

ARTICLE I

DEFINITIONS

ORDINANCE 94-10

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ORDINANCE #94-10

SECTION 20.1-11 - DEFINITION OF TERMS

PURPOSE

Unless otherwise expressly stated, the following terms, shall for the purposes of this code, have the meaning herein indicated.

DEFINITIONS

Abandon - To discontinue use or occupancy for more than six (6) consecutive months.

Abandoned Vehicle - Any motor vehicle or trailer shall be presumed to be an abandoned vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than sixty (60) days.

Access - A driveway or other opening for vehicles onto a public street.

Accessory Building or Structure - A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

Accessory Dwelling Unit. An accessory dwelling unit (ADU) to promote and encourage workforce housing that is a habitable living unit added to, created within, or detached from a single-family dwelling that provides the basic requirements of living, sleeping, eating, cooking and sanitation. *Rev. 05/26/09*

Accessory Use - A use that is customarily incidental to the principal use and so necessary or commonly to be expected that it cannot be supposed that the Code intended to prevent it. Accessory uses, unless otherwise provided, shall be located on the same premises as the principal use.

Acre - An acre shall contain forty-three thousand five hundred sixty (43,560) square feet of land or water.

Adult Congregate Living Facilities (ACLF) - Any building or buildings, residence, private home, home, boarding home, home for the aged, or other place licensed and approved by the Florida State Department of Health and Rehabilitative Services as defined by Section 400.402, Florida Statutes.

Alley - Any public or private right-of-way set aside for public travel less than thirty (30) feet in width, which usually abuts the rear of premises, or upon which service entrances or buildings abut, and not generally used as a thoroughfare by both pedestrians and vehicles, which is not used for general traffic, and is not otherwise designated as a street either officially or by use.

Alteration - Any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in wiring, plumbing or heating systems, air conditioning or ventilating systems.

Apartment Building - A building which is used or intended to be used as a home or residence for more than two families in separate quarters.

Apiculture - The keeping, raising and/or breeding of bees.

Applicable Building Code – the most current version of the Florida Building Code. (09/23/08)

Archaeological Site - Any location that provides the context for and contains evidence of past human activity as confirmed by the presence of artifacts and or features on or below the ground surface.

Archaeological Zone - A geographically defined area, designated pursuant to this Article, which may reasonably be expected to yield information on local history or prehistory based upon broad prehistoric or historic settlement patterns.

Archaeologically Sensitive Zone - A geographic area defined on the "Areas of Archaeological Sensitivity" Map located in the Planning Department as part of the Data and Analysis of the Historic Element of the Clay County 2001 Comprehensive Plan.

Area - All unincorporated lands within Clay County.

Assisted Living Facility - This type of service is structured for elderly persons who are not necessarily bedridden but who need 24 hour assistance in activities of daily living. Services provided shall include general health care supervision, medication services, housekeeping services, personal services, recreation facilities and transportation facilities.

Attached Dwelling - Two or more dwelling units joined by at least one common wall.

Automotive Repair Facilities - Automotive repair facilities shall include all mechanical and engine overhaul or repair, body work, and painting of automotive vehicles.

Aviculture - The keeping, raising and/or breeding of exotic birds.

Bar, Cocktail Lounge, or Nightclubs - Any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages, or any place where any sign visible from public ways exhibited or displayed indicates that alcoholic beverages are obtainable for consumption on the premises.

Board - Board of County Commissioners

Board of Adjustment - A body authorized to hear and decide administrative appeals, and

variances from the strict application of this Code.

Buffer - Any object that is used to separate one use from another, or to shield or block views, noise, light or other nuisances.

Building - A structure, either temporary or permanent, having a roof impervious to weather and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

Buildable Area - That portion of a site within the yard area on which a structure or improvements, including driveways and parking lots, may be erected.

Buildable Lot Area- For any lot in which a portion of the lot lies within a stormwater management easement, the minimum buildable depth shall be the minimum setback required in the applicable district plus fifty (50) feet. (amended 10/94 - Ord. 94-45)

Building, Height of - The vertical distance from the grade to the highest point of a flat roof or a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roof.

