. GENERAL ..... 2

    Sec. 4.1.1. GENERAL. .... 2

ARTICLE 2. SPECIFIC TERMS..... 2

    Sec. 4.2.1. TERMS. .... 2

## CHAPTER 4. DEFINITIONS.

### ARTICLE 1. GENERAL.

#### **Sec. 4.1.1. GENERAL.**

For the purpose of these Land Development Regulations (LDR), certain terms or words used herein shall be interpreted as follows:

- 4.1.1.1. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 4.1.1.2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- 4.1.1.3. The word shall is mandatory, the word may is permissive.
- 4.1.1.4. The words used or occupied include the words intended, designed, or arranged to be used or occupied.
- 4.1.1.5. The word lot includes the words plot, parcel, or tract.
- 4.1.1.6. The word land includes the words water, marsh or swamp.
- 4.1.1.7. The word structure includes the word building as well as anything constructed or erected on or in the ground or water or attached to something having a fixed location on the ground or water. Among other things, structures include manufactured homes, walls, fences, screen enclosures, tents, balloon signs, billboards, poster panels and all other signs, recreational vehicles.

### ARTICLE 2. SPECIFIC TERMS.

#### **Sec. 4.2.1. TERMS.**

- 4.2.1.1. **ACCESSORY USE OR STRUCTURE.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Where a building is attached to the principal building, it shall be considered a part thereof and not an accessory building. A facility for the service of malt, vinous or other alcoholic beverages shall be deemed an accessory use for a motel, hotel, private club, country club, yacht club or golf club; provided, that all other applicable requirements of State and County law and City regulations are met.

- 4.2.1.2. ADDITION. An extension or increase in floor area, height or any other dimension of a building or structure.
- 4.2.1.3. ADMINISTRATIVE OFFICIAL. (City Manager) The person charged with the duty of administering the provisions of these Land Development Regulations. As used herein the terms shall include both the male and female gender and be construed to include the words "or designated representative(s)"
- 4.2.1.4. AGENCIES. The following agencies may be involved in certain plan review and approval processes for land development activities within the City:
  - 4.2.1.4.1. PCHD - Polk County Health Department;
  - 4.2.1.4.2. SWFWMD - Southwest Florida Water Management District;
  - 4.2.1.4.3. CFRPC - Central Florida Regional Planning Council;
  - 4.2.1.4.4. SCS - Soil Conservation Service, United States Department of Agriculture;
  - 4.2.1.4.5. EPA - United States Environmental Protection Agency;
  - 4.2.1.4.6. FDOT - Florida Department of Transportation;
  - 4.2.1.4.7. DEP - Florida Department of Environmental Protection;
  - 4.2.1.4.8. DCA - Florida Department of Community Affairs;
  - 4.2.1.4.9. FDER - Florida Department of Environmental Regulation;
  - 4.2.1.4.10. HRS - Health and Rehabilitative Services; and
  - 4.2.1.4.11. COE - U.S. Army Corps of Engineers.
- 4.2.1.5. ALTERATION. Any change in, addition to, deletion from, or rearrangement of walls, roofs, floors, wiring, plumbing, supports or any other part(s) of a structure but not including customary maintenance or repair.
- 4.2.1.6. AUTOMOBILE WRECKING OR AUTOMOBILE WRECKING YARD. The dismantling or disassembling of motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

- 4.2.1.7. BOARDING OR ROOMING HOUSE. Any dwelling in which 3 or more persons, either individually or as families, are housed or lodged for hire, with or without meals. A rooming house or a dwelling where furnished rooms are rented shall be considered a boarding house.
- 4.2.1.8. BUILDABLE AREA. The portion of the lot remaining after the minimum required yards have been established and/or provided.
- 4.2.1.9. BUILDING. Any structure, either temporary or permanent, having a roof impervious to weather, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition shall include tents, awnings, cabanas or vehicles, including recreational vehicles, situated on private and public property and serving in any way the function of a building, but does not include screened enclosures not having a roof impervious to weather.
- 4.2.1.10. BUILDING, HEIGHT OF. The vertical distance measured from the mean finished grade to the ceiling height of the top story of the highest portion of a building intended for human occupancy.
- 4.2.1.11. BUILDING SITE. The lot, lots, parcel or tract of land upon which a building or use of land has been located or is proposed to be located.
- 4.2.1.12. CEMETERY. Land used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, or mortuaries operated in conjunction with and on the same tract of land as the cemetery.
- 4.2.1.13. CHILD CARE CENTER. An establishment where three or more children, other than members of the family occupying the premises, are cared for. The term includes day nurseries, kindergartens, day care service, day care agency, nursery school or play school.
- 4.2.1.14. CHURCH, HOUSE OF WORSHIP. Any building or structure used or intended for use by a State certified nonprofit religious organization or group, primarily for worship purposes, and any uses customarily accessory thereto, including child care centers, and private educational facilities.
- 4.2.1.15. CITY. The City of Auburndale, Florida.
- 4.2.1.16. CITY COMMISSION. The elected governing body of the City of Auburndale, Florida.

