



CHAPTER 1

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DRAFT TOWN OF MARINELAND UNIFIED LAND DEVELOPMENT CODE

GENERAL PROVISIONS

CHAPTER 1

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1.00.00 GENERALLY

1.00.01 Purpose and Intent

This Unified Land Development Code is hereby adopted and established as the Town of Marineland’s official land development regulations in compliance and consistent with the Town of Marineland’s Comprehensive Plan in order to accomplish the following purposes:

- A. To promote the general health, safety and welfare;
- B. To protect and conserve natural resources, including but not limited to the restoration and preservation of the vital beach and dune system, wetlands, and sea turtles and coastal marine life along Marineland’s Atlantic coast and Intracoastal Waterway;
- C. To provide owners and occupants of residential homes, commercial buildings, offices, industrial buildings, and mixed use developments with energy and water savings, good indoor air quality, and healthy, pleasant, and productive surroundings.
- D. To benefit the community by having buildings constructed that are resource-efficient and conserve energy
- E. To avoid adverse effects of shadow, glare, noise, odor, traffic, drainage and utilities on properties within the Town;
- F. To provide facilities concurrent with the needs of development for all facilities for which concurrency is required under Florida law; and
- G. To conserve the value of real estate and encourage the most appropriate use of land within the Town.

1.01.00 TITLE

This code shall be known as and entitled the “Town of Marineland Unified Land Development Code” and shall be referred to herein as the “ULDC.”

1.02.00 AUTHORITY

This ULDC is enacted pursuant to the requirements and authority of Chapter 163, Part II, *F.S.*, and Chapter 166, *F.S.*

1.03.00 APPLICABILITY

1.03.01 Generally

- A. The use of any parcel of land, or any structure, or any combination thereof, within the corporate limits of the Town shall be in conformance with the requirements of the ULDC.
- B. All development, which includes redevelopment, shall meet or exceed the standards, criteria, requirements, and procedures of this ULDC.
- C. A change of use shall conform to the standards, criteria, requirements, and procedures of this ULDC.
- D. Where a development permit that was lawfully issued prior to the effective date of this ULDC expires, any further additional development

on the site subject to the development permit shall conform to the standards, criteria, requirements, and procedures of this ULDC.

1.03.02 Exemptions and Exceptions

Previously approved projects that are identified as exempt from the provisions of this ULDC are exempt only to the extent of the previous approval and are exempt from the provisions of this ULDC only to the extent that such provisions and requirements are inconsistent with prior, unexpired approval. The following general conditions or circumstances are exempt from the provisions and requirements of the ULDC:

- A. Projects for which a development permit has been lawfully issued, provided:
 - 1. The development permit has not expired prior to the effective date of the ULDC or amendment of the ULDC;
 - 2. The development activity authorized by the development permit commenced on or before the effective date of this ULDC and continues in good faith; and
 - 3. The development activity authorized by the development permit is in accordance with all applicable development permits and applicable time limits.
- B. Work required for public facilities and services and undertaken by an authorized governmental entity or agency within the public right-of-way, as further described below:
 - 1. Work required for the installation of facilities for the distribution or transmission of gas, water, sewer, or telecommunications services;
 - 2. Work required for the purpose of inspecting, repairing, or replacing any existing water or sewer lines, mains, or pipes; and
 - 3. Work required for the purpose of inspecting, repairing, or replacing cables, power lines, utility poles, utility tunnels, or similar utilities.

1.04.00 TOWN ADMINISTRATOR

The Town Administrator is the chief administrative official of the Town of Marineland. For the purposes of this ULDC, the Town Administrator is assigned to administer, interpret, and implement the standards, criteria, and procedures of this ULDC. The Town Administrator may delegate such responsibilities in writing to Town staff. Throughout this ULDC, the term “Town Administrator” is used to indicate the responsibility for specified actions, except where specified actions are reserved or specifically delegated to the building official. In all instances, “Town Administrator” means the “Town Administrator or designee.”

1.05.00 DOCUMENTS ADOPTED BY REFERENCE

All documents referenced are on file in the Town Offices. The Town Council shall annually review these documents and readopt as necessary upon their amendment.

- A. The Future Land Use Map (FLUM) as adopted within the Town of Marineland Comprehensive Plan 2015 (Figure A-6) and designated the “Official Land Use Map” in Section 2.00.02.
- B. The Florida Building Code, published by the Florida Building Commission and adopted by the state of Florida.
- C. The Florida Yards and Neighborhoods Handbook, A Guide to Florida-Friendly Landscaping, 3rd Edition, Published 2006 (revised 2007), by University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS), available at <http://fyn.ifas.ufl.edu/materials/handbook.pdf> and on file in the Town Offices.
- D. Guana Tolomato Matanzas National Estuarine Research Reserve Management Plan (2009 – 2019), available at <http://www.dep.state.fl.us/coastal/sites/gtm/management/plan.htm> and on file in the Town Offices.
- E. River to Sea Preserve Management Plan.
- F. Outstanding Florida Waters Standards, rule 62-302 F.A.C. (surface water quality standards).
- G. Florida Department of Environmental Protection Florida Clean Marina Program Action Plan, available at http://www.dep.state.fl.us/cleanmarina/files/Clean_Marina_Action_Plan.pdf and on file in the Town Offices.
- H. Illuminating Engineering Society of North America IES Lighting Handbook, 8th edition.
- I. The U.S. Green Building Council’s Leadership in Energy and Environmental Design, Version 2009 (“LEEDNC”).
- J. The U.S. Green Building Council’s Leadership in Energy and Environmental Design for Homes Rating System, Version 2009 (“LEEDHOMES”).

