

II. LANGUAGE AND DEFINITIONS

The following rules of construction apply to the text of this code.

1. The particular shall control the general.
2. In case of any difference of hearing or implication between the text of this code and any caption or illustrative table, the table shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for" "designed for", "maintained for" or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporation association or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction " and", "or", or "either.... or". The conjunction shall be interpreted as follows:
 - i. "And" an indication that the connected items, conditions, provisions or events shall apply.
 - ii. "Or" indications that the connected items, conditions, provisions or events may apply singly or in any combination.
 - iii. "Either....or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

DEFINITIONS

For purpose of this ordinance, the following terms shall have the meaning set forth in this section.

1. **Abutting Property-** Any property that is immediately adjacent to or contiguous to property that may be subjected to any hearing required to be held under this act, or that is located immediately across any road or public right-of-way from the property subject to any hearing under this act.
2. **Accessory Building and Uses-** a structure of a use customarily incidental and subordinate to the principal structure or use and located on the same lot. Accessory structures shall not be used for habitable purposes. Accessory buildings shall not be constructed until a principle structure is in place.
3. **Accommodations-** Any hotel, motel, tourist court, rooming house, bed and breakfast or rental unit intended to be used for transient persons or tourist for overnight lodging or longer. Any business containing one or more rental units renting for a time period of less than one month shall be deemed an accommodation facility. Non-accommodations shall be any activity other than one, which may be classified as an accommodations activity.
4. **Adult business-** an establishment having 15%of its stock in trade being pornographic materials
5. **Adult use establishment-** a site or premises, or portion thereof, upon which adult use activities or operations are conducted.
6. **Airport-** Any runway, landing area or other facility designed and used, either publicly or privately, by any person, for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangers and other necessary buildings and open spaces.
7. **Alcoholic Beverage Establishment-** any establishment devoted primarily to the retail sale of alcoholic beverages for consumption on and/or off the premises.
8. **Alley-** a public or private way, which affords only a secondary means of access to property abutting thereon which is not otherwise designated a thoroughfare or for general traffic, and which is not otherwise designated as a street. Ten foot always are intended to accommodate utility lines, such as water and sewer and are not intended to support traffic. Ten-foot alleys are not to be used for ingress and egress
9. **Alteration-** any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in zoning classification, a conditional use, a variance or an appeal.

10. **Animated sign-** any sign of which all or any part thereof visibly moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights, or lighting device or devices which change color, flash or alternation show movement or motion, or change the appearance of such sign or any part thereof automatically. The term “animated sign” shall not include revolving signs
11. **Apartment-** a multifamily dwelling unit containing a room or suite of rooms together with a kitchen or kitchenette and sanitary facilities.
12. **Appeal-** a request for a review of the cities interpretation of any provisions of this Code or a request for a variance.
13. **Applicant-** The record owner, or his authorized representative, or a tract of land, which is the subject of a request for change in zoning classification, a conditional use, a variance or an appeal.
14. **Area of Critical State Concern-** See (Florida Statutes, Chapter 308.)
15. **Arterial Street-** a street designed or utilized primarily for high-speed vehicular movements and heavy volumes of traffic, collecting traffic from collector streets.
16. **Automotive repair-** The repair, rebuilding or reconditioning of motor vehicles or parts thereof including collision service, painting and steam cleaning of vehicles.
17. **Automotive Wrecking and Salvage Yards-** The dismantling or wrecking of used motor vehicles, mobile homes or other vehicles, or the storage, sale or dumping of such wrecked or dismantled vehicles or parts. See Junk Yard.
18. **Banner-** any temporary hanging sign possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. This classification shall not include plastic or fabric signs, which are permanently attached within a rigid frame, which are intended to be used as a permanent sign. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be considered banners.
19. **Bar or Saloon-** Any place devoted primarily to the selling or dispensing and drinking of malt, vinous or other alcoholic beverages or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises.
20. **Best Management Practices (BMP)-** those practices and principles designed to reduce and manage nonpoint sources of pollution and in some cases, protect wildlife and habitat. These principles and practices are generally outlined in the latest updated version of various best management practices manuals including Silviculture Best Management Practices, Best Management Practices, A Landowner’s Handbook for Controlling Erosion for Forestry Operations, Management Practices for Forested Wetlands, DER: Florida Development Manual, A Guide to Sound Land and Water Management, and other publications on best management practices that are accepted by the industries and regulatory bodies.
21. **Block-** A block shall be deemed to be that entire property frontage along one highway, lying between the two nearest intercepting streets and railroad right-of-way or waterway, golf course, campus, park or similar open space.
22. **Boarding, Rooming and Guest Houses-** a building or part thereof, other than a hotel, motel or restaurants, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.
23. **Boat Yard-** A commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, and berthing, securing, fueling and general servicing of marine craft of all types.
24. **Bond-** Any form of a security including a cash deposit, surety bond, collateral, property or instrument or credit on any amount and form satisfactory to the City Commission. The City Commission shall approve all bonds wherever a bond is required by these regulations.
 - i. **Maintenance Bond-** Upon issuance of the “Certificate of Completion” or when required improvements are installed prior to recording the site plan, surety must be posted in the amount of twenty-five (25) percent of the original engineer’s estimate of the cost improvements. The condition of this obligation is such that the City Commission will be protected against any defects resulting from faulty materials or workmanship of the aforesaid improvements for a period of two (2) years.

