CHAPTER 24
DEFINITIONS & ACRONYMS

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For the purposes of this Code, the following terms shall have the meanings set forth below. Included are pertinent definitions adopted in the Comprehensive Plan, in addition to others applicable to this Code but not covered in the Plan. Definitions from the Comprehensive Plan are marked [DVCP]. It is the intent of this Article to incorporate Comprehensive Plan definitions in substantially the same form in which they were adopted, although some terms may be defined here in a more detailed or restrictive manner. In the event a Comprehensive Plan amendment conflicts with a definition contained herein, the definition in the Comprehensive Plan shall take precedence, and shall be incorporated into this Code by reference.

AASHTO: American Association of State Highway and Transportation Officials. [DVCP]

Accessory Building or Use: A building, use of a building, a use of land or water that is clearly secondary and incidental to the principal use of a building, water or land, which building or use is located on the same parcel of land with the principal building or use. The use of Storage Containers (Container Box, Convex, Rail-car Box, PODs or similar type unit) of any kind, Semi-Trailers, Box Trucks shall be strictly prohibited to be utilized as accessory buildings or structures.

Addition: An extension or increase in floor area, height or any other dimension of a building or structure.

ADF: Average daily flow. [DVCP]

Adjacent Municipalities: Those municipalities that could have an immediate effect on land use decisions. [DVCP]

Adjusted for Family Size: Adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility otherwise determined, based upon a formula as established by the US Dept. of HUD. (s. 9J-5.003 F.A.C.)

Adjusted Gross Income: All wages, regular cash or noncash contributions from persons outside the household, and such other resources and benefits as may be determined to be income by the US Dept. of HUD, adjusted for family size, less deductions allowable under s.62 of the Internal Revenue Code. (s. 9J-5.003 F.A.C.)

Administrative Approval: Approval given by the Administrative Official for permitting, based
on standards and criteria in this Code.

**Administrative Official:** The City Manager shall be the Chief Administrative Official of the City. The Administrative Official serves at the pleasure of the City Commission and is responsible for the administration of all city affairs placed in his charge by or under the City Charter. All departments, offices and agencies under the direction and supervision of the Administrative Official shall be administrated by an officer appointed by and subject to the direction and supervision of the Administrative Official. Appeals of administrative decisions may be made to the Planning Commission, not more than 30 days after such decision is rendered.

**Adult Day Care Center:** Any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services. (c. 400.551, F.S.)

**Adult Entertainment Establishment:** Any business that excludes minors by virtue of age due to the presence or display of films, photographs, published materials, or activities of a sexual nature or nudity. This definition shall include adult bookstores and theaters, and establishments offering massage, body rubs and similar activities to the exclusion of minors. Establishments that offer medical and therapeutic services provided by state licensed practitioners are excluded from this definition. Any business qualifying as an incidental adult materials vendor shall also be excluded from this definition.

**Adult Family-Care Home:** A full-time, family-type living arrangement, in a private home, under which a person(s) provide, for profit or not for profit, room, board, and one or more personal services, as appropriate for the level of functional impairment, for no more than five aged persons or disabled adults who are not relatives. The following establishments are not adult family-care homes:

(a) An establishment that provides personal services for three or fewer adults who do not receive optional state supplementation under s. 409.212, F.S., but that does not hold itself out to the public to be an establishment that regularly provides such services.

(b) An establishment in which a person(s) provide personal services only to their relatives.

(c) An establishment that is licensed as an assisted living facility.

(c. 400.617, F.S.)
Affordable Housing: Housing for which monthly rents or monthly mortgage payments, including taxes, insurance and utilities, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for households or persons indicated in s. 420.004, F.S. (1991). (s. 9J-5.003 F.A.C.)

Agriculture: The science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production. For the purposes of marketing and promotional activities, seafood shall also be included in this definition. (s. 570.02, F.S.)

Agricultural Roadside Stand: A roadside stand of a temporary nature (30 days or less) for the sale of seasonal fruit, vegetables, or other similar products grown on the premises of an agricultural use.

Agricultural Tax Exempt Status: In Polk County, in order to qualify for an agricultural tax exempt status, the property must be fenced, and must be certified by an inspector from the Polk County Property Appraisers Office. All rules for tax exempt status are in accordance with Chapter 193.461, F.S. Such properties may be annexed into the City of Davenport and continue an already qualified agricultural use, as allowed by the State, under Chapter 193.461, F.S., “which includes, but is not limited to horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee, pisciculture, when the land is used principally for the production of tropical fish; aquaculture; sod farming; and all forms of farm products and farm production.”

Agricultural Uses: Activities within land areas which are predominantly used for the cultivation of crops and livestock including: crop land; pasture land; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; and silviculture areas. (s. 9J-5.003 FAC)

Agricultural Uses, Limited: Land uses in residential areas that are characterized as agricultural in nature and are limited to orchards; vineyards; nurseries; ornamental horticulture areas; groves; noncommercial greenhouses. (s. 9J-5.003 FAC) [DVCP]

Aircraft Establishments: An establishment engaged in the retail selling of new and/or used aircraft and related new parts accessories. Aircraft establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of aircraft and related aircraft accessories.

Alley: Any public right-of-way less than twenty (20) feet in width which affords secondary access to property and is not intended for general traffic circulation.
**Alteration:** Any change in, addition to, deletion from, or rearrangement of structures, walls, roofs, floors, wiring, pipes, or other structural parts of a building, except customary maintenance or repair.

**Amendment:** Any action of a local government which has the effect of amending, adding to, deleting from or changing an adopted comprehensive plan element or map or map series, including an action affecting a prior plan or plan amendment adoption ordinance, but shall not mean a legislative act which only codifies local legislation or makes corrections, updates and modification of the capital improvements element concerning costs, revenue sources, acceptance of facilities or facility construction dates consistent with the plan as provided in Subsection 163.3177(3)(b), F.S., and corrections, updates or modifications of current costs in other elements, as provided in Subsection 163.3187(2). F.S. (s. 9J-5.003 F.A.C.)

**Amusement Enterprise, Indoor:** See Recreation, Commercial, Indoor.

**Amusement Enterprise, Outdoor:** See Recreation, Commercial Outdoor.

**Annexation:** The adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality. (s. 171-031 F.S.) [DVCP]

**Antenna:** A mechanism, less than 30 feet in height, the purpose of which is to receive television or radio signals directly from ground-based sources, or to transmit such signals directly to ground-based receivers.

**Antique Car/ Vehicle:** Any vehicle 25 years or older.

**Antique Stores:** An establishment engaged in the selling of antique furniture, home furnishings and objects of art and related antique accessories.

**Apartment:** A dwelling unit in a duplex or multiple family dwelling.

**Apartment Building:** A building (Multi-family Housing) that is used or intended to be used as a home or residence for three (3) or more families living in separate quarters. Dwelling units share a common outside access. Ownership is not a factor, and may be either rental or condominium. See Appendix C for “Apartments” and “Multiplex” (Sketches 7 & 8).

**Architecturally Styles (Downtown Zoning District):** All new buildings/structures, within the Downtown Zoning District, shall be constructed and shall utilize buildings materials to achieve one of the following architecturally styles:
1. Mediterranean Revival - An eclectic design style that came into prominence in the 1920s and 1930s. The style evolved from rekindled interest in the Italian Renaissance architecture of palaces and seaside villas dating from the sixteenth century, and can be found predominantly in California and Florida due to the popular association of these coastal regions with Mediterranean resorts. Structures are typically multi-story and based on a rectangular floor plan, and feature massive, symmetrical primary façades. Mediterranean Revival is generally characterized by stucco wall surfaces, flat or low-pitched terra cotta and tile roofs, arches, scrolled or tile-capped parapet walls and articulated door surrounds. Feature detailing is occasionally executed in keystone. Balconies and window grilles are common, and are generally fabricated out of wrought iron or wood. Ornamentation can range from simple to dramatic, and may draw from a number of Mediterranean references. Classical, Spanish Renaissance, Spanish Colonial, and Beaux-Arts architecture details are often incorporated into the design, as are lush gardens. The style was most commonly applied to hotels, apartment buildings, commercial structures, and even modest residences.

2. Florida Cracker Style – These buildings include a porch that wraps around the entire building plan, an eye-catching cupola and a metal roof. Double doors entry into the foyer with views that extend through the extra large entrance room out to the porch beyond. The cupola above sheds light into the entrance room.

3. Key West Style - A building that adheres to Florida's waterfront traditions in style and functionality. These buildings are built to withstand warm Florida summers, rainy and windy tropical seasons. They have large porches, open floor plans, and plenty of windows. They have architecturally features, such as, metal roofs, reminiscent of the earlier tin roofs commonly used in Florida homes, light colors inside and out, tropical foliage, weathered or light colored wood flooring and cabinetry is common in these buildings. "Key West Style" features shutters and cupolas to serve a purely architectural purpose.

4. Spanish Colonial revival – The unified use of arches, courtyards, form as mass, plain wall surfaces, and tile roofs, all derived from the Mediterranean world. Designs are inspired by the adobe and colonial buildings of Monterey, California; Moorish architecture; medieval Spanish and Italian church architecture; Ultra-Baroque design of colonial Spain and Portugal; rural forms from Andalusia; Italian Romanesque and Renaissance revival elements; and southwest Hopi and Pueblo Indian adobes. This architecturally style is relatively easy to create a convincing harmony between the exterior image, interior space, decorative elements, and the building's function. Eclectic as the Spanish revival was, the purity of single elements was often retained, such as an Ultra-Baroque entry
5. Italian Style - Low-pitched or flat roofs; roof is frequently (hipped), projecting eaves supported by corbels, imposing cornice structures, pediment windows and doors, arch-headed, pediment or Serlian windows with pronounced architraves and archivolts, tall first floor windows, angled bay windows, attics with a row of awning windows between the eave brackets, glazed doors, Belvedere or machicolated signorial towers, Cupolas, Quoins, Loggias, Balconies with wrought-iron railings, or Renaissance balustrading, Balustrades concealing the roof-scape.

6. Art Dec·o - A decorative and architectural style of the period 1925-1940, characterized by geometric designs, bold colors, and the use of plastic and glass.

Aquifer: A water bearing stratum of permeable rock, sand, or gravel.

Area of Shallow Flooding: Areas located within the areas of special flood hazard having hazards associated with base flood depths of one (1) to three (3) feet, where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate.

Area of Special Flood Hazard: The Area of Special Flood Hazard shall include:

1. All areas designated as an area of special flood hazard pursuant to Section 5.01.01(C). The relevant Flood Hazard Boundary Map and Flood Insurance Rate Maps, and any revisions thereto, are adopted by reference and declared to be a part of this Code.

2. Other areas of the community designated on a map by the Administrative Official as having a one (1) percent or greater chance of flooding in any given year. This may include isolated topographic depressions with a history of flooding or a high potential for flooding.

Arterial Road (Major Arterial): A roadway providing service that 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. (§9J-5.003 FAC) [DVCP]

Arterial, Minor: A route that is relatively continuous, of high traffic volume, of shorter trip lengths than major arterials, of moderate operating speed. Minor arterials allow greater access to adjacent properties.

Assisted Living Facility (Adult Congregate Living Facility): Any building or buildings,
section of a building, or distinct part of a building, residence, private home, boarding home, home for the aged or other place, whether operated for profit or not, that undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing, food service, and one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services; or to provide extended congregate care, limited nursing services or limited mental health services, when specifically licensed to do so pursuant to s. 400.407, unless the facility is licensed as an adult family-care home. A facility offering personal services, extended congregate care, limited nursing services, or limited mental health services, for fewer than four adults is within the meaning of this definition, if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment that regularly provides such services, unless the facility is licensed as an adult family-care home. (§400.402, F.S.)