- 4.2.1.17. CITY STAFF. The Administrative Official, building official, public utility director, public works director, parks and recreation director, fire chief, police chief, consulting engineer and consulting planner or their designee.
- 4.2.1.18. CLINIC, MEDICAL OR DENTAL. An establishment where human patients who are not lodged overnight, are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the State of Florida.
- 4.2.1.19. CLUB, PRIVATE. A State certified nonprofit membership organization having as its primary purpose, social, education, or recreational activities, but not primarily to render a service which is customarily carried on as a business for profit.
- 4.2.1.20. COMPREHENSIVE PLAN. The growth management plan for the City that meets the applicable requirements of Chapter 163 Part II, of the Florida Statutes.
- 4.2.1.21. CONCURRENCY. (See Chapter 23 of the LDR.)
- 4.2.1.22. DENSITY. The number of dwelling units permitted on an acre or acres of land.
- 4.2.1.23. DEVELOPER. Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings, under the LDR, to effect a subdivision of land, develop land for residential, institutional, commercial, industrial or other uses for themselves or for another.
- 4.2.1.24. DEVELOPMENT AGREEMENT. (See Chapter 23 of the LDR.)
- 4.2.1.25. DEVELOPMENT ORDER. (See Chapter 23 of the LDR.)
- 4.2.1.26. DISH ANTENNAS. A device or structure used to receive signals from satellites in outer space for the purpose of transmitting images to television screens. Such devices shall be considered accessory structures for purposes of the Land Development Regulations.
- 4.2.1.27. DWELLING. Any building, structure, manufactured home, recreational vehicle or trailer, which is wholly or partly used or intended to be used for living or sleeping by human occupants, whether or not such structure, building, manufactured home, recreational vehicle, or trailer is occupied or vacant.

- 4.2.1.28. DWELLING UNIT. A room or rooms connected together:
- 4.2.1.28.1. Constituting a separate, independent housekeeping establishment for a family;
  - 4.2.1.28.2. For owner occupancy or for rental or lease;
  - 4.2.1.28.3. Physically separated from other rooms or dwelling units which may be in the same structure; and
  - 4.2.1.28.4. Containing independent cooking, bath and sleeping facilities.
- 4.2.1.29. DWELLING, MULTIPLE FAMILY. A residential building containing 3 or more dwelling units, except as provided under "dwellings, single family" (attached).
- 4.2.1.30. DWELLING, TWO FAMILY OR DUPLEX. A detached residential building containing 2 dwelling units.
- 4.2.1.31. DWELLING, SINGLE FAMILY. A building containing only one dwelling unit. Such dwellings may be detached with no walls in common with other dwellings, semi-detached with one wall only in common with another dwelling, or attached with 2 walls in common with other dwellings or a Residential Design Manufactured Home (See Chapter 6 of the LDR). Where attached dwellings are for one family occupancy and have individual lots they shall be considered single family dwellings even though the total structure in which they are located contains more than one dwelling unit.
- 4.2.1.32. EXCAVATION, BARROW PIT. Any removal of dirt from a lot or parcel of land within the city, including the creation of a pit or depression of land as the result of the dirt removal. (See Chapter 5 of the LDR)
- 4.2.1.33. EXTERMINATION. The control and extermination of insects, rodents, or other pests through elimination of their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods.
- 4.2.1.34. FACTORY BUILT STRUCTURE. (also referred to as manufactured building) Any structure built in conformance with the Standard Building Code and so certified by the Florida Department of Community Affairs, as provided for in the Florida Manufactured Building Act of 1979 (Chapter 533, Part IV, Florida Statutes). A manufactured building includes a closed structure, building assembly, or system of subassemblies, which may include structural,

electrical, plumbing, heating, ventilating, or other service systems constructed in manufacturing facilities for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. This definition does not apply to manufactured homes built to the HUD code. (See Chapter 6 of the LDR). Manufactured building may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.

