

ORDINANCE NO. 04-2012

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING THE CODE OF ORDINANCES BY REVISING AND RESTATING CHAPTER 102; PROVIDING REGULATIONS FOR SIGNS; PROVIDING FOR NONCONFORMING SIGNS; PROVIDING FOR VARIANCES AND APPEALS; PROVIDING FOR ENFORCEMENT; AND REVISING AND AMENDING CHAPTER 70 SECTION 30, DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AS FOLLOWS:

Section 1. Chapter 102 of the Code of Ordinances, City of Deltona, Florida is hereby revised and restated to read as described in **Exhibit A**.

Section 2. Chapter 70 Section 30 of the Code of Ordinances, City of Deltona, Florida is hereby revised and amended as described in **Exhibit B**.

Section 3. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS 4th DAY OF June, 2012.

First Reading: 4.16.12

Advertised: 5.24.12

Second Reading: 6.4.12

BY: John C. Masiarczyk, Sr.

JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

Joyce Kent
JOYCE KENT, City Clerk

Approved as to form and legality for use and
reliance by the City of Deltona, Florida

Gretchen R.H. Vose
GRETCHEN R.H. VOSE, City Attorney

EXHIBIT A

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CHAPTER 102. SIGNS.

Article I. General Provisions

Sec. 102-1. Purpose and intent.

- (a) The intent of this chapter is to ensure adequate means of communication through signage, while maintaining the attractive visual appearance within the City. By specifying criteria for all signage as stated herein, this chapter is intended to serve the following purposes.
- (1) Create a level of consistency for signage throughout the City.
 - (2) Provide reasonable regulation of signs that balance the importance of protecting our suburban neighborhoods while recognizing the objectives of promoting economic growth and prosperity.
 - (3) Maintain the established suburban character of the City by regulating all exterior signage in a manner which promotes low profile signage of high quality design; Provide for signage which satisfies the needs of the local business community for visibility, identification, and communication; Foster civic pride and community spirit by maximizing the positive impact of development;
 - (4) Protect and maintain the visual integrity of roadway corridors within the City by establishing a maximum amount of signage on any one site to reduce visual impacts;
 - (5) Establish locations and setbacks for signage, which are designed to protect motorists from visual distractions, obstructions, and hazards;
 - (6) Enhance the appearance of the physical environment by requiring that signage be designed as an integral architectural feature of the site and structure to which such signage is intended to identify, and sited in a manner which is sensitive to the existing environment;
 - (7) Establish procedures regarding nonconforming signs, enforcement of these regulations, maintenance of existing signs and consideration of variances and appeals.
 - (8) The full face of signs may be illuminated subject to the brightness standard established under section 102-102(a)(3)f.

Sec. 102-2. Exempt Signs

- (a) The following signs are exempt from the permitting requirements of this chapter, provided that such signs are not installed or constructed so as to create a hazard of any kind. The following signs must comply with applicable building codes and obtain electrical permits if required by the City's electrical code:
- (1) Identification signs of two square feet or less; provided that identification signs shall be no more than one square foot and non-illuminated for a home occupation.
 - (2) "No trespassing" or "no dumping" signs of two square feet or less.
 - (3) Permanent directional or instructional signs, where vehicle or pedestrian movement is involved, of four square feet or less. Freestanding signs of this type should be no greater than four feet in height.
 - (4) Privately owned signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as

appropriate from the United States, the State of Florida, the County of Volusia and the City of Deltona.

- (5) Memorial signs, placards or tablets, freestanding or affixed to a building. However, such signs/tablets/placards, if attached to, or associated with, a building must be cut into the masonry surface or be comprised of bronze, stone, or some other noncombustible material.
- (6) Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community.
- (7) Holiday lights and seasonal decorations displayed at times when such lights and decorations are generally considered appropriate including recognized national holidays and/or religious events.
- (8) Signs integrated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- (9) Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers.
- (10) Works of art that do not constitute advertising.
- (11) Political and/or Opinion Signs displayed by a person exercising their valid first amendment rights only and does not include signs for commercial, business, or private venture.
- (12) Under-canopy signs for commercial uses placed behind the right-of-way line for pedestrian use, perpendicular to the storefront and less than four square feet.
- (13) Credit card or membership signs of two square feet or less, one of each different organization permitted for each street frontage.
- (14) Menu boards or price lists per drive-through lane of no more than 48 square feet each, located adjacent to and oriented toward the drive-through area plus a pre-sell board of no more than 12 square feet per lane.
- (15) Temporary real estate and construction-real estate signs of 4 square feet in area or less allowed under section 102-93 of this chapter.
- (16) Menus of less than two square feet mounted at the entrances to restaurants.
- (17) Flags allowed under section 102-103 of this chapter.
- (18) Non-commercial signs which express an opinion rather than promote or advertise a commercial use, business, group, or organization, of up to four square feet in size, but no more than one such sign shall be placed per lot or parcel.
- (19) *Yard/garage sale signs of four (4) square feet in area or less.*
 - a. Each yard/garage sale is limited to five (5) signs of the aforementioned dimension.
 - b. No more than four (4) of the allowed five (5) signs can be directional signs located off site within City rights-of-ways.
 - c. To maintain clear sight lines, any off site or on site yard/garage sale sign cannot be located within 25 feet of any intersection.
 - d. Yard/garage sale signs are allowed only on the days for which the yard sale is conducted consistent with applicable City regulations.
 - e. All yard/garage sale signs are to be removed on the last day of the sale and any signs remaining after the yard/garage sale ends may result in enforcement action as illustrated in Section 102-65.

- (20) Signs for Homeowner Association message boards within a residential community that do not exceed four square feet.
- (21) Signs already permitted through a Planned Unit Development and/or Development Agreement that were previously approved prior to the adoption of this Ordinance.
- (22) Banners erected on property comprising non-profit activities or houses of worship to include secondary uses on such property.

Sec. 102-3. Prohibited Signs

- (a) It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign described as follows:
 - (1) Commercial signs oriented toward residentially zoned land: No freestanding identification sign shall be located within 50 feet of any residentially zoned property.
 - (2) Traffic or pedestrian hazards: Any privately owned sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination. These include any sign which obstructs the vision between pedestrians and vehicles using the public right-of-way, including, but not restricted to, those not meeting visibility requirements of this code.
 - (3) Snipe, and others similar signs attached to trees, utility poles, or fences, except for signs posted by public agencies in furtherance of their stated duties.
 - (4) Signs attached to or painted on vehicles which are unregistered, inoperable, or not regularly used as part of the advertised business and are parked in such a way so as to advertise to the passing motorist or pedestrian.
 - (5) Signs that are in violation of the Building Code or Electrical Code adopted by the City.
 - (6) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
 - (7) Signs that emit any audible sound, odor, or visible matter such as smoke or steam, that is intended to attract attention, or involve the use of live animals.
 - (8) Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe; made of combustible materials that are attached to or in close proximity to fire escapes or fire-fighting equipment; or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this code or other ordinance of the City.
 - (9) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device.
 - (10) Signs, within ten feet of public right-of-way or 100 feet of traffic control lights, that contain red or green lights that might be confused with traffic control lights.
 - (11) Signs or other devices that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics defined as .3 foot-candles illumination above ambient light, as measured using a foot candle (Lux) meter at a

preset distance depending on sign area, measured from a measuring distance calculated with the following formula: The square root of the product of the sign area multiplied by one-hundred.

Example using a 12 square foot sign:

$$\text{Measurement Distance} = \sqrt{(12 \text{ Sq. Ft.} \times 100)} = 34.6$$

No electronic sign shall exceed an illumination of 1.0 foot candle as measured from any property line or edge of street, a standard consistent with Section 110-828 (b) (2).

- (12) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- (13) Privately owned signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs or public signs to achieve a stated public purpose.
- (14) Billboards as defined in Section 70-30 (Definitions) of the City's Code of Ordinances.
- (15) Off-site advertising signs not within a previously approved remote signage easement.
- (16) Roof signs.
- (17) Abandoned signs.
- (18) Signs affixed at any angle except parallel to a building or wall in such a manner that its leading edge extends more than nine (9) inches beyond the surface of such building or wall.
- (19) Signs within public rights-of-way without a proper use permit from the authorizing agency.
- (20) Signs, bills or other advertising matter posted upon any permanent or temporary structure or building, pole or tree located in any street, park, or other public way or place within the City.
- (21) Signs, handbills, circulars, dodgers or other advertising which are distributed or placed on any public or private property in such a manner that the same may be blown, carried by water, or otherwise scattered by the elements, or so as to constitute litter, except for newspapers.
- (22) Handbills or other similar form of advertising matter distributed by hand, other than political signs.
- (23) Banners or signs placed across any public street, park or other public way or property without first having obtained specific permission from the City Manager or his/her designee.
- (24) Portable signs, unless otherwise allowed by the City Code. Handheld signs are not prohibited signs.
- (25) Any other signs that are not specifically permitted or exempted by this chapter.

Sec. 102-4. Nonconforming signs.

- (a) *Intent.* It is the intent of the City to eventually bring all signage into conformance with the type, size, and locational criteria as established in the City Code.
- (b) *Continuance of nonconformities.* Nonconforming signs are allowed to continue consistent with the provisions of this subsection. However, it is not the intent of the City to encourage the survival of nonconforming signs. Use of a nonconforming sign may be continued, subject to the following regulations:
 - (1) No nonconforming sign shall be enlarged, expanded, or increased in any way from its size at the time of the adoption of this code, nor shall a nonconforming sign be relocated from its location

at the time of adoption of this code. The copy face may be changed or improved as long as the sign is not enlarged or expanded.

- (2) Abandoned signs, as defined in Chapter 70, shall be removed within 6 months of the date that the business enterprise, for which such sign was used to advertise, ceased to exist.
- (c) *Repairs, maintenance and improvements of nonconforming signs.*
 - (1) Non-load bearing repairs and maintenance may be made to nonconforming signs.
 - (2) Nonconforming signs shall be maintained in an aesthetically appropriate manner. Nonconforming signs shall be considered aesthetically appropriate if they are reasonably intact, not torn, not broken, not faded to a point where portions of the message are difficult or impossible to read, and/or free of rust/other oxidation.
 - (3) The owner of a sign that is considered aesthetically inappropriate shall be given the opportunity to correct such deficiencies with appropriate notice through the City code compliance process.
 - (4) Signs shall be maintained in a safe matter. Utilizing building code standards, the City shall determine whether a nonconforming sign is unsafe and, with the exception of load bearing components, the owner will be given notice and the opportunity to correct such deficiencies through the code compliance process.
 - (5) In those cases where the load bearing components of a sign are compromised and are deemed by the building official to pose a public safety risk, or if the owner proposes to replace, repair or reinforce a load bearing component, such sign shall be removed and, if replaced, such sign shall conform to the provisions of this code.
 - (6) Signs deemed unsafe by the City per building code standards shall be removed consistent with code enforcement procedures.
- (d) *Reconstruction after damage.* With the exception of the electronic components, any nonconforming sign that is damaged by any means to such an extent that the cost of repair and/or reconstruction will exceed 50 percent of the replacement cost at the time of damage, or will required replacement of any load bearing components, such sign shall be removed and any replacement sign shall be built in full conformity with the provisions of this code.
- (e) *Removal:* If a sign is removed for any reason, new signage must comply with this code.

Sec. 102- 5. Multiple frontage properties.

- (a) For corner or through lots, not including alley ways, additional sign use shall be allowed for the secondary frontage under the same section of this code that governs the primary frontage. The sign area allowed shall be based on the future functional classification of the roadway as shown in the comprehensive plan, and as outlined in the table below.

Table 102-1: Sign Area for Secondary Roadway Frontage Lots

Secondary Roadway Frontage Classification	Maximum Percent of Primary Frontage Sign Area
Principal arterial	100%
Minor arterial	75%
Collector	50%
Local or other roadways	25%

- (b) The applicable percentage of primary frontage sign area shall be applied to the front footage of the secondary frontage to determine the total permissible signage for the secondary frontage.
- (c) All setback spacing requirements shall be measured around corners at the right-of-way line. Sign area may not be transferred between frontages.
- (d) Only one freestanding sign shall be allowed within 75 feet of intersections and may be of a maximum size based on the largest frontage.

Sec. 102-6. Construction and maintenance standards.

- (a) All permitted signs shall be constructed and maintained in accordance with the following standards:
 - (1) *Code compliance.* All signs shall be constructed and maintained in accordance with the provisions and requirements of the Building Code, Electrical Code, and all other applicable codes, ordinances or requirements.
 - (2) *Copy.* All copy shall be maintained so as to be legible and complete.
 - (3) *Structure.* Signs shall be maintained in a vertical position unless originally permitted otherwise, and in good and safe condition at all times.
 - (4) *Damage.* Damaged faces or structural members shall be replaced consistent with the requirements of the City.
 - (5) *Safety.* Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.

Sec. 102-7. Modification of existing conforming signs.

- (a) The modification of existing conforming signs may be permitted under the following conditions:
 - (1) Modifications shall not result in a sign which violates requirements of this chapter.
 - (2) Modifications which alter height or sign area shall require a sign permit.
 - (3) Modifications shall be consistent and compatible with the existing sign, including colors, illumination, materials, shape, and style.
 - (4) Modifications shall be subject to the appropriate and applicable provisions of this chapter.

Sec. 102-8. Freestanding signs to be monument signs.

- (a) All freestanding signs shall be monument signs, except for those pole signs permitted in the Interstate Interchange Area as defined in Section 102-106.

Sec. 102-9. Maximum window signage.

- (a) Window signage shall not exceed 50 percent of the total window surface area of any one building elevation. Such signage shall include permanently affixed window signs, temporary window signs, neon displays, fixtures suspended behind and within three feet of the window, or any other sign displayed so as to be visible from the exterior of the building.
- (b) Window signs shall be arranged so as to provide visibility through windows at eye level, between four and six feet in height.
- (c) In all cases, window signs shall be included in the total permitted wall sign area allocated to any one building elevation.

Sec. 102-10. Reserved

Sec. 102-11. Prohibiting sign obstructions to visibility and signs in the public right of way

- (a) No sign shall be located at the intersection of any streets so as to obstruct the visibility per Section 96-37(a) (7) of this Code.
- (b) Placement of signs in City right-of-way. No signs shall at any time be placed in the City right-of-way, except by authorized governmental agents, approved by the City Commission or City Manager as permitted elsewhere in this chapter or otherwise allowed by this chapter.

Sec. 102-12. Commercial vs. non-commercial speech and content neutrality

- (a) *Substitution of non-commercial speech for commercial speech.* Notwithstanding anything contained in this chapter or code to the contrary, any sign erected pursuant to the provisions of this chapter or code or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a non-commercial message unrelated to the business located on the premises where the sign is erected. The non-commercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign-type and provided that the size, height, setback and other dimensional criteria contained in this chapter and code have been satisfied.
- (b) *Content neutrality as to sign message (viewpoint).* Notwithstanding anything in this chapter or code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

Sec. 102-13 – Sec. 102-19. Reserved

Article II. Administration

Division 1. Generally

Sec. 102-20. Special setbacks.

- (a) *Nonconforming lots.* On legal nonconforming lots that are substandard in minimum lot width requirements per the City’s zoning ordinance, the minimum signage setback requirement for signs within a lot front yard may be reduced proportionately to the difference between the legal minimum lot width and the existing nonconforming lot width; not to exceed a 5 foot reduction in the signage setback and not conflicting with any easements and utilities.
- (b) *Setback on rights-of-way reservation areas.* Signs shall be permitted to be relocated at the property owner’s expense to a location equivalent to the minimum signage setback for the new right-of-way line established through eminent domain that has been completed following the taking action and prior to roadway widening construction.

Sec. 102-21 - - Sec. 102- - 29. Reserved

Division 2. Permit

Sec. 102-30. Permit required.

- (a) It shall be unlawful for any person to erect, construct, alter, or relocate any sign within the City without having first obtained a permit therefor, except as specifically provided for in this chapter.

- (b) Work is to be performed by the owner, lessee, or licensed contractor after issuance of a sign permit. All work must be done in a manner in full compliance with all requirements of the sign permit. The work necessary to construct, install, erect, illuminate, paint, or modify signage within the City shall comply with the following requirements:
 - (1) Work which may be performed by a property owner or lessee:
 - a. Painting the face of any freestanding or wall sign; or
 - b. Erection of any temporary sign permitted under Article III division 2 of this chapter.
 - (2) Work which shall be performed by a sign contractor, general contractor or building contractor licensed with the City to perform such work:
 - a. Construction, installation, erection or electrical connection of any sign which is internally illuminated;
 - b. Construction, installation or erection of any freestanding sign requiring wind load calculations;
 - c. Construction, installation or erection of any sign which is located above a pedestrian walkway or on the front fascia of a canopy over a pedestrian walkway;
 - d. Construction installation or erection of any sign not described in section 102-30(b)(1) above.

Sec. 102-31. Application for permit.

- (a) All applications for permits under this section shall be filed by either a contractor licensed to erect signs in the City, or the owner of the property where the sign is to be located or his authorized agent. Such application shall include the following:
 - (1) Name, address, and telephone number of owner(s) of property;
 - (2) Name, address, and telephone number of licensed sign company erecting the sign;
 - (3) The street address or legal description of the property upon which the proposed sign is to be located;
 - (4) The height, size, shape, style, colors, materials and location of the proposed sign;
 - (5) Written permission of the owner, his lessee, or agent, to erect the proposed sign;
 - (6) A plan set to include a scaled location plan, with profile, showing type, size and location of proposed sign along with detailed drawings depicting all pertinent structural and electrical details, wind pressure requirements and materials in accordance with the City's adopted Building Code;
 - (7) A statement verifying the height, size, shape, and location of existing signage on the premises;
 - (8) On master planned sites, an approved site plan that shows the location of signs on the project.

Sec. 102-32. Issuance of Permit.

- (a) The procedure for issuing a sign permit shall be as follows:
 - (1) Upon receipt of an application for a sign permit, the City shall review the plans, specifications and other data relating to such sign, and, if considered necessary, inspect the premises upon which the sign is proposed to be erected.

- (2) If the proposed sign is in compliance with this chapter and all other applicable laws and codes of the City, a sign permit shall be issued by a permitting clerk in the Construction Services Division, upon receipt of the permit fee.
- (3) The issuance of any sign permit shall be conditioned upon the restoration of any building facade which has been damaged by placement of a previous sign. Such restoration shall include, but not be limited to, patching, repainting, and concealing visible electrical components, when applicable.

Sec. 102-33. Permit fees.

- (a) Permit fees under this code shall be set by resolution of the City Commission.

Sec. 102-34. Exemptions.

- (a) Exemption from the requirement to obtain a sign permit shall be permitted under the following circumstances:
 - (1) The erection, construction, installation of any sign described in section 102-2(a) of this chapter; or
 - (2) The repair, maintenance or repainting of any existing sign which is deemed conforming or allowed to continue as a nonconforming sign under provisions of this chapter.

Sec. 102-35. Expiration of permit.

- (a) A sign permit shall expire and become invalid in accordance with the rules set forth in the Building Code for all permits in general.

Sec. 102-36 – Sec. 102-49. Reserved

Division 3. Variances and Appeals.

Sec. 102-50. Technical appeals.

- (a) Appeals from technical decisions of the administrative official or any other official empowered to rule on sign issues shall be processed according to the procedures outlined in Section 74-2 (g) of this code.

Sec. 102-51. Variances.

- (a) Variances from the requirements of this chapter shall be processed according to the provisions of Section 110-1103 of this code.

Sec. 102-52 -- Sec. 102-59. Reserved

Division 4. Enforcement.

Sec. 102-60. Enforcement

- (a) The Building and Enforcement Services Department shall be empowered to enforce this code.

Sec. 102-61. Removal of prohibited signs.

- (a) Prohibited signs on public property or rights-of-way shall be removed immediately, and may be removed by the City or its agent without notice.

- (b) Temporary signs and parasite signs shall be removed within 48 hours after receipt of written notification of the code enforcement officer or his/her designee.
- (c) Abandoned signs shall be removed by the owner, agent, or person in charge of the premises within 30 days after receipt of written notification by the code enforcement officer or his/her designee. If the sign is not removed in a timely manner, the code enforcement officer may refer the violation to the magistrate.

Sec. 102-62. Removal of unsafe signs and signs in disrepair.

- (a) Should any sign become unsecured or in danger of falling, in disrepair or deteriorated, or otherwise unsafe in the opinion of the building official, the owner thereof, or person or firm maintaining it, shall, upon receipt of written notification from the building official immediately, in the case of imminent danger, or within ten days in other instances, secure the sign or cause it to be placed in good repair in a manner approved by the building official, or said sign shall be removed by the owner thereof. If such order is not complied with, the City may remove the sign at the expense of the owner and may place a lien for the cost thereof upon the property on which the sign was located together with any other cost incurred by the City by filing such lien. The lien may be foreclosed in the same manner provided by law for the foreclosure of mortgages and the City shall have the right to receive all costs of court including reasonable attorney fees.

Sec. 102-63. Removal of signs erected by unlicensed contractor.

- (a) Where this chapter requires work to be done by a licensed contractor and such work is not performed by a licensed contractor, the owner or lessee of the property where such illegally erected sign is located shall either:
 - (1) Have the sign immediately removed; or
 - (2) Have a licensed contractor secure a permit for such sign. City inspections of the sign shall be performed. If neither of the above actions is completed within ten days after notification by the building official or code enforcement officer the violation may be referred to the magistrate.

Sec. 102-64. Termination of unlawful illumination or animation.

- (a) Upon receipt of written notification by the department that a sign is unlawfully illuminated or animated in violation of this chapter, the owner, his agent, or person in control of the premises, shall immediately terminate the prohibited illumination or animation of such sign.

Sec. 102-65. Violations and Penalties.

- (a) Violations of this chapter may be referred to the code enforcement magistrate. As an alternative to enforcement referral to the code enforcement magistrate, this chapter may also be enforced by the issuance of a citation by a qualified code enforcement officer, or by a law enforcement officer. For any citation issued hereunder, a violation of this chapter shall carry with it the following penalties:
 - (1) First offense, \$50.00;
 - (2) Second offense, \$100.00;
 - (3) Third offense and subsequent offenses, \$250.00.
- (b) In addition to the enforcement and penalties provided by subsection (a) above, any violation of this chapter shall be subject to appropriate civil action in the court of appropriate jurisdiction.
- (c) In addition to the actual cost to the City of removal, there shall be an administrative cost of \$25 payable to the City for any sign that is removed by the City pursuant to the requirements of this code.

Sec. 102-66 -- Sec. 102-69. Reserved

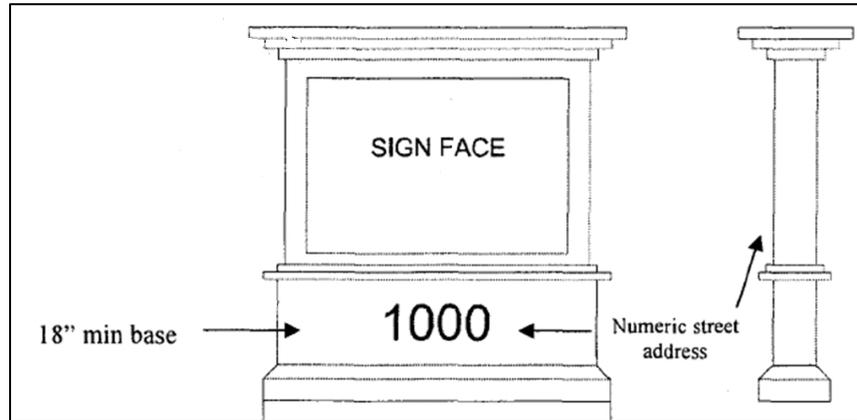
Article III. Regulations

Division 1. Permitted Signs

Sec. 102-70. Permanent Freestanding Signs for individual commercial, institutional, industrial and office uses, and for individual tenants in multi-tenant buildings.

- (a) Permanent freestanding signs for individual commercial, institutional, industrial and office uses shall comply with the following requirements. All signs shall be reviewed by the City as to the final size, location, and coordination of colors, design, and materials as part of the site development plan and/or sign permit approval process.
- (1) Number of signs.
 - a. One freestanding sign shall be permitted per parcel, lot, or stand-alone building for the primary frontage.
 - b. An additional freestanding sign shall be allowed for each secondary frontage in accordance with Section 102-5 of this chapter.
 - (2) Sign area.
 - a. Forty-eight square feet for sites on arterial roadways;
 - b. Thirty-two square feet for sites on all other roadways.
 - (3) Height, setbacks, and location.
 - a. Maximum height: Eight feet.
 - b. Minimum setback from the right-of-way: Five feet.
 - c. Sign(s) shall be in compliance with the visual clearance requirements of chapter 96 section 37(a)(7) of this code.
 - (4) Design requirements.
 - a. The sign structure shall complement the principal structure, with regards to materials, color, finish, and architectural features. This includes the application of materials consistent with the main building to the base and along the sides and top of the sign face or cabinet.
 - b. Freestanding signs shall maintain a base at least 18 inches in height measured from the average grade elevation. The sign cabinet shall be mounted on a decorative base.
 - c. The numeric street address of the property upon which the sign is located shall be identified on the side and front of the sign. The street address numbers shall be between six to 12 inches in height (See figure 102:1).
 - d. The Urban Design Pattern Book shall be considered in the review and approval of sign permits. The Pattern Book and its provisions are design guidelines. Those guidelines are advisory in nature, and intended to advance the overall quality, appearance, and character of the community.

Figure 102:1. Freestanding Design Requirements for Individual Uses (Typical)



- (b) Parcels of land located within the Activity Center area, as defined in the City’s Comprehensive Plan, configured with no less than 300 feet of lot width coterminous with the principal arterial roadway rights of way may erect a freestanding pole sign along the arterial provided such sign does not exceed 75 square feet in area and 15 feet in height.
- (c) Properties used for institutional purposes such as places of worship, hospitals, schools and other similar uses that also include secondary or affiliated uses (i.e. day care center) may either erect:
 - (1) One additional freestanding sign beyond that allowed under Sections 102-70 (a) (2) or 102-78, in accordance with the following requirements:
 - a. Sign area.
 - 1. Thirty-two square feet for sites on arterial roadways;
 - 2. Twenty-four square feet for sites on all other roadways.
 - b. Height, setbacks, and location.
 - 1. Maximum height: Six feet.
 - 2. Minimum setback from the right-of-way: Five feet.
 - 3. Except allowing for a 14 inch minimum sign base, all freestanding signs for secondary or affiliated uses shall be in compliance with the design requirements under section 102-70 (4) (d) and shall adhere to the visual clearance requirements of chapter 96 section 37(a)(7) of this code , OR;
 - (2) One single freestanding sign in lieu of the sign otherwise allowed under Sections 102-70 (a) or 102-78 to include the following requirements:
 - a. Sign area.
 - 1. Sixty square feet for sites on arterial roadways;
 - 2. Forty-eight square feet for sites on all other roadways.
 - b. Height, setbacks, and location.
 - 1. Maximum height: ten feet.

2. Minimum setback from the right-of-way: Five feet.
 3. Except allowing for a 22 inch minimum sign base, all freestanding signs for secondary or affiliated uses shall be in compliance with the design requirements under section 102-70 (4) (d) and shall adhere to the visual clearance requirements of chapter 96 section 37(a)(7) of this code , or;
- (3) Upon erecting a sign allowed under section 102-70 (c), the property owner shall immediately remove all other signage, including banners, used for such secondary or affiliated use.