**Atrium House:** A house which is similar to, though distinct from, the patio house. It defers from a patio house in three respects: (1) It has a smaller lot and yard, (2) it is an attached unit, and (3) it is a single-story unit. A small private yard is surrounded by the house and its walls; privacy is guaranteed. See Appendix C – Sketch 1.

**Auto Salvage Yard:** A commercial business which disassembles inoperable vehicles for the purpose of resale of automobile parts. Not more than three (3) inoperable vehicles may be stored at any one time. See "Junkyard" for a business which stores more than three inoperable vehicles.

**Automobile and Truck Rental Establishments:** An establishment engaged in renting or leasing of passenger automobiles and/or trucks without drivers.

**Automobile and Truck Repair Establishments:** An establishment in which a person practices a vocation or occupation that performs a type of labor, act or work, that results in the fixing and repair of automobiles and trucks. The type of fixing and repair provided by an automobile and truck repair establishment includes the following: repair of automobile and truck tops, bodies, battery and ignition systems and radiators; automobile and truck painting and refinishing and repair and replacement of glass; and, general and specialized automobile and truck repairs including motorcycle, farm tractors and farm equipment repairs.

**Automobile Parking Establishments:** An establishment engaged in providing commercial parking facilities on open air lots surfaced in a stable manner and/or structures for a fee or charge.

**Automobile Service Establishments or Car Wash:** An establishment engaged in furnishing car washing, waxing, polishing and/or similar services except repairs.
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. See also Junkyard.

Automotive Dealer Establishments: An establishment engaged in the selling of new and/or used automobiles and trucks and related new parts and accessories. Automotive dealer establishments may include repair departments provided such repair departments are clearly incidental and accessory to the principal selling of automobiles and trucks.

Automotive Equipment Rental Establishments: See Equipment Rental Establishments.

Automotive Repair, Major: Includes activities listed under Service Station, as well as removal and major overhaul of engines, transmissions and drive systems, and all types of paint and body work.

Automotive Repair, Minor: See Service Station.

Automotive Restoration/Antique or Classic (Private and "Not for Profit"): Restoring of classic vehicles (more than 20 years old) or antique vehicles (more than 25 years old) by a private individual and "not for profit". All activities must take place under cover. Stored vehicles must be screened. Vehicles may not be stored in front of the principal structure and must be setback ten feet (10') from side and rear property lines. An individual, whom is restoring a classic or antique vehicle, may have 3 inoperable vehicles as long as they are of the same make and model of the vehicle he is restoring.

Automotive Specialty Establishments: An establishment engaged in the selling of new and/or used travel trailers, manufactured homes, motorcycles and similar automotive product specialties and related new parts and accessories within a building or on open air lots surfaced in a stable manner.

Availability or Available: With regard to the provision of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Rule 9J-S.0055(2), FAC. (§9J-5.003 FAC) [DVCP]

Backlogged Facility: A state roadway, at least 0.2 miles in length, operating below the Florida Department of Transportation's statewide adopted minimum operating level of service standards for its functional classification, and that is not in the FDOT's Five-Year Work Program and has not been determined by FDOT to be a constrained facility. Unlike a constrained roadway, there are no prohibitive costs or environmental constraints.
Bars and Lounges: An establishment designed for the serving of beverages for consumption on the premises.

Base flood: means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement: means that portion of a building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast (Residential Zoning District): An owner-occupied dwelling unit containing no more than three guest rooms where lodging, with or without meals, is provided for compensation.

Bed and Breakfast (Commercial Zoning District): An owner-occupied dwelling unit where lodging, with or without meals, is provided for compensation.

Best Management Practice (BMP): A practice or combination of practices that are determined to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. [DVCP]

Bicycle and Pedestrian Ways: Any road, path or way that is open to bicycle travel and traffic afoot and from which motor vehicles are excluded. (§9J-5.003 FAC) [DVCP]

Billboard: Any permanently constructed sign, wall or other structure which advertises property, products, services, amenities or activities which are not available on the lot or parcel on which the structure is located.

Blighted Areas: Developed areas that have deteriorated through neglect or abandonment and which could benefit the community if redeveloped. [DVCP]

Blocks: A block is a group of lots entirely surrounded by streets, railroad right-of-way, water courses, subdivision boundaries or any combination thereof.

Board of Adjustment: The board of adjustment of the City of Davenport as established by Article VII of this Code.

Boarding or Rooming House: Residential facility other than an apartment building, hotel/motel, or restaurant where meals and/or lodging are provided in exchange for monetary compensation for more than three persons.

Buffer, Perimeter Landscape: An area of land which is required to be set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to
reduce the environmental, aesthetic, and other impacts on one type of land use upon another.

**Building:** A structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, hotel, packing house, or similar structure. Buildings may refer to a historically or architecturally-related complex, such as a house or jail, or a barn. [DVCP]

**Building Area:** The gross land area covered by a building or buildings, including the total land coverage by roofs, steps, balconies, and unroofed porches, stoops, porticos, and patios, including accessory buildings.

**Building Height:** The vertical distance from the average finish grade elevation at the building line to the highest point of the structure.

**Building Line:** The width of the lot at the rear edge of any required front setback. Except as specifically provided by this zoning Code, no building or structure may be extended to occupy any portion of a lot streetward or otherwise forward of the building line.

**Building Permit:** A permit that may be required by appropriate authority as described herein, relating to the location, construction, alteration, demolition, or relocation of structures within the area of jurisdiction.

**Building Site:** The lot, lots, tract or parcel of land upon which a building or use of land has been located or is proposed to be located.

**Bulk Storage of Explosive Gases:** The maintenance on a commercial or industrial development site, for sale or on-site use, of a quantity of fuel-related gases exceeding 500 gallons.

**Business, Professional and Nonprofit Organization Offices:** An establishment in which a person practices a particular kind of occupation requiring specialized knowledge and often a long and intensive preparation, that results in a specialized aid, assistance or action directly or indirectly to the needs of individuals, clients or persons engaged in commerce or industry. The type of specialized aid, assistance or action provided by a business, professional and nonprofit organization office includes the following: finance, insurance and real estate functions; medical and other health out-patient functions; legal functions; engineering, architectural and planning functions; accounting, auditing and bookkeeping functions; welfare and charitable administration and executive functions; business, professional, political, labor, civic, social and fraternal associations, organizations and union administrative and executive functions; advertising, employment, protective, business and management consulting functions; administration and executive functions.
**Business Training Schools:** An establishment engaged in furnishing nonacademic instruction and trade courses. Business training schools include the following: correspondence schools; business and stenographic schools; barber and beauty schools; art and music schools; and dancing schools.

**Camouflaged construction:** Methods of design and construction of communication towers which permit such towers to unobtrusively blend into the existing surroundings and disguised so as to not have the appearance of a communication tower. Notwithstanding the camouflaged construction, the structure shall continue to be considered a communication tower for the purposes of this Code.

**Canopy:** Canopy refers to the area shaded by the crown of mature tree that is listed among the approved species.

**Capital Budget:** The portion of each local government's budget that reflects capital improvements scheduled for a fiscal year. (§9J-5.003 FAC) [DVCP]

**Capital Improvement:** Physical assets constructed or purchased to provide, improve or replace a public facility and that are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of this rule, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements. (§9J-5.003 FAC) [DVCP]

**Capital Improvement Program (CIP):** A five year listing of proposed capital improvement projects, which is adopted annually and included in the Comprehensive Plan. [DVCP]

**Carport:** A carport is an accessory structure of a principal structure, consisting of a roof and support members such as columns or beams unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles or boats owned and used by the occupants of a building to which it is accessory.

**Cemetery:** A plot or parcel of land used or intended for use as a burial place in or above the ground for dead human bodies, whether or not markers or monuments are used.

**Central Business District:** A compact urban core area of a municipality or unincorporated urbanized area which serves as the primary center for economic activity in the jurisdiction. (s. 9J-5.003 F.A.C.)

**Certificate of Occupancy:** A certificate, required by appropriate authority under the provisions of this Code, which authorizes the occupancy of a structure or premises and is required prior to occupancy, change of use and under other specific conditions.
CFRPC: The Central Florida Regional Planning Council, located at 555 E. Church Street, Bartow, Florida. A quasi-state agency, funded by county taxes as mandated by the State of Florida, to provide planning for a five-county region, those counties being DeSoto, Hardee, Highlands, Okeechobee and Polk counties.

Child Care: The care, protection, and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care. (402.302, F.S.)

Child Care, Drop-in: Child care provided occasionally in a child care facility in a shopping mall or business establishment where a child is in care for no more than a 4-hour period and the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements shall meet all requirements for a child care facility unless specifically exempted. (402.302, F.S.)

Child Care, Evening: Child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m. to accommodate parents who work evenings and late-night shifts. (402.302, F.S.)

Child Care, Weekend: Child care provided between the hours of 6 p.m. on Friday and 6 a.m. on Monday. (402.302, F.S.)

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

- a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025, F.S.;
- b) Summer camps having children in full-time residence;
- c) Summer day camps;
- d) Bible schools normally conducted during vacation periods; and
- e) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435. (402.302, F.S.)
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 day care centers and private educational facilities.

City: The City of Davenport, Florida.

City Commission: The elected, governing body of the City of Davenport, Florida.

Classic Car/ Vehicle: A vehicle 20 years or older.

Clearing: The alteration of vegetation by complete removal, chemical treatment, and mechanical or nonmechanical uprooting.

Clerk of the Circuit Court: The clerk of the circuit court in and for Polk County, Florida.

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, chiropractors, naturapaths, optometrists, dentists, or any such profession, the practice of which is regulated by the State of Florida.

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 that is customarily carried on as a business for profit.

Cluster Development: Generally refers to a development pattern - for residential, commercial, industrial, institutional, or combinations of such uses - in which the uses are grouped or "clustered," rather than spread evenly, throughout a parcel as a conventional lot-by-lot development. A zoning ordinance may authorize such development by permitting smaller lot sizes if a specified portion of the land is kept in permanent open space either through public dedication or through creation of a homeowners association. [DVCP]

Clustering: The grouping together of structures and infrastructure on a portion of a development site. (s. 9J-5.003 F.A.C.)

Collector Road: A roadway providing service that 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. (§9J-5.003 FAC) [DVCP]

Commercial Uses: Activities within land areas which are predominantly connected with the
sale, rental and distribution of products, or performance of services. (s. 9J-5.003 FAC) [DVCP]

**Communication Tower:** Mast, pole, or other structure exceeding 30 feet in height, on which are mounted one or more antennas, receivers, signal generator, or similar equipment, whose purpose is to receive television or radio signals directly from ground-based sources, or to transmit such signals directly to ground-based receivers.

**Community Park:** A park between 16 and 100 acres in size designed to serve more than one neighborhood. [DVCP]

**Comparison Goods Stores:** An establishment engaged in the selling of merchandise in less than bulk quantities. Comparison goods stores as distinct convenience goods stores are further defined by the following characteristics: retail sale or merchandise purchase by the consumer on an infrequent basis, before making a final decision the consumer will probably visit several stores in which he will compare prices, styles and brands; comparison goods stores offer a large variety and selection of merchandise which enables the consumer to fulfill his particular desire; and, the type of merchandise in comparison goods stores includes clothing, shoes, apparel accessories, furniture, appliances and home furnishings. Trade stamp redemption stores are included in the comparison goods store category.

**Compatibility:** A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. (s. 9J-5.003 F.A.C.)

**Comprehensive Plan:** The adopted plan of the City that meets the requirement of F.S. 163.3161 through 163.3211 (Local Government Comprehensive Planning Act), as amended by any subsequent State Law and meeting the requirements imposed by the City of Davenport.