44. **Certification of Ownership**- An opinion of title of a licensed attorney of Title Company certifying to the Local Government, based upon an examination of an abstract of title of the Official Records of Franklin County stating that the applicant is the owner in fee simple to the tract submitted for subdivision. The certificate shall also state the names and nature of all liens, mortgages and encumbrances against the title to said tract, if any.
45. **Certified Survey**- A survey, sketch, plan, map or other exhibit containing a written statement regarding its accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision said survey was prepared.
46. **Change of Occupancy**- Discontinuance of an existing use and the substitution of a different kind or class of use.
47. **Channel**- A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
48. **Child Care Center**- Any establishment which provides care for more than five (5) 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 term "child care center" shall include day nurseries, day care services and day care agencies, but not community-based residential facilities.
49. **Church**- a building used for nonprofit purposes by a recognized or established religion as its place of worship. Such building may include a residential area for the pastor or minister.
50. **City**- The City of Apalachicola, Florida and its elected and appointed officials.
51. **Club**- A building and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service, which is customarily carried on as a business.
52. **Cluster Development**- A residential or commercial development, which features buildings, located closer together on a particular parcel for the purpose of maximizing open space. Clustered developments shall not exceed either intensity or lot coverage for a given parcel. See Section IX, Cluster Developments for specific standards. Once a parcel is clustered, it has to remain intact and not be sold off. A deed restriction shall be required.
53. **Coastal High Hazard Area**- the boundaries of the Coastal High Hazard Area are and shall be interpreted to be coterminous with the Federal Emergency Management Agency's V zones adjacent to the river and bay. The purpose of the Coastal High Hazard Area is to afford additional protection to storm-vulnerable areas adjacent to the Apalachicola River and Bay. Areas within the CHHA are restricted to the lowest density/intensity standard for their given land use category. See attachment for map.
54. **Code enforcement officer**- an individual authorized by the city through ordinance, resolution, policy, or administrative order, to enforce the provisions of the City's Land Development Code and the Southern Building Code who has the authority to issue notices to appear; including the building official or the inspectors of the building inspection division of the growth management department excluding law enforcement officers.
55. **Collector Street, Major and Minor**- a major collector street carries medium volumes of traffic collected primarily for minor collector streets and delivering the traffic to arterial streets. A minor collector street carries relatively light volumes of traffic primarily from minor streets to major collector streets.
56. **Common Recreation and Open Space**- The total amount of improved usable area, including outdoor space, permanently set aside and designated on the site plan as recreational or open space for use by residents of a planned unit development (PUD). Such area may include parcels or parcels of land or combination of land and water, and may be in the form of active or passive recreation area, including but not limited to playgrounds, golf courses, beach frontage, nature trails and lakes. Common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the PUD.
57. **Community Center**- a recreation and/or meeting facility provided for public use.
58. **Comprehensive Plan**- The Local Government Comprehensive Plan, which was adopted by code consistent with Chapter (163.3161, Florida Statutes), as amended and serves as the legal guideline to guide future development of the Local Government.

59. **Conditional Use-**A use, usually temporary in nature, required as a result of circumstances not usually associated with the area (i.e., landslide stands, construction trailer). A conditional use may be allowed in a district by special exception.
60. **Congregate Living facility (Adult)-** Any institution, building or buildings, residence, private home, boarding home, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, one (1) or more personal services for four (4) or more adults not related to the owner or administrator by blood or marriage, who require such services. The term "personal services" means services in addition to housing and food service, which include but are not limited to personal assistance with bathing, dressing, housekeeping and eating, supervision of self-administered medicines and assistance with securing health care from appropriate sources.
61. **Construction Permit-** The building permit to begin construction of improvements according to the construction plans and specifications approved under the appropriate administrative procedures outlined in this ordinance.
62. **Construction Plans and Specifications-** the engineering drawings, specifications, test and data necessary to show plans for construction of the proposed improvements in a subdivision in sufficient detail to permit evaluation of the proposals.
63. **Convalescent Home-** See Congregate Living Facility (Adult)
64. **Courtyard-** An open unobstructed unoccupied space other than a yard on the same premises on which the building is located. An unoccupied open space on the same lot with the principal building and fully enclosed on at least three adjacent sides by walls of the principal building.
65. **Day Care Center-** A day care center is defined as a residence or building in which five or more children under 17 years of age are received for full- or part-time care or training, and for whom board may or may not be provided, and that for such care or custody, remuneration shall be paid by the parents or legal guardians of the children, and shall include the terms "kindergartens," "nursery schools" and "schools for child care." A day care center shall be subject to the provisions of all applicable state and local regulation
66. **DCA approved manufactured building-** any factory build structure building assembly or system of subassemblies that is manufactured or constructed under the authority of F.S. §§553.35—553.42, known as the Florida Manufactured Building Act of 1979. All such manufactured buildings shall meet the requirements of, and bear the insignia of approval of, the State of Florida Department of Community Affairs.
67. **Density-** The number of residential dwelling units permitted per acre of land, exclusive of dedication public rights-of-way, canals, and drainage ditches, lakes, and rivers.
68. **Development-** The carrying out of any building or mining operation or the making of any material change in the use or appearance of any structure or land and the dividing of land into two (2) or more parcels.