Sec. 102-71. Wall signs for individual commercial, institutional, industrial and office uses, and for individual tenants in multi-tenant buildings.

- (a) Sign area and height.
 - (1) Maximum sign area (square footage) for the entire building: Multiply the building front foot by 1.5.
 - (2) Maximum vertical dimension: Less than or equal to 25 percent of the building height.
- (b) Location and design requirements.
 - (1) Signage shall be permitted on the building frontage. "Frontage Building" is defined in Section 70-30 of this code.
 - (2) Sign area may be transferred from the primary building frontage to the sides and rear of the building provided those sides are not oriented toward residential uses and the following conditions are met:
 - a. Building facade on which additional signage is placed must be finished with the same or similar architectural facade treatment and quality as the primary building frontage.
 - b. Building facade must have a customer or public entrance.
- (c) Multistory office building(s) shall be allowed a maximum of three signs across the building primary frontage provided that the total square feet of all signs combined do not exceed the maximum of 1.5 square feet in area for each linear foot of building frontage and all signs are arranged so they share a common horizontal centerline along the facade. For buildings displaying more than one sign, one of the following criteria shall be met:
 - (1) Signs shall be spaced evenly across the building facade.
 - (2) Signs shall be separated from all other signs a minimum of two times the length of the longest sign on the facade.
- (d) Entry door identification.
 - (1) Tenant identification plaques may be placed adjacent to the tenant's entrance door.
 - (2) Maximum sign area: Two square feet.
 - (3) Signage shall be located between four feet to six feet in height above the finished floor elevation.
- (e) Multi-tenant building identification: One wall sign, consisting of individual channel letters shall be permitted for the identification of a multi-tenant building.
 - (1) Maximum sign area: 48 square feet.
 - (2) Maximum height of the individual channel letters: Two feet.

- (f) The following additional signage requirements shall apply to motor vehicle service stations/convenience stores with fuel operations:
 - (1) In addition to the area allowed for wall signs, signage on canopies that are separated from and ancillary to the principal structure may include additional signage not to exceed 1 square foot of sign area per 10 linear foot of canopy face and no portion of such signage shall extend above or below the canopy face.
- (g) Supplementary wall signage. Additional wall sign area of one square foot per tenant front foot shall be allowed for miscellaneous wall signage, to include window signs, poster frames, and similar signs supplementary to identification signs.

Sec. 102-72. Wall and Freestanding Directory Signage.

- (a) One wall or freestanding directory sign is permitted for each building.
 - (1) Height and sign area.
 - a. Maximum sign height: Eight feet.
 - b. Maximum letter height: Four inches.
 - c. Maximum sign area: Two square feet for each tenant, or 24 square feet in total area, whichever is less.
 - (2) Design and location requirements.
 - a. The signage shall be oriented to parking and pedestrian areas for directional purposes only, and shall not be oriented outside of the site.
 - b. Design of freestanding directory signs shall be in accordance with section 102-70(a)(4) of this chapter.

Sec. 102-73. Freestanding signs for multi-tenant building(s).

- (a) All signs shall be reviewed by the City as to the final size, location, and coordination of colors, design, and materials as part of the site development plan and/or sign permit approval process.
 - (1) Number of signs.
 - a. One ground sign is permitted per street frontage on the same ownership parcel. If the frontage is greater than 450', two signs may be permitted provided they are placed a minimum of 300' feet apart and the setback requirements listed below are met.
 - b. Signage for secondary frontages shall be allowed in accordance with section 102-5 of this chapter.
 - (2) Maximum sign area, number of panels and panel size. Sign area can identify individual tenants, the complex itself, or a combination of both.

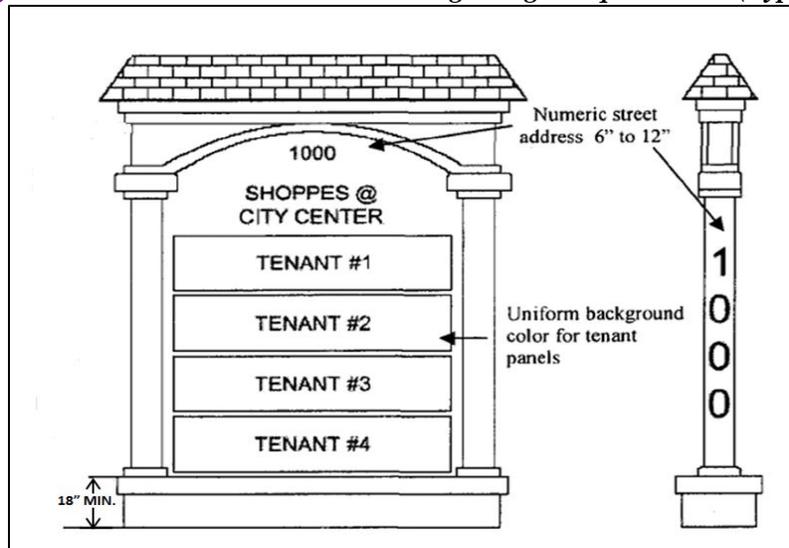
Table 102-2: Freestanding Sign Area for Multi-tenants

Complex Size	Maximum Sign Area
Less than 10,000 SF	56 SF
10,000 SF to 75,000 SF	84 SF
Greater than 75,000 SF	112 SF

- (3) Setbacks, spacing, and height.

- a. Minimum setback from the side lot lines: 25 feet or equidistant from the side lot lines.
 - b. Minimum setback from the right-of-way: Five feet.
 - c. Sign(s) shall be in compliance with the visual clearance requirements of chapter 96, section 37(a)(7) of this code.
 - d. Maximum height of the sign face: 12 feet.
 - e. Two additional feet in height shall be allowed above the sign face for architectural embellishments consistent with the building or complex, up to a total maximum sign structure height of 15 feet.
- (4) Design requirements.
- a. The sign structure shall complement the principal structure, with regards to materials, color, finish, and architectural features. This includes the application of materials consistent with the main building(s) on the base and along the sides and top of the sign face or cabinet.
 - b. The same single background color shall be used for all tenant identification panels on the sign.
 - c. Freestanding signs shall maintain a base at least 18 inches in height measured from the average grade elevation. The sign cabinet shall be mounted on a decorative base.
 - d. The numeric street address of the property upon which the sign is located shall be identified on the side and front of the sign. The street address numbers shall be between six to 12 inches in height.

Figure 102:2. Multi-tenant Freestanding Design Requirements (Typical)



- (5) Commercial subdivision entrance signage. One freestanding identification sign structure to identify a complex of commercial subdivision shall be permitted at each commercial subdivision entrance. Maximum sign face of each structure shall be 48 square feet. The sign may be a single two-sided sign or two single-faced structures of equal size located on each side of the entrance. Signage shall be designed to complement the buildings within the commercial subdivision. The display of individual tenants shall not be permitted. Setbacks and design requirements shall be in accordance with section 102-70 (a)(3) and 102-70 (a)(4) of this chapter.

- (6) Wall signs for outparcels shall comply with the established sign program for the rest of the shopping center, in accordance with chapter 102, section 79 of this code.

Sec. 102-74. Residential zones.

- (a) Freestanding signs for multifamily development.
 - (1) Sign area for each street frontage shall be permitted as follows:
 - a. Uses of 12 units or less: 16 square feet.
 - b. Uses of 13 units or more shall be in accordance with section 102-70 (a)(2) of this chapter.
 - (2) Height and setbacks.
 - a. Maximum height: Eight feet.
 - b. Minimum setback from side lot lines: Ten feet.
 - (3) Sign(s) shall be in compliance with the visual clearance requirements of chapter 96, section 37(a)(7) of this code.
 - (4) Design requirements.
 - a. The sign may be a single two-sided face sign or two single-faced structures of equal size located on each side of the entrance.
 - b. Design of the freestanding signs shall be in accordance with section 102-70 (a)(4) of this chapter.

Sec. 102-75. Wall signage for multifamily development.

- (a) A wall sign consisting of individual channel letters shall be permitted on one of the buildings located within a multifamily development.
 - (1) Maximum sign area (square footage) for the entire building: Multiply the building front foot by two feet.
 - (2) Maximum height of the individual channel letters: Two feet.

Sec. 102-76. Subdivision signs.

- (a) The administrative official may permit residential subdivision entrance signs as part of the subdivision review process, or upon request of property owners after development has occurred.
- (b) The administrative official's review shall consider size of the sign, color, materials, design, provision for maintenance, size of the subdivision, functional classification of the adjoining roadway(s) and land use in the area.
- (c) Appeals of the administrative official's decision may be made to the City commission as provided in section 74-2 (g) of this code.
- (d) Sign(s) shall be in compliance with the visual clearance requirements of chapter 96, section 37(a)(7) of this code.

Sec. 102-77. Nonresidential uses in residential zones.

- (a) The following freestanding sign areas shall be permitted for nonresidential uses in residential zones. Height, setback and design requirements shall be according to sections 102-70 (a)(1), 102-70 (a)(3) and 102-70 (a)(4) of this chapter. Sign area requirements are as follows:
 - (1) Child care, nursery school: 4.5 square feet.

- (2) Churches: see section 102-78 below.
- (3) All other nonresidential uses as permitted in residential zones: 32 square feet.
- (4) All residential uses: 16 square feet for uses consisting of 12 units or 24 beds or less; 32 square feet for uses consisting of 13 units or 25 beds or more.

Sec. 102-78. Houses of worship.

- (a) Houses of worship and any other uses on site, may be permitted signage under this section in accordance with the following criteria:
 - (1) Freestanding signs.
 - a. Sign area, height, and setback.
 1. Maximum area: 48 square feet.
 2. Maximum height: Eight feet.
 3. Minimum setback from the right-of-way: Five feet
 4. Minimum setback from the side lot lines: Ten feet
 5. Sign(s) shall be in compliance with the visual clearance requirements of chapter 96, section 37(a)(b) of this code.
 - b. Freestanding sign structures on the same ownership parcel shall be a minimum of 300 feet apart and located with a 20-foot strip of land parallel to and adjoining the right-of-way frontage. No more than two signs shall be permitted along any one right-of-way.
 - c. Design of the freestanding signs shall be in accordance with section 102-70(a)(4) of this chapter.
 - (2) Wall signs.
 - a. Sign area, height, and design requirements.
 1. Maximum sign area: 48 square feet.
 2. Maximum height of any individual letter: Two feet.
 3. Religious symbols or logos may exceed two feet; however, their area shall be counted towards permitted sign area.
 4. Location: In accordance with section 102-71 (b) of this chapter.

Sec. 102-79. Shopping Centers

- (a) Shopping centers and/or anchor stores may be permitted signage under this section. However, the following criteria apply to maximum permitted signage. All shopping center signage shall be reviewed and approved by the City development review committee as to the final size, location, and coordination of colors, design, and materials as part of the site development approval process. A uniform sign plan shall be submitted to the City development review committee for its review and approval.
 - (1) Freestanding signs:
 - a. Sign area and use.

1. Shopping centers and/or anchor stores under 75,000 square feet may have shopping center identification signage of 32 square feet or less and additional sign area devoted to tenants of 24 square feet or less.
 2. Shopping centers of 75,000 square feet to 250,000 square feet may have shopping center identification signage of 48 square feet or less and additional sign area devoted to tenants of 48 square feet or less.
 3. Centers of over 250,000 square feet may have shopping center identification signage of 64 square feet or less and additional sign area devoted to tenants of 72 square feet or less.
- b. Height, setback, and spacing are regulated as follows:
1. Maximum height shall be 15 feet.
 2. Freestanding signs shall be set back a minimum of:
 - i. From side lot lines, 50 feet, or equidistant from side lot lines.
 - ii. Five feet from right-of-way.
 - c. Design requirements. Freestanding signs shall be monument signs designed so that all means of support are concealed. Freestanding sign structure on the same ownership parcel shall be a minimum of 700 feet apart as measured along the ROW and located within a 20-foot strip of land parallel to and adjoining the right-of-way frontage.
- (2) Wall signs for individual tenants are regulated as follows:
- a. Sign area and height.
1. Maximum sign area shall be determined by multiplying 80 percent of the tenant front feet by a factor of two. In the case of corner stores, additional signage may be allowed only where the same or similar facade treatment is used on both front and side. No more than 25% of the total allowable sign area is transferable from the front to the side facade.
 2. Maximum sign height shall be determined as follows:
 - i. For businesses having less than 50 tenant front feet, maximum height shall be two feet.
 - ii. For anchor businesses with specialized architectural facades that identify them as such, maximum height shall not exceed 25 percent of the building height.
- b. Supplementary wall signage. Additional wall sign area of one square foot per tenant front foot shall be allowed for miscellaneous wall signage, to include window signs, poster frames, and similar signs supplementary to identification signs.
- (3) Outparcels are regulated as follows:
- a. Freestanding signs for shopping center outparcels shall conform with sections 102-70 and 102-71.
- b. Wall signs are regulated as follows:
1. Sign area. Maximum sign area shall be determined by multiplying the building front feet by a factor of 1.5. Additional wall sign area may be permitted for the sides and rear of an outparcel structure that are oriented toward nonresidential land uses and finished with the same or similar facade treatment as the building front. The maximum

sign area for such additional wall signs shall be one square foot of sign area for each three feet of building length. Sign area is not transferable between facades.

2. Design requirements. Wall signs for shopping center outparcels shall comply with the sign program established for the shopping center in accordance with subsection (2)(a) of this section.

(4) Directory signage for shopping centers is regulated as follows:

- a. Sign area and use. One wall or freestanding directory sign for each building not to exceed two square feet for each tenant, or 24 square feet in total area, whichever is less, is permitted. Such signage shall be oriented to parking and pedestrian areas for directional purposes only and shall not be oriented outside of the complex.
- b. Design and height requirements.
 1. The maximum height of any individual letter within the permitted area shall not exceed four inches.
 2. Freestanding directory signs shall not exceed eight feet in height.

Sec. 102-80 - -Sec. 102-89. Reserved

Division 2. Temporary Signs

Sec. 102-90. Temporary freestanding signs.

- (a) Any new or relocated use in a nonresidential zone whose allowable freestanding sign has not yet been erected may utilize one conforming temporary freestanding sign for a period of not more than 30 days or until installation of the allowable freestanding sign, whichever shall occur first.
- (b) Temporary freestanding signs shall conform to all City Codes and criteria, including, but not limited to, those cited or set forth herein below:
 - (1) Structure tie-down pursuant to wind loads in the Building Code.
 - (2) Electrical system (if any) pursuant to the provisions and requirements of the electrical code.
 - (3) Maximum sign area shall be 32 square feet; maximum height shall be eight feet.
 - (4) No more than one such sign shall be permitted for each lot or parcel.
 - (5) Copy on signs shall be maintained in a legible condition.
 - (6) External illumination shall be confined to sign face area.
- (c) A sign permit shall be obtained for use of a temporary freestanding sign, and shall include the following:
 - (1) A diagram indicating the manner in which the sign will be anchored to meet the specifications outlined above.
 - (2) A plot plan showing that the proposed location is:
 - a. In compliance with the visual clearance requirements of chapter 96, section 37(a)(7) this code.
 - b. Provides for connection to a ground fault interrupter circuit receptacle if the sign is illuminated. Any connection cord shall conform to the electrical code, and shall not cross any driveway, walkway, parking lot, traffic area, or drainage area. Use of multiple cord connections shall be prohibited.

- c. Not in a required parking area.

Sec. 102-91. Banners/temporary exterior wall signs.

- (a) Banners or other temporary wall signs shall be permitted under the following conditions:
 - (1) In conjunction with a grand opening for a new use in a nonresidential zoning district, for a period not to exceed one period of 30 consecutive days and utilized within the first three months of business for the use.
 - (2) For sales of goods or services for a sales event. One temporary banner per street frontage shall be permitted to be displayed during the special events. Such signs may carry business or product logos, and generic messages commemorating the event and/or welcoming visitors. Temporary banners may be used for no more than 60 days total during any calendar year.
 - (3) Maximum sign area shall be 32 square feet.
 - (4) Temporary banners and wall signs permitted by this subsection shall require a sign permit and the applicable permit fee.
 - (5) Temporary banners and wall signs permitted by this subsection for individual shopping center tenants shall be affixed to the building above or in front of the tenant space.

Sec. 102-92. Reserved

Sec. 102-93. Real estate signs

- (a) Real estate signs shall be permitted under the following conditions:
 - (1) One non-illuminated sign shall be allowed for each street frontage of the subject property only, except as described in paragraphs (4) and (5) below.
 - (2) Freestanding signs shall be:
 - a. Set back five feet from public right-of-way, or zero feet where the density of existing vegetation on undeveloped parcels would preclude compliance with the five-foot setback. In such case, the sign shall be placed parallel to the roadway.
 - b. Set back 25 feet from side property lines, or equidistant between side property lines.
 - c. A maximum height of five feet in residential zones and eight feet in nonresidential zones.
 - (3) Maximum sign area shall be:
 - a. Single-family and duplex zones (individual lots): Six square feet.
 - b. Lots with four units or less in multifamily zones: 16 square feet.
 - c. All nonresidential zones, and overall projects (e.g., PUD's, subdivisions, and multifamily complexes with more than four units) in residential zones: 32 square feet.
 - (4) Properties represented by more than one real estate office may utilize one non-illuminated sign for each office. The total sign area for multiple signs combined shall not exceed that permitted under paragraph (3) above, and the location of such signs shall be contained within one ten-foot wide area on each street frontage of the subject property only.
 - (5) Properties with more than 500 feet of street frontage may have more than one sign as provided herein. The number of signs shall be based on the following for each street frontage:
 - a. Less than 500 feet: One sign.

- b. 500 to 750 feet: Two signs.
- c. 751 to 1,000 feet: Three signs.
- d. More than 1,000 feet: Four signs maximum.

(6) Real estate sign shall be removed within 30 days of property sale.

Sec. 102-94. Political and campaign signs.

- (a) No more than one political sign per candidate or ballot issue shall be placed per lot or parcel.
- (b) Campaign signs must be removed within 10 days after the election or such sign will be deemed abandoned.
- (c) No sign permit or bond shall be required for political signs placed only in single family residential yards. For signs placed in other locations, one sign permit per candidate or ballot issue shall be required.
- (d) Setbacks, height, maximum signage.
 - (1) Setback shall be 25 feet from side property lines or equidistant between side property lines and no less than 5 feet from public right-of-ways.
 - (2) The maximum height shall be 5 feet in residential zones and 8 feet in nonresidential zones.
 - (3) The maximum signage shall be:

Table 102-3: Political and Campaign Signage Area

	Maximum per Sign	Maximum per Parcel
Residential zone	4.5 square feet	18 square feet
Nonresidential zone	16 square feet	48 square feet

- (e) Those requesting the placement of political or campaign signs on vacant property shall provide the City a letter signed by the property owner of such vacant property authorizing the use of such signage.

Sec. 102-95. Bond requirements for political, campaign and special event signs.

- (a) Unless otherwise provided in this code, it shall be unlawful for any person authorized to post political, campaign, and special event signs in accordance with this section to post any signs or posters unless such person posts a good and sufficient cash escrow deposit in an amount of not less than \$100.00, conditioned upon the removal of such signs and posters within ten days after the special event for which the signs were posted.
- (b) Should the person who posted the bond for such signs fail or refuse to remove said signs or posters within 10 days after the special event, the City shall have the authority to remove such signs and posters and dispose thereof and charge the cost of such removal and disposition against the bond posted.
- (c) In the event a cash bond is posted, any funds remaining in the hands of the City after the cost of such removal, per section 102-95(b) above, shall be remitted to the person who posted the bond.
- (d) In the event the cost to the City of cleaning up special event signs exceeds the amount of the escrow deposit, the person responsible for the signs pursuant to the permit shall be billed for the additional costs of removing and disposing of such signs.

- (e) All special event signs which must be removed by the City shall become the City's property for disposal in accordance with the requirements of law.

Sec. 102-96. Temporary directional special event signs.

- (a) Temporary signs for special events shall be permitted as described in this section.
 - (1) No special event sign may be used for the purpose of off-site advertising or any other purpose prohibited in section 102-3 of this chapter, except that off-site directional signs advertising a special event may be placed in public rights-of-way pursuant to a special event sign permit. Such signs may be placed at each intersection where a turn is required to go to a special event site, and at intervals between turns of not less than 1,320 feet (¼ mile). Such signs shall be no larger than four and one-half square feet, and no higher than three feet. Sign(s) shall be in compliance with the visual clearance requirements of chapter 96, section 37(a)(7) of this code, and shall not obstruct the vision of drivers utilizing driveways. Such signs shall have a directional arrow, of a size that covers no less than 25% of the sign face area.
 - (2) Directional signs in right-of-way (ROW) require approval by City Manager or his/her designee and shall be erected no earlier than 14 days before the start date of the special event.

Section 102-97 Handheld Signs

Handheld signs are subject to the following additional regulations:

- (a) Handheld signs include all signage pertaining to commercial, political, opinion, religious, or any other purpose and may only be displayed during daylight hours between the hours of 7:00 AM and 7:00 PM.
- (b) Handheld signs may not be displayed in the roadway vision triangle as defined in Section 96.37(a)(7) – Obstruction of visibility, or within twenty-five (25) feet of the edge of pavement at a street corner, whichever is less.
- (c) Persons holding handheld signs shall not interfere with, and must promptly yield to traffic circulation and/or parking in any parking lot, pedestrians utilizing any public or private sidewalk or other walkway, and anyone seeking access to any building, driveway, or parking lot and that alters the intent of the sidewalk purpose.
- (d) Handheld signs cannot be displayed along any City, Volusia County, or State roadway with a posted speed limit exceeding 45 miles per hour.
- (e) Persons displaying handheld signs are prohibited from using equipment (including, without limitation, radios, sound-making devices, music players, or other audio devices, with or without ear buds), that would lessen or otherwise interfere with a person's ability to hear, or otherwise be cognizant of, external sounds, other persons or vehicles to which such persons are required to yield as set forth herein.
- (f) Each handheld sign shall include on it, in at least a 20-point font, the name, address, and current telephone number of the business, entity, or person responsible for its display. The business, entity, or person that is listed or indicated as being responsible for the signage display shall be liable for any violations of this section.
- (g) Handheld signs shall have a maximum sign area of eight (8) square feet with a dimension not to exceed two (2) by four (4) square feet. Each handheld sign carrier is limited to one sign per person.

Sec. 102-98 - - Sec. 102-99. Reserved

Division 3. Miscellaneous Signs.

Sec. 102-100. Awnings.

(a) Use of awnings shall be regulated as follows:

- (1) *Construction.* Fixed awnings shall be entirely supported from the building. All combustible materials used in the construction of awnings must be protected with not less than one hour fire resistance. All glazing in fixed awnings must be of wired glass.
- (2) *Height.* Maximum height, measured on a vertical plane from the point of attachment at the top of the awning to a point horizontal to the lowest edge of fabric, shall not exceed 5 feet, or 35 percent of the building height, whichever is greater. Fixed awnings on private property must be at least 6 feet, 8 inches in the clear. Fixed awnings extending into a public right-of-way must be at least 9 feet in the clear, between the lowest point or projection and the sidewalk immediately below. If a valance is attached to an awning, no portion of said valance may be less than 7 feet in height.
- (3) *Setbacks.* Awnings are allowed to project three feet into required yards, provided such projection does not exceed 50 percent of the minimum yard dimension. Where existing buildings have setbacks of less than five feet from the property line, awnings may project to two-thirds of the width of the sidewalk.
- (4) *Copy on awnings.* The use of copy on an awning shall be regulated by the applicable provisions of this chapter for wall signs, including the requirement to obtain a sign permit. Copy on sides of awnings shall be prohibited unless the parcel has multiple street frontages. Copy may be permitted on awnings which legally extend into a public right-of-way. Copy on awnings is not permitted for any use in a residential zone.
- (5) *Illuminated awnings.* Illuminated awnings shall only be permitted on parcels which have frontage on a designated arterial roadway. Additional, illuminated awnings shall be prohibited for the following uses:
 - a. Offices in designated office zoning districts.
 - b. Residential uses.
 - c. Nonresidential uses in residential zoning districts.

Sec. 102-101. Neon.

(a) Use of neon signs and decorative neon for increased visibility shall be regulated under the following:

- (1) Neon wall signs shall be regulated by the applicable provisions of this code for wall signs.
- (2) Decorative neon on buildings shall be counted as a wall sign, measured two-dimensional by multiplying the length of neon tubing by 6 inches, and included in the total permitted wall sign area.
- (3) Neon signs and decorative neon suspended behind windows and visible from the right-of-way shall be considered wall signs, and included in the total permitted wall sign area.
- (4) Exposed neon shall be prohibited for offices, residential uses, nonresidential uses in residential zones, and industrial uses.
- (5) Neon shall only be permitted on parcels which have frontage on a designated arterial roadway.

Sec. 102-102. Changeable copy signs.

(a) Changeable copy signs shall be regulated under the following guidelines.

- (1) *Freestanding signs with manual or electronic changeable copy display.* Changeable copy signs shall not comprise more than 50 percent of the permitted sign area and shall be included as part of the permitted sign area, except as described herein below.
 - a. Motor vehicle service stations and convenience stores with gas pumps may utilize up to 100 percent of permitted sign area for changeable prices of fuel only.
 - b. Movie theaters and other performance/entertainment facilities may utilize up to 80 percent of permitted sign area for display of names of films, plays or other performances currently showing. Such changeable copy areas shall be included as part of the permitted sign area.
 - c. Changeable copy signs shall be prohibited for office, industrial and residential uses.
- (2) *Wall signs with manual reader boards.*
 - a. Use of changeable copy signs as part of permitted wall sign area is prohibited, except as described in subparagraph (b) below.
 - b. Movie theaters may use up to 80 percent of permitted wall sign area for display of names of films, plays or other performances currently showing. Such changeable copy areas shall be included as part of the permitted sign area.
- (3) *Electronic changeable copy display* shall be subject to all applicable provisions within this section and Chapter as well as the following requirements:
 - a. The display screen shall be allowed only on arterial roads as described in the comprehensive plan and shall not be oriented toward the vicinity of or directly face property used, planned, or zoned for residential purposes.
 - b. The display screen must be integral to the design of the sign structure and shall not be the dominant element.
 - c. Copy change of the display screen shall not be more frequent than once per 4 seconds.
 - d. Any message or picture displayed shall be static in nature and shall not project continuous scroll, blink, flicker, flash, scintillate, or be otherwise animated. Transitions from one static image to the next shall appear to be instantaneous
 - e. All electronic changeable copy signs shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
 - f. No electronic changeable copy sign shall exceed a brightness level of 0.3 foot candles above ambient light, as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured from a measuring distance calculated with the following formula: The square root of the product of the sign area multiplied by one-hundred.

Example using a 12 square foot sign:

$$\text{Measurement Distance} = \sqrt{(12 \text{ Sq. Ft.} \times 100)} = 34.6$$

No electronic sign shall exceed an illumination of 1.0 foot candle as measured from any property line or edge of street, a standard consistent with Section 110-828 (b) (2).

Sec. 102-103. Flags.

