

ORDINANCE NO. 109

AN ORDINANCE OF THE VILLAGE OF GOLF, FLORIDA, AMENDING THE VILLAGE LAND DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 86., AS AMENDED BY ORDINANCES NO. 94, 103, 104, 105 & 107 AT SECTION 1.05 DEFINITIONS. BY REPEALING AND READOPTING THIS ENTIRE SECTION IN ORDER TO DELETE THE EXISTING NUMBERING SYSTEM AND TO MODIFY OR ADD DEFINITIONS APPLICABLE TO THE VILLAGE LAND DEVELOPMENT CODE; FURTHER AMENDING LAND DEVELOPMENT CODE BY REPEALING PARAGRAPHS A AND D OF SECTION 10.03 TO PROVIDE FOR A CHANGING START DATE FOR THE MAJOR CONSTRUCTION PERIOD IN THE VILLAGE ANNUALLY AS SET FORTH IN COUNCIL RESOLUTION; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF ORDINANCE NO. 86., AS AMENDED BY ORDINANCES NO. 94, 103, 104, 105 AND 107 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Golf desires to update the Land Development Code to provide for revised definitions applicable to the entire Land Development Code, to provide for a Development Review Committee and to provide that the start date for major construction activity will be set by resolution of the Village Council annually; and

WHEREAS, the notice and hearing requirements provided for in the Village Code of Ordinances and state statutes have been satisfied where applicable; and

WHEREAS, the Village Council of the Village of Golf has determined that such amendments to the Land Development Code are in the best interests of the general welfare of the Village of Golf.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA THAT:

Section 1. Ordinance No. 86, as amended by Ordinances No. 94, 103, 104, 105 & 107, is hereby amended at Section 1.05. Definitions. by repealing and readopting this entire section to provide for the deletion of numbering system and modification or addition of other definitions; providing that Sec 1.05 text amendments are put forth as follows:

See EXHIBIT A attached hereto and made a part hereof.

Section 2. Ordinance No. 86, as amended by Ordinances No. 94, 103, 104, 105 & 107, is hereby amended at Section 10.03. Construction Period. by repealing paragraphs A. and C. and readopting them to provide for update and clarification as to the time period for major construction activity in the Village; providing that Sec 10.03 shall read as follows:

10.03 CONSTRUCTION PERIOD.

A. Except as provided herein, complete plans for major construction, site, swimming pool, and associated landscape projects must be submitted and approved prior to a date which is provided in the resolution of the Village Council ~~falls fifteen (15) days after Easter or April 15, whichever date is earlier,~~ for the construction period set forth at paragraph sub-section C. below. No building permit shall be issued for major construction projects after this start date for the major construction period ~~April 15~~ of each year except permits for that scope of work which is certified pursuant to paragraph D. below as being able to be completed within the said construction period after permit issuance. The Village may accept applications after this date and issue building permits on projects for which the owner or general contractor has offered certification pursuant to paragraph D below.

B. (Shall remain the same as previously adopted.)

C. Major construction activity will be permitted Monday through Saturday at the following times during the specified periods of the year: from 7:00 A.M. to 7:00 P.M., from a start date which is set forth annually by resolution of Village Council in November provided no start date is set earlier than April 1st, ~~falls fifteen (15) days after Easter or April 15, whichever is earlier,~~ through October 31; and from 7:00 A.M to 5:00 P.M. from November 1 through December 15, subject to paragraph B regulations hereinabove. Major construction activity will not be permitted at any other times or on Sundays and holidays, except as permitted by the provisions of Section 10.03.

D- E. (Shall remain the same as previously adopted.)

Section 3: Each and every other section and subsection of Ordinance No. 86, as amended by Ordinances No. 94, 103, 104, 105 and 107, shall remain in full force and effect as previously adopted.

Section 4: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part to be declared invalid.

Section 6: Specific authority is given to codify this Ordinance, if so desired, and/or providing that the definition and code section adopted by this Ordinance may be inserted into the existing, applicable pages within the Village of Golf Land Development Code in order to become a part thereof.

Exhibit "A" to Ordinance No. 109

LAND DEVELOPMENT CODE LAND DEVELOPMENT REGULATIONS

1.01 TITLE:

This manual shall be known as, cited as, and referenced to as the Village of Golf "~~Land Development Code~~Land Development Regulations". It may, in subsequent sections, be referred to as the "~~Land Development Code~~Regulations" or the "Code".

1.02 AUTHORITY:

The Village of Golf ~~Land Development Code~~Land Development Regulations is adopted pursuant to Chapter 163, Part II, and 166 *Florida Statutes*.

1.03 FINDINGS:

The Village Council finds that:

A. A unified set of administrative procedures for making all land use decisions promotes efficiency, equitability, and citizen participation and knowledge.

B. All development proposals must undergo a development review process to assure compliance with the requirements of this Code, and the Village adopted Comprehensive Development Plan, which was determined to be "IN COMPLIANCE" by the State of Florida Department of Community Affairs on August 20, 2007; which became a Final Order on September 10, 2007.

1.04 PURPOSE AND INTENT:

The primary purpose of the Land Development Regulations is to implement the adopted Comprehensive Development Plan of the Village of Golf and said regulations must be consistent with the goals, objectives and policies of the approved Village Comprehensive Development Plan.

The objectives of this ~~Land Development Code~~Land Development Regulations are to provide for the following: efficiency and economy in the process of development; appropriate and best use of land; preservation, protection, development and conservation of the natural resources of land, water, and air; ~~availability of affordable housing and group homes in residential areas;~~ healthful and convenient distribution of population; adequate public utilities and facilities; promotion of the civic amenities of beauty and visual interest; promoting the orderly development or redevelopment of residential land use through implementation of land use categories and provision of adequate open space; convenience of traffic and circulation of people; for the provision all land development regulations stated in Section 163.3202, *Florida Statutes*; and for development in accordance with the adopted Comprehensive Plan.

To accomplish these purposes, the Village Council has divided the entire Village into land use categories pursuant to the Land Use Element of the Village Comprehensive Development Plan, and within these land use designations may regulate, determine and establish:

- A. Height, number of stories, size, bulk, location, erection, construction, addition, repair, reconstruction, and alteration of structures;
- B. Use of buildings for trade, professional, residential and other purposes;
- C. Use of land and water for trade, professional, residential and other purposes;
- D. Size of yards and other open spaces;
- E. Percentage of lot that may be occupied;
- F. Density and intensity of development allowed;
- G. Conditions under which various classes of non-conformities may continue, including authority to set fair and reasonable amortization schedules for the elimination of non-conforming uses and/or buildings;
- H. Use, type and size of structures in those areas subject to seasonable or periodic flooding and/or storm damage so that danger to life and property in such areas will be minimized; and
- I. Performance standards for use of property and location of structures thereon.

All such regulations shall be uniform throughout each land use classification, but the regulations in one land use category may differ from those in other land use categories. In or for each land use category designated for the location of commercial enterprises, residences or buildings designed for specific use, regulations may specify those uses that shall be excluded or subjected to reasonable requirements of a special nature.

1.05 DEFINITIONS:

- A. For the purpose of this code, the following words and phrases shall have the meanings respectively ascribed to them by this section:
- B. All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular; the word "building" includes the word "structure" the word "shall" is mandatory and the word "person" includes a firm, corporation or municipal corporation as well as a natural person. The word "map" shall mean the "Official Land Use Map of the Village of Golf". The term "Council" shall mean the Council of the Village of Golf and the word "Village" shall mean the Village of Golf, a municipal corporation of the State of Florida. The word "used" shall be deemed to include the words "arranged", "designed" or "intended to be used", and the word "occupied" shall be deemed to include the words

“arranged”, “designed” or “intended to be occupied”. Any word or term not interpreted or defined by this section shall be used with a meaning of common or standard utilization.

