

ARTICLE II

DEFINITIONS

SECTION 1 – RULES FOR CONSTRUCTION OF LANGUAGE

A. Rules for Construction of Language

In the construction of this Ordinance, the rules and definitions contained in this Chapter shall be observed and applied, except when the context clearly indicates otherwise;

1. The particular shall control the general.
2. The word "shall" is always mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "piece" or "parcel".
5. The word "building" or "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
6. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control.
7. The word "permitted" or words "permitted as of right", means permitted without meeting the requirements for a conditional use by special permit pursuant to 11-1006 of this Ordinance, and all other applicable provisions.
8. Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
9. All public officials, bodies and agencies to which reference is made are those of the City of Lakeland, Tennessee.

SECTION 2 – DEFINITIONS

Except where definitions are specifically included in various articles and sections, words in the text or tables of this Ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail. In any case, the **Code Enforcement Officer** shall have the right to interpret the definition of any word.

Abandoned Sign - A sign that no longer correctly directs or exhorts any person, advertises a bona fide business, leaser, owner, project or activity conducted or product available on the premises where such sign is displayed.

Accessory - An activity, use, building or structure that is customarily associated with and is appropriately incidental and subordinate to a principal activity, use, building and/or structure and located in the same zone lot.

Accessory Structure - A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use (Figure 1).

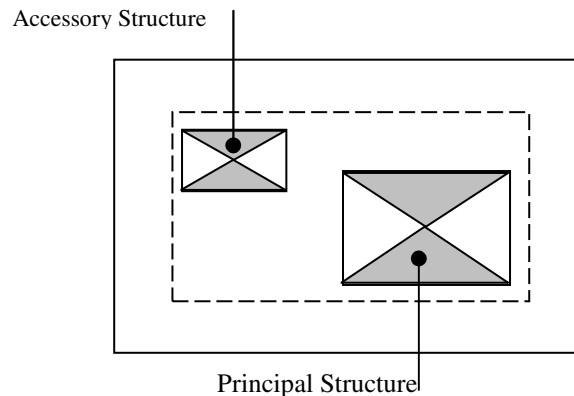


Figure 1. Accessory Structure

Accessory Use – A use of land or of a building or a portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Access Point – A driveway, local street or collector street intersecting an arterial street; or a driveway or local street intersecting a collector street; or a driveway or local street intersecting a local street.

Activity - The performance of a function or operation that constitutes the use of land.

Addition – Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls shall be defined as “new construction.”

Adult Care Center – A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a twenty-four (24) hour day. (A Glossary of Zoning, Development, and Planning Terms: Wheaton, IL)

Advertising Sign - A sign containing an implicit or explicit commercial message directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained, including but not limited to billboard signs.

Affordable – A sales price or rent within the means of a low or moderate-income household as defined by state or federal legislation.

Agricultural Services – Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.

Alley - A public way intended to provide only secondary vehicular access to abutting properties.

Amusement – An establishment that provides arcade type entertainment including such items as pinball machines, video games, pool tables, miniature golf and other amusements.

Animated Sign - Any sign which moves or which appears to move by any means, including fluttering or rotating. Animated signs shall include but not be limited to pennants, flags, ribbons, streamers, propellers, balloons or banners. For purposes of this ordinance, this term does not refer to flashing or changing signs, all of which are separately defined.

Apartment –One dwelling unit, including living, cooking and sanitary facilities within a multifamily structure.

Appeal – A request for an interpretation of any provision of this Ordinance or a request for a variance or special exception from the Board of Zoning Appeals.

Applicant – Any person, individual, firm, partnership, association, corporation, trust or any other group or combination acting as a unit, who undertakes the subdivision of land as defined herein, and makes a formal application to the Planning Commission in accordance with these regulations. (See also Developer).

Application / submission - A submittal meeting all of the filing requirements of the applicable articles of the City of Lakeland Zoning Ordinance.

Area of Shallow Flooding - A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood-related Erosion Hazard - The land within a community that is most likely to be subject to severe flood-related erosion loss. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM Zone E may be further refined.

Area of Special Flood Hazard - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Automobile Service Station – Building or premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where no

repair or service of vehicles shall occur. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for service station customers and provision of road maps and other informational material to customers is allowed. An automobile service station shall not be considered a repair garage or a body shop.

Awning – A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and may be periodically retracted into the face of the building.

Awning Sign – A sign that is attached to or part of an awning.

Banners - Any streamer, flag-like pennant or like other object, whether constructed of fabric or of other materials which, with or without insignia, attracts the attention of citizenry to a location or business.

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Basement - A story whose floor is more than twelve (12) inches, but not more than one-half (1/2) of its story height below, the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half (1/2) below such level).

Beacon - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Bed and Breakfast Homestays - A residential facility located within a historically significant home, distinguished by inclusion on the National Historic Register, and having three or less guest rooms, which are distinct and separate from the innkeepers quarters.

Billboard Sign - A type of advertising or business sign having more than one hundred (100) square feet of sign face that is either erected on the ground or attached to or supported by a building or structure.

Block – An area of land within a subdivision that is bounded by streets or other physical boundaries such as railroads, rivers or the exterior boundary of the subdivision.

Boarding House – A dwelling unit or part thereof in that, for compensation, lodging and meals are provided.

Board of Commissioners – The City of Lakeland Board of Commissioners.

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 supporting foundation system.

Brewery – An industrial uses that brews ales, beers, and/or similar beverages on site. Breweries are classified as a use that manufactures more than fifteen thousand (15,000) barrels of beverage (all beverages combined) annually.

In addition, uses that manufacture fifteen thousand (15,000) barrels of beverage or less, but which do not meet one or more of the additional requirements needed to be considered microbreweries, shall be considered a Brewery. (A Glossary of Zoning, Development, and Planning Terms: Bloomington, IN)

Buildable Area – The portion of a lot bounded by the required rear and side yards and the building setback line (Figure 2).

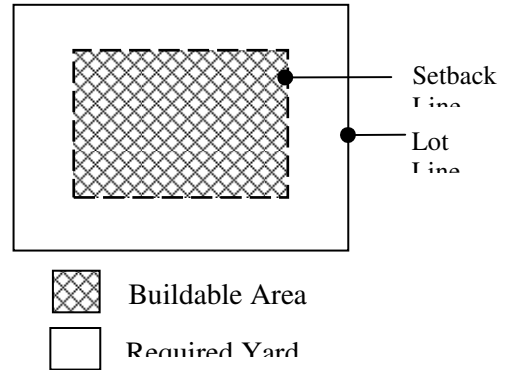


Figure 2. Buildable Area

Building - A structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes of a building. Where roofed structures are separated from each other by party walls having no unprotected openings, each portion so separated shall be considered a separate building.

Building Face or Wall – All window and wall areas of a building in one plane or elevation (Figure 3).

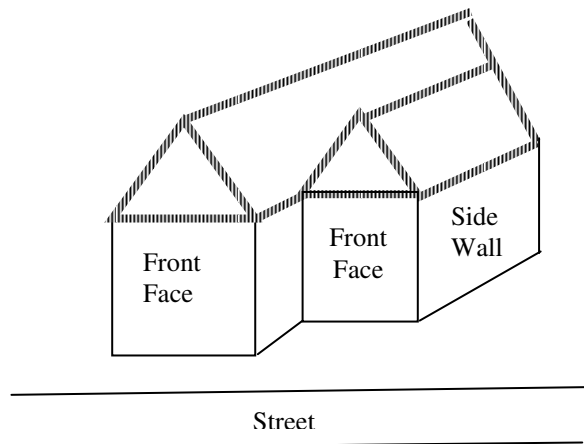


Figure 3. Building Face

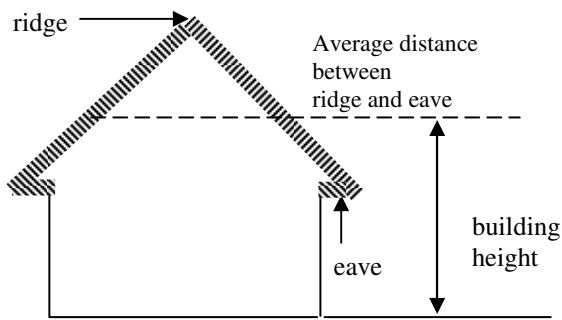


Figure 4. Building Height

Building Height – The vertical distance from finished grade to the average distance between the eaves and ridge level for gable, hip, and gambrel roofs and the deck level on a mansard roof (Figure 4).