- (a) No more than three flags or insignias of governmental, charitable, religious, fraternal, corporate, or other organizations may be displayed as part of any grand opening for a new site development.
- (b) The maximum width from top to bottom of any flag shall be 20 percent of the total height of the flag pole, or in the absence of a flag pole, 20 percent of the distance from the top of the flag or insignia to the ground.
- (c) The display of flags within any multi-tenant development shall be designed for the use by the entire development, rather than for use by any individual tenant for his/her tenant space.
- (d) Flags or insignias which read "model", "open", "open house" or any other phrase which identifies property for real estate purposes may be displayed in the following locations and numbers. The maximum height of such flags shall be eight feet and maximum size shall be 15 square feet.
 - (1) Main entrance to a residential subdivision or planned residential development: Two flags.
 - (2) Entrance to a multifamily project or sub-phase of a planned residential development: Two flags.
 - (3) Single-family or duplex model home lot: Two flags.
 - (4) Townhouse or villa model: Two flags.

Sec. 102-104. Reserved

Sec. 102-105. Bus benches and shelters.

- (a) Upon investigation and inquiry, the City Commission has determined and finds, as a matter of fact, that the placement and construction of bus benches and bus shelters shall enhance the quality of life in the City; shall aid in the conservation of energy; and shall serve to protect the health, safety and welfare of those persons seeking the various public transportation systems operating within the City; provided, however, that the City commission has determined that the economic feasibility of placing and constructing bus benches and bus shelters can best be achieved by enlisting the aid of private industry and that private industry is willing to cooperate in such efforts only if it can recoup its monetary overlay through the use of such bus benches or signs as advertising media.
- (b) Accordingly, nothing contained in this chapter shall be construed to prohibit the placement or construction of bus benches or bus shelters in connection with public transportation and from the painting or attachment of signs thereto; provided, however, that such bus benches and bus shelters upon which signs shall be painted or attached shall be placed or constructed under and pursuant to the terms of a license agreement or other contract executed on behalf of the City wherein the conditions concerning the placement, design, construction, number and signage connected with such bus benches and bus shelters, as applicable, shall be set forth.

Sec. 102-106. Interstate interchange area signs.

- (a) The Interstate Interchange Areas shall be an area parallel to and within 600 feet of the interchange rights-of-way of Interstate 4 located at Debarry Avenue, Saxon Boulevard, and Howland Boulevard.
- (b) Notwithstanding the provisions of Sections 102-70 or otherwise conditioned under this section, one freestanding sign may be erected on pylons on commercially zoned property and within the Interstate Interchange Areas, as defined in Section 102-106 (a). The purpose of such signs is to identify certain uses that, as cited in this section, serve those travelling on Interstate 4.
- (c) *Large Venue Signs*
 - (1) In addition to other ground and wall signs allowed by this chapter, one electronic message sign per premises shall be allowed for the following services:

- a. Hotel having 80 or more rooms with convention or meeting facilities, cooking facilities, and dining facilities on premises.
 - b. Civic center, convention center, music center, or live theater having a capacity to provide for conventions, meetings or entertainment for 200 persons or more.
- (2) Large venue electronic message signs and pylon signs area and height are regulated as follows:
- a. The maximum sign area shall be 685 square feet.
 - b. The maximum height shall be 80 feet.
- (d) *Gas station, food, or lodging establishments' signs:* In addition to the maximum number of signs permitted in this chapter, one pylon sign per premises shall be allowed for each gas station, food, or lodging establishments.
- (1) Gas station, food or lodging establishments signs are regulated as follow:
- a. *Maximum height of freestanding pylon signs:* Such signs shall be stationary, not exceed 15 feet in height, as measured from the base of sign, and may be double-faced.
 - b. *Maximum size of freestanding pylon signs:* Each sign shall not exceed 75 square feet for each face area.
 - c. *Freestanding pylon signs placement:* No portion of signs governed by this subsection shall extend into any public rights-of-way or into any on-site vehicular or pedestrian circulation area.
 - d. Bollards with reflective material shall be placed around the sign to provide public safety.
 - e. In addition to the area allowed for wall signs, signage on canopies that are separated from and ancillary to the principal structure may include additional signage not to exceed 1 square foot of sign area per 10 linear foot of canopy face and no portion of such signage shall extend above or below the canopy face.

Table 102-4. Interstate Interchange Area Sign Regulations

ESTABLISHMENT	FREESTANDING SIGN TYPE	SIGN SIZE	
		<i>Maximum Height (feet)</i>	<i>Maximum Area (sq. ft.)</i>
Large Venues (<i>per section 102.106(c)</i>)	electronic, pylon	80	685
Gas Station, food or lodging (<i>per section 102.106(d)</i>)	pylon	15	75

EXHIBIT B

Sec. 70-30. Definitions

General Terms

The following words, terms and phrases, when used in this Land Development Code (LDC), have the meanings ascribed to them in this section, except where context clearly indicates a different meaning. Webster's New Collegiate Dictionary (G & C Merriam Co., most recent edition) shall be used for the definition of any words not defined in this section.

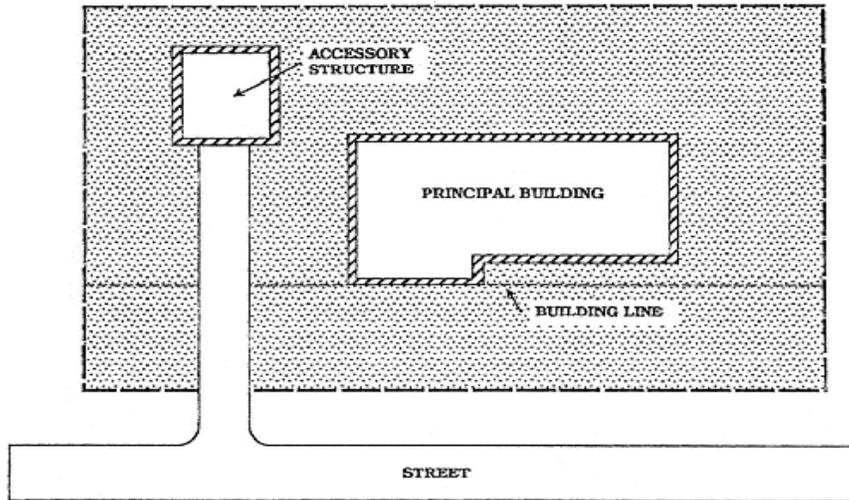
Abandon: any cessation of an existing use of land or of any structure thereon for a period greater than that specified by this chapter, other than a cessation necessarily incident to probate or mortgage foreclosure proceedings, or to the temporary absences of part-time residents.

Abandoned sign: Any sign face which advertises a business no longer conducted or product no longer sold. In making the determination that a sign advertises a business no longer being conducted, the City Manager or his/her designee shall consider any or all of the following: the existence or absence of a current occupational license, utility service deposit or account, use of the premises, and relocation of the business; any sign structure which has not been used for business purposes for over six months, that is nonconforming as to existing codes regarding height, setback or sign area; or any previously permitted portable or temporary sign of which permitted time has expired.

Accessory structure: (*This definition is to be used for floodplain management purposes*) A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures typically constitute a minimal investment, are not to be used for human habitation, and are designed to have minimal flood damage potential. Examples of accessory structures are detached garages less than 400 SF, carports, storage sheds on permanent foundations less than 400 SF, storage sheds on skids, pole barns, and hay sheds.

Accessory use or structure: any use or attached/detached structure clearly incidental, subordinate and related to the principal use or structure and located on the same lot with such principal use or structure. Examples of accessory uses in a single-family residential zoning district include but are not necessarily limited to: storage buildings, detached garages, greenhouses, and brick barbecue grills. Provided however, a recreational vehicle; motor vehicle; mobile home; trailer or semi-trailer; railroad car; bus, truck or automobile body, or other similar unit shall not be used as an accessory structure or converted into an accessory structure even when altered, stripped, or otherwise rebuilt.

ACCESSORY STRUCTURE AND PRINCIPAL BUILDING DEFINITION



Addition (to an existing building): any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction. *An addition includes:*

1. A structure added to the original structure at some time after the completion of the original;
2. An extension or increase in floor area or height of a building or structure.

Address sign: a sign listing at least the numerical prefix of the street address. In certain cases the bay, suite, unit or apartment number must also be included. The definition is also applicable to a Directional Address Sign, which is a sign indicating the address of a building or group of buildings and the direction of travel to proceed to such address.

Adjacent lot and lot adjacent: means the lot immediately adjoining or contiguous to or abutting the right-of-way immediately opposite the lot that is subject to review under this chapter.

Adult bookstore: an establishment which sells or rents, or offers for sale or rent sexually oriented material. Under the following circumstances, a business establishment is not deemed to be an adult bookstore:

- (1) Admission to all or any part of the establishment is not restricted to adults only;
- (2) All adult material is accessible only by workers, which means that the item, material, goods or product can be physically touched, picked up, handled by a patron, or is visually displayed so that substantially more than its name or title is visible;
- (3) The gross income each month from the sale and rental of adult material comprises less than ten percent of that month's gross income from the sale and rental of all goods and material at the establishment;
- (4) The individual items of adult material offered for sale and rental comprise less than 25 percent of the total individual unused items publicly displayed at the establishment as stock in trade in each of the following categories: books, magazines, periodicals, other printed matter, photographs, films, motion pictures, videotapes, slides, compact discs, computer digital graphic recordings, other visual representations, audio recordings and other audio matter, and they comprise less than 25 percent of the

total individual used items publicly displayed as stock in trade in each of the same categories set out above; and

(5) The floor area used to display adult material comprises less than ten percent of the total floor area used to display all goods and material at the establishment.

Adult booth: a small enclosure inside an adult entertainment establishment accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes but is not limited to, a "peep show" booth or other booth used to view adult material but does not include a restroom or a foyer through which the public enters or exits the establishment.

Adult entertainment establishment: an adult theater, an adult bookstore, an adult performance establishment, a physical contact parlor, or an escort service operated for commercial or pecuniary gain, regardless of whether such establishment is licensed under this chapter. Operation for commercial or pecuniary gain shall not depend upon actual profit or loss. An establishment that has an occupational license or an establishment that advertises itself as a type of adult entertainment establishment shall be presumed to be operated for commercial or pecuniary gain. An establishment with an adult entertainment license shall be deemed to be an adult entertainment establishment.

Adult material: means either or both of the following, regardless of whether it is new or used:

(1) Books, magazines, periodicals, other printed matter, photographs, films, motion pictures, videotapes, slides, computer digital graphic recordings, other visual representations, compact discs, tape recordings, audio recordings or other audio matter that have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or

(2) Instruments, novelties, devices or paraphernalia designed for use in connection with specified sexual activities, excluding bona fide birth control devices.

Adult motel: any motel, hotel, boardinghouse, roominghouse or other place of temporary lodging that includes the word "adult" in any name it uses or otherwise advertises the presentation of films, motion pictures, videotapes, slides or other photographic reproductions that have as their primary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. The term "adult motel" is included within the definition of "adult theater."

Adult performance establishment: an establishment where any worker:

(1) Engages in a private performance, acts as a private model or displays or exposes any specified anatomical areas to a patron;

(2) Wears and displays to a patron any covering, tape, pasties or other device that simulates or otherwise gives the appearance of the display or exposure of any specified anatomical areas;

(3) Offers, solicits or contracts to dance or perform with a patron in consideration for or accepts a tip, remuneration or compensation from or on behalf of that patron; or

(4) Dances or performs with or within three feet of a patron in consideration for or accepts a tip, remuneration, or compensation from or on behalf of that patron.

This definition is not intended to apply and it is an affirmative defense to all alleged violations of this chapter regarding operating an adult performance establishment without a license, if the alleged violation demonstrates either the establishment is a bona fide private club whose membership as a whole engages in social nudism or naturalism as in a nudist resort or camp, or that the predominant business or attraction of the establishment is not the offering to customers of a product, service or entertainment intended to provide sexual stimulation or sexual gratification to such customers, and the establishment and its advertising is not distinguished by an emphasis on the promotion of materials, workers or persons depicting, describing, displaying, exposing, simulating or relating to specified

sexual activities or specified anatomical areas. An adult performance establishment shall not be deemed a place provided or set apart for the purpose of exposing or exhibiting a person's sexual organs in a manner contrary to the first sentence of F.S. § 800.03, the state's indecent exposure statute, as set forth in the decision of the Supreme Court of Florida in the case of Hoffman v. Carson, 250 So. 2d 891, 893 (Fla. 1971), appeal dismissed 404 U.S. 981 (1971).

Adult theater: any establishment that has adult booths where adult material may be viewed or any establishment that has an auditorium, rooms, or an open-air area where persons may view films, motion pictures, videocassettes, slides or other photographic reproductions that have as their primary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. Adult motels and adult booth or peep show arcades are considered to be adult theaters.

Adverse impact (roads): where project traffic added to background traffic or official benchmark traffic count increases the traffic volume on an impacted thoroughfare road beyond the maximum allowable volume established for the minimum acceptable level of service standard as adopted in the City's Comprehensive Plan.

Advertising: any form of public announcement intended to aid, directly or indirectly, in the sale, use, or promotion of a product, commodity, service, activity, or entertainment.

Agricultural use: the use of land in horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee-keeping, pisciculture and all forms of farm products and farm production. This definition also includes "normal farming operation".

Agricultural waste: solid wastes resulting from the rearing and slaughtering of animals and the processing of animal products, orchard and field crops which are stored, transported or disposed of as an unwanted waste material.

Air curtain incinerator: a portable or stationary combustion device that directs a plane of high-velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a re-circulating motion of air under the curtain.

Alcoholic beverage: drink containing more than one percent of alcohol by weight.

Alley: a roadway dedicated to public use which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration: any changes in structural parts; type of construction; kind or class of occupancy. The word "alteration" shall include the word "alter" or "reconstruct."

Altered wetlands: wetlands which have been substantially affected by man, but which continue to be dominated by wetland or transitional vegetation.

Animals: includes, but is not limited to, both household pets and farm animals. A living organism other than a plant or bacterium, including fish, amphibians, reptiles, birds, and mammals. For purposes of this ordinance the term animal excludes humans.

Animal shelter: a lot and/or building or part thereof used for the care of lost, abandoned, or neglected animals.

Animated sign: any sign that utilizes motion of its parts by any means, or displays flashing, oscillating, or intermittent lights. This term also includes the use of animals or people for advertising purposes. This definition includes signs with rotating panels, generally referred to as trivision signs. Such signs are not permitted.

Announcing sign: a poster announcing a project to be under construction or an intended use of the premises in the immediate future.

Antenna: an arrangement of wires or metal rods used in transmitting or receiving electromagnetic waves.

Apartment: a rental dwelling unit that is located within the same building with at least two other dwelling units. Sites included in this land use are triplexes and all types of apartment buildings. The apartments in this land use include both low-rise or "walk-up" dwellings and high-rise.

Apartment, garage: an accessory building containing a storage area for one or more motor vehicles and one single-family dwelling occupying not more than 800 square feet of living area.

Apartment house: See multiple-family dwelling.

Appeal: a request for a review of the enforcement official's interpretation of any provision of this ordinance or a request for a variance.

Applicant: any person applying for or who has been granted a development order and/or permit to proceed with a project.

Area of copy: the entire area of the advertising display surface area encompassed within any sign.

Area of shallow flooding: a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of sign: section within a perimeter that forms the outside shape including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. On any sign with more than one face, only the square footage of the face visible from any one direction at a time will be counted, provided that all faces are equal in size and contained in a common perimeter. When a sign is composed of letters only, the sign area is the sum of the areas of the rectangles enclosing all letters. See also "Sign area."

Area of special flood hazard: the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area".

Arterial street or road: a route providing service which is or has the potential of relatively continuous and or relatively high traffic volume, long average trip length, high operative speed, and high mobility importance. Usually a street or road that is used primarily for through traffic. Arterial streets or roads include all United States or State of Florida numbered highways, and all roads or streets that are designated as arterials in the transportation element of the Comprehensive Plan of the City of Deltona.as it may be amended from time to time.

Artificial drainage system: any canal, ditch, culvert, dike, storm sewer, or other man-made facility which tends to control the surface flow of water.

Artificial light: any source of temporary, fixed or movable light emanating from a man-made device, including, but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, spotlights, streetlights, construction or security lights. This definition shall not include hand-held or vehicular lighting.

As-built plans: the amended final site plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed.

Attached: a building otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.

Automobile parts sales: means and includes automobile new parts, equipment, and accessories sales.

Automobile repair garage: a premise used for the maintenance and servicing of automobiles; and or the sales and installation of batteries, air conditioning systems, tires or other automotive accessories; and where major automotive repairs may be accomplished but excluding body repairs, major mechanical repairs and painting.

Automobile repair or body shop: includes automobile repair garages; automobile body shops; automobile service stations, types A, B, and C; bus garage and repair shops; and major automobile and truck repair garages including major repair, body work and painting services.

Automobile service station:

Type A: Any premises used for the servicing of motor vehicles, including engine tune-ups and repair; wheel balancing, alignment, brake service; the retail sale of fuel, lubricants and other products necessary to the operation and maintenance of motor vehicles, and the installation of such products; the sale of refreshments; but excluding the rebuilding or reconditioning of engines, and body repair.

Type B: In addition to type A uses, any repair, rebuilding or reconditioning of any motor **vehicle**.

Type C: Any premises used or designed to be used for the sale of gasoline in conjunction with another principal retail use.

Average trip length: the average distance in miles of external trips.

Background traffic: volume of traffic on roads identified in the City's thoroughfare network not attributable to the proposed development order.

Backlogged thoroughfare: state or city roadway operating at a level of service below the minimum standard level of service adopted by the city commission and is not programmed for construction in the first three years of the State of Florida Department of Transportation Five-Year Road Program for State Roads or is not included in the City's five-year program for capacity improvements.

Banks and savings with drive-in: has the meaning assigned in the Institute of Transportation Engineers Trip Generation Manual ("ITE Manual"), Code 912, and includes any financial institution that is characterized by the ITE Manual as a "walk-in" facility.

Banks and savings with walk-in: has the meaning assigned in the ITE Manual, Code 911, and includes any financial institution that is characterized by the ITE Manual as a "walk-in" facility.

Banner: Any temporary sign meeting the time limitation of the ordinance with characters, letters, illustrations, or ornamentation applied to cloth, paper, or fabric of any kind that is not permanently attached to a solid backing of wood, plastic, metal, masonry, or similar rigid material. A flag shall not be considered a banner.

Bar: premises devoted primarily to the retailing and drinking of malt, vinous or other alcoholic beverages, or any other premises where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises. The word "bar" shall include the words "saloon," "tavern," "pub," "barroom," "cocktail lounge" and "cabaret."

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

Bed and breakfast homestay: owner-occupied building used as a single-family residential dwelling that provides overnight lodging and breakfast to transient, paying guests. The homestay use is to be incidental to the primary use as a private residence.

Bench sign: any sign painted on or attached to a bench.

Benchmark traffic counts: last traffic counts made prior to the adoption of the City's Comprehensive Plan that are used as the base for measuring degradation or improvement on constrained and backlogged roads.

Best management practices (BMP): State-of-the-art technology as applied to a specific problem and including a schedule of activities, prohibited practices, and maintenance procedures.

Bicycle facilities: general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities, maps, all bikeways, and shared use of roadways not specifically designed for bicycle use.

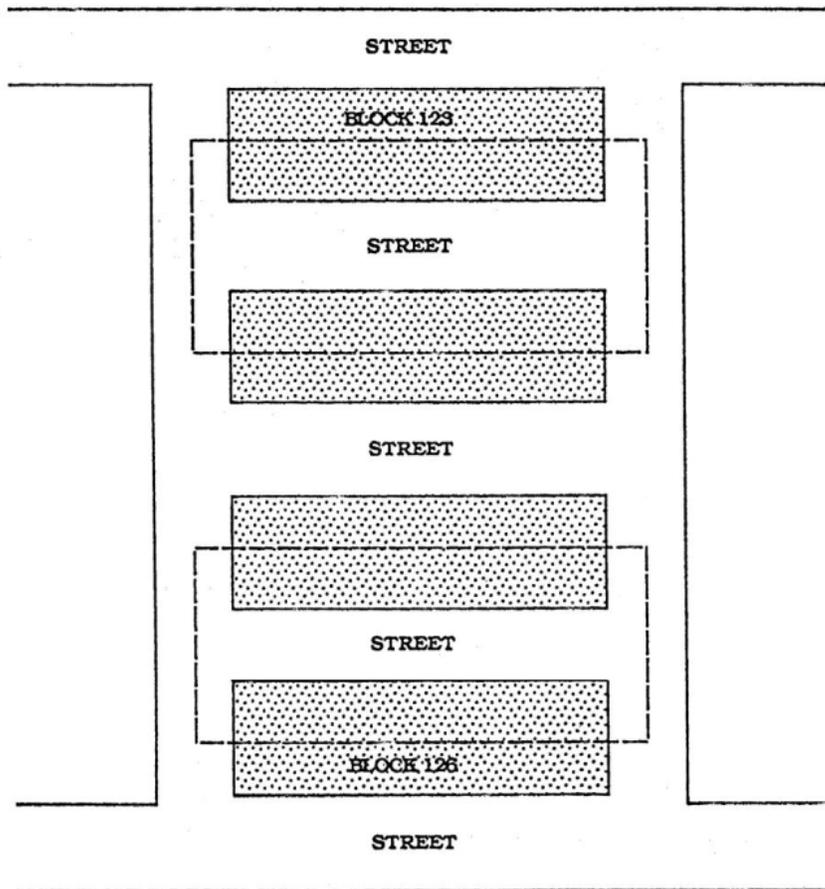
Bikeways: any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Billboard: Any large off-site signboard, usually for sale or for lease, used for advertising or message purposes for highway oriented use and is not considered a pole or pylon sign.

Block: group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.

Block face: all land fronting on both sides of a street between the nearest streets, intersecting, meeting, or crossing the aforesaid street, or a linear distance of 600 feet, whichever is less.

ILLUSTRATION OF BLOCK FACE



Boardinghouse: premises other than a hotel, restaurant, or congregate living facility where meals and lodging are furnished for compensation to seven or more persons unrelated to the owner of the premises by marriage, birth, or legal adoption.

Boathouse: means a structure designed solely for the protection or storage of watercraft.

Box or cabinet sign: Any sign, the face of which is enclosed, bordered or contained within a box-like structure, frame, or other device.

Breakaway wall: means a partition that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Break point: location on a communication tower of a designed feature which, in the event of a tower failure, would result in the tower falling entirely within the boundaries of the property on which it is located.

Buffer: upland areas adjacent to wetlands which are necessary to protect the wetlands and wetland species from the detrimental impacts of development or alteration. The buffer shall include canopy, understory, and groundcover which consists of preserved existing vegetation or planted native species.

Buildable area: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance has been met.

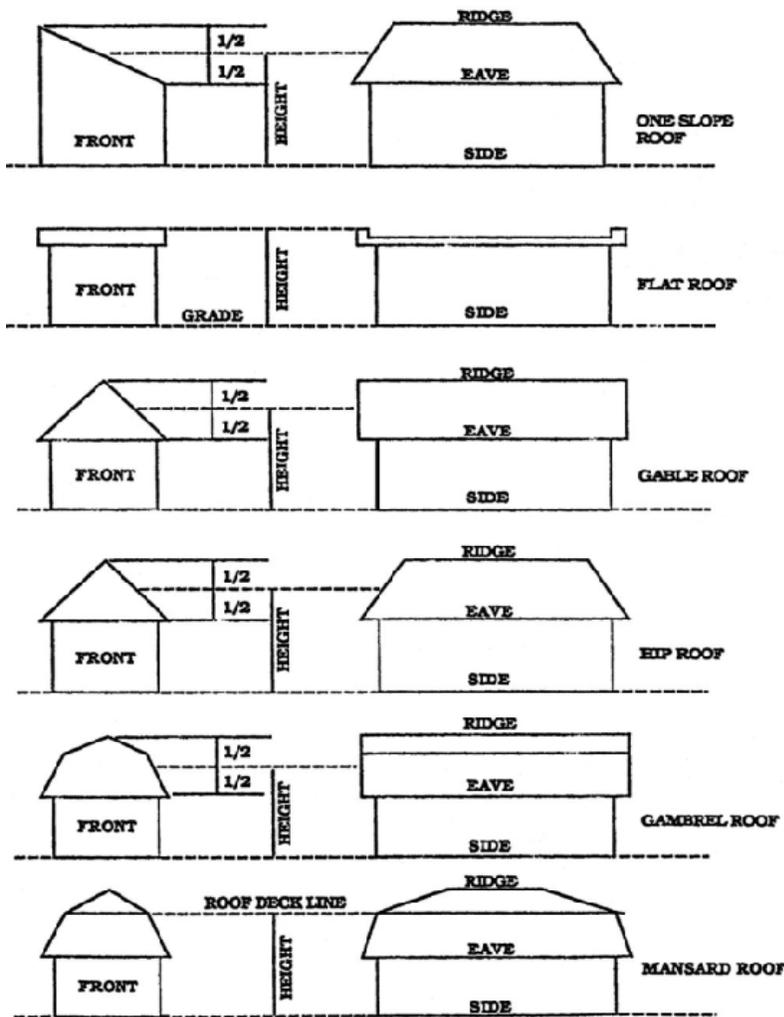
Building: any permanent or temporary structure, with a roof built for support, shelter, or enclosure for any occupancy or storage.

Building area: the area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building areas if such areas are included within the horizontal projection of the roof or floor above.

Building frontage: linear length of a building facing the right-of-way.

Building height: vertical distance from a horizontal plane established at the average ground elevation around the perimeter of the building, and the horizontal plane through: a) the highest point of the roof assembly or parapet, whichever is greater, in the case of a building with a flat roof; or b) to the deck line of a mansard roof; or c) the average level between the eaves and ridges for gable, hip, gambrel, and other roof types; or, of no roof, to the highest point of any structure.

GUIDE TO HEIGHT DEFINITIONS



Building identity sign: a sign used to name a single structure either by naming the building or property or used as an identity of a main occupancy.

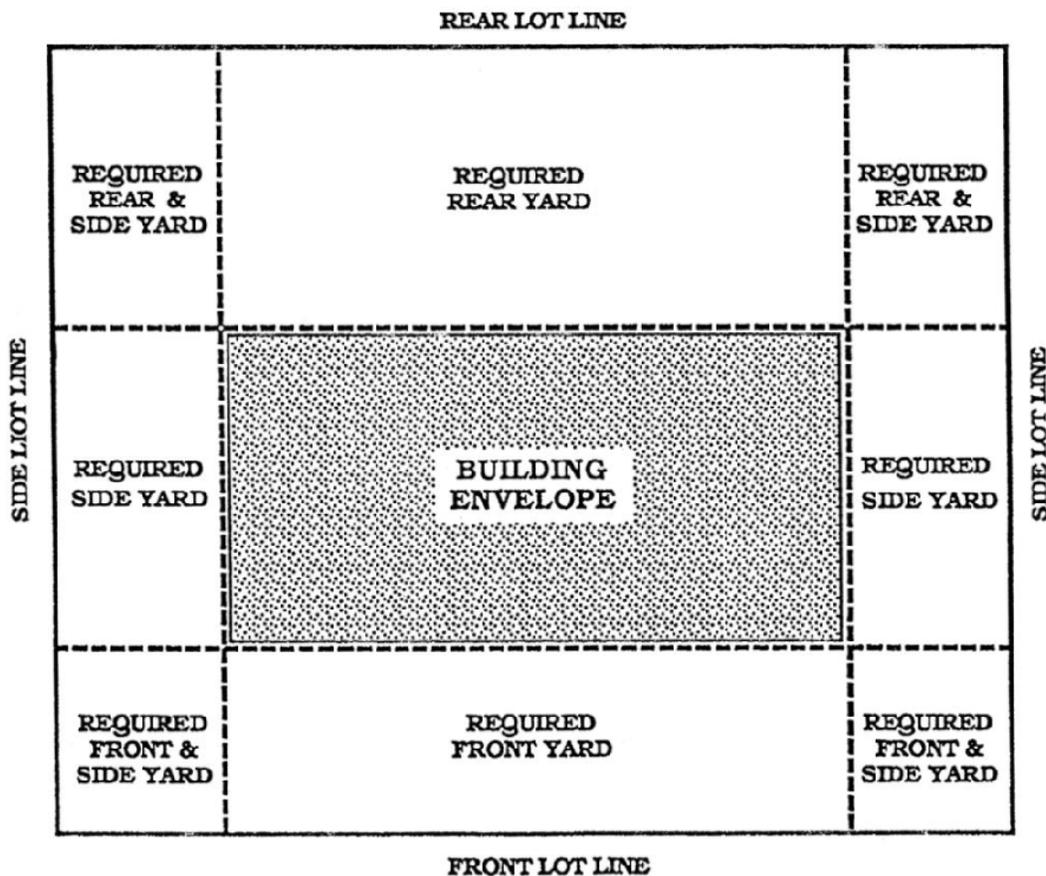
Building line: mark established by minimum yard requirements outside of which no principal structure may be erected.