1.06.00 RULES OF INTERPRETATION

1.06.01 Generally

- A. Specific provisions of this ULDC shall be followed in lieu of general provisions that may be in conflict with the specific provision.
- B. In the interpretation and application of this ULDC, all standards, provisions, and requirements shall be liberally construed in favor of the objectives and purposes of the Town and shall not be construed to limit nor repeal any other powers granted under State statutes.
- C. Where provisions of this ULDC conflict with other regulations, the more stringent restrictions shall be applied.
- D. Where written text and illustrations are in conflict, the written text shall govern.

1.06.02 Responsibility for Interpretation

- A. In the event that any question arises concerning the application of regulations, standards, definitions, development criteria, or any other

provision of this ULDC, the Town Administrator shall be responsible for interpretation. In the interpretation of this ULDC, the Town Administrator shall seek guidance and shall be consistent with the comprehensive plan.

- B. Responsibility for interpretation by the Town Administrator shall be limited to standards, regulations, and requirements of this ULDC, and shall not be construed to include interpretation of any technical codes adopted by reference in this ULDC. Interpretation shall not be construed to override the responsibilities given to any commission, board, or official named in other sections or chapters of this ULDC.

1.06.03 Rules for Boundary Interpretation

- A. The boundaries of the several land use districts as shown on the map entitled, Official Land Use Map, approved and adopted by the Town Council, which map, together with such additions or changes as may be found necessary or advisable from time to time, is hereby made a part of this ULDC.
- B. All areas within the Town which are under water shall be subject to the same regulations as the land use districts which they adjoin.
- C. Boundary lines between districts adjoining water areas shall be extended in lines to the corporate limits or until they meet the extended lines of other districts.

1.06.04 Rules of Construction

The following rules of construction shall be applied in the interpretation of the provisions of this ULDC:

- A. The word "shall" is mandatory and the word "may" is discretionary;
- B. Words used in the present tense shall include other tenses;
- C. Words in the singular shall include the plural, and words in the plural shall include the singular;
- D. Words denoting the masculine gender shall be construed to include the feminine and neuter;
- E. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
- F. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land;
- G. The word "and" indicates that all the connected items, conditions, provisions, or events shall apply;
- H. The word "or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination; and
- I. The words "either ... or" indicate that the connected items, conditions, provisions, or events shall apply singularly, but not in combination.

1.06.05 Computation of Time

- A. Whenever a notice is required to be given, an act to be done, or a certain length of time before any proceeding shall be provided, the day on which

such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

B. The term “day” means a calendar day.

C. The term “month” means a calendar month.

1.07.00 ACRONYMS

The following acronyms are used:

AIA – A1A Scenic Corridor overlay district

CCCL– Coastal Construction Control Line

CONS– Conservation land use district

CPL– Conservation Public Lands land use district

CRA – Community Redevelopment Agency, Community Redevelopment Area (when referring to the CRA Plan), or Community Redevelopment Area overlay district

DBH– diameter at breast height

EPA – Environmental Protection Agency

ERP– Environmental Resource Permit

FAC– Florida Administrative Code

FBFM– Flood Boundary and Floodway Map

FCC– Federal Communications Commission

FDEP – Florida Department of Environmental Protection

FDOT– Florida Department of Transportation

FIRM– Flood Insurance Rate Map

FIS– Flood Insurance Study

FLUM– Future Land Use Map

FS– Florida Statutes

FYN– Florida Yards and Neighborhoods

GC– General Commercial land use district

IES or IESNA– Illuminating Engineering Society of North America

IR– Institutional Research land use district

MHC– Maritime Hammock Community overlay district

NEMA– National Electrical Manufacturers Association

NGVD – National Geodetic Vertical Datum

OFW– Outstanding Florida Water

PUD– Planned Unit Development or Planned Unit Development overlay district

RP– Research Incubator Projects overlay district

SMU– Sustainable Mixed Use land use district

TC– Tourist Commercial land use district

TRC– Technical Review Committee

TSM– Technical Standards Manual

ULDC– Unified Land Development Code

USACOE– United States Army Corps of Engineers

UTL – Utilities land use district

1.08.00 DEFINITIONS

Words and phrases shall be construed according to the common and approved usage of the language. Words with specific meaning in this ULDC are defined below. The definitions are categorized by topic area, with the following topics included in the order in which they appear in the ULDC: land use districts and site design standards, protection of natural features and resources, flood damage prevention, landscaping and tree protection, lighting, energy efficiency and building performance standards, architectural and design guidelines, telecommunication towers, signs, and variations.