**Concurrency:** The necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur. (§9J-5.003 FAC) [DVCP]

**Concurrency Management System:** The procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development. (§9J-5.003 FAC) [DVCP]

**Concurrent with the Impacts of Development:** Pursuant to §9J-5.0055(2), FAC, concurrent with the impacts of development shall be satisfied when: the necessary facilities and services are in place at the time a development permit is issued; or a development permit
is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or that the necessary facilities are under construction at the time a permit is issued; or that the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of concurrency as defined. For recreation facilities, concurrency may also be met by adherence to §9J-5.0055(2)(b), FAC for roads, concurrency may also be met by adherence to §9J-5.0055(2)(c), FAC

**Condominium:** A building that is used or intended to be used as a home or residence for three (3), or more, families living in separate quarters. Dwelling units share a common outside access. Ownership is the defining factor between an apartment building unit and a condominium unit: an apartment unit is a rental unit, a condominium unit is an owned unit. See drawing labeled “apartments” and “multiplex” at back of this Code.

**Cone of Depression:** An area of reduced water levels which results from the withdrawal of groundwater from a point of collective source such as a well, wellfield, or dewatering site. The areal extent and depth of the depression is a function of the hydraulic properties of the aquifer, the pumpage rates and recharge rates.

**Cone of Influence:** An area around one or more major water wells the boundary of which is determined by the government agency having specific statutory authority to make such a determination based on groundwater travel or drawdown depth. (§9J-5.003 FAC) [DVCP]

**Conservation:** The preservation of native plants and trees to provide canopy, buffer yards, and reduce water demanded to maintain landscaping.

**Conservation Easement:** A right or interest in real property intended to maintain land or water areas predominantly in their natural, scenic, open, or wooded condition. Such areas may preserve habitat for fish, plants, or wildlife; the structural integrity or physical appearance of sites of historical, architectural, archaeological, or cultural significance; or existing land uses compatible with conservation of natural resources.

**Conservation Uses:** Activities or conditions within land areas designated for the purpose of conserving or protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, commercially or recreationally valuable fish and shellfish, or protection of vegetative communities or wildlife habitats. (s. 9J-5.003 F.A.C.)

**Constrained Facility:** A segment of roadway on the state highway system operating below the adopted level of service standard and unable to reach the standard because of prohibitive
costs and environmental constraints. Existing level of service must be maintained on these roadways.

**Construction and Demolition Debris:** Materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, iron, aluminum, brass, copper, cast iron, metal, tin, glass, plexiglas, plastic, vinyl, rubber (excluding whole tires), leather, concrete, asphalt, tar paper, shingles, non-contaminated gravel, non-contaminated rocks, non-contaminated soils, street sweepings, plants, grass, lumber, dry paint-dyes, drywall, dry spackling-plaster-stucco-grout, paper, cardboard, dry ink-adhesives and wood. Household garbage, medical waste, liquid waste, biohazardous waste or toxic waste shall be prohibited. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition structure, will cause it to be classified as other than construction and demolition debris.

**Construction Service Establishments:** An establishment in which a person practices a vocation or occupation that performs a type of labor, act or work off the premises that directly results in the fabrication, construction, addition, alteration, repair of development of land, buildings or other structures on a given premises. Construction services include the following: operative and investment builders; subdividers and developers; general building, heavy construction and special trade contractors; plumbing, painting, electrical work and carpentry contractors; and highway, bridges, dams, sewer and water system contractors.

**Consumptive Use Permit:** A permit issued by the Water Management District that allows the production (or pumping) of groundwater up to a specified amount, usually expressed in gallons per day. [DVCP]

**Convenience Stores:** An establishment engaged in the selling of merchandise in less than bulk quantities. Convenience stores as distinct from comparison goods stores are further defined by the following characteristics: retail sale of merchandise purchased by the consumer on a frequent and often daily basis; the consumer tends to purchase all desired convenience merchandise in the same general location; and the consumer usually purchased convenience merchandise at locations easily accessible to him. This type of merchandise in convenience goods stores includes groceries, drugs, notions, toiletries, sundries, and other items which are usually inexpensive and purchased frequently.

**Cultivated Landscape Area:** Planted areas that are frequently maintained by mowing, irrigation, pruning, fertilizing, and related maintenance.

**Cultural Facilities:** Such establishments include libraries, museums, art galleries and arboreta, botanical and zoological gardens.
**DCA or FDCA:** Florida Department of Community Affairs; and the arm of the state government that administers the growth management act by reviewing all comprehensive plans and amendments. [DVCP]

**Demolition:** The complete or constructive removal of any or part or whole of a building or structure upon any site when same will not be relocated intact to a new site. [DVCP]

**Density:** An objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. (s. 9J-5.003 F.A.C.)

**Density Bonus:** An additional number of dwelling units above what would otherwise be permissible within a particular zoning classification or future land use classification.

**DEP or FDEP:** Florida Department of Environmental Protection; formerly known as Florida Department of Environmental Regulation, which was merged with Florida Department of Natural Resources to create the DEP.

**Developer:** Any person, including a governmental agency, undertaking any development. (§380.031 F.S.) [DVCP]

**Development:** The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

The following activities or uses shall be taken to involve "development":

A reconstruction, alteration of the size, or material change in the external appearance of a structure on land; 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; alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction"; commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land; demolition of a structure; clearing of land as an adjunct of construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken to involve "development":

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; work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting,
repairing, renewing, or constructing on established rights of way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks, or the like; work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure; the use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; the use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, raising livestock, or for other agricultural purposes; a change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class; a change in the ownership or form of ownership of any parcel or structure; the creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

"Development" as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. (§380.04 F.S.) [DVCP]

**Development Capacity:** An element of the concurrency management system, addressing the ability of public facilities to absorb development that has not been built, or that has not been completely built out, and that therefore has not impacted, or fully impacted, existing public facilities. The availability of public facilities to accommodate future development, in order to maintain an established level of service, will take into account this vested but currently unused or under-utilized capacity.

**Development Controls:** Standards in the comprehensive plan which control the development or use of land and which are in addition to the densities, intensities, and uses assigned to land by the future conditions maps. (s. 9J-5.003 F.A.C.)

**Development Site:** Any tract, lot, or parcel of land or combination of tracts, lots, or parcels of land or portions thereof which are under one ownership, or are contiguous and in diverse ownership where development is to be performed as a part of a unit, subdivision, or project.

**Development of Regional Impact (DRI):** Any development that, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county. [DVCP]

**Development Order:** Any order granting, denying, or granting with conditions an application for
Definitions & Acronyms

Adopted on 6/14/99, Amended on 10/24/2011

Development Permit: Includes any building permit, zoning permit, plat approval, or rezoning, certification, variance, or other action having the effect of permitting development. (§380.031 F.S.) [DVCP]

Development Review: See Site Plan Review. [DVCP]

Dimensional Variances: A departure from the terms of this Code pertaining to height, width, depth and area of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the actions of the applicant, the literal enforcement of this Code would result in unnecessary and undue hardship.

Disabled Home: A facility that houses disabled individuals and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents and normally serving adult residents.

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 the purposes of this Code.

Domestic and Business Repair Establishments: An establishment in which a person, or persons, performs a type of labor, act or work that results in the fixing and repair of an article of merchandise or piece of equipment intended for and directly incidental to the customer's business or domestic use. The type of fixing and repair provided by a domestic and business repair establishment includes the following: small electrical appliances, radios and television repairs; reupholstery and furniture repairs; bicycle, leather goods, locks, guns, and musical instruments repairs; and business machine and typewriter repairs.

Domestic and Business Service Establishments: An establishment in which a person performs a type of labor, act or work that results in a specialized aid or assistance intended and directly incidental to the customer's domestic or business operations. The type of specialized aid or assistance provided by a domestic and business service establishment includes the following: duplicating, mailing and stenographic services; blueprinting and photocopying services; window cleaning, floor waxing, office cleaning and janitorial services; disinfecting and exterminating services; ambulance services; and catering services.
**Domestic Rental Establishment:** An establishment engaged in renting or leasing small miscellaneous merchandise, products or goods.

**DOT or FDOT:** Florida Department of Transportation.

**Drainage Basin:** see Stormwater Basin.

**Drainage Detention Structure:** see Stormwater Management Detention Structure.

**Drainage Facilities:** see Stormwater Management Facilities.

**Drainage Retention Structure:** see Stormwater Retention Structure.

**DRI (Development of Regional Impact):** Any development that, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county. [DVCP]

**Drinking Establishment:** A business establishment where drinks containing alcohol; are served to patrons within the establishment, and is also known as a bar, a bottle club, a lounge, a saloon or any other similar term.

**Drive-in Restaurant:** A business establishment where food or drink is served to patrons in automobiles or that has take-out services or provides parking spaces, or outside tables for use by patrons.

**Duplex (two-family dwelling):** A single building containing two (2) dwelling units. See drawing at the end of the Code labeled “twin house.”

**Dwelling:** A building used or intended for use primarily for human habitation. The word shall not include hotels, motels, tourist courts, fraternity or sorority houses, boarding houses, no other structures primarily for transient uses.

**Dwelling, single family:** A building used or designed to be used as a dwelling unit by one family. For regulatory purposes, the term includes manufactured homes (a.k.a. mobile homes) that are fixed dwellings, but is not to be construed as including travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary or portable housing.

**Dwelling, multiple-family:** A building used or designed to be used for three (3) or more dwelling units and three or more families.
**Dwelling Unit:** A structure in which occupants live and eat separately from anyone else, and have direct access to the outside (e.g. to a hallway or street) of the unit. [DVCP]

**EAR:** An Evaluation and Appraisal Report as defined in 163.3191, F.S. (s. 9J-5.003 F.A.C.)

**Easement:** A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give or sell an easement on his property to allow utility facilities like power lines or pipelines, or to allow access to another property. A property owner may also sell or dedicate to the government the development rights for all or part of a parcel, thereby keeping the land open for conservation, recreation, scenic or open space purposes.

**Eating and Drinking Establishments:** An establishment for preparation and retail sale of food and/or beverages.

**Ecosystem:** A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and, between species and their environment.

**Educational Uses:** Activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking. (§9J-5.003 FAC) [DVCP]

**Efficiency Apartment:** A small apartment consisting typically of a combined living room and bedroom area, a bathroom, and a kitchenette.

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

**Emergency Hazardous Situation:** exists whenever there is an immediate and substantial danger to human health, safety or welfare, or to the environment.

**Environmentally Sensitive Land:** Areas of land or water which are determined necessary by the local government, based on locally determined criteria, to conserve or protect natural habitats and ecological systems. Nothing in this definition shall be construed to prohibit silvicultural operations which employ the Florida Department of Agriculture and Consumer Affairs Best Management Practices as revised in 1993. (s. 9J-5.003 F.A.C.)[DVCP]

**EPA:** United State Environmental Protection Agency. [DVCP]
**Equipment Rental Establishments:** An establishment engaged in renting or leasing large equipment and machinery.

**Evacuation Routes:** Routes designated by county civil defense authorities or the regional evacuation plan, for the movement of persons to safety, in the event of a hurricane. (§9J-5.003 FAC) [DVCP]

**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.

**Exfiltration System:** Any gallery, perforated or “leaky” pipe or similarly designed structure which is used to dispose of untreated stormwater by allowing the routed water to percolate by subsurface discharge directly or indirectly into the groundwater.

**FAC:** Florida Administrative Code. [DVCP]

**Facility Availability:** Whether or not a facility is available in a manner to satisfy the concurrency management system. (s. 9J-5.003 F.A.C.)

**Family:** One or more persons occupying a dwelling unit as a separate housekeeping unit with a single set of culinary facilities; and further provided that said family shall not contain more than five persons not a part of the immediate family (meaning the head of household, spouse and children) except gratuitous guests and domestic servants, occupying the dwelling unit.

**Family Day Care Home:** An occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

a) A maximum of four children from birth to 12 months of age.

b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

c) A maximum of six preschool children if all are older than 12 months of age.

d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age. (402.302, F.S.)
Family Foster Home: A private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes, family foster group homes, and specialized foster homes for children with special needs. The following are not considered a family foster home: a person who cares for a child of a friend for a period not to exceed 90 days; a relative who cares for a child and does not receive reimbursement for such care from the state or federal government; or an adoptive home which has been approved by the state or by a licensed child-placing agency for children places for adoption. (c. 409.175, F.S.)