Building, Line - The line, established by law, beyond which a building shall not extend, except as specifically provided by law, and determined from the extreme support for the roof of the main structure or appurtenance thereto.

Building Setback Line - The line, established by law, beyond which a building shall not extend, except as specifically provided by law.

Building, Principal - A building in which is conducted the principal use of the lot on which it is situated. In a residential district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated. An attached carport, shed, garage, or any other structure with one or more walls or a part of one wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent carport, garage, or other structure shall conform to the requirement of an accessory building. A detached and structurally independent garage, carport, or other structure conforming as an accessory building may be attached to the principal building by an open breezeway not to exceed six feet and/or enclosed on one or both sides, including louvers, lattice, or screening shall cause the entire structure to be construed as the principal building and shall be subject to the regulations applicable to the principal building.

Building Site - The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.

Business - Any activity within any vehicle, building, structure, or on any yard, area, lot, premises, or part thereof, or any other place in which one or more persons engage in a gainful occupation.

Cemeteries - A place used or to be used, and dedicated or designated for the interring of the dead.

Centerline, Highway - a line running parallel with the highway right-of-way which is half the distance between the extreme edges of the Official right-of-way width as shown on a map approved by the county.

Certificate of Approval - A certificate issued by the Clay County Historic Preservation Board indicating its approval of plans for alteration, construction, removal, or demolition of a Designated Historic Landmark or of a structure within a Designated Historic District.

Certified Survey - A statement regarding accuracy or conformity to specified standards, and signed by a professional Land Surveyor as licensed by the State of Florida.

Child Care Center - An establishment where six or more children, other than members of the family occupying the premises, are cared for away from their own home by day or night. The term includes day nurseries, kindergarten, day care services, day care agency, nursery school, or play school. The term does not include foster homes.

Church - A building used principally as a place wherein persons regularly assemble for religious worship, including sanctuaries, chapels and cathedrals and on-site buildings adjacent thereto, such as parsonages, friaries, convents, fellowship halls, Sunday schools and rectories, but not including day care centers, community recreation facilities, and private primary and/or secondary educational facilities.

Clinic, Medical or Dental - An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such person be doctors, chiropractors, osteopaths, chiropodists, naturapaths, optometrists, dentists, or any such profession the practice of which is regulated by the State of Florida. A public clinic is one operated by any governmental organization for the benefit of the general public. All other clinics are private clinics.

Club, Night - A restaurant, dining room, bar, or other similar establishment providing food, refreshments or alcoholic beverages wherein dancing is permitted or paid entertainment is provided.

Club, Private - A premises used for meetings or activities of persons in which use is restricted to members and guests.

Clustering - Pertaining to subdivisions in the Agricultural/Residential and Rural Residential land use categories, an area of open space set aside for additional residential densities.

Commercial Vehicle - Any motor vehicle or trailer, one ton or larger, which is used for transportation of materials, equipment, and items other than of private passengers. Rev. 04/22/08

Commission - The Planning Commission appointed by the governing body or bodies adopting

the provision of this part as provided hereinafter.

Comprehensive Plan - The Clay County Comprehensive Plan, adopted pursuant to the "Local Government Comprehensive Planning and Development Regulation Act of 1986", @163.3161 et. seq., Florida Statutes, as amended.

Concept Plan - An informal sketch or drawing showing proposed development and a description of use.

Conditional Use - Uses permitted in applicable zoning districts subject to the conditions specified in Section 20.3-5.

Conservation Areas - Lands that will provide for the conservation and protection of Clay County's natural resources in order to prevent any degradation to those resources.

Contiguous Properties - Two or more properties joined together by a common boundary.

Continuing Care Facility - This type of service offers elderly persons the entire range of services, including independent living, assisted living, and skilled nursing care.

Contributing Structure - A structure in a historic district that contributes to the district's historical significance through location, design, setting, materials, workmanship, feeling and association, and which shall be afforded the same consideration as landmarks.

Country Club - A land area and building containing recreational facilities, clubhouse and uses accessory thereto, open only to members and their guests for a membership fee. Country clubs shall be interpreted to include multi-purpose recreational clubs as well as golf courses, tennis clubs and similar membership recreational facilities.