1. ~~1.~~ **Abutting.** Having a common border with, or being separated from such common border by, an alley or easement.
2. ~~2.~~ **Access.** The principal means of ingress and egress to property from a publicly dedicated right-of-way or dedicated access easement.
3. ~~3.~~ **Accessory Structure (~~A~~ppurtenant ~~S~~tructure).** A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure or use. ~~Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential.~~ Examples of accessory structures are detached garages, earports and storage sheds.

~~—[added; Ord. No 75; September 21, 2005]~~
4. ~~4.~~ **Accessory Use.** A use customarily incident and accessory to the principal use of land or building located on the same lot.
5. ~~5.~~ **Acre, Gross.** A tract of land consisting of forty-three thousand five hundred sixty (43,560) square feet. As it relates to density, it is the quotient of the total number of dwelling units divided by the overall size of a site in acres.
6. ~~6.~~ **Acreage.** That land lying within the village limits which has not been subdivided according to the records on file in the office of the Clerk of the Circuit Court, in and for the County of Palm Beach.
7. ~~7.~~ **Addition (to an ~~E~~xisting ~~B~~uilding).** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.
8. ~~8.~~ **Adjacent.** That which lies near or close to, not widely separated or necessarily touching.
9. ~~9.~~ **Adjoining.** That which is joined or united, actually touching.
10. ~~10.~~ **Advertising Structure.** Any structure installed for advertising purposes, with or without any advertisement display thereon, situated upon or attached to real property upon which any poster, bill, printing, painting, device or other advertisement of any kind whatsoever may be placed, posted, painted, tacked, nailed, or otherwise fastened, affixed, or displayed, provided, however, that said term shall not include buildings.

11. ~~Alley.~~ A dedicated public right-of-way other than a street, which provides only a secondary means of access to abutting property, is not over twenty (20) feet in width and is not intended for general traffic circulation.

12. ~~Alteration.~~ Any modifications, additions, deletions, or change in construction, or change and arrangement in the structural parts of a building; whether by extending a side or by increasing or decreasing in height; or the moving from one location to another.

13. ~~Apartment.~~ Any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of two (2) or more families living independently of each other with their own separate cooking facilities in a building designed with separate entrances for each unit.

14. ~~Apartment, Efficiency.~~ A dwelling unit consisting of one (1) or two (2) rooms, other than a bathroom, providing cooking facilities.

15. ~~Appeal.~~ A request for a review of the Village's interpretation of any provision of this code, a request for a variance or a means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Code.

Arbor. See "Pergola".

16. ~~Arcade:~~

a. Game/Video. Any establishment, room, place or business location in which there are available to the public more than three (3) coin or token operated amusement devices which are coin or token operated or where a fee is charged for the operation of such devices.

b. Structural. A permanently roofed, arched covered continuous area or passageway at ground level, open to a street, plaza, open space or building, which is accessible and open to the public at all times.

17. ~~Area of Shallow Flooding.~~ A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

[added; Ord. No 75; September 21, 2005]

18. ~~Area of Special Flood Hazard.~~ The land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area".

~~179.~~ **Awning.** Any movable roof like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening, or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable.

~~1820.~~ **Bakery.** An establishment engaged solely in the retail sale directly to the consumer of products such as breads, cakes, pies, pastries, etc., which are based or produced and sold on premises.

~~21.~~ **Base Flood.** 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 is the term used throughout this chapter.

~~[added; Ord. No 75; September 21, 2005]~~

~~22.~~ **Base Flood Elevation (BFE).** The water surface elevation associated with the base flood.

~~[added; Ord. No 75; September 21, 2005]~~

~~23.~~ **Basement.** That portion of a building having its floor subgrade (below ground level) on all sides or less than four (4) feet six (6) inches above grade. The basement is not considered as part of any living area and shall not be used as living area, however, a basement shall be considered as part of the overall building height.

~~[added; Ord. No 75; September 21, 2005]~~

~~204.~~ **Bedroom.** A room other than a kitchen, dining room, living room, bathroom, or closet, which is marketed, designed, or otherwise likely to function primarily for sleeping.

~~2125.~~ **Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, or shorelines of waterways, or corporate boundary lines of the Village.

~~2226.~~ **Bookstore.** An establishment engaged in the retail sale of new books, magazines and accessory supplies.

~~2327.~~ **Breakaway Wall.** 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.

~~2428.~~ **Breezeway.** A roofed, open-sided passageway connecting two (2) separate structures, or two (2) separate portions of the same structure.

~~259.~~ **Building.** A single structure which is permanently affixed to the land; and has one (1) or more floors and a room. A building may, for example, consist of a one-family residence which must consist of only one (1) family residence which may have a guest house; ~~a series of townhouses; a row of apartments with individual entrances; or an apartment house;~~ A building may also be a single store or a row of stores (depending on location of lot lines) in the commercial zone; or any structure built for support, shelter, or enclosure for any occupancy or storage. ~~Carpports and g~~Garages which are not an integral part of the main *building* will be considered accessory buildings as defined herein; See “Structure”.
[added; Ord. No 75; September 21, 2005]

~~2630.~~ **Building, Accessory.** See “Accessory Building”.

~~2731.~~ **Building Code, State Minimum.** See “~~State Minimum~~ Standard Building Code”.

~~2832.~~ **Building, Detached.** A building having no party walls in common with another building.

~~2933.~~ **Building, Elevated.** See “Elevated Building”.

~~304.~~ **Building Front.** That exterior wall of a building which faces a front lot line of the lot line.

~~315.~~ **Building, Height of.** The vertical distance from finished floor elevation grade to the peak or ridge of the highest finished roof surface; ~~exclusive of cooling towers, elevator rooms, stair towers, mechanical equipment rooms, parapets and approved antennas, in the case of flat roofs, or to a point at the average height of roofs having a pitch or more than one (1) foot in twelve (12) feet.~~ Basements shall be considered as part of the overall building height.

~~326.~~ **Building Line.** A line on a lot generally parallel to a lot line or road right-of-way line, located a sufficient distance there from to provide the minimum yards required by this ordinance. The building line delimits the area in which buildings are permitted subject to all applicable provisions of this ordinance.

~~337.~~ **Building, Nonconforming.** A legally existing building which fails to comply with the regulations (for height, number of stories, size, area, yards, location, and use) set forth in this chapter applicable to the land use category in which this building is located.

~~348.~~ **Building Official.** That person who is appointed by the Village Manager and is charged with the responsibility of enforcing and administering the various land and building regulations of the Village of Golf.

~~359.~~ **Building Permit.** The document or certificate issued by the Village which verifies adherence to all applicable development regulations and gives permission to the permit applicant to proceed with the actions for which the permit was requested.

~~3640.~~ **Building, Principal.** A building in which is conducted, or in which is intended to be conducted, the main or principle use of the lot on which it is located.

~~3741.~~ **Building Site.** A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

~~3842.~~ **Building Support Structure.** Any structure which supports floor, wall, or column loads, and transmits them to the foundation. The term shall include beams, grade beams, or joists, and includes the lowest horizontal structural member exclusive of piles, columns, or footings.

~~3943.~~ **Bulk.** The term used to describe the size of buildings or other structures, and their relationships to each other and to open areas and lot lines.