Building Materials – A business engaged in the wholesale or retail sale of various materials used in construction, including but not limited to lumber, plumbing and electrical supplies, paint and glass.

Bulk - Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines, and therefore includes:

- a. The size (including height and floor area) of buildings or other structures,
- b. The area of the zone lot upon which a building is located, and the number of dwelling units within residential buildings in relation to the area of the zone lot,
- c. The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures, and,
- d. All open areas relating to buildings or other structures and their relationship thereto.

Business Services – Establishments which provide aid or merchandise to retail trade establishments including, but not limited to, advertising firms, consumer and mercantile credit reporting and collecting firms, duplicating, mailing and stenographic services, cleaning services, photo finishing, and trading stamp services.

Business Sign - A sign that directs the attention to a business, profession, commodity, service or entertainment conducted, sold, or offered upon the same lot where the sign is located.

Campus – The grounds and buildings of a public or private college, university, school, or institution.

Canopy – See Awning.

Carport – A structure attached to the main or principal structure, open and to remain open on two or more sides providing shelter for parking an automobile and for entering and alighting from an automobile.

Cellar - See Basement.

Cemetery – Property used for the interring of the dead.

Certified Historic Structure – A building certified in writing by a local, state, and/or federal historic preservation organization, chartered by the State of Tennessee, as having historic value and significance and also designated as such by the Lakeland Planning Commission.

Changeable Copy Sign (Manual) - A sign on which copy is changed manually, i.e., reader boards with changeable letters or changeable pictorial panels. All changeable copy shall be included within the allotted face of sign square footage and enclosed under a locked and vandal proof case.

Changing Sign (Automatic) - A sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Church - A building, together with its accessory buildings and uses, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Civic Sign - A sign that identifies a nonprofit institution or organization on whose premises it is located, and which contains (a) the name of the institution or organization; (b) the name or names of the persons connected with it; (c) and greetings, announcements of events or activities occurring at the institution, or similar messages.

Clinic - An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social worker and where patients are not usually lodged overnight (also see Hospital).

Commercial Message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Common Area – An area held in private ownership that is available for use by the occupants of more than one dwelling unit and recorded as part of the development on the Final Site Plan or Final Plat.

Communications, Installations or Exchanges – A facility used to assist in the operations of the communications industry that does not serve as a truck or equipment storage yard.

Community Center – A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

Completely Enclosed - Refers to a building or other structures having a roof, and separated on all sides from the adjacent open area or from other buildings or other structures, by party walls or exterior walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

Comprehensive Plan – The declaration of purposes, policies, and programs for the development of the City of Lakeland.

Conditional Use - A use that would not be appropriate generally or without restriction throughout the zoning division or district but which would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, if specific provisions for such use are made in this Ordinance.

Condominium – An ownership arrangement in which the buyer purchases only a dwelling unit and does not receive the title to any real property. This term may apply to either apartments or townhouses. Also, a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Conservation easement - The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development except as specifically allowed in the terms of the easement.

Construction Sign - A temporary sign erected on the premises on which construction is taking place, during the period of construction, and indicating the names of the architects, contractors, owners, financial supporters, sponsors and similar persons or firms involved with the construction and development of the project.

Convenience Store - A retail establishment offering items of everyday consumption such as those offered by food stores and eating places, in which convenience and habit play a more important role in the buying decision than price alone. Gasoline pumps may be allowed as accessories to the primary retail uses, except in neighborhood commercial zones.

Copy - The wording or graphics on a sign surface.

Country Club – Land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open only to members and their guests.

Cul-de-sac – The turnaround at the end of a dead-end street.

Cultural Activity – Any institution engaged in the appreciation of nature and the humanities including, but not limited to, museums, art galleries, historic sites and aquariums.

Day Care – An establishment providing for the care, supervision, and protection of children.

Day Care Center – A place other than an occupied dwelling that provides for the care of children under seventeen (17) years of age, for less than twenty-four (24) hour periods without transfer of custody.

Deck -- A raised horizontal structure without roof or walls attached to a principle structure and more than four (4) inches above finished grade at any point. Similar structures not attached to a principle building shall be considered an accessory structure and shall comply with standards for accessory structures.

Density – The maximum number of dwelling units per acre allowed by this Zoning Ordinance.

Department Store – A retail establishment that offers a variety of unrelated merchandise and services.

Design Standards Manual – A set of guidelines defining parameters to be followed in site and/or building design and development.

Development – A manmade 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 permanent storage of materials.

Development Sign - A temporary sign not to exceed one year, relating to the promotion of a sale or rental of a new development or subdivision being constructed on the site upon which the sign is located, or located off-site and containing information and directions to a new development or subdivision.

Driveway – A privately owned or maintained access from a public street to a dwelling unit or from a public street to a non-residential structure. The driveway shall be designed for low travel speeds and may be used in association with the parking areas for vehicles.

Dry Cleaning Pick-up Station - An establishment or business maintained for the pick-up and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises. (A Glossary of Zoning, Development, and Planning Terms: Wheeling, IL)

Duplex – See Dwelling, Two-Family.

Dwelling, Attached – A one family dwelling attached to one or more one family dwellings by common vertical walls.

Dwelling, Detached – A dwelling that is not attached to any other dwelling by any other means.

Dwelling, Manufactured Home – See Manufactured Home.

Dwelling, Mobile Home – Regulation of mobile homes is not contained in the Zoning Ordinance. Refer to Ordinance 53 of the City of Lakeland City Code for applicable regulations.

Dwelling, Modular Home – See Modular Home.

Dwelling, Multi Family – A building containing three (3) or more dwelling units, including units located one over the other.

Dwelling, Townhouse – See Townhouse.

Dwelling, Two Family - A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two families.

Dwelling Unit - A room or rooms connected together, constituting a separate independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.

Easement – The right to use a designated portion of a parcel for limited and specific purpose including, but not limited to, access, utilities, and drainage.

Educational Services – Established schools including primary, secondary, universities, colleges, junior colleges, vocational education, and various private facilities such as correspondence schools and performing arts schools.

Election Sign - A temporary sign erected to publish the name of a candidate or enlist votes in any official public election.

Elevated Building - A non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Emergency Flood Insurance Program or Emergency Program - The program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

Erosion - The process of the gradual wearing away of land masses.

Essential Services – The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, water transmission or distribution system, collection, communications supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or municipal commissions, or for the public health, safety and general welfare.

Existing Construction - Any type structure for which the "start of construction" commenced before the effective date of this Ordinance.

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pad) is completed before the effective date of this Ordinance.

Exterior Directory Sign - A sign containing the building identification and address and the name and location of each tenant, and allowed in any project where one or more tenants does not have an exterior entrance or does not qualify for an exterior sign.

Factory-Built Housing – A factory-built structure manufactured off-site and transported to the point of use and designed for long-term residential use. For the purpose of these regulations, factory-built housing consists of three (3) types: modular homes, mobile homes, and manufactured homes.

Family - One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over five persons.

Family Day Care Home – A home (an occupied residence) operated by a person for the purpose of receiving therein a minimum of five and a maximum of seven children under seventeen (17) years of age, who are not related to such person and whose parent(s) or guardian(s) are not residents in the same house, for less than twenty-four (24) hours per day for care, without transfer of legal.

Fence – An unroofed enclosing barrier of any nature or construction (including vegetation).