County - The term "County" shall mean Clay County, a legal political subdivision of the State of Florida.

Coverage of a lot by buildings - That percentage of lot area that is or may be covered or occupied by buildings.

Demolition - The intended destructive removal of a building, whole or in part, from its site.

Density - A measure of the intensity of residential development per unit area of land herein expressed as the number of dwelling units per acre.

Depth of Lot - The depth of a lot is the depth between its mean front street line and its mean rear line.

Designated Historic District - All buildings, objects, sites and structures located in a district that

has been designated by ordinance pursuant to Section 20.9-5 of Article IX.

Designated Historical Landmark - Any building, object, site or structure designated by ordinance pursuant to Section 20.9-5 of Article IX.

Designation Ordinance - An ordinance of the Board approving a Petition for Designation.

Developer - Any individual or legal entity that proposes a project under the terms of this ordinance.

Development - The carrying out of any building activities or mining operation or the making of any material change in the use or appearance of any structure or land and/or the dividing of land into three or more parcels. (Cross reference: @380.04 F.S.)

Development Order - Any order granting, denying, or granting with conditions an application or a development permit (Cross reference @380.04 F.S.)

Development Permit - Any building permit, zoning permit, site plan approval, special exception approval, plat approval, rezoning, certification, variance or other action having the effect of permitting development. (Cross reference: @380.031(4) F.S.)

Development Review Committee - A committee consisting of, but not limited to, a representative of the Zoning Department, Planning Department, Engineering Department, Public Works Department, Public Safety Department, Health Department, Clay County School Board, Soil/Water Conservation Service, Utility Company, and the Sheriff's Department, for the purpose of reviewing Land Development proposals and other related issues.

Distance - Unless otherwise specified herein, all distances shall be measured in a straight line from point to point.

District - A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structure, objects, or area, which are united by past events or aesthetically by plan or physical development.

Dog Kennel - An establishment for the boarding, sale of, training of or treatment purposes, excepting in a dog hospital, dog beauty parlor, or pet shop as allowed by these regulations. The keeping of five or more dogs, six months or older, for the above purposes shall constitute a dog kennel.

Drainage Retention Area - A reservoir which provides temporary storage of storm water runoff and disposes of same by soil percolation.

Drive-in Restaurant or Refreshment Stand - Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles and/or in other than a completely enclosed building on the premises, including those

establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises and/or in other than a completely enclosed building on the premises.

Driveway - A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

Due Public Notice - Used in connection with the phrase "public hearing" or "hearings with due public notice" shall mean publications of notice of the time, place, and purpose of such hearing at least twice in a newspaper of general circulation in the area, with the first such publication to be at least fifteen (15) days prior to the date of the hearing, and the second such publication to be at least five (5) days prior to the date of the hearing. Affidavit proof of the required publication shall be presented at the hearing.

Dwelling, General - Any building, or part thereof, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently, with cooking and sanitary facilities.

Dwelling, One Family or Single Family - A building containing only one dwelling unit. For regulatory purposes, the term is not to be construed as including mobile homes, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.

Dwelling, Two Family or Duplex - One building containing only two dwelling units.

Dwelling, Multiple Family - A building containing three or more dwelling units.

Dwelling, Multiple Dwelling Use - For purposes of determining whether a lot is in multiple dwelling use, the following considerations shall apply:

- A. Multiple dwelling uses may involve dwelling units intended to be rented and maintained under central ownership and management or cooperative apartments, condominiums, and the like.
- B. Where an undivided lot contains more than one building and the buildings are not so located that lots and yards conforming to requirements for single, two, or multiple family dwellings in the district could be provided, the lot shall be considered to be in multiple dwelling use if there are three or more dwelling units on the lot, even though the individual buildings may each contain less than three dwelling units.
- C. Guest houses and servant's quarters shall not be considered as dwelling units in the computation of B. above.
- D. Any multiple dwelling in which dwelling units are available for rental periods of less than one week shall be considered a tourist home, a motel, a motor hotel, or hotel as the case may be.

Dwelling Unit - A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping and sanitary facilities and one kitchen.

Easement - A grant by a property owner of title to the right of use of his land by another party for a specific purpose.