1.08.01 Land Use Districts and Site Design Standards

Accessory building or use means a subordinate structure or portion of the main structure, the use of which is incidental to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

Alley means a public right-of-way thirty (30) feet or less in width and which affords only a secondary means of access to abutting property.

Basement means a story having a part but not more than one-half of its height below grade.

Building official means the person designated by the Town Council as the individual responsible for the administration of the Building Code.

Building height means the vertical distance from the mean grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building see “structure.”

Clinic means a building or portion of a building where patients are not lodged overnight, but are admitted for examination and treatment by a group of professionals licensed by the state to practice the healing arts.

Club, private means a building or portion thereof or premises owned and operated by a corporation, association, person or persons for a social, educational, recreational or fraternal purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Day Care Center or Nursery means a building or portion thereof or premises designated for or occupied for the purposes of providing supervised care and/or education for three or more pre-school age children. However, no overnight sleeping facilities are to be included.

Development permit means a permit approving with or without conditions an application for a building permit or other type of permit as specified in Chapter 10, a variance, or any other official action of the Town having the effect of permitting the development, use or occupancy of land or structure.

District means a section or sections of the Town for which the land use regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dock means a structure built on pilings over the water which is designed or used to provide anchorage for and access to one or more boats at anchorage. Necessary services such as water and other utilities are considered a part of a dock. However, no cooking, sleeping or business activity shall be permitted or conducted on a dock.

Dwelling means a building or portion thereof designed or used exclusively for residential occupancy but not including campers, hotels, motels, motor lodges, boarding and lodging houses, tents, tourist courts, tourist homes, dormitory, fraternity or sorority houses, hospitals or nursing homes.

Dwelling, Mobile Home means a vehicle or movable dwelling structure, licensed as such by the State of Florida, which is designed to be used as a dwelling unit for one family and which stands on wheels, on rigid supports, or on a foundation, but excluding prefabricated homes or sections thereof and travel trailers as defined herein.

Dwelling, Multiple or Multi-Family (commonly referred to as an apartment building) means a building or portion thereof used or designed as a residence for three or more families living independently of each other within individual dwelling units.

Dwelling, Single-Family means a detached building designed for or occupied exclusively by one family.

Dwelling, Town House means a building designed or occupied exclusively by one family and attached to two or more other buildings or similar design and separated by one or more party walls. The attached town-houses, as defined, constitutes a building group.

Dwelling, Two-Family means a detached building designed for or occupied exclusively by two families living independently of each other.

Gross leasable area means the total floor area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use.

Heritage Tree means any hardwood tree or cedar tree that is twenty-four (24) inches or larger DBH.

Home occupation means a use to be approved as a permitted use or special exception and any onsite business conducted entirely within a dwelling and carried on by residents thereof. Such use is to be clearly incidental and secondary to the residential uses and shall not change the residential character of the dwelling.

Hotel means a transient commercial lodging establishment consisting of one (1) or more buildings used only for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities and parking. This category includes motels and motor hotels. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but are not intended for long-term occupancy.

Institution means building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

Lot Coverage means that percentage of the lot area covered or occupied by the base of the buildings including attached accessory buildings.

Lot Depth means the depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite mean rear line of the lot.

Lot Lines means the lines abounding a lot as established by ownership.

Lot of Record means a lot which is part of a subdivision, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in the office of the Flagler or St. Johns County Clerk of the Circuit Court. If a portion of a lot or parcel has been conveyed at the time of the adoption of this ULDC, the remaining portion of said lot or parcel shall be considered a lot of record.

Lot, Corner means a lot abutting upon two or more streets at their intersection.

Lot, Interior means a lot other than a corner lot having frontage on one street.

Lot, Through means an interior lot having frontage on two streets, other than a corner lot.

Nonconforming Use means a use that does not conform with the designated use shown on the Future Land Use Map or regulations of the use district, in which it is situated.

Nonconforming Use means a use that does not conform with the designated use shown on the Future Land Use Map or regulations of the use district, in which it is situated.

Parking means the term "parking" shall mean the temporary, transient storage of motor vehicles used for personal transportation, while their operators are engaged in other activities. It shall not include storage of new or used cars for sale, service, rental, or other purpose other than specified above. "Parking" as defined herein shall apply only to open air storage of motor vehicles.

Parking Lot means an open area or plot of land used exclusively for the storage or parking of motor vehicles, but no vehicles are equipped, repaired, rented or sold.