Final Site Plan – See Site Plan, Final.

Finished Elevation – The elevation of the land surface of a site after completion of all site preparation work.

Fixed Balloon - Any lighter than air or gas-filled inflatable object attached by a tether to a fixed place used as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.

Flashing Sign - Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, changes in the degree of light intensity, an externally mounted intermittent light source, or reflective metal strips.

Flood - A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the flood channel.

Flood Channel - A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel. (see Figure 5 below).

Flood Elevation Determination - A determination by the City Engineer of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study - An examination, evaluation and determination of flood hazard and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of muddy (i.e., mudflow) and/or flood-related erosion hazards.

Flood Fringe - That portion of the flood plain outside the floodway (Figure 5).

Flood Hazard Boundary Map (FHBM) - An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

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.

Flood Insurance Study - The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

Flood Obstruction - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, water course, or regulatory flood-hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Flood Profile - A graph or a longitudinal profile showing the relationship of the water-surface elevation of a flood event to location along a stream or river.

Flood Protection Elevation - The elevation of the regulatory flood on all streams and waterways.

Flood, Regulatory - The computed one hundred (100) year flood.

Flood-Proofing - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood-hazard area.

Floodway - The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the floodwater or flood flows of any river or stream including but not limited to flood flows associated with the regulatory flood, as determined by the Federal Emergency Management Association (FEMA) (Figure 5).

Floodplain - The land adjacent to a body of water which has been or may be hereafter covered by flood water including but not limited to the regulatory flood, as determined by the Federal Emergency Management Association (FEMA) (Figure 5).

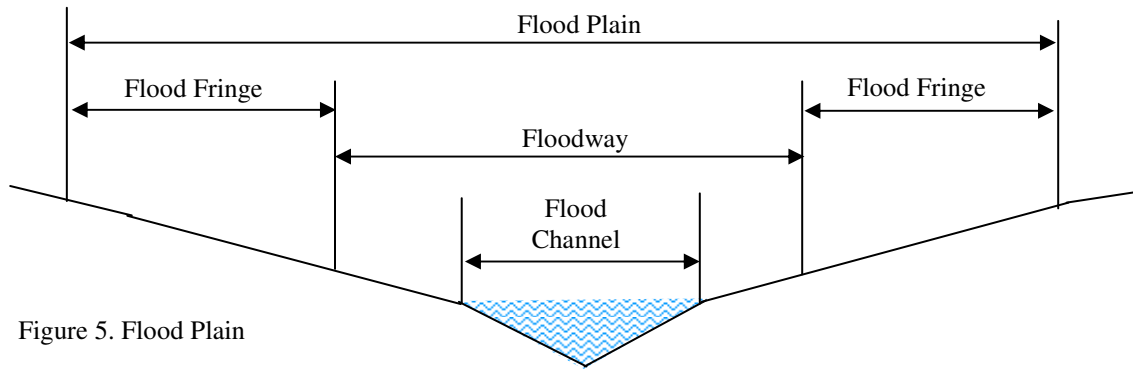


Figure 5. Flood Plain

Floodplain Management - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Flood Protection System - Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood-related Erosion - The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood-related Erosion Area or Flood-Related Erosion Prone Area - A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wide-driven currents, is likely to suffer flood-related erosion damage.

Flood-related Erosion Area Management - The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

Floor Area, Gross – The sum of all horizontal areas of floors of a building measured from the exterior face of exterior walls or from the center of party walls, or two feet inside the roof line of structures without walls, but excluding the following:

- Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto required in this Ordinance.
- In the case of non-residential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general

public, and which are not designed or used as sales, display, storage, service or production areas.

Floor Area, Net – The gross floor area exclusive of vents, shafts, courts, elevators, stairways, and similar facilities.

Floor Area Ratio - The total gross floor area on a lot, divided by the lot area of that lot. [For example, a building containing three thousand (3,000) square feet of floor area on a zone lot of twelve thousand (12,000) square feet has a floor area ratio of .25] (Figure 6).

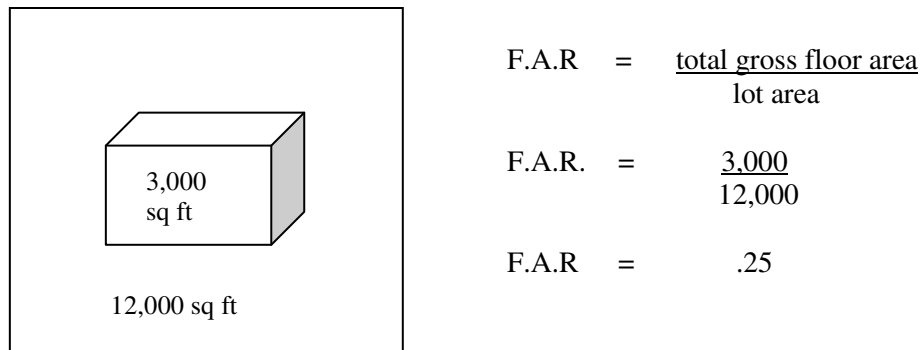


Figure 6. Floor Area Ratio

Freeboard - A factor of safety usually expressed in feet above a flood level for purpose of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood height greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

Freight Forwarding Office – Establishments primarily engaged in the transshipment of goods from shippers to receivers for a charge, covering the entire transportation route and, in turn, making use of the services of other transportation establishments as instrumentalities in effecting delivery. (The New Illustrated Book of Development Definitions)

Freight Handling Facility – Terminals with the capability of handling a large variety of goods involving various forms of transportation and providing multimodal shipping capabilities, such as rail to truck and truck to air. Freight Handling Facilities differ from warehouses in that they do not usually store the freight for an extended period of time, although they may have warehouse structures associated with them. (The New Illustrated Book of Development Definitions)

Functionally Dependent Use - A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Funeral Home – A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Game Room – An establishment that provides arcade-type entertainment such as pinball, video games, pool tables, and related indoor activities.

Garage, Private – A building or a portion of a building not more than one thousand (1,000) square feet in area, in which only private or pleasure type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept (ICC).

Governing Authority or Body – The Board of Commissioners of the City of Lakeland.

Grade – The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent refers to the amount of vertical rise or fall, in feet, for every one hundred (100) feet horizontally. Also refers to the ground elevation used for the purpose of regulating the height of a building. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

Greenhouse – A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Ground Level - Immediate surrounding grade .

Ground Sign - A sign mounted at ground level; the bottom face of which shall be twenty-four (24) inches from the surrounding grade (Figure 7).

Habitable Space – Areas within the building designed and/or used as living quarters for human beings.

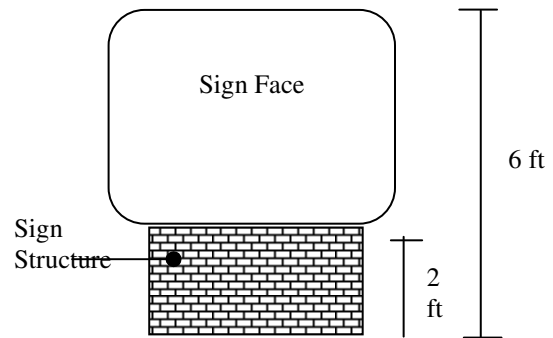


Figure 7. Ground Sign

Hardware store – A facility of thirty thousand (30,000) or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, including but not limited to tools, builders’ hardware, plumbing and electrical supplies, paint and glass, house wares and household appliance, garden supplies and cutlery. (A Glossary of Zoning, Development, and Planning Terms: Prince William County, VA)

Health Clinic – A facility or institution, whether public or private, principally engaged in providing services for health maintenance and treatment of mental or physical conditions. (The New Illustrated Book of Development Definitions)

Health Spa/Club – An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, saunas, showers, massage rooms, and lockers. Health clubs may also include a pro shop selling a variety of sports equipment and clothing. (The New Illustrated Book of Development Definitions)

Height – See Building Height.