Economic Hardship - A condition resulting from the denial of a Certificate of Approval, inflicting excessive financial burden upon the owner.

Excavation - Removal or recovery by any means whatsoever of soil, rock, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof.

Family - One or more persons occupying a single dwelling unit, providing that unless all members are related by law, blood, adoption, or marriage, no such family shall contain over six persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery or convent, or institutional group.

Fence (Or Wall) - A freestanding structure of any commonly used material, such as wood, polyvinyl chloride (pvc), chain link, wrought iron, or combination of materials erected for confinement, screening or partition purposes. *Rev. 04/22/08*

Flea Market - A sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales. *Rev. 02/24/09*

Flood Prone Land - Land that is subject to flooding due to the effects of a 100 or 500-year storm event, as identified by the Federal Emergency Management Association (FEMA) on the Flood Insurance Rate Maps (FIRM) for Clay County.

Floor Area Ratio (FAR) - The gross floor area of all buildings on a lot divided by the lot area.

Floor Area - The total horizontal surface of a specific floor; the total area of all floors in a multi-story building, computed from the outside building walls of each floor with balcony and mezzanine areas computed separately and added to the total.

Foster Homes - A dwelling unit which is licensed by the State Department of Health and Rehabilitative Services (HRS) or a successor agency to provide a family living environment for the placement of either children or adults.

Frontage - Distance measured along a public highway or road right-of-way except in water-abutted property.

Future Land Use Map - The Future Land Use Map series of the 2001 Comprehensive Plan.

Garage, Private - An accessory structure designed or used for inside parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. An unattached private garage is to be considered as an accessory building.

Garage, Repair - A structure for the storage, care, repair, or refinishing of motor vehicles, or a structure containing a public shop, or where automobile mechanical service is provided.

Garage Sales - "Garage Sale" is hereby defined to mean any sale or offering for sale of personal property by a person or persons of a family or other household unit, said personal property having been acquired, possessed, and used by the family or household for personal, as opposed to business or commercial use, when such sale is to be or is conducted at the present residence of such family or household. "Garage Sale" shall include sales commonly referred to as "Patio Sales", "Driveway Sales", "Yard Sales", and other such sales.

Governing Body - The Board of County Commissioners of Clay County.

Group Homes - A generic term used by HRS for a variety of facilities in residential home environments to facilitate the deinstitutionalization/normalization process. Constant supervision either through a paid staff or subsidized family is provided. These facilities range in size from four to forty-five (45) residents of all ages. SPECIFIC TYPES OF GROUP HOMES ARE:

- A. Adult Congregate Living Facility: Facilities range from small homes to large boarding houses. These are privately owned facilities licensed by HRS. The facilities may be any size. The clients are age eighteen (18) or over, are ambulatory and have only minor to moderate disabilities. Two types of these facilities are authorized by Statute, Type I does not supervise self administered medications for residents while Type II provides this personal service.
- B. Adult Residential Treatment Facilities: These facilities include group homes and apartments that serve clients being moved from state hospitals back to the community. The facilities provide a gradual rehabilitation where the client moves from a group home with a high level of supervision (24 hours) to an independent apartment setting where staff can still monitor the client's situation regularly. The facilities are usually individual apartments with one to four person capacity grouped into clusters with a central administration/service facility. These facilities house between eight (8) and twenty (20) clients. The clients are ambulatory with non-severe behavior disorders and varying levels of daily living skills.
- C. Child Care Facilities: These facilities include several types of units from small homes to large facilities which provide services such as psychiatric, educational, behavior correction, and adoption placement. These facilities are privately owned and licensed by HRS. They vary in number of residents clients and contain children age six to seventeen (17). The clients are generally ambulatory and serve various types of disabilities.