- 4.2.1.35. FAMILY. One or more persons occupying a single dwelling unit; except no such family shall contain more than 5 persons unless all members are related by blood or marriage, and further provided that domestic workers employed on the premises may be housed on the premises without being counted as members of a family or families.
- 4.2.1.36. FAMILY GROUP HOME. A home generally housing no more than 2 live-in staff members, or one staff member and spouse, plus a maximum of 12 permanent residents and 2 short-term (respite) residents, but in no case to exceed the maximum number of people permitted by HRS.
- 4.2.1.37. FOSTER HOME. A home housing no more than 4 foster children and/or adults but in no case to exceed the maximum number of people permitted by HRS, including foster parents.
- 4.2.1.38. FLOOR AREA. The total floor area contained within a building, or roofed and enclosed on at least 2 sides, provided that floor area designed and used for parking shall be excluded from any limitations on maximum floor area of buildings, except as otherwise provided within the LDR.
- 4.2.1.39. FUTURE LAND USE ELEMENT. A plan or any portion thereof, adopted by the City, showing the general location and extent of present and proposed future physical facilities including housing, institutional, industrial and commercial land uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies for development of the City as required by Chapter 163, Part II of the Florida Statutes.
- 4.2.1.40. GARAGE, REPAIR. The building(s) and premises or portions thereof designed and intended for some or all of the purposes indicated under "service stations" but which, unlike a service station, include provisions for major mechanical repairing, equipping, servicing and body working of motor vehicles; provided, that body work and painting shall be conducted within completely enclosed but safely vented building. Such garages may also be

used for hiring, renting, storing or selling of motor vehicles. Repair garages shall also include paint and body shops.

- 4.2.1.41. GARBAGE. The animal, vegetable, fruit or other waste, including all forms of containers and paper products, resulting from the handling, preparation, cooking, and consumption of food.
- 4.2.1.42. GROUP HOME. A home housing a maximum of 20 residents plus staff. Staff is not required to live in. The category includes group care homes, dormitories, adult congregate living facilities, and boarding homes.
- 4.2.1.43. HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or halls, closets and storage areas.
- 4.2.1.44. HOME OCCUPATION. See Chapter 5 of the LDR.
- 4.2.1.45. HOSPITAL. A building or group of buildings having facilities for overnight care of one or more human patients, which provides services to in-patients and medical care to the sick or injured, and which may include as related facilities, laboratories, outpatient services, training, central service and staff facilities; provided, that any related facilities shall be incidental and subordinate to principal hospital use and operation. A hospital shall be considered an institutional use under the LDR.
- 4.2.1.46. HOSPITAL, VETERINARY. Any structure or premises used primarily and essentially for the medical and surgical care of ill, disabled, or injured non-human animals, birds, reptiles and similar creatures.
- 4.2.1.47. HOTEL, MOTEL, MOTOR HOTEL, MOTOR LODGE, TOURIST COURT These terms are to be considered synonymous, and to mean a building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple family dwellings and rooming or boarding houses, where rentals are for longer periods and occupancy is generally by seasonal residents rather than transients. Restaurants, dining rooms and cafes where meals are served to the public are to be considered a part of these facilities provided all other applicable requirements contained in the LDR are met.
- 4.2.1.48. HOUSEKEEPING UNIT. A room or combination of rooms constituting living facilities; including bedrooms, bathrooms, living rooms, dining rooms, sanitary facilities, and normal kitchen facilities. Additional cooking units and dishwashing facilities shall constitute an additional housekeeping unit.