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

Historic Area – A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including color, proportion, form and architectural detail, or because of their being a part or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives and purposes.

Historic Structure – Any structure that is:

1. 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;
2. Certified or preliminarily determined by the Secretary of the Interiors as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
By an approved state program as determined by the Secretary of the Interior;
or
Directly by the Secretary of the Interior in states without approved programs.

Home Occupation – An accessory occupational use, conducted entirely within the dwelling unit and customarily incidental to the principal dwelling unit, provided that:

- a. No one other than members of the family residing on the premises shall be engaged in such occupation;

- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- d. No home occupation shall be conducted in any accessory building;
- e. There shall be no sales of merchandise in connection with such home occupation;
- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family dwelling, or outside the dwelling unit if conducted in other than a single family dwelling.

Home Improvement Center – A facility of more than thirty thousand (30,000) square feet gross floor area, engaged in the retail sale of various basic hardware lines including, but not limited to tools, lumber and other building materials, builders’ hardware, plumbing and electrical supplies, paint and glass, housewares and household appliance, garden supplies and cutlery. (A Glossary of Zoning, Development, and Planning Terms: Prince William County, VA)

Hospital – An institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, out-patient facilities, training facilities, medical offices, and staff residences.

Hotel – A facility offering transient lodging accommodations to the general public with all rooms having access to the outside through an inside lobby and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Ice Cream Parlor – An establishment where ice cream and related desserts are served and consumed.

Improvements – Physical changes made to unimproved land and structures on or under the land surface in order to make the land more usable for human activity. Typical improvements include, but are not limited to, grading, street improvements, public utilities including water and sanitary sewer systems, stormwater management systems, and signage and lighting.

Incidental Alterations

- a. Changes or replacements in the nonstructural parts of a building or other structure, without being limited to the following examples:
 - (i) Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
 - (ii) A minor addition to the exterior of a residential building, such as an open porch;
 - (iii) Alterations of interior non-load-bearing partitions in all other types of buildings or other structures;
 - (iv) Replacement of, or minor changes in, capacity of utility pipes, ducts, or conduits; or
- b. Changes or replacements in the nonstructural parts of a building or other structure, without being limited to the following examples:
 - (i) Making windows or doors in exterior walls;
 - (ii) Replacement of building facades having non-load-bearing capacity;
 - (ii) Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

Individual Sewerage Treatment Facility – A subsurface sewerage disposal system developed to function on an individual lot basis. A septic tank is a type of individual sewerage treatment facility.

Infrastructure – Facilities and services, including public utilities, streets, roads, communications, firehouses, parks, and schools, needed to sustain industry, residential, commercial, and all other land use activities.

Institution – A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational, or similar services of a charitable non-profit character to the public.

Instructional Sign - A sign solely conveying instructions intended strictly for the direction, safety and convenience of the public with respect to the premises on which it is maintained, such as a sign designating the entrance to or exit from a parking area, a sign identifying restrooms, a trespassing sign, a danger sign, and similar signs.

Land Use Plan – A general plan for the physical development of a particular area. The plan formulates a coordinated, long-term development pattern for the identified area and the creation of a future land use plan and accompanying map, a major road plan, and the identification of goals, objectives and policies to guide the physical development of the area.

Land with Incidental Improvements - A tract of land that contains improvements including buildings or other structures having a total assessed valuation of five thousand dollars (\$5,000) or less.

Landscaping - The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.

Loading Space – An off-street space on the same parcel with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

Lodge – (1) The place where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings. (2) The local chapter itself.

Lot - A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Area - The entire area of a lot.

Lot Coverage - That portion of a lot that is covered by a building or any part of a building (Figure 8).

Lot Frontage - The front of a lot shall be construed to be the portion nearest the 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 (Figure 8).

Lot Line - A line marking the boundary of a lot (Figure 8).

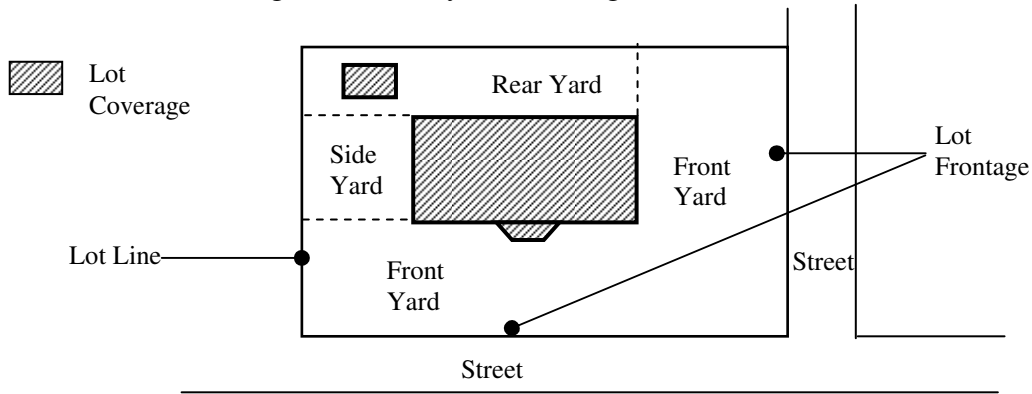


Figure 8. Lot Coverage, Lot Frontage, and Lot Line.

Lot Line Equivalent - A straight line established for the purpose of determining the location and depth or width of a required yard and which either:

- a. Joins points specified in these regulations, or
- b. Is an extension of a street line or a lot line.

Lot Measurements

- a. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

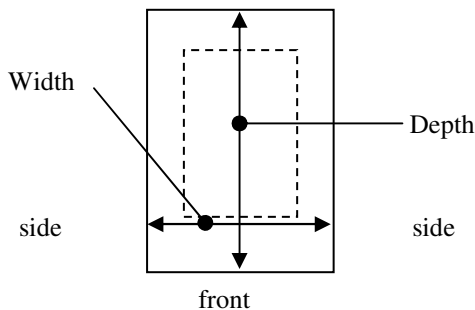


Figure 9. Lot Measurement

- b. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the required front yard, provided, however, the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the eight (80) percent requirements shall not apply

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Register, or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Lot Types – Lots present in the City of Lakeland include the following (Figure 10):

- Corner Lot - A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if

straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

- Interior Lot - A lot other than a corner lot with only one (1) frontage on a street.
- Double Frontage Lot or Through Lot - A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.
- Flag Lot – A lot so shaped and designed that the buildable area is set back from the street on which it fronts and includes only a narrow access strip connecting it to the street.
- Reversed Frontage Lot – A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

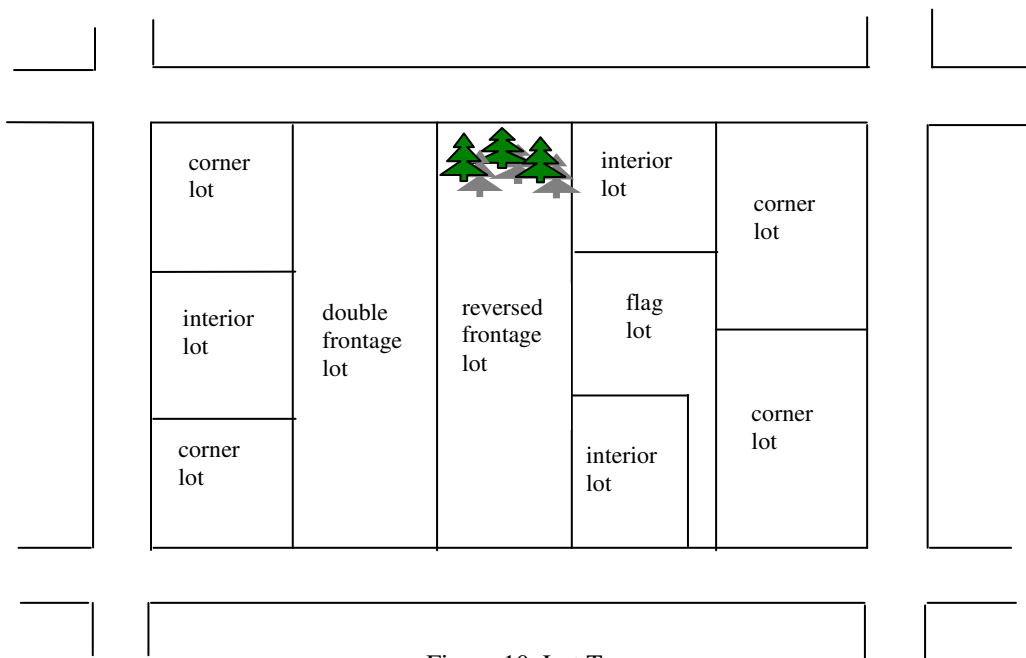


Figure 10. Lot Types

Lot Width – The width of a lot at the minimum building setback line measured at right angles to its depth (see also Lot Measurements).