Places of public assembly means any area, building or structure where people assemble for a common purpose, such as social, cultural, recreational and/or religious purposes, whether owned and/or maintained by a for-profit or not-for-profit entity, and includes, but is not limited to, public assembly buildings such as auditoriums, theaters, halls, private clubs and fraternal lodges, assembly halls, exhibition halls, convention centers, and places of worship, or other areas, buildings or structures that are used for religious purposes or assembly by persons.

Planned Unit Development (PUD) means the development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially

related to the character of the entire development. A PUD must also include a program for the provision, maintenance and operation of all areas, improvements, facilities, and necessary services for the common use of all occupants thereof.

Protected tree means all non-prohibited trees that are twelve (12) DBH or greater

Public Administrative and Service Facilities means any publicly owned property and structures necessary to provide services to the surrounding area such as fire and police protection or other normal community services.

Public use means the use of land, water or building by a municipality, public body or board, commission, or authority, county, state or the federal government or any agency thereof for a public service purpose.

Right-of-way means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.

Service Station, with Major Mechanical Repairs means a building or lot which may provide the sale of gasoline and normal accessories, provided in an enclosed structure major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, minor welding and storage of automobiles not in operating condition.

Service Station, without Major Mechanical Repairs means a building or lot which has as its primary purpose the sale of gasoline and normal accessories, for passenger vehicles, and which may also provide not more than three work bays for minor repairs and maintenance to automobiles.

Sewers, public or community means an approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

Story means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between each floor and the ceiling next above it.

Street means a facility, either public or private, which affords the primary access to abutting property and is intended for general traffic circulation whether existing in fee simple or by easement.

Street Line means the line between the street and abutting property. Also referred to as right-of-way line.

Structural Alterations means any change, except the repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders or the rearrangement of any interior partitions affecting more than five (5) percent of the floor area of the building.

Structure means anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having permanent location on the land.

Townhouse means a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

Travel Trailer or Recreational Vehicle means a vehicle less than forty (40) feet in length and used for temporary or recreational living or sleeping purposes, and standing on wheels, whether self-propelled or requiring a separate vehicle for power.

Vacant Land means any lot or parcel of land which is completely open, has no use associated with or upon it and is not utilized as the required yard area for any adjoining uses.

Variance means a modification from the literal interpretation of the provisions, other than those provisions relating to use requirements, subject to the procedures set forth in this ordinance.

Water dependent use means activities that can be carried out only on, in or adjacent to water areas because the use requires access to the water

Water related use means activities that are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses

Yard means an open space on the same lot with a building unoccupied or unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

1.08.02 Protection of Natural Features and Resources

Revetment means a sloped facing structure of an armoring material such as, but not limited to, guarrystone, concrete, or geotextile fabrics, built to protect a scarp, embankment, or shore structure against erosion by wave action or currents.

Beach means lands and waters lying seaward of the seawall or line of permanent vegetation.

1.08.03 Flood Damage Prevention

Accessory structure means 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.

Area of special flood hazard means the land in the floodplain within Marineland 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.”

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood” and the “regulatory flood”).

Base flood elevation means the water-surface elevation associated with the base flood.

Breakaway wall means a wall 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.

Coastal Construction Control Line means the Coastal Construction Control Line as established under s.161.053, F.S.

Datum means reference surface used to ensure that all elevation records are properly related. Many communities have their own datum that was developed before there was a national standard. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, or shear walls.

Encroachment means the advance or infringement 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.

Existing construction means, for the purposes of floodplain management, structures for which “the start of construction” commenced before the data of the initial Flood Insurance Rate Map (FIRM). Existing construction, means for the purposes of determining rates structures for which the “start of construction” commenced before the effective date of the first FIRM or before January 1, 1975, for FIRMs effective before that date. This term may also be referred to as “existing structures”.

Existing structure see “existing construction.”

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.
- (b) The collapse or subsidence of land along a shore of a 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 Boundary and Floodway Map (FBFM) means the official map of the community on which the *Federal Emergency Management Agency* (FEMA) has delineated the areas of special flood hazard and regulatory floodways.

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

Flood Insurance Study (FIS) is the official hydraulic & hydrologic 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 and other related data and information.

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

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain administrator is the individual appointed to administer and enforce the floodplain management regulations of the community. The floodplain administrator shall be the Town Administrator.

Floodplain management regulations means the regulations set forth in this ULDC, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means 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 means the channel of a 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.

Floodway fringe means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

Freeboard means 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, bridge openings, and hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

Functionally dependent use means a use that 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, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship as related to variances from the flood damage prevention regulations means the exceptional hardship associated with the land that would result from a failure to grant the requested variance.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure means any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 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.

Lowest adjacent grade means 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 means 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 nonelevation design standards of this ULDC.

Mangrove stand means an assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above ground and which contain one or more of the following species: Black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia Racemosa*); and buttonwood (*Conocarpus Erecta*).

Manufactured home means a building, 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, and similar transportable structures.

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

Market value means 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.

Mean sea level means 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.