- D. Delinquent Youth Home: These are either private family homes or homes with salaried house-parents all of whom provide 24 hour supervision and support to troubled youth. The youth attend public schools and participate in community activities. The maximum capacity of these facilities is seven children under the age of 17. The vast majority of the facilities have much fewer clients.
- E. Detention Centers: A residential setting providing continuous surveillance and locked, high security for delinquent adolescents. The age range of the clients is generally from 10 to 17. The facility capacity ranges from 17 to 168.
- F. Drug Abuse and Alcohol Treatment Facilities: These facilities range in service from small (two client minimum) with intensive care to large (45 client maximum) with moderate long term care. These facilities are staffed 24 hours per day by professionals. The clients range in age from adolescent to elderly.
- G. Intermediate Care Facility (Cluster): A specialized type facility that cares for moderate to severally disabled and retarded clients. The facility system is based upon a grouping of small residential homes which form a "cluster" around a main habilitation/nursing care unit facility. The capacity of these facilities is up to 24 clients of all ages. The clients are generally non-ambulatory with more severe disabilities. These facilities are staffed 24 hours per day by professionals.
- H. Intermediate Care Facilities (Mentally Retarded): A facility which provides nursing type care to more severely disabled clients. The facility may be any size and may be private profit, non-profit, or state operated. The clients are generally non-ambulatory and have high degrees of retardation.
- I. Spouse Abuse Homes: A facility licensed by HRS to temporarily house spouses and their children while more permanent housing is found. The facilities are generally operated by non-profit organizations, churches, or charitable groups. The clients receive food, legal counseling, and other related services during the residency period which is usually less than one week and seldom exceeds one month. The capacity of such facilities is usually less than 12 at any given time. There is a permanent resident/manager with three to five staff members during the day.
- J. Youth Halfway House: State-operated treatment facilities for delinquent adolescents. Clients live in the facility and may attend public schools in the community and can be employed outside of the facility. These facilities house from 20 to 25 clients ages 14 to 17. Some facilities provide school on site.
- K. Residential Group Home: Private facilities, primarily single-family homes, with the exception of homes that provide care for the developmentally disabled, located within a residential community, providing care for no more than eight unrelated individuals. Residential group homes must be located such that the distance between any two group homes is not less than 1,000 feet. *Rev. 04/22/08*

Heirs - Any person related to the head of household or their spouse through either adoption or by blood to the third degree.

Historic Preservation Board ("HP Board") - A board of qualified citizens created by the Board pursuant to this Article to implement the authority of this Article and fulfill the tasks set forth herein.

Historic Property or Historic Resources - Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. The properties may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state.

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

Home Occupation - A use conducted entirely within a dwelling and carried on by the family residing therein, which use is residential in nature, is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.

Hospital - An institution licensed by the State of Florida which provides primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities.

Hotel, Motel - A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with a daily charge, as distinguished from multiple-family dwellings and rooming or boardinghouses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. The building or buildings may include such ancillary uses as a coffee shop, dining room, restaurant, meeting rooms and other similar uses.

Independent Community Overlay Zone - Zones established in order to protect and encourage the improvement of owner-occupied, low-income housing areas that have historically existed as independent communities in accordance with Future Land Use Policy 1.16 of the Clay County Comprehensive Plan.

Independent Living Facility - This type of service is structured for elderly persons who are not bedridden and can still perform most routine daily tasks for themselves. It does not include general health care supervision, medication services or skilled nursing care.

Industry - Any activity involving the manufacturing or treatment of any commodity, including the assembling, packaging, and processing of any items. Any commodity which is changed in

form, size, shape, texture, or appearance is deemed to be an industrial process.

Junk - The term "junk" shall include the term "junk yards", and shall include old and dilapidated automobiles, trucks, tractors, trailers, or other vehicles which are inoperative or unlicensed, or any parts thereof; used or scrap building or contractor's material or equipment including, but not limited to: tanks, casks, cans, barrels, drums, boxes, piping, bottles, glass, old iron machinery, rags, paper, mattresses, beds, bedding, household appliances, or any other miscellaneous materials, items or substances which are discarded, abandoned, or unusable for the purposes customarily intended, and are found stored, kept, handled, or displayed for sale within the county limits.

Land Clearing Debris - Rocks, soils, tree remains, trees and other vegetative matter that normally results from land clearing or land development operations for a construction project. Land Clearing Debris does not include yard waste or any other vegetative matter from lawn maintenance, from commercial or residential landscape maintenance, from right-of-way or easement maintenance, from farming or nursery operations, or from any other sources not related directly to a construction project.

Land Clearing Debris Disposal Facility - Any facility exclusively for the disposal of Land Clearing Debris.