The following activities or uses shall be taken for the purposes of this chapter to involve development, as defined in this section:

- 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 increased in the number of dwelling units in a structure or on land or 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.
- Commencement of drilling, except to obtain soil samples, mining or evacuation 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 for the purposes of this chapter to involve development as defined in this section.

- ❑ 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 dwelling.
- ❑ The use of any structure of land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
- ❑ 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 this code, 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.

69.

70. **Development Rights-** The Number of residential dwelling units or the amount of commercial and/or industrial square footage which may be constructed on a particular parcel or lot as specified in the zoning district regulations
71. **Development Stage-** a specific portion of a subdivision or planned unit development (PUD) that may be developed as an independent, free-standing entity that is delineated in the preliminary plat or development plan, whichever is applicable. Each stage shall be consistent with a development schedule which is a comprehensive statement showing the type and extent of development to be completed within the various practicable time limits and the order in which development is to be undertaken. A development schedule shall contain an exact description of the specific buildings, facilities, common open space and other improvements to be developed at the end of each time period.
72. **Drive-trough Establishment-** Including drive-in and drive-up means an establishment which by design physical facilities service or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in a motor vehicle.
73. **Dry-dock facility-** means a commercial establishment providing for the upland storage, and servicing of watercraft.
74. **Due Public Notice-** As used in connection with the phrase “public hearing” or “hearings with due public notice” shall mean publication of notice of the time, place and purpose of such hearing at least twice (2) in a newspaper of general circulation in the area, with the first such publication to be at least fifteen (15) days prior to the date of the hearing and the second such publication to be at least five (5) days prior to the hearing. In addition, except where the hearing applies to all of the lands within the areas, similar notices setting forth the time, place and purpose of such hearing shall be mailed to the last known address of the owners of the property involved in or whose land is within five hundred (500) feet of the periphery of the lands subject to rezoning; and such notices shall also be posted in a conspicuous place or places on or around such lots, parcels or tracts of land as may be involved in or directly affected by hearing. Affidavit proof of the required publication, mailing and posted of the notice shall be presented at the hearing Failure of any owner to receive such notice shall in no way affect the validity of any action taken in a public hearing.
75. **Dwelling-** any building or portion thereof which is designed for or used for residential purposes but does not include a trailer coach or converted trailer, hotel, motel, lodging house or boarding house.
76. **Dwelling, Multi-Family-** A residential building designed for or occupied exclusively by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided, and with only structural maintenance services furnished by the management.
77. **Dwelling, One- (Single) Family-** A private residence building used or intended to be used as a home or residence in which the use and management of all sleeping quarters and appliances for sanitation, cooking, ventilation, heating and lighting are designed primarily for the use of (1) family unit, and with partitioning so that any substantial interior portion of the dwelling is accessible without resort to exterior access, and the building shall have only one kitchen and one electrical meter. The minimum required size for single-family dwellings will be 800 square feet of enclosed heated living area.
78. **Dwelling, Two-Family-** A residential building designed for or occupied by two (2) families, with the number of families in residence not exceeding the number of dwelling units provided (duplexes).

79. **Easement-** A grant from a property owner for the use of land for a specific purpose or purposes by the general public, by a corporation or by a certain person to persons.
80. **Eaves-** The extension or overhang of a roof measured from the outer face of the supporting wall or column to the farthest point of the overhanging structure
81. **Exception-** A use that would not be appropriate generally and with restriction throughout the zoning district, but if controlled as to number, area or location, would be permissible as stipulated in this ordinance.
82. **Family-** One or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two (2) living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage, shall be deemed to constitute a family.
83. **Fences, Hedges, and Walls-** Dividers between two properties.
84. **Filling Station-** See Service Station, Automotive
85. **Flood-** A temporary rise in the level of a body of water inundating areas not ordinarily so covered by mean high water or mean high tide
86. **Flood Frequency-** The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.
- Flood Hazard Boundary Map (FHBM)-** 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.
87. **Floodway—**The channel of a watercourse and portions of the adjoining flood plan which are reasonably required to carry and discharge the regulatory flood.
88. **Floor area ratio-** The square foot amount of total floor area (all stories) for each square foot of land area of the site of the proposed development. For purposes of this definition, total floor area shall be all of that area encompassed within the outside edges of all exterior walls of all buildings and each level thereof on the site. Open porches, balconies and carports are specifically excluded from the calculation of total floor area.
89. **Floor Area-** The sum of the gross horizontal areas of several floor(s) of a building or buildings, measured from exterior faces of exterior walls or from the center line of walls separating two (2) attached buildings
90. **Foster Home-** Any establishment that provides care for less than five (5) 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.
91. **Frontage (of a parcel of land)-** All the distance measured abutting on one side of a street between two (2) intersecting streets, measured along the street or right-of-way line.
92. **Gallery-** A place for display or retail facility for finished art materials, including paintings, statues, tapestries, ceramics, or other art objects.
93. **Garage Apartment-** An accessory or subordinate building, not a part or attached to the main building, containing living facilities for not more than one (1) family, the living facilities of which shall not occupy more than fifty (50) percent of the total floor area of the building.
94. **Garage, Apartment-** A building, designed and intended to be used for the housing of vehicles, belonging to the occupants of and apartment building on the same property.
95. **Garage, Private-** An accessory building or a portion of the principal building, used for storage of automobiles of the occupants of the principal building. A carport is a private garage.
96. **Garage, Public-** A building or portion thereof, other than a private or storage garage, designed or used for the sale, storage, servicing, repairing, equipping and hiring of motor driven vehicles.
97. **Garage, Repair-** A building or portion thereof used for repairing, equipping or servicing motor vehicles.
98. **Garage, Storage-** A building or portion thereof designed or used exclusively for the storage or parking of automobiles. Services, other than storage, at such storage garage shall be limited to refueling, lubrication, washing, waxing and polishing.
99. **Garden Apartment-** See Dwelling, Multi-Family
100. **Governing Body-** The City Commission of Apalachicola, Florida, an incorporated municipality, or any other legislative body of a unit of local government, having jurisdiction over private land development activities.