- 4.2.1.49. HOUSING OFFICIAL. The appointed staff member designated by the Administrative Official to administer the Minimum Housing Code.
- 4.2.1.50. IMPERVIOUS SURFACE. (See Chapter 8 of the LDR.)
- 4.2.1.51. IMPROVEMENTS, SITE. The installation of street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, any man-made alteration of the natural vegetation or land contour and other related matters normally associated with the development of land for buildings and/or sites for the sale of lots.
- 4.2.1.52. INFESTATION. The presence within or around a dwelling of insects, rodents or pests which are detrimental to the public health, safety, and general welfare of the residents or occupants.
- 4.2.1.53. INTENSITY, LAND USE. (See Chapter 6, Sec. 6.1.2. of the LDR.)
- 4.2.1.54. JUNK YARD. A place, structure, lot or parcel where junk, waste, discarded, salvaged or similar materials such as metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are brought, bought, sold, exchanged, baled, packed, disassembled, stored or handled. It shall include used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards and yards or places for the storage, sale or handling of salvaged house wrecking or structural steel materials. This definition shall not include automobile wrecking and automobile wrecking yards, or pawnshops and retail establishments for the sale, purchase or storage of secondhand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators or similar household goods and appliances, all of which shall be in usable condition; nor shall it apply to the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.
- 4.2.1.55. KENNEL. Any premises on which dogs and/or cats at least 4 months of age are kept, boarded, bred, groomed, harbored, fed, offered for sale, or trained, whether in special structures or runways or not, when such activities are commercial in nature.
- 4.2.1.56. KITCHEN. A room or place for the preparation and cooking of food, containing a sink with hot and cold running water, a stove and a refrigerator.
- 4.2.1.57. LANDSCAPING. See Chapter 10 of the LDR for this and related but specialized words defined.

- 4.2.1.58. LEVEL OF SERVICE. An indicator of the extent or degree of service provided by, or proposed to be provided by a public facility based on the operational characteristics of the facility.
- 4.2.1.59. LEVEL OF SERVICE STANDARD. The minimum functional level of service acceptable for provision of public facilities and utilities which will protect the health, safety, order and welfare of the public.
- 4.2.1.60. LOADING SPACE, OFF-STREET. The space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Such space is not to be included as off-street parking space. (See Chapter 11 of the LDR)
- 4.2.1.61. LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the LDR.
- 4.2.1.62. LOW-THC CANNABIS: A plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a Medical Marijuana Treatment Center.
- 4.2.1.63. MAJOR VIOLATION. A defect that exists on a property or structure that is immediately dangerous to the health, safety or welfare of the occupants, passerby or persons in contiguous areas; a defect that exists that seriously undermines that component or structural member which renders that component or member unsafe to use in its present condition.
- 4.2.1.64. MANUFACTURED HOME. See Chapter 6 of the LDR.
- 4.2.1.65. MARIJUANA: As defined in Section 29, Article X of the Constitution of the State of Florida.
- 4.2.1.66. MEDICAL MARIJUANA DISPENSING FACILITY: A facility operated by a Medical Marijuana Treatment Center as defined herein and engaged in the sale and dispensing of Medical Marijuana and related supplies to qualified patients or their caregivers pursuant to constitutional amendment or other provisions of state law.

- 4.2.1.67. **MEDICAL MARIJUANA TREATMENT CENTER:** an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers pursuant to state law and is registered by the State Department of Health.
- 4.2.1.68. **MINOR VIOLATION.** A defect that exists on a property or structure that in its present state of disrepair, deterioration or absence, does not constitute an immediate hazard.
- 4.2.1.69. **MOTOR HOME.** Any self-propelled motor driven, licensed vehicle having 2 or more axles and containing any sleeping, cooking or sanitary facilities; also designated as a recreational vehicle.
- 4.2.1.70. **NONRESIDENTIAL ACTIVITY.** Any activity which occurs in any building, structure or open area which is not used primarily as a private or public residence or dwelling.
- 4.2.1.71. **NUISANCE.** An activity which arises from the unreasonable, unwarranted or unlawful use by a person of property, working an obstruction or injury to the right of another or to the public, and producing such material annoyance, inconvenience and discomfort that the law will presume resulting damage.
- 4.2.1.72. **NURSING HOME.** A private home, institution, building, residence or other place, whether operated for profit or not, including those facilities operated by units of government, which undertakes, through its ownership or management, to provide, for a period exceeding 24 hours, the maintenance, personal care or nursing for 3 or more persons not related by blood or marriage to the operator and who by reason of illness, physical infirmity or advanced age are unable to care for themselves; provided, that this definition shall include homes offering services for less than 3 persons where the homes are held out to the public to be establishments which regularly provide nursing and custodial services. A home for the aged also comes under this definition.
- 4.2.1.73. **OFFICE, BUSINESS OR PROFESSIONAL.** An office for such operations as real estate, insurance, travel agencies and ticket sales, chamber of commerce, credit bureau, abstract and title insurance companies, management consultants, stockbrokers and the like; or an office for the use of a person or persons generally classified as professional such as architects, landscape architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians (but not including treatment or boarding of

animals on the premises), psychiatrists, psychologists and the like. For the purpose of the LDR, a barber or beauty shop shall not be deemed a business or professional office.