Family Group Home: See Group Home.

Farmworker(s): means a person(s) who has worked twenty-five days or more, earning at least one-half (1/2) of their income in agricultural work in the last twelve (12) months and was not employed year round by the same employer.

Farmworker Housing: The living accommodations of farm employees and their families, on one lot or parcel without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

Farming Equipment and Supply Establishments: An establishment engaged in the selling of farm equipment, machinery, hardware, production supplies and other miscellaneous farm and garden supplies. Farm equipment and supply establishments may include farm equipment repair departments provided such repair departments are incidental and accessory to the principal selling of farm equipment and supplies.

Farming: An establishment having as the principal purpose of business the production for sale of field crops, fruit, tree nuts, vegetables, livestock, livestock products, poultry hatcheries and animal husbandry activities.

Farming Service Establishments: An establishment in which a person performs a type of labor, act or work off the premises that results in a variety of farming services such as crop dusting, vegetable and fruit picking, grain cleaning, harvesting, plowing and similar operations.

FDEP (DEP): Florida Department of Environmental Protection; formerly the Departments of Environmental Regulation and Natural Resources.

FDOT (DOT): Florida Department of Transportation.

FEMA: Federal Emergency Management Agency. This agency produces a set of maps that are used by mortgage and insurance companies to determine whether or not a dwelling unit is located in an area likely to flood. [DVCP]
**Fence:** Artificial barrier installed or constructed for the purpose of screening or enclosing property. All fences shall be appropriate for use in an urban area. Fences in Residential Districts shall be fabricated from materials which are compatible with surrounding properties, including, but not limited to, PVC, vinyl, chain link, wood stockade panels, or masonry. In all Residential Districts, electrified fences shall be prohibited, and fences shall not be constructed of the following materials: barbed wire, chicken wire, hog wire, or razor wire. The Administrative Official shall approve all fences erected in the City of Davenport.

**Filling Station (Convenience Store with Gas):** A building and land used or intended for use to dispense, sell, or offer for sale any motor fuels, oils, or automotive accessories, but where no major automotive repair, body rebuilding, welding, tire capping, or painting is or is intended to be performed.

**Flea Market:** A temporary sale of arts and crafts or rummage or similar items, not operating more than three times a year; and limited to once every four months for two days, with no permanent structures erected and operating in daylight hours only. If a permanent facility is built, whether to be used on a part-time or full-time basis, the facility must be approved by the Administrative Official by submittal of a site development plan, and must show parking and restroom facilities to be provided.

**Flood or Flooding:** A temporary partial or complete inundation of normally dry land from the overflow of lakes, rivers, or other water bodies, or from the unusual and rapid accumulation of runoff or surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM):** An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study:** An official report provided by the federal emergency management agency, contains flood profiles, as well as the flood boundary map and the water surface elevation of the base flood.

**Floodprone areas:** Areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an Zone "A" or Zone "V" on Flood Insurance Rate Maps or Flood Hazard Boundary Maps. (§9J-5.003 F.A.C.) [DVCP]
**Floodways:** The channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights. [DVCP]

**Flood Protection Elevation:** The elevation of the base flood plus one (1) foot.

**Floor Area:** The total floor area of all stories measured to outside faces of exterior walls (the footprint of the building).

**Floor Area Ratio:** A non-residential land use intensity measure analogous to density. It compares the floor area of a building with the total area of its site. Floor area is the sum of the areas of the several floors of the building or structure. Floor area ratio is calculated by dividing the sum area of all floors by the gross area of the site.

**Florida Master Site File:** The state's clearinghouse for information on archaeological sites, historical structures, and field surveys for such sites. A combination of both paper and computer files, it is administered by the Bureau of Archaeological Research, Division of Historical Resources, Florida Department of State.

**Foster Care Facility:** A residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall not be more than three residents. (c. 393.063, F.S.)

**FS:** This abbreviation denotes the set of laws for the State known as the Florida Statutes. [DVCP]

**Future Land Use Element:** That adopted portion of the Comprehensive Plan of the City of Davenport establishing goals, objectives, and policies for development of the City as required by Chapter 163, Part II of the Florida Statutes. The Future Land Use Map is a part of this Element and must be compatible with the Official Zoning Map, adopted as part of this Code.

**Garage apartment:** A single-family dwelling unit located on the same lot as the principal residence. The principal dwelling unit must be owner-occupied in order for the garage apartment to be rented out. Separate metering is allowed.

**Garage, mechanical:** See Major Automotive Repair.

**Garage, private:** A building or portion of a building, attached or detached to or from the principal structure, intended for the storage of automobiles or other wheeled property belonging primarily to occupants of the premises.
Garage, public: Any land or building used for the storage of automobiles or other wheeled property primarily for non-occupants of the premises, whether or not remuneration is paid or received for such storage.

Garage, repair (Automotive Repair, Major): Includes activities listed under Service Station, as well as removal and major overhaul of engines, transmissions and drive systems, and all types of paint and body work.

Garage, residential: A garage is an ancillary area or structure designed or used for inside parking of private passenger vehicles and recreational vehicles, owned by the occupants of the principal residential dwelling unit. An unattached garage is to be considered as an accessory structure.

Garage Sale: The sale of personal property, usually household goods and furniture, by the owner of the property on whose property the sale occurs. Such sales are occasional in nature and do not involve the establishment of a permanent sales location. A "neighborhood garage sale" is within the meaning of this definition. Such sales are not permitted more than three times per year, and only once every four months, and for only two days at a time.

Garden Apartment: A garden apartment or atrium house is similar to, though distinct from, the patio home. It differs from the patio home in three respects: it has a smaller lot and yard, it is an attached unit, and it is usually a single story unit. A small private yard is surrounded by the house and its walls; privacy is guaranteed. See Appendix C - “Atrium House”.

Gasoline Sales (No Service)/ Gas Station/ Filling Station/ Convenience Store with Gas: A place of business that is engaged in the retail sale of motor fuels, oils, or automotive accessories, and the small-scale retail sale of grocery store items; but where no major automotive repair, body rebuilding, welding, tire capping, or painting is or is intended to be performed.

Generic Substance List: These general categories of substances set forth in an appendix to this code.

Golf Course: Public or private golf course and par 3 courses including clubhouse, pro shop, restaurants, lounges, parking lots and maintenance facilities that are on the premises to serve the patrons of the golf course.

Government Uses and Structures: Any land, building, structure, uses or activity that is owned and operated by the city, county, state or federal government or legally empowered special governmental district and is necessary to the conduct of government, the
furnishing of public services or of an institutional character and over which such governments exercise direct and complete control.

**Green Swamp Area of Critical State Concern (GSACSC):** An area of land in Polk, Sumter and Lake Counties as defined by State statute. This area is of environmental importance and is protected from certain kinds of development. The City of Davenport lies east of this designated area. All development within the GSACSC is subject to review by the Florida Department of Community Affairs.

**Ground cover:** Plants, other than turfgrass, normally reaching an average maximum height of not more than 24 inches at maturity.

**Group Home Facility:** A residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall be **at least four residents but not more than 15 residents**. For the purposes of this chapter, group home facilities shall not be considered commercial enterprises. (c. 393.063, F.S.)

**Groundwater:** Water that fills all the unblocked voids of underlying material below the ground surface, which is the upper limit of saturation, or water below the ground surface, which is the upper limit of saturation, or water which is held in the unsaturated zone by capillary.

**Growth Management Act:** Chapter 163, Part II, F.S., known and cited as the "Local Government Comprehensive Planning and Land Development Regulation Act."

**Guest House (a.k.a. Mother In-law Suite or Pool House):** A single-family dwelling unit located on the same lot as the principal residence. The guest house shall not be rented out. The guest house shall be occupied by only immediate family members or family guests. No separate metering is allowed.

**Hazardous Material:** A hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of Title III, Superfund Amendments and Reauthorization Act of 1986 (42 USC s. 11001, et seq.). (s. 252.82 FS) [DVCP]

**Hazardous Waste:** Solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed. (§9J-5.003 FAC) [DVCP]
**Hedge:** A landscape barrier consisting of a continuous, dense planting of shrubs.

**High Recharge Area or Prime Recharge Area:** An area so designated by the appropriate water management district governing board. High recharge and prime recharge areas shall receive a level of protection commensurate with their significance to natural systems or their status as current or future sources of potable water. (s. 9J-5.003 F.A.C.) [DVCP]

**Historic District, City of Davenport:** A designated district in the general vicinity of the original downtown core of the City of Davenport, and added to the National Register of Historic Places in August 1997.

**Historic Resources:** All areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by a local government as historically, architecturally, or archaeologically significant. (s. 9J-5.003 F.A.C.)

**Historic Site:** A single lot or portion of a lot containing an improvement, landscape feature, or archaeological site, or a historically related complex of improvements, landscape features or archaeological sites that may yield information on history or prehistory.

**Historically Significant Structures:** Structures listed on the National Register of Historic Places, the Florida Master Site File, or otherwise designated, by official action, as historic, and worthy of recognition or protection.

**Home Occupation:** Any activity carried out for gain by a resident and conducted as an accessory use in the resident’s dwelling unit in a zoning district where such use is permitted or permissible. Usual home occupations include, but are not limited to, personal services such as are furnished by a musician, artist, beauty operator, seamstress, notary public, home party makeup sales such as Avon and Mary Kay, home party clothing sales, home party appliance sales such as Tupperware, home party cleaning product and catalog sales such as Amway, secretarial service, insurance work, computer work, the making of handicrafts, professional office such as landscape architect, architect, engineer, physician, lawyer, accountant.

**Horticultural Specialty Farms:** An establishment having as the principal purpose of business the production for sale of greenhouse, frame, cloth house, lath house, or outdoor grown horticultural products such as bulbs, florists' greens, herbs, mushrooms, flower seeds, and sod crops. Horticultural specialty farms may include landscaping service establishments.

**Hospice:** A centrally administered corporation not for profit (“not-for-profit” as defined in c. 617, F.S.) providing a continuum of palliative and supportive care for the terminally ill patient and his or her family. (400.601, F.S.)
**Hospice Residential Unit:** A homelike living facility, or other facility licensed under other parts of c. 400, F.S., or c. 395, F.S., that is operated by a hospice for the benefit of its patients and is considered by a patient who lives there to be his or her primary residence. (c. 400.6005, F.S.)

**Hospitals:** An establishment engaged in providing health in-patient facilities, in which medical or surgical services are a main function.

**Hotel:** A building or other structure used and maintained as primarily a place where sleeping and supplemental accommodations are supplied transient guests.

**Hurricane Shelter:** A structure designated by local officials as a place of safe refuge during a storm or hurricane. (§9J-5.003 FAC) [DVCP]

**Impervious Surface:** Any surface added to a site that significantly impedes the natural percolation of water into the soil. “Impervious surface” shall include all land paved with concrete or asphalt that is used for off-street parking, driveways, sidewalks, patios, and service areas; and includes principal and accessory buildings.

**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.

**Incompatible Land Uses:** Land uses that, if occurring adjacent to one another, have a detrimental effect on one or both of the uses. [DVCP]

**Indoor:** Refers to that which is within a building.

**Industrial Uses:** The activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products. (§9J-5.003 FAC) [DVCP]

**Infrastructure:** Those man-made structures that serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways. (§9J-5.003 FAC) [DVCP]

**Inoperable vehicle:** A motor vehicle which does not have a current state license plate; or a vehicle which is licensed but is disassembled or wrecked in part or in whole and is unable to move under its own power.
Intensity: An objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. (s. 9J-5.003 F.A.C.)

Irrigation System: A permanent, artificial watering system designed to transport and distribute water to plants.

