

## II. LANGUAGE AND DEFINITIONS

*Remove the definitions of “buffer fence,” “DCA approved manufactured building,” “fences, hedges, and walls,” “hedges,” “house trailer,” “modular factory built homes,” “recreation vehicle” (including “travel trailers,” “pickup coach,” “camping trailer,” “auto camper,” “all terrain vehicles,” and “van”), and “travel trailer park or court.”*

~~**Buffer Fence**—A solid opaque fence of sufficient height to obstruct view, which is constructed of durable materials appropriate for the intended use and consistent with materials commonly used in surrounding areas or neighborhoods.~~

~~**DCA approved manufactured building**—Any factory built 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.~~

~~**Fences, Hedges, and Walls**—Dividers between two properties.~~

~~**Hedges**—See Fences, hedges and Walls.~~

~~**House Trailer**—See mobile Home~~

~~**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.~~

~~**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.~~

~~**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.~~

*Add the definitions of “convenience store,” “fence,” “manufactured home,” “material alteration,” “modular home,” “quasi-judicial hearing,” “recreational vehicle,” “recreational vehicle park,” “specialty store,” “squares, historic,” and “surface drive area.”*

**Convenience Store**— Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood. The store may also sell gasoline but may not serve as an automotive service station or vehicle repair shop. Hours of operation of such stores may be extended over other types of food stores.

**Fence** - A manmade structure erected for separation, security or privacy purposes through the means of intermittent posts supporting vertical or horizontal members made of wood or metal.

**Manufactured Home**—Residence comprised of one (1) or more factory-built closed structures, building assemblies, or systems of subassemblies manufactured under the Florida Manufactured Building Act of 1979 (Florida Statutes 553.35) and certified by the Department of Business and Professional Regulation as complying with the structural requirements of the Florida Building Code. Manufactured homes are regulated by this City code as Dwellings, One- (Single) Family. For the purpose of interpretation, a modular home is a “manufactured home.” A “mobile home,” as defined separately in this Code, is not a “manufactured home.”

**Material Alteration**- As used in the Chapter VI historic and cultural preservation regulations and elsewhere in this Code, construction or change in appearance of the exterior. For buildings, structures or objects, material alteration shall include, but is not limited to, the changing of roofing or siding substances; changing, eliminating, or adding doors, door frames, windows, window frames, gutters, fences, railings, porches, balconies or other ornamentation. For buildings, structures or objects, material alteration shall not include ordinary maintenance repair and repainting.

**Modular Home**— See Manufactured Home.

**Quasi-Judicial Hearing**- Similar to a court proceeding where affected parties are afforded more procedural safe-guards. In general, such hearings require findings of facts to reach conclusions of law that justify the decision. They usually depend on a pre-determined set of guidelines or criteria to assess the nature and gravity of the permission or relief sought, or of the offense committed.

**Recreational Vehicle**- Temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. As defined at F.S. 320.01(b), recreation vehicle includes travel trailers, camping trailers, truck campers, motor homes, private motor coaches, van conversions, park trailers, and fifth-wheel trailers.

**Recreational Vehicle Park-** A park for recreation vehicles licensed and approved by the Florida Department of Health.

**Specialty Store-** A retail store specializing in a specific type of product. Retail specialty stores concentrate on selling one merchandise line of goods for a particular product range and associated items. Specialty retailers have a narrow but deep selection in their specialties. Examples include auto parts, baked goods, recreation equipment, ethnic groceries, paint and supplies, plants and garden supplies, and second-hand clothing and consignment.

**Squares, Historic-** As identified on the City of Apalachicola Zoning Map, the City’s designated historic squares are Chapman Square (originally Marshall Square), City Square (originally White Square), Franklin Square, Gorrie Square (originally City Square), Madison Square and Washington Square.

**Surface Drive Area-** The land surface used for the purpose of driving, parking, storing, or displaying vehicles, boats, trailers, mobile homes, including new and used car lots and other open lot uses. The term does not include public rights of way or areas under roofs.

*Revise the definitions of “alteration,” “appeal,” “applicant,” “automotive wrecking and salvage yards,” “complaint,” “development,” “dwelling,” “lot coverage,” “mobile home,” “permissible building height,” “solar energy system,” “Special Waterfront District,” “structure,” and “wall.”*

**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. See also Material Alteration and Structural Alteration.

**Appeal** – A written challenge to the City Commission (with or without legal representation) of a decision of the Planning and Zoning, Board of Adjustment (relating to variances), or building inspector (relating to code content, building standards or zoning issues). The appeals process shall be followed in accordance with procedures outlined in Chapter III – Enforcement and Administration. An appeal does not automatically constitute the issuance of a stop work order unless such grievance is a safety issue or violation of building code. However, all development which proceeds during the appeals process is at risk.

**Applicant-** The record owner, or his or her authorized representative, of a tract of land, which is the subject of a request.

**Automotive Wrecking and Salvage Yards-** The dismantling or wrecking of used motor vehicles, mobile and manufactured homes or other vehicles, or the storage, sale or dumping of such wrecked or dismantled vehicles or parts. See Junk Yard.

**Complaint** – A written grievance by a citizen, group, agency, etc. directed to the City Administrator questioning the decision of the building inspector, Planning and Zoning Board or standards of construction according to the Building Code. When a complaint is received, the building inspector will review said project and ask Planning and Zoning to review if appropriate.

A complaint does not automatically constitute the issuance of a stop work order unless such grievance is a safety issue or violation of the building code. If the building inspector and Planning and Zoning Board find that the grievance does not merit further city action, the complainant may file a formal appeal as established herein.

**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 alteration 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 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 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 are not development.

**Dwelling-** any building or portion thereof which is designed for or used for residential purposes but does not include a recreation vehicle, hotel, motel, boarding or rooming house.

**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.

**Mobile Home-**Any residential unit constructed to manufactured (mobile) home standards promulgated by the United States Department of Housing and Urban Development (Florida Building Construction Standards, Florida Statutes 553.36(14)). The term does not include any self-propelled recreational vehicle. Generally, a mobile home is a structure transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length or which when erected on-site is 320 or more square feet, and which is built on a permanent chassis 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 in the structure (Florida motor vehicle licenses, Florida Statutes 320.01(2)(a)).

**Permissible Building Height:** The maximum building height for new construction of all residential and nonresidential structures in both non-flood-rated and flood-rated areas within the City is 35 feet.

Height exception: Proposed construction of architectural or structural elements above 35 feet such as chimneys, parapets, cooling towers, elevator bulkheads, fire towers, ornamental architectural detailing, heating/cooling systems, solar energy systems, or necessary mechanical appurtenances must be approved by the Architectural Review Board, and a certificate of appropriateness must be received prior to development. Approved architectural or structural elements must not exceed thirty six (36) inches above the 35-foot building height limit.

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

**Solar Energy System-** An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user.

**Special Waterfront District-** The district coinciding with the Federal Emergency Management Agency's A and V zones adjacent to the Apalachicola River, Scipio Creek, and Apalachicola Bay whose boundary is shown on the **[Insert name and date of map.]**. The purpose of the Special Waterfront District is to afford special protection to areas close to the Apalachicola River and Bay system.

**Structure-** Anything constructed, erected or placed, the use of which requires more or less permanent location on the ground, or anything attached to something having a permanent location on the ground and used or intended for business or living quarters.

**Wall-** When used in the context of yards, a brick, stone, or masonry structure that surrounds an area or separates one area from another.