- 4.2.1.74.     **OPENABLE AREA.** That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- 4.2.1.75.     **OPERATOR.** Any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let for rent or lease.
- 4.2.1.76.     **OUT LOT.** Property shown on a subdivision plat and within the general boundaries of the land which is to be developed but which is to be excluded from the development of the subdivision.
- 4.2.1.77.     **OWNER.** Any person, agent, partnership, corporation, agency, or other legal entity having a legal or equitable interest in real property or dwelling, or others who have interest in a structure and who are in possession or control thereof, as agents of the owner, as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the owner or owners shall be bound to comply with the provision of the LDR and of the rules and regulations adopted pursuant hereto, to the same extent as if he were the owner, and upon failure to comply therewith shall be subject to the same penalties hereinafter set out.
- 4.2.1.78.     **PARKING SPACE, OFF-STREET.** See Chapter 11 of the LDR.
- 4.2.1.79.     **PEDESTRIAN AND SERVICE EASEMENT.** A public way at the back or side of properties otherwise abutting on a street that is open to general pedestrian use but restricted as to use by automobiles and trucks. Only governmental or public utility vehicles shall be permitted in such easements.
- 4.2.1.80.     **PERFORMANCE OR SURETY BONDS.** Written agreements made between the developer and the City for 120% the amount of the estimated cost of construction guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the development agreement.
- 4.2.1.81.     **PLAT.** The drawing on which the developer's plan of subdivision is presented for approval and after such action goes to the County Clerk for recording in its final form.
- 4.2.1.82.     **PLUMBING CODE.** The Plumbing Code of the City. (See Chapter 18 of the LDR).

- 4.2.1.83. POTABLE WATER. Water that is intended for drinking, culinary or domestic purposes, subject to compliance with County, State or Federal drinking water standards.
- 4.2.1.84. PREMISES. A lot, plot, tract or parcel of land and including the buildings or structures thereon when such exist.
- 4.2.1.85. PUBLIC AREAS. A unoccupied open space adjoining a building and the same property, that is permanently, maintained accessible to the public and free of all encumbrances that might interfere with its use by the public.
- 4.2.1.86. PUBLIC NOTICE OR DUE PUBLIC NOTICE. Public notice or due public notice, as used in connection with the phrase "public hearing or hearing to be held after due public notice", means publication of notice of the time, place, and purpose of such hearing according to the requirements of Chapter 166.041, and/or Chapter 163, Florida Statutes, governing the particular action to be considered.
- 4.2.1.87. PUBLIC UTILITY. Any privately owned, municipally owned, County owned, special district owned, or State owned system providing water or wastewater service to the public which has at least 15 service connections or regularly serves at least 25 year-round residents.
- 4.2.1.88. PUBLIC WAY. An alley, avenue, boulevard, bridge, channel, ditch, easement, highway, land, parkway, right-of-way, road, sidewalk, street, viaduct, walk, or other ways in which the general public or a public entity has a right of use, or which are dedicated, whether improved or not.
- 4.2.1.89. RECREATIONAL VEHICLE. See Chapter 6 of the LDR.
- 4.2.1.90. REPAIR. The replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installation, or that would be in violation of a provision of code or ordinance. The term "Repairs" shall not apply to any change of construction.
- 4.2.1.91. RESTAURANT. An establishment where food is prepared for sale and served for pay, is ordered from a menu or purchased cafeteria style, primarily for consumption on the premises in a completely enclosed room, under the roof of the main structure, or in an interior court. A drive-in restaurant is not considered a restaurant in the LDR.

- 4.2.1.92. **RESTAURANT, DRIVE-IN, FAST FOOD, OR REFRESHMENT STAND.** Any place or premises where food is prepared and served for pay, and for which provision is made on the premises for the selling, dispensing or serving of food, refreshments or beverages in automobiles, and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages in automobiles on the premises and/or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for the purposes of the LDR. A barbecue stand or pit or sandwich bar, having the characteristics noted in this definition shall be deemed a drive-in restaurant.
- 4.2.1.93. **RIGHT-OF-WAY.** Land in which the State, County, or City owns the fee simple title or has an easement dedicated or required for a transportation or utility use. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, and bridges.
- 4.2.1.94. **ROADWAY FUNCTIONAL CLASSIFICATION.** The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, collector roads, and local roads, which may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.
- 4.2.1.95. **RUBBISH.** Combustible and non-combustible waste materials, except garbage. The term shall include but not be limited to the residue from the burning of wood, coal, coke, or other combustible material; and shall further include boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery, and dust.
- 4.2.1.96. **SALVAGE OPERATION, RECYCLING, BUILDING, YARD.** A place, site, building and/or yard where any type of new, used or damaged materials or goods are processed, whether manually, mechanically or in any other form whatsoever, as waste materials for sale or reuse on or off-site. Such salvage operation may utilize some or all of the following materials, but are not limited to just the items so listed: automotive vehicles, trucks and parts, batteries, tires, appliances, building materials, metal and other containers, glass, hardware, brick, block, lumber and similar and related materials and equipment.
- 4.2.1.97. **SERVICE STATION.** (See Chapter 5 of the LDR.)