Lumber Yard – An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood. (A Glossary of Zoning, Development, and Planning Terms: Siskiyou County, CA)

Major Mail Processing Center – A facility used to sort and redistribute mail. The facility does not provide walk-up customer service or delivery to individual patrons.

Major Road Plan – The official plan adopted by the Lakeland Planning Commission designating types and locations of major and collector streets within the corporate limits of the City of Lakeland.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term manufactured home does not include park trailers, travel trailers and other similar vehicles.

Manufacturing – Establishments engaged in the mechanical or chemical transformations of materials or substances into new products including, but not limited to, the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins and liquors. The term “manufacturing” covers all mechanical or chemical transformations, whether the new product is finished or semi-finished as raw material in some other process. Manufacturing production usually is carried on for the wholesale market rather than for direct sales. Processing on farms is not classified as manufacturing if the raw material is grown on the farm in which the manufacturing is an accessory use to the principal agricultural use of the property on which the processing is located.

Medical Services – Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine (excludes sanitariums, convalescent and rest home facilities).

Microbrewery – An eating place that includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into the beer or ale by mashing, cooking, and fermenting. The area used for brewing, including bottling and kegging, shall not exceed twenty-five (25) percent of the total floor area of the commercial space. (A Glossary of Zoning, Development, and Planning Terms: Vail, CO)

Mini-storage Facility – A facility that provides lease space for storage of personal and business items.

Miscellaneous Yard Signs – Signs solely containing non-commercial messages which are not otherwise defined herein.

Mixed-Use Development – The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mobile Home - A detached, single-family dwelling unit with a permanent steel chassis possessing all of the following characteristics:

- a. Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities,

with plumbing and electrical connections provided for attachment to outside systems.

- b. Designed to be transported after fabrication on its own wheels
- c. Arriving at the site where it is to be occupied as a complete dwelling and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connections to utilities and the like.

Mobile Home Park - An area where two (2) or more mobile homes or trailers can be and are intended to be parked, designed or intended to be used as temporary or permanent living facilities for two (2) or more families.

Mobile Home Space - A plot of ground within a mobile home park, designed to accommodate one (1) mobile home, and which has water, sewer, and electricity available at the space.

Mobile Home Stand - That part of an individual mobile home space that has been reserved for the placement of the mobile home.

Model Home – A residential structure in an approved subdivision under development that is used for a temporary period of time to display furnishings and building materials such as carpet, wallpaper and paint samples and to display layouts of subdivision plans and home plans for individual lots within the subdivision. A model home may be staffed with homebuilders, sales agents or real estate brokers to show, assist and contract with potential purchasers of homes within the subdivision.

Modular Home - A single family housing unit that is constructed basically as a conventionally built wood frame house except it is built at a factory and is transported to the site on which it will be permanently located. The modular home may not have a permanent steel chassis.

Moving Equipment (Rental) – Any motor vehicle available for rent that is designed or operated for the transportation of property utilizing a maximum of six (6) vehicle wheels; or associated equipment, including but not limited to, storage trailers and automobile trailers. Items characterized as “moving equipment” in this Ordinance shall be stored only in the side or rear yard of properties. Such equipment shall not be displayed in the front yard. All equipment shall be properly screened from public view.

Moving Equipment Rental Store – A commercial establishment that offers for rental for any form of consideration one (1) or more pieces of equipment (for example, vehicles or associated equipment) characterized as “moving equipment” in this Ordinance.

Noncomplying Structure –

- a. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or

- b. Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:
 - (i) Location along district boundary; or
 - (ii) Accessory off-street parking and loading;

either on the effective date of this Ordinance or as a result of any subsequent amendment.

Non-disturb easement - An easement in which land disturbance and development activities are prohibited, except as specifically exempted in the terms of the easement. Prohibited activities may include, but shall not be limited to, clearing, fencing, the placement of structures, use of heavy equipment, and storage of materials, if not specifically exempted.

Nonconforming Lot – A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Nonconforming Use - A lawful use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of this Ordinance or as a result of any subsequent amendment.

Nursery School – A home operated by a person who receives pay for providing less than twenty-four (24) hour supervision and care, without transfer of custody, for not to exceed seven (7) children under six (6) years of age, who are not residents of the household. A license is not required for a house providing care for fewer than five (5) children unless otherwise required by County, State or Federal law.

Nursing Home – A home for the aged or infirm in which three or more persons not of the immediate family are received, kept, or provided with food and shelter, or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. (A Glossary of Zoning, Development, and Planning Terms: Boone County, MO)

Observation Rehabilitation Center – A facility or institution, whether public or private, principally engaged in providing services for treatment of mental or physical conditions which may or may not include overnight or long-term care accommodations.

Off-Premises Sign - A sign that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold, which is not the primary activity, service or commodity provided on the premises where the sign is located; any sign allowed as an off-premises sign must have written approval of the property owner

upon which property the sign is to be located prior to consideration of approval and placement of said sign.

Open Space – Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use.

Open Space, Common – Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complimentary structures and improvements as are necessary and appropriate.

Open Space, Green – Any open space area not occupied by any structures or impervious surfaces.

Open Space, Private – Common open space, the use of which is normally limited to the occupants of a single dwelling, building, or property.

Open Space, Public – Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

Open Space Ratio – The area of open space divided by the total site area in which the open space is located.

Opening Sign - A temporary sign erected only for that limited period during which an enterprise not theretofore in operation begins its operation initially or at a new location.

Park – A tract of land designated and used by the public for active and passive recreation.

Parking Space, Required – A paved and properly drained area enclosed or unenclosed required by this Ordinance to be permanently reserved for parking one (1) motor vehicle. Each required parking space shall have a minimum area of one hundred eighty (180) square feet and not less than nine (9) feet wide, exclusive of driveways and shall be connected with a public street, alley or by a paved driveway affording safe and convenient ingress and egress. Except on lots occupied by single-family and two-family dwellings, parking spaces and driveways shall be arranged as to provide for both ingress and egress by forward motion of the parked or parking vehicle.

Patio -- A horizontal structure supported by the ground at finished grade (less than 4 inches above finished grade at any point), used for other than vehicular purposes, constructed of masonry, stone, brick, block or other such non-flammable material.

Patio, Enclosed – An enclosed space or partially enclosed space attached to a principal structure that is completely roofed, has permanent walls on at least two (2) sides, and does not have a central heating or air conditioning system.

Pedestrian Way – A facility, typically as sidewalk or pathway, which is provided primarily for the movement of pedestrians within or between developments.

Perimeter Landscaping – Landscaped areas intended to enhance the appearance of parking lots and other outdoor auto related uses or to screen incompatible uses from each other along their boundaries.

Permitted Use – Any use specifically identified as being allowed in a zoning district and subject to the restrictions applicable to that particular zoning district.

Person - An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Personal Services – Establishments that provide services such as laundry, beauty, funeral, and other services to individuals.