101. **Grade**- The finished evaluation of a site after all fill, land balancing or site preparations have been completed.
102. **Grandfather Clause**- Any business use that predates these regulations and otherwise would be in violation of this division may continue to operate and be licensed as a legal nonconforming use; provided, however, that the business location of the use shall not be enlarged or increased in size or abandoned in use for a period of more than 30 days. In such event, the nonconforming use shall cease and the business shall conform in all respects to the provisions of this decision. All material and equipment associated with the abandoned nonconforming use shall be completely removed from the premises by its owner. Abandonment shall occur when the property owner has intent to abandon the property's nonconforming use either by an act or a failure to act that indicated the owner retains no interest in the use.
103. **Guest Cottage**- Living quarters within a detached accessory building located on the same lot or parcel of land as the main building, used exclusively for housing members of the family occupying the main building and their non-paying guests. Such quarters shall not be rented or otherwise used as a separate dwelling.
104. **Habitat**- Those natural areas, including nesting and significant forage areas, necessary for the survival of any species of fish or wildlife.
105. **Handicapped Requirements**- Design criteria that respond to the special needs of the handicapped, as specified in the most recent published federal and state guideline.
106. **Hedges**- See Fences, hedges and Walls.
107. **Height of Buildings**- The vertical distance from the established grade at the center or the front of a building to its highest point of the roof or parapet.
108. **Historic Structure**- any structure that is:
 - A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
 - C. Individually listed on a State of Florida inventory of historic places; or
Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the approved State of Florida Program
109. **Home Occupation**- Any use conducted entirely within a dwelling and carried on by an occupant thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Home occupation shall not involve employment of non residents of the premises; shall be conducted entirely and only within the principal residential structure and shall not occupy more than 25% of the floor area of such structure, and; there shall be no external evidence of the conduct of such occupation except one sign, not illuminated, and not exceeding one square foot in area, mounted flat against the wall of the residence. Home occupation shall not be constructed to include barbershops, beauty parlors, tearooms, and food processing establishments, restaurants, antique stores, or commercial kennels.
110. **Hospital**- Any institute, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two (2) or more unrelated persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent or convalescent home, as previously defined.
111. **Hotel, Motel, Motor Lodge or Tourist Court**- A building as licensed by the State of Florida containing individual guest rooms for which daily or weekly lodging is provided as the more or less transient residence of individuals
112. **House Trailer**- See mobile Home
113. **Impervious Surface Coverage**- Those man-made surfaces that reduce the natural rate or percolation of water or result in an increase in the natural quantity and rate of storm water runoff. Examples include but are not limited to clay, asphalt paving materials, concrete, and rooftops. It does not include the areas under structures raised on piers or pilings where storm water is directed under the structure.

114. **Indoor Amusements-** the term “indoor amusements” means establishments engaged in providing indoor amusement or entertainment for a fee or admission charge and include such activities as dance halls, studios, theatrical producers, band, orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; commercial sports such as arenas; coin-operated devices, game parlors.
115. **Institutional Use-** The structure and/or land occupies by a group, cooperative, board, agency or organization created for the purpose of carrying on functions, such as hospitals, school, churches, fraternal orders, orphanages and nursing or convalescent homes.
116. **Junk-** Inoperative, dilapidated, abandoned or wrecked materials, including but not limited to, automobiles, trucks, tractors, wagons, boats and other kinds of vehicles and parts thereof, scrap materials, scrap building materials, scrap contractors equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery and the like.
117. **Junk Yard-**A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed disassembled or handled. Junkyards shall include automobile wrecking, house wrecking, and structural steel materials and equipment yards, but shall not include places for the purchase or storage of used furniture and household equipment, used cars in operable condition, or used or salvaged materials for manufacturing operations. See Also Automotive Wrecking and Salvage Yards.
118. **Kennel, Pet-** A place used for the keeping of any pet or pets, regardless of number, for sale or for breeding, boarding or treatment purposes, except in an animal hospital, animal grooming parlor or pet shop.
119. **Land Development Code-** for purposes of this code, “land development regulations or “regulations for the development of land” include any local government zoning, subdivision, building and construction or other regulations controlling the development of land. The various types of local government regulations controlling the development of land within a jurisdiction may be combined in their totality in a single document known as the “Land Development Code” of the jurisdiction.
120. **Landscaping-** any of the following or combination thereof: Living materials, such as but not limited to, grass, ground covers, shrubs, vines, hedges, trees, or palms; and nonliving durable materials commonly used in landscaping, such as but not limited to, rocks, pebbles, sand, walls, fences, berms, sculptures and fountains, but excluding paving.
121. **Laundromat-** A commercial establishment equipped and/or staffed to launder clothes.
122. **Laundry, Self Service-** A business that provides home-type clothes washing and drying or ironing machines for hire to be used by customers on the premises.
123. **Light manufacturing and assembly-** including skilled trades and services light processing and metal fabrication, assembly and distribution functions, electronics research and development and similar use.
124. **Live Entertainment-** This includes, but is not limited to, singers, pianists, musicians, musical groups, bands, vocal or instrumental dances, theatrical shows, magicians, performers, comedians and all fashions, forms and media of entertainment carried on and conducted in the presence of and for the entertainment and amusement of others and as distinguished from records, tapes, pictures and other forms of reproduced or transmitted entertainment.
125. **Living area-** That area of a dwelling unit which is enclosed, protected from the elements, and is heated/cooled, including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, unenclosed and unheated /cooled areas
126. **Loading Space-** a space within the main building or on the same lot, providing for the standing, loading or unloading of trucks or other motor vehicles.
127. **Local Government-** See Governing Body
128. **Local Planning Agency (LPA)-** The agency designed by the local Government, through ordinance, to prepare and monitor the Local Government Comprehensive Plan, specifically the PLANNING AND ZONING COMMISSION OF THE CITY OF APALACHICOLA (ORDINANCE NUMBER 76-2 as amended)
129. **Lot-** A parcel of land occupied or intended for occupancy by a use permitted in this code, including at least one (1) main building together with its accessory buildings, the yard areas and parking spaces required by this code and having its principal frontage upon a publicly owned or maintained street. The term “lot” shall include “plot” or “parcel”
130. **Lot Coverage-** The area of the lot covered by the ground floor of all principal and accessory uses and structures, including all areas covered by the roof of such uses and structures, measured along the