- 4.2.1.98. SENIOR ADULT FLAT. A single family dwelling unit designed to accommodate not more than one retired senior adult parental family related to the occupants of the principal residence. The parental family shall be limited to mother, father or grandparent(s) of the occupants of the principal residence but in no case shall the flat be occupied by more than 2 persons. The flat shall not be connected to separate utility meters nor shall the flat be converted to nor used for rental property when the original use is discontinued. If the flat is attached to the principal structure and contains a kitchen, then the minimum floor area shall be 250 sq. ft. If the flat is a detached dwelling, the minimum floor area shall be 500 sq.ft., which shall include a required kitchen. In either case the minimum required floor area is exclusive of any screened porch areas, garages or carports or other non-habitable spaces.
- 4.2.1.99. SHOPPING CENTER. A group of retail stores and/or service establishments, planned and developed as a unit by one owner, organization or corporation for sale or for lease of the site(s) upon which they are built.
- 4.2.1.100. SIGNS. (See Chapter 7 of the LDR.)
- 4.2.1.101. SPECIAL EXCEPTION. A use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or the general welfare. Uses may be permissible in a zoning or district as a special exception if specifically listed as such and criteria for the special exception is provided in the LDR.
- 4.2.1.102. STAIRWAY. One or more flights of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story to another in a building or structure.
- 4.2.1.103. STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
- 4.2.1.104. STREET. A thoroughfare or roadway which affords the principal means of access to abutting property. This includes lanes, ways, public or private, or other means of ingress or egress regardless of the descriptive term used and whether paved or unpaved. Classifications for streets are established as follows:
- 4.2.1.104.1. *Arterial Road.* A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and

high operating speed. In addition, every United States numbered highway is an arterial road.

4.2.1.104.2. *Collector Road.* A roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.

4.2.1.104.3. *Local Road.* A roadway providing service which has relatively low traffic volume, short average trip length or minimal through traffic movements and low volume land access for abutting property.

4.2.1.104.4. *Limited Access Facility.* A roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.

4.2.1.104.5. *Marginal access street.* A minor public way located parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from through traffic.

4.2.1.104.6. *Loop drive.* A type of minor local street, each end of which terminates at an intersection with the same connecting street, and whose principal radius points of the one hundred and eighty degree system of turns are not more than 1,000 feet from said connecting street, nor normally more than 600 feet from each other.

4.2.1.104.7. *Cul-de-sac.* A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

4.2.1.100.8. *Alley.* A minor public way open to any traffic and intended for vehicular service access to the back or side of properties otherwise abutting on a street.

4.2.1.100.9. *Private street/drive.* An access way owned and maintained by persons other than the City. Such street/drive shall be approved by the City Commission prior to any permits for structures being issued.

4.2.1.101. STREET CONSTRUCTION TERMS. The following terms are defined for purposes of street construction:

4.2.1.101.1. *Base.* That portion of the roadbed immediately below the surface, or wearing course, and above the subgrade.