~~404.~~ ~~**Business, Service.**~~ An establishment primarily engaged in rendering services to other business establishments on a fee or contract basis not involving the sale of any goods or commodities available on the premises and not dispensing a personal service. Such establishments include such activities as real estate, insurance, accounting or bookkeeping, financial institution, management or consulting, or other similar uses. No business use may be conducted within a residential land use area unless permitted under this Code pursuant to Sec. 3.03. Residential.

~~415.~~ **Canopy.** A roof like structure made of any material which projects from the wall of a building and overhangs in a public way.

Casualty. An unforeseen or unpreventable property loss or property damage arising from a sudden, unexpected event such as an accident or from a sudden, unexpected disastrous occurrence of unusual causation.~~426. **Carport.** Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls. See "Accessory Structure"~~

~~437.~~ **Certificate of Occupancy.** Official certification that a premise conforms to provisions of the zoning ordinance (and building code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be occupied.

448.—**Charter.** The document issued to the Village of Golf and established pursuant to the applicable laws of Florida creating the Village as a public corporation and defining its privileges, purposes, powers and duties.

459.—**Church/House of Worship.** A building, structure, or premise wherein persons regularly assemble for religious worship which is specifically designed and used only for such purpose and is maintained and controlled by a religious body organized to sustain public worship.

4650.—**Clinic.** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment, by one (1) person or group of persons licensed by the State of Florida as a physician, dentist, chiropractor, therapist or other similar health related profession.

4751.—**Club.** Buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

4852.—**Club, Private.** See “Private Club”.

53.—~~**Coastal High Hazard Area.** means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1 B V30, VE, or V.~~

[added; Ord. No 75; September 21, 2005]

4954.—**Commercial Building.** A building used only for commercial use.

505.—**Commercial Use.** An establishment which supplies commodities and services to the general public, including retail consumer goods, professional, business and personal services.

516.—**Commercial Vehicle.** Any vehicle of any nature, which is used, for hire or for profit.

527.—**Common Area.** The total area not designed for rental to tenants and which is available for common use by all tenants or groups of tenants and their invitees, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public restrooms, truck and service facilities, etc.

538.—**Compatible Use.** A use, which is capable of existing in harmony with other uses situated in its immediate vicinity.

549.—**Comprehensive Development Plan.** The composite of the Village Comprehensive Development Plan, all accompanying maps, charts and

explanatory material adopted by the Village Council, and all amendments thereto, all in accordance with applicable State of Florida Local Government Comprehensive Planning requirements.

~~5560.~~—**Confectionery.** Establishments engaged solely in the preparation and production of candy products for direct retail sale to the consumer on premises.

~~5661.~~—**Construction, Major.** The building of a new structure or *substantial improvement* to any *structure*, inclusive of the clearing, filling, or excavation of any land, which requires a building permit pursuant to Sec 105.1, Chapter 1. Administration, of the Florida Building Code. It shall also mean any of the following: exterior change in a structure for which a building permit is required; *alterations* in a *building support structure*, both interior or exterior; or any *alteration* in the size or use of any existing structure or the appearance of any land. ~~{amended: Ord. 103; September 18, 2013}~~

~~5762.~~—**Construction, Minor.** Work performed on the interior of a structure, and which does not increase the overall footprint of the structure, or upon its lands, including repair or replacement work involving a structure and its lands, which is deemed to be exempt from a building permit pursuant to Sec 105.2, Chapter 1. Administration, of the Florida Building Code. Such *minor construction* activity may occur throughout the year and is exempt from the construction time period restrictions set forth in this Code at Sec. 10.03. Construction Period., unless it threatens to adversely affect neighboring property owners, at which point such construction period regulations may be made applicable by the building official. ~~{added: Ord. 103; September 18, 2013}~~

~~5863.~~—**Construction, Start of.** See “Start of Construction”.

~~5964.~~—**Convenience Store.** A retail establishment which is usually open for extended daily hours of business (12 to 24 hours), located as a single entity or in a strip building configuration along arterial road-ways, is normally self-service facility not dependent upon comparison shopping and by its manner of display and merchandising usually sells a limited selection of items and brands, candy, beverages, dairy products or sundries, all of which are frequently purchased for immediate use, and may be developed with facilities for the dispensing and sales of vehicular fuels, but with no sale or installation of tires, batteries or similar accessories. If such establishment is combined with said fuel sales and dispensing, it shall be regulated as a full service fuel station and there shall be stringent limitations and controls placed upon the nature, size, delivery, storage, location, and type of said fuel sales or dispensing facilities, in order to provide maximum possible protection to adjacent properties and it must meet the specific zoning requirements of a full service station.

~~605.~~—**Corner Lot.** See “Lot, Corner”.

~~616.~~—**Cornice.** The horizontal projecting part of the roof crowning the wall of a building. The juncture which connects a vertical wall to the horizontal portion of the roof at the roof line.

~~627.~~ **Court.** An open, unoccupied space on the same lot, and fully enclosed on at least three (3) adjacent sides by walls of the buildings. An outer court facing for its full required width on a street, or on any other required open space not a court. An inner court is any other required court.

~~638.~~ **Coverage, Ground.** See "**Lot Coverage**" That portion of the lot area covered by the aggregate of all buildings including accessory buildings.

~~649.~~ **Curb Level.** The level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level."

~~6570.~~ **Curb Cut.** In indentation or depression through or into a raised curb forming a driveway or walkway.

~~6671.~~ **Datum.** ~~A 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.~~

[added; Ord. No 75; September 21, 2005]

~~6772.~~ **Dedication.** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee interest, including an easement.

~~6873.~~ **Density.** The relationship between the number of existing or proposed amount of dwelling units on a specific land area, usually expressed in terms of the number of dwelling units per gross acre.

~~6974.~~ **Development.** The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, or any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or the permanent storage of materials for which permission may be required this ordinance.

Development, Large Scale. Development site plans, other than small-scale development site plans, shall be considered Large-Scale developments and may be subject to specific site plan requirements.

Development, Small-Scale. Development site plans for single family residences shall be considered small-scale developments and may be subject to specific site plan review requirements.

~~705.~~ **Development Site Plan.** See "**Comprehensive Development Plan**". A graphic and textual presentation of a development proposal.

~~716.~~ **Drainage.** The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion/sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

~~727.~~ **Drive-in or Drive-Through Facility.** An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods, while remaining in their motor vehicles.

~~738.~~ **Driveway.** That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

~~749.~~ **Dual Front.** A building designed or constructed so as to present the appearance of having two (2) fronts.

~~7580.~~ **Duplex.** ~~A single-story or two-story building designed to accommodate two (2) families living independently of each other. The building will have two (2) addresses, kitchens, electric and water meters.~~

~~7681.~~ **Dwelling.** Any building or structure designed exclusively for residential occupancy. It shall be deemed and construed to include both the main portion of such structure and all projections therefore, such as windows, bays, exterior chimneys, covered porches, or porticoes, including any garages or carports incorporated within or forming a part thereof, but shall not include the eaves of such structures, nor any open patio, nor any uncovered porch, stoop or steps. A dwelling may be designed and built for the use of one family, ~~or multiple-family occupancy,~~ but it does not include a hotel, club, motel, boarding or lodging house, or automobile, house trailer, or any recreation vehicle whether such trailer or vehicle is mobile or located in a stationary fashion on blocks or other foundation.