exterior faces of the walls, along the foundation wall line, between the exterior faces of supporting columns, from the center line of walls separating two (2) buildings or as a combination of the foregoing, whichever produces the greatest total ground coverage for such uses and structures. Lot coverage, shall also include all impervious surfaces such as drives, parking areas, walkways, swimming pools, patios, terraces and the like.

131. **Lot Depth-** The distance measured from the middle point of the front line to the middle point of the opposite rear line of the lot.
132. **Lot line-** The legal boundary line of a lot.
133. **Lot of Record-** A lot which is part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court, or a parcel of land the deed of which was recorded in the office of the Clerk of the circuit Court.
134. **Lot or Site Area-** The horizontal plane area within the lot lines, expressed in these regulations in square feet or square acres, exclusive of public or private dedications.
135. **Lot Width-** The mean horizontal distance between the side lot lines, measured at right angles to its depth.
136. **Lot, Corner-** A lot abutting upon two (2) or more streets at their intersection or at a street corner having an interior angle not greater to one hundred thirty-five (135) degrees. (All boundaries abutting streets shall be considered front yards, and all other boundaries shall be considered side yards.)
137. **Lot, Double Frontage-** A double frontage or through lot is defined as a lot that has frontage on two nonintersecting streets. The applicable front setback requirement shall apply to both frontages regardless of which line the landowner selects as the front line, unless such lot has permanent solid face subdivision perimeter buffer wall precluding access along one (1) frontage.
138. **Lot, Reversed Corner-** a corner lot, the street side lot line of which is substantially the continuation of the front line of the first lot to its rear.
139. **Lowest floor-** The lowest heated and cooled habitable area of a building.
140. **Marina-** An establishment with a waterfront location for the purpose in return for compensation of storing more than 10 watercraft and pleasure boats on land, in buildings, in slips or on boat lifts and including accessory facilities for purposes such as refueling, minor repair or launching.
141. **Marine Retail-** means a commercial establishment where marine supplies and boat sales/rentals may occur together with minor servicing and sale of marine supplies but excludes boatbuilding or shipbuilding.
142. **Mean High Water-** the average height of the high water over nineteen (19) year period or for shorter periods of observation; the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean nineteen (19) year value, as defined in Chapter 177.27 Florida Statutes.
143. **Medical office/ Clinic/ Services-** Means the provision of therapeutic, preventive or other corrective personal treatment services by physicians, dentists and other licensed medical practitioners, as well as the provision of medical testing and analysis services. These services are provided to patients who are admitted for examination and treatment by a physician and with no overnight lodging.
144. **Mobile Home-**a movable or portable detached single-family dwelling designed for and capable of being used for long-term occupancy, designed to be transported after fabrication on its own permanent chassis and wheels, arriving at the site substantially complete, of such size and weight as to require special highway movements permits, and it excess of eight (8) feet in width and thirty-two (32) feet overall length, as measured for the ball joint to the rear bumper but not exceeding twenty-four (24) feet in width and seventy-five (75) feet in length. A mobile home shall be transportable, manufactured, suitable for real estate and utilized for no transient purposes. The mobile home shall contain the same water supply, waste disposal and electrical conveniences as conventional housing.
145. **Modular Factory Built Homes-** A modular unit residential building comprised of one (1) or more dwelling units, or habitable rooms or components parts thereof, which is either wholly manufactured or is a substantial part constructed in central manufacturing facilities and bears the approval of the Department of Community Affairs under the provisions of the Housing Act of 1971. However, this term does not apply to mobile homes, as defined by Chapter 320, Florida Statutes. Modular homes are regulated by this code as Dwellings, Single-Family.

