

ARTICLE 3 – DEFINITIONS

ARTICLE 3 DEFINITIONS

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CHAPTER 1. - RULES OF CONSTRUCTION

CHAPTER 1. RULES OF CONSTRUCTION

In the construction of the language of this Code, the rules set out in this section shall be observed unless such construction would be inconsistent with the manifest intent of the Village Council as established in the Comprehensive Plan. The rules of construction and definitions set out herein shall not be applied to any express provisions excluding such construction.

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Sec. 3.1.20. - Or

Sec. 3.1.21. - And

Sec. 3.1.1. *Generally*

All provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Village Council as established in the Comprehensive Plan may be fully carried out. Terms used in these regulations, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the State of Florida for the same terms. In the interpretation and application of any provision of this Code it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than a general provision imposed by the Comprehensive Plan or another provision of this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

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Sec. 3.1.2. *Text*

In case of any difference of meaning or implication between the text of this Code and any figure, the text shall control.

Sec. 3.1.3. *Computation of time*

Computation of time means the time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

Sec. 3.1.4. *Day*

Day means a working weekday unless otherwise stated or used in reference to a violation. Violations shall be calculated on calendar days.

Sec. 3.1.5. *Delegation of authority*

Whenever a provision appears requiring the head of a department or some other Village officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

Sec. 3.1.6. *Gender*

Words importing the masculine gender shall be construed to include the feminine and neuter.

Sec. 3.1.7. *May*

May means permissive.

Sec. 3.1.8. *Month*

Month means a calendar month.

Sec. 3.1.9. *Non-technical and technical words*

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Sec. 3.1.10. *Number*

A word importing the singular number only may extend and be applied to several persons or things as well as to one (1) person or thing. The use of the plural number shall be deemed to include any single person or thing.

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Sec. 3.1.11. *Shall*

Shall means mandatory.

Sec. 3.1.12. *Tense*

Words used in the past or present tense include the future as well as the past or present.

Sec. 3.1.13. *Week*

Week means seven (7) calendar days.

Sec. 3.1.14. *Written*

Written means any representation of words, letters or figures whether by printing or other form or method of writing.

Sec. 3.1.15. *Year*

Year means a calendar year, unless a fiscal year is indicated or 365 calendar days is indicated.

Sec. 3.1.16. *Include*

Use of "include" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Sec. 3.1.17. *Exclusivity of uses in districts*

The permitted uses and conditional uses in the districts established in Article 6, Zoning Districts, are exclusive, and shall be permitted subject to the standards and procedures of this Code.

Sec. 3.1.18. *Interpretation of district boundaries*

Where uncertainty exists concerning boundaries of districts as shown on the Future Land Use Map, the following rules shall be used in the interpretation of the district boundaries.

- A. *Center lines.* Boundaries indicated as approximately following the center lines of streets, alleys or highways shall be construed as following such center lines.
- B. *Lot, section and tract lines.* Boundaries indicated as approximately following platted lot lines, sections or tract lines shall be construed as following such lines.
- C. *Political Boundaries.* Boundaries indicated as approximately following political boundaries shall be construed as following such political boundaries.
- D. *Shorelines.* Boundaries indicated as approximately following shorelines shall be construed as following such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

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- E. *Parallel lines.* Where boundaries are approximately parallel to a street, highway, road, alley or railroad right-of-way, the distance of such boundaries from the property line of such street, highway, road alley or railroad right-of-way, shall be, unless otherwise shown by dimensions, one (1) lot depth on lots facing said street, highway, road, alley or railroad right-of-way, or approximately 150 feet, on acreage and tracts or on parallel lots, to the nearest lot line between lots to conform to adjacent district lines.
- F. *Bisecting lines.* Where boundaries approximately bisect blocks, the boundaries are the median line of such blocks, between the center lines of boundary streets.
- G. *Uncertainties.* Where the physical or cultural features existing on the ground are at variance with those shown on the Future Land Use Map, or in case any other uncertainty exists, the Planning & Zoning Director shall interpret the intent of the Future Land Use Map as to the location of boundaries.
- H. *Street abandonments.* Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the land to which it reverted shall apply to such vacated or abandoned road, street, or alley.
- I. *Excluded areas.* Where parcels of land and water areas have been inadvertently excluded from a district classification in any manner, said parcels shall be given a classification by the Village Council that is consistent with the Comprehensive Plan. Such cases shall be processed in the same manner as applications for development permits for amendments to the Future Land Use Map.

Sec. 3.1.19. *Special provisions for lots divided by district boundaries*

Where any lot, existing at the effective date of this Code, is located in two (2) or more districts in which different uses are permitted, or in which different use, area, bulk, accessory off street parking and loading, or other regulations apply, the provisions of this section shall apply.

- A. ***Use regulations.*** If more than 50 percent of the lot area is located in one (1) of two (2) or more districts, the use regulations applicable to the district containing the majority lot area shall apply to the entire lot, if consistent with the Land Use designation on the Comprehensive Plan.
- B. ***Property development regulations.*** If more than 50 percent of the lot area is located in one (1) of two (2) or more districts, the property development regulations applicable to the district containing the majority lot area shall apply to the entire lot.

Sec. 3.1.20. *Or*

Either or both cases may apply.

Sec. 3.1.21. *And*

All cases must apply.

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Terms in this Code shall have the following definitions:

Absorption area means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), the total surface area of the bottom of a drainfield.

Absorption bed means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), the drainfield system in which the entire earth contents are removed and replaced with filter material and distribution pipe.

Abutting property means property lying immediately adjacent to and sharing a common property line with other property.

Access means a way to enter or exit a facility or property.

Access, legal means the principal means of access from a lot to a public street or to a private street over which a perpetual ingress and egress easement or right of way has been granted to the owners of any lot serviced by such street.

Access way means a non-dedicated area which is permitted for ingress or egress of vehicles or pedestrians. An access way is permitted to traverse a required landscape buffer.

Accessory dwelling means a second dwelling unit either in or added to an existing single-family dwelling, or in an accessory structure on the same lot as the principal single-family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping.

Accessory building or structure means a detached, subordinate building meeting all property development regulations, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

Accessory use see Use, accessory.

Acre means land or water consisting of 43,560 square feet.

Act: the Local Government Comprehensive Planning and Land Development Regulation Act, Sec. 163.3161, Fla. Stat. et seq. (1989) as may be amended from time to time.

Adequate protection by treatment means, for the purpose of Section 16.2 (Water Supply Systems), any one (1) or any combination of the controlled processes of coagulation, sedimentation, absorption, filtration, or other processes in addition to disinfection which produces water consistently meeting the requirements of Art. 16 including processes which are appropriate to the source of supply.

Adequate Public Facilities Determination means a Determination approved by the Planning & Zoning Director pursuant to the terms of Art. 11, Adequate Public Facility Standards, that serves as a statement that based upon existing public facility capacity and planned facility capacity, adequate public facilities are available to serve the development at the time of the approval of the Adequate Public Facilities Determination.

Administrative/Agency inquiry means a request for Village Council direction on procedural or interpretative matters.

Adopted Level of Service (LOS) means, for the purposes of Art. 15, generally LOS D; however, it may be another Level of Service set by the Plan or pursuant to Policies of the Transportation Element. For the Equestrian Overlay Zoning District, it is LOS E except as set forth by the Plan.

Adult arcade means for the purposes of the Adult Entertainment Establishment provisions of this Code, any place or establishment operated for commercial gain which invites or permits the public to view adult material. For purposes of this Code, "adult arcade" is included within the definition of "adult theater."

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Adult bookstore/adult video store means for the purposes of the Adult Entertainment Establishment provisions of this Code, an establishment which sells, offers for sale or rents adult material for commercial gain; unless the establishment demonstrates either (1) the adult material is accessible only by employees and the gross income from the sale or rental of adult material comprises less than 40 percent of the gross income from the sale or rental of goods or services at the establishment, or (2) the individual items of adult material offered for sale or rental comprise less than 10 percent of the individual items, as stock in trade, publicly displayed in the establishment and which is not accessible to minors at the establishment.