Landfill - A disposal site employing engineering method of disposing of solid waste (includes garbage, refuse, yard trash and clean debris) in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.

Landmark - A building, object, site or structure of the highest historical, cultural, architectural, or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Clay County.

Living Area - That area of a dwelling unit enclosed, which is protected from the elements and heated, including interior halls, closets, utility and storage areas, but excluding carports, screened porches, unenclosed and unheated areas.

Livestock – Shall include all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals. (Amended 9/03 – Ord. 03-87)

Local Government Initiated Petition - Petition for designation initiated by the Board or its appointed agencies, including the HP Board and the Clay County Historic Commission.

Lot - A piece, parcel, plot, or tract of land shown on a recorded plat or any piece of land described by a legally recorded deed, occupied or to be occupied by one principal building and its accessory buildings, and including the open spaces required under this Resolution.

A. **Corner.** Any lot situated at the junction of and abutting on two or more intersecting streets,

roads, or public highways. If the angle of intersection of the direction lines of two highways is more than 135 degrees, the lot fronting on said intersection is not a corner lot.

- B. Double Frontage. Any lot having frontage on two parallel or approximately parallel streets, roads, or other thoroughfares.
- C. Interior. Any lot which is not a corner lot.

Lot of Record - A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat prior to July 1, 1991.

Lot Lines

- A. Front. In the case of a lot abutting upon only one street, the front lot line is the line separating such lot from such street. In the case of any other lot, one such line shall be elected to be the front lot line for the purpose of this Ordinance provided it is so designated by the building plans, which meet the approval of the Clay County Planning Commission.
- B. Rear. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

Where a portion of a lot lies within a stormwater management easement shown on a plat, the rear lot line shall be said easement. (amended 10/94 - Ord.94-45)

- C. Side. A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot separating a lot from another lot or lots is an interior side lot line.

Lot Width at the Building Line - The distance between the side lot lines, measured at the front building line and parallel to the front lot line.

Marine Facilities - Shall include the following terms and definitions:

- A. Boatyard. This facility is intended to provide complete construction and repair services for all manner of marine craft in addition to such dry storage as may be found complimentary to the primary use. Docking of pleasure for residential purposes is prohibited.
- B. Marina/Boatyard. The purpose of this operation is to provide boat repair and storage services. The fueling of resident and transient craft is permitted. Docking of pleasure craft for residential purposes is limited to not more than 40 boats and is considered as an accessory use.
- C. Marina/Commercial Boatdock/Yacht Club. The primary purpose of this facility is wet storage and the docking of pleasure craft for residential purposes. Such attendant social

and commercial uses such as a yacht club, restaurant, lounge and ship's chandler are considered as an accessory use. Parking facilities are permitted.

- D. Marina/Boatel. A marina/boatel may include a full spectrum of residential accommodations including, but not limited to, powered pleasure craft, other floating residential uses, and on-shore motel facilities with attendant restaurant and lounge as accessory uses.

Median Block Line - The distance between a district boundary line running parallel to a street, highway, road, alley, railroad right-of-way, or public water from the centerline thereof.

Manufactured Home - A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code. The term single-family dwelling shall include manufactured homes when placed on permanent foundations.

Mini-Warehouses - A building or group of buildings in a controlled access compound that contains equal or varying size of individual compartmentalized, and controlled access stalls or lockers for the dead storage of the customer's goods or wares.

Mixed Use - A real estate project characterized by two or more uses developed in conformance with a coherent plan which stipulates the type and scale of uses.

Mobile Home - Any vehicle without independent motive power which is designed for housing accommodations and transportation over the highways on a chassis under carriage, which is an integral part thereof, but does not include travel trailers or recreational units as defined by Section 320.01, Florida Statutes. This definition shall include any unit which meets the criteria above and is certified by the Department of Safety and Motor Vehicles as meeting requirements of (USAS) A-119.2 as prescribed in Chapter 320, Florida Statutes.

Noise Alleviation Structures - Any structure built or used for the purpose of alleviating noise.

Nonconforming Building or Structure - A structure or building the size, dimensions or location of which were lawful prior to the adoption, revision or amendment to this ordinance, but which would be prohibited or further restricted under these terms.