~~7782.~~ **Dwelling, Attached.** ~~One which is joined to another dwelling at one (1) or more sides by a party wall or walls.~~

~~7883.~~ **Dwelling, Detached.** ~~One which is entirely surrounded by open space on the same lot.~~

~~84.~~ **Dwelling, Group.** ~~A group of two (2) or more one-family, two-family, or multiple dwellings occupying a lot in one (1) ownership and having any yard in common.~~

~~85. Dwelling, Multiple.~~ A building or portion thereof used for occupancy by (3) or more families living independently of each other, and doing their own cooking in the building, including apartments, group houses, and row houses.

~~86. Dwelling, Row.~~ A row of attached or semi-detached one-family dwellings or two-family dwellings, containing a total of three (3) or more dwelling units, or a building in such a row.

~~827. Dwelling, Single-Family.~~ A building designed for or occupied exclusively by one (1) family.

~~839. Dwelling, Two-Family.~~ See "Duplex."

~~8490. Dwelling Unit.~~ One (1) or more rooms in a residential building or residential portion of a building, which are arranged, designed, used or intended for family purposes and which include lawful cooking space and lawful sanitary facilities reserved for the use of the single-family occupants thereof.

~~8591. Easement.~~ Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

~~8692. Efficiency Unit.~~ See "Apartment, Efficiency".

~~8793. Erect.~~ To build, construct, attach, hang, place, suspend, or affix, and shall also include the attachment of wall signs.

~~8894. Elevated Building.~~ A non-basement building built to have the lowest floor elevated above the ground level by foundation walls, pilings, columns, posts, piers, or shear walls.

[revised; Ord. No 75; September 21, 2005]

~~8995. Elevation.~~ Shall mean:

- a. The vertical distance above or below a fixed reference level; or
- b. A flat scale drawing of the front, rear, or side of a building or structure.

~~96. Encroachment.~~ 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.

[added; Ord. No 75; September 21, 2005]

~~917. Engineer, Registered (Civil).~~ A professional engineer registered by the State of Florida.

~~928. Enlargement or To Enlarge.~~ An enlargement is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

~~939. Erosion.~~ The detachment and movement of soil or rock fragments by water.

~~94100. **Establishment.** An economic unit, generally at a single physical location, where business is conducted or services are offered.~~

~~95101. **Existing Construction.** For the purposes of floodplain management, structures for which "the start of construction" commenced before the date of the initial Flood Insurance Rate Map (FIRM). Existing construction means, for the purposes of determining rates structures for which the Astart of construction@ commenced before the effective date of the first FIRM or before August 26, 1977 January 1, 1975, for FIRM's effective before that date. This term may also be referred to as "existing structures". **[added; Ord. No 75; September 21, 2005]**~~

~~96102. **Facing or Surface.** The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.~~

~~97103. **Family.** One (1) or more persons related by blood, marriage, adoption or guardianship, or not more than three (3) persons not so related, occupying a dwelling unit and living as a single housekeeping unit in a dwelling.~~

Family. One (1) or more persons who are either related or unrelated by blood, marriage or adoption; and who also occupy a single dwelling unit and have chosen to reside as a member of an independent residence. There cannot be more than two (2) unrelated people in a single-family home without written permission granted by the Village. Each "family", however, may be subject to the maximum occupancy restrictions if adopted by the Village. The term "family" does not include the occupants of a hotel, motel, rooming house or any other living arrangements within a building or facility which is being utilized for the transient occupancy of its inhabitants.

~~98104. **Financial Institution.** Establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges and brokers, and other similar uses.~~

Finished Floor Elevation. The finished floor elevation for buildings and structures shall be established at two (2') feet above the average elevation of the surface of the lot on which a building or structure is located.

~~105. **Flood, Base.** See "Base Flood".~~

~~106. **Flood or Flooding.**~~

~~a. A general and temporary condition of partial or complete inundation of normally dry land areas from:~~

- ~~(1) the overflow of inland or tidal waters;~~
- ~~(2) the unusual and rapid accumulation or runoff of surface waters from any source.~~
- ~~(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.~~
- ~~b. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A) (1) of this definition.~~ **[added; Ord. No 75; September 21, 2005]**
- ~~107. Flood Boundary and Floodway Map (FBFM). The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the areas of special flood hazard and regulatory floodways.~~ **[added; Ord. No 75; September 21, 2005]**
- ~~108. Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been identified as only approximate Zone A.~~ **[amended; Ord. No 75; September 21, 2005]**
- ~~109. Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.~~
- ~~110. Flood Insurance Study (FIS). Is the official hydraulic & hydrologic report provided by the Federal Emergency Management Agency. The report 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 FIRM, FHBM (where applicable), and other related data and information.~~ **[added; Ord. No 75; September 21, 2005]**
- ~~111. Flood, One Hundred Year. The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of being flooded each year).~~

- ~~112. **Floodplain.** Any land area susceptible to being inundated by water from any source (See “Flooding”). [added; Ord. No 75; September 21, 2005]~~
- ~~113. **Floodplain Administrator.** Is the individual appointed by the Village to administer and enforce the Village’s floodplain management regulations. [added; Ord. No 75; September 21, 2005]~~
- ~~114. **Floodplain Management.** 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. [added; Ord. No 75; September 21, 2005]~~
- ~~115. **Floodplain Management Regulations.** This chapter and other zoning codes, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), 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. [added; Ord. No 75; September 21, 2005]~~
- ~~116. **Floodproofing.** 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. [added; Ord. No 75; September 21, 2005]~~
- ~~117. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~
- ~~118. **Floodway Fringe.** That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis. [added; Ord. No 75; September 21, 2005]~~
- ~~9119. **Floor.** The top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles. [added; Ord. No 75; September 21, 2005]~~
- ~~10018. **Floor Area.** See “Net Floor Area”; “Gross Floor Area”; “Gross Leasable Area”; “Ground Floor Area”.~~
- ~~10119. **Floor Area Ratio.** The gross floor area of all buildings or structures on a lot divided by the total lot area. Building shall include garages, any covered terrace,~~

breezeway, porch or patio. Pools and uncovered patios are not included in Floor Area Ratio. ~~[added; Ord. 50; March 24, 1999]~~

~~120. **Free of Obstruction.** 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).~~

~~[added; Ord. No 75; September 21, 2005]~~

~~121. **Freeboard.** The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, 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.~~ ~~[added; Ord. No 75; September 21, 2005]~~

~~10222. **Frontage, Street.** All the property on one (1) side of a dedicated public street or place between two (2) intersecting dedicated public streets or places measured along the line of the dedicated public street or place, or if the dedicated public street or place is dead-ended, then all of the property abutting on one (1) side between an intersecting dedicated public street or place and the dead-end of the dedicated public street or place. Also includes dedicated ingress-egress easements when used for the only means of access.~~

~~10323. **Full-Service Fuel Station.** A retail establishment, which primarily sells, dispenses and installs automotive fuels and lubricants and products. Such establishments may include the sale of typical convenience store items, but must sell and install tires, batteries, lubricants, similar accessories and products, and perform minor repair work and services in order to maintain its definition classification, and regulation as a full-service fuel station.~~

~~124. **Functionally Dependent Use.** A use which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long term storage, manufacture, sales, or service facilities.~~

~~[added; Ord. No 75; September 21, 2005]~~

~~125. **Garage Apartment.** An accessory building which contains living facilities for not more than one (1) family and a private garage for one (1) or more automobiles.~~

Garage, Detached. See "Accessory Structure"

~~10426.~~ **Garage, Parking.** A building or portion of building, or area beneath a building or structure, except those described as a private garage, used for the parking only of automotive vehicles.