Isolated Wetland: Any wetland that has no hydrological or vegetative connections with any water of the state as defined in 327.02(28) F.S.

Junkyard: A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or closed storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations. Storage of more than three (3) inoperable vehicles constitutes a junkyard.

The following are also defined as “junkyards” for the purposes of this Code: yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive vehicle parts.

[Note: An individual, whom is restoring, not for profit, a classic or antique vehicle, may have 3 inoperable vehicles as long as they are of the same make and model of the vehicle he is restoring.]

Kennel: Any facility for the overnight boarding of four or more dogs or cats at least four months of age are kept, boarded, or trained, whether in special structures or runways or not. When such dogs or cats are the property of the owner of the premises on which such animals are kept, such use shall not be deemed to be a kennel.

Laboratory: A designated area or areas used for testing, research, experimentation, quality control, or prototype construction, but not used for repair or maintenance activities (excluding laboratory equipment), the manufacturing of products for sale, or pilot plant testing.

Land Area: The total land area within the property lines.

Land Development Regulations: Includes local zoning, subdivision, building, and other regulations controlling the development of land. This Code contains all of the land
development regulations adopted by the City of Davenport and considered to be unified.  
(§380.031 F.S.) [DVCP]  

**Land Use:** The development that has occurred on land.  
(§380.031 F.S.) [DVCP]  

**Landscaping Service Establishments:** An establishment in which a person performs a type of labor, act or work off the premises that result in horticultural services such as cemetery upkeep, landscape gardening, tree planting and similar operations. Landscaping service establishments do not include horticultural specialty farms.  

**Laundromats, Self-service or Coin-operated:** An establishment designed to provide limited laundry and dry cleaning facilities which are used and operated by ultimate consumers on the premises on a self-service basis and not by employees of the establishment itself.  

**Laundry and Dry Cleaning Pick-up Establishments:** An establishment designed for the convenient and efficient pick up of and drop off of laundry or dry cleaning on the premises by persons not employed by the establishment. No actual laundry or dry cleaning service or work is performed on the premises except for the collecting and distributing activities stated above.  

**Laundry and Dry Cleaning Plants:** An establishment engaged in the commercial operation of mechanical laundries with steam or other power and including rug cleaning, dry cleaning or dyeing apparel and household fabrics or establishments supply laundered linens, work clothing, diapers, baby linens or uniforms.  

**Level of Service (LOS):** An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.  
(§9J-5.003 FAC) [DVCP]  

**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.  

**Livestock:** All animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle and other grazing animals, as well as fur bearing animals such as rabbits or chinchillas.  

**Living Area:** The living area of a residential building is that portion of the residence designed for occupancy, excluding garages, open porches, breezeways, pool enclosures and patios.  

**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 by such vehicle. Such space is not to be included as off-street parking space.

**Local Comprehensive Plan:** Any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, as amended. (§380.031 F.S.) [DVCP]

**Local Planning Agency (LPA):** Pursuant to Chapter 163, F.S., the LPA for the City is the City Commission, in lieu of a Planning and Zoning Board. This is the agency designated to prepare, administer, and update the Comprehensive Plan, as required by State law.

**Local Road:** A roadway providing service that is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property. (§9J-5.003 FAC) [DVCP]

**Lot:** A parcel of land under one (1) principal building and its accessory buildings and including the open spaces and yards required under this Code.

1. Corner lot: A lot which abuts on two (2) or more intersecting streets at their intersection. The applicable front setback requirement shall apply to both street frontages of a corner lot. The Administrative Official shall determine which side is the “rear yard” and which side is the “side yard,” pertaining to requests for variances. If the two streets form an angle of more than 135 degrees, as measured at the point of intersection of their center lines, the lot shall not be considered a corner lot.

2. Double frontage lot: Any lot other than a corner lot which abuts on two (2) streets.

3. Lot of record: A lot which is duly recorded in the Office of the Clerk of the Circuit Court of Polk County.

**Lot Frontage:** The front of the lot shall be defined to be that portion of the lot nearest the street established as the street address.

**Lot-Line:** The boundary dividing a lot from a right-of-way adjoining lot, or other adjoining tract of land.

1. Front lot line: The lot-line abutting a street right-of-way line.

2. Rear lot line: The lot-line opposite the front lot line.

3. Side lot line: Lot lines other than the front or rear lot lines.
Lot-Line House: A single-family detached unit which, instead of being centered on the lot, is placed against one of the side lot-lines. This makes the side yard usable and requires less land than a standard house centered on its lot. The front yard, which is seldom used, maybe substantially reduced. See Appendix C – Sketch 4)

Lot, Minimum Width: To calculate the minimum width measurement, the lot width shall be measured at the rear of the front setback line.

Low Income Persons: One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater. For the City of Davenport, the median income of Polk County is used. (420.004, F.S. 1991 and (s. 9J-5.003 F.A.C.)

Major Arterial: See “Arterial Road.”

Major Automotive Repair: Includes activities listed under Service Station, as well as removal and major overhaul of engines, transmissions and drive systems, and all types of paint and body work.

Major Trip Generators or Attractors: Concentrated areas of intense land use or activity that produces or attracts a significant number of local (vehicle) trip ends. (§9J-5.003 F.A.C.) [DVCP]

Manufactured Home (a.k.a. Mobile Home): A pre-constructed dwelling unit, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. If manufactured after June 15, 1976, each section must bear a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards. Manufactured homes shall be used for single-family residential purposes only and shall be licensed pursuant to Chapter 320, F.S. In the event a manufactured home becomes ineligible for a title certificate under Chapter 319, F.S., it shall no longer be considered a manufactured home. (320.01, F.S. 1992 Supplement)

A manufactured home produced after June 1976 will bear a 2” by 4” metal, rectangular, red and silver certification label, located above the tail light, on each section of the home.
Its general appearance is as follows:

AS EVIDENCED BY THIS LABEL NO. ________
THE MANUFACTURER CERTIFIES TO THE BEST OF THE MANUFACTURER’S KNOWLEDGE AND BELIEF THAT THIS MANUFACTURED HOME HAS BEEN INSPECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND IS CONSTRUCTED IN CONFORMANCE WITH THE FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE. SEE DATA PLATE.

Manufactured Home Park (a.k.a. Mobile Home Park): Development site on which manufactured homes are installed and organized around a common set of amenities, including private internal roads, clubhouse or recreation facility, and common open space. A manufactured home park may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, are privately owned or owned in common by residents of the park.

Manufactured Home Subdivision: Development site on which manufactured homes are installed on platted lots and has public streets.

Manufacturing: Assembly or fabrication of parts which are free of hazardous or objectionable elements, such as noise, odor, dust, smoke or glare that may be detectable to the normal senses from outside the building. Such uses shall operate entirely within enclosed structures, and the premises shall not contain any outdoor or open storage or aboveground tank storage of merchandise, products or materials or any outdoor or open storage of equipment, materials or other items utilized by such establishments except for automobiles and delivery or service trucks. Such uses shall not involve electrical interference to television, radio or communication systems off the premises.

Marine Establishments: An establishment engaged in the retail selling of new and/or used boats and motor boats and related new parts and accessories. Marine establishments may include repair departments provided such repair departments are incidental and accessory to the principal retail selling of boats and related marine accessories.

Minerals: All solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, that are contained in the soils or waters of the state. (§9J-5.003 FAC) [DVCP]

Mining: The act of taking mineral substances from a pit or excavation in the earth.
Minor Automotive Repairs (Service Station): Activities conducted at a service garage involving maintenance or small-scale mechanical work on motor vehicles. This shall include inspection, maintenance, repair or replacement of the following: brake systems; ignition and electrical systems; carburetors and fuel systems; batteries; oil, antifreeze and other fluids; and tires. Also included are auto washing and detailing, and the tuning and adjustment, but not disassembly or removal, of engines and transmissions.

Minor Arterial: See “Arterial, Minor.”

Mitigation: Any action, including but not limited to, restoration, enhancement, or creation of wetlands, required to be taken in order to offset environmental impacts on permitted activities.

Mobile Home Park: is referred to as a “Manufactured Home Park” in this Code. It is: development site on which manufactured homes are installed and organized around a common set of amenities, including private internal roads, clubhouse or recreation facility, and common open space. A manufactured home park may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, are privately owned or owned in common by residents of the park.

Mobile Home (a.k.a. Manufactured Home): To comply with the industry’s wishes, and guidelines from the State, mobile homes will be referred to as “manufactured homes” in this Code.

Moderate Income Persons: One or more natural persons or a family, the total annual adjusted gross household income of which does is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater. For the City of Davenport, the median income of Polk County is used. (420.004, F.S. 1991 and s. 9J-5.003 F.A.C.)

Modular Home or Building: Any structure, or portion of a structure including electrical, plumbing, heating, or ventilating systems, which was built in a manufacturing facility for installation or erection as a finished building or as part of a finished building. Modular wellings are factory-built homes that are built in accordance with the provisions of the Florida minimum building codes, including plumbing, electrical, fire, accessibility and energy codes. In addition, modular homes or buildings must meet any other design standards the City may adopt that apply to conventional construction. Modular buildings may include residential, commercial, institutional, storage, and industrial structures. For
purposes of this Code, modular buildings shall not include manufactured homes.

The Department of Community Affairs oversees the construction and inspection of modular units. A modular unit will have a 4” by 5” blue and silver insignia bearing the Department of Community Affairs’ name and is typically placed on the electrical panel cover. The sticker looks like the following:

Mortuaries, Funeral Homes and Crematories: An establishment engaged in preparing the dead for burial, conducting funerals and cremations.

Motel: Shall also include the terms motor hotel, tourist court, transient accommodations, and efficiency motel; a building primarily for the use of persons traveling by automotive vehicles and consisting of two (2) or more rooms or suites for rent for the purpose of sleeping and/or light housekeeping with no common entrance or lobby.

Motion Picture Theaters: An establishment engaged in the commercial exhibition of motion pictures, with or without stage presentations.

Motor Freight Transportation Establishments: An establishment engaged in furnishing local or long distance trucking, transfer and draying services with or without the storage of merchandise, products or materials and including maintenance facilities provided such maintenance facilities are incidental to the principal trucking and freight handling services:
1. Light motor freight transportation establishments: Those motor freight transportation establishments which are nonhazardous and whose premises do not contain any outdoor or open storage or aboveground tank storage of merchandise, products or materials.

2. Heavy motor freight transportation establishments: Those motor freight transportation establishments which are hazardous, although the maximum public and private safety precautions have been taken and the most stringent performance standards have been met and/or those motor freight transportation establishments whose premises do contain outdoor or open storage or aboveground tank storage of merchandise, products or materials.

**Motor Home:** See Recreation Vehicle Unit.

**MPO:** Stands for “metropolitan planning organization.” An MPO is a nonprofit, State-designated regional planning agency that provides expertise in traffic planning. In order for an urbanized area to qualify for the establishment of this agency, the urbanized area must meet a minimum population threshold, as established by the State. There is one MPO in the five-county region of the CFRPC and it represents the Lakeland/Winter Haven Urbanized Area. This agency is known as the “Polk Transportation Planning Organization”, the PTPO, with offices located in Bartow.

**Mulch:** Non-living organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

**Multiplex:** A building that is either a single-family attached unit or a multi-family unit. There are a variety of configurations: attached as a row, attached back to back with each unit the corner of a square, or with some units on the first floor and others on the second. Dwelling units may have individual or shared outside access. Small patios or balconies provide outdoor living space. A well-designed multiplex may look like a large, single-family detached unit. Multiplexes can provide either individual unit ownership or rental units.

**National Register of Historic Places:** Established by Congress in 1935, the National Register of Historic Places is a listing of culturally significant buildings, structures, objects, sites, and districts in the United States. The listing is maintained by the U.S. Department of Interior.