Adult booth means for the purposes of the Adult Entertainment Establishment provisions of this Code, a small enclosed or partitioned area inside an adult entertainment establishment which is: (1) designed or used for the viewing of adult material by one (1) or more persons and (2) is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom.

Adult dancing establishment means for the purposes of the Adult Entertainment Establishment provisions of this Code, an establishment selling, serving or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing.

Adult entertainment means for the purposes of the Adult Entertainment Establishment provisions of this Code:

- Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to chapter 480, Florida Statutes, tanning salon, modeling studio, or lingerie studio.
- Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.
- An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment.

Adult material means for the purposes of the Adult Entertainment Establishment provisions of this Code, any one (1) or more of the following, regardless of whether it is new or used:

- Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices; which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or;
- Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult motel means for the purposes of the Adult Entertainment Establishment provisions of this Code, a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.

Adult theater means for the purposes of the Adult Entertainment Establishment provisions of this Code, an establishment operated for commercial gain which consists of an enclosed building, or a portion

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or part thereof or an open-air area used for viewing of adult material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture theater" are included within the definition of "adult theater". An establishment which has "adult booths" is considered to be an "adult theater."

Adult video store see Adult Bookstore.

Aerobic treatment unit means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a treatment receptacle in which air is introduced into the sewage so as to provide aerobic biochemical stabilization during a detention period.

Affidavit of exemption means a document, recorded in the public record, evidencing the grant of an exemption for an unrecorded subdivision existing prior to February 5, 1973, from the provisions of the former Palm Beach County Subdivision and Platting Regulations (Ord. 73-4, as amended), granted pursuant to said regulations.

Affidavit of waiver means a document evidencing the grant of an exception to the platting requirement or the required improvements installation requirement.

Affordable housing means a dwelling unit for which a household spends no more than 30 percent of its gross income for housing costs. Rental housing costs include contract rent and utilities. Owner occupied housing costs include mortgage principle and interest, property taxes, insurance, and, where applicable, homeowner's association fees. The current median income for the Village of Wellington and income categories established within the Comprehensive Plan are available at the Planning, Zoning & Building Department.

Agreement means a Development Agreement, public facilities agreement, or other binding agreement entered into between the applicant and Village of Wellington or other service provided for the purpose of assuring compliance with the adopted level of service standards. The form of the Agreement may include, but not be limited to a Development Agreement pursuant to Sec. 163.3220, Fla. Stat.

Aggrieved or adversely affected person means any person or local government which will suffer an adverse effect to an interest protected or furthered by the Comprehensive Plan, including interests related to health and safety, police and fire protection systems, densities or intensities of development, transportation facilities, health care facilities, or environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but shall exceed in degree the general interest in common good shared by all persons.

Agriculture, bona fide means any plot of land where the principal use is bona fide agricultural, meaning the raising of crops inclusive of organic farming or animals inclusive of aquaculture or production of animal products such as eggs or dairy products inclusive of apiculture, or a retail or wholesale nursery on an agricultural or commercial basis. Criteria for determining bona fide agriculture are found in Sec. 6.4.4.6, Supplemental Use Standards.

Agricultural excavation see Excavation, agricultural.

Agricultural research and development means the use of land or buildings for agriculture research and the cultivation of new agricultural products.

Agricultural sales and service means an establishment primarily engaged in the sale or rental of farm tools and small implements, feed and grain, tack, animal care products, farm supplies and the like, excluding large implements, and including accessory food sales and machinery repair services.

Agricultural transshipment means packing, crating or shipping of agricultural products not grown or raised on site, and specifically excluding slaughterhouses and fish processing.

Air curtain incinerator means the installation or use of a portable or stationary combustion device that is designed and used to burn trees and brush removed during land clearing by directing a plane of high-velocity, forced air through a manifold into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

Air rights mean the right to use space above ground level.

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Air space means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), the distance from the liquid level up to the inside top of a treatment receptacle.

Airplane landing strip, accessory means a private ground facility designed to accommodate landing and take-off operations of aircraft used by individual property owners, farm operators, or commercial operations.

Airport means any public or privately owned or operated ground facility designed to accommodate landing and take-off operations of aircraft, equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

Air Stripper Tower (Remedial System) means a temporary accessory petroleum contamination remedial system which treats contaminated groundwater from a site and treated groundwater is then reintroduced into the aquifer using an on-site recharge mechanism. A typical system includes air stripper towers or shallow tray aerator and infiltration gallery, groundwater recovery wells, and an aboveground centrifugal pump.

Alley means a right-of-way providing a secondary means of access to property and is not intended or used for principal traffic circulation.

Alteration or materially alter means the result of human-caused activity which modifies, transforms or otherwise changes the environment, including but not limited to the following:

- The addition, removal, displacement, or disturbance (severe pruning, hat racking, poisoning) of vegetation, but shall exclude prescribed ecological burning for the management of native Florida communities, the removal of trees, seedlings, runners, suckers, and saplings of prohibited plant species identified in Article 9. Environmental Standards.
- Demucking and grading of soil.
- The removal, displacement, or disturbance of rock, minerals or water.
- The grazing of cattle or other livestock.
- The removal, addition, or moving of sand.
- Any construction, excavation or placement of a structure which has the potential to affect coastal biological resources, the control of beach erosion, hurricane protection, coastal flood control of shoreline and offshore rehabilitation.

Alteration, building means any change in the structure which will increase the number of dwelling units, the floor area, or height of the structure.

Alternative system means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), any approved on-site sewage disposal system which consists of a treatment receptacle other than a septic tank.

Amusements, temporary means an activity which includes the provision of rides, amusements, food, games, crafts or performances outside of permanent structures. Typical uses include carnivals, circuses, auctions, and tent revivals.

Annular space means, for the purpose of Section 16.2 (Water Supply Systems), the space between two (2) casings or between the outer casing and the wall of the well bore.

ANSI means the American National Standards Institute or its successor bodies.

Antiquated subdivision means "Antiquated Subdivision" in the Comprehensive Plan.

Applicant means the owner of record, the agent pursuant to an agent's agreement acceptable to the Village Attorney or the mortgagor in the case of bankruptcy. For the purposes of adequate public school

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facilities, applicant shall mean approved agent or contract purchaser seeking a site-specific development order of any amendment thereto.

Approved source when used in reference to bottled water, means, for the purpose of Section 16.2 (Water Supply Systems), a source, whether it be from a spring, artesian well, drilled well, municipal water supply or any other source, that has been inspected and the water sampled, analyzed, and found to be of a safe and sanitary quality in accordance with provisions of Section 16.2.

Archaeological Evaluation report means a letter prepared by the County Archaeologist evaluating the potential significance of an archaeological site after issuance of a Suspension Order by the Department.

Archaeological Site is a property or location which has yielded or might yield information on the Village, County, State or Nation's history or prehistory. Archaeological sites are evidenced by the presence of artifacts and features on or below the ground surface indicating the past use of a location at least 75 years ago by people or the presence of non-human vertebrate fossils. Archaeological sites include aboriginal mounds, forts, earthworks, village locations, camp sites, middens, burial mounds, missions, historic or prehistoric ruins which are, or may be the source of artifacts or other items of significant archaeological value.

Archaeologist, qualified is an archaeologist who is a member of, or is qualified for membership in the Florida Archaeological Council or the Society of Professional Archaeologists.

Architect means a person duly registered and licensed to practice architecture in the State of Florida.

Area of shallow flooding means a designated AO or VO Zone on the Flood Insurance Rate Map (FIRM); the base flood depth ranges from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminable; and velocity flow may be evident.

Area of special flood hazard means the land in the flood plain subject to a one (1) percent or greater chance of flooding in any given year.

Arena, auditorium or stadium means an open, or partially or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, sports arenas, commercial equestrian arenas and amphitheaters.