~~10527.~~ **Garage, Private.** A building or space used as an accessory to or a part of a main building permitted in any residence district, and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

~~10628.~~ **Gas Station.** A retail establishment which sells automotive fuels, oils and lubricants only, with no sale or installation of tires, batteries or similar accessories. A gasoline station is not a Full-Service Fuel Station or a convenience store. (For additional reference, see also "**Full Service Fuel Station**").

~~10729.~~ **Golf Course Lots.** Residential Lots within the Village of Golf shall be deemed "Golf Course Lots" when all or a portion of the residential property abuts or is contiguous to property owned by The Country Club of Florida, its successors and assigns, (except for the property south of Country Road South on which the maintenance facility is located) as well as Lots 4, 5, and 8B of Unit 2A.

~~—[added; Ord. 50; March 24, 1999]~~

~~10830.~~ **Governmental Use.** Public land areas and facilities which are utilized for daily administration and operation of government business which house personnel, records, equipment and the like belonging to the local, county, state, or federal government, or special district or agency.

~~10931.~~ **Grade.** A reference plane representing the average finished ground level adjoining the building at all exterior walls.

~~11032.~~ **Grade, Highest Adjacent.** See "**Highest Adjacent Grade**".

~~11133.~~ **Greenhouse.** An enclosed building, permanent or portable, which is used for the growth of small plants.

~~11234.~~ **Gross Acre.** See "**Acre, Gross**".

~~11335.~~ **Gross Floor Area.** The sum of the total areas taken on a horizontal plane of a floor or several floors of a building measured between the outside face of the exterior walls, exclusive of areas open and unobstructed to the sky. Gross floor area is used by the Village for determining valuation for the issuance of a building permit.

~~11436.~~ **Gross Leasable Area (GLA).** The total floor area designed for tenant occupancy and exclusive use; ~~including basement, mezzanines, and upper floors, if any,~~ expressed in square feet and measured from the center line of join partitions and from outside wall faces. GLA is all that area on which the tenants pay rent; it is

the area producing income, and is the square footage amount used by the Village for determining required parking area. GLA includes all areas less common areas. (See “Common Area”).

~~11537.~~ **Hardscape.** Any surface, which serves as a ground covering such as decking, patios, paverbricks, concrete, or asphalt. Landscaping is not to be considered hardscape. ~~—[added; Ord. 50; March 24, 1999]~~

~~11638.~~ **Hardship.** ~~As related to variances from the floodplain section (11.01 et. seq.); means the exceptional hardship associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, and peculiar to the property involved and not be self-imposed. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended. As related to all other section of this code, see *Standards at* Section 10.041.~~

~~—[added; Ord. No 75; September 21, 2005]~~

~~11739.~~ **Height of Building or Structure.** See “Building, Height of”.

~~11840.~~ **Highest Adjacent Grade.** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

~~141.~~ **Historic Structure.** Is 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.~~

~~[added; Ord. No 75; September 21, 2005]~~

~~12042.~~ **Hospital.** A facility licensed by the State of Florida providing primary health services and medical or surgical care to persons, primarily inpatients suffering from illness, disease, injury, deformity, other abnormal physical or mental conditions, chemical or substance dependency or abuse, and the institution, related facilities such as laboratories, outpatient facilities as training facilities.

~~12143.~~ **Hotel.** Any building principally containing sleeping rooms in which transient guests are lodged with or without meals, with no provisions made for cooking in any individual room or suite and located in commercial zone. Such facility may have one (1) or more dining rooms, restaurants or cafes as accessory uses. Such facility also, would structurally and for purposes of safety, be obliged to conform to the laws of the State of Florida regulating hotels.

~~12244.~~ **Illuminated Sign.** Any sign, which has characters, letters, figures, designs, or outline illuminated by electric lights, or from a remote position.

~~12345.~~ **Impervious Surface.** Impervious surfaces are those, which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt.

~~12446.~~ **Improvement.** Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

~~12547.~~ **Improvement, Substantial.** See "Substantial Improvement".

~~12648.~~ **Incombustible Material.** Any material which will not ignite at or below a temperature of one thousand two hundred (1200) degrees Fahrenheit and will not continue to burn or glow at that temperature.

~~12749.~~ **Incompatible Use.** A use, which is incapable of existing in harmony with other uses situated in its immediate vicinity.

~~12850.~~ **Institutional Use.** A non-profit corporation or a non-profit establishment for public use.

Intersection. Any street or public way or court, which joins another at an angle, whether or not it crosses the other.

~~13052.~~ **Intent.** The objective toward which any section of this ordinance strives or for which it exists.

~~13153.~~ **Landscape Plan.** A detailed sketch to scale illustrating the type, size, location and number of plants to be placed in a development.

~~13254.~~ **Land Use Category.** A contiguous area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height limitations.

~~13355.~~ **Landscape Strip.** A strip of land along the perimeter of the site containing trees, barriers, ground cover and/or other plant material.

~~13456.~~ **Landscaping.** Landscaping shall consist of any of the following or combination of: Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms; and non-living durable material commonly used in the landscape, such as, but not limited to, rocks, pebbles, mulch, sand, walls or fences, benches, fountains, trellises, pergolas, arbors, paving for pedestrian use (~~but~~-excluding paving for vehicles), exterior landscape accent lighting fixtures and other items of exterior landscape furniture.

~~13557.~~ **Laundromat.** An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public for family laundering or dry-cleaning purposes.

~~13658.~~ **Laundry.** A retail sales and service establishment which provides for the drop-off of clothing, linens, and the like to be washed, dry-cleaned, ironed, mended, or repaired with no machines or equipment for the dyeing of same and specifically no machines or equipment available for self-service directly by the consumer.

Lawn Accoutrements. ~~None are preferred. Art objects, lawn jockeys, staturaries or animal yard ornaments or similar items. are prohibited from being viewed from the street.~~

~~13759.~~ **Loading Space, Off Street.** An off street loading space of not less than twelve (12) feet wide, fifty (50) feet long, and having a minimum vertical clearance height of fourteen (14) feet, exclusive of access aisles and drives, for the short term parking of a vehicle while loading or unloading merchandise or materials.

~~13860.~~ **Local Planning Agency.** The agency designated to prepare the Comprehensive Plan or Amendments and to review Land Development Regulations required by Chapter 163, *Florida Statutes*. The Village Council has been so designated in the Village of Golf. **[added; Ord. No. 86; September 26, 2007]**

~~13961.~~ **Lot.** A parcel of land occupied or to be occupied by one (1) main building or buildings and their accessory buildings with such open and parking spaces as may

be required by provisions of this ordinance, and having their principal frontage upon a public or private street.

~~14062.~~ **Lot Area.** The area contained within the boundary lines of a lot.

~~14163.~~ **Lot, Building.** Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this code, having not less than the minimum area and width required by this code for a lot in the land use category in which land is situated, and having it and required by this ordinance for a lot in the district in which such land is situated, and having its principle frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

~~14264.~~ **Lot, Corner.** A lot abutting two (2) or more streets at their intersection.

~~14365.~~ **Lot Depth.** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

~~14466.~~ **Lot Frontage.** The front of a lot shall be construed to be the portion nearest the street which has the street address of the building facing that street. ~~For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this section.~~

~~14567.~~ **Lot, Interior.** A lot other than a corner lot.

~~14668.~~ **Lot Line.** A line bounding a lot, which divides one (1) lot from another or from a street or any other public or private space.