**Natural Drainage Features:** The naturally occurring features of an area which accommodate the flow of significant amounts of stormwater, such as streams, rivers, lakes, sloughs, floodplains, and wetlands. (s. 9J-5.003 F.A.C.)[DVCP]
**Natural Drainage Flow:** The pattern of surface and stormwater drainage through or from a particular site before the construction or installation of improvements or prior to regrading. (s. 9J-5.003 F.A.C.)

**Natural Reservations:** Areas designated for conservation purposes, and operated by contractual agreement with or managed by a Federal, State, regional or local government or non-profit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters. This definition does not include privately owned land managed by a state agency on either a voluntary or a short-term contractual basis. (s. 9J-5.003 F.A.C.)

**Natural Resources:** Land, air, water, groundwater, drinking water supplies, fish and their habitats, wildlife and their habitats, biota, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the State of Florida and situated in an area of critical state concern or offshore from an area of critical state concern. (§380.0558 F.S.) [DVCP]

**Natural Vegetation:** Vegetative communities which are native to, and therefore tolerant of, a particular geographic location.

**Newspaper of General Circulation:** A newspaper published at least on a weekly basis and printed in the language most commonly spoken in the City.

**New Town:** A new urban activity center and community designated on the future land use map and located within a rural area or at the rural-urban fringe, clearly functionally distinct or geographically separated from existing urban areas and other new towns. A new town shall be of sufficient size, population and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services. A new town shall be based on a master development plan, and shall be bordered by land use designations which provide a clear distinction between the new town and surrounding land uses. (s. 9J-5.003 F.A.C.)

**Nonconforming Structure:** A structure or portion thereof, existing at the effective date of this chapter, or any amendment thereto, which was occupied, designed, erected, intended, or structurally altered for a use not permitted at its location by the provisions of this Code for a new use, and/or which does not conform to all of the regulations applicable to the district in which it is located. A nonconforming structure cannot be rebuilt, replaced or enlarged, except as provided in this Code. The presence of a nonconforming structure on
a parcel of land does not allow the reestablishment of a nonconforming use which has been abandoned or eliminated.

**Nonconforming Use:** Uses of land and structures, and characteristics of uses, which are prohibited under the terms of a zoning ordinance but were lawful at the date of the Code's enactment. [DVCP]

**Nonhazardous:** Those structures, uses, materials or premises that do not constitute a fire, explosion or safety hazard and/or not emit any atmospheric or environmental pollutant, light flashes, noxious gases, electromagnetic interference, radioactive emissions, smoke or heat, glare, dust, dirt, odor, noise or vibrations which may be heard or felt off the premises.

**Nursing Home Facility:** Any facility which provides nursing services as defined in Chapter 464, F.S., and which is licensed according to Chapter 400, F.S. Facility means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide, for a period exceeding 24-hours, nursing care, personal care, or custodial care for **three or more persons** not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services; but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for **fewer than three persons** is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. (c. 400, F.S.)

**Off-Site (Off-Premises) Sign:** A permanently mounted sign advertising or identifying a use/activity which is not located on the same parcel or lot as the business to which it refers.

**One-foot drawdown contour:** The locus of points around a well or wellfield where the free water elevation is lowered by one foot due to a specified pumping rate of the well or wellfield.

**On-Site (On-Premise) Sign:** A permanently mounted sign advertising or identifying a use/activity which is located on the same parcel or lot as the business to which it refers. For purposes of this Code, a sign identifying an industrial facility or activity shall also be defined as an on-site (on-premise) sign.

**Open Spaces:** Undeveloped lands suitable for passive recreation or conservation uses. (§9J-5.003 FAC) [DVCP]

**Outdoor:** Refers to that which is not within a building.
**Outdoor Advertising Service Establishment:** An establishment engaged in the maintenance, distribution and erection of display boards, posters and painted and electric spectacular displays on panels, bulletins and frames principally outdoors and off the premises.

**Outpatient Clinic:** An establishment where patients are not lodged overnight, but are admitted for examination and treatment by, but not limited to, physicians, dentists, optometrists and clinical laboratory personnel.

**Parcel of Land:** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit. (§380.031 F.S.) [DVCP]

**Park Classification System from the Comprehensive Plan:** Parks and recreational areas can be classified according to various systems. The National Recreation and Park Association and the Florida Department of Natural Resources set their own guidelines regarding park classification. Other local governments may set their own classifications and standards. The classification system used in this Code is the same as is used in the City of Davenport Comprehensive Plan and is a combination of systems devised by the Association, the Florida Department of Natural Resources, and the Polk County Planning Division. The parks are defined as follows:

*Mini-Park*

A park that is usually less than one acre in size and serves the population of a sub-neighborhood and generally serves a radius of less than 1/4 mile. Access is usually by walking or bicycling. Mini-Parks generally contain landscaping, playground equipment, and monuments and are often used to create small "pockets" or "infills" for low impact recreational activities.

*Neighborhood Park*

A park containing from less than one acre and up to 15 acres, which serves the population of an entire neighborhood. Accessibility is by walking or bicycling and serves a radius of ¼ to ½ mile. Neighborhood Parks generally contain more facilities than mini-parks and may include a mixture of various facilities, both resource and activity based.

*Community Park*

Community parks are usually between 10 and 100 acres and serve the population of an entire city and may be reached by walking, bicycling or driving. Community Parks contain a
wide variety of resource- and activity-based facilities which offer the opportunity to participate in a wide array of activities within a particular area. The service radius is ½ to three miles.

**District Park**

District parks serve several communities or have facilities that attract users from a county-wide or district-wide area. Size ranges from 100 to several hundred acres. Special development might include athletic complexes or natural resource areas. Access is usually by car; the service radius which encompass an area within a 30 minute drive.

**Regional Park**

Regional parks are very large parks of several hundred to several thousand acres. They usually have regionally significant natural resource areas for hiking, camping, boating, wildlife observation, horseback riding, and other resource-based activities. Regional parks generally serve an area within a one hour drive.

**Linear Parks**

Linear parks are special parks developed along natural or manmade corridors for recreational modes of travel such as horseback riding trails, bicycle trails, hiking trails, and canoe trails. They have no standard size or service area. Some may be intended for local users while others may offer unique scenic or cultural features that attract users from a wide area.

**Special Use Facilities**

Special use facilities include facilities that are specialized for a particular use and do not fit the typical definition of a park. Examples are boat ramps, golf courses, target ranges, and historic or archeological sites. They have no standard size or service area.

**Conservation Area**

Conservation areas are protected areas that are intended to preserve unique natural or cultural amenities. Conservation is the primary objective but limited recreational use may also be incorporated.

**Park Model Recreational Vehicle (Park Trailer):** A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when
measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to U.S. Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions. (s. 320.01, FS)

**Patio Home:** A single family detached or semi-detached unit. It is built on a small lot enclosed by walls which provide privacy. If the walls are ignored, its layout may be similar to either the zero lot line or duplex (twin house); thus, it may be built either as a detached or semi-detached dwelling. The patio home appeals to those who want privacy without the maintenance of a larger yard. See Appendix C – Sketch 5.

**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.

**Personal Service Establishments:** An establishment in which a person performs a type of labor, act or work that results in a specialized aid or assistance directly to the personal needs of ultimate consumers. The type of specialized aid or assistance provided by a personal service establishment includes the following: beauty and barber services; garment mending, alteration and related minor pressing services; laundry and dry cleaning pick-up services; self-service or coin-operated laundromat services; fur repair and storage services; shoe shining, shoe repair and hat cleaning services; watch, clock and jewelry repair services; and commercial photographic services. Personal service establishments do not include laundry and dry cleaning plants.

**Planned Unit Development (PUD) or Planned Development (PD):** A form of development characterized by a unified site design for a number of housing units, clustering buildings, and providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual, lot-by-lot basis. Also, a process in which public officials have considerable involvement in determining the nature of development through site plan review. It includes aspects of both subdivision and zoning regulation and usually is administered either through a special permit or a rezoning process. [DVCP]

**Plant Community:** A natural association of native plants that are dominated by one or more prominent species, or a characteristic physical attribute.
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.

Potable Water: Water suitable for human consumption and that meets water quality standards determined by the Department of Health and Rehabilitative Services, provided through a public system or by private well. [DVCP]

Potable Water Facilities: A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains. (§9J-5.003 FAC) [DVCP]

Potable Water Wellfield: The site of one or more water wells which supply potable water for human consumption to a water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. (s. 9J-5.003 F.A.C.)

Premises: A lot or other tract of land under single ownership and all the structures on it.

Principal Arterial: Same as Major Arterial. A route that is relatively continuous, of high traffic volume, of long average trip length, of high operating speed, of limited access to adjacent property and of high mobility importance. Such roads are designated on the Future Traffic Circulation Map of the City of Davenport Comprehensive Plan.

Principal Building: The building in which is conducted the principal use of the lot on which it is situated. Construction trailers or manufactured homes, used as offices, are not considered principal buildings.

Project Area: The area within the total land area of a proposed development (Residential, Mixed-Use or Non-Residential), which is or will be served by a, surface water management system (on-site or off-site), access to public roadways and including any private roadways or frontage/service roads (on-site or on-site) that provide access to the proposed development.

Property Line: The recorded boundary of a lot or other tract of land under single ownership.

Public Buildings and Grounds: Structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings. (§9J-5.003 FAC) [DVCP]

Public Facilities: Transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems or facilities and public
health systems or facilities. (§9J-5.003 FAC) [DVCP]

**Public Hurricane Shelter:** A structure designated by local emergency management officials and the American Red Cross as a shelter during a hurricane. (§308.032 F.S.) [DVCP]

**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 time, place, and purpose of such hearing according to the requirements of Chapter 166.041 and/or Chapter 163, F.S., governing the particular action to be considered.

**Public Offices:** A building occupied by the city, county, state or federal government or legally empowered special governmental district, in which public officials and employees direct the administrative and executive functions and affairs of government.

**Public Utility:** A 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. (§403.852 F.S.)

**Public Service Structures:** Any structure, excluding buildings for general administrative, executive, studio, warehousing or storage functions or general maintenance operations, that is necessary for the operation and maintenance of a utility that is regulated or controlled by the city, county, state or federal government or legally empowered special governmental district, but not owned and operated by such government. Public service structures include the following: railroad tracks and related appurtenances; telephone and telegraph transmission lines, towers and related appurtenances; radio broadcasting, television transmission towers and related appurtenances; water and sanitary sewer distribution and collection mains, lines and related appurtenances; and electric, gas, petroleum and steam transmission lines, pies, towers, transformers, meters, substations and related appurtenances.

**Public Transportation Terminals:** An establishment engaged in passenger transportation by railway, highway, water, or air, or furnishing services related to transportation, including maintenance facilities and/or freight transportation provided such maintenance facilities and/or freight transportation is incidental and accessory to the principal passenger transportation services.

**Publishing and Printing Service Establishments:** An establishment in which a person performs a type of labor, act or work that results in newspaper publishing and printing and/or specialized aid and assistance performed as a customer service including the following: duplicating, mailing and stenographic services; blueprinting and photocopying services; commercial and job printing services.
**Purchase of Development Rights:** The acquisition of a governmentally recognized right to develop land which is severed from the realty and held or further conveyed by the purchaser. (s. 9J-5.003 F.A.C.)

**Recharge Areas:** Geographic areas where the aquifer system is replenished through rainfall. Areas of high aquifer recharge are important for the continuation of potable ground water supplies.

**Reclamation:** The alteration and/or restoration of land, after a mining activity, establishing land suitable for agriculture, development, recreation, lakes, wetlands, or other natural environments.

**Reclamation Plan:** Plan for the rehabilitation, per Chapter 378, F.S., of land from which a mineral resource has been extracted.

**Recreation:** The pursuit of leisure time activities occurring in an indoor or outdoor setting. (s. 9J-5.003 FAC)

**Recreation Equipment:** Shall include all types of boats and boat trailers, jet skis, airboats, houseboats, travel trailers, motor coaches, pick-up campers, motorized dwellings (aka RV’s), pop-up tent trailers or similar vehicles, including containers, cases or boxes used for transporting recreational equipment, whether occupied with such equipment or not.