Arterial street see Street, arterial.

Artifacts means relics, specimens or objects of historical, prehistoric, archaeological or anthropological nature, over 75 years old, which may be found on, above, or below the surface of the earth, including land and water, which have a scientific or historic value as objects of antiquity, as aboriginal relics or as anthropological specimens, including but not limited to clothing, tools and weapons made of ceramics, worked stone, shell, bone, teeth, hide, feathers and horn, metal coins, glass, beads, building material, daub, and plant fibers. Objects over 75 years old but not of significant archaeological value shall not be considered an artifact for purposes of this code. Further, objects under 75 years old and deemed by a qualified archaeologist to be of significant archaeological value shall be subject to the provisions of this Code.

Artificial light source shall mean any exterior source of light emanating from a man-made device, including but not limited to, incandescent, mercury vapor, metal halide or sodium lamps, spotlights, flood lights, landscaping lights, street lights, vehicular lights, construction or security lights.

Art studio means the workshop of a professional artist, sculptor, photographer, or other craftsman.

Asphalt or concrete plant means an establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.

Assembly, nonprofit institutional means a site or facility, open to the public, owned or operated by a not-for-profit organization for social, educational or recreational purposes. Typical uses include

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museums, cultural centers, recreational facilities, botanical gardens or nonresidential community services such as soup kitchens and medical services.

Assembly, nonprofit membership means a site or facility owned or operated by a not-for-profit organization for social, educational or recreational purposes where paid membership is required. Typical uses include fraternal or cultural organizations and union halls.

Assured Construction means, for the purposes of Art. 15, Road Construction Improvements scheduled to be made to the Wellington Roadway system by one (1) or more of the following means:

- (a) Inclusion in the adopted Five-Year County Road Program for commencement of construction; provided any anticipated non-public funds are secured by Performance Security;
- (b) Inclusion in the adopted Five-Year Florida Department of Transportation Work Program for commencement of construction;
- (c) Wellington Roadway or Intersection improvement for which a contract for construction which is secured by performance security has been executed and which, by its terms, requires that construction be completed within six (6) years;
- (d) Wellington Roadway or Intersection improvement which will be constructed pursuant to an agreement; and which, by its terms, requires that construction be completed within six (6) years;
- (e) Wellington Roadway or Intersection improvements which is required to be constructed pursuant to a condition of a development order which by its terms requires that it be completed within six (6) years and which has been secured by performance security;
- (f) Specific inclusion in the capital improvements element of the comprehensive plan for commencement of construction within five (5) years provided: (1) the improvements are financially feasible, based on currently available public revenue sources adequate to complete the improvement; and (2) a comprehensive plan amendment would be required to eliminate, defer, or delay construction.

Attic means the non-habitable storage area immediately beneath the pitch of a roof.

Auction, enclosed means an establishment engaged in the public sale of goods to the highest bidder, with all of the activity and display of merchandise occurring inside an enclosed building.

Auction, outdoor means an establishment engaged in the public sale of goods to the highest bidder, with all or a portion of the activity and display of merchandise occurring outside of an enclosed building.

Automotive paint or body shop means an establishment engaged in the painting, repainting, or retouching of motor vehicles, or performance of major external repairs of a non-mechanical nature.

Automotive service station means an establishment engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities such as the sale of accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, or the sale of convenience food items.

Aviculture means the breeding, raising and care of birds.

Background Traffic means, for the purposes of Art.15, the projected traffic generation from previously approved but incomplete projects, and other sources of traffic growth, as described in Section 15.4.4.C.

Base building line means a line horizontally offset from and running parallel to the centerline of a street from which setbacks for front yard, corner side yard, and lot standards are measured as set forth in Sec. 6.5.7.G.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

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Bed and breakfast means an owner-occupied single-family dwelling that offers lodging for paying guests and which serves breakfast to these guests.

Berm means mounds or walls of earth that molded into landforms in a landscaped area. When berms are used for screening, buffering, or any other purpose, the berm shall be constructed such that soil erosion is prevented and sight triangles, are unobstructed. The surface of the berms shall be completely covered with plant material or durable mulch so that bare soil is not visible. Allowance for soil settlement shall be calculated at 10 percent after the berms are compacted.

Biohazardous waste means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but not limited to, non-liquid human tissue and body parts; hospital, laboratory or veterinary waste which contains human-disease causing agents; discarded sharps; human blood, human blood products and body fluids.

Blank copy means any paraphernalia including pennants, streamers, and banners that are intended solely to attract attention and which contain no letters or symbols.

Block means a parcel of land entirely surrounded by streets, railroad rights-of-way, parks or other public space or a combination thereof.

Boarding house means a dwelling, or part thereof, in which lodging is provided by the owner or operation to three (3) or more boarders.

Boat trailer means a trailer used or designed to be used for the carrying of boats.

Boatyard means a facility intended to provide complete construction or repair services for marine crafts in addition to such dry storage as may be found complimentary to the primary use, but not including docking of pleasure craft for residential purposes.

Boundary plat see Plat, boundary.

Bottled water means, for the purpose of Section 16.2 (Water Supply Systems), water that is sealed in a container or package and is offered for sale for human consumption or other uses.

Bottled water plant means, for the purpose of Section 16.2 (Water Supply Systems), any place or establishment in which bottled water is prepared for sale.

Branch means, for purpose of Sec. 7.3 (Landscaping and Buffering), a secondary shoot or stem arising from one (1) of the main axes (i.e., trunk or leader) of a tree.

Breakaway walls mean any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or other suitable building material, that is not part of the structural support of the building and is intended through its design and construction to collapse under specific later loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Broadcasting studio means an establishment engaged in the provision of commercial broadcasting services accomplished through the use of electronic mechanisms. Typical uses include radio and television broadcasting studios.

Buffer, landscape see Landscape, buffer.

Buffer, perimeter landscape means a continuous area of land which is required to be set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental, aesthetic and other impacts of one (1) type of land use upon another.

Buildable area means the portion of a lot remaining after the setbacks have been provided.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

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Building, principal means a building in which is conducted the primary use of the lot on which it is located.

Building construction means the erection of a structure intended for human habitation in the case of residential land use, or occupancy or use of such in the case of non-residential land use.

Building coverage means that portion of the area of a lot, expressed as a percentage, occupied by the square footage of the ground floor area of a building or structure.

Building Official means the division head of the Building Division of PZB.

Building height means the vertical distance in feet from finished grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs, measured from the grade.

Building permit means an official document or certificate issued by the governmental authority having jurisdiction, authorizing the construction of any building. Building permit includes a tie-down permit for a structure or building that does not require a building permit, such as a mobile home, in order to be occupied.

Building sewer means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a pipe conveying sewage from a house or building to an on-site sewage disposal system.

Building site means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use and the customary accessory buildings and open spaces belonging to the same.

Building supplies, retail means an establishment engaged in the retail sale of building supplies and home improvement products.

Building supplies, wholesale mean an establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property. Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.

Buildout Period means, for the purposes of Art. 15, the anticipated time between the issuance of the development order and December 31st of the year of completion of a proposed project as assumed in the Traffic Impact Study and approved by the Village Engineer in accordance with the standards set forth in Section 15.4.4.B.

Bulkheads mean structures of concrete, wood, or other permanent material affixed to the land adjacent to a water management tract or other water body for the purpose of establishing a vertical surface at the water's edge and stabilizing the land behind the bulkhead; provided, however, that water control structures and end walls around outfalls and bridges shall not be considered bulkheads.

Caliper means quantity in inches of the diameter of supplemental and replacement trees measured at the diameter at breast height or four and one-half (4½) feet above the ground.

Campground means a plot of ground established as a commercial campsite for recreational use and not as living quarters.

Camping cabin means an accessory use for recreational vehicle parks which consists of a cabin used for sleeping.