National Geodetic Vertical Datum (NGVD) of 1929 means a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means, for floodplain management purposes, any structure for which the “start of construction” commenced on or after the effective date of this ULDC based upon specific technical base flood elevation data that establishes the area of special flood hazard. The term also includes any subsequent improvements to such structures.

New manufactured home park or subdivision means 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) is completed on or after the effective date of this ULDC.

North American Vertical Datum (NAVD) of 1988 means a vertical control used as a reference for establishing varying elevations within the floodplain.

Free of obstruction means any type of lower area enclosure or other construction element that will obstruct the flow of velocity water and wave action beneath the lowest horizontal structural member of the lowest floor of an elevated building during a base flood event is not allowed. This requirement applies to the structures in velocity zones (V-Zones).

Program deficiency means a defect in the Marineland floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program.

Public safety and nuisance means anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the

customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means 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.

Regulatory floodway means 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.

Remedy a deficiency or violation means to bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal or Marineland floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sand dune means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Shallow flooding means the same as area of shallow flooding.

Special flood hazard area means the same as area of special flood hazard.

Start of construction means the following: For other than new construction or substantial improvements under the Coastal Barrier Resources Act P. L. 97-348, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (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 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 building. For

substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage means 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 means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which equals or exceeds 50 percent of the 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.

Variance is a grant of relief from the requirements of this ULDC.

Violation means the failure of a structure or other development to be fully compliant with the requirements of this ULDC. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ULDC is presumed to be in violation until such time as that documentation is provided.

Watercourse means 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 surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

1.08.04 Landscaping and Tree Protection

Certified or certification means official designation or certification by Florida Yards and Neighborhoods as a Florida-friendly Yard.

Florida Yards and Neighborhoods means the program established and administered by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS), Florida’s water management districts, the Florida Department of Environmental Protection, and others to address the problems of pollution in stormwater runoff, water shortages, and disappearing habitats.

Florida-friendly Yard means a yard that meets the requirements of the Florida Yards and Neighborhoods Yard Certification Checklist for New Construction, available at <http://fyn.ifas.ufl.edu/materials/new%20construction%20checklist.pdf> and on file in the Town Offices.

Landscape means any combination of living plants and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials)

New construction landscape means the landscape associated with any development, redevelopment, or rehabilitation of a property that requires a building permit.

1.08.05 Lighting

Artificial lighting means any source of temporary, fixed or movable light emanating from a manmade device, including, but not limited to incandescent mercury vapor, metal halide, or sodium lamps, spotlights, streetlights, construction security lights or lights which illuminate signs. This definition shall not include handheld or vehicular lighting.

Beach means lands and waters lying seaward of the seawall or line of permanent vegetation.

Directly illuminating means illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible to a person who is in a standing position on the beach.

Fixture means the device that holds, protects, shields, and provides the optical system and power connections for a lamp. Including but not limited to: security, flood, spot, wall, fascia, back, advertising, landscape, foot path, accent, outline, swivel, directional, movable, portable, yard, seawall, or dock light.

Footcandle means the unit for measurement of illumination received by a surface located at a distance from a source of visible light. Typically calculated for a lighting plan and measured with a light meter. Abbreviated as (fc).

Illuminating Engineering Society of North America (IES or IESNA) means the nonprofit professional society of lighting engineers and specialists that has established recommended design standards for various exterior lighting applications

Indirectly illuminating means illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to a person who is in a standing position on the beach.

Lamp means the source of light within a fixture.

Light source means the medium producing the visible light or changing the direction of the light. Such media may include bulbs, lenses, refractors, reflectors, diffusers, or any emitter of visible light either directly from the material discharging the visible radiant energy or indirectly from material that redirects the illuminating light.

Shield means the opaque barrier on the fixture to block the light from illuminating certain distant surfaces. No light escapes through a shield.

Tinted glass means any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of forty-five (45) percent or less. Such transmittance is limited to the visible spectrum (four hundred (400) to seven (700) nanometers) and is measured as the percentage of light that is transmitted through the glass.

1.08.06 Energy Efficiency and Building Performance Standards

LEEDNC means the version of the U.S. Green Building Council's Leadership in Energy and Environmental Design Rating System currently adopted by the Town applying to a new construction project of any size that consists of a new commercial building, office building, industrial building, or mixed use building that combines residential use with commercial or industrial use. LEEDNC also applies to construction projects that consist of a multifamily residential building with four (4) or more stories. The LEEDNC system establishes several levels of environmental achievement from the certified rating to a platinum rating. The ratings are attained by earning LEED points in the categories of sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, innovation and design process and regional priority.

LEEDHOMES means the version of the U.S. Green Building Council's Leadership in Energy and Environmental Design Rating System currently adopted by the Town that applies to a new construction project that consists of a single family home, single family homes, or a multifamily residential building less than four stories. The LEEDHOMES system establishes several levels of environmental achievement from the certified rating to a platinum rating. The ratings are attained by earning LEED points in the categories of innovation and design process, location and linkages, sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality and awareness and education.