Photography Retail Store – A facility primarily engaged in the retail sale, lease, and service of photography equipment and supplies and limited onsite film processing and development. (A Glossary of Zoning, Development, and Planning Terms: Prince William County, VA)

Planned Development - An area specified by ordinance to be planned, developed, operated, and maintained as a single entity and containing one or more structures with appurtenant common areas.

Planned Unit Development – An area of minimum contiguous size, as specified by this ordinance, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of non-residential uses to residential uses as specified in this ordinance.

Planning Commission – The Lakeland Municipal Planning Commission.

Planning Jurisdiction – The area within the City limits as well as the area beyond the City limits within which the City is authorized to plan for and regulate development.

Planting Screen – A strip of land containing trees, shrubbery and groundcovers that serve as a visual buffer between lots and/or conflicting land uses such as between residential and commercial zoned parcels.

Plat – (1) A map representing a tract of land showing the boundaries and location of individual properties and streets. (2) A map of a subdivision or site plan.

Pole Sign - A sign mounted upon the ground but which by reason of height, width or other characteristics does not qualify as a ground sign.

Portable Accessory Storage Structure – A movable accessory structure which is not permanently attached to a permanent foundation, does not necessitate any grading or excavation, is not intended for habitation, is subordinate to a nonresidential use, and is used exclusively for storage purposes.

Portable Signs - Any sign constructed on a trailer with wheels which may be detached, and which is not permanently affixed to a building or lot.

Preliminary Site Plan – See Site Plan, Preliminary.

Principal Activity - An activity that fulfills a primary function of an establishment, institution, household or other entity.

Principal Building - A building that contains the principal activity or use located on a lot.

Principal Use – The specific primary purpose for which land or a building is used.

Private Street – A street that has not been accepted by the municipality or other governmental entity.

Profession (Professional Office) - The term profession, as used in this ordinance, is limited in its application to physicians and surgeons, lawyers, members of the clergy, architects, and engineers, or other persons holding advanced degrees from institutions of higher learning in the field in which they practice. The term is not intended to include insurance agents, insurance adjusters, realtors, photo studios, beauty parlors, barber shops, dance schools, business schools or any persons engaged in sales or trade. In permitting professional offices as home occupations, and only as accessory uses in certain districts, it is intended that such offices shall be subject to limitations placed on home occupations generally, but that only offices occupied by persons engaged in professions, as herein defined, shall be permitted.

Project Sign - A sign solely consisting of numbers and/or letters erected to display the identity of five or more occupants in a single building, business or office complex.

Public Assembly Facility – Any of the following types of institutions or installations where community activities are typically performed, such as: parochial and private clubs, lodges, meeting halls, recreation centers and areas; temporary festivals; theater; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, playfields and parks.

Public Hearing – A meeting for the review of a matter where the public may present opinions. These hearings may take place during the regular and special called meetings of the Planning Commission and Board of Commissioners of the City of Lakeland and shall be held in accordance with state laws.

Public Improvement – Any improvement, facility, or service together with its associated site or right-of-way necessary to provide transportation, drainage, utilities or similar essential services and facilities and that are usually owned and operated by a government agency.

Public Utility – Building, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

Railroad Yard or Other Equipment Marshaling & Storage Area – An area of land, a portion of which is covered by a system of tracks, that provides for the making up of trains by one or more railroads or private industry concerns. Necessary functions of a rail yard include, but are not limited to, the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing or transferring of cars, trains, engines, locomotives and rolling stock. (A Glossary of Zoning, Development, and Planning Terms: El Paso, TX)

Real Estate Sign - A temporary sign employed to announce or display the sale of real property, said sign being erected on the property for sale.

Recreation, Active – Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

Recreation, Passive – Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, chess, checkers, or similar games.

Recreation Facility – A place designed and equipped for the conduct of sports and leisure-time activities.

Recreation Vehicle – A vehicle that is built on a single chassis, has four hundred (400) square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towed by a light duty vehicle, and is not designed primarily for use as permanent dwelling but as a temporary living quarters for recreational, camping travel, or seasonal use.

Repair Services – Those establishments which repair, mend or overhaul merchandise for households or businesses, not to include automobile body repair.

Required Yard - That portion of a lot that is required by the specific district regulation to be open from the ground to the sky and may contain only explicitly listed obstructions (Figure 11).

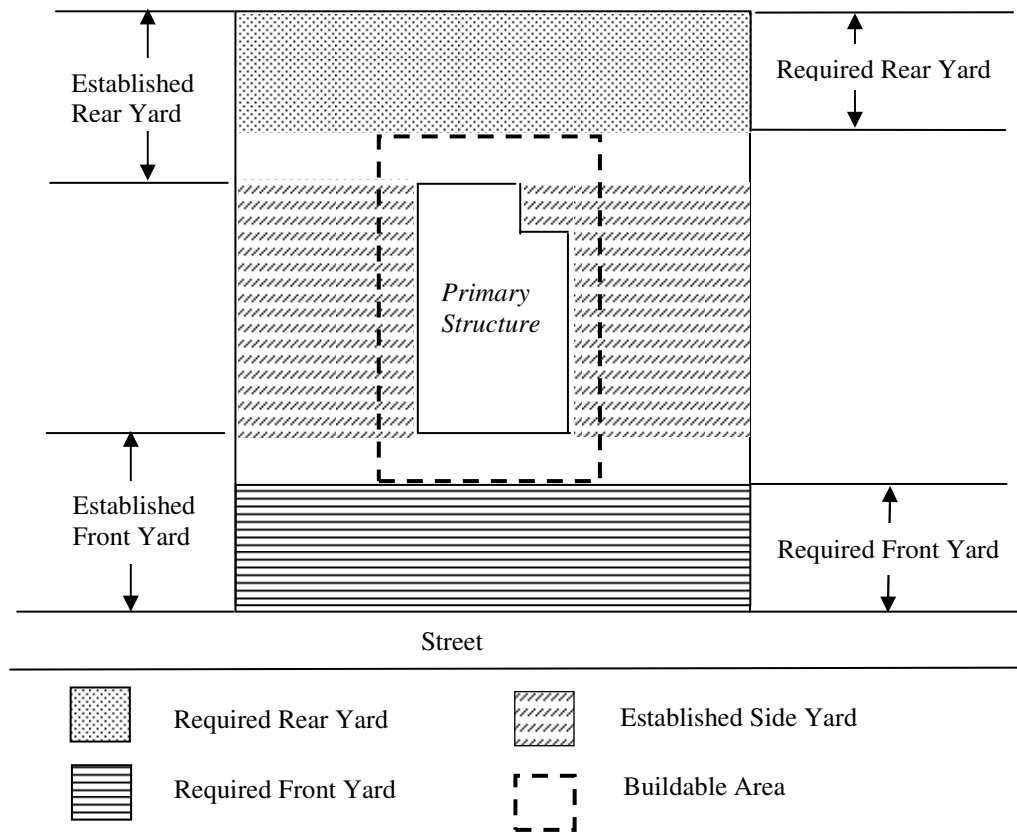


Figure 11. Required Yard

Research and Development Center – Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products. Such uses shall not involve testing on humans or animals nor shall they violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standards.

Reservoir – A pond, lake, tank, or basin, natural or man-made, used for the storage, regulation, and control of water.

Residence - A building or part of a building containing one (1) or more dwelling units or rooming units, including single family or two family houses, multiple dwellings, boarding or rooming houses, or apartment hotels. However, residences do not include:

- a. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
- b. Dormitories, fraternity or sorority houses, monasteries, convents, or similar establishments containing group living or sleeping accommodations, or

- c. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
- d. In a mixed building, that part of the building used for any non-residential uses, except uses accessory to residential uses.

Resident Manager Living Quarters - An apartment unit for an actual full-time or equivalent employee of the operation during normal business hours.

Restaurant - An establishment where food is ordered, prepared and served for pay.

Retail Services – Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking establishments, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, education and social services, museums and galleries.