Building permit: documentation required by the City Building Code that authorizes construction or alteration of any building.

Building, principal: the structure in which the primary use conducted on the lot is located.

Building separation: the least horizontal distance permitted between the nearest portions of any building envelope on a lot, or between the nearest portions of any building envelope on adjacent lots.

BUILDING ENVELOPE



Building setback line: line parallel to and of the same configuration as the lot line, and which is located behind the front lot line, the minimum distance required by the front yard requirements of this chapter, in front of which no structure shall be permitted, erected, or placed, unless otherwise expressly permitted by this chapter. Also, with reference to all lot lines, the line defining the least horizontal distance permitted between a lot line of a lot and the nearest portion of any building envelope on such lot.

Cafeteria: premises where a variety of foods and beverages are prepared in advance and then selected by customers from a buffet for consumption on the premises.

Camouflaged communication tower: tower designed to unobtrusively blend into the existing surroundings and be disguised so as to not have the appearance of a communication tower. Such structures shall be considered communication towers and not spires, belfries, cupolas or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. It is recognized that due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing and architectural treatment of both the tower and surrounding development. Camouflaged towers on developed property must be disguised to appear as either a part of the structure housing the principal use or an accessory structure that is normally associated with the principal use occupying the property. Camouflaged towers developed on unimproved property should be disguised to blend in with the existing vegetation. An example of a camouflaged communication tower would be a tower that is constructed in the form and shape of a tree in order to appear to be part of a forested area, or a tower constructed to appear to be or to actually be a component of a bell or clock tower on sites with existing industrial or institutional development, or to be or appear to be a component of a church steeple on sites with existing churches.

Camper: See "mobile recreational shelters and vehicles."

Campground: See "recreational vehicle park."

Car wash: structure containing specialized mechanical apparatus and facilities for washing motor vehicles.

Canopy: structure constructed of rigid materials, including but not limited to metal, wood, concrete, plastic or glass, attached to and supported by a building or by columns, poles or braces extended to the ground.

Canopy sign: means the same as "Marquee sign."

Capacity: Ability to absorb demand safely.

Capital improvement: includes architectural studies, preliminary engineering, engineering design studies, land surveys, property acquisition, engineering, permitting and construction of all the necessary features for any project, including:

- (a) For any fire/rescue service project (Chapter 94):
 1. Construction of fire stations and substations.
 2. Acquisition of all firefighting and protection equipment necessary for the prevention of fires and fighting fires.
 3. Acquisition, construction, and equipping of training facilities to support fire/rescue service staff.
 4. Acquisition and equipping of rescue vehicles and other emergency equipment.
 5. Any other buildings, improvements to land, and related equipment and vehicles used for fire and rescue activities.
 6. Acquisition of land that is used for the purposes described in subsections 1. through 5., above.
- (b) For any park project (Chapter 94), any preliminary engineering, engineering design studies, land surveys, property acquisition, engineering, permitting and construction of all the necessary features for district and local neighborhood parks projects, including but not limited to layout of walking paths, construction of ballfields, picnic pavilions, installation of equipment for children's play areas, irrigation systems, lighting systems, fencing, bleachers, roads, parking facilities, restrooms, concession and community buildings, manager quarters and storage buildings.

- (c) For any transportation project (Chapter 94), any transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project including, but not limited to:
1. Construction of new through lanes.
 2. Construction of new turn lanes.
 3. Construction of new bridges.
 4. Construction of new drainage facilities in conjunction with new roadway construction.
 5. Purchase and installation of traffic signalization (including new signalization and upgrading signalization).
 6. Construction of curbs, medians, shoulders, sidewalks and bike paths.
 7. Relocating utilities to accommodate new roadway construction.
- (d) For any law enforcement project (Chapter 94), any:
1. Construction of police office buildings, stations, and substations.
 2. Acquisition of all law enforcement equipment.
 3. Acquisition, construction and equipping of training facilities to support law enforcement service staff.
 4. Acquisition and equipping of law enforcement vehicles and other emergency equipment.

Catering services: premises where a variety of foods and beverages are primarily prepared in advance and then delivered to customers for consumption off the premises.

Certificate of capacity: document approved by the DRC pursuant to the terms of this chapter that constitutes proof of adequate public facilities to serve the proposed development.

Certificate of capacity exemption: document approved by the Planning and Development Services Director or his/her designee pursuant to the terms of this chapter evidencing a determination by the Planning and Development Services Director or his/her designee that the development is exempted from chapter 86 of this Code.

Certificate of occupancy: official document or permit issued by the City evidencing the completion of construction of a building in accordance with all applicable codes and its legal entitlement to permanent occupancy and use.

Changeable copy sign: Any sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign.

Church: See "house of worship".

Circus headquarters: administrative and operational center of a circus. Such a center would typically provide for the keeping of livestock and wild animals, storage and maintenance of vehicles, equipment and recreational vehicles, offices, dormitories, buildings and structures and training facilities customarily associated with such an enterprise.

City: the City of Deltona, Florida.

City Commission: the elected legislative body of the City of Deltona that includes the mayor and the duly constituted members of the City Commission.

City Manager: chief administrative officer for the City of Deltona holding the office established by Section 7 of the City of Deltona Charter.

City property: land and appurtenances owned by the City of Deltona, Florida.

Classified: zoning classification of the zoning ordinance, chapter 110 of this Code.

Clearing: removal of any natural constructed material including trees or brush from the land, but shall not include mowing or grubbing, except as provided in chapter 98, article III of this Code.

Clinic, medical or dental: establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more persons practicing any form of the human healing arts, whether they are medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists or any similar professional licensed by the State of Florida. The term does not include a veterinarian clinic, massage parlor, or tattoo parlor.

Closure: termination of any regulated or prohibited nonresidential land use or activity covered by this chapter.

Club, night: commercial premises where food, alcoholic beverages or other refreshments may be obtained for consumption on the premises and where floor shows or other forms of entertainment may be provided for the customers.

Club, private: buildings 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. Adult entertainment establishments regulated by Ordinance No. 04-97 [chapter 78], tattoo parlors, night clubs, and dance halls shall not be classified as private clubs regardless of whether or not they have exclusive memberships or are nonprofit organizations.

Collecting agency: City's building and zoning services department.

Collector road: route providing service which is of relatively moderate, average traffic volume, moderately average trip length, and moderately average operating speed. These routes also collect and distribute traffic between local roads and/or arterial roads and serve as a linkage between land access and mobility needs. The City's collectors include those designated on the City's thoroughfare system plan map and those designated by the Florida Department of Transportation in accordance with F.S. § 335.04.

Commercial: use of land, building or structure for the purpose of building and selling commodities and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction, and other non-commercial uses.

Commercial fish processing plant: premises used for the receiving, processing, packaging, storage, and wholesale or retail distribution and sale of sea and fresh water food products.

Commercial hand-held sign: Any sign which contains a commercial message that is held or worn by a person and is visible from any public road right-of-way, but does not include any sign that exclusively contains a political message, or other message that is not related in any way to a commercial or business venture.

Commercial message: Any sign, wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Commercial nursery and/or greenhouse: building and or land for the growing of flowers, fruits, vegetables, plants, shrubs, trees and or similar vegetation which is sold directly from such building or lot at retail.

Common open space: means a commonly owned area of land reserved primarily for the leisure or recreational use of the owners of a residential development.

Communication antenna: antenna designed to transmit or receive communications as authorized by the Federal Communications Commission. The term shall not include amateur radio antennas, CB, marine band or Class C commercial antennas or direct broadcast antennas less than 12 feet in height and less than 39 inches in diameter.

Communication tower: tower greater than 35 feet in height (including antenna) which supports communication (transmission or receiving) equipment. The term communication tower shall not include amateur radio operators' equipment, as licensed by the Federal Communications Commission (FCC).

Complex: group or cluster of buildings with a common access from a dedicated or nondedicated roadway.

Comprehensive plan: the "City of Deltona Comprehensive Plan" adopted by the City Commission pursuant to chapter 163, part II, Florida Statutes as amended, in compliance with the requirements of the Local Government Comprehensive Planning and Land Development Regulations, F.S. § 163.3161 et seq., as amended.

Compatible: building, structure, activity, or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment; which does not create nuisances caused by adverse sensory impacts with respect to the uses of other properties; and which does not have a significant adverse impact on the values of adjacent properties when those properties are used for the purposes for which they are intended in this chapter and the comprehensive plan.

Concurrency: ensure that public facilities and services needed to support development are available concurrent with the impacts of such developments.

Conditional use: use expressly so designated that would not be appropriate generally or without restriction throughout a particular zoning classification but that would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals or general welfare, if controlled in number, area, location, relation to the neighborhood, hours of operation, or in other appropriate respects. The term "special exception" is synonymous.

Conditional use site plan: combination of documents and exhibits required by section 110-1102.

Conforming: use of land which falls within the uses permitted in and conforms to all the regulations set out in this chapter for the zone in which the use, building, or structure is located, and which conforms to the comprehensive plan and all other applicable laws, rules and ordinances.

Consistency: a requirement that all land development regulations be consistent with the comprehensive or master plan of the municipality, county, or state

Consistency, comprehensive plan: any provision thereof is consistent with the comprehensive plan, if it is not in conflict with and takes action in the direction of realizing the comprehensive plan's goals, objectives, or policies.

Constrained thoroughfare: a state or county roadway upon which adding two or more through lanes to meet current or future traffic needs is not reasonably attainable because of physical or policy barriers.

Construction and demolition debris: materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, tree remains, trees, and other vegetative matter which normally results from land-clearing or land development operations for a construction project. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition-site which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris.

Construction plans: drawings or renderings, prepared by a Florida registered engineer or architect, showing how a specific structure, building or other improvement is to be constructed.

Construction project sign: a sign individually or jointly erected and maintained on the premises while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services and/or material.

Construction, real estate sign: A construction sign, as described above, which also advertises the real property where the sign is located for sale, lease or rent.

Construction sign: A sign announcing and identifying the construction project scheduled or underway on the site where the sign is located.

Construction, start of: the duly permitted permanent placing or erection of construction materials into position. When excavation or removal of an existing structure has commenced in preparation for new construction, such excavation or removal shall be deemed to be the start of construction. When fill or changes in the grade of a site have commenced in preparation for new construction, such fill or changes in grade shall be deemed to be the start of construction. The term includes built, constructed, reconstructed, moved upon or any physical operation on the premises required for building. The term shall also include the constructing, building, raising, assembling, relocating, placing, replacing, affixing, creating, structurally altering, painting, drawing, or in any other way creating or establishing a sign. It shall not include changing the copy or the customary maintenance or repair of a sign.

Conviction: determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended.

Copy Area or Copy Face: the wording, symbol or message on a sign surface either in permanent or removable letter form.

County: the County of Volusia, Florida.

Cross-sectional area: part of the trunk of a tree taken four and one-half feet above the base of the tree measured perpendicular to the axis of the trunk.

Curb market: the retail sales of only fresh fruit and vegetables (not live plants) from a temporary structure or vehicle on a lot.

Customer: any person at an establishment, excluding an employee or operator, who does either of the following:

- (1) Is present at an establishment, regardless of whether that person has actually given any consideration or spent any money for goods or services; or
- (2) Has paid or has offered, agreed, been solicited, or had someone else offer or agree on that person's behalf to pay any consideration fee, or tip to an operator or worker of an adult entertainment establishment.

Cutoff: A cutoff outdoor lighting fixture emits no more than one percent of its light above 90 degrees and ten percent above 80 degrees from horizontal.

Day care center: premises where more than five persons, other than members of the immediate family occupying the premises, are kept under supervision. The term "day care center" includes day nurseries, kindergartens, day-care services, day-care center, day-care agency, nursery school, play school, preschool or any other terms indicating that persons are under day-care control. Provided, however, that this term does not include family day care homes as defined in F.S. § 402.302.

Deficit road segment: road segment that is operating below the adopted level of service standard set forth in the comprehensive plan. A deficit road segment may be either a backlogged or constrained thoroughfare as identified in the comprehensive plan.

Density: total number of dwellings per net acre of land. For purposes of applying a specified density regulation, a fractional part of an acre will permit that fractional part of the number of dwellings allowed for a full acre; calculations resulting in a fractional part of a dwelling shall be rounded up to the next whole number of dwellings whenever the fractional part of a dwelling is one-half or greater.

Department: the City Manager or his authorized designee, and fire and rescue department of the City and the City law enforcement agency, including their directors, workers, officers and agents.

Design fall radius: the property area within which, in the event of a failure, a communication tower would entirely fall, as determined by the engineering design.

Designated thoroughfare: A principal arterial, minor arterial or collector road that is designated as a "Thoroughfare" as part of the City of Deltona Comprehensive Plan Thoroughfare Roadway System Map, as amended.

Designated thoroughfare plan: plan or plans of all or such portions of the geographical area of the City as the city commission shall from time to time adopt in conformity with the requirements of section 70-29 and which depicts a unified network or system of thoroughfares designed or intended to meet present and anticipated future needs of the City.

Deteriorated tree: degenerated or damaged to the point where death of the tree is imminent or to the point where the tree poses a significant hazard.

Determination of capacity: comparison of a development's impact on public facilities with the capacity of the required public facilities that are or will be available concurrent with the impacts of development as provided in chapter of this Code.

Developer: any person engaged in developing or improving a project or group of lots for use, occupancy or sale.

Developed lot: any lot which has a building or mobile home on it including all appropriate infrastructure. Developed lot shall include in its definition the swale area.

Development: any human initiated change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials and equipment, or the dividing of land into two or more parcels. Development shall include:

- (1) A reconstruction, or remodeling when said remodeling includes the alteration of exterior lighting, alteration of the size, or structural change in the external appearance of a structure on land.
- (2) 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.
- (3) Alteration of a shore or bank of a river, stream, lake, pond or canal, or other governmentally-defined navigable waterway.
- (4) Commencement of drilling, except to obtain soil samples; mining; or excavation on a parcel of land.
- (5) Demolition or removal of a structure.
- (6) Clearing of land as an adjunct of construction.
- (7) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- (8) Any land altering activity described in F.S. § 380.04.

Development order: an order authorizing the granting, denying, or granting with conditions [of] the issuance of development permits, to include building permits, for a development which is the subject of an application.

Development permit: any permit, other than a building permit, or any other official action of a unit or agency of local government having the effect of allowing the development of land to commence.

Development plan: any subdivision or site plan which is the subject of this chapter.

Development Review Committee: group of people performing administrative review of development applications as set forth in City Ordinance No. 96-59 [section 74-1(b)], as it may be amended from time to time.

Development, rural: residential development where the density is one unit per acre, or less.

Development, urban and suburban: residential development where the maximum density is greater than one unit per acre.

Diameter at breast height (DBH:) the trunk diameter of a tree measured four and one-half feet above the average ground level at the base of the tree. Provided, however, if the tree forks above four and one-half feet above ground level, it is measured below the swell resulting from the double stem. Stems that fork below four and one-half feet above ground level shall be considered separate trees.

Diffuse: to spread or scatter widely, or thinly.

Direct illumination: illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Directional sign:

- (1) A sign, permanently erected or permitted in the public right-of-way or private property by the city, county, the state or other governmental agency, including signs that denote the name of any thoroughfare, the route to any city, town, village, educational institution, public building, historic place, shrine or hospital to direct and regulate traffic, to denote any railroad crossing, bridge, ferry or other transportation or transmission company for the direction or safety of the public.
- (2) A sign, notice or symbol for the information of the Federal Aviation Administration as to locations, directions, landings and conditions affecting safety in aviation.
- (3) An on-premises temporary sign that contains information regarding the time and place of regular meetings of civic or religious groups.
- (4) An on-premises sign within a complex or a planned unit development indicating the route of travel for reaching the place within the complex or planned unit development indicated on the sign face.
- (5) Any sign used to indicate the direction to entrances, exits, parking areas, restrooms, drive-through facilities or other nonbusiness related facilities on the site.

Directory sign: Any sign listing only the names, uses or locations of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.

Disability glare: bright light resulting in reduced visual performance and visibility. It is often accompanied by discomfort.

Display lot or area: outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, assembly lots, swap meets. Uses not on this list must be approved as display lot uses by the municipality.

Discharge, discharge point: the outflow of water from a project, site aquifer, drainage basin or facility.

District Park: this park will satisfy recreational needs in terms of resource-based and active-based facilities that are not typically available or suitable for the local park system. In consideration of developing a district park where acreage and locational factors are to be studied, the district parks may eliminate the need for a regional park system. These large park sites may adjoin the public junior/senior high schools or a community college site. The district park service shall include a large population sector and should be located and designed as an outdoor recreation unit.

Double-faced sign: A sign with two copy faces, which are typically parallel, but can be at an angle to one another not exceeding 30 degrees, provided that there is an apex and joinder of the two copy faces. Copy faces cannot be perpendicular to one another.

Drainage easement: land in which the public or the city has an easement devoted to, planned, proposed or required for use as a public drainage system.

Drainage system, natural drainage: surface streams or swamps which convey water to natural points of discharge.

Drawing by chance/ drawing/raffle: an enterprise in which, from the entries submitted by the public to the organization conducting the drawing, one or more entries are selected by chance to win a prize. The term drawing does not include those enterprises, commonly known as game promotions, as defined herein, matching, instant winner, or preselected sweepstakes, which involve the distribution of winning numbers, previously designated as such, to the public.

Dredging: excavation by any means in water or wetland. It also means the excavation or creation of a water body which is or is to be connected to waters, directly or via excavated water bodies or a series of excavated water bodies.

Driveway:

1. an area that connects the parking aisles of a parking lot to the public right-of-way, to a private street, or to another major driveway.
2. an area of land which provides vehicular access from a street to the off-street parking space of a premises.

Driveway entrance: portion of a driveway which immediately abuts the public right-of-way or a private street.

Due public notice:

- (1) "*Due public notice*" as used in connection with the phrase "*public hearing*" or "*hearing with due public notice*" shall mean with respect to applications and appeals in which there is to be a public hearing of the city commission or of the planning and zoning board as provided for in this section:
 - a. The publication of notice with the following information: day, time, place and purpose, place or places within the City where the change may be inspected by the public, and that interested parties may appear at the meeting and be heard with respect to the proposed change. Said notice shall be published at least once in a newspaper of general circulation in the area at least ten days prior to the date of such public hearing, unless a longer notice period is required by statute for the type of application to be heard. Notices published in local newspapers shall meet or exceed the minimum requirements of state law as required by F. S. § 166.041, and chapter 163, F.S., as they may be amended from time to time.
 - b. In addition for applications affecting less than five percent of the total land area of the City, similar notices setting forth the time, day, place and purpose of such hearing shall be mailed, by

US mail, at least ten days prior to the date of the planning and zoning board public hearing by the applicant to the last known address of the owners of the property involved, if the applicant is not the owner of the property involved, and to the owners of property within 300 feet of the property lines of the property involved. In the absence of information to the contrary, the owners of the properties to receive notice by certified mail shall be determined by reference to the latest records published by the Volusia County Property Appraiser. The owner of the property involved, or his or her duly authorized agent, shall acknowledge receipt of the notice forms provided by the enforcement official. Provided, however, it is the intent of this provision that only one said mailing is required to be sent to owner(s) of property adjoining the property involved; but said notice shall contain the time, day, and place of all public hearing(s). In each case, the owner of the affected property, and the owners of the property within 300 feet of the affected property, shall be notified by certified U.S. mail that is postmarked at least 14 days prior to the planning and zoning board public hearing on a rezoning or a plan amendment, with a return receipt. A copy of said notice shall be provided to the enforcement official at least ten days prior to the first public hearing date that appears on the notice, and shall be kept available for public inspection during regular business hours in the office of the enforcement official. For amendments initiated by the City, the required notice by U.S. Mail shall be sent by certified mail, and a record of those to whom the notice was sent shall be maintained with the application file by the Planning and Development Services Department. For applications initiated by the City, no return receipt or acknowledgment of notice by the affected property owners shall be required. Affected parties may make their support of or objections to a city initiated amendment at a duly noticed public hearing, but their appearance at a hearing is not required. Except that if any party wishes to establish legal standing to object to the approval of the ordinance then that party must state the reasons for such objections at a public hearing as required by state law.

- c. For applications affecting less than five percent of the total land area of the City, the owner or his or her duly authorized agent, or for applications initiated by the City, a member of the staff of the Planning and Development Services Department, a contractor hired by the City and duly authorized to perform said posting, or the authorized staff of another city department, shall also post, at least ten days prior to the date of such public hearing, the sign or signs provided by the enforcement official. For purposes of posting property that is the subject of a city initiated amendment, said notice may be posted on public right-of-way in front of the property affected by the proposed amendment, but shall not be placed so as to obstruct the vision of drivers at any intersection, including driveway intersections. The City shall not be required to place posted notice on or along any property line that abuts private streets or easements, but shall limit such postings to streets maintained by the City, Volusia County, or the Florida Department of Transportation, such posting shall not be required when the public agency responsible for the affected street right-of-way refuses to permit said posting within its right-of-way. However, the responsible city agency shall not prohibit said posting of notice on right-of-way maintained by the City. The sign or signs provided by the enforcement official shall be printed on a brightly-colored, easily recognizable, weather-resistant material of minimum size 22 inches in width and 28 inches in height. One sign shall be posted for each 200 feet of front lot line. Corner properties will be posted on both front lot lines. Each sign shall be placed in a location along the lot line that provides the greatest visibility from the adjacent street or road. The posted sign or signs should remain in place until the completion of the public hearing of the city commission and shall be removed by the applicant within ten days following the conclusion of the last public hearing noticed thereon. Failure to remove the sign or signs after ten days following the last noticed public hearing appearing thereon shall be a violation of this code, and shall be punishable as provided in Chapter 2, Code of Ordinances of the City of Deltona, Florida, as it may be amended from time to time. In the case of an application from the owners of 51 percent or more of the area involved, the City shall require such persons to give the notice required by

mail and to post the property in accordance with this section. In all cases, affidavit proof of the required publication, mailing, and posting of the notices shall be presented to the enforcement officer or his or her designee at least ten days before the first hearing date appearing in the notice.

- d. Provided, however, in lieu of the foregoing, with respect to the publication of the notice concerning the amendments of the text of this section, said notice shall be as provided in subsection (1) a., above.
 - e. When an agenda item for a public hearing that was duly advertised and noticed in accordance with this section is continued to a date certain, no further notice or advertisement shall be required. However when two or more hearing dates were placed on any notice, and the initial or intermediate hearing is continued to a date certain, an amended notice shall be mailed and/or posted as required by this section which shall provide notice of any changed date for any subsequent hearing for which a date certain was not set that is affected by the continuance.
 - f. When a hearing is tabled or postponed without a date certain, the hearing and any subsequent hearing that may have been advertised and noticed shall be re-advertised and re-noticed in accordance with the requirements of this section.
- (2) Except for appeals as otherwise provided for in this section, the city commission shall provide for due public notice as used in connection with the phrase "public hearing" or "hearing with due public notice" for applications involving five percent or more of the land area of the City in the manner as provided in F.S. § 166.041, as it may be amended from time to time. For plan amendments and development agreements affecting five percent or more of the total land area of the City, notice shall be provided as required by chapter 163, F.S., as it may be amended from time to time.

Dwelling: one or more rooms in a building forming a separate and independent housekeeping establishment, arranged, designed or intended to be used or occupied by one family, and having no enclosed space or cooking or sanitary facilities in common with any other dwelling unit with no ingress or egress through any other dwelling unit, and containing permanent provisions for sleeping facilities, sanitary facilities and not more than one kitchen. Not included are hotels, boarding, lodging houses or mobile homes whether such units are mobile or located in a stationary fashion as when on blocks or other foundations.

Dwelling, attached: residence attached to another residence's foundation, wall or roof.

Dwelling, detached: residence entirely surrounded by open space and not attached to another residence's foundation, wall or roof.

Dwelling, manufactured: house fabricated in a manufacturing facility and bearing a seal certifying it is constructed to standards as adopted under the authority of part IV, chapter 553, Florida Statutes, and rules adopted by the Florida Department of Community Affairs under chapter 9B-1 et seq., Florida Administrative Code.

Dwelling, mobile home: single-family residence fabricated in a manufacturing facility, having a width of more than eight feet and a length of more than 40 feet and bearing a seal certifying it is constructed either to the Federal Manufactured Housing Construction and Safety Standards Code or to obsolete ANSI 119.1 Mobile Home Design and Construction Standards.

Dwelling, model: any new house temporarily used by the builder/developer for the purpose of on-site sales, construction or security of the type of dwelling being constructed only in the development in which it is located. A model dwelling may continue to exist until it is replaced by another use. Usually model dwellings are on display for three to five years, or until the subdivisions where they are located are substantially built out. A home built for speculative sale (without a contract for purchase at completion)

shall be considered a model home where it is built on the same block face as a proposed or existing model home.

Dwelling, multiple-family: building designed for or occupied exclusively by three or more families.

Dwelling, single-family: building designed for or occupied exclusively by one family on a permanent foundation. Single-family dwellings are limited to standard and manufactured dwellings, and do not include mobile homes or temporary buildings or structures.

Dwelling, standard: dwelling unit on the site where it is to be occupied and constructed to the Standard Building Code as promulgated by the Southern Building Code Congress and as adopted by the Deltona City Commission.

Dwelling, two-family: building containing only two dwellings. The term "duplex" is synonymous.

Easement: Dedicated strips of land, privately owned, used by utility companies and the City to construct and maintain utilities and drainage.

Educational institution or school: premises or a site upon which there is an institution of learning, whether public or private, that conducts regular classes and/or courses of study.

Efficiency unit: dwelling consisting of not more than one room in addition to kitchen and bath. It is synonymous with "studio unit."

Election sign: any sign that indicates the name, cause or affiliation of any person seeking office or indicates any issue or referendum question for which an election is scheduled to be held. This includes but is not limited to signs advertising candidates, referendums or any campaign information.

Electrical sign: a sign or sign structure in which electric wiring, connections or fixtures are used as part of the sign proper.