Canopy, tree means the upper portions of trees consisting of limbs, branches, and leaves, which constitute the upper layer of a forested community.

Capacity means for the purpose of impact fees, the maximum number of vehicles for a given time period which a road can safely and efficiently carry, usually expressed in terms of vehicles per day.

Capacity projects means, for the purposes of adequate public school facilities, new school construction, or any project that adds necessary improvements to accommodate additional permanent

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student stations or core facilities needed for the educational program of each type of school based on the requirements of State Requirements for Educational Facilities.

Capital drainage facilities means the planning of, engineering for, acquisition of land for, or the construction of drainage facilities necessary to meet the LOS for Capital Drainage Facilities.

Capital facilities; Capital improvements means land, infrastructure, structures, and fixtures having a cost or value of at least \$1,000.00; personal property and equipment having an aggregate cost or value of at least \$1,000.00; hard-bound books and materials having a cost or value of at least \$25.00, which must be of a non-consumable nature and be expected to be in service for at least one (1) year; and, in the case of school sites, the land only, and not any improvements to the land.

Capital facility costs means all costs directly associated with the acquisition, design, engineering, site preparation, construction and placement of a capital facility. It excludes operation and maintenance costs, and the repair, replacement, or renovation of existing capital facilities where the capital facility improvement does not add capacity. In the case of the school site acquisition fee, it means the costs directly associated with the acquisition of fee simple absolute marketable title in land, and does not include the costs of improvement to that land.

Capital Improvement Element means the Capital Improvement Element of the Village of Wellington Comprehensive Plan.

Capital Potable Water Facilities means the planning of, engineering for, acquisition of land for, or the construction of potable water facilities necessary to meet the LOS for Capital Potable Water Facilities.

Capital Recreation and Park Facilities means the planning of, engineering for, acquisition of land for, or the construction of buildings and park equipment necessary to meet the LOS for district, community and neighborhood parks.

Capital Road Facilities means the planning of, engineering for, acquisition of land for, or the construction of roads on the Major Road Network System necessary to meet the LOS for Capital Road Facilities.

Capital Sanitary Sewer Facilities means the planning of, engineering for, acquisition of land for, or the construction of sanitary sewer facilities necessary to meet the LOS for Capital Sanitary Sewer Facilities.

Capital Solid Waste Facilities means the planning of, engineering for, acquisition of land for, or the construction of solid waste facilities necessary to meet the LOS for Capital Solid Waste Facilities.

Car wash or auto detailing means an establishment primarily engaged in the washing or detailing of motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, window tinting, striping, and interior cleaning.

Carport/Private garage means an accessory roofed structure or a portion of a main building providing space for the parking or storage of motor vehicles of the occupants of the main building.

Catchment means a sub-area of a drainage basin which contributes stormwater runoff by overland flow to a common collection point.

Certificate of Concurrency Reservation means a certificate approved by the Planning & Zoning Director with or without conditions and pursuant to the terms of Art. 11, Adequate Public Facility Standards that constitutes proof of adequate public facilities to serve the proposed development, when all conditions have been met. A subsequent application for a development permit for development for which a Certificate of Concurrency Reservation has been approved, shall be determined to have adequate public facilities as long as the development order for which the Certificate of Concurrency Reservation was approved has not expired, and if relevant, the conditions in the Reservation are complied with, and the development is not altered to increase the impact of development on public facilities.

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Certificate of Occupancy or Certificate of Completion see Village of Wellington Building Code of Ordinances, Article 2, Chapter 18.

Certificate to Dig means a certificate that is necessary prior to:

- Issuance of a development order for parcels identified on the map of known archaeological sites;
- Removal of a suspension order on a site where artifacts or fossilized human remains or non-human vertebrate fossils are found during the development process; or
- Issuance of a development order for a Type III Excavation.

Champion tree means the largest tree of a species which has been designated by the Florida Department of Agriculture and Consumer Services.

Chipping and mulching means an establishment using a permanent facility designed to cut tree limbs, brush or construction debris into small pieces for use as mulch.

Church or place of worship means a premises or site used primarily or exclusively for religious worship and related religious services or established place of worship, retreat site, camp, convent, seminary or similar facilities owned or operated by a tax exempt religious group for religious activities.

Clearing means the removal or material damage of landscape materials by disturbing excavating or removing the underlying soil.

Closure permit means that permit required by activities which must cease operation in Zone Two pursuant to the provisions of Sec. 9.3 Wellfield Protection.

Clustered lots means residential parking lots grouped on a common street or parking tract where access is either a dead-end street, loop, or otherwise designed so as to preclude its extension for access to additional lots.

Code means code of Laws and Ordinances of Village of Wellington, Florida, including the Land Development Regulations (LDR).

Code Enforcement Manager means the agency head of the Division of Code Enforcement.

Code Enforcement Officer means any authorized agent or employees of the Village whose duty is to assure code compliance.

Collector street see Street, collector.

College or university means an institution of higher learning offering undergraduate or graduate degrees, and including the buildings required for educational or support services, such as classrooms, laboratories, dormitories and the like.

Colonnade means, for the purpose of Sec. 6.8.3 (Multiple Use Planned Development District), a covered pedestrian structure over a sidewalk that is open to the street except for supporting columns. Awnings are not considered colonnades.

Commercial gain means for the purpose of the Adult Entertainment Establishment provisions of this Code, operated for pecuniary gain, which shall be presumed for any establishment which has received an occupational license. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss.

Commercial vehicle means a vehicle which is not used solely for personal nonbusiness activities. The following factors will be considered when determining commercial status: (1) Outside lettering designating a business of any kind, (2) use of vehicle, (3) size of vehicle. The following types of vehicles shall be considered commercial for the purposes of this section, but shall not be the only types of vehicles considered as commercial: truck cab; semi-trailer; taxi; tow truck; stepvan; construction vehicle; bus; trailer or utility trailer; a vehicle outfitted for commercial purposes or a vehicle with three (3) or more axles.

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Community park means those facilities generally five (5) to 60 acres in size that in Village of Wellington provide active recreational facilities to population bases under 25,000 persons. Recreational facilities include play areas, small groups of fields or courts suitable for programmed activities, community centers, and adequate bicycle and automobile parking areas and pedestrian paths to serve the facility.

Community vegetable garden means a plot of land used as a vegetable garden intended to be cultivated and harvested by a group of residents of the surrounding area.

Community water system means, for the purpose of Section 16.2 (Water Supply Systems), a water system which serves at least 15 service connections used by year-round residents or which serves at least 25 year round residents.

Compatibility means land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions.

Compensatory littoral zone or area means that underwater area within the water management tract or water body graded and planted as compensating for lost littoral zones from bulkheading or shading from structures over the water.

Complaining land means that land which is included in a residential district receiving sound levels above those permitted by Sec 7.8, Miscellaneous Standards.

Completely enclosed means a building separated on all sides from the adjacent open area, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods, or vehicles.

Composting facility means a facility that is designed and used for transforming, through biological decomposition, food, yard wastes and other organic material into soil or fertilizer. This use does not include backyard composting bins serving individual families.

Comprehensive Plan means the Village of Wellington Comprehensive Plan, as amended from time to time.

Concurrency Exemption Determination means a determination that the land in the Village of Wellington area is exempt from the concurrency standards of the Plan.

Concurrency requirements of the Plan means the provisions in the Plan and the implementing land development regulations requiring that public facilities for traffic circulation, mass transit, sanitary sewer, potable water, recreation/open space, fire-rescue, solid waste, and drainage are available at the minimum levels of service concurrent with the impact of the Development; and, as to the applicability of expanded or more stringent traffic performance standards pursuant to State mandates under Ch. 163, Florida Statutes such requirements as set forth in the future traffic performance standards ordinance(s).

Concurrency Service Area (CSA) means the specific geographic unit within a School District in which school concurrency is applied and measured.