1.08.07 Architectural and Design Guidelines

Accessory Structure means a building or structure subordinate to the principal building and used for purposes customarily incidental to the main or principal building and located on the same lot or set of attached lots therewith.

Alley means a publicly- or privately-owned secondary way which affords access to the side or rear of abutting property.

Appurtenances means architectural features consisting of: spires, belfries, cupolas or dormers; silos; parapet walls, and cornices without windows; chimneys, ventilators, skylights, and antennas.

Awning means a roofed architectural projection with flexible material supported entirely from the exterior wall of a building.

Balcony means a porch connected to a building on upper stories supported by either a cantilever or brackets.

Block means an increment of land composed of an aggregate of lots, tracts and alleys circumscribed by thoroughfares.

Build-To-Line means a line parallel to the property line, along which a building shall be built.

Building Frontage means the vertical side of a building which faces the primary space or street and is built to the Build-To-Line.

Building Volume means the space displaced by the exterior walls and roof of a building; a product of building width, depth, and height. Building volume is regulated in order to shape public spaces that are human-scaled, well-ordered, and which maximize the amenity of shared public spaces.

Building Width means the distance from one side of a building frontage to the other. In conditions where buildings are attached, building width is the distinction between buildings which shall be expressed via a change in architectural expression.

Colonnade or Arcade means a covered, open-air walkway at standard sidewalk level attached to or integral with the building frontage; overhead structure is supported architecturally by columns or arches along the sidewalk.

Dwelling Area means the total internal useable space on all residential floors of a structure, excluding porches, balconies, terraces, stoops, patios, or garages.

Front Porch means a roofed area, attached at the ground floor level or first floor level, and to the front

Garden Wall means a freestanding wall along the property line dividing private areas from streets, alleys, and or adjacent lots.

Height means the vertical distance from the lowest point on the tallest side of the structure to the top of the parapet, cornice or eave.

Liner Building means a building built in front of a parking garage, cinema, supermarket etc., to conceal large expanses of blank wall area and to face the street space with a facade that has doors and windows opening onto the sidewalk (see diagrams pp.8 and 9). Parking garages and their Liners may be built at different times.

Lot means a single building plot; the smallest legal increment of land which may be bought and sold.

Lot Frontage means the property line adjacent to the frontage street.

Marquee means a permanently roofed architectural projection the sides of which are vertical and are intended for the display of signs; which provides protection against the weather for the pedestrian; and which is supported entirely from an exterior wall of a building.

Primary Space or Street means the space or street that a building fronts. At squares and street intersections the space or street highest in the hierarchy is the primary street.

Stoop means a small platform and / or entrance stairway at a house door, commonly covered by a secondary roof or awning.

Storefront means building frontage for the ground floor usually associated with retail uses.

Structured Parking means layers of parking stacked vertically.

1.08.08 Telecommunication Towers

Antenna means any exterior transmitting or receiving device mounted on a cell site, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. The types include:

- (1) *Dish or parabolic* which is used for point-to-point communications.
- (2) *Dual-polarized (or cross-polarized)* which eliminates the 'top-hat' configuration of panel antennas by keeping the thin antennas very close to the mount.
- (3) *Panel* which is a sectorized antenna unit (pointed in three directions) commonly used in cellular and PCS systems and which can resemble plastic or glass light casings, such as seen on street lights, standing on their ends. Panel antennas are getting smaller, some appearing like florescent lights standing on their ends.
- (4) *Whip* which is an omni-directional antenna that is a very thin element pointing up or down from its mount

Backhaul network means the lines that connect a provider's cell sites to one or more cellular telephone switching office, and/or long distance providers, or the public switch telephone network

Cell site means any mount, structure or tower, greater than 15 feet in height, that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice cell sites, guyed cell sites, or monopole cell sites. The term includes radio and television transmission cell sites, microwave cell sites, common-carrier cell sites, cellular telephone cell sites, alternative tower structures, and the like. The term includes the structure and any support thereto

Collocation means the mounting or installation of an antenna on an existing tower, building, or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Mean building height means the vertical distance from the established grade at the center of the front of the building to the mean level between eaves and ridges for gable, hip and gambrel roofs.

Microcell means the shorter, smaller cell sites used to serve smaller areas and often located within rights-of-way

Monopole or monopole cell site means a communication cell site consisting of a single pole, constructed without guy wires and ground anchors.

Parent parcel means the entire parcel, whether platted or described by metes and bounds, which is under unified ownership. A portion of the parent

parcel may be defined as a telecommunications tower lot as described in section 94-131(f).

Stealth facility means any telecommunications tower that is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to look like trees.

Telecommunications tower means any structure designed and constructed for the purpose of supporting one or more communication antennas, including camouflaged towers, conventional wireless towers, and low impact or stealth towers. The term includes towers to support antennas for transmitting or receiving personal wireless services and cellular telephone communications towers. The term includes equipment fundamental to the operations of the tower. The term does not include broadcast towers, amateur radio towers, or those towers used solely for private use dispatch services.