Electronic message center: a changeable copy face, lighted sign that flashes, moves and/or flashes to create an illusion of movement for the purposes of advertising, promotion or attention-getting, with or without copy. (Similar to "Scoreboard.")

Elevated building: non-basement structure 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 repairs: work necessary to protect and preserve life and property of inhabitants of the City.

Enclosed storage area: an area that is surrounded on all sides by a continuously connected fence or wall except where it is necessary to provide for pedestrian or vehicle openings.

Encroachment: The advance or infringements of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Enforcement Official: the director of a given city department assigned the responsibilities of enforcing designated parts of the city code, or such other person as may be designated by the city manager.

Entertainment and recreational uses and structures: any for-profit use or structure whose primary purpose is for recreation or entertainment such as go-cart tracks, water slides, driving ranges independent of golf courses, miniature golf courses, etc.

Environmental management director (EMD): the director of department of environmental management of Volusia County or his/her duly authorized representative.

Environmentally sensitive lands: lands and/or wetlands, swamps and marshes, which provide ecologically important or vital resources, particularly those ecological communities which are locally or

regionally rare or threatened, or which provide habitat for wildlife species which are officially listed as endangered, threatened, or of special concern (also referred to as "critical habitat"). Examples of environmentally sensitive lands include, but are not limited to: wetlands; upland fringes of wetlands and shorelines; hardwood hammocks; and areas designated for the purpose of conserving or protecting natural resources of environmental quality. Surface water bodies, other than those associated with and within the perimeter boundaries of wetlands, swamps, or marshes, are not included in the meaning of the term Environmentally Sensitive Lands.

Equivalent residential unit (ERU): measure of consumption for potable water and sanitary sewer services.

Erected: attached, altered, built, constructed, reconstructed, enlarged or moved, and includes the painting of wall signs, but does not include copy changes on any sign. Also see "construction, start of."

Escort: any person who, for commercial or pecuniary gain, compensation or tips, agrees to, offers to go, or goes to any place, including a business, hotel, motel, residence or conveyance to do any of the following acts:

- (1) Act as a companion or date for or converse with a customer;
- (2) Engage in physical contact with another person;
- (3) Provide private adult entertainment;
- (4) Engage in private modeling or lingerie modeling;
- (5) Display specified anatomical areas, strip naked, or go topless; or
- (6) Engage in any specified sexual activity.

Nothing in this definition shall be construed to legalize prostitution or other conduct prohibited by this chapter or other law.

Escort service or escort agency: person, establishment, place or business, operated for commercial or pecuniary gain that does either of the following:

- (1) Advertises as an escort service or escort agency or otherwise offers or advertises that it can furnish escorts, private dancers or private models; or
- (2) Offers or actually provides, arranges, dispatches or refers workers, employees, agents or independent contractors to act as an escort for a patron or customer.

It is an affirmative defense that a business is not an escort service if a person seeking to invoke this defense can demonstrate that the business is a bona fide dating or matching service that arranges social matches or dates for two persons who each wish to meet a compatible companion when neither person solicits, accepts or receives any financial gain or any monetary tip, consideration or compensation for the meeting or date.

Establishment: any place, site or premises, or portion, upon which any person conducts activities or operations for commercial or pecuniary gain, including any place, site or premises from where an escort service dispatches or refers workers to other locations, or at which an escort service receives business calls from customers.

Excavation: the hollowing out, removal by digging or leveling of any land, dirt, sand, clay, soil, rock, solid minerals or other soil materials.

Excavator: any person who sells or offers for sale, whether directly or indirectly, any excavated materials, or any person who excavates any material and transfers such excavated material from one parcel of land to any noncontiguous parcel.

Existing: the average condition immediately before a legal act of development or redevelopment commences.

Existing Construction: means, for the purposes of floodplain management, structures for which the start of construction commenced before April 18, 1974. This term may also be referred to as “existing structures”.

Existing manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots in which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before April 18, 1974.

Expanded residential building site: two or more contiguous lots that front on the same street, that are under the same ownership, and one of which is occupied by a single-family or two-family standard dwelling, and the other of which is vacant. Lots under the same ownership having common rear lot lines, platted through lots, or lots combined to create through lots, are not included in this definition.

Expansion: Expansion of the capacity of a road applies to all road and intersection capacity enhancements and includes extensions, widening, intersection improvements, upgrading signalization and improving pavement conditions.

Expansion to an existing manufactured home park or subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

External trip: any trip that has either its origin or destination at the development site and that impacts the major road network.

Facade: portion of a building encompassing the area extending in a generally vertical plane from the ground to the highest point of the building, marquee or canopy and extending in a horizontal plane between the vertical ends of the structure.

Family: any number of related individuals living together as a single housekeeping unit. A family may include up to six unrelated persons.

Farm worker: any person who assists with the chores, operation, security or maintenance of a farm or ranch.

Farm worker living facility: one or more dwellings located on a lot used to house farm workers. Also includes a bunkhouse.

Fascia sign. A sign located on the fascia of a roof or canopy, or affixed to the front plane of a mansard roof that is a maximum of 30 degrees from vertical, including signs that extend the plane of the structural fascia such that the vertical dimension of the sign is no more than one-third the distance from the ground to the bottom of the fascia, and no lateral supports are used.

Federal manufactured housing construction and safety standard codes: Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq.), as amended (previously known as the Federal Mobile Home Construction and Safety Standards), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a design approval primary inspection agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Florida Department of Highway Safety and Motor Vehicles Bureau of Mobile Home Construction; all of which became effective for mobile/manufactured home construction on June 15, 1976.

Fee payer: person commencing a land development activity which requires the payment of a fee required by this chapter. A "fee payer" includes any person or entity who pays a transportation impact fee or

his/her successor in interest with the right or entitlement to any refund of previously paid development impact fees which is required by this article and which has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment or entitlement to any refund or previously paid development impact fees, the right or entitlement shall be deemed "not to run with the land."

Fence: barrier, usually comprised of wooden or metal posts, rails or wire mesh, used as a boundary marker or means of protection or confinement.

Fill: any substance including, but not limited to, sand, dirt, limestone, concrete, clay, recycled materials, or other material used for the purpose of filling voids or low places in the topography of a lot or used to increase bulk, height, or area of a lot.

Filling: the deposit or burial of materials, such as land-clearing debris, soil, rock or other solid minerals, onto any land, water or wetlands. Does not include permitted landfills with garbage or other similar waste matter; landfilling.

Final Development Order: final site plan development order; preliminary plat or final plat development order.

Final Site Plan (FSP): plan required by chapter 74, article II, of the land development code in order to obtain a development order or permit which demonstrates the manner in which the developer shall conform to the requirements of said code.

Finished floor elevation: vertical measure of any finished floor above or below an established bench mark.

Finished grade: the completed surface of lawns, walks or driveways brought to the grade shown on any building plans.

Fire Lane: (Also called a fire or emergency access lane or road) is a driving lane adjacent to or part of a non-residential development that is reserved to provide for emergency vehicle access.

Fire/rescue impact fee: fee required to be paid in accordance with Chapter 94 article II, Code of Ordinances.

Fish camp: any premises designed to provide for the harboring, sale or rental of boats, fishing equipment or other fishing essentials.

Flea markets: the retail sale of merchandise from individually rented spaces or temporary structures on a lot. The term is not intended to apply to similar activities by churches or other nonprofit organizations, or to a homeowner's garage sale provided that no more than two such garage sales are held during any calendar year and that such sales are limited to a duration of one week.

Flood or flooding means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or

suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

Flood Insurance Rate Map (FIRM): An official map of the community, issued by FEMA, which delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official hydrology and hydraulics report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FBFM (where applicable), and other related data and information.

Flood lamp: a specific form of lamp designed to direct its output in a specific direction (a beam) but with a diffusing glass envelope: Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Floodlight: reflector-type light fixture which is attached directly to a building and which is unshielded.

Floodplain: Any land area susceptible to being inundated by water from any source (see definition of “flooding”).

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

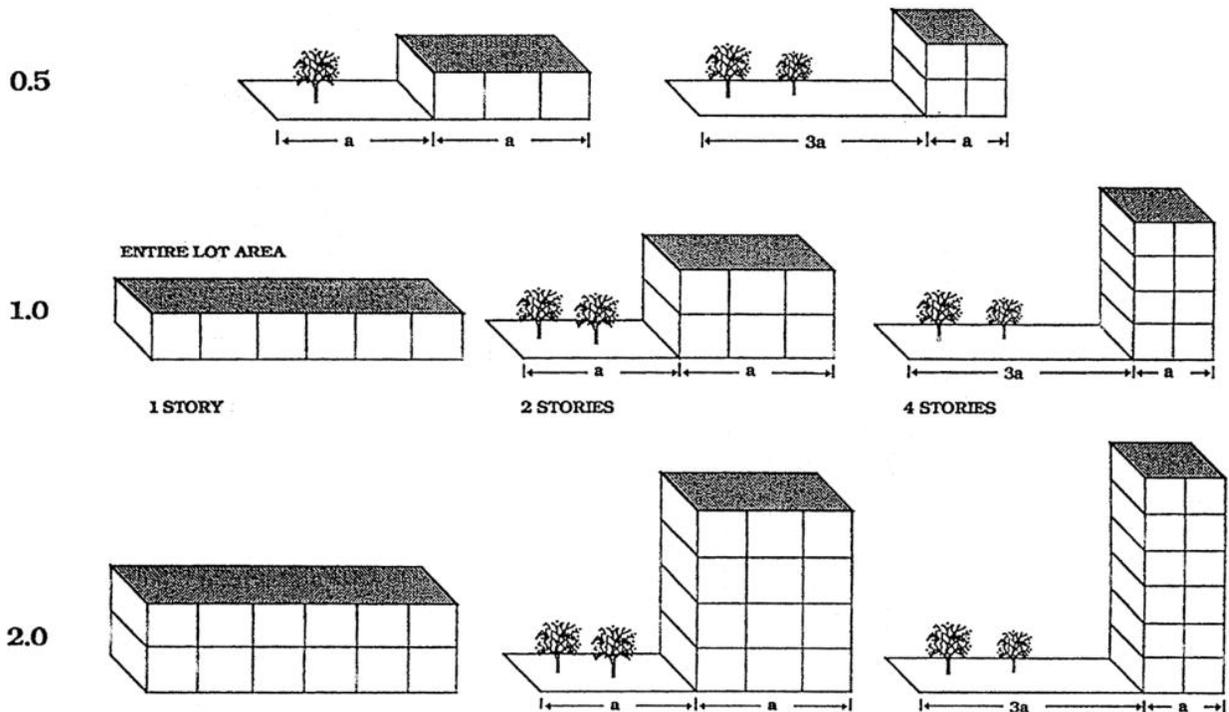
Floor: top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area: sum of the gross horizontal heated and/or air conditioned areas of the several floors of a dwelling measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but excluding:

- (1) Unheated attic areas with a headroom of less than seven feet;
- (2) Unenclosed stairs or fire escape;
- (3) Elevator structures;
- (4) Cooling towers;
- (5) Areas devoted to air conditioning, ventilating or heating or other building machinery and equipment;
- (6) Vehicle parking structures;
- (7) Unheated basement space not devoted to residential use;
- (8) Porches, patios, breezeways, sun porches or other similar structural additions that are unenclosed or are enclosed with screening.

Floor Area Ratio (FAR): a measure of non-residential development intensity. FAR is the building square footage divided by the lot area in square footage.

FLOOR AREA RATIO EXAMPLES



Florida registered: currently registered to practice a profession in the State of Florida.

Foot-candle: a unit of luminance equal to one lumen per square foot. It is the luminous flux per unit area in the Imperial System. One foot-candle equals approximately 11 (10.76) lux.

Freeboard: The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions.

Freestanding sign: Same as "Ground sign".

Frontage: the length of the property line of any premises serving as a public right-of-way line.

Frontage, building: the length of an exterior building wall along a street right-of-way.

Frontage road and marginal-access road: mean a minor street which parallels and is adjacent to an arterial, thoroughfare or state road, and which provides access to abutting properties and protection from through traffic.

Frontage, street: the length of the lot line of any one premises along the street right-of-way line on which the lot borders.

Frontage wall face: building facade, excluding parapet, fascia, soffit, mansard and roof, that faces a frontage of the premises.

Full circulation parking lot: parking lot design which permits the driver of a vehicle entering a parking lot to maneuver in front of all parking stalls and be able to restart the same movement again whether in a loop or turn around fashion without using the public right-of-way.

Full cutoff: A full cutoff outdoor lighting fixture emits zero percent of its light above 90 degrees and ten percent above 80 degrees from horizontal. (A standard IESNA definition)

Full cutoff light fixture: luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candelas per 1,000 lamp lumens.

Fully shielded light fixture: lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

Functionally dependent facility: facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, ship-building, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Gambling, gaming, or game is not used to incorporate any legal definition of the term and does not necessitate the presence of elements of consideration, chance, or prize.

Game promotion means, but is not limited to, a contest, game of chance, sweepstakes, or gift enterprise, conducted by an operator within or throughout the state and other states in connection with and incidental to the sale of consumer products or services, and in which the elements of chance and prize are present. However, game promotion shall not be construed to apply to bingo games conducted pursuant to Section 849.0931, Florida Statutes.

Garage sales: sale of used household or personal articles held on the seller's own premises.

General information sign: a sign providing information or a warning, such as "Entrance," "Exit," "Caution," "No Trespassing," or "Parking in Rear."

General light industrial/industrial park: has the meaning assigned in the ITE Manual, Code 110, and includes Laboratories.

General office: premises on which the administrative, managerial or professional services of a business, professional person, government, etc., are carried out in a room, a series of rooms or in a building solely devoted to such use.

General recreation: means and includes agricultural centers and associated fairgrounds; aquatic preserves (state or federally designated); aquariums; cultural art centers; cultural, historical, and art centers and museums; entertainment and recreational uses and structures; fishing, forest and wildlife management areas; game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements; golf course; government-sponsored civic centers; historical or archeological sites; hunting camps; museums; outdoor entertainment and recreational uses and structures; outdoor musical events; parks and recreation areas; private clubs, lodges, fraternities, sororities; public art galleries, libraries, museums, and other public meeting places not operated for profit; public parks and recreational areas; and, publicly and privately owned parks and recreational areas.

General recreation/city park: any general recreation use that is located in the city.

General recreation/county park: any general recreation use that is located in the county.

Glare: a light ray emanating directly from a lamp, reflector or lens such that it falls directly on the eye of the observer.

Golf course: relatively large premises designed and constructed to accommodate the sport of golf. The term is not intended to include independent driving ranges or miniature golf courses.

Granny Flat (also known as In-law apartments): a separate or attached dwelling unit including a food preparation area, built on a lot already containing a home.

Gross floor area: the total floor area designed for occupancy and exclusive use, including basements, mezzanines, and upper floors, expressed in square feet and measured from outside wall face to outside wall face.

Gross leasable area: the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, and typically excluding public concourse and restrooms.

Ground or Freestanding sign: A sign which is in contact with or in close proximity, to the ground for a minimum of 80 percent of its greatest horizontal dimension. A sign supported by a sign structure secured in the ground, typically on a foundation, and wholly independent of any building, fence, vehicle or object other than the sign structure for support.

Groundwater: water beneath the surface of the ground whether or not flowing through known and definite channels.

Groundwater recharge: the natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into water-holding strata or soils that provide underground storage.

Guyed tower: communication tower that is supported in whole or in part by guy wires and ground anchors.

Handheld sign: Handheld advertising activities shall be defined as a person twirling, holding, wearing, or otherwise displaying, within sight of any public right of way, a sign or signs advertising or promoting any commercial goods, service, business, or commercial activity.

Hardship: As related to variances from this Article means the exceptional hardship associated with the land that would result from a failure to grant the requested variance and must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Hazardous transporter: person or entity engaged in the transportation of hazardous waste by air, rail, highway, or water.

Hazardous waste facility: any facility used for the treatment or disposition of hazardous substances by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Height: the elevation of structures other than walls and buildings shall be the vertical distance from a horizontal plane established through the average finished grade at the base of the structure to the highest point of any structure other than a wall. The height of a wall is the vertical distance from a horizontal plane established through the average finished grade to the mean level of the top of the wall, including any dormers on the wall, when the wall is not supporting a roof. Also see the term "building height".

High-turnover restaurant: has the meaning assigned in the ITE Manual, and includes any cafeteria.

Highest adjacent grade: maximum natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

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; or
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- c. Individually listed on the Florida inventory of historic places, which has been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By the approved Florida program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior.

Historic tree: any Live Oak (*Quercus virginiana*) or Bald Cypress (*Taxodium distichum*) 36 inches DBH or greater or other tree which is determined by the city commission to be of such unique and intrinsic value to the general public because of its size, age, historic association, or ecological value as to justify this classification. Any tree in this city selected and duly designated a Florida State Champion, United States Champion or a World Champion by the American Forestry Association shall likewise be within this definition.

Hobby breeder: a use allowing for the shelter, breeding or training of dogs or cats belonging to the resident of the premises and which has been licensed in accordance with any applicable city ordinances.

Home occupation: employment or profession which is clearly incidental to the use of a dwelling unit for residential purposes, or to the residential use of a lot occupied by a dwelling. Home occupations shall be limited to home offices which do not involve supplier or client business visits to the premises or the use of equipment or processes on the premises of the home occupation which may adversely affect nearby dwellings or properties through noise, vibrations, odors, fumes or fire hazards, light glare, electrical or radio wave interference, interference with the free circulation of air, interference with sunlight, or the like. Home occupations must meet the requirements of section 110-807 of the Code of Ordinances, and shall be limited to office use or the making of arts and crafts.

Hospital: premises with overnight facilities providing medical or surgical care of sick or injured persons and includes any hospital, animal hospital, or animal shelter.

Hospital, animal: premises with overnight facilities for the medical or surgical care of sick or injured animals.

Hotel: building or other structure, kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten or more rooms are furnished for the accommodations of such guests; and having or not having one or more dining rooms, restaurants, or cafes, if existing, being conducted in the same building or accessory buildings in connection therewith.

House of worship: premises used for worship and permitted customary accessory uses by an organization of religious believers.

Household moving center: business specializing exclusively in the rental of household moving trucks and utility trailers and in the sale and rental of other products and services directly related to do-it-yourself moving.

Hunting camp: premises to accommodate individuals who hunt game.

Hydrograph: graph showing discharge of hydrological volume over time for a selected outfall point.

Hydrologic cycle: the movement of water through the environment on, above and below the surface of the earth.

Hydro period: measure of the time (usually in days per year) that water is at or above solid surface under normal hydrologic conditions.

Identification sign: A sign that indicates the name and type of business or service, or the name of the development located on the site where the sign is located including street address, phone number, and graphic of business logo.

Illuminated sign: A sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility. This also include internally illuminated signs, which are signs that are backlit internally behind the copy face or faces.

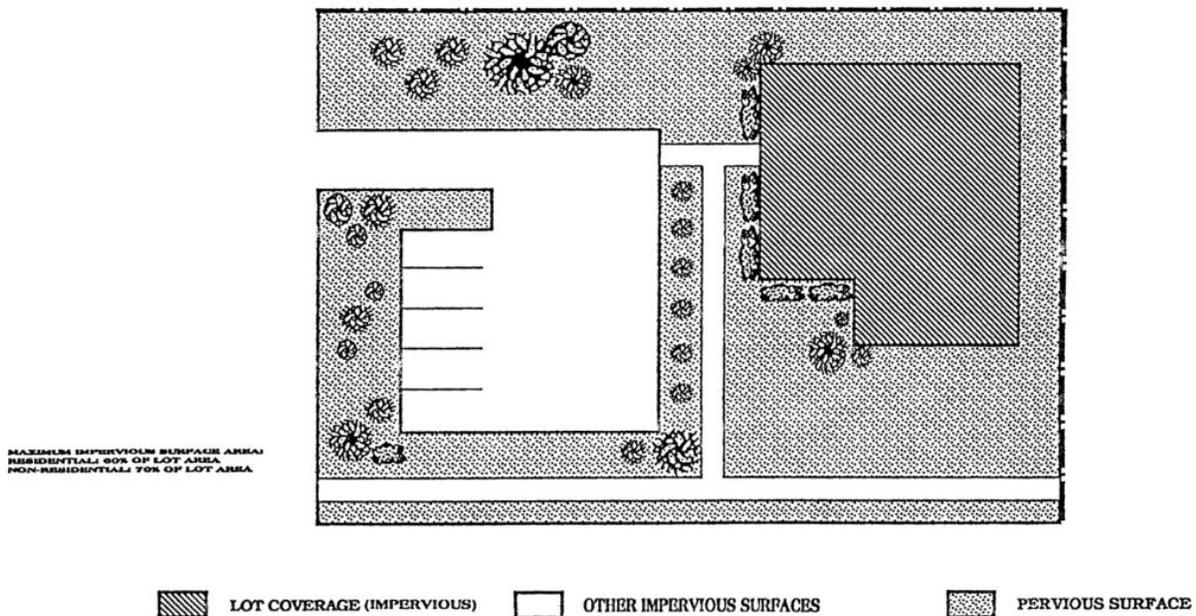
Impact fee: any fire/rescue impact fee, law enforcement impact fee, park impact fee, or transportation impact fee.

Impact Fee Study or 2005 Impact Fee Study: the report prepared by Tindale-Oliver and Associates entitled 2005 Impact Fee Update Study (Fire Rescue - Law Enforcement - Parks and Recreation), dated December 2005, which report is hereby incorporated by this reference.

Impact Fee Study, Transportation or Transportation Impact Fee Study: the impact fee study completed by Ghyabi-Lassiter and Associates (GL&A), on March 4, 1999, which report is hereby incorporated by this reference.

Impervious surface area: surface covered by a material which does not permit infiltration or percolation of water into the ground.

IMPERVIOUS SURFACE ILLUSTRATION



Industry: any activity involving the manufacture, assembly, packaging, canning, bottling or processing of any item.

Information sign: the same as "General information sign" or "Use-related information sign."

Installed (lighting): the attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

Instructional sign: A sign conveying non-advertising information relating to the use of the premises, including such signs as no parking, no trespassing and warning signs.

Isolated wetlands: wetlands that have no hydrological or vegetative connections with "waters of the state" as defined in F.S. § 403.032(3).

Item of information: each syllable or abbreviation.

Junkyard: premises where junk materials such as scrapped metal, rubber tires, glass, wood scraps, plastic, tools, equipment, fixtures, appliances, construction materials, automobile parts, discarded automobiles, and paper or similar materials are bought, sold, exchanged, stored, baled, packaged, packed, disassembled or handled. The term also includes automobile wrecking yard and salvage yard operations.

Kennel or breeding farm: six or more household pets constitute a kennel in which dogs, cats, etc. six months of age or over are harbored.

Kitchen: any room or portion thereof which is primarily used or designed for cooking and/or the preparation of food, and contains a sink with counter working space, adequate space and wiring or connections for installing cooking and refrigeration equipment and space for the storage of cooking utensils.

Land: the earth, water, air above, below or on the surface, and includes any vegetation, improvements or structures customarily regarded as land. Land may also be referred to as "gross land area" or "gross acre of land."

Land development activity generating traffic: the carrying out of any building activity or the making of any material change in the use or appearance of any structure or land that attracts or produces vehicular trips over and above that produced by the existing use of the land.

Land development code or ordinance: City Ordinance No. 96-25, the land development ordinance of the City of Deltona, Florida, including all amendments thereto.

Land, net: (See also net acre) for purposes of residential density calculation, total land, excluding existing artificial and natural water bodies, watercourses, industrial, commercial and office sites, communication facility sites, utility sites, easements and rights-of-way that extend through the border of the project boundary, i.e., existing power line easements, county roads, city roads, etc., non-local parks and nature preserves, universities and colleges and other institutional uses, any land that has been credited for other development, previously dedicated road rights-of-way, and any already developed parcels whether underdeveloped or not. Approved site development plans and subdivisions approved prior to October 1, 1990, are exempt from the exclusion of above said items. Densities under PUD's approved prior to October 1, 1990, do not need to recalculate densities to exclude the above items. May be referred to as "net land area" or "net acre of land." For purposes of commercial intensity calculation, total land, excluding existing artificial and natural water bodies, watercourses, easements and rights-of-way that extend through the border of the project boundary, non-local parks and nature preserves, any land that has been credited for other development, previously dedicated and proposed road right-of-way, and any already developed parcels, whether underdeveloped or not. Site plans approved prior to the date of passage of this chapter [November 16, 1998] are exempt from commercial intensity calculations, other than maximum building coverage and maximum impervious surface area.

Laundry, self-service (Laundromat): a business rendering a retail service by renting to individual customers equipment for the washing, drying and otherwise processing laundry, with such equipment to be serviced and its use and operation supervised by the management.

Law enforcement impact fee: fee required to be paid in accordance with Chapter 94, article V of the Code of Ordinances.

Law enforcement officer: an officer who is on official duty for a law enforcement agency, including but not limited to the county sheriff's department or the city law enforcement agency.

LED display screen: A type of changeable copy sign with a screen that utilizes light emitting diodes (LED) arranged in pixels to create messages changeable by electronic means.

Level of service: indicator of the extent or degree of service provided by or proposed to be provided by a facility based on the operational characteristics of the facility.

Licensee: any person whose application for an adult entertainment establishment has been granted and who owns, operates or controls the establishment.

Light pollution: any adverse effect of manmade light.

Light source: object such as an incandescent lamp and/or bulb, that directly emits light, freely penetrates ordinary glass bulbs, and depending on intensity, can cause a disabling glare when it falls directly on the eye of the observer.

Light trespass: illumination falling where it is not needed or wanted, typically across property boundaries.

Livestock feed lot: any limited area designed or used for the mass feeding of livestock.

Load factor: a mass transit service quality measure. Load factor refers to the maximum allowable passengers over a given period of time as a ratio of vehicle seating capacity.

Loading area: an area provided off the public right-of-way for the temporary parking of trucks being loaded or unloaded.

Loading space: a permanently located space for the temporary parking of vehicles which pick up, deliver, load or unload goods, supplies and merchandise.

Local park (five--19 acres): pedestrian-oriented park located at the approximate center of a neighborhood and designed to serve one or more of the recreational needs of the neighborhood population. The park may be landscaped areas designed for passive recreation or contain a broad range of active recreational facilities. The facilities to be provided are a function of the community requirements in a specific location and other facilities available elsewhere. This small local park may be located among several developed subdivisions or planned unit developments.

Local park (20--50 acres): recreational area designated and located to provide the recreational needs of several neighborhoods, urbanized communities or rural communities. The larger local park is primarily land based with a diversity of active/user facilities and may serve a combination of the urban and rural communities. In lower density areas this type of park may be provided on-site or adjacent to a public school. In denser areas, this park can be provided at the convergence of several neighborhoods and is intended to serve a larger population.