Concurrency Service Area Level of Service Standards means the maximum acceptable percentage of school utilization, as identified in the Agreement, determined by dividing the total number of students for all schools of each type of school in each CSA by the total number of permanent student stations for that type of school.

Condemnee means either:

- The owner of a parcel of land against which an eminent domain proceeding has been initiated by a governmental authority; or

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- The owner of a parcel of land that has sold that parcel of land to a governmental authority under the threat of an eminent domain proceeding against the owner of a parcel of land, or
- The governmental authority that has been sold a parcel of land by a land owner threatened by an eminent domain proceeding for that parcel of land.

Condemner means either:

- The governmental authority instituting an eminent domain proceeding against the owner of a parcel of land; or
- The governmental authority that has been sold a parcel of land by a property owner threatened by an eminent domain proceeding for that parcel of land.

Condition of Approval means a condition imposed as part of, or associated with, the issuance of a valid local government development order.

Conditional use means those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration, intensity and density of use, structures, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location, pursuant to Articles 5 and 6.

Cone of depression means an area of reduced water levels which results from the withdrawal of groundwater from a point of collective source such as a well, wellfield, dewatering site or quarry. The area extent and depth of the depression is a function of the hydraulic properties of the aquifer, the pumpage rates and recharge rates.

Congregate living facility means a residential land use consisting of any building or section thereof, residence, private home, boarding home, home for the aged, or any other residential structure, whether or not operated for profit, which undertakes, for a period exceeding 24 hours, care, housing, food service, and one (1) or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, the term shall include rehabilitative home care development service housing, senior housing and adult congregate living facilities for the physically impaired, mentally retarded, developmentally disabled persons, or persons 60 years of age or older. The term shall not mean "nursing home," "intermediate care facility," or similar facility which provides medical care and support services to persons not capable of independent living.

Congregate living facility, Type 1 means a congregate living facility that provides a residence for no more than six (6) persons.

Congregate living facility, Type 2 means a congregate living facility that provides a residence for more than six (6) but less than fourteen (14) persons.

Congregate living facility, Type 3 means a congregate living facility that provides a residence 14 or more persons.

Congregate living personal services means assistance with or supervision of essential activities of daily living such as eating, bathing, grooming, dressing, and ambulating; supervision of self-administered medication and such other similar services as may be defined by the Florida Department of Health and Rehabilitative Services.

Consecutive water system means, for the purpose of Section 16.2 (Water Supply Systems), a water supply which receives water from some other water supply system, serves at least 15 service connections used by year round residents or serves at least 25-year round residents.

Consistency means, for the purposes of adequate public school facilities, the condition of not being in conflict with and in furtherance of the goals, objectives, and policies of the Comprehensive Plan and the School Concurrency Agreement.

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Construction means the placement, assembly, erection, substantial repair, alteration or demolition of a building or structure on land, the placement of concrete, asphalt, similar materials on land, or grading or earthwork of land.

Construction work means any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action to buildings or land.

Contaminant means, for the purpose of Section 16.2 (Water Supply Systems), any physical, chemical, biological or radiological substance or matter in water.

Contiguous means, but is not limited to, lands separated only by streets, easements, pipelines, power lines, conduits, rights-of-way under ownership of the land owner of one (1) of the subject parcels, a property owners association or a governmental agency, or a public utility. For density purposes only, contiguous means lots that share a common border. (Lots that touch point-to-point and lots which are separated by waterways, streets or major easements are not considered contiguous for density calculations.)

Contractor's storage yard means storage and accessory office performed by building trade and service contractors on lots other than construction sites.

Control device means the element of a discharge structure which allows release of water under controlled conditions.

Control elevation means the lowest elevation at which water can be released through a control device.

Convenience store means an establishment, not exceeding three thousand five hundred (3,500) square feet of gross floor area, serving a limited market area and engaged in the retail sale or rental, from the premises, of food, beverages, and other frequently or recurrently needed items for household use, excluding gasoline sales.

Convenience store with gas sales means an establishment, not exceeding 3,500 square feet of gross floor area, serving a limited market area and primarily engaged in the retail sale or rental, from the premises, of food, beverages, and other frequently or recurrently needed items for household use, including accessory gasoline sales.

Core facilities means, for the purposes of adequate public school facilities, the media center, cafeteria, toilet facilities, and circulation space of an education plant.

County means Palm Beach County, Florida.

County Health Director means the agency head of the Palm Beach County Public Health Unit (PBCPHU).

Covenant means a recordable instrument that runs with the land, binds the fee simple owner, heirs, successors, and assigns, and is recorded. It may include recorded Development Agreements or other agreements. Covenants may include Village of Wellington as a party or intended beneficiary, shall recite the benefit intended, and shall include any terms or conditions under which it may be released.

Cross-connection means, for the purpose of Section 16.2 (Water Supply Systems), any physical arrangement whereby any drinking water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the drinking water supply as the result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeable devices and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross-connections.

CRALLS means, for the purposes of Art. 15, a Constrained Roadway at a Lower Level of Service - a Major Thoroughfare on which a lower Level of Service is set as designated by Palm Beach County.

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Cul-de-sac means a dead-end street terminating in a circular vehicular turn-around.

Data and information processing means the use of an establishment for business offices of an industrial nature, including corporate centers, mail processing and telemarketing centers. Such uses are not frequented by the general public.

Day care center, general means an establishment, licensed by the Department of Health and Rehabilitative Services, which provides daytime or nighttime care, protection for 21 or more children or adults for a period of less than 24 hours per day on a regular basis.

Day care center, limited means an establishment, licensed by the Department of Health and Rehabilitative Services, which provides daytime care, protection and supervision for six (6) to 20 children or three (3) to 20 adults for a period of less than 13 hours per day on a regular basis. Limited day care centers do not provide nighttime care.

Day labor employment service means an establishment engaged in providing temporary day labor services for the construction or industrial trades.

Dead-end street see Street, dead-end.

Decision/order means an administrative act of any Board, unless otherwise noted, constituting final agency action consistent with their powers as described herein.

Density means the ratio of the number of dwelling units per acre of land.

Density bonus means density afforded by special density programs such as Transfer of Development Rights and Voluntary Density Bonus Program which is an increase in the residential density of development that the Council permits on a parcel of land over and above the maximum density PUD permitted by the Village of Wellington Comprehensive Plan as amended for the future land use category in which it is located.

Density, maximum level means the amount of density allowed by the Village of Wellington Comprehensive Plan, as amended from time to time.

Density, minimum level means the amount of minimum density that must be attained when land is developed pursuant to the Village of Wellington Comprehensive Plan, as amended from time to time.

Density, standard means the amount of density allowed by the Village of Wellington Comprehensive Plan, as amended from time to time.

Department means the departments and divisions of the Village which are assigned the responsibility of administering and enforcing this Code, generally referred to as the Planning Department.

Detention means the collection and temporary storage of stormwater runoff for the purpose of treatment and/or discharge rate control with subsequent gradual release directly to surface waters.

Detention/Retention means an area, typically basin-shaped, which is designed to capture substantial quantities of stormwater and to gradually release the same at a sufficiently slow rate to avert flooding.

Developer means any person, including a governmental agency, undertaking any development.

Developer's agreement means an agreement entered into among Village of Wellington, a service provider(s) and a person associated with the development of land pursuant to the terms of this Code.

Developer's engineer means a single engineering firm or a professional engineer registered in Florida, and engaged by the developer to coordinate the design and monitor the construction of the work required under Art. 8, Subdivision, Platting and Required Improvements.

Development means any proposed material change in the use or character of the land including, but not limited to land clearing or the placement of any structure or site improvement of land.

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Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of land, or the dividing of land into two (2) or more parcels.

Development means, for the purpose of impact fees, as the context indicates, either the carrying on of construction or any physical alteration of a building or structure; the result of such activity; a legally divisible parcel of land developed under a common plan; or the change in any use of a structure or land that increases the impact on capital facilities for which the particular impact fee is assessed. It includes the placement of a mobile home for dwelling purposes.