146. **Museum-** A facility in which creative or historical works are typically displayed. The facility is generally operated by public or private not-for-profit private entities for the promotion of a common cultural or civic objective such as historical, literary, scientific, musical, dramatic, artistic or similar objectives.
147. **Nonconforming building-** Any building or structure which existed lawfully at the time it was permitted, but that does not comply with the current regulations of the zoning district or the adopted comprehensive plan land use designation in which it is located. Nonconformities shall not be expanded upon.
148. **Nonconforming lot-** any lot of record which does not meet the minimum dimensions, area, or other regulations of the zoning district or the adopted comprehensive plan land used designation in which the lot is located. Nonconformities shall not be expanded upon.
149. **Nonconforming use of land-**the lawful use of any land other than a use specifically permitted in the district in which the lot or parcel of land is located. Nonconformities shall not be expanded upon.
150. **Nonconforming Use or Building-** the use of a building or portion thereof, or land or portion thereof, which does not conform with the use regulations of the district in which the building or land is located, the use of which was legally established and existed prior to the effective date of such use regulations.
151. **Nursing Home-** See Congregate Living Facility (Adult)
152. **Occupied-** the term "occupied" includes designed, built, altered converted to or intended to be used or occupied.
153. **Office Building, Professional-** A building providing office space for the furnishing of professional services in any of the following or related categories; law, architecture, engineering, planning, medicine, dentistry, osteopath, chiropractic, optometry or consultants in these or related professions.
154. **Office Residential Use-** In a office residential (or) zone a structure may be used as a professional office facility providing that adequate off street parking is provided for all employees and clients, and; the structure is visually residential in nature.
155. **Open Space-** an area open to the sky, which may be on the same lot with a building. The area may include along with the natural environmental features, swimming pools, tennis courts or any other recreational facilities. Streets, structures for habitation and the like shall not be included.
156. **Parcel-** A tract of land, which may be described by mete and bounds or plat. See lot
157. **Parking Lot-** An open area used exclusively for the storage of motor vehicles, whether or not a fee is charged.
158. **Parking Space, Off-Street-** For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for access to a public street or alley right-of-way. Size shall conform to specifications in this code and may be divided into space for standard size vehicles and compact cars.
159. **Parking, Handicapped-** Parking spaces designed and provided in quantities consistent with handicapped requirements.
160. **Permanent Control Point (PCP)-** This shall be a secondary horizontal control monument and shall be a metal marker with the point of reference marked thereon or for (4) by four (4) inch concrete monument, a minimum of twenty four (24) PCP's shall bear the registration number of the surveyor filing the plat of record.
161. **Permanent Reference Monument-** This consist of a metal rod a minimum of twenty-four (24) inches long, or a one and one-half (1 ½) inch minimum diameter metal pipe a minimum of twenty (20) inches long either of which shall be encased in a solid block of concrete or set in natural bedrock, a minimum or six (6) inches in diameter and extending a minimum of twenty-four (24) inches long with the point of a reference marked thereon. A metal cap marker with the point of reference marked thereon shall bear the registration number of the surveyor certifying the plat of record, and the letters "PRM" shall be placed in the top of the monument.
162. **Permissible Elevation of Structure-** The maximum structure height limit for new construction of all residential and nonresidential structures within the City is 35 feet. In non flood-related areas, the structure height shall be measured from lowest floor, which for the purpose of determining structure height shall be no more than 36 inches above natural grade. In areas of special flood hazard (rated a and V zones), structure height shall be measured from no more than 1 foot above base flood elevation as identified on the FIRM maps.

An existing historic building which exceeds current height restrictions and which is destroyed by fire, acts of nature, etc. may be permitted to rebuild to original height provided the building is a replica of the original historic building.

Height exception: approval to construct architectural or structural elements above 35 feet such as chimneys, parapets, cooling towers, elevator bulkheads, fire towers, ornamental architectural detailings, heating/cooling system or necessary mechanical appurtenances must be approved through special exception. Architectural review and certification of appropriateness is required subsequent to the special exception process.

163. **Plat-** Means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of all applicable sections of this chapter and of any local ordinances and may include the terms “replat,” “amended plat,” or “revised plat”
 - i. **Preliminary Plat-**Approval of such is required prior to submittal of a final plat.
 - ii. **Final Plat-**Prepared for recording the subdivision of land.
164. **Plot-** See Lot.
165. **Porch-** A roofed-over space that has not other enclosure other than exterior walls of main building, open mesh screening or glass.
166. **Principal Building or Use-** A main use of land as distinguished from an accessory use; the building housing the main or principal use.
167. **Project area-** For the purpose of computing destiny, lot coverage, and floor area ratio for any project site, the project area shall not include public right-of-ways or land lying below the mean high water line
168. **Property Line-** See Lot Line.
169. **Protective Covenants-** A private agreement that may be recorded in the public records that restricts the use of private property.
170. **Public Improvements-** Those improvements required to be dedicated to the Local Government, including but not limited to street pavements, curbs, and gutters, sidewalks, alley pavements, walkways pavements, water mains, sanitary sewer, storm sewers or drains, street names, signs, landscaping, parks, permanent reference monuments (PRMs) permanent control points (PCP) or any other improvement required by the Governing Body.
171. **Public Notice-** See Due Public Notice.
172. **Public Open Space-** Open Space (land or water areas) available for public use—not restricted to members or residents.
173. **Public Utility Service or Facilities, Essential-** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility or a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, to furnish services, including electricity, gas, rail transport, communication, public water and sewage.
174. **Recreation Vehicle- Recreation Vehicle-** The following types of vehicles enumerated are deemed recreation vehicles.
 - i. **Travel Trailers-** A vehicular, portable structure built on a chassis and towed; designed to be used as a temporary dwelling for travel, recreation and vacation uses; Permanently identifies “Travel Trailer” by the manufacturer on the trailer; and when factory equipped for the road, having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet.
 - ii. **Pickup Coach-** A structure designed to be mounted on a truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation use.
 - iii. **Camping Trailer-** A collapsible, temporary dwelling structure covered with a water-repellent fabric mounted on wheels and designed for travel recreation and vacation use.
 - iv. **Auto Camper-** A lightweight, collapsible unit that fits on top of an automobile and into the truck with the cover removed and is designed for travel, recreation, and vacation use.