Telecommunication tower lot means the leased parcel on which the telecommunications tower is installed. This definition does not mean the parent parcel.

Trim means railings, columns, door and window surrounds, soffits, shutters, gutters and downspouts, and other decorative elements affixed to the exterior of a building.

1.08.09 Signs

Abandoned or discontinued sign or sign structure means a sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of twelve months or longer. The following conditions shall be considered as abandonment: (1) a sign displaying a product or service which is no longer available or a business which is no longer licensed or pays a business tax; (2) a sign which is blank; or (3) the sign has not been maintained. Neither the intention of the owner nor that of any other person or entity to use the sign or sign structure for any nonconforming use shall be taken into consideration in interpreting and construing "discontinuance" as used in this definition.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to convey the name of the business, a product, or a commercial message about the products or services offered on the property upon which the artwork is displayed.

Attached sign means any sign attached to, on, or supported by any part of a building (e.g., walls, awning, windows, or canopy), which encloses or covers useable space.

Awning sign. See *canopy sign*.

Banner means a temporary sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind activated, and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this definition.

Beacon means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar agency. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

Bench sign means an advertising sign appearing on a bench or on or adjacent to a public right-of-way.

Billboard sign means a sign structure or stand-alone sign supported by posts or columns that is directed to and can be viewed from a road or highway.

Building frontage means, for the purposes of computation of number and area of signs permitted on buildings in cases where the lineal feet of building frontage is a determinant, the frontage of a building shall be computed as nearly at ground level as computation of horizontal distance permits. In no instance, other than that allowed in these regulations, shall more than one sign be allowed per building or per leased tenant space, in the case of a multiple tenant use building, such as a shopping plaza. Building frontage may be used in determining lot frontage.

Bus shelter sign means an advertising sign appearing on a bus shelter or on or adjacent to a public right-of-way.

Bus stop informational sign means a freestanding or attached sign located at a bus stop and providing information as to the route, hours or times of service.

Canopy sign means any sign that is a part of or printed, stamped, stitched or otherwise applied onto a protective awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Construction sign means a temporary on-premise sign during the time that a building permit is active and prior to completion of the work for which the permit was issued, and containing sign copy. Construction signs shall not exceed three square feet in sign area, and three feet in height for residential properties, and 16 square feet in sign area, and six feet in height for nonresidential properties.

Copy means the linguistic or graphic content of a sign.

Directional sign means an on-site non-commercial sign directing the movement of pedestrian or vehicular traffic on the premises where it is located. These signs may use words such as "entrance," "exit," "caution," "no parking," "one way only," "no trespassing," and the like, or arrows or similar graphics. These may be attached or freestanding.

Directory sign means a sign which lists the names and locations of occupants or the use of a building, limited to multi-tenant office buildings and complexes.

Display box sign means a fully enclosed or otherwise protected from the elements sign structure, including but not limited to a box, shadow box or cabinet, attached to a wall or freestanding. A menu display sign may be used for a restaurant without drive-through service and for transient lodging facilities which have restaurant facilities open to the general public in addition to the registered guests. Menu display sign structures shall be limited to one per establishment.

Double-faced sign means a sign that has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on which face being either in contact with the other face or in contact with the same background.

Election sign means a temporary sign erected or displayed for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which the voters of the Town shall vote.

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish; but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

Fixed aerial sign means any aerial medium that is tethered to the ground.

Flag means any fabric, or similar material, or bunting containing distinct colors, patterns or symbols, used as an ornamental flag or as a symbol of government, political subdivision, corporation or business or other entity and which is not a banner.

Flagpole means a pole on which to raise a flag.

Flashing sign means a sign that permits light to be turned on or off intermittently more frequently than once per minute.

Free expression sign means a sign, containing any content whatsoever, not in excess of three square feet in size (area) and the top of the sign is not more than three feet off the ground if freestanding that is otherwise lawful.

Freestanding sign means a sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure.

Garage or yard sign means any on-site temporary sign in, at or upon any residentially-zoned property located in the Town.

Ground sign means any sign that is supported by structures or supports in or upon the ground and independent of support from any building; however, a ground sign shall include any sign which is partially supported by structures or supports in or upon the ground and independent of support from any building.

Holiday and seasonal decorations means temporary decorations that pertain to legal or other recognized holidays or to a season of the year.

Holographic display sign means an advertising display that creates a three-dimensional image through projection.

Identification sign means any structural device, display board, screen, surface, or wall with characters, letters or illustrations placed, by any method or means whatsoever. Identification signs are subject to the size and height restrictions delineated elsewhere in this ULDC. An identification sign is differentiated from a directory sign in that the identification sign identifies the occupant or use of an individual address or business premises. Individual addresses or business premises may have both an identification sign and a directory sign.

Illuminated sign means any sign or portion thereof that is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

Internally illuminated sign means any sign that has the source of light entirely enclosed within the sign not visible to the eye.