Development means, for the purpose of archaeological preservation, the definition in Sec. 380.04, Fla. Stat. as well as site preparation work consisting of excavation, earth moving, and the like. This definition shall not include: (1) the dividing of land into two (2) or more parcels.

Development means, for the purpose of Article 9, Environmental Standards, and Article 11, Adequate Public Facilities Standards, the definition in Sec. 380.04, Fla. Stat., except that it shall not include the following items listed therein:

- Demolition of a structure;
- Deposit of refuse, solid or liquid waste, or fill on the Parcel unless the valid Local Government Development Order is exclusively and specifically for such;
- Site preparation work consisting of excavation, earth moving, and the like unless tied to a contract for required improvements or backed by surety, or as part of a local development order; and
- Lot clearing.

Development agreement means an agreement entered into among the Village of Wellington, a service provider and a person associated with the development of land pursuant to the terms of this Code.

Development of regional impact means a specific type of development as defined in Sec. 380.06, Fla. Stat.

Development order means any order granting, denying, or granting with conditions an application for development permit as defined in Section 163.3164(7), Florida Statutes.

Development order, final means a development order for Site Plan/Final Subdivision Plan, or a building permit.

Development order, preliminary means a development order for an amendment to the Future Land Use Map, a planned development, a conditional use, a special use, a variance, a flood prevention permit, an environmentally sensitive lands permit, a wetlands permit, a wellfield protection permit, or a rezoning.

Development permit means any amendment to the text of this Code or rezoning, conditional use, special use, planned development, Site Plan/Final Subdivision Plan, subdivision, building permit, variance, special exception, certificate of conformity or any other official action of the Village of Wellington having the effect of permitting the development of land or the specific use of land.

Dewatered Domestic Wastewater Residuals means the solid, semisolid or liquid residue removed during the treatment of wastewater which is more than 12 percent or greater dry solids by weight. Not included is the treated effluent or reclaimed water from a domestic wastewater treatment plant.

Diameter at breast height (dbh) means the diameter of a tree trunk measured at a point four and one half (4.5) feet above the ground.

Director of Parks and Recreation means the agency head of the Village of Wellington Parks and Recreation Department.

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Director of Planning & Development Services means the Planning Director, or similar title. This individual is the department director for planning and zoning and may also direct code compliance, building, and other divisions as assigned by the Village Manager.

Director of Planning & Zoning means the Planning Director, or appointed representative, Planning and Development Services Director or similar title. This individual is the department director for planning and zoning and may also direct code compliance, building, and other divisions as assigned by the Village Manager.

Director of Water Utilities means the agency head of the Village of Wellington Water Utilities Department.

Directly Accessed means, for the purpose of Art. 15, the paved Link(s) that serve as the project's immediate and direct access or means of ingress and egress. Each access point of a project shall be considered to have access to at least one (1) Link provided that the access points of a project may be considered to share a common Link. If a given access point is not immediately connected to a directly assessed link, the first link or links connected shall be Links(s). If a project access point is connected to more than one (1) Link, project trips shall be assigned to the Links, and Links shall be determined to be directly accessed, in accordance with accepted traffic engineering principles.

Discharge structure means a structural device, constructed or fabricated from durable material such as concrete, metal, or decay-resistant timber, through which water is released to surface water from detention.

Dispatching office means an establishment principally involved in providing services off-site to households and businesses using land-based communication. Typical uses include janitorial services, pest control services, and taxi limousine, and ambulance services.

Disposition, off-site means the off-premises transportation of excavated material.

Disposition, on-site means the on-premise use of extractive or excavated material.

Distribution box means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a receptacle placed between a septic tank or other treatment receptacle and a drainfield to equalize the flow through two (2) or more lines of distribution pipe.

Distribution pipe means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), an open jointed or perforated pipe installed in a drainfield for dispersion of the effluent from a septic tank or other treatment unit.

District means any certain described zoning district of the Village of Wellington to which these regulations apply and within which the zoning regulations are uniform.

District park means those Village of Wellington facilities generally between 60 and 250 acres in size that primarily provide active recreational facilities and to a lesser degree some passive recreational facilities, where possible. Recreational facilities include special facilities such as competition pools, golf courses, or boat ramps and marinas, large groups of lighted fields or courts suitable for scheduled league activities, and adequate support facilities with bicycle and automobile parking areas and pedestrian paths to accommodate those using the park.

Disturbed excavated area means the total area altered by excavation activities.

Dock, private means a structure built on or over the water which is designed or used to provide no more than 10 boat slips, and anchorage for and access to one (1) or more boats belonging to the property owner. Necessary services such as water and other utilities are considered a part of a dock; which does not provide a fuel facility, however, no cooking, sleeping or business activity shall be permitted.

Domestic sewage means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), wastewater normally conveyed by drains and sewers, including bath, toilet wastes, laundry and kitchen wastes from residential use and waste from other household plumbing fixtures.

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Drainage basin means a sub-area of a watershed which contributes stormwater runoff to a watercourse tributary to the main receiving water.

Drain trenches means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a drainfield installation in which the effluent from the septic tank or other treatment receptacle is distributed in separate trenches.

Drainage easement see Easement, drainage.

Drainfield invert means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), the inside bottom of the distribution pipe at the lowest point in a drainfield.

Drainfield system means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a subsurface system designed to receive the effluent from a septic tank or other treatment receptacle for treatment and absorption through the soil. The system also includes distribution box, header pipe and automatic dosing device.

Drip line means a vertical line extending from the outermost branches of a tree to the ground, provided, however, that the same shall not be less than a ten-foot diameter circle which is drawn through the center of the trunk of a tree.

Drive-thru means any place of business which serves, sells or otherwise makes available its services or products to patrons situated in automobiles for their off-premise use or consumption.

Driveway, shared means a driveway that serves more than one (1) dwelling unit.

Drought-tolerant tree means a tree, excluding prohibited or controlled species, classified as very or moderately drought tolerant in the SFWMD Xeriscape Plant Guide.

Dry detention/retention means detention or retention of water in a storage facility which is designed, constructed, and operated to limit the duration of ponding within the facility so as to maintain a normally dry bottom between rainfall events.

Dwelling unit means one (1) or more rooms designed, occupied or intended for occupancy as separate living quarters, with only one (1) kitchen plus sleeping and sanitary facilities provided within the unit, for the exclusive use of a single family maintaining a household. Specialized residences, such as accessory apartments for the elderly or handicapped, congregate living facility quarters, groom's quarters, or migrant labor quarters shall not be considered "dwelling units" for the purpose of applying restriction on density contained in the Village of Wellington Comprehensive Plan or this Code.

Easement means any strip of land created by a subdivider or granted by the owner, for public or private access utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the land owner, subject to the right of use designated in the reservation of the servitude.

Easement, drainage means an easement establishing rights to collect, drain or convey surface water by means of natural or man-made facilities, including, but not limited to water bodies, water courses, canals, ditches, swales, storm sewers and overland flow. It also includes any fee interest of a governmental entity in land to collect, drain, or convey water.

Easement, lake maintenance means an expressed easement, created by plat dedication or other instrument of record, establishing access and use rights on or to the periphery of a water management tract for purposes of construction, maintenance, and repair of wet detention/retention facilities and appurtenant structures therein.

Easement, limited access means an easement established adjacent to a street for the purpose of prohibiting vehicular access to the street from abutting property except at those locations specifically authorized by the Village Council.

Easement, quasi-public means an easement granted to a property owners association in which the Village or public have some beneficial interest.

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Easement, public means an easement granted to a governmental entity, public agency, a utility, or the public.

Easement, utility means an easement established for the purpose of the installation, operation, repair, or maintenance of facilities and equipment used to provide utility services.

Easement holder or beneficiary means the grantee of an easement or persons directly benefiting from the existence of the easement.

Ecosystem means an assemblage of living organisms (plants, animals, microorganisms, etc.) and nonliving components (soil, water, air, etc.) that functions as a dynamic whole through which organized energy flows.