Nonconforming Use (Lawful) - A use or activity which was lawful prior to the adoption, revision or amendment of this Chapter, but which would be prohibited or further restricted under these terms.

Nonconformity, Site-Related - A characteristic of a site, such as off-street parking or loading, lighting, landscaping, drainage or similar matters which do not satisfy current County standards, as established.

Non-Contributing Structure - A building, object, site, or structure located in a historic district

that, standing alone, possesses no historical significance.

Nursing or Convalescent Home - A public or private facility, operated for profit or not, presently licensed by the State, which provide maintenance, personal care or nursing for a period exceeding twenty-four hours to three or more ill, physically infirm, convalescing, or aged persons who are not related by blood or marriage to the operator.

Official Zoning Atlas - A series of maps outlining zoning district boundaries as adopted pursuant to Article III of the Land Development Regulations.

Opaqueness - The percentage used to determine the amount of opaqueness required to visually protect neighboring property from potential loss of use or diminishment of land value.

Open Space - A required exterior open area clear from the ground upward devoid of residential and commercial buildings, accessory structures and impervious areas, except however, those buildings and structures used exclusively for recreational purposes.

Ordinary Repairs or Maintenance - Work done to prevent deterioration of, decay, of, or damage to a building or structure by restoring the building or structure to (as nearly as practical) its condition prior to such deterioration, decay or damage.

Outside Storage - The storage or display, outside of a completely enclosed building, of merchandise offered for sale or rent as a permitted use or of equipment, machinery, and materials used in the ordinary course of a permitted use.

Owner of Record - Any person(s), firm(s), joint venture, corporation(s), or any other legal entity having legal title to the land regulated under this Article.

Parking Space - An area specifically and permanently designated for the parking or storage of vehicles.

Party Wall - A common shared wall between two separate structures, buildings, or dwelling units.

Passive Recreation - Those recreational opportunities afforded by such natural resources as the native flora, fauna, and aesthetic appeal of a natural setting and requiring minimum development to utilize and enjoy such resources.

Peak Hour Traffic - The largest number of vehicles passing over a designated section of a street during the busiest one hour period during a 24-hour period.

Permitted Use - Any use specifically designated as a "permitted use" in a zoning district and subject to the restriction applicable to that zoning district.

Petition for Designation - A petition or application submitted to the HP Board requesting designation by County ordinance of a building, structure, site, district, or archaeological zone as

historically or archaeological significant.

Pisciculture - The keeping, raising and/or breeding of fish.

Planned Unit Development - A Planned Unit Development (PUD) is a land area greater than five acres under unified control which is planned and programmed in a single development or by a series of pre-scheduled development phases according to an officially approved final development plan. Such PUD does not necessarily correspond to property development and use regulations of the standard zoning district in which the property was previously placed. A PUD must also include a program for the provision, maintenance, and operation of all area improvements, facilities, and necessary services for the common use of all occupants.

Premises - Any lot, plot, parcel, or tract of land with or without a building or buildings, or structure or structures thereon.

Preservation - The identification, evaluation, recording, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, or maintenance, of historic properties.

Processing - Processing shall include manufacturing or industrial processing involving the change of physical products, materials or commodities in form or composition, and shall include packaging or packing, assembling, mixing, heating, handling, grading, or treating.

Public or Private Utility, Limited - A facility, used in the transmission or delivery of a public or private utility, in which the facility is relatively small in scale and can be compatible with residential and other low intensity uses. Limited utility uses include, but are not limited to, electrical substations, distribution facilities and transformers; individual water or wastewater treatment plants.

Public or Private Utility, Major - A centralized facility for the provision of a public utility that is of sufficient scale and intensity to warrant special site considerations to limit the impact on surrounding properties. Major utility uses include, but are not limited to electrical generating plants and facilities; water and wastewater treatment and disposal facilities which are part of a county or regional system; landfills; public utilities supply yards; and other major community infrastructure of such scale and intensity to warrant special site considerations in order to protect adjacent properties as specified above.

Reconstruction - The authentic reproduction of a building or site that once existed.