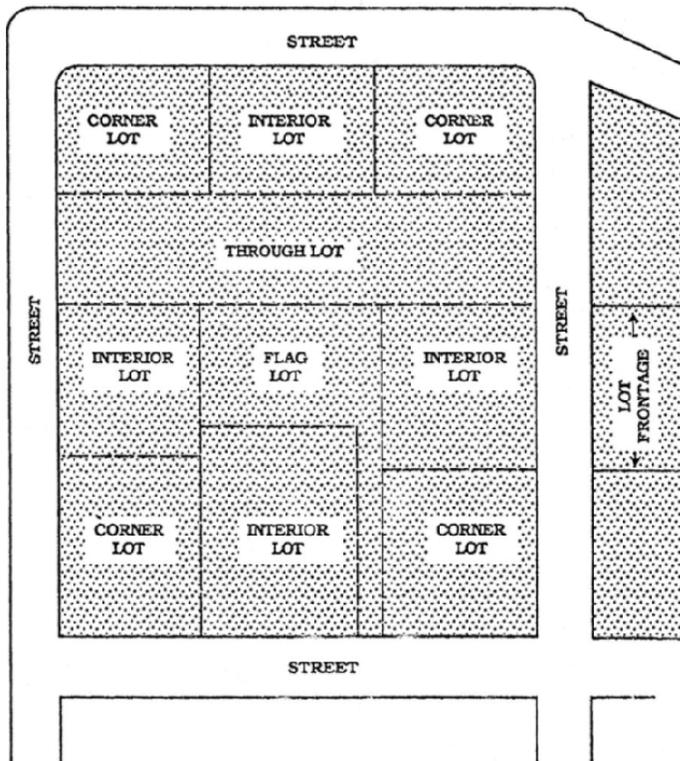
Local parks: Local parks are designed for populations of 5,000 to 50,000 and are ideally located from one-quarter to three miles from the population centers. Park sizes may vary from five to 49 acres with about ten acres being the most typical. Facilities include equipped playgrounds, multipurpose hard courts, practice fields for softball and baseball, and picnic areas. The standard of service for local parks is two acres per 1,000 permanent population.

Local street: road providing service which is of relatively low average traffic volume, short, average trip length or minimal through-traffic movements, and high land access for abutting property.

Lot:

1. an area of land which abuts a street or approved access route and which either complies with or is exempt from the city's subdivision regulations and is sufficient in size to meet the minimum area and width requirements for its zoning classification as established, and a portion of a subdivision or any other tract or parcel of land, including the air space above or contiguous thereto, intended as a unit for transfer of ownership or for development or both. The word "lot" includes the word "plot," "tract" or "parcel."
2. a parcel of land occupied or to be occupied by one main building and its accessory buildings with such open and parking spaces as are required by the provisions of this chapter and having its principal frontage upon a street.

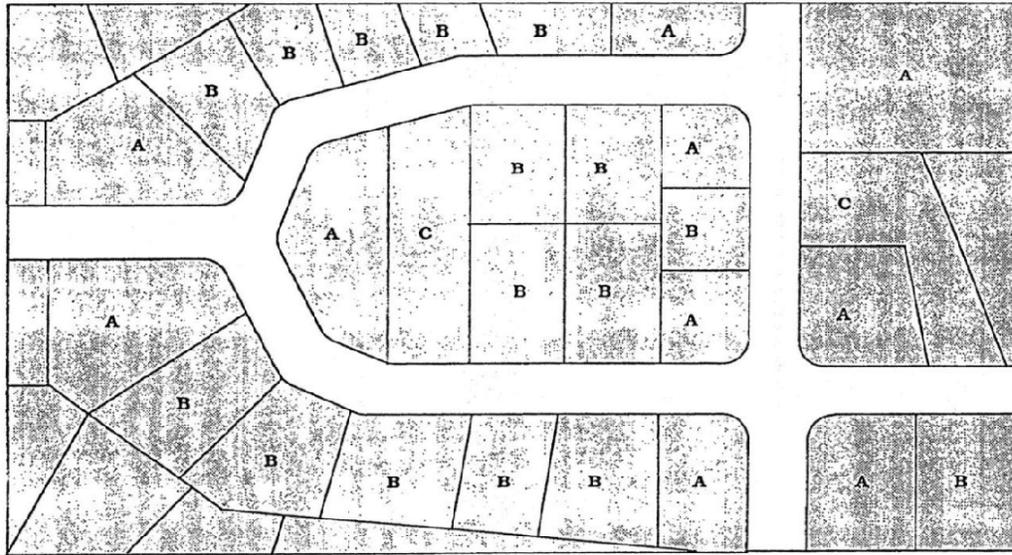
**DEFINITION OF TYPES
OF LOTS**



Lot coverage: that area of a lot from the ground up which is occupied by principal and accessory buildings.

Lot classifications: lots shall be classified as corner lots, interior lots, through lots and atypical lots.

**ILLUSTRATION OF THE BASIC
TYPES OF LOTS**



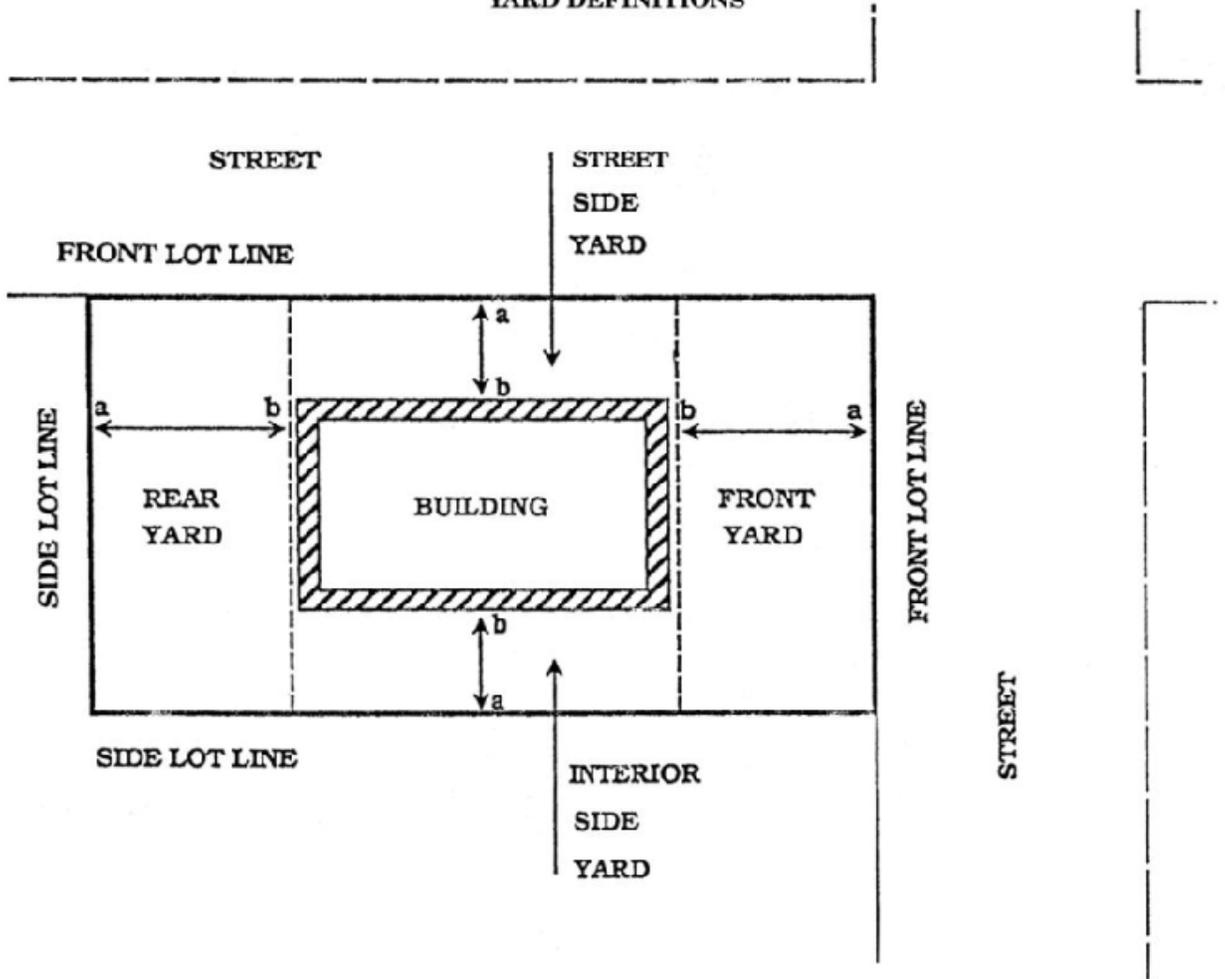
A- CORNER LOT

B- INTERIOR LOT

C- THROUGH (OR DOUBLE FRONTAGE) LOT

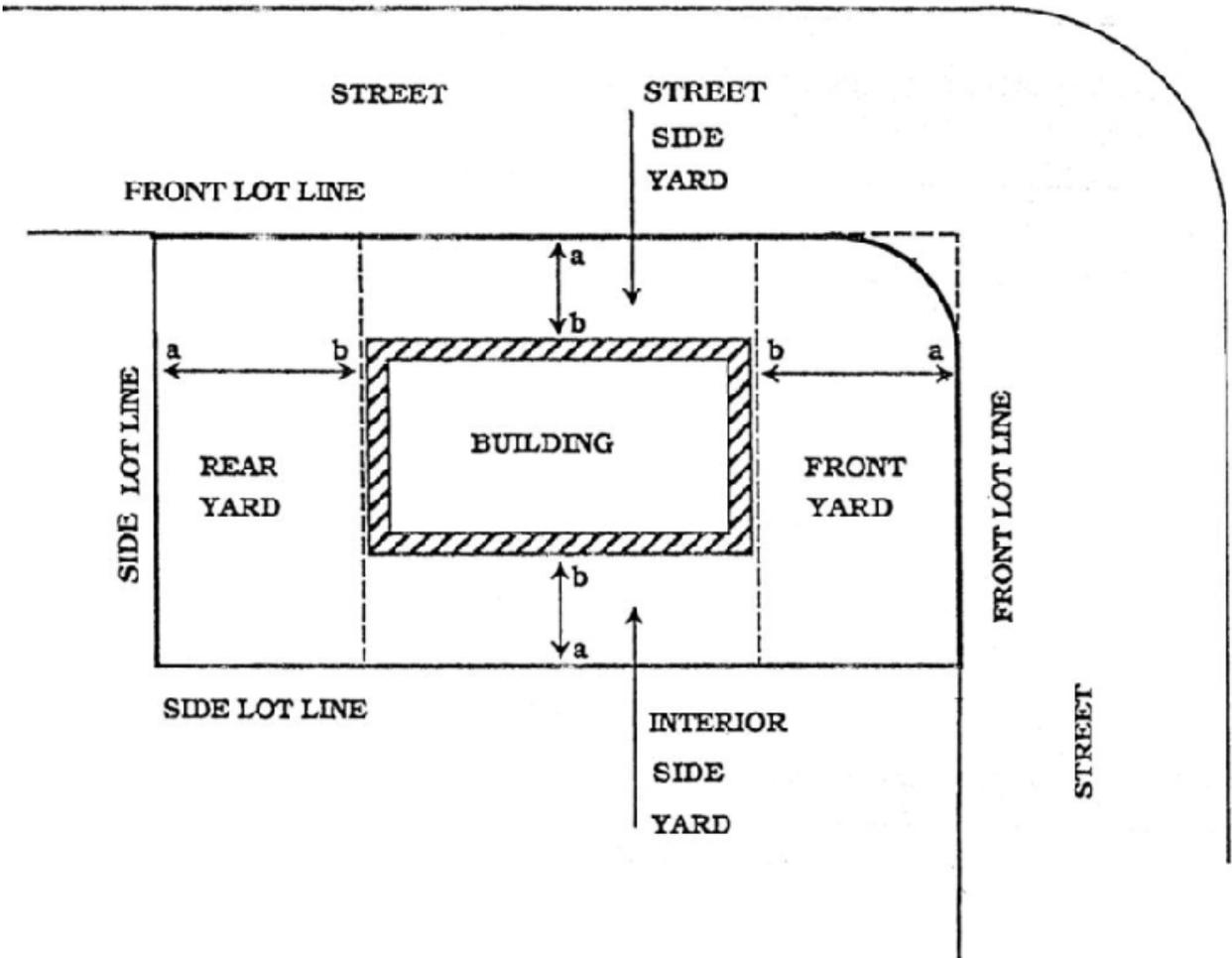
- (a) Corner lots are defined as lots located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the front most points of the side lot lines to the frontmost point of the lot meet at an interior angle of less than 135 degrees.
- (b) Interior lots are defined as lots with only one frontage on a street.
- (c) Through lots are defined as lots other than corner lots with front yards on more than one street. Through lots abutting two streets may also be referred to as double-frontage lots.

**CORNER LOT
PARALLEL LOT LINES
YARD DEFINITIONS**



DISTANCE ab REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE ab MUST BE THE MINIMUM DISTANCE SPECIFIED IN THE ORDINANCE.

**CORNER LOT
CURVED LOT LINE
YARD DEFINITIONS**



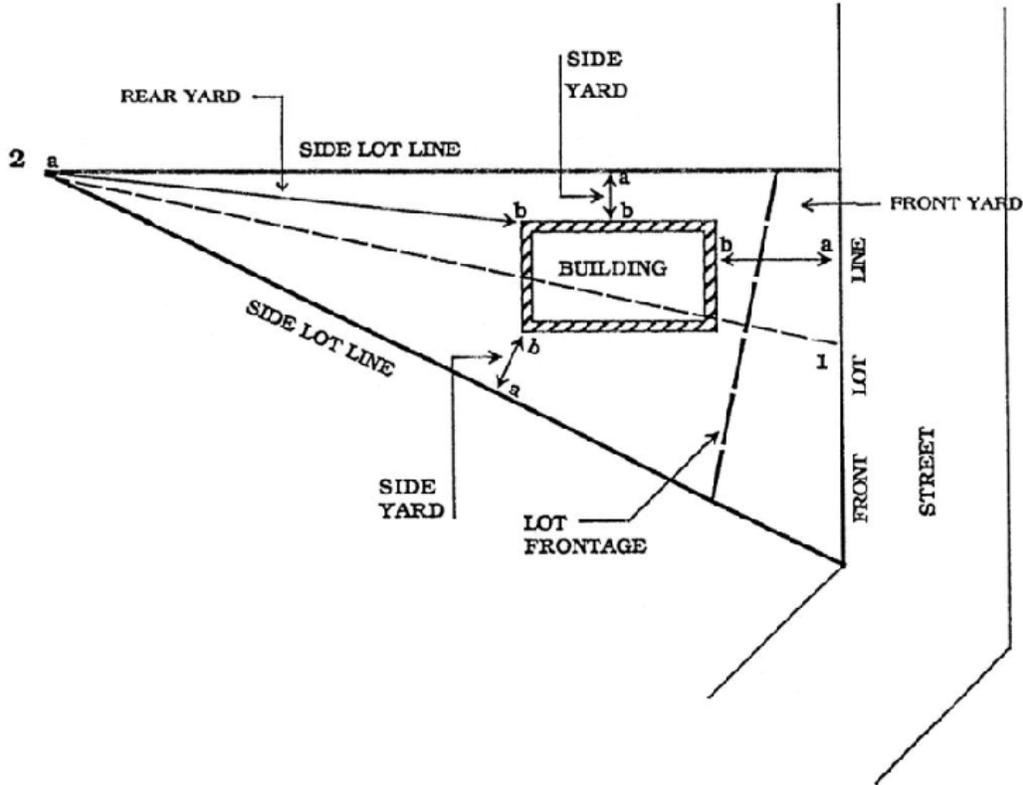
DISTANCE ab REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE ab MUST BE THE MINIMUM DISTANCE SPECIFIED IN THE ORDINANCE

- (d) Atypical lots are defined as lots within a subdivision where, as a result of subdivision design, the lots abut a street at one end and any of the following at the opposite end:
- (1) A waterway or body either of which is 100 feet or more in width;
 - (2) A golf course fairway or green;
 - (3) An open space area which by itself, or when combined with other open space areas within the same subdivision, comprises at least 15 percent of the total land area in said subdivision,

and in which an undivided interest is conveyed with each lot. Atypical lots may also be odd shaped lots (not square or rectangular).

IRREGULAR LOT

NO REAR LOT LINE
YARD DEFINITIONS



LOT FRONTAGE

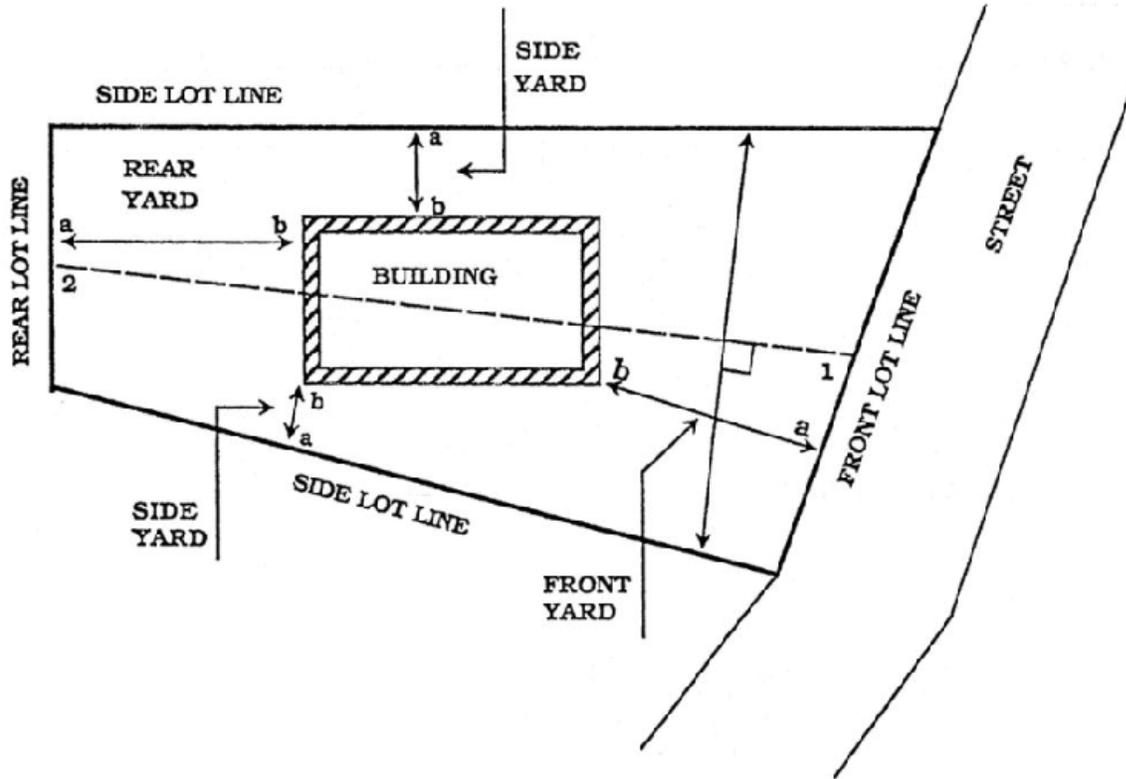
- 1. MID POINT OF FRONT LOT LINE.
- 2. MID POINT OF REAR LOT LINE.

LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2.

DISTANCE ab MUST AT LEAST BE THE MINIMUM SPECIFIED FOR THE REQUIRED YARD IN THE ORDINANCE.

IRREGULAR LOT

NO PARALLEL LOT LINES YARD DEFINITIONS



LOT FRONTAGE

1. MID POINT OF FRONT LOT LINE.
2. MID POINT OF REAR LOT LINE.

LOT FRONTAGE MEASURED AT RIGHT ANGLES TO THE LINE JOINING POINTS 1 AND 2

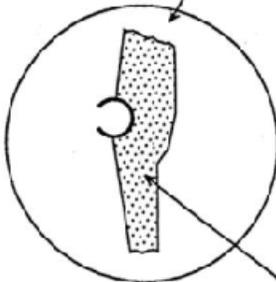
DISTANCE ab MUST AT LEAST BE THE MINIMUM SPECIFIED FOR THE REQUIRED YARD IN THE ORDINANCE.

**ILLUSTRATION OF DEFINITIONS
RELATED TO WATERFRONT LOTS**



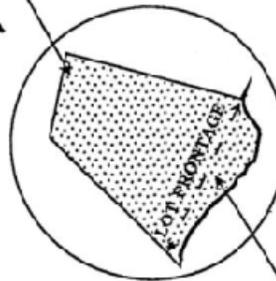
LOT FRONTAGE
MEANS THE STRAIGHT LINE HORIZONTAL DISTANCE BETWEEN THE 2 MOST WIDELY SEPARATED POINTS ON THE FRONT LOT LINE

LOT LINE, FRONT
IN THE CASE OF A THROUGH WATERFRONT LOT, THE LONGEST SHORELINE SHALL BE DEEMED TO BE THE FRONT LOT LINE



LOT, THROUGH WATERFRONT
MEANS A LOT WHICH HAS WATER ACCESS ON MORE THAN ONE SHORELINE

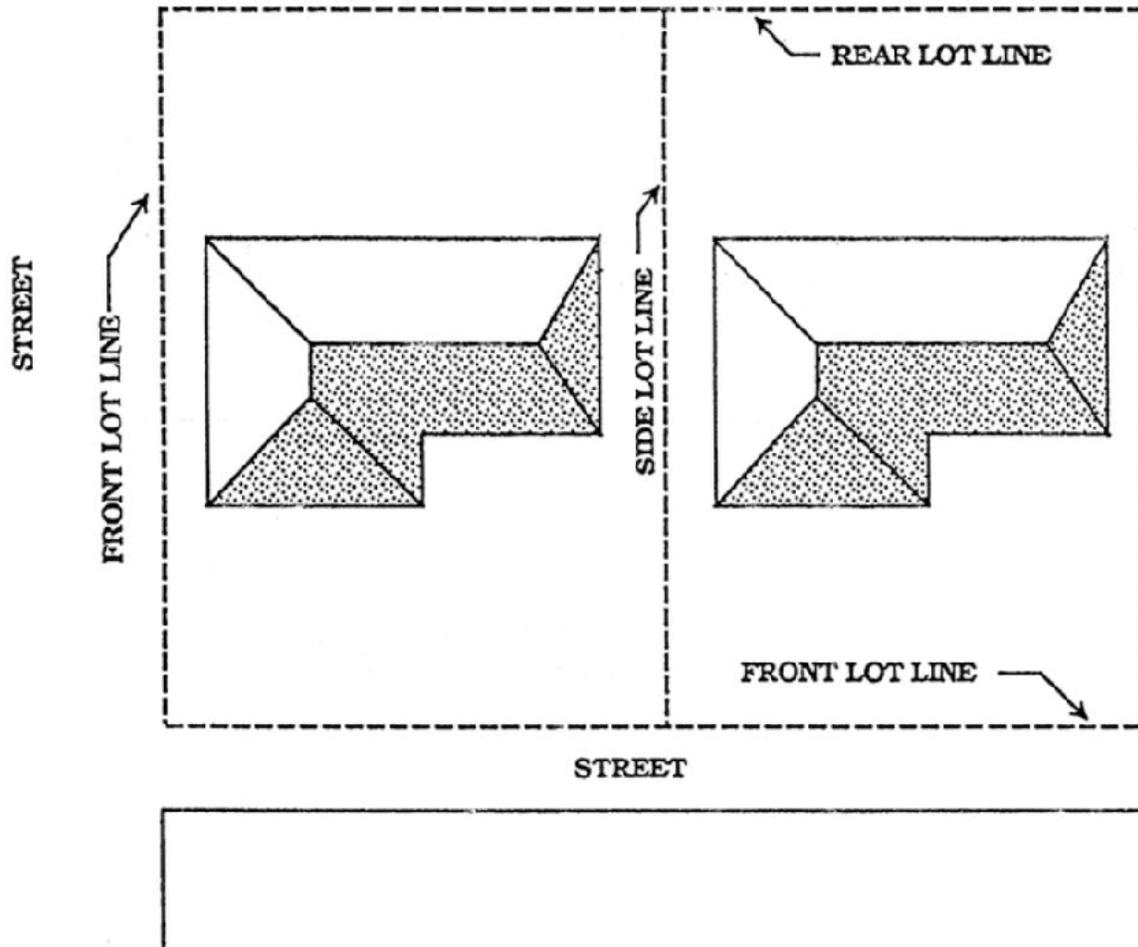
LOT, STANDARD WATERFRONT
MEANS A LOT WHICH HAS WATER ACCESS ON ONE SHORELINE ONLY



LOT LINE, FRONT
IN THE CASE OF A STANDARD WATERFRONT LOT, THE SHORELINE SHALL BE DEEMED TO BE THE FRONT LOT LINE

Lot depth: the horizontal distance between the mid-points of the front and rear lot lines. In the case of a triangular lot, the perpendicular distance from the front lot line to the apex of the angle formed by the intersection of the side lot lines.

LOT LINE DESCRIPTIONS



Lot line, front: property line abutting any street right-of-way, or for streets with less than 50 feet of dedicated right-of-way, an imaginary line located 15 feet from and parallel to the edge of the traveled way.

Lot line, rear: property line most distant from and most nearly parallel to the front lot line. In the case of lots abutting streets on more than two sides, rear lot line shall mean the rear lot line as established by prior construction. In the case of corner lots, the lot line most distant from and parallel to the front of the building shall be the rear lot line. Except that in the case of a building facing the street corner of a corner lot, the interior lot lines shall be side lot lines.

Lot line, side: any property line that is not a front or rear property line.

Lot lines: the perimeter property lines around the lot or the space line of a rental space.

Lot, substandard: any lot that does not conform to the area or width requirements of the zoning classification in which it is located.

Lot width: horizontal distance between the side lot lines, measured at right angles to the depth.

Low-profile luminaire: light fixture set on a base which raises the source of the light no higher than 48 inches off the ground, and designed in such a way that light is directed downward from a hooded light source.

Lowest adjacent grade: The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design standards of this ordinance.

Lumen: is a unit of luminous flux; used to measure the amount of light emitted by lamps.

Luminaire: the complete lighting assembly, less the support assembly. For purposes of determining total light output from a luminaire, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

Lux: is a unit of luminance equal to one lumen per square meter. It is the luminous flux per unit area in the metric system. One lux equals approximately 0.0929 foot candles.

Machine or Device: A finding that is a simulated gambling device under section 110-840 does not preclude a finding that it is also a slot machine or device under Section 849.16, Florida Statutes.

Major sports facility: stadium or racetrack for major sports events with a permanent seating capacity of at least 5,000 spectators. Further, a major sports facility is characterized by infrequent use such that there are no more than 30 days of use per year where the facility is at, or above, ten percent occupancy. Actual fee for this land use category, provided it meets the definition, is based on the rate of frequency of use (greater than ten percent occupancy) on an annual basis.

Manufactured dwelling: structure fabricated in a manufacturing facility and bearing a seal certifying it is constructed to standards as adopted under the authority of F.S. § 553.35 et seq. and rules adopted by the Florida Department of Community Affairs under Chapter 9B-1 et seq., Florida Administrative Code.

Manufactured home: a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing: air curtain incinerators; mining; commercial fish processing plants; livestock feed lots; bottling of soft drinks or milk and distribution stations; and hazardous waste transporter facilities.

Marina: boat dock or basin with facilities for berthing, securing, fueling and servicing various types of recreational watercraft. It may include the provision of supplies and storage. It does not include boat docks that are accessory to residential uses.

Market value: The building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

Marquee: canopy projecting over an entrance. A canopy or marquee is not an integral part of the roof but rather is appended to the building and extends beyond the building or building line.

Marquee sign: sign attached to, hung from, supported from or forming a part of a canopy or marquee.

Master development sign: a sign designating a multi-parceled plat, PUD, or DRI that is intended to be developed in separate zoning lot parcels.

Mean high water: the average height of the high waters over a 19-year period. For shorter periods of observation, "mean high water" means 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 19-year value.

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, or North American Vertical Datum (NAVD) of 1988.