Educational Institution means for the purpose of the Adult Entertainment Establishment provisions of this Code, a premises or site within a municipality or within the unincorporated area of the Village upon which there is a governmentally licensed child care facility for six (6) or more children or elementary or secondary (k-12) school, attended in whole or in part by persons under 18 years of age.

Effective capacity means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), the volume of a treatment receptacle contained below the liquid level line.

Effective depth means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), the depth of a treatment receptacle measured from the inside bottom up to the liquid level.

Effective soil depth means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), the depth of satisfactory (slight or moderate limited) soil material lying above a non-pervious soil layer such as heavy clays, hardpan, muck or bedrock. Satisfactory soils do not impede the movement of air and water or the growth of plant roots.

Elderly person has the meaning given to it in Section 760.22(5)(a), Fla. Stat., as amended.

Electrical power facility means a principal use of property for an electrical generation, or transmission voltage switching station.

Elevated building means a non-basement building that has its lowest floor elevated above ground level by means of fill, solid foundation perimeter wall pilings, columns, posts or piers, shear walls, or breakaway walls.

Emergency work means work made necessary to restore land to a safe condition following a calamity, or work required to protect persons or land from imminent exposure to danger.

Emergency means any unusual incident which results in immediate danger to the health, safety, welfare or resources of the residents of the Village, including damages to, or erosion of, any shoreline resulting from a hurricane, storm, or other such violent disturbance.

Eminent domain proceedings mean either (1) those formal court initiated civil actions to acquire fee simple, easement, or right-of-way interest in land for governmental purposes, or (2) a voluntary conveyance of such in lieu of formal court initiated action.

Employee means for the purpose of the Adult Entertainment Establishment provisions of this Code, any person who works, performs or exposes his/her specified anatomical areas in an establishment, irrespective of whether said person is paid a salary or wages by the owner or manager of the business, establishment, or premises. "Employee" shall include any person who pays any form of consideration to an owner or manager of an establishment, for the privilege to work performing or exposing his/her specified anatomical areas within the establishment.

Employment center means an optional sector area land use zone intended to provide an appropriate location for workplace light industrial and professional office land uses that are more intensive in nature than workplace uses. Employment center uses are based upon a demonstrated need for employment within a sector area and are approved by the Village Council.

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Encroachment, vehicular means any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape or other area.

Encumber means to reserve or earmark funds for a specific expenditure or an identified development.

Energy conservation zone: A zone located no more than 22 feet from a structure in a 180 degree band from due east of the northeast point of the structure, to due south, to due west of the northwest point of the structure.

Enforcement Board means the Village of Wellington Code Enforcement Board.

Engineer means a person licensed and registered as a professional engineer in the State of Florida.

Enhancement means a human activity which increases one (1) or more natural functions of an existing wetland.

Enlargement or to enlarge means an addition to the floor area of an existing building, an increase in the size of any other structure, an addition of a use or an increase in that portion of a tract of land occupied by an approved use.

Entertainment, indoor means an establishment offering entertainment or games of skill to the general public for a fee or charge and wholly enclosed in a building, excluding fitness centers and gun clubs. Typical uses include bowling alleys, bingo parlors, movie theaters, pool halls, billiard parlors and video game arcades.

Entertainment, outdoor means an establishment offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses of an athletic nature include archery ranges, athletic fields, batting cages, golf driving ranges and tennis courts. Other uses include go-cart tracks, miniature golf courses, jet skiing, swimming pools, tennis courts and wind surfing but excluding gun clubs.

Environmental Site Assessment (ESA) means a comprehensive written report prepared by a qualified ecologist or biologist that identifies and discusses the quality of any natural features and wildlife existing on a site. (See Village of Wellington Natural Resource Protection Code Technical Guide.)

Equestrian arena means an establishment engaged in commercial spectator activities involving horse racing or equestrian shows, but excluding any establishment engaged in pari-mutual betting.

Establishment The site or premises on which the business is located, including the interior of the business, or portion thereof, upon which activities or operations are being conducted for commercial gain.

Establishment means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a single structure or a group of structures other than a single-family residence on one (1) or more parcels of land with common access, parking, drainage facilities and/or water supply.

Estate kitchen means an accessory use which is physically integrated within the main residence.

Excavate or excavation means any act by which material is cut into, dug, quarried, uncovered, removed, displaced, related or otherwise deliberately disturbed, including the conditions resulting therefrom. Excavation excludes agricultural plowing and site grading, demucking and canal dredging in preparation for construction.

Excavation, agricultural means excavation undertaken to support bona fide agricultural production operations including but not limited to the creation of canal laterals and roads, but excluding customary agricultural activities such as plowing and maintenance of canal laterals.

Excavation, commercial. see Excavation, Type III.

Excavation, Type I (A) means excavation necessary for the construction of a single family dwelling as permitted by right in any zoning district with a lot area greater than one (1.0) acre.

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Excavation, Type I (B) means excavation necessary for the creation of a pond which shall be accessory to a single family dwelling permitted by right in any zoning district on a lot greater than two and one half (2.5) acres.

Excavation, Type II means excavation necessary to implement a final site development plan.

Excavation, Type III means the mining, quarrying, developing of mines for exploration of nonmetallic minerals, except fuels, or other extractive materials primarily for commercial purposes, including but not limited to treating, crushing, or processing the material or off-site disposition for fill.

Excused absence means an absence by a member of an advisory board, or administrative or decision making body, due to illness, absence from the Village of Wellington, or personal hardship, if approved by official action of the advisory board, or administrative or decision making body.

Exfiltration system means any gallery, perforated or "leaky" pipe or similarly designed structure which is used to dispose of untreated stormwater by allowing the routed water to percolate by subsurface discharge directly or indirectly into the groundwater.

Expenditure means the irrevocable contractual obligation which requires the remittance of money by the applicant for services, goods, facilities, or fixtures, for the project; the post remittance of money for such.

FAC means the Florida Administrative Code.

Family means either a single person occupying a dwelling unit and maintaining a household, including not more than one (1) boarder, roomer, or lodger as herein described; or two (2) or more persons related by blood, marriage, or adoption occupying a dwelling, living together and maintaining a common household, including not more than one (1) such boarder, roomer, or lodger; or not more than four (4) unrelated persons occupying a dwelling, living together and maintaining a non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.

Farm residence means a dwelling unit, other than a mobile home, located on a parcel of land used for a bona fide agricultural use and occupied by the owner or operator of the farm operation.

Farm structure means any building or structure used for agricultural purposes excluding those used for residences.

Farm workers quarters mean one (1) or more residential structures located on the site of a bona fide agricultural use and occupied by year-round farm workers employed by the owner of the farm.

Fence means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Filling means the placement of any material in, on, or over a jurisdictional wetland.

Final site plan means the most recent site plan approved by the Development Review Committee.

Final subdivision plan means the most recent subdivision plan approved by the Development Review Committee.

Financial institution means an establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machine and drive-thru facilities.

Fire-rescue facilities mean the planning, engineering for, preparation of acquisition documents for, acquisition of land for, or the construction of fire-rescue facilities and the purchase of equipment necessary to meet the LOS for fire-rescue facilities.

Firewall means a wall of incombustible construction which subdivides a building or separates buildings to restrict the spread of fire and which starts at the foundation and extends continuously through

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all stories to and above the roof, except where the roof is of fireproof or fire-resistive construction and the wall is carried up tightly against the underside of the roof slab, pursuant to the Village of Wellington Building Code.

Fitness center means an enclosed building or structure generally containing multi-use facilities for conducting, including but not limited to, the following recreational activities: aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting service, bathhouse, food service, and the serving of alcoholic beverages consumed on the premises. This use also includes dance studios and karate schools.