Recreational Vehicle - Any vehicle-type unit, primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, said vehicles shall include travel trailers and fifth wheel travel trailer, camping trailer, truck camper, motor home van conversion and the park trailer.

Rehabilitation - The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or

features of the property that are significant to its historical, architectural, and cultural values.

Residential - The term "residential" or "residence" is applied herein to any lot, plot, parcel, tract, area, or piece of land or any building used exclusively for family dwelling purposes or intended to be used, including concomitant.

Restaurant - Any establishment where the principal business is the sale of food, desserts or beverages to the customer in a ready-to-consume state.

Restoration - The reconstruction of the original form of a building or structure by recovering the form and details of that structure and its setting as it appeared at a particular period of time.

Retail Sales and Services - Commercial establishments that, in addition to serving day-to-day commercial needs of a community, also supply the more durable and permanent needs of a whole community.

Right-of-way (ROW) - Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, public utilities, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies.

Rooming House - A building in which sleeping accommodations are offered to the public where rentals are for a period of a week or longer and occupancy is generally by residents rather than transients.

School - A private or public institution conducting regular academic instruction at kindergarten, elementary, secondary, vocational, collegiate, or post-graduate levels operated by a governmental or non-governmental organization, which is licensed by the State of Florida.

Screening - A method of visually shielding or obscuring an abutting or nearby structure or use from another by fencing, walls, berms, densely planted vegetation, or other means.

Setback - The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or sides of the building including porches, carports, and accessory uses subject to yard encroachment provisions of this Chapter. For lot fronts on curvilinear streets the front setback shall be measured from a line perpendicular to the chord line to the nearest point of a structure. When two (2) or more lots under one (1) ownership are used, the exterior property lines shall be used in determining setbacks.

Shopping Center - A group of retail stores or service establishments planned and developed as a unit by one operator, owner, organization or corporation for sale or for lease upon the site on which they are built.

Sight Triangle - A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Site - The location of a significant event, activity, building, structure, or archaeological resource where the significance of the location and any archaeological remains outweigh the significance of any existing structures.

Site Plan - An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed single phase development.

Skilled Nursing Care Facility - This type of service is structured for elderly persons who are primarily bedridden and need assistance in almost all activities of daily living, including skilled nursing care.

Skirting - A border constructed of aluminum, masonry units, pressure treated wood or other suitable material installed between the perimeter walls of a mobile home and the grade below.

Street - A public or private right-of-way which affords the principal means of access to abutting property.

Structural Alterations - Any substantial change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists.

Structure - Anything vertically constructed or erected with a fixed location on the ground, or attached to something having or requiring a fixed location on the ground, excluding bulkheads. (09/23/08)

Subdivision - The division and recording in accordance with law of a parcel of land into three or more lots or blocks for the purpose of transfer of ownership for development, sale, or lease.

Temporary Structure - A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Trailers - Any portable or mobile structure or vehicle so constructed, arranged, and designed as to provide temporary or permanent occupancy for living quarters, storage, or office purposes, or for use as an accessory building, regardless of whether equipped with wheels or resting on any type of temporary or permanent foundation, and including trailers identified as house trailers or mobile homes.

Transitional Reservation Area (TRA) - The clustered area of open space in subdivisions set aside for use as agriculture (except mining), passive recreation, or preservation of natural areas.

Unincorporated Areas - Any land in Clay County not lying within the boundaries of a duly incorporated village, town, municipality, or other governmental unit.

Use - The purpose for which land or water or a structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained.

Variance - Used in connection with the provisions of this act dealing with zoning, means a modification of the zoning ordinance regulations when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of a presence of non-conformities in the zoning district or classification or in adjoining zoning districts or classifications.

Yard - An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by a portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line or chord line and each corner of the structure shall be used.

- A. *Front* - The yard extending across the entire width of the lot between the front lot line and each side wall corner of the building. On corner lots one yard abutting a street shall be designated the front yard.
- B. *Rear* - The yard extending across the entire width of the lot between the rear lot line and each side wall corner of the principal building.
- C. *Side* - The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the rear and front wall corners of the principal building. Where a side yard abuts a street, the depth of the side yard shall be the same as the front yard. *Rev. 04/22/08*