Retail Trade – Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-of-way (ROW) – A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, communication, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary sewer main, storm sewer, and similar uses.

Road – See “Street”.

Roof Line - The apex, or highest point of the roof. In a series of roofs, the apex of the lowest roof will be considered (Figure 12).

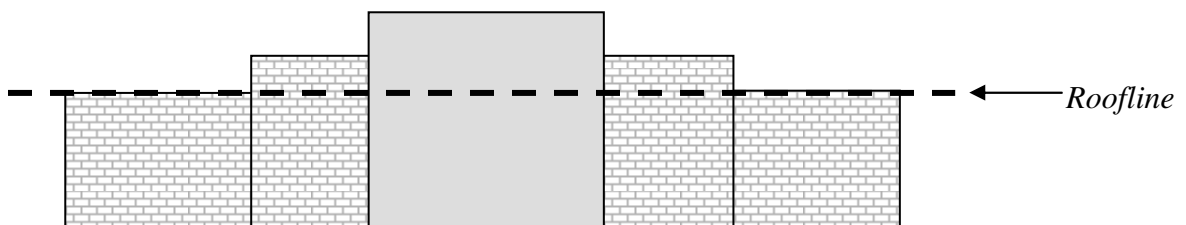


Figure 12. Roof Line with Series of Roofs

Roof Sign - A sign that is erected, constructed, or maintained on a roof.

Sanitary Sewer System – A public or community sanitary sewage disposal system of a type approved by the State of Tennessee.

School – Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

Sediment – Solid material, both mineral and organic, that is either in suspension, in transport, or moved from its site of origin by air.

Semi-Transient Residential Establishment - An establishment where lodging is provided for compensation partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units being occupied on a less than monthly basis, but excluding institutional living arrangements involving the provision of specific kinds of forced residences, such as nursing homes, orphanages, asylums and prisons.

Services – Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations, including hotels and other lodging places, establishments providing personal, business, repair and amusement services, health, legal, engineering and other design services, professional services, educational institutions, membership organizations, and other miscellaneous services.

Setback Line - A line running parallel to the street that establishes the minimum distance the principal building must be setback from the street line (Figure 13).

Show Window Sign - Any temporary sign advertising sales or specials attached to a window surface or visible from a public right-of-way.

Sign - Any device conveying either commercial or noncommercial messages or both commercial and noncommercial messages for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public; but not including any lawful display of merchandise. The term “sign” shall also mean and include any display of one or more of the following:

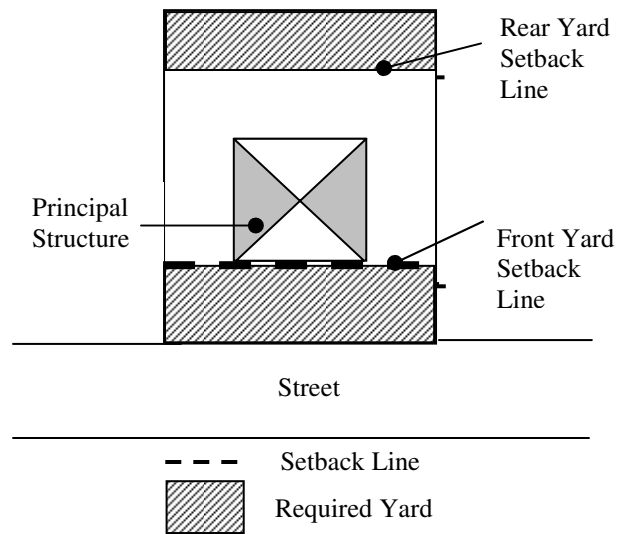


Figure 13. Setback Line

- a. Any letter, numeral, figure, emblem, picture, outline, character, spectacle delineation, announcement, trademark, logo; or
- b. Multiple colored bands, stripes, patterns, outlines or delineations displayed for the purpose of commercial identification; or
- c. Anything specified above in part or in combination by any means whereby the same are made visible from beyond the boundaries of the lot or parcel of property on which the same are displayed for the purpose of attracting attention outdoors to make anything known.

Sight Triangle – A triangle-shaped portion of land formed by the right-of-way lines abutting the intersection and a line connecting points on these street lot lines at a distance of thirty-five (35) feet from the point of intersection of each right-of-way line. There are restrictions on structures and objects erected, placed or planted in this area that would limit or obstruct the sight line and distance of motorists entering or leaving an intersection.

Sign Structure - Supporting structure erected or intended for identifying/advertising purposes, with or without a sign thereon, situated upon or attached to real property, upon which any sign is fastened, affixed, displayed, applied or a part of, provided however, said definition shall not include a building, fence, pole, or illumination device.

Site Plan: A scaled graphic schematic of a development site indicating the location of buildings, points of access, walkways, parking and loading facilities, drainage facilities, topography and landscaping as they are to appear upon the completion of development. Site plans may be required to contain such other information as may be deemed necessary by the Planning Commission and Board of Commissioners to insure proper development of the site.

Site Plan, Final: A site plan of all or a portion of the layout of a development site that is presented to the Planning Commission and Board of Commissioners for final approval prior to issuance of building permits.

Site Plan, Preliminary: A site plan indicated the proposed layout of a development site that is submitted to the Planning Commission for preliminary approval.

Slope – Degree of deviation of a surface from the horizontal, measured as a numerical ratio, as a percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second is the vertical distance (rise). Expressed in degrees, the slope is the angle from the horizontal plane, with a ninety (90) degree slope being the maximum vertical angle and forty-five (45) degrees being a 1:1 or one hundred (100) percent slope.

Special Exception – A use allowed with approval from the Board of Zoning Appeals in accordance with this Ordinance.

Stables - The housing and maintenance of three or more horses for the purpose of work or pleasure riding. This definition shall include both the private and for-profit housing of horses and all associated uses and structures.

Story - A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

- a. A basement or cellar if the finished floor level directly above is not more than six (6) feet above the average adjoining elevation of finished grade.

- b. An attic or similar space under a gable, hip or gambrel roof, the wall plates or any exterior walls are not more than two (2) feet above the floor of such space.

Story, Half – A story under a sloping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty percent (50%) of the floor area of the floor immediately above.

Street - A publicly maintained right-of-way, other than an alley, which affords a primary means of access to abutting property. The word "street" shall include the words "road", "highway", and "thoroughfare" (see also "Private Street"). For the purpose of these regulations, streets are divided into the following categories:

Street, Arterial – A major street used primarily for heavy through traffic.

Street, Collector – A street designed to carry traffic from minor streets to the major road system, including the principal entrance streets to a residential development and the streets for major circulation within such a development.

Street, Cul-de-sac – A short, local street having an outlet at one end and having the other end permanently closed and designed with a circular turnaround; not intended to be extended in the future.

Street, Dead-end – A street temporarily having only one outlet for vehicular traffic, with one end terminating at the edge of undeveloped property, with the intent to extend the street at some point in the future.

Street, Local – A neighborhood street that provides access to abutting properties and is designed to carry traffic from residential areas to collector streets.

Street, Marginal Access – A minor street which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.

Street Address Numbers –

- a. Every person owning or occupying any house or building fronting on any street in the City of Lakeland shall, prior to occupancy, have the official street number, as assigned by Memphis Light Gas and Water, attached to, stenciled on, or painted on the front part of such house or building.
- b. Such numbers shall be posed over, on, or by each main entrance to the building in such a manner that the number is plainly visible from the street and meets all the following:
 - (i) Numbers shall be posed using Arabic numerals 0, 1, 2, 3, 4, 5, 6, 7, 8, 9.