Machinery and equipment signs means any sign that is integral to the machinery or equipment and that identifies the manufacturer of the machinery or equipment that is placed on the machinery or equipment at the factory at the time of manufacture.

Maintenance means the repairing or repainting of a portion of a sign or sign structure, periodically changing changeable copy, or renewing copy, which has been made unusable by ordinary wear.

Marquee means a structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a private sidewalk, public entrance or other pedestrian way.

Marquee sign means any sign attached to a marquee.

Monument sign means a freestanding sign whose ratio of width of sign to width of support is less than three to one and is subject to all other restrictions as applicable elsewhere in this ULDC.

Nameplate sign or occupant identification sign means an attached wall sign indicating the name and/or profession or address of a person or persons residing on the premises where the sign is located or legally occupying the premises where the sign is located.

Non-conforming sign means a sign that does not conform to the regulations contained in this ULDC.

Off-site permanent monument identification sign means a permanent monument identification sign, located within 100 feet of the location of such sign. This sign type shall not be considered a billboard.

On-premise sign or *on-site sign* means any sign on the premises on which it is located.

Pennant means any series of small flag-like or streamer-like pieces of cloth, plastic, paper or similar material attached in a row to any staff, cord, building, or at only one or two edges, the remainder hanging loosely.

Permanent sign means any sign which, when installed, is intended for permanent use. For the purposes of this division any sign with an intended use in excess of three months from the date of installation shall be deemed a permanent sign unless otherwise indicated elsewhere in this ULDC.

Pole sign means a freestanding sign whose ratio of width of sign to width of support is equal to or greater than three to one.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or to a structure that is attached to the ground. For purposes of this division, a cold air inflatable sign shall be considered to be a portable sign.

Projecting sign means any sign affixed perpendicular to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Revolving sign or *rotating sign*. Any sign that revolves or rotates.

Roof sign means any sign erected and constructed wholly on or over the roof of a building, and which is supported by the roof structure, or any sign that extends in whole or in part above the roofline of a building.

Safety sign. See Warning sign.

Sign means any surface, fabric, device or display which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, animal or product, that conveys information and which is not artwork as defined herein or architectural detail as defined herein. For the purposes of these regulations, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. In the case of a permanent sign made of any fabric or other non-rigid material the sign shall conform to each specification for such signs found elsewhere in the ULDC.

Signable area means the total surface area on a single plane of a wall or window, or similar structure, or a building facade where a sign may be located under this ULDC.

Signable area, wall means, for purposes of determining the maximum size (area) allowed for a wall sign, signable wall area is the continuous portion of

a single plane of wall surface that is unbroken by doors, windows, or openings.

Sign area means that area enclosed by one continuous line, connecting the extreme points or edges of a sign. This shall be determined by using the largest area of outline visible at any one time from any one point. This does not include the main supporting sign structure, but includes all other ornamental attachments, connecting links, etc., which are not a part of the main supports of the sign.

Sign, maintenance means the replacing, repairing, or repainting of a portion of a sign structure, periodically changing copy, or renewing copy which has been made unusable by ordinary wear or weather or accident. The replacing or repairing of a sign or sign structure of which 25 percent or more of the total areas has been damaged (as determined by the Town Administrator) shall not be considered maintenance.

Sign, traffic control device. See Traffic control device sign.

Snipe sign means any sign tacked, nailed, posted, pasted, glued or otherwise attached to telephone poles, utility poles, trees or fences. Specifically excluded are holiday and seasonal decorations attached to utility poles in the right of way when such decorations are authorized by the utility company and installed by the Town for the benefit of the citizens.

Statutory sign means a sign required by any statute of the State of Florida or the United States.

Street address sign means any sign denoting the street address of the premises on which it is attached or located.

Temporary sign means a sign that is not permanent. For the purposes of this division, a sign with an intended use of three months or less shall be deemed a temporary sign unless otherwise indicated elsewhere in this ULDC.

Traffic control device sign means any sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard.

Umbrella sign means a sign printed on an umbrella or canopy used at a legally established outdoor eating and drinking establishment, push-cart, or sidewalk cafe and which is made of a lightweight fabric or similar material.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Vehicle sign means any sign or signs where the total sign area covers more than ten square feet of the vehicle.

Wall sign means a sign which is fastened or affixed to the wall of a building with its face in a parallel plane with the plane of the building facade or wall.

Warning sign or safety sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned

building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Window sign means any sign mounted or placed in any fashion on the interior or exterior of the surface of a window, and intended to be seen from the exterior.

Wind sign means a sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons, however, the term "wind sign" shall not include flags.

1.08.10 Deviations

Sustainability warrant means a preferred alternative performance standard that deviates from standards and criteria set forth the ULDC but furthers, promotes and is in harmony with the purpose and intent of the ULDC, and offers more protection of environmental and natural resources of the Town and the ability of the ecosystem to maintain ecological processes and functions, biodiversity and ecological productivity into the future..