- v. **All Terrain Vehicles-** Dune buggies, swamp buggies and the like shall be considered recreation vehicles, whether or not licensed as such by the State.
 - vi. **Van-** a vehicle specially equipped for camping.
175. **Residential Apartment Units-** Pertains to those single structures existing prior to the adoption of this ordinance which may be modified so as to allow more than one family to reside within with separate housekeeping facilities, providing there is a minimum of 500 square feet of heated floor space per one apartment unit. Residential Apartment Units are subject to particular District standards for single-family dwellings.
- In Order to promote efficient use of existing space in downtown commercial (C-1) areas, residential apartment units are limited to those areas located on building second floors above active commercial activities.
176. **Retail Package store-** a commercial establishment selling liquor, malt, wine, or other alcoholic beverages. This shall not include the sale of alcoholic beverages accessory to and within a restaurant use. Does not provide for the dispensing of such beverages on premises.
177. **Restaurant-** Any establishment where food is served for consumption on or off the premises or within an enclosed building.
178. **Right-of-Way-** The area of a highway, road, street, way, parkway or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.
179. **Sanitary Landfill/Garbage-** Addition or deposit of any garbage and organic matter upon or within any lot or parcel as regulated by the State Department of Environmental Regulation.
180. **Sanitary Landfill/ No Garbage-** Addition or deposit of any dry trash, refuse or solid waste material, upon or within any lot or parcel. Allowed materials shall include tree, shrub or grass cutting, metal items, construction materials, natural vegetation materials from land clearing and other similar items as regulated by the State Department of Environmental Regulations.
181. **Screening-** Either:
- i. A strip of land densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or
 - ii. An opaque wall or barrier or uniformly painted fence at least six (6) feet high
182. **Seafood Establishment-** A commercial establishment that processes and, or sells seafood.
183. **Seat-** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.
184. **Service Station, Automotive-** Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuel, oils or accessories, and in connection with which is performed general automotive servicing as distinguished from automotive repair.
185. **Set back-** The distance between the lot line and the building setback line.
186. **Setback Line-** See Building Set Back Line.
187. **Sign-** Any structure, part thereof or device, whether or not attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word model, banner, emblem, insignias, device, trademark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of any enterprise or industry, which is located upon any land on any building in or upon a window or indoors in such a manner as to attract attention from outside the building.
188. **Special Exception-** A use that would not be appropriate generally or without restriction throughout the particular zoning district or classification but which if controlled as to number, area, location, or relation to the neighborhood, would not adversely effect the public health, safety, comfort, good order, appearance, convenience, morals, and the general welfare.
189. **Special Waterfront District-** the boundaries of the Special Waterfront District are and shall be interpreted to be coterminous with the Federal Emergency Management Agency's A & V zones adjacent to the river and bay. The purpose of the Special Waterfront District is to afford special protection to areas close to the Apalachicola River and Bay system. See specific zoning districts for standards. See attachments for map.