~~14769.~~ **Lot Line, Rear.** That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered the rear lot line. ~~In the case of lots, which have frontage on more than one (1) road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.~~

~~14870.~~ **Lot Line, Side.** Any lot line other than a front or rear lot line.

~~14971.~~ **Lot Line, Street.** In the case of a lot abutting only one (1) street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front yard requirement in which case one (1) of two (2) opposing yards shall be a rear yard.

~~15072.~~ **Lot of Record.** A part of the land subdivision, the map of which has been recorded in the office of the clerk of the court of Palm Beach County, Florida.

~~15173.~~ **Lot, Through.** A lot, other than a corner lot, having frontage on more than one (1) street.

~~15274.~~ **Lot Width.** The mean horizontal distance between the side lot line measured at right angles to those side lot lines at the building line. Where there is only one (1) side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

~~15375.~~ **Lounge.** A building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on the premises.

~~15476.~~ **Lowest Adjacent Grade.** The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, or deck support, or basement entryway immediately next to the structure. ~~[added; Ord. No 75; September 21, 2005]~~

~~177.~~ **Lowest floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter. ~~[added; Ord. No 75; September 21, 2005]~~

~~15678.~~ **Main Building.** See "Building, Principal".

~~15779.~~ **Major Structure.** See "Structure, Major".

~~15880.~~ **Maneuvering Space.** The unobstructed area needed for a truck to back in a single movement directly from the access street into a loading space, the depth of which is measured perpendicular to and from the front of the loading space to the curb side of the most remote traffic lane in the access street.

~~15981.~~ **Mangrove Stand.** An assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above the 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*).

~~[added; Ord. No 75; September 21, 2005]~~

~~16082.~~ **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also

includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

~~16183. Manufactured Housing.~~ See “**Manufactured Home**”.

~~184. Map, Flood Hazard Boundary.~~ See “**Flood Hazard Boundary Map (FHBM)**”.

~~185. Map, Flood Insurance Rate.~~ See “**Flood Insurance Rate Map (FIRM)**”.

~~16286. Map, Official Zoning.~~ See “**Official Zoning Land Use Map**”.

~~16387. Market Value.~~ The building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

[added; Ord. No 75; September 21, 2005]

~~16488. Marquee.~~ See “**Canopy**”.

~~16589. Mean Sea Level.~~ The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, or North American Vertical Datum (NAVD) of 1988.

[added; Ord. No 75; September 21, 2005]

~~16690. Minimum Living Area.~~ The area within the outside perimeter of the walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky, and not to include garages, earports, open porches, open breezeways, or store rooms, or screened-in porches, or basements.

~~16791. Minor Structure.~~ See “**Structure, Minor**”.

~~16892. Mixed Use Zoning.~~ Zoning which permits a combination of usually separated uses within a single development.

~~16993. Mobile Home.~~ See “**Manufactured Home**”.

~~17094. Mobile Home Park.~~ A place set aside and offered to the general public by a person or public body for the accommodation of six or more mobile home utilized for residential purposes for either direct or indirect remuneration to the owner, lessor or operator of such place.

~~17195.~~ **Motel.** A building or group of buildings, which contain sleeping accommodations for transient occupancy, and which has individual entrances from outside the building to serve each such sleeping unit located in the commercial zone. No provisions shall be made for the cooking in any individual room or suite of rooms. Motels may have one (1) or more dining rooms, restaurants or cafes as accessory uses.

~~17296.~~ **Motor Home.** See “**Recreational Vehicle**”.

~~17397.~~ **Multiple-Family Dwelling.** See “**Dwelling, Multiple**”.

~~17498.~~ **Museum.** A non-profit non-commercial establishment operated as a repository or a collection of nature, scientific, or literary curiosities or objects or interest or works of art, not including the regular sale or distribution of the objects collected.

~~17599.~~ ~~———— **National Geodetic Vertical Datum (NGVD) of 1929.** A vertical control used as a reference for establishing varying elevations within the floodplain.~~
[added; Ord. No 75; September 21, 2005]

~~176200.~~ ~~———— **New Construction.** Structures for which the “start of construction” commenced on or after the effective date of this ordinance; for floodplain management purposes, new construction means any structure for which the “start of construction” commenced on or after the effective date of this chapter. The term also includes any subsequent improvements to such structures. For flood insurance rates, structures for which the start of construction commenced on or after December 31, 1974 August 26, 1977, and includes any subsequent improvements to such structures.~~
[added; Ord. No 75; September 21, 2005]

~~177201.~~ ~~———— **Nonconforming Use.** Any building, structure, or land lawfully occupied by a use at the effective date of this ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment with the use requirements of this district in which it is situated.~~

~~178202.~~ ~~———— **Non-habitable Major Structure.** See “**Structure Non-Habitable, Major**”.~~

~~179203.~~ ~~———— **North American Vertical Datum (NAVD) of 1988.** A vertical control used as a reference for establishing varying elevations within the floodplain.~~
[added; Ord. No 75; September 21, 2005]

~~180204.~~ ~~———— **Nuisance.** The use of property of course of conduct that interferes with the legal rights of others which shall cause damage, annoyance, inconvenience, or tend to injure the health, safety, or morals of village residents.~~

~~181205.~~ ~~———— **Nursery.** An enterprise, establishment, or portion thereof which conducts the retail or wholesale sale of plants grown on the site as well as accessory items~~

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(but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

| ~~182206.~~——**Occupancy.** Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

| ~~183207.~~——**Official Land Use Map.** The graphic document bearing the official seal and signature of the Village of Golf, which depicts the geographic location of land use categories, is formally adopted as a part of this ordinance, and is referred to as the Village of Golf Official Land Use Map.

| ~~184208.~~——**Off Street Parking.** The minimum off-street, on-site parking of vehicles, which shall be provided under the appropriate terms of this ordinance.

| ~~185209.~~——**On-Site.** Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

~~210.~~——**One Hundred Year Flood.** See “**Flood, One Hundred Year**”.

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~~211.~~——**One Hundred (100) Year Storm.** A shore incident, hurricane or any other storm with accompanying wind, wave, and storm surge intensity having a one (1%) percent chance of being equaled or exceeded in any given year, during any 100 year interval.

Open Air Trellis. Considered an architectural structure, usually made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal made to support and display climbing plants.

| ~~186212.~~——**Open Space.** The part of a lot, including courts or yards, which is open and unobstructed and is available for entry and use from its lowest level to the sky, and is available for entry and use by the occupants of the building or buildings on the premises and may include space located and treated to enhance the amenity of the development by providing landscaping and/or screening for the benefit of the occupants or neighboring areas. Open space may include water surfaces that comprise not more than ten (10) percent of total open space, however, buffer areas, required setbacks or required parking shall not be computed as required open space.

| ~~187213.~~——**Open Storage.** See “**Storage, Open**”.

~~1882~~14.——**Out Parcel.** A tract of land of any size or dimension, which is not included in a land development proposal or site plan and is specifically indicated as such on the proposal or plan.

~~1892~~15.——**Out Building.** A separate building or accessory structure not physically connected to the principal building(s).

~~1902~~16.——**Outdoor Sale(s).** The selling of any goods, material, merchandise, or vehicles for more than twenty-four (24) hours, in an area open to the sky and/or visible from adjacent properties or rights-of-way.

~~1912~~17.——**Parking Lot.** Off-street facility used for the storage or parking of motor vehicles to provide an accessory service to a commercial, industrial, or residential use.

~~1922~~18.——**Party Wall.** A wall used or adapted for joint service between two (2) buildings or units.

Pergola. A landscape feature forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support cross-beams.