Medical office/clinic: includes medical and dental clinics; dental laboratories; dental offices and clinics; medical and dental offices and clinics; medical examiner facilities; veterinarian office and veterinary clinics.

Membership sign: A sign identifying affiliation with a travel club, business association, credit card company, or professional association.

Memorial sign: A permanent sign, plaque, inscription or similar group of symbols recording historical data relating to the construction of the building to which it is affixed.

Mining: the removal of natural resources from the earth by means of digging, drilling or stripping.

Mini-warehouse: an enclosed storage area containing individually rented or owned compartments or stalls for storage only.

Mitigation (environmental): environmental actions including, but not limited to, restoration, enhancement, creation of wetlands, removal or restoration of wetland buffers, flood plains, tree removal and/or tree replacement, or state and federal protected species, required to be taken by a person to offset environmental impacts of permitted and/or unpermitted activities.

Mitigation (traffic): special actions, programs and procedures intended to reduce, redistribute, modify the traffic impact on the thoroughfare system and/or increase capacity to the thoroughfare system by using professionally accepted standards and methods.

Mobile home: dwelling, manufactured; dwelling, mobile home; mobile home park; mobile home space; mobile home subdivision; Florida DCA-approved manufactured dwelling; and trailer.

Mobile home dwelling: single-family structure fabricated in a manufacturing facility, having a width of more than 8 1/2 feet and a length of more than 40 feet, and bearing a seal certifying it is constructed either to the Federal Manufactured Housing Construction and Safety Standards Code or to obsolete ANSI 119.1 Mobile Home Design and Construction Standards.

Mobile home park: area of land under one ownership where designated spaces for mobile home dwellings are rented. The overall operation is managed on a full- or part-time basis and provides various services and facilities for common use.

Mobile home space: an improved area within an approved mobile home park, designated for the placement of only one mobile home dwelling.

Mobile home subdivision: approved subdivision with lots for sale as residential sites for mobile home dwellings.

Mobile recreational shelters and vehicles: portable shelters and vehicles, designed for travel or recreational purposes which are not more than eight and one-half feet wide. The term includes the following:

- (1) **Tent, tent camper or camping trailer:** a portable shelter usually fabricated of canvas or other water-repellant and fire-resistant material. The shelter may be designed to collapse for independent storage or may be designed to fold out from a special trailer body towed behind a motor vehicle.
- (2) **Truck camper:** shelter without wheels of its own, which may or may not be self-contained, designed to fit directly on the bed of a pickup truck and removable for mounting on supporting jacks when not in use.
- (3) **Travel trailer:** vehicle constructed of metal, plastic, wood or fiberglass, with one or two axles and designed to be towed behind a motor vehicle.
- (4) **Motor home or recreation vehicle:** self-propelled and generally self-contained vehicle permanently constructed directly on or mounted on a truck or van chassis, and usually allowing for free access between driving and living compartments.
- (5) **Pickup cover:** portable enclosure placed on the bed of a pickup truck, usually lacking any self-containment features, and primarily providing simple sleeping arrangements.

Model home: See "dwelling, model"

Model home center: one or more model homes developed on a site that is located in any non-residential zoning district, including the professional business district (PB) zoning district. Model home centers are prohibited in residential zoning districts.

Model sign: a sign that designates a particular dwelling unit design that is designated by the developer/builder as a model home.

Monopole tower: communication tower consisting of a single pole, constructed without guy wires and ground anchors.

Monument sign: same as "Ground sign."

Motel: place of lodging that provides sleeping accommodations and often a restaurant. Motels generally offer free on-site parking and provide little or no meeting space.

Movie theater with matinee: includes theaters; drive-in theaters; motion picture theaters; and live performance theaters.

Multi-class or multi-use lighting: any outdoor lighting used for more than one purpose, such as security and decoration.

Multi-family: and includes apartment houses; cooperative apartments; condominiums; two-family dwellings; multiple-family dwellings; efficiency units; penthouses; farm worker living facilities; and two-family (duplex) dwellings.

Multiple-family dwelling: building containing three or more dwellings intended to be occupied primarily by permanent residents.

Multifamily parcel: residential parcel of land which is not classified as a single-family or duplex parcel as defined in this article.

National Geodetic Vertical Datum (NGVD): is a vertical control used as a reference for establishing varying elevations within the floodplain.

Natural flow pattern: rate, volume and direction of the surface or groundwater flow occurring under natural conditions for any given portion of the city.

Natural resource management area (NRMA): land use category identified in the future land use element, of the city's comprehensive plan, as amended.

New and used boat sales: includes boat rental agencies; boat sales and service; marine engine repair and service; and boat service and retail for off-site use.

New and used car sales: includes automobile rental agencies; mobile home sales and service; marine engine repair and service; and truck, motorcycle, trailer, bicycle and mobile home storage, sales, service and retail for off-site use.

New buildings: structures for which the "start of construction" commenced on or after July 6, 1978, for purposes of chapter 90, article II, flood hazard management.

New construction: structures for which the "start of construction" commenced on or after the effective date of adoption of chapter 70 of the Code of Ordinances or as amended. The term also includes any subsequent improvements to such structures.

New manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after April 18, 1974.

Non-commercial onsite directional or instructional sign: A noncommercial on-site sign that functions to provide direction, information or instruction to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message, e.g., "entrance," "exit," "caution," "no parking," "one way only," "no trespassing," and the like.

Non-concurrency affidavit: document signed by an applicant which defers the application for a certificate of capacity and acknowledges that:

- (1) The issuance of building permits or final development orders are subject to the requirements of this article for obtaining a determination of capacity, a certificate of capacity reservation; and
- (2) No vested rights to obtain building permits or final development orders, or any other rights to develop the subject property have been granted or implied by the City's approval of the preliminary development order.

Nonconforming lots: area of land which abuts a street and which either complied with or was exempt from either the Volusia County Subdivision Regulations [chapter 106, Code of Ordinances], if it was annexed after the effective date of this chapter [November 16, 1998], or the City of Deltona Subdivision Regulations (Ordinance Number 96-25, Section One, Appendix A, Article II) [section 70-58, chapter 106, Code of Ordinances] on the effective date of this chapter, but which does not meet the minimum area or width requirements of the currently adopted zoning district.

Nonconforming sign: A sign that was in existence before the adoption of Chapter 102 and does not comply with the requirements of said code.

Nonconforming use: building or land occupied by a use that does not conform to the regulations of the zoning classification in which it is located.

Nonresidential activity: any activity occurring on any described parcel of land, whether or not within a structure, with the exception of residential activity as defined herein.

Nonresidential parcel: parcel of land other than a residential parcel.

Nonvehicular ingress and egress easement: easement entitling the holder of the easement to control access across the easement by motor vehicles.

Normal farming operation: the customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in during the production and preparation for market of poultry, livestock and associated farm products; and in the production and harvesting of agricultural crops which include, but are not limited to, agronomic, fish farms, horticultural and silvicultural operations. Included is the management, collection, storage, composting, transportation and utilization of organic agricultural waste, manure, and wastes solely derived from agricultural crops.

Nudity: display or expose at an adult entertainment establishment less than completely and opaquely covered:

- (1) Human genitals or pubic region;
- (2) The cleavage of the human buttocks;
- (3) The areola or nipple of the human female breast; or
- (4) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Off-site improvements: road improvements, other than those referenced in the definition of site-related improvements, located outside of the boundaries of the parcel proposed for development, which are required to serve the development's external trips.

Off-site sign: Any sign which directs attention to a business, commodity, service, product or activity not conducted, sold, offered or available on the premises where such sign is located or to which it is affixed.

Off-street parking space: a permanently located off-street space for the temporary parking of vehicles.

Office: professional business offices including but not limited to accountants, attorneys, insurance agencies, mortgage brokerages, real estate agencies, and offices for architects engineers and stock and bond brokers; circus headquarters; employment agencies; Internet sales businesses that do little or no on-site sales; non-profit membership and charitable organizations; professional or trade schools related to permitted uses; and utility offices.

Official zoning map: graphic illustration of zoning boundaries and classifications drawn and approved as part of the records of the City of Deltona.

On-site sign: A sign that identifies or advertises only goods, services, facilities, events or attractions available on the premises where the sign is located and is affixed to the subject property that contains the business venture.

Opaque:

1. a material does not transmit light from an internal illumination source. Applied to sign backgrounds,
2. the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

Open space: portion of net land area not used for buildings, structures, street rights-of-way or off-street parking and loading areas.

Operated for commercial or pecuniary gain: any business or attempt to generate income and shall not depend upon actual profit or loss. An establishment that has an occupational license shall be presumed to be operated for commercial or pecuniary gain.

Operator (adult entertainment): any person who engages in or performs any activity necessary to or that facilitates the operation of an adult entertainment establishment, including but not limited to the

licensee, manager, owner, doorman, bouncer, bartender, disc jockey, sales clerk, ticket taker, movie projectionist, dispatcher, receptionist or attendant.

Operator (slot machines equipment): any person, firm, corporation, enterprise, organization, or association or agent or employee thereof who promotes, operates, or conducts a game promotion, except any charitable nonprofit organization.

Opinion sign: any sign that indicates a belief concerning an issue, name, cause or affiliation not scheduled for an election and is not representing a commercial or business venture. This term includes, but is not limited to signs advertising political parties or any political information.

Outdoor light fixture: an outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to lights used for:

- Parking lot lighting;
- Roadway lighting;
- Buildings and structures;
- Recreational areas;
- Landscape lighting;
- Billboards and other signs (advertising or other);
- Product display area lighting;
- Building overhangs and open canopies.

Outdoor entertainment and recreational uses and structures: privately owned and operated facilities providing outdoor recreation, entertainment or amusement activities to the general public usually for an admission fee. Examples of such facilities include: miniature golf courses, amusement parks, water slide and sport facilities, rifle shooting ranges, golf driving ranges, and go-cart tracks. Speedway, racetracks, motorized vehicle or motocross courses, agricultural centers and associated fairgrounds, outdoor musical events, and circus headquarters are not included in this definition.

Outdoor light output, total: the maximum total amount of light, measured in lumens, from all outdoor light fixtures. For lamp types that vary in their output as they age (such as high pressure sodium, fluorescent and metal halide), the intimal output, as defined by the manufacturer, is the value to be considered.

Outdoor musical event: any gathering of groups/individuals for the purpose of listening to or participating in outdoor entertainment, which consists in whole or part of live musical renditions conducted in open spaces not within an enclosed structure intended to attract 1,000 or more people per day for one or more days and which has received a permit under City of Deltona Ordinance No. 96-24 as it may be amended from time to time.

Outdoor recreation facility: an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

Outstanding Florida waters (OFW): waters and associated wetlands identified in the Florida Administrative Code, 17-302.700.

Owner: the proprietor of record of a lot as such appears in the official records of the clerk of the circuit court in and for Volusia County, Florida.

Package treatment plant: small wastewater treatment systems which have a collection network, treatment plant, and disposal system. Package treatment plants are generally used to serve isolated development and are partially or completely preassembled by the manufacturer prior to shipment to the site of use.

Parasite sign: Any sign not exempted by this sign code, for which no permit has been issued, and which is attached to another sign. These signs are considered non-conforming signs and are subject to removal by the City.

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 a unit or which has been used or developed as a unit.

Park: tract of land kept for ornament or recreation and maintained as public property.

Park impact fee: mean the fee required to be paid in accordance with Chapter 94, article III, Code of Ordinances.

Parking aisle: area immediately adjacent to the car parking stalls which permits maneuvering of the cars entering and leaving a parking stall, and which connects the parking stalls to the driveway.

Parking stall: the space that is necessary to park a car, excluding aisles and driveways.

Partial circulation parking lot: parking lot design which permits a car entering a parking lot to maneuver in front of all parking stalls without using the public right-of-way.

Penthouse: an enclosed structure or structures above the roof of a building occupying not more than an aggregate area of one-third of the area of the supporting roof. Penthouses shall not be used for purposes other than the shelter of mechanical equipment or shelter of vertical shaft openings in the roof.

Percent of new trips: the number of new trips generated by the land development activity.

Permanent sign: any sign installed and affixed on-site.

Person: an individual, tenant, lessee, owner, firm, association, organization, whether social, fraternal or business, partnership, joint venture, trust, company, corporation, receiver, syndicate, business trust, or other group or combination acting as a unit.

Person aggrieved: a resident of the City of Deltona or an applicant for an administrative or quasi-judicial action pursuant to this chapter whose legal right is invaded by a decision complained of, or whose pecuniary interest is directly affected by a decision. The person's interest must be specific and personal, not common to all members of the community. When the decision affects any public recreation area, however, the phrase shall include any user of that area.

Person, interested: any person who presents evidence, testimony or argument at any public hearings, whether oral or written, in person or by representative and who provides his or her name and address to the hearing body.

Personal gain sign: sign advertising for personal gain on residential property; for example, a garage, yard or patio sale sign.

Pervious area: area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

Physical contact: manipulate, wash, scrub, stroke or touch, for commercial or pecuniary gain, another person's body, directly or indirectly, through a medium, using any object, instrument, substance or device. It is an affirmative defense to an alleged violation of this chapter regarding engaging in physical contact if the alleged violator can establish membership in one of the following classes of persons or businesses and the activity alleged to be physical contact is part of the bona fide practice of the profession or business of the person, which overlaps into the field regulated by this chapter:

- (1) A person licensed as a massage therapist or apprentice massage therapist pursuant to F.S. Ch. 480 if providing massage services only in a massage establishment licensed under F.S. Ch. 480;

- (2) A person licensed under state law to practice medicine, surgery, osteopathy, chiropractic, naturopathy, or podiatry, or persons licensed as a physician's assistant, or holding a drugless practitioner's certificate;
- (3) A nurse registered under state law;
- (4) A barber or beautician licensed under state law;
- (5) A cosmetologist licensed under state law;
- (6) A person performing services in any hospital, clinic, nursing home or sanitarium licensed under state law;
- (7) An instructor, coach or trainer employed by or on behalf of any bona fide professional, Olympic or sanctioned amateur athletic team, governmental entity or any bona fide state, county or private educational institution; or
- (8) A physical therapist licensed under state law.

Physical contact parlor: business, establishment or place operated for commercial or pecuniary gain where any worker engages in physical contact, or any business or establishment for which any portion is set aside, advertised or promoted as a place where physical contact occurs, including a "body scrub salon" or "relaxation salon."

Planned Unit Development (PUD): tract of land under unified ownership, to be planned and developed according to the master development plan specified in this chapter.

Planning and Zoning Board (P&Z): board established by Ordinance No. 30-98.

Plat: map or delineated representation of the subdivision of land showing the designation of such land as lot(s), block(s), parcel(s), or other portions thereof, and other information. "Plat" may include the term "replat," "amended plat", "preliminary plat", "final plat" or "revised plat." Final plats are recorded into the public records.

Platted land: any land which can be referenced to a subdivision plat.

Pole lighting: light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Pole sign: A sign which is supported by one or two poles of no greater than eight inches in diameter and otherwise separated from the ground by air. Except where existing or approved through entitlements, are considered non-conforming signs and are subject to removal by the City.

Political sign: any sign that is for a Federal, State, or local election sign and is considered similar to an opinion sign. These signs are not for commercial or business venture and are not treated as such.

Potable water or potable water facilities: water that is satisfactory for drinking, culinary and domestic purposes meeting current state and federal drinking water standards. The water meets the criteria of Section 17-3.071, 17-3.404, and/or 17-22, F.A.C.

Potable water supply well: potable water well to supply water which has been permitted for consumptive use by the water district and the casing diameter is six inches or greater.

Portable sign: A sign, exclusive of handheld signs, that has no permanent attachment to a building or to the ground by means of a footing, including but not limited to, an A-frame sign, sign with wheels, pull attachments, or hot air or gas filled balloons. Depending upon the type of sign and whether a sign permit can be issued, unpermitted portable signs are considered non-conforming signs and are subject to removal by the City.

Poster frame sign: A frame or similar structurally delineated area on the exterior wall of a building designed to accept pre-printed signs that are generally displayed for weeks or months at a time, as the time period is defined with the sign permit.

Preexisting:

- (1) When used together with the term "adult entertainment establishment," "religious institution," "educational institution," "commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption," or "residence":
 - a. The establishment, institution or residence is already being lawfully used or lawfully occupied;
 - b. A building permit for the establishment, institution or residence has been lawfully issued, all fees associated with the permit have been paid, and the permit has not expired; or
 - c. An application or plan to allow the establishment, institution or residence to be constructed, used or occupied has been filed and is undergoing review or is approved, with or without conditions.
- (2) When used with the term "park":
 - a. The park is already being used; or
 - b. The park site has been approved or otherwise designated by the appropriate governing body.

Preliminary development order: rezoning, special exception, planned unit development, subdivision sketch plan or overall development plan, conceptual or preliminary site plan, or any other development order other than a final development order, except an [authorized] variance.

Premises: tract of land or a lot, together with all buildings and structures thereon.

Primary containment: the first level of product-tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous substance being contained.

Primary well field protection zone: land area immediately surrounding any potable water supply well and extending a radial distance of 200 feet.

Principal structure: any structure occupied by the principal use.

Principal use: the primary purpose for which the premise is designed and intended to be used.

Principally above ground: At least 51 percent of the actual cash value of the structure is above ground.

Private model: any person who, for commercial or pecuniary gain, offers, suggests or agrees to engage in a private performance, modeling or display of male or female lingerie, bathing suits, undergarments, lingerie or specified anatomical areas to the view of a patron.

Private performance: modeling, posing or the display or exposure of any specified anatomical area by a worker of an adult entertainment establishment to a patron while the patron is in an area not accessible during such display to all other persons in the establishment, or while the patron or worker is in an area that is private, or in which the patron or worker is totally or partially screened or partitioned during such display from the view of persons outside of the area.

Product-tight: impervious to the hazardous substance which is or could be contained so as to prevent the seepage of the hazardous substance from the containment system. To be product-tight, the containment system shall be made of a material that is not subject to physical or chemical deterioration by the hazardous substance being contained.

Profession: a calling requiring specialized knowledge, often long and intensive academic preparation, institutional accreditation, and involving predominantly mental rather than manual labor.

Project: any area of land that is planned, designed and developed in an integral and unified arrangement. It includes all structures, improvements and equipment of every kind, nature or description incident to the development.

Projecting sign: A sign, other than a wall sign, attached to and projecting at a 90 degree angle from a structure or building.

Promotional sign: sign announcing a promotional activity sponsored by the owner or agent of the property and being located on the site of the event. The sign permit for the sign will define the time period of signage use.

Public improvements: any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, bridge, sidewalk, pedestrian way, planting strip, or other facility for which the city or other governmental agency may ultimately assume the responsibility for maintenance and operation.

Public market: public place either owned or leased by the City where people gather for the purpose of trade by private purchase and sale and where the goods being purchased and sold are fresh garden crops plants, horticultural products, art and crafted items, which goods are subject to approval by the City. Public markets may also be referred to as farmer's markets.

Public services: programs and employees determined necessary by local government to provide adequate operation and maintenance of public as well as those education, 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.

Public use: use of any premises by a public body, board, commission or authority, such as a municipal, county, state or federal government, or any agency or department thereof for a governmental or proprietary purpose.

Public utilities: an enterprise providing an essential service authorized and regulated by state or federal public utility regulatory bodies, or services owned, franchised, or permitted by the City. Included are facilities necessary to provide the service such as water towers well houses, utility poles, transmission towers, substations, sewerage, communication equipment, street lighting electric power plants, substations, water tanks, gas transfer stations, water and sewage treatment plants and other similar equipment. Public utilities also include "essential utilities services".

Publicly owned parks and recreational facilities: an area of land, often in a largely natural state, having facilities for rest, recreation or sports activities owned or managed by a municipal, county, state or federal government or any agency or department thereof for the benefit or enjoyment of the general public.

Pylon sign: sign erected upon a tower-like structure which is wholly independent of any building or other structure for support and having at least nine feet of clearance under the sign area. Compare to "Pole sign." The supporting structure is narrower than the sign panel width.

Racquet club/health club/spa/dance studio: includes physical fitness centers; art, dance, modeling and music schools; and artist studios.

Real estate sign: A sign erected by the owner or his agent indicating property for rent, for lease or for sale and shall be removed within 30 days of property sale.

Reasonably safe from flooding: Base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Reclaimed Water: effluent treated to advanced levels meeting the Florida Department of Environmental Regulation criteria and reused through irrigation or other approved methods.

Recreational areas: privately owned and operated facilities providing recreation and sport uses such as golf courses, country clubs, swim clubs, tennis clubs, and the like. Private recreational facilities are generally sustained through the sales of memberships, but may be open to the general public for a fee. Speedways, racetracks, motorized vehicle or motocross courses, agricultural centers and associated fairgrounds, circus headquarters, and exercise or health spas or clubs are not included in this definition.

Recreational facilities: those improvements or artificially installed accessories which facilitate the use of an area or a resource for outdoor recreation. Facilities are divided into two categories: Primary facilities are those that are essential or extremely desirable for conducting a particular outdoor recreational activity, such as launching ramps for boating, trails, for cycling, roads for access to areas, etc.; secondary facilities are those that are desirable as a further enhancement of the recreational experience but are still dispensable, such as outdoor grills for picnicking and camping, docks for boating, etc.

Recreational vehicle: means, for the purposes of floodplain management, a vehicle that is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicles: See "mobile recreational shelters and vehicles".

Recreational vehicle park: area of land under single ownership divided into lots or spaces for the placement of mobile recreational shelters and vehicles.

Recreational vehicle space: an improved area within a recreational vehicle or mobile home park designated for the placement of a single mobile recreational shelter and vehicle.

Recycling collection center: a facility which is solely devoted to the collection and temporary storage of aluminum products, glass, plastic, newspapers, and similar materials for eventual reprocessing of such recycle materials. Such centers are not junk yards. This facility is not located upon the same premises as the recycling manufacturer and is an ancillary use/structure.

Recycling transfer station: a facility where materials from a recycling collection center are placed into larger vehicles/containers and temporarily stored prior to being transferred to a recycling manufacturer.

Registered land surveyor: a surveyor currently registered to practice land surveying in the State of Florida.

Regulatory floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Religious institution: premises or a site used primarily or exclusively for religious worship and related religious activities.

Religious sign: a shape symbolizing a religious belief.

Rendition: the filing of a signed, written decision with the zoning enforcement official or his/her designee. If a timely petition for rehearing has been filed, the decision shall not be deemed rendered until its disposition.

Replacement stock: any immature tree having an overall height of at least six feet but does not include any tree listed as exempt in 98-28(6). In addition replacement stock shall have minimum DBH of one and one-half inches.

Reservoir area: (traffic) an area not on the public right-of-way which is provided for the temporary use of vehicles waiting to enter or leave a vehicle-oriented service, or an off-street parking facility.

Residential activity: any building or structure or portion thereof that is designed for or used for residential purposes and any activity involving the use or occupancy of a lot for residential purposes. Residential activity shall include those customary and accessory residential activities associated with the principal permitted use of a lot for residential purposes as set out in the zoning ordinance or other appropriate ordinance of the City.

Residential condo/townhouse: includes single-family town homes, town home condominiums, and single-family attached villas.

Residential land development activity: the carrying out of any building activity or the making of any material change in the use or appearance of any structure or land.

Residential parcel: a tract of land on which a residential structure may be built without violating the comprehensive plan, or any applicable law or ordinance.

Restaurant: premises where meals, including beverages or confections are served to customers. Restaurants are classified as:

Type A buildings where the customers normally order from individual menus while seated at a table. The order is then normally served by a restaurant employee to the same table and there consumed by the customer. This group also includes cafeterias. This group does not include drive-through service.

Type B any building containing a restaurant other than type A. (i.e., one with drive-in service or drive-through service)

Retail: includes the sale of non-wholesale merchandise and goods for public consumption and may include adult bookstores; adult theatres; accounting and bookkeeping services; antique shops; apiaries; art goods and bric-a-brac shops; auction parlors; automobile driving schools; aviaries; bakeries, retail (including preparation of products for sale on the premises); beauty shops and parlors; barber shops; bars and liquor stores; bicycle stores; boathouses; building materials storage and sales; bus stations; carwashes; catering services; cigar stores; night clubs; private clubs; commercial nurseries and/or greenhouses; kennels or breeding farms; computer hardware or software service and sales; confectionery and ice cream stores; conservatories; contractor and building material yards; curb markets; curio stores; drug and sundry stores; electric service and sales; electronic service and sales; fish camps; flea markets; florist shops; florists retail; fruit stores; funeral homes; garden supplies and retail fertilizer stores; general retail sales and services; hardware stores (retail only); household moving centers; interior decorating, costuming, draperies; jewelry stores; watch repairs; Laundromats; laundry and cleaning agencies; laundry and dry cleaning establishments; self-service laundries: lawn equipment service and sales; leather goods stores (retail only); linen supply and industrial launderers; marinas; millineries, wearing apparel and furrier stores; mobile recreational vehicle and shelter sales, services, storage and repair; model home centers; moving and storage companies; music and radio stores; newsstands; paint stores; pawnshops; pest exterminators; pet stores; photograph galleries; plumbing fixture shops (retail only); plumbing shops with indoor storage only; plumbing, sales and service; printing and engraving, including Photostatting and publishing; printing shops; retail plant nurseries; retail specialty shops; riding stables; rug cleaning establishments; stamp redemption centers; tailor or tailor shops; tattoo parlors and body piercing establishments; taxicab stands; travel agencies; truck and freight transfer terminals; truck stops; truck storage; welding and soldering shops; and, wholesale-retail nurseries.

Retail sales and services: the duly licensed selling of general or specialized merchandise directly to the consumer from a store, shop or similar building. The repair, installation, servicing and making of that merchandise is allowed as an accessory use to the permitted sales. This definition does not include a flea market or curb market.

Retail specialty shops: the duly licensed selling of specialized merchandise from a store, shop or similar building. The repair, installation, servicing and making of that merchandise is allowed as an accessory use to the permitted sales. This definition does not include a flea market or curb market.

Revetment: a sloped facing structure of an armoring material such as, but not limited to, quarry stone, concrete, or geotextile fabrics, built to protect a scarp, embankment, or shore structure against erosion by wave action or currents (see "toe scour protection").

Riding stable: a premise where the teaching of horseback riding or horsemanship for five or more students is conducted for a fee or where the boarding of five or more equine animals over six months of age is done for a fee. This use also includes the keeping of five or more equine animals which may be hired for recreational riding purposes for a fixed period of time by an individual other than the owner of said animals.

Right-of-way: an easement or dedicated strip of land owned by the City, occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for similar use.

Road: the term "road" shall be construed to include streets, sidewalks, alleys, highways and other ways open or unopened to travel by the public, including the roadbed, right-of-way, and all related culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel.

Roof sign: Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

Rooming house: See "boardinghouse".

RV park: includes mobile home parks and accessory laundry buildings, commissaries, swimming pools and recreational facilities; campers; campgrounds and recreational vehicle parks; and mobile recreational shelters and vehicles.

Sandwich board sign: Any sign consisting of two faces that are partially joined together and is free of structure or support and not secured to the ground.