- 4.2.1.101.2. *Binder course*. A layer of stable, open graded asphaltic concrete placed between the base course and wearing surface on heavily traveled roadways. It is considered to be part of the surface course.
- 4.2.1.101.3. *Driving surface*. The paved area between all curbs, including "Miami curbs".
- 4.2.1.101.4. *Median*. The portion of a divided highway or street separating the traveled ways for traffic moving in opposite directions.
- 4.2.1.101.5. *Prime coat*. A film of asphalt applied to the upper surface of soil or rock base, which serves as waterproofing and protection against wear prior to placing the surface material.
- 4.2.1.101.6. *Roadbed*. That portion of the roadway occupied by the subgrade and road shoulders.
- 4.2.1.101.7. *Roadway*. That portion of the right-of-way between the limits of construction, including any sidewalks, walls, and similar improvements, which are a part thereof.
- 4.2.1.101.8. *Subgrade*. That portion of the roadbed immediately below the base course or pavement (including curb and gutter, valley gutter), the limits of which will ordinarily include those portions of the roadbed shown in the plans to be constructed to a specific bearing value or to receive stabilization treatment.
- 4.2.1.101.9. *Surface course or wearing course*. That portion of the roadbed which forms the upper surface.
- 4.2.1.104.10. *Tack coat*. A film of asphalt cement applied beneath layers of surface material, which serves to bond the surface to the material below.
- 4.2.1.105. **STRUCTURE**. Anything constructed or erected with a fixed location on or in the ground or water or attached to something having a fixed location on the ground or water. Among other things, structures include buildings, manufactured homes, walls, fences, screen enclosures, tents, balloon or forced air signs, billboards and other signs.
- 4.2.1.106. **SUBDIVISION**. The division of a parcel of land, whether improved or unimproved, into 2 or more contiguous lots or parcels of land, designated by reference to the number or symbol of the lot or parcel contained in the plat of such subdivision, for the purpose, whether immediate or future, of transfer of

ownership or, if the establishment of a new street is involved, any division of such parcel; provided, however, that the division of land into parcels of more than 5 acres not involving any change in street lines or public easements of whatsoever kind is not to be deemed to be a subdivision within the meaning of the LDR. The term includes a resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. The sale or exchange of small parcels of land to or between adjoining property owners to clear titles, estates, make conform to zoning minimum lot width and area requirements and similar situations where such sale and/or exchange does not create additional lots shall not constitute a subdivision of land.

- 4.2.1.107. SUBDIVISION CONSTRUCTION PLANS. These are plans prepared by a registered engineer delineating all improvements to be constructed within a proposed subdivision and any external construction required for connection to existing improvements.
- 4.2.1.108. SUPERVISED LIVING FACILITIES. Facilities housing more than 20 residents, to include, but not be limited to, convalescent homes, rest homes, nursing homes, community residential rehabilitation centers, dormitories, adult congregate living facilities and boarding homes. In the case of adult congregate living facilities and boarding homes, the number of rooms provided to accommodate residents shall not exceed the density of the zoning district for which it is permitted or permissible.
- 4.2.1.109. SUPPLIED. Paid for, furnished, or provided by, or under control of, the owner or operator.
- 4.2.1.110. TEMPORARY HOUSING. Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than 30 consecutive days.
- 4.2.1.111. TOURIST HOME. A building, or part thereof, other than a motel or hotel, where sleeping accommodations only are provided for transient guests with daily charge and without service of meals, and which also serves as the residence of the operator.
- 4.2.1.112. TOWNHOUSE OR ROWHOUSE. Three or more single family dwellings separated by party walls or separated by not more than one inch from another townhouse. A townhouse may be held in separate ownership. Side yards are not required for interior townhouses but front and rear yards shall be for all townhouses as for multiple family dwellings for the district in which the townhouses are located. End units shall have side yards or, if on a

corner lot, front yards, as for multiple dwellings in the district in which the townhouses are located.

- 4.2.1.113. TRUCK STOP. An establishment where the principal use is primarily the refueling and servicing of trucks and tractor-trailers. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide for facilities for the repair and maintenance of such equipment.
- 4.2.1.114. USE. The purpose for which land or water or a structure thereon is designed, arranged or intended to be occupied or utilized, or for which it is occupied or maintained. The use of land or water in the various zoning districts is governed by the LDR and the Future Land Use Map.
- 4.2.1.115. VARIANCE. A variance is a relaxation of the terms of the LDR where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the LDR would result in unnecessary and undue hardship on the land. As used in the LDR under Zoning, a variance is authorized only for height, area and size of structures or size of yards and open spaces. As used in the LDR under Subdivisions, a variance is authorized generally for peculiar site or topographic conditions, and not as a result of actions of the owner or developer, but all within the intent and purpose of the Chapter. Variances are not to be granted for minimum lot width or lot area requirements nor on the basis of economic hardship. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of existing nonconformities in the zoning district or adjoining zoning districts.
- 4.2.1.116. VEHICULAR WRECKING YARDS. The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- 4.2.1.117. VENTILATION. The process of supplying and removing air by natural or mechanical means to or from any space.
- 4.2.1.118. WATERSHED. The drainage basin in which a subdivision or other form of development drains or that land whose drainage is affected by such subdivision and/or development.
- 4.2.1.119. ZERO LOT LINE DWELLING. A single family detached dwelling whereby the dwelling is permitted to be built up to one or both of the side property lines and may be required to have a minimum side yard on only one side of the dwelling. A solid wall, with no windows or doors, shall be required

along the zero lot line side of the dwelling, beginning at the rear of the required front yard and continuing to the front of the required rear yard.