190. **Storage Unit-** A commercial storage room, cubical or box that is part of an establishment that provides storage space for customers.
191. **Storm Water Management System-** The structural nonstructural, and designed features of a property or watershed which are implemented to control storm water, incorporating methods and facilities to collect, convey, channel, divert, store, absorb, inhibit, treat, use, or reuse water in order to prevent erosion excessive ponding, flooding, over drainage, environmental degradation, or water pollution, or otherwise affect the quantity or quality of stormwater.
192. **Story-** That portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it, then the space between such floor and ceiling next above it.
- 193.
194. **Street-** A public or private thoroughfare, which affords the principal means of access to abutting property. This includes lane, place, way or other means of ingress or egress, regardless of the term used to describe it.
- i. **Public-** Legally dedicated to public use officially accepted by the Local Government
 - ii. **Private-** Privately owned and maintained on a recorded easement or approved by the appropriate Local Government Agency
195. **Street Right-of-Way Line-** The dividing line between a lot, tract or parcel of land and the contiguous street. The right-of-way line shall be considered a property line, and all front setback requirements provided in these regulations shall be measured from said right-of-way line, except corner lots, which shall be controlled by the right-of-way of the side street.
196. **Structural Alteration-** Any change, except for repair or replacement, in the supporting members of a structure, such as bearing walls or partitions, column, beams or girders, or any substantial change in the roof or in the exterior walls.
197. **Structure-** Anything constructed, erected or placed, the use of which requires more or less permanent location the ground, or anything attached to something having a permanent location on the ground and used or intended for business or living quarters, excluding fences not over six (6) feet above the natural grade.
198. **Studio-** A facility in which audio, visual or theatrical presentations are typically created. May be private or public. Not intended as a retail commercial operation.
199. **Subdivision-** The division of a parcel of land, whether improved or unimproved into three (3) or more contiguous lots or parcels of land designated by reference to the number or symbol of the lot or parcel contained in the plat of such subdivision, for the purpose, whether immediate or future, of transfer of ownership or, if the establishment of a new street is involved, any division of such parcel. However, the division of land into parcels of more than five (5) acres, not involving any change in street lines or public easements of whatsoever kind is not to be deemed a subdivision within the meaning of this code. The term includes a resubdivision and, when appropriate to the context, related to the process of subdividing or to the land subdivided.
200. **Townhouse-** A group of two or more single-family dwellings separated by a space of not more than one (1) inch. The walls or part wall separating the dwellings units of the townhouse shall extend to the roofline of the dwelling and shall have no openings therein. Each townhouse {unit} shall be serviced with separate utilities and other facilities and shall otherwise be independent of one another.
201. **Trade School-** an educational facility, which provides vocational instruction.
202. **Trailer: Boat, Horse, Utility-** A conveyance drawn by other motor power and used for transporting a boat, animal or general goods.
203. **Transient Accommodations-** Any unit, group of units, building or group of buildings within a single complex of buildings, which is 1) rented for periods of less than 30 days or 1 calendar month, whichever is less; or which is 2) advertised or held out to the public, as a place regularly to transients. See Transient Lodging Ordinance 2005-08 for specific standards. Forms of Transient Accommodations include, but are not limited to, the following:
1. **Motel:** a group of transient accommodation units under one ownership located on one (1) tract of land designed primarily for access by automobile. Overnight guests may stay for longer periods than overnight – not to exceed periods of more than 30 days or 1 calendar month per any calendar year. A motel dwelling is hereby defined as a single room or group of rooms with

facilities that are used or intended to be occupied for sleeping and sanitation by one family at a time. Cooking or laundry facilities shall not be provided in said rental unit.

2. **Hotel:** A structure primarily for transient guest and confined within one (1) principal building except for necessary accessory buildings. Overnight guests may stay for longer periods than overnight- not to exceed periods of more than 30 days or 1 calendar month per any calendar year. A hotel dwelling is hereby defined as a single room or group of rooms with facilities that are used or intended to be occupied for sleeping and sanitation by one family at a time. Cooking or laundry facilities shall not be provided in said rental unit.
3. **Bed and Breakfast:** A place where tourist, transients, travelers or persons desiring overnight accommodations are provided with sleeping and sanitary facilities. Cooking facilities shall not be provided in an individual bed and breakfast room but are allowed within a common kitchen area. The number of transient rooms in a bed and breakfast facility shall not exceed 10.
204. **Travel Trailer Park or Court-** A park or court, licensed and approved by the Florida Department of Health and Rehabilitative Services, and established to carry on the business of parking travel trailers.
205. **Tree-** A self-supporting woody plant having one or more well defined trunks capable of being maintained with a clear trunk and normally growing to an overall height at maturity of a minimum of fifteen (15) feet. For the purpose of this definition, palms shall be considered trees. Any such plant with a caliper of four (4) inches or more, measured four (4) feet above ground level is considered a tree.
206. **Use-** The purpose for which land or water or the structure thereon is designated to the extent covered by the zoning ordinance.
207. **Used, Occupied-** as applied to any land or building this term shall include the words "intended", "arranged", or "designed to be used or occupied".
208. **Variance-** Any modification of the zoning ordinance regulations must be authorized by the Board of Adjustment and must meet the criteria as stated in this code. A variance may be authorized only for height, area, size of structure or size of yards and open space. Establishment or expansion of a use otherwise prohibited shall not be allowed by a variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or in adjusting district.
209. **Veterinary Clinic or Hospital-** Any building or portion thereof designed or used for the veterinary care, surgical procedures or treatment of animals, but not the board of well animals.
210. **Wall-** See Fences, Hedges and Walls.
211. **Water-dependent use-** Activities which can be carried out only on, in or immediately adjacent to water areas because the use requires access to the water body for: waterborne transportation, including ports or marinas; recreation; electrical generating facilities; or water supply.
212. **Water-related uses-** Means activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses and/or provided supportive services to persons using a duly permitted marina.
213. **Wetland-** An area within the landward extent of surface waters of the state, pursuant to F.A.C. 62-3.022 or any area which is inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils. The City's determination of wetlands shall be consistent with State determinations of jurisdiction.
214. **Wetlands-** Defined in Chapter 403.817 F.S. and 17-3.022 F.A.C. as the landward extent of waters of the state.
215. **Yard-** An open space at grade between a main building and the adjoining lot lines. In measuring a yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
216. **Yard, Front-** A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the principal building or any projections thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches.
217. **Yard, Rear-** A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear property line and the rear of the principal building or any projections thereof, other than the projections of uncovered steps, balconies or porches. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.
218. **Yard, side-** a yard between the main building and the side line of the lot extending from the front yard to the rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