Sanitary landfill: disposal facility which meets the criteria of Chapter 17-701, Florida Administrative Code, and is permitted by the Florida Department of Environmental Regulation, excluding those exempted under subsection 17-7.030(1)(a)(1), (2) of that rule. This term shall not include a land spreading site, a surface impoundment, or an injection well defined under and subject to the provisions of Chapter 17-28, Florida Administrative Code. Sanitary landfills shall be classified into the following types:

- (a) **Class I.** Landfills which receive an average of 20 tons or more of solid waste per day as weighed by scale if available, or 50 cubic yards or more of solid waste per day as measured in place after covering.
- (b) **Class II.** Landfills which receive an average of less than 20 tons of solid waste per day as weighed by scale if available, or less than 50 cubic yards of solid waste per day as measured in place after covering.
- (c) **Class III.** Landfills which receive only trash or yard trash. The city commission may further limit the types of materials which may be deposited in a class III landfill. (*Section 70-26*)

Seawall: structure separating land from water areas, primarily designed to prevent upland erosion and other damage as a result of wave action.

Secondary containment: the level of product-tight containment external to and separate from the primary containment.

Secondary well field protection zone: land area surrounding the primary well field protection zone, and extending a radial distance of 800 feet from said primary well field protection zone.

Self-service laundry: premises where equipment for washing and drying laundry is made available to retail customers for a charge. It is synonymous with "Laundromat."

Self-support tower: communication tower that is constructed without guy wires and ground anchors, including lattice towers.

Semi-cutoff: A semi-cutoff outdoor lighting fixture emits no more than five percent of its light above 90 degrees and 20 percent above 80 degrees from horizontal. (A standard IESNA definition)

Service area: that portion of a loading area where goods are transferred from the truck into the building being served.

Sexually oriented business: physical contact establishment, escort service, or escort agency operated for commercial or pecuniary gain, regardless of whether such business is licensed under this chapter.

Shopping center: premises containing a group of commercial establishments planned, developed and organized as a unit.

Sidewalk or sandwich sign: movable sign not secured or attached to the ground.

Sign:

1. Is any structure that is regulated or specifically exempted from regulation by the Deltona Sign Ordinance.
2. A device or representation for visual communication that is used for the purpose of bringing its subject to the attention of the general public. Signs do not include the following (unless they are used as attention-getting device):
 - (a) Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations.
 - (b) Merchandise, pictures, models or projects incorporated in a window display.
 - (c) National, state, religious, fraternal, professional and civic symbols or crests of less than three square feet.
 - (d) Works of art that in no way identify a project or business, and do not serve a commercial purpose as advertising or as an attention-getting device.
 - (e) Holiday and seasonal decorations.

Sign area: the square foot area enclosed by the perimeter of the sign face. When a sign is composed of letters only, the sign area is the area of the smallest rectangles needed to enclose all letters. See also "Area of sign."

Sign face (a.k.a. copy face): part of the sign that is or can be used for communication purposes.

Sign Height: vertical distance measured from the finished grade to the highest point of the structure

Sign, neon: sign including luminous gas-filled tubes formed into text, symbols or decorative elements and directly visible from outside the sign cabinet.

Simulated gambling device: a mechanically or electronically operated machine, network, system, or device that is intended to be used by an entrant to a game promotion, sweepstakes, drawing, raffle, or any game of chance and that is capable of displaying a simulated gambling display on a screen or other mechanism.

Simulated gambling display: visual or aural information capable of being perceived by a user which takes the form of actual or simulated gambling or gaming play. The term includes, but is not limited to, displays depicting the following types of games:

- a. Reel games or simulations of reel games, such as slot machines, eight liners, or pot-of-gold.
- b. Card games or simulations of card games, such as video poker.
- c. Video games representing a game regulated by Florida law, such as bingo, sweepstakes, game promotions, drawings, or raffles.
- d. Video games representing a game prohibited by Florida law, such as craps, keno, and lotteries.
- e. Any video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols.

Single-family: includes garage apartments; single-family dwellings; model homes; expanded residential building sites; patio homes; and single-family dwellings for the owner or manager of an existing permitted principal use.

Single-family dwelling: building containing only one dwelling. This term includes a manufactured or mobile home dwelling.

Site-related improvements: (traffic) capital improvements and right-of-way dedications for direct access improvements to the development in question. Direct access improvements includes, but is not limited to, the following:

- (a) Site driveways and roads;
- (b) Right- and left-turn lanes leading to those driveways and roads;
- (c) Traffic control measures for those driveways and roads;
- (d) Acceleration/deceleration lanes;
- (e) Frontage roads;
- (f) Median openings/closings; and
- (g) Roads necessary to provide direct access to the development.

Snipe sign: sign tacked, nailed, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects with the message appearing on the sign.

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. Materials not regulated as solid wastes pursuant to Florida Administrative Code chapter 17-701 are: nuclear source or by-product materials regulated under F.S. chapter 404, or under the Federal Atomic Energy Act of 1954 as amended; suspended or dissolved materials in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; regulated air emission; fluids or wastes associated with natural gas or crude oil exploration or production. Solid waste does not include scrap, or new or used material, separated at the point of generation and held for purposes of recycling, subject to state and local public health and safety laws.

Solid waste facilities: structures or systems designed for the collection, processing or disposal of solid wastes and includes transfer stations, processing plants, recycling centers and plants, and disposal systems.

Solid waste transfer station: facility where solid waste from several vehicles is placed into a larger vehicle before being transferred to a solid waste processing or disposal facility.

Special conditions: (environmental): the elevated water tables, areas within the 100-year flood prone areas in the FEMA FIRM's; dramatic topographic relief, or other unusual characteristics of the land that would require a lot to be filled above the maximum fill elevations in this chapter in order to reasonably accommodate construction in the opinion of the city engineer.

Special event: any public or private nonprofit event of limited duration in which the general public is invited to participate, and other events of limited duration that are otherwise unrelated to the primary use of the property. The term includes campaigns for election to public office and campaigns related to referenda proposing amendments to local, state or federal statutory or constitutional law, which shall be referred to as "political campaigns."

Special event sign: A sign that refers to any public or private non-profit event of limited duration as listed on the sign permit, in which the general public is invited to participate, and other event of limited duration that is otherwise unrelated to the primary use of the property.

Special exception: See "conditional use".

Special flood hazard area: see "area of special flood hazard"

Specified anatomical areas:

- (1) Less than completely and opaquely covered:
 - a. Human genitals or pubic region;
 - b. Any part of the human buttocks; or
 - c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); which shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed.
- (2) Human male genitals in a discernibly erect or turgid state, even if completely and opaquely covered.
- (3) Any simulation of the above.

Specified criminal act:

- (1) A violation of sections 78-4 and 78-94 through 78-109;
- (2) Any offense under the following: F.S. Ch. 794 regarding sexual battery, F.S. Ch. 796 regarding prostitution, F.S. Ch. 800 regarding lewdness and indecent exposure, and F.S. Ch. 847 regarding obscene literature; or
- (3) An offense under an analogous statute of a state other than Florida, or an analogous ordinance of another county or city.

Specified sexual activity :

- (1) Human genitals in a state of sexual stimulation, arousal, erection or tumescence;
- (2) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast; or
- (3) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilous, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy or urolagnia; or

- (4) Excretory functions as part of or in connection with any of the activities set forth in subsection (1), (2) or (3) of this definition.

Specimen tree means the following species of trees with the minimum specified DBH are determined to be specimen trees in the City:

Table 70-1 Specimen Trees

Common Name	Botanical Name	DBH
Turkey Oak	(<i>Quercus leavis</i>)	12 inches and larger
Other Oak species	(<i>Quercus</i> spp.)	18 inches and larger
Maple	(<i>Acer</i> spp.)	18 inches and larger
Sweet Gum	(<i>Liquidambar styraciflua</i>)	18 inches and larger
Hickory	(<i>Carya</i> spp.)	18 inches and larger
Elm	(<i>Ulmus</i> spp.)	18 inches and larger
Loblolly Bay	(<i>Gordonia lasianthus</i>)	12 inches and larger
Sweet Bay	(<i>Magnolia virginiana</i>)	12 inches and larger
Red Bay	(<i>Persea borbonia</i>)	12 inches and larger
Swamp Bay	(<i>Persea palustris</i>)	12 inches and larger
Sycamore	(<i>Platanus occidentalis</i>)	18 inches and larger
Magnolia	(<i>Magnolia grandiflora</i>)	12 inches and larger
Bald Cypress	(<i>Taxodium distichum</i>)	18 inches and larger
Red Cedar	(<i>Juniperup silicicola</i>)	12 inches and larger

Speedway: course for the racing of both motorized and non-motorized vehicles. The term "speedway" includes a drag strip.

Spill: the unpermitted release or escape of a hazardous substance, directly or indirectly to soils, surface waters or groundwater.

Spot lamp: a specific form of lamp designed to direct its output in a specific direction (a beam) and with a clear or nearly clear glass envelope; such lamps are so designated by the manufacturers, and typically used in residential outdoor area lighting.

Square foot: (building) a building's total enclosed square footage and under roof, excluding overhangs.

Start of construction: means for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), this includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 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.

State certified erosion control inspectors: individuals that have successfully completed and met all requirements of the FDEP Stormwater, Erosion, and Sedimentation Control Inspector Training Program.

Storage system: any one or combination of tanks, sumps, wet floors, waste treatment facilities, pipes, vaults, or other portable or fixed containers used, or designed to be used, for the storage of hazardous substances at a facility.

Stormwater management system facility: system of manmade structures or natural resources designed or used to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, retention structures, lakes, holding basins, wetlands, and natural depressions.

Straddle dance, lap dance, face dance or friction dance:

- (1) The use by any worker of any part of his body to touch the genital or pubic area of another person while at the establishment, or the touching of the genital or pubic area of any worker to another person while at the establishment. It shall be a "straddle dance" regardless of whether the "touch" or "touching" occurs while the worker is displaying or exposing any specified anatomical area. It shall also be a "straddle dance" regardless of whether the "touch" or "touching" is direct or indirect (through a medium).
- (2) The straddling of the legs of any worker over any part of the body of a person other than another worker at the establishment, regardless of whether there is a touch or touching.

Street: a public or private vehicular right-of-way or easement which affords a primary means of access to abutting properties, whether designated as a street, avenue, highway, road or however otherwise designated, but excepting driveways to other buildings. The term "street" shall include all road designations shown on the thoroughfare system plan map.

Structural alterations: any change, except for repairs or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists.

Structure: anything constructed or erected that requires location on the ground or is attached to an object having a location on the ground.

Subdivision: division of a parcel of land into two or more lots, blocks, or parcels as recorded in the Public Records of Volusia County, Florida.

Subdivision home sales center: those sites approved pursuant to chapter 110 as model home sales centers in subdivisions.

Subdivision sign: sign designating a subdivision, plat or other division of real property.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the current market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include any repair or improvement of a structure to correct existing violations of State of Florida or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to

assure safe living conditions. This term does not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home parks or subdivision: where the repair, reconstruction, rehabilitation or improvements of the streets, utilities and pads equals or exceed 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Supermarket: includes grocery stores with or without meat sales and shopping centers.

Supplementary wall sign: A non-permanent sign installed within a poster frame, window, door, clip frame, or other similar display fixture or area. Temporary window signs are considered supplementary wall signs.

Swale area: portion of land between the traveled roadway and the sidewalk or property line.

Tailwater recovery systems: facilities, permitted by the St. John's River Water Management District, or the United States Department of Agriculture Conservation Service, to collect, store and transport residual irrigation water for reuse in a farm irrigation distribution system.

Temporary: means a period of less than 12 months, except that certain temporary uses and structures that are specifically recognized in this chapter may exist for longer time periods in accordance with the specific provisions of this chapter until they are replaced by other uses or structures.

Temporary lighting: lighting which does not conform to the provisions of this chapter and which will not be used for more than one 30-day period within a calendar year, with one 30-day extension. Temporary lighting is intended for uses which by their nature are of limited duration, for example, holiday decorations, civic events or construction projects.

Temporary portable storage unit: any container designed for the storage of personal property that is typically rented to owners or occupants of property for their temporary use and that is typically delivered and removed by a truck. A temporary portable storage unit is allowed on property solely for the loading, unloading and temporary storage of goods.

Temporary sign: any sign or attention-getting device intended to be used less than 12 months or only during the duration of a particular activity (for example, construction) or event (for example, a fair). Advertising on retail equipment, vehicles, trailers, real estate signs and the outside placement of products or displays except where specifically provided for in the approved site plan or uniform sign plan are examples of temporary signs.

Temporary sign permit: a permit for a temporary sign.

The traveled way: paved portion of the roadway or that surface between both edges of pavement or back of curb, including, but not limited to, turn lanes, parking lanes, deceleration and acceleration lanes, or 12 feet from center line on both sides of the right-of-way of unpaved roads.

Thoroughfare: public road, the primary though not sole purpose or use of which is to facilitate through movement of vehicles in moderate to substantial volume, rather than the providing of direct access to abutting properties (see the City's Comprehensive Plan Figure 2-1: Thoroughfare Roadway System).

Thoroughfare corridor land area comprised of a thoroughfare and its intersections, and that part of any intersecting non-thoroughfare street and its intersections which is within 660 feet of both sides of the thoroughfare as measured along the center line of the non-thoroughfare street from the center line of the thoroughfare.

Thoroughfare system: any roadway that has been designated as either an arterial or collector in the City's Comprehensive Plan.

Thoroughfare system plan: thoroughfare plan as set out and included in the comprehensive plan.

Time and temperature: electronic or mechanical sign designed to alternate from time to temperature only.

To plat: to divide, consolidate, or subdivide land into lots, blocks, parcels, tracts, sites or other divisions, however the same may be designated, and the recording of a plat in the office of the clerk of the circuit court. The term "to plat" shall include replat.

Toe: lowest part of an embankment.

Toe scour protection: mechanisms, devices or structures designed to prevent or minimize the removal of material by waves and currents at the base of a beach front structure, which includes sea walls, bulkheads, and revetments.

Town House: individually owned single-family standard or manufactured dwelling constructed as a group of three or more attached single-family dwellings, each on its own lot.

Traffic analysis zone: limited geographic area defined and used for traffic modeling and analysis.

Traffic generation statement: documentation of proposed trip generation rates submitted prior to and as a part of a traffic impact analysis. This documentation shall include actual traffic generation information from a representative sampling of existing similar developments.

Traffic impact analysis: study prepared by a qualified professional engineer, licensed to practice within the State of Florida, to determine the vehicular impact of the development upon the major road network system. This study includes: determination of trip generation; trip distribution; traffic assignment; capacity analysis; and improvements to the roadway system necessitated by the development, such as required new roads, additional lanes and signalization. The analysis may include modal split and volume to capacity (V/C) ratios.

Trailer or mobile home: any unit used for business purposes as an office, or for living and sleeping purposes and which is equipped with wheels or similar devices used for the purposes of transporting said unit from place to place, whether by motive power or other means.

Trailer sign: sign placed in or on or attached to a portable or mobile device or a device that may be made portable or mobile. These signs cannot be used as permanent signs.

Translucent: permitting light to pass through but diffusing it so that persons, objects, etc., on the opposite side are not clearly visible.

Transportation impact fee: charge required to be paid in accordance with Chapter 94, article IV of the Code of Ordinances.

Trash: the combination of yard trash and construction and demolition debris along with other debris such as paper, cardboard, cloth, glass, street sweepings, and other like matter.

Travel time and delay study: study to evaluate the quality of traffic movement along a thoroughfare road and determine the locations, types and extent of traffic delays by using a moving test vehicle for the ultimate objective of determining whether the existing level of service and available roadway capacities differ from the service levels and available capacities used by the conventional and generalized Florida Department of Transportation highway capacity tables.

Tree: any woody self-supporting plant characterized by having a single trunk of at least six inches DBH or multistem trunk system with well-developed crown at least 15 feet high as measured from its base shall be considered a tree.

Trip: one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

Trip generation: the attraction or production of trips caused by a given type of land development.

Trip Generation Manual: the most recent publication entitled Trip Generation published by the Institute of Transportation Engineers, which document is hereby incorporated by reference.

Truck stop: premises where the principal use is the refueling, parking and servicing of trucks and trailers.

Under-canopy sign: A sign painted on or attached to the underside of a canopy or marquee.

Uniform sign plan: sign plan for more than one business use setting forth standards for uniform sign area, letter style, letter height and sign colors.

Unimproved path: passageway cut through the existing dune system which permits pedestrian access to the coastal beaches.

U-pick sign: sign advertising a farming operation where, for a fee, produce may be gathered by the general public.

Urban bus system: fixed route mass transit system in which the estimated demand for mass transit service is equal to or greater than 20 passenger trips per square mile.

Use:

- (1) Any purpose for which premises may be designed, arranged, intended, maintained or occupied; or
- (2) Any activity, occupation, business or operation conducted or intended to be conducted on the premises.

Use-related informational sign: sign that relates to an activity on the premises upon which it is located.

Used car lot: lot or group of contiguous lots, used only for the storage, display and sales of used automobiles, not to include junk yards.

Utilities: includes, but is not limited to, water systems, electrical power, sanitary sewer systems, gas distribution systems, storm drainage systems, telephone systems, and cable television systems.

Vehicle sign: sign for the purpose of identification affixed to a transportation vehicle, including automobiles, trucks, boats, trailers and campers. These signs cannot be used as permanent signs.

Veterinary clinic: premises for the medical and surgical care of sick or injured animals, with limited overnight facilities.

Violation: The failure of a structure or other development to be fully compliant with the requirements of the Land Development Code. For purposes pertaining to Chapter 90 violation means, a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Volume to Capacity Ratio (V/C Ratio): a measure of a roadways capacity to handle a given volume of traffic

Wall sign: A sign painted on or affixed to the structural wall of a building, with a sign face approximately parallel to the wall perpendicular to the ground and projecting no more than 12 inches from the wall. The general term "wall sign" shall also include window signs and fascia signs.

Water body: lake, pond or other natural, or manmade, body of surface water of any type.

Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water detention structure: a normally dry facility which provides for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Water retention structure: a normally wet facility which provides for storage of storm water runoff.

Well: any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater; but such term does not include any well for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying, for inserting media to dispose of oil brines or to repressure oil bearing or natural gas-bearing formations or for storing petroleum or natural gas or other products or for temporary dewatering or subsurface formations for mining, quarrying or construction purposes.

Well, Private: a well that serves one home is owned and/or maintained by a private entity.

Well, Public: a well that is governmentally owned, supplied, and/or regulated.

Wetlands: lands which are identified by being inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The definition includes all contiguous and noncontiguous or isolated wetlands to waters, water bodies, and watercourses. Wetlands include, but are not limited to, swamp hammocks, hardwood hydric hammocks, riverine cypress, cypress ponds, bayheads, bogs, wet prairies, freshwater marshes, tidal flats, salt marshes, mangrove swamps and marine meadows. Dominant wetland vegetation shall be determined as provided in rule 17-3.022, Florida Administrative Code.

Wetland vegetation: defined in rule 17-3.022, Florida Administrative Code.

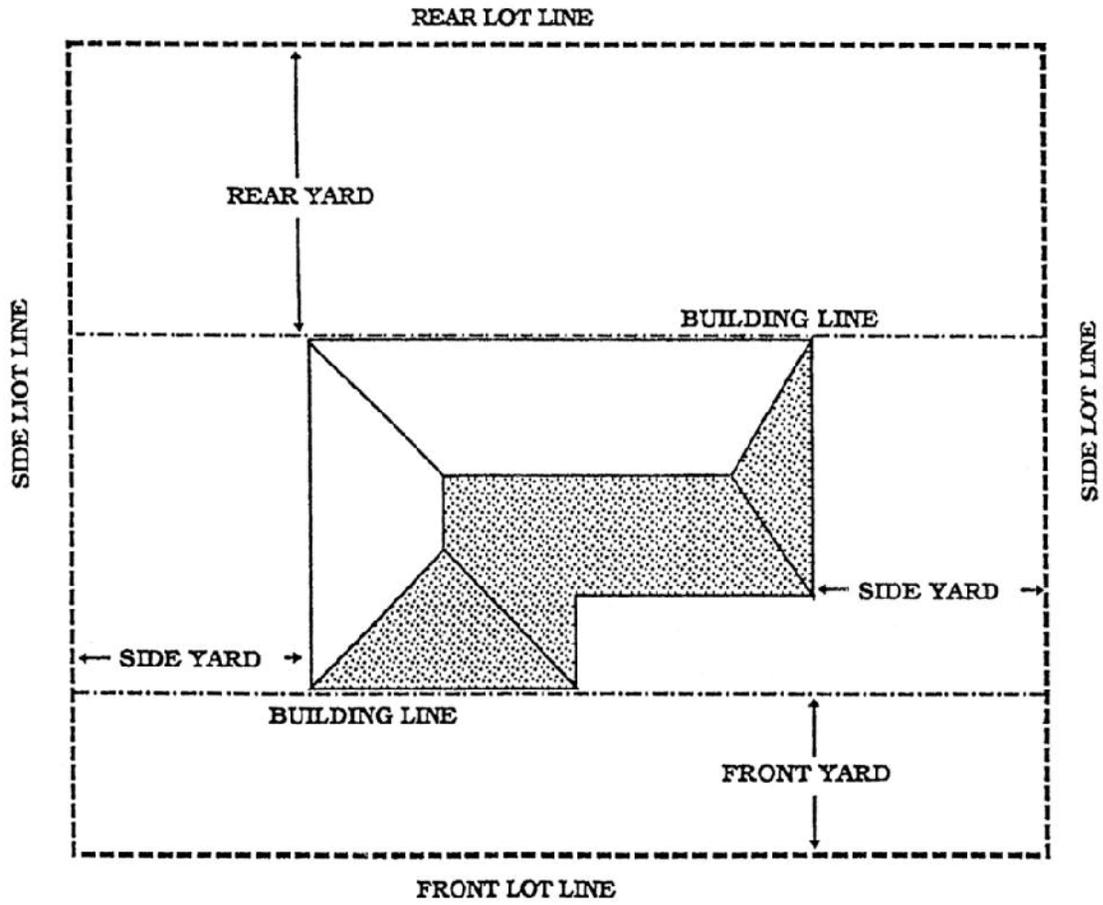
Window sign: sign installed inside or painted on a window or other opening so as to be visible from outside the premises. This term does not include merchandise located in a window.

Window sign, temporary or promotional: window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including signs for sales, specials, going out of business, grand openings, etc.

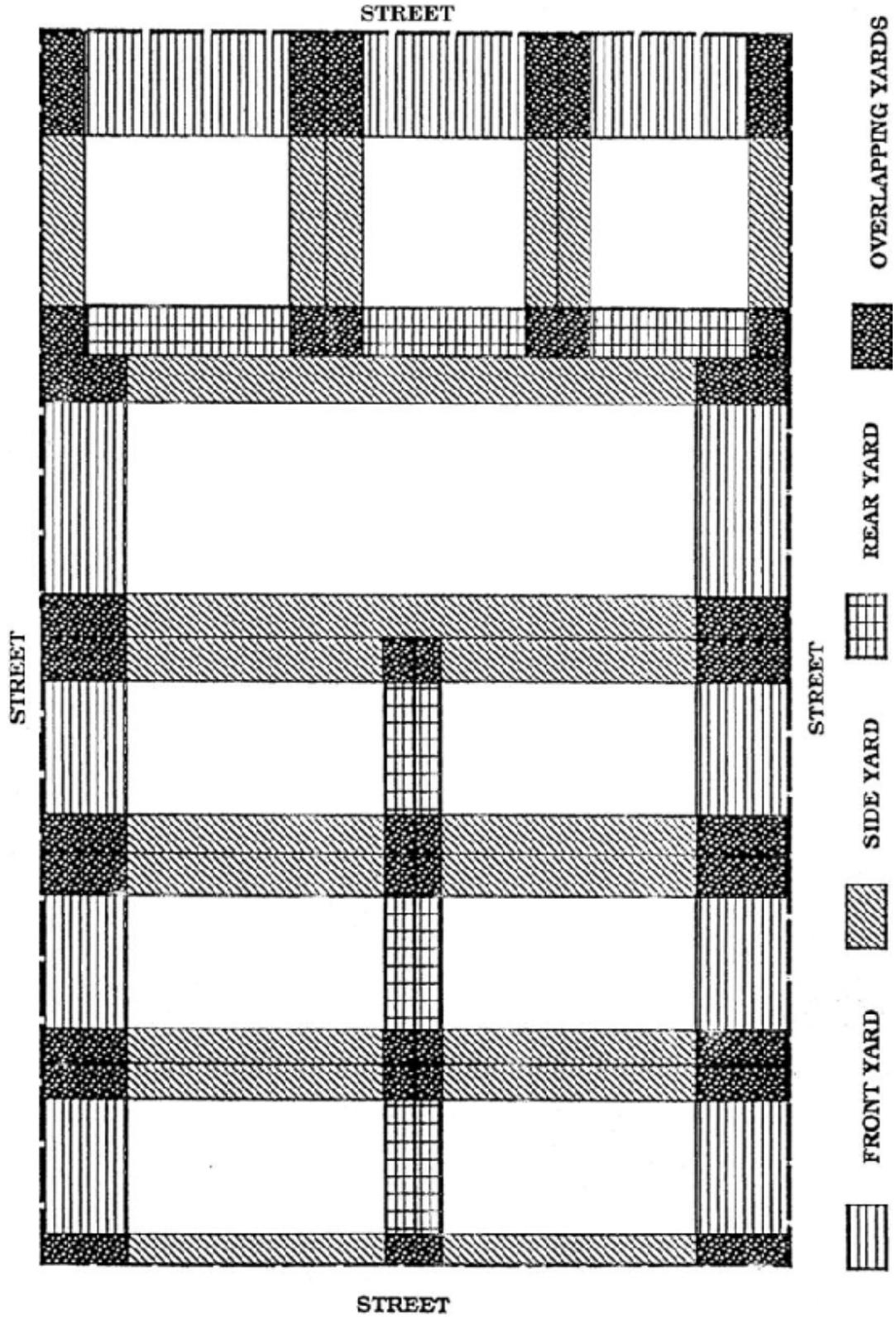
Worker: person who works, performs or provides services at an adult entertainment establishment or who is an escort, irrespective of whether such person is paid a salary or wage. The term includes but is not necessarily limited to employees, independent contractors, subcontractors, lessees or sublessees who work or perform in, at or for an adult entertainment establishment. An operator is deemed a type of worker.

Yard: open space on the same lot with a building, occupied and unobstructed from the ground upward, except by trees, shrubbery, or vegetative ground cover, and unoccupied by buildings or structures except as specifically provided herein.

DEFINITION OF YARD



**ILLUSTRATION OF
FRONT, SIDE & REAR YARD**



Yard, front: open space or lawn across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps.

Yard, rear: open space or lawn extending across the full width of the lot, extending from the rear line of the building to the rear line of the lot, excluding steps. On a through or double frontage lot, the yard extends from either: (a) The rear of the building to the lot line, or (b) the rear of the building to the rear of the buildings facing the opposite street, depending upon the orientation of the principal building on the lot.

Yard, side street: an open unoccupied space situated between the front or side of a building and the side lot line where it abuts the side street line of a corner lot. The side street yard shall extend from the rear boundary of the front yard, as the front yard is defined in this code and to include the rear boundary of the minimum required front yard setback, at a perpendicular angle to the nearest interior side or rear lot line.

Yard trash: vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and stumps.

Yard, waterfront: open space abutting a body of water.

Zoning enforcement official: the Director of the Planning and Development Services Department of the City of Deltona or his or her duly authorized representative.

Zoning ordinance: the zoning ordinance of the City of Deltona, Florida, Ord. No. 30-98, as amended it is a component of the Land Development Code.