**Recreation Facility:** A component of a recreation site used such as a trail, tennis court, basketball court, athletic field, golf course or swimming pool. (§9J-5.003 FAC) [DVCP]

**Recreation Uses, indoor, public:** Indoor recreation uses include areas for recreation activities including, but not limited to, aquariums, day or youth camps, community or recreation centers, gymnasiums, libraries or museums, indoor skating rinks, indoor swimming pools, indoor tennis, racquetball, handball courts, and all other institutional, indoor recreation.

**Recreation Uses, indoor commercial:** This category consists of uses that share land use characteristics such as traffic-generation rates and bulk (buildings) requirements. These uses include but are not limited to, bowling alleys, dance studios, schools for martial arts, physical fitness centers, private clubs or lodges, movie theater, theaters and auditoriums, and indoor skating rinks.

**Recreation Uses, outdoor, public:** Outdoor recreation uses include areas for recreation activities including, but not limited to, arboretums, basketball courts, boat launching ramps, areas for cycling, hiking, and jogging, golf courses (regulation or par 3), outdoor nature areas, parks (public or private), picnic areas, playfields, playgrounds, commercial stables,
outdoor swimming pools and springs, tennis courts, tot-lots, wildlife sanctuaries, and all other outdoor recreation uses. Specifically excluded are outdoor movie theaters, firing ranges, miniature golf courses, golf driving ranges, and marinas.

**Recreation Uses, outdoor commercial:** This group includes recreation uses that are greater nuisances than conventional outdoor recreation activities because of their size and scale, traffic volumes, noise, lights, or physical hazards such as flying objects or use of weapons. These uses include, but are not limited to, amusement parks, drive-in theaters, fairgrounds, golf driving ranges (including miniature golf), marinas, outdoor theaters (or amphitheaters), race tracks (e.g., auto, dog, go-cart, harness, horse, motorcycle), ranges (skeet, rifle, or archery), sport arenas, and all other outdoor commercial recreation uses.

**Recreation Vehicle (RV):** A unit primarily designed as temporary living quarters for recreation, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle. The basic entities of recreation vehicles are: travel trailer, 5th wheel travel trailer, camping trailer, truck camper, motor home, private motor coach, van conversion, and park model RV/park trailer. (s. 320.01, FS)

**Recreation Vehicle (RV) Campgrounds:** A development designed specifically to accommodate recreation vehicles for overnight or limited vacation-season stays.

**Recreation Vehicle (RV) Parks:** A development designed specifically to accommodate recreation vehicles in which recreation vehicles and/or "park model" manufactured homes may be permanently sited and may be occupied year round. Lots may be platted and individually owned in fee simple.

**Recreation Vehicle Unit:** Those units primarily designed as temporary living quarters for recreation, camping or travel use that either have their own mode of power or are mounted on or drawn by another vehicle:

1. "Travel trailer": A vehicular Portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use. It is of a body width, not more than eight feet and a body length of no more than thirty-five feet when factory equipped.

2. "Camping trailer": A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreation, camping or travel use.
3. "Truck camper": A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters, for recreation, camping, or travel use.

4. "Motor home": A vehicular unit built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreation, camping or travel use.

5. "Park Model RV/Manufactured Home": See Park Model RV (Park Trailer).

**Religious Establishments**: A building occupied by a religious organization operated for worship and related activities.

**Research, Development and Testing Laboratories**: An establishment engaged in research, development and testing.

**Resident Population**: Inhabitants counted in the same manner utilized by the United States Bureau of the Census, in the category of total population. Resident population does not include seasonal population. (§9J-5.003 F.A.C.) [DVCP]

**Residential Uses**: Activities within land areas used predominantly for housing. (§9J-5.003 FAC) [DVCP]

**Resource Recovery**: The process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission. (s. 171.031 F.S.)

**Restaurant**: An eating and drinking establishment designed to serve customers foods and beverages which are consumed primarily within the confines of the principal building itself.

**Restaurant, drive-in**: A restaurant offering the service of food and/or beverages to a patron or patrons remaining in a vehicle. In addition, a restaurant which provides outdoor eating facilities accessible to patrons other than from within a building, or which dispenses food to patrons through a take-out window, shall be considered a drive-in restaurant.

**Right-of-way**: Land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use. (§9J-5.003 FAC) [DVCP]

**Road**: See Street.
Roadway: A road, that includes streets, sidewalks, alleys, highways, and other ways open to travel by the public, including the roadbed, right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith. (§334.03(18) FS)

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 that may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.

Rural Areas: Low density areas characterized by social, economic and institutional activities which may be largely based on agricultural uses or the extraction of natural resources in unprocessed form, or areas containing large proportions of undeveloped, unimproved, or low density property. (s. 9J-5.003 F.A.C.)

Rural Village or Rural Activity Center: A small, compact node of development within a rural area containing development, uses and activities which are supportive of and have a functional relationship with the social, economic and institutional needs of the surrounding rural areas. (s. 9J-5.003 F.A.C.)

Sanitary Sewer Facilities: Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems. (§9J-5.003 FAC) [DVCP]

Satellite Dish: An apparatus capable of receiving communications from a transmitter or transmitter relay located in planetary orbit.

Seasonal Population: Part time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short term and long term visitors. (§9J-5.003 FAC) [DVCP]

Secondhand Stores: An establishment engaged in the retail selling of used merchandise and goods including clothing, furniture, books and similar miscellaneous used merchandise and goods. Secondhand stores may include repair departments.

Septic Tank: A watertight receptacle constructed to promote separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil
absorption system. (§10D-6 FAC) [DVCP]

Setback: The distance between a street right of way line and the front building line of a principal building or structure, projected to the side lines of the lot, and including driveways and parking areas except where otherwise restricted by this Code.

Service Station: See Minor Automotive Repairs.

Services: The programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state, or federal law. (§9J-5.003 FAC) [DVCP]

sq.ft.: In taking measurements, the abbreviation for square feet.

Shade Tree: A self-supporting woody plant or species normally growing to a mature height of at least 15 feet and a mature spread of at least 15 feet in the City. Clusters of more than one tree may be used when it is demonstrated to the City that the grouping of trees will, at maturity, surpass the 15 feet diameter requirement and that the grouping of trees is suitable for the proposed location.

Shrub: A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base.

Sign: A structure which directs attention to a business, profession or activity conducted on the premises.

Sign, Advertising; Off-site sign; Billboard: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered somewhere other than on the premises and only incidentally on the premises, if at all.

Sign, Bench: A bench sign is a sign placed on the back or the seat of a bench provided to the general public for sitting purposes.

Sign, Electronic Reader Board: A sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time and/or temperature shall not be a commercial message or an electronic reader board sign for purposes of this sign.

Definitions & Acronyms
Adopted on 6/14/99, Amended on 10/24/2011

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Sign, **Ground**: A sign supported by uprights or braces placed upon or in the ground and not attached to any building. For the purposes of this Code, ground sign does not include pole signs of any kind.

Sign, **Hanging**: A sign which hangs down from and is supported by or attached to the underside of a canopy, awning, marquee or extension of a structure.

Sign, **Height**: The distance measured from the top of the sign to the ground elevation upon which the sign is located.

Sign, **Indirectly Illuminated**: A sign illuminated with a light directed primarily toward such sign, including back-lighted signs, and so shielded that no direct rays from the light are visible elsewhere than on the site or lot where the illumination occurs.

Sign, **Menu Board**: A permanently affixed structure normally associated with restaurants where menus and prices are posted and utilized for drive-thru customers.

Sign, **Monument-Type**: A permanent, freestanding sign mounted on a base or other supports and where the bottom of the sign face is located within three (3) feet of ground level. A sign, which is overall low height and not attached to a building.

Sign, **Moving**: A sign designed to attract attention by physical movement of all or parts of the sign including rotation, motion or the perception of motion.

Sign, **On-site**: A sign relating in its subject matter to the premises on which it is located, or to products sold, accommodations, services or activities on the premises. On site signs do not include billboards.

Sign, **Parasite**: A sign for which no permit has been issued and which is attached to another sign or structure.

Sign, **Portable**: Any on site sign which is temporary in nature, portable in that it is not intended to be permanently affixed or attached to the ground and which may be wired for illumination. Such sign may be on a trailer or towing device or may be transported to the site and temporarily secured to the ground.

Sign, **Reader Board**: A permanently affixed sign on which the occupant alters daily or, from time to time, the products and services offered, prices, special events and related information. A reader board area shall be computed as part of the permitted sign area, according to the requirement of the district in which it is located.
Sign, Sidewalk/Sandwich Board: Any on-site sign which is portable in nature and that it is not intended to be permanently affixed or attached to the ground and shall not be wired for illumination. Such sign shall be designed to be set temporarily to the ground.

Single Family Attached Dwelling Unit: Residential dwelling unit designed and constructed to meet Standard Building Code requirements for single family attached structures, sharing a common side wall with at least one other unit, and having a designated yard and entrance that are not shared with other units. Such units shall be built only on property that is platted according to applicable subdivision regulations provided in Article 7 of this Code. This definition includes cluster development, garden homes, townhomes, rowhouses, zero lot line homes and z-lot development.

Site: The location of a significant event, activity, building, structure, or archaeological resource. [DVCP]

Site Plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by land development regulations. It includes lot lines, streets, building sites, reserved open spaces, buildings, major landscape features; both natural and man-made; and, depending on requirements, the locations of proposed utility lines. [DVCP]

Site Plan Review: The process whereby local officials review the site plans and maps of a developer to assure that they meet the stated purposes and standards of land development regulations, provide for the necessary public facilities, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping. [DVCP]

Sleeping Room: A single room rented for living purposes but without cooking facilities or other amenities for separate and independent housekeeping. A sleeping room shall not be construed to mean a dwelling or sleeping unit.

Sleeping Unit: A single room or suite intended for occupancy by transient persons which are lodged with or without meals for compensation. A sleeping unit shall not be construed to mean a dwelling unit.

Solid Waste: Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. (§9J-5.003 FAC) [DVCP]

Solid Waste Facilities: Structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems. (§9J-5.003 FAC) [DVCP]
Solid Waste Processing Plant: A facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal. (§9J-5.003 FAC) [DVCP]

Solid Waste Transfer Station: A facility for temporary collection of solid waste prior to transport to a processing plant or to final disposal. (§9J-5.003 FAC)

Special Needs Housing: Facilities that provide 24-hour care, services and housing in an institutional or residential setting for adults and/or children with conditions, disabilities or circumstances that qualify them for short or long-term housing and care. Such facilities include, but are not limited to: Adult Family-Care Home, Assisted Living Facility, Family Foster Home, Foster Care Facility, Group Home Facility, Hospice Residential Unit, Nursing Home Facility, and other similar facilities and homes; all of which are defined elsewhere in this Article.

Special Transportation Services: A means of transportation provided on a subsidized basis to transportation disadvantaged individuals by a public, private or non-profit organization, such as a bus company, a taxicab company, or a social service organization.

Spill: The unpermitted release or escape of a regulated substance, directly or indirectly, to soils, surface waters or groundwater, irrespective of the quantity thresholds.

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

Stormwater: The flow of water that results from a rainfall event. (§9J-5.003 FAC) [DVCP]

Stormwater Basin (formerly Drainage Basin): The area defined by topographic boundaries which contributes stormwater to a watershed, drainage system, estuarine waters, or oceanic water, including all areas artificially added to the basin. (s. 9J-5.003 F.A.C.)
**Stormwater Detention Structure** (formerly Drainage Detention Structure): A structure which collects and temporarily stores stormwater for the purpose of treatment through physical, chemical or biological processes with subsequent gradual release of the stormwater. (s. 9J-5.003 F.A.C.)