~~1932~~19.——**Personal Service.** Beauty parlors, shops or salons; barbershops; reducing or slenderizing studios, electrolysis service; manicurist and the like.

Place of assembly. Place of assembly means a building or portion of a building in which facilities are provided for civic, fraternal, educational, political, religious, or social purposes, including but not limited to, “Church/House of worship” or “Club” as these terms are defined hereinabove.

~~1942~~20.——**Plat.** A map, plan or layout of the village, section or subdivision indicating the location and boundaries of individual properties.

~~1952~~21.——**Plot.** A parcel of ground containing more ~~that~~ than one (1) lot upon which a building and its accessory buildings have been or may be erected.

~~1962~~22.——**Porch, Open.** A roofed open structure projecting from the outside wall of a building without window sash or any other form of permanent enclosure.

~~1972~~23.——**Premises.** Land and all building and structures thereon.

~~1982~~24.——**Principal Building.** See “Building, Principal”.

~~1992~~25.——**Principal Use.** See “Use, Principal”.

~~200226.~~ **Private Club.** Organizations, which are privately owned and operated by their members and not operated for profit, which maintain recreational , dining and athletic facilities for the exclusive use of its members and their guests and uses accessory or incidental thereto.

~~201227.~~ **Professional Office.** The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

~~202228.~~ **Professional Service.** The conduct of business in any of the following related categories: Architectural, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments and any similar type business.

~~229.~~ **Program Deficiency.** ~~A defect in the community's 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.~~ **[added; Ord. No 75; September 21, 2005]**

~~20330.~~ **Public Agency.** Any government or governmental agency, board, commission, authority or public body of the Village of Golf, Palm Beach County, State of Florida, of the United States Government, or any legally constituted district.

~~20431.~~ **Public Building.** Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state or county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.

~~20532.~~ **Public Improvement.** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: Vehicular and pedestrian circulation systems, storm sewers, flood control improvement, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

~~20633.~~ **Public Use.** The use of any land, water, or building by a public agency for the general public.

~~20734.~~ **Public Safety and Nuisance.** 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.

[added; Ord. No 75; September 21, 2005]

~~20835.~~ **Public Utility.** Includes any publicly or privately owned utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, telephone lines, whether underground or overhead.

~~20936.~~ **Recorded Lot.** See “**Lot of Record**”

~~21037.~~ **Recreational Vehicle.** A vehicular type unit primarily designed for recreational, camping, or travel use, which either has its own motive power or is mounted on or is drawn by another vehicle. The basic entities are: Travel trailer, camping trailer, truck camper, and motor home, boats, and all terrain vehicles (ATV's).

~~21138.~~ **Recreation/Open Space Use.** Any privately or publicly-owned passive or active park, playground, golf course, access easement, beach, parkway, or other recreation areas and open space as well as areas designated as such in the recreation/open space land use category.

~~239.~~ **Regulatory floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. ~~_____~~ **[added; Ord. No 75; September 21, 2005]**

~~21240.~~ **Remedy a Deficiency or Violation.** To bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal or local 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 chapter or otherwise deterring future similar violations; or reducing Federal financial exposure with regard to the structure or other development. ~~_____~~ **[added; Ord. No 75; September 21, 2005]**

~~241.~~ **Repetitive Loss.** Every NFIP insured property that, since 1978 and regardless of any change(s) of ownership during that period, has experienced:

- a. ~~_____~~ Four (4) or more paid flood losses of more than \$1,000 each; or
- b. ~~_____~~ Two (2) paid flood losses within a 10 year period that, in the aggregate, equal or exceed the current value of the insured property; or
- e. ~~_____~~ Three (3) or more paid flood losses that, in the aggregate, equal or exceed the current value of the insured property.

~~_____~~ **[added; Ord. No 75; September 21, 2005]**

~~21342.~~ **Residence.** See “**Dwelling**”.

~~21443.~~ **Residential Use.** Use of land or structure(s) thereon, or portion thereof, as a dwelling place for one (1) or more families or households. See “Family”

~~definition, but not including occupancy of a transient nature such as in hotels, motels, or time sharing uses.~~

~~21544.~~ **Restrictive, More (Less).** A regulation imposed by this ordinance is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

~~21645.~~ **Restaurant.** See “**Retail Food Establishment**”.

~~21746.~~ **Retail Food Establishment.** Any fixed or mobile place or facility at or in which food or beverage is offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria shall be deemed a restaurant for purposes of these regulations.

- a. Restaurant. An establishment whose primary business is the sale of food and beverages to patrons for consumption on the premises and whose decision and method of operation includes any of the following:
 - (1) Patrons place their order at their table from an individual hand held menu, which displays or describes the food and beverage available to them.
 - (2) Preparation, service and consumption of food and beverages takes place within a completely enclosed building accommodating at least eighty (80) percent of the establishments permitted seating capacity.
 - (3) Outside table dining is permitted in areas permanently designated for such use, and shall not exceed twenty (20) percent of the establishment's permitted seating capacity, shall be in keeping with the exterior architectural theme of the building, and in no way shall permit the consumption of food or beverages within automobiles.
 - (4) Food and beverages are regularly served to patrons while seated at their table by an employee of the establishment.
- b. Fast Food Restaurant. Any establishment whose principal business is sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes any of the following characteristics:
 - (1) Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.
 - (2) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

- (3) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
 - (4) The kitchen is in excess of fifty (50) percent of the total floor area.
- c. Carry-Out Restaurant. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes any of the following characteristics:
- (1) Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.
 - (2) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
 - (3) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
 - (4) The kitchen is in excess of fifty (50) percent of the total floor area.

~~21847.~~ **Retail Sales and Service.** The selling of goods in small quantities directly to the consumer in establishments, which provide a service or offer a product to the general public.

~~21948.~~ **Retail Sales Area.** The area in square feet devoted exclusively for the sale or display of goods or commodities.

~~22049.~~ **Right-of-Way.** A street, alley, or other thoroughfare or easement, whether physically accessible or not, which has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists.

~~22150.~~ **Riverine.** Relating to, formed by, or resembling a river (including tributaries); stream, brook, etc. ~~_____~~ **[added; Ord. No 75; September 21, 2005]**

~~22251.~~ **Sand dunes.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach. ~~_____~~ **[added; Ord. No 75; September 21, 2005]**

~~22352.~~ **School.** A place for systematic instruction in any branch or branches of knowledge.

~~253. Seasonal High Water Line. The line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above mean high water.~~

~~22454. Setback. A distance from the property line, or other line specifically established by zoning ordinance, within which buildings are prohibited.~~

~~[added; Ord. 48; September 18, 1997]~~

~~22556. Setback, Center Line. See "Street Centerline Setback".~~

~~257. Shallow Flooding, Area. See "Area of Shallow Flooding".~~

~~22658. Shopping Center. A group of architecturally unified commercial establishments built on a site, which is planned, developed, owned and managed as an operating unit related in its location, size, and type of shops to the trade area that the unit serves.~~

~~22759. Sign. Any advertisement, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or water or on any other structure, produced by attaching on or posting or placing any printed, lettered, pictured, figured, or colored material on any building, structure or surface. Signs placed or erected by government agencies or non-profit civic associations for a public purpose in the public interest shall not be included herein, nor shall this include signs, which are a part of the architectural design of a building. Every sign, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, and street clock, (which) shall include any announcement, declaration, demonstration, illustration or insignia used to advertise or promote the interests of any person when the same is placed in view of the general public is included in this definition.~~

~~22860. Single-Family Dwelling. See "Dwelling, Single-Family".~~

~~261. Site Plan. A graphic and textual presentation of a developmental proposal in accordance with the appropriate sections of this ordinance.~~

~~22962. Special Exception. A use that would not be appropriate generally or without restriction throughout a land use category, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare of the area and the community. Such uses may be permitted in such land use category as special exceptions, only if specific provision for such special exceptions is made in the ordinance.~~

~~263. Special Flood Hazard Area. See "Area of Special Flood Hazard".~~

~~[added; Ord. No 75; September 21, 2005]~~

~~23064.~~ **Standard Building Code.** The building code adopted by a municipality or county pursuant to the requirements of Section 553.73, *Florida Statutes*.