- (ii) Numerals shall not be less than three and one half inches (3 ½") in height.
 - (iii) Numerals shall be of a color that contrasts with the color of the background on which it is located.
- c. If, because of setback of the house or building, or for reason the number cannot readily be seen from the street, the owner shall, in addition to posting per section (b), position additional numbering so that it is clearly visible from the street.
- d. Additional posting per section (c) for other reasons (such as on a mailbox or curbside) shall not be used in lieu of posting numerals in accordance with the above sections.
- e. Violations of the provisions of this ordinance shall be deemed a misdemeanor and may be punished by a fine of fifty dollars (\$50). Each day that such violation is continued shall constitute a separate offense and may be fined as such.

Street Banner - A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame.

Street Line - The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk furthest from the traveled street shall be considered as the street line.

Structure - Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground. This includes but is not limited to buildings, towers, smokestacks and overhead transmission lines.

Substance Abuse Center – Structures and land used for the treatment of alcohol or other drug abuse where one or more patients are provided with care, meals, and lodging. (A Glossary of Zoning, Development, and Planning Terms: Jefferson, MO) to make anything known. (Mesa, AZ)

Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition prior to damage would equal or exceed fifty percent (50%) of the market value of the structure (excluding contents) before the damage occurred.

Subdivision Entrance Sign - An on-site sign, masonry wall, landscaping, or similar materials or features consisting solely of letters and/or numbers, which separately or together form a display for identifying the subdivision, provided that the legend of such sign shall consist only of the name of the subdivision.

Support Structure - A support structure is a structure designed and constructed specifically to support an antenna array. A monopole or a self-supporting (lattice) tower is permitted. Guy-wire support tower and other similar structures are prohibited.

Surrounding Grade - Finish grade of the ground upon which a sign is placed, as per approved site plan.

Tavern, Bar – A structure or portion of a structure that is primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. (A Glossary of Zoning, Development, and Planning Terms: Blue Springs, MO)

Tea Room – A public house or restaurant where tea and light refreshments are served, generally during midday. (A Glossary of Zoning, Development, and Planning Terms: Galesburg, IL)

Technology – An Economic Development classification that may include telecommunications, information technology, software, biotechnical/medical, logistics, computer, defense, test and measurement, electronic components, technology-oriented education facilities, training, multimedia, semiconductor, and fiber optics.

Telecommunications Structure – A building, tower or other structure and equipment used for the transmission, retransmission, broadcast or promulgation of telephone, telegraph, radio, television, or other communication signals.

Temporary Sign - A sign that is not permanent and is allowed for specific time period.

Temporary Structure - A movable structure (anything constructed or erected) which either is not permanently attached to a permanent foundation, concrete slab or footing, or which is equipped with a permanent steel chassis, and that is removed when the designated time period, activity, or use for which it was erected has expired.

Topography – General term to include characteristics of the ground surface of a site such as plains, hills, or valleys. Also refers to the degree of relief, steepness of slopes, and other physiographic features of the land.

Total Floor Area – The area of all floors of a building including finished attics, finished basements, covered porches, and carports.

Townhouse – A one family dwelling attached to at least two (2) or more such units in which each unit has its own access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical fire-resistant walls. The maximum number of attached dwelling units shall not exceed six (6) dwelling units.

Toxic Materials – Material (gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Travel Trailer - A travel trailer, pick-up camper, converted bus, tent-trailer, tent or similar device used for temporary portable housing or a unit which:

- a. Can operate independent of connections to external sewer, water and electrical systems;
- b. Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or
- c. Is identified by the manufacturer as a travel trailer and/or is designed as a travel trailer.

Travel Trailer Park - Any plot of ground upon which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.

Uniform Sign Policy - A plan establishing parameters for the size, location and design of signs on a property.

Usable Floor Area – Measurement of usable floor area shall be the sum of gross horizontal areas of floors comprising a building, measured from the interior faces of the exterior walls. Floor area that is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation.

Usable Floor Area for Computing Parking – For the purpose of computing parking, usable floor area shall be that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. If detailed floor plans are not available, the following shall apply:

Usable Floor Area, Commercial Building – Usable floor area shall equal seventy-five (75) percent of the gross floor area.

Usable Floor Area, Office – Usable floor area shall equal eighty (80) percent of the gross floor area.

Usable Floor Area, Medical Office – Usable floor area shall equal eighty-five (85) percent of the gross floor area.

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

Use and Occupancy Permit - A written permit issued by the building inspector required before occupying or commencing to use any building or other structure or any lot.

Use, Public - Any use that is under control of a unit of general-purpose government or governmental agency.

Use, Semi-Public - Any use that is under the control of a non-private organization or a non-governmental agency that provides a public service.

Utility Corporation Truck Yard – An area of land that provides for the storage of service trucks and/or utility equipment and construction and maintenance materials.

Utility – Gas, electric, water, sewer, stormwater, communication services provided by government agencies or private companies.

Utility Services – Establishments engaged in the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary sewer systems used for the collection of sanitary waste, and stormwater management systems.

Variance – A modification of the strict application of the lot, yard and open space regulations and development standards of this Ordinance due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive an owner of reasonable use of the property.

Variety Store – A retail store that sells a wide variety of relatively small and inexpensive items. (A Glossary of Zoning, Development, and Planning Terms: Valdez, Alaska)

Vehicle Sign – A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business.

Vending Machines - Vending Machines shall be deemed a sign and not allowed to be placed on property so as to be visible from a public right-of-way.

Veterinary Hospital – A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Veterinarians and Kennels, Small Animals – Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided that they are located within the principal building. This definition excludes livestock and other large animals.

Violation – The failure of a structure or other development to be fully compliant with the Zoning Ordinance. Also refers to a structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

Vocational School – A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility. (The New Illustrated Book of Development Definitions)

Wall Sign - A sign designating the name of the business, institution, or organization which is - attached to, in a rigid manner, and parallel to a building wall or painted on the

wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign, and which does not extend more than twelve (12) inches from such building or structure.

Water Tank – See Reservoir.

Warehouse – A structure used exclusively for the storage of merchandise or commodities.

Wholesale Trade – Establishments or places of business primarily engaged in selling merchandise to retailer, to industrial, commercial, farm or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to such persons or companies.

Windblown Devices - Windblown devices such as pennants, streamers, spinners, balloons, gas-filled figures and other similar devices.

Window Sign - A permanent business sign painted on or posted in a window and visible from a public right-of-way.

Wireless Communications - Wireless communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Wireless Communication Facility (WCF) - A WCF is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, and equipment facility, and a support structure to achieve the necessary elevations.

Work of Art – An object, painting, sculpture, picture, or other similar artistic rendering which contains no commercial message.

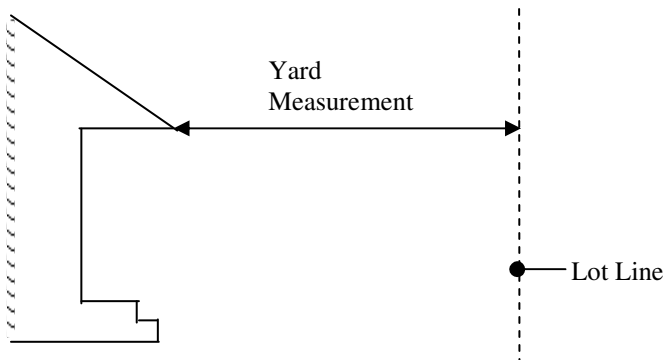


Figure 14. Yard Measurement

Yard - An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the lot lines and any part of the building, such as roof overhang (see Figure 14).

Yard, Front - A yard extending across the entire width of the lot between the lot line and the nearest part of the principal building, including covered porches. At least two (2) such yards shall be designated for each through lot.

Yard, Side - A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.

Yard, Rear - A yard extending across the entire width of the lot between the rear lot line and the nearest point of the principal building including covered porches.

Zero Lot Line – The location of a building on a lot in such a manner that one (1) or more of the building’s sides rest directly on a lot line.

Zoning District – Any section of the City for which the zoning regulations governing the use of buildings and property, the height of buildings, the size of yards and the intensity of uses are uniform. (Ord. 03-30, 3/6/03, pgs. 1-37)