**Stormwater Management Facilities:** Manmade structures that are part of a stormwater management system designed to collect, convey, hold, divert, or discharge stormwater, and may include stormwater sewers, canals, detention facilities and retention facilities. (s. 9J-5.003 F.A.C.)

**Stormwater Management Retention Structure** (formerly Drainage Retention Structure): A structure designed to collect and prevent the release of a given volume of stormwater by complete on-site storage. (s. 9J-5.003 F.A.C.)

**Street (Road):** A general term used to describe a facility which provides for vehicular movement. Streets are classified, by function, as follows:

Arterials - Arterial roads and highways are intended to serve moderate to large traffic volumes traveling relatively long distances. Requirements for speed and level of service are usually quite high. Access to arterial roads should be well controlled and, in general, limited to collector roads and highways. Arterial roads are used to surround neighborhoods and connect widely separated rural and suburban communities. The arterial system should form a continuous network designed for a free flow of through traffic. For the purposes of this Code, “arterial roads” shall include all roads maintained by the FDOT that serve as direct access to building sites in the City.

Collectors - Collector roads are intended to serve as the connecting link for local roads and highways and to provide intra-neighborhood transportation. The traffic characteristics generally consist of relatively short trip lengths and moderate speeds and volumes. Access to collector roads should be restricted to local roads and highways and major traffic generators. Collectors should penetrate neighborhoods without forming a continuous network, thus discouraging through traffic which is better served by arterials.

Locals - The primary function of a local road is to serve the adjacent property by providing the initial access to the highway network. These facilities are characterized by short trip lengths, low speeds, and small traffic volumes. The design of the network should be directed toward eliminating through traffic from these facilities.

**Structure:** Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land that can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines,
transmission lines, tracks, and advertising signs. (§380.031 F.S.) [DVCP]

**Subdivision:** The platting of real property into two or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and avenues, additions, and re-subdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided. (177.031(18) F.S.)

**Subdivision, minor:** A “minor” subdivision is as follows: where it is proposed to re-subdivide four or less lots which have been previously platted and recorded, where no new street is required and which have a total combined area of less than 60,000 square feet.

**Substandard Housing:** Dwelling units that do not meet the federal Minimum Housing Quality Standards as established for the HUD Section 8 Program. [DVCP]

**Substantial improvement:** Means any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during a one-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

**Sufficiency Review:** Department of Community Affairs (DCA) review of an adopted evaluation and appraisal report to determine whether it has been submitted in a timely fashion and whether it contains components in accordance with the prescribed criteria in Section 163.3191, F.S., and Rule 9J-5. (s. 9J-5.003 F.A.C.)

**Surety or Performance 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.

**Surfaced in a Stable Manner:** The term "surfaced in a stable manner" shall mean hard penetration type asphalt or concrete with proper drainage and precluding excessive glare in a manner approved by the administrative official; except that areas of parking facilities utilized for parking spaces, excluding moving aisles, access roads and off-street parking appurtenances may be surfaced with materials such as wood chips, gravel, wood bark, synthetic materials, open web concrete blocks and other means; provided, however, the
grade preparation and subgrade has not more than four-tenths percent grade and base soil will provide percolation.

**SWFWMD:** The Southwest Florida Water Management District.

**Temporary Sign:** Any sign not permanently mounted on a support structure and intended to remain at the location permanently. Temporary signs are often illegally located as to setback and site clearances.

**Tire and Automotive Accessory Establishments:** An establishment engaged in the selling of automobile tires, batteries and other new automobile parts and accessories, including installation of the automotive accessories sold on the premises provided such activities are incidental and accessory to the principal selling of tires and automotive accessories.

**Town House:** A design term, referring to the physical form of more than two single-family attached homes with a ground floor entry. A single-family dwelling unit forming one of a group of two (2) attached single-family dwellings, each built upon an individual plot, separated by fire or party walls, which do not permit passage or visibility between such units, with separate utilities and services provided for each unit. See Appendix C – Sketch 6.

**Transfer of Development Rights:** A governmentally recognized right to use or develop land at a certain density, or intensity, or for a particular purpose, which is severed from the realty and placed on some other property. (s. 9J-5.003 F.A.C.)

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

**Travel trailer:** See Recreation Vehicle.

**Tree:** A self-supporting woody plant of a species normally growing to a mature height of at least 15 feet in the City.

**Truck camper:** See Recreation Vehicle.

**Truckstop:** An establishment where the principal use is primarily the refueling and servicing of trucks and tractor-trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of said equipment and may provide facilities for the repair and maintenance of said equipment.
Turf: Continuous plant coverage consisting of grass species suited to growth in the City.

25-Year Frequency, 24-Hour Duration Storm Event: A storm event and associated rainfall during a continuous 24-hour period that may be expected to occur once every 25 years. Its associated floodplain is that land which may be expected to be flooded during the storm event.

Twin House: A semi-detached single-family house which is connected along a common wall to a similar unit. Each structure has only two dwellings. Space is saved by eliminating two side yards. See Appendix C – Sketch 2.

Understory: Assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of trees.

Unique Natural Habitats: "Habitat" means the environment in which an animal normally lives and in which it meets its basic need for food, water, cover, breeding space, and group territory. "Unique" means the occurrence is rare or infrequent or is of special social/cultural, economic, educational, aesthetic or scientific value. Areas where endangered, threatened or rare species, or remnant native plant species, occur.

Unique Natural Resources: Natural resources which are rare or infrequent in occurrence, or are of special social/cultural, economic, educational, aesthetic or scientific value.

Urban Areas: An area of or for development characterized by social, economic and institutional activities which are predominantly based on the manufacture, production, distribution, or provision of goods and services in a setting which typically includes residential and nonresidential development uses other than those which are characteristic of rural areas. (s. 9J-5.003 F.A.C.)

Urban Sprawl: Urban development or uses which are located in predominantly rural areas, or rural areas interspersed with generally low-intensity or low-density urban uses, and which are characterized by one or more of the following conditions: (a) The premature or poorly planned conversion of rural land to other uses; (b) The creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent area; or (c) The creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided. Urban sprawl is typically manifested in one or more of the following land use or development patterns: leapfrog or scattered development; ribbon or strip commercial or other development; or large expanses of predominantly low-intensity, low-density, or single-use development. (s. 9J-5.003 F.A.C.)(DVCP)
Use: Use refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.

Variance: A modification of the zoning district regulations when such variance will not be contrary to the public interest, and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the district regulations would result in unnecessary and undue hardship. A variance is authorized only for height, area, size of structure or size of yards and open spaces, or other dimensional requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall the variance be granted because of the presence of nonconformities in the zoning district or classification or in the adjoining zoning districts or classifications. One cannot apply for a “use variance”; rather, this is rectified through the rezoning process.

Vegetative Communities: Ecological communities, such as coastal strands, oak hammocks, and cypress swamps, that are classified based on the presence of certain soils, vegetation and animals. (§9J-5.003 FAC) [DVCP]

Vegetative Inventory: A document which delineates the location and identifies the vegetation upon a lot, and which is required under certain circumstances for this code.

Vegetation, Native: As used in this Code, plant species with a geographic distribution indigenous to all, or part, of the State. Unless specified otherwise, when the term vegetation is used in this Code, it shall be interpreted to mean native vegetation and shall include but not be limited to the following trees and understory species:

| American holly | Laurel oak | Sand pine |
| Bald cypress  | Live oak   | Saw palmetto |
| Beauty berry  | Long needle pine | Scrub hickory |
| Black gum     | Magnolia   | Scrub plum |
| Blackjack oak | Persimmon  | Slash pine |
| Blazing star  | Pygmy fringe tree | Sweet bay magnolia |
| Blue beech    | Red bay    | Sweet gum |
| Button bush   | Red maple  | Tar flower |
| Chapman oak   | Red mulberry | Turkey oak |
| Dogwood       | Red myrtle | Water hickory |
| Gordonia      | Rusty lyonia | Wax myrtle |
| Hawthorn      | Sable palm | Yucca |

Very-low Income Family, Very-low Income Household: One or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the metropolitan statistical areas (MSA) or, if not within an MSA, within the county.
in which the person or family resides, whichever is greater. For the City of Davenport, the median income of Polk County is used. (420.004, F.S. and s. 9J-5.003 F.A.C.)

**Vested Right:** A right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid for. There is no vested right to an existing zoning classification or to have zoning remain the same forever. However, once development has been started or has been completed, there is a right to maintain that particular use regardless of the classification given the property. In order for a nonconforming use to earn the right to continue when the zoning is changed, the right must have vested before the change. If the right to complete the development was not vested, it may not be built, no nonconforming use will be established, and the new regulations will have to be complied with. [DVCP]

**Veterinarian and Animal Hospital Service Establishments:** An establishment in which a person performs a type of labor, act or work that results in the medicine, dentistry, or surgery or similar animal hospital and veterinarian services. Veterinarian and animal hospital service establishments do not include animal specialty farms.

**Water Plant (Off Site):** A public water treatment and distribution system.

**Water Plant (On Site):** A privately owned water treatment and distribution system.

**Water Recharge Areas:** Land or water areas through which groundwater is replenished. [s. 9J-5.003 FAC] [DVCP]

**Water Wells:** Wells excavated, drilled, dug, or driven for the supply of industrial, agricultural or potable water for general public consumption. [s. 9J-5.003 FAC] [DVCP]

**Weak-Link Town House:** A single-family attached dwelling which is a variation of the Town House. It is distinguished by the fact that each unit has both a one-story and two-story portion. The units are wider than conventional Town Houses and are on larger lots. They present a façade resembling single-family detached homes and therefore provide a greater sense of the individual unit identity. See Appendix C – Sketch 3.

**Wellfield:** An area of land which contains one or more than one well for obtaining water.

**Wellhead Protection Area (Cone of Influence):** An area designated by local government to provide land use protection for the groundwater source for a potable water wellfield, as defined in this code, including the surface and subsurface area surrounding the wellfield. Differing levels of protection may be established within the wellhead protection area commensurate with the capacity of the well and an evaluation of the risk to human health and the environment. Wellhead protection areas shall be delineated using professionally...
accepted methodologies based on the best available data and taking into account any zones or contribution described in existing data. (s. 9J-5.003 F.A.C.)

**Wetlands:** Those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas.

Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The delineation of actual wetland boundaries may be made by any professionally accepted methodology consistent with the type of wetlands being delineated but shall be consistent with any unified statewide methodology for the delineation of the extent of wetlands ratified by the Legislature. (s. 9J-5.003 F.A.C.)

**Wholesale and Storage Establishments:** An establishment engaged in the wholesaling of merchandise, products or materials in bulk quantities; or where merchandise, products or materials are stored or held for safekeeping until later disposal or distribution.

**Yard:** The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building except where specifically permitted by this Code. Yards are further defined as follows:

a. **Front yard:** That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which line shall be designated as the front yard line.

b. **Rear yard:** That portion of the yard extending the full width of the lot and measured between the rear lot line and parallel line tangent to the nearest part of the principal building.

c. **Side yards:** Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the principal building; provided, however, that overhanging eaves may extend two (2) feet into the required side yard.

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**Zero Lot-Line Development:** A single family detached unit, which instead of being centered on the lot, is placed against one of the side lot lines. This makes the side yard usable and requires less land than a house centered on its lot. The front yard, which is seldom used, may be substantially reduced. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. A solid wall, with no windows or doors, shall be required along the zero lot line side or sides of the building and shall be constructed to 2-hour fire wall requirements. See the drawing labeled “lot line house” in the back of the Code.

**Zoning Permit:** A permit, required by appropriate authority under the provisions of this Code, which authorizes the excavation, construction or alteration of a structure and is required prior to such construction or alteration, except for recurring maintenance work regardless of cost or the installation of required improvements according to an approved concept site plan, preliminary subdivision plat, planned unit developments (PUD), conditional use, development projects and construction/engineering plans.