~~23165.~~ **Start of construction.** 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 one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a structure, whether or not that alteration affects the external dimensions of the structure. **[added; Ord. No 75; September 21, 2005]**

Storage Shed. See "Accessory Structure"

~~23266.~~

Storage, Open. The safekeeping of any goods or products in an unoccupied space open to the sky for eventual removal not expected within seventy-two (72) hours, or for continuous replacement by same or similar goods or products.

~~23367.~~ **Storm Cellar.** Means a place below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.

[added; Ord. No 75; September 21, 2005]

~~23468.~~ **Story.** That portion of a building included between the upper surface of any floor, and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above.

~~23569.~~ **Street.** Any public or private thoroughfare, which affords the principal means of access to abutting property. It may be designated on the map as a street, avenue, boulevard, drive, place, court, road, terrace, way, circle, lane, walk, path, or otherwise.

~~23670.~~ **Street Centerline.** The line midway between the street right-of-way lines of the surveyed and platted centerline of a street, which may or may not be the line midway between the existing right-of-way lines or pavement.

~~23771.~~ **Street Centerline Setback.** The minimum distance measured from the street centerline required for the preservation of existing right-of-way and future right-of-way expansion.

~~23872.~~ **Street Intersection.** See “Intersection”.

~~23973.~~ **Street Line.** The line between the street and abutting property also referred to as right-of-way line.

~~24074.~~ **Street Tree.** Landscape plantings located alone or within rights-of-way, which are conducive to the aesthetics and safety of said rights-of-way.

~~24175.~~ **Structure.** A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure, or that which is built or constructed; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes but is not limited to, platforms, radio towers, sheds, storage bins, tents, and display signs. Fences and walls of less than three (3) feet in height and walkways and other landscaping elements such as birdbaths, fountains and like items of less than three (3) feet in height, flagpoles, lampposts, basketball backboards, statues and mailboxes shall not be considered as structures. For flood plain management purposes, structure means a walled and roofed building that is principally above ground, a manufactured home, a including gas or liquid storage tank, or other manmade facilities or infrastructures.
[revised; Ord. No 75; September 21, 2005]

~~24276.~~ **Structure, Accessory.** See “Accessory Structure”.

~~24377.~~ **Structural Alteration.** Any change in the supporting members of a building.

~~24478.~~ **Structural Trim.** The molding battens, capping, nailing strips, latticing, and platforms, which are attached to the sign structure.

~~24579.~~ **Subdivision.** The division or separation of a parcel of land into two (2) or more lots or parcels by means of mapping, platting, conveyance, change or rearrangement of boundaries. All subdivisions are also developments and shall be in conformance with subdivision regulations of the Village of Golf.

~~24680.~~ **Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
[added; Ord. No 75; September 21, 2005]

~~24781.~~ **Substantial Improvement.** Any combination of repairs, reconstruction, alteration, rehabilitation, addition, or other improvements to a structure, taking place in which the cumulative cost equals or exceeds fifty (50) percent of the

market value of the structure before the start of construction of the improvement. ~~{added; Ord. No 75; September 21, 2005}~~

~~24882.~~ **Swimming Pool.** Any structure designed for swimming, wading or other aquatic recreational purposes, capable of containing a body of water eighteen (18) inches or more in depth and forty (40) square feet or more of water surface area, and top edge of pool not to exceed two (2) feet above average finished grade.

~~24983.~~ **Temporary Use.** See “Use, Temporary”.

~~25084.~~ **Terrace.** An open porch without a permanent roof.

~~25185.~~ **Theater.** A building or part of a building, devoted to showing motion pictures, or for dramatic, musical or live performances.

~~25286.~~ **Time Share.** The use of any residential dwelling unit under which the exclusive right of use, occupancy or possession of such unit circulates among various occupants in accordance with a fixed time schedule on a periodically occurring basis for a period of time established by such schedule.

~~Trailer.~~ A separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, swamp buggies, half trucks and the like.

~~Travel Trailer or Recreational Vehicle.~~ Any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one (1) or more persons, and so designed that it is or may be mounted on wheels and used as a conveyance on streets or highways, propelled or drawn by its own or other motive power. Such vehicles or structures shall have a body width not exceeding eight (8) feet, and being of any length provided its gross weight does not exceed four thousand five hundred (4,500) pounds or being of any weight provided its body length does not exceed twenty-nine (29) feet.

Trellis. See “Open Air Trellis”.

~~25589.~~ **Trim.** See “Structure Trim”.

~~290.~~ **Two-Family Dwelling.** See “Duplex.”

~~25691.~~ **Use.** The purpose of activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

~~25792.~~ **Use, Accessory.** An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use; (2) is subordinate in area, extent, and

purpose to the principal structure or use served; (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this ordinance; and (4) is customarily incidental to the principal structure or use.

~~25893.~~ **Use, Principal.** The specific primary purpose or function for which land is used.

~~25994.~~ **Use, Temporary.** A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

~~26095.~~ **Variance.** A variance is a deviation from the district requirements of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the physical characteristics of that particular property and not the result of the actions of the owner, agent, or applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. ~~Variance from the floodplain section means a grant of relief from Sections 11.01 et seq.~~ **[added; Ord. No 75; September 21, 2005]**

~~26196.~~ **Vehicle.** Any self-propelled conveyance without commercial signage designed for and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, and scooters, and recreational vehicles.

~~26297.~~ **Video Sales and Rental.** Commercial establishments engaged in the sale and rental of video equipment, tapes, and accessories for home entertainment.

~~26398.~~ **Violation.** ~~The failure of a structure or other development to be fully compliant with the requirements of this code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the floodplain chapter is presumed to be in violation until such time as that documentation is provided.~~ **[added; Ord. No 75; September 21, 2005]**

Waiver. A minor deviation, as described in Section 10.041.F Waiver, in lieu of Variance of the code, from zoning district requirements where such waiver will not be contrary to the public interest. Language needs to be developed which will allow to avoid going through variance process

~~26499.~~ **Warehouse.** A building used primarily for the storage of goods and materials.

~~300.~~ **Watercourse.** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. **[added; Ord. No 75; September 21, 2005]**

~~266301. Water Surface Elevation. 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. [added; Ord. No. 75; September 21, 2005]~~

~~267302. Wholesale. The sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.~~

~~268303. Yard. The unoccupied and unobstructed open spaces on the same lot with the main building, which extend from the ground upward.~~

- ~~a. Front Yard. The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.~~
- ~~b. Rear Yard. The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.~~
- ~~c. Side Yard. The open space between the main building and side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.~~

~~269304. Zone. The area within certain uses of land and buildings are permitted and certain others are prohibited, yards and other open spaces are required, lot areas, building height limits, and other requirements are established, all of the foregoing being identical for the zone in which they apply.~~

Bradley W. Biggs, Village Attorney