- 4.2.1.120. **BED AND BREAKFAST INN.** A facility established for the purpose of providing overnight sleeping accommodations and a breakfast meal for overnight guest. Such facility shall be permitted to accommodate a maximum of 12 guest, shall not operate a restaurant open to the general public and shall provide one off-street parking space for each guest bedroom, except in the Residential Institutional and Office, RIO zoning district and all commercial zoning districts. In the RIO and all commercial zoning districts, no such limitation shall apply. All permits required by State and County agencies must be secured prior to the City permitting such use.
- 4.2.1.121. **LOW AND MODERATE INCOME FAMILIES.** Families defined under Section 8 Assisted Housing Program, whose annual income does not exceed 80 percent of the medium income for the area. The term "families includes "households".
- 4.2.1.122. **ANTIQUUE MERCHANDISE.** Items that are old, made or produced in a former period, have a tendency to appreciate in value with age and may be represented in the form of furniture, glassware, art, guns, woodwork, and similar products. Antiques are not classified as used or second-hand merchandise.
- 4.2.1.123. **SEXUALLY ORIENTED BUSINESS.** See Ordinance No.771 of the City of Auburndale, Florida.
- 4.2.1.124. **HOUSING FOR THE ELDERLY.** Multifamily housing designed to accommodate persons 62 years of age or older.
- 4.2.1.125. **MANUFACTURING, LIGHT.** The production, fabrication, processing, or assembling of materials or substances into goods, merchandise, and equipment. Manufacturing can be from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials.
- 4.2.1.126. **MANUFACTURING, MEDIUM.** The manufacturing of products from processed or unprocessed raw materials, where the finished product is

noncombustible and nonexplosive. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users, but is not offensive or obnoxious beyond its property line. Uses provided in the definition of light manufacturing apply. Outdoor storage is permitted in zoning districts that allow for outdoor storage.

4.2.1.127. **MANUFACTURING, HEAVY.** An establishment engaged in large volumes of manufacturing, assembly, fabrication, packaging, or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. Outdoor storage is permitted in zoning districts that allow for outdoor storage.

4.2.1.128. **MIXED-USE DEVELOPMENT.** The development with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form. Mixed-use planned projects are mutually supporting, including uninterrupted pedestrian connections and roadway connections.

4.2.1.129. **RESEARCH AND DEVELOPMENT.** A use engaged in research and development, testing, assembly, repair, and manufacturing in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, computer hardware and software, high-technology industry, product testing, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. Office and wholesaling of the finished products produced at the site are allowed as part of this use. Warehousing and distribution are secondary to the primary function of this use.

4.2.1.130. **WAREHOUSE.** A use engaged in storage and wholesale of manufactured products, supplies, equipment, merchandise, and other articles. Facilities characterized by extensive warehousing frequent heavy trucking activity, possible open storage of material, or nuisances such as dust, noise, and odors. Facilities could be a mix of warehouse or distribution functions and manufacturing or production. Outdoor storage or distribution of goods is only permitted in zoning districts that allow for outdoor storage.

4.2.1.131. **DISTRIBUTION CENTER.** A use where goods are received and shipped for delivery to the end customer at remote locations as part of a distribution system with heavy truck activity. Used for receipt, shipping, temporary storage, redistribution of goods, wares, merchandise, equipment, manufactured goods, logistics, wholesale products, retail products, and similar types of materials or finished products and commercial or industrial

products or equipment of any type or nature. Outdoor storage is only permitted in zoning districts that allow for outdoor storage.

4.2.1.132. MINI-WAREHOUSE: Mini-warehouse: A continuous building, group of buildings, with a fixed permanent location on the ground, divided into separate compartments used to meet the temporary small storage needs of businesses and residential uses. Units are accessible to the lessees through individual doors. Mini warehouses can contain covered RV's, boats, and vehicles storage. Also defined as a self-storage facility.