Fixed mechanical equipment means mechanical equipment, such as an air conditioning unit, water cooling tower, swimming pool pump, irrigation pump, well water pump, fan, power generator or other similar power source equipment, permanently affixed to land, as distinguished from temporary, portable, non-fixed mechanical equipment.

Flea market, enclosed means retail sales within a building permanently enclosed by walls and roof in which floor space is rented to individual merchants to display and sell goods.

Flea market, open means an outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source. Terms associated with flooding include:

- **Frequent**, which means flooding which occurs more than once every two (2) years on the average;
- **Ten (10) year flood elevation**, which means that flood elevation which has a 10 in 100 probability of being equaled or exceeded in any calendar year.

Flood Hazard Boundary Map (FHBM) means the official map of the Village of Wellington, produced by the Federal Emergency Management Agency or by Palm Beach County, where the boundaries of the areas of special flood hazard have been designated as Zone A.

Floodplain means the land area adjacent to the normal limits of a watercourse or water body which is inundated during a flood event of specified magnitude or return period.

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

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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

Floor area means the gross horizontal square footage of all floors of a building measured from the exterior face of exterior walls or other type of enclosure, or from the centerline of a wall separating two (2) buildings.

Floor area ratio (FAR) means the ratio of the gross floor area of all structures on a lot to the lot area, excluding vertical core circulation areas for multistory structures.

Floor area, gross leasable means that portion of the total floor area designed and used for tenant occupancy and exclusive use, including any basements, mezzanines or upper floors but excluding

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stairwells, elevator shafts, equipment and utility rooms. The area shall be expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

Floor area, total leasable see Floor area, gross leasable.

Florida Inventory of School Houses (FISH) means the report of the capacity of existing facilities. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on using a percentage of the number of existing satisfactory student stations and a designated size for each program. In The Village, permanent capacity does not include the use of relocatables unless they meet the standards for long-term use pursuant to Section 235.061, Florida Statutes.

Food service means at least one (1) full meal being provided to each resident, every day, in a central dining area.

Foot candle means a unit of illumination that is equal to one (1) lumen distributed evenly over a one (1) square foot area.

Fossil means a remnant or trace of an organism of a past geological age.

Fruit and vegetable market, outdoor means an establishment engaged in the retail sale of fruits, vegetables and other agricultural food products.

Functions means the roles wetlands serve, including but not limited to flood storage, flood conveyance, ground water recharge and discharge, erosion control, wave attenuation, water quality enhancement and protection, nutrient removal, food chain support, wildlife habitat, breeding and habitat grounds for fishery species, and recreational values.

Funeral home or crematory means an establishment engaged in preparing the human deceased for burial and arranging and managing funerals.

Future Land Use Map means the official map upon which the boundaries of each district are designated and established as approved and adopted by the governing body, made a part of the official public records of the Village of Wellington, and shall be the final authority as to amend zoning status of land and water areas, buildings, and other structures in the Village and incorporated into this code by reference.

Garage, private see Carport/Private garage.

Garage sale means the casual sale of household articles by occupants of private households.

Garden trash means waste consisting or accumulation of leaves, grass, shrubbery, vines and trees, or parts thereof.

Gas and fuel, wholesale means the use of a site for bulk storage and wholesale distribution of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site.

Generic substance list means those general categories of substances set forth in Appendix 9.4. Wellfield Protection attached hereto and incorporated herein. The generic substance list is provided for informational purposes and may be revised from time to time by the Department without further action by the Village Council.

Glare means a discomforting condition which occurs when the brightness of a light contrasts with a low brightness background and makes it difficult for the human eye to adjust.

Golf course means a facility providing a private or public golf recreation area designed for executive or regulation play along with accessory golf support facilities, but excluding miniature golf.

Government services means buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. Typical uses include administrative offices of government agencies, public libraries, and police and fire stations.

Grade, finished, for the purpose of determining height, shall mean:

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- For parcels whose lot line adjoin one (1) street only, finished grade is the average of the natural grade measured from the center of the front property line to the center of the rear lot line.
- For parcels whose lot line adjoins more than street finished grade is the average natural grade of all measurement lines, measured from the property line(s) adjoining the street(s) to the opposite property line(s).

Grain milling or processing means facilities for processing and storing grain or other nonperishable crops. Typical uses include cotton gins and grain mills.

Grass means low growing plants which creep along the earth surface to form a solid mat or lawn. Only perennial grasses (those which live for more than one (1) growing season) shall qualify to satisfy the requirements of the Code.

Grassed parking means that portion of a development's required off-street parking requirement that meets the standards of Sec. 7.2. (Off-street parking regulations).

Grease trap means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a watertight receptacle or reservoir receiving wastewater from a kitchen or other source containing grease.

Greenhouse means an accessory structure consisting of a glass or hard plastic enclosure used to protect plants from insects, heat, cold and exposure to the sun.

Greenway means multi-purpose open space corridors of private and public lands, which may be located within a public right-of-way, an edge area, a landscape buffer, or an easement, and may contain pedestrian paths, bicycle facilities, jogging paths, equestrian paths and fitness trails. Greenways are employed to provide usable open space close to residential areas, and provide alternative access ways connecting a variety of uses, such as residential areas, parks, school, cultural facilities and employment centers. Greenways also provide aquifer recharge, preserve unique features or historic or archaeological sites, and can link urban rural areas.

Groom's quarters means on-site living quarters for persons responsible for grooming and caring for horses boarded at the stable.

Gross land area means the total area, including all public and private areas within the legal boundaries of a particular parcel of land or project.

Ground cover means low growing plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

Ground floor means a level of building, the floor of which is located not more than two (2) feet below or more than six (6) feet above finished grade.

Ground water means water beneath the surface of the ground within a zone of saturation where such water is at or above atmospheric pressure, whether within the voids between soil particles or within solution channels or fractures in rock.

Ground-level barrier means, for the purposes of Article 9, Environmental Standards, any natural or artificial structure rising above the ground which prevents beachfront lighting from shining directly onto the beach-dune system.

Groves/row crops mean the cultivation of fruits and vegetables for bona-fide agricultural purposes.

Grubbing means removal of vegetation from land by means of digging, raking, dragging or otherwise disturbing the roots of the vegetation and the soil in which roots are located.

Guaranty means sufficient funds over which the Village of Wellington has control irrevocably committed by written instrument to secure complete performance of a contract for required improvements, condition of a Development Order or Road Agreement.

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Guest cottage means accessory sleeping quarters provided for non-paying guests by the occupant of a principal single family dwelling unit. A kitchen or cooking facilities are not permitted in a guest cottage. A guest cottage shall be considered an accessory use to a single family home and shall comply with the supplementary use standards as outlined in Section 6.4.4.

Gun club, enclosed means an indoor facility used for the discharge of firearms or projectiles at targets.

Gun club, open means an outdoor facility used for the discharge of firearms or projectiles at targets.

Habitable room means a room occupied by one (1) or more persons for living, eating, sleeping, or working purposes. It does not include toilets, laundries, serving and storage pantries, corridors, cellars, and spaces that are not used frequently or during extended periods.

Handicapped person has the meaning given in Sec. 393.063(6) and Sec. 760.22(5)(a)(6) Fla. Stat.

Handicapped spaces means parking spaces designed, marked and reserved for exclusive use by persons properly registered as handicapped.

Hat racking means the severe cutting back of branches, making internodal cuts to lateral limbs leaving branch stubs.

HCM Manual means, for the purposes of Art. 15, the latest edition of the Highway Capacity Manual as published by the Transportation Research Board.

Health hazard means, for the purpose of Section 16.2 (Water Supply Systems), any condition, device, or practice in a water supply system or its operation which creates or may create an imminent or substantial danger to the health and well-being of the water consumer.

Heated or cooled area means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), the enclosed area of a dwelling unit, excluding the garage, carport, open or screened patios or decks, which is heated or cooled by mechanical systems designed to control or modify indoor temperature.

Heavy industry means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives, pulp and paper products, and radioactive materials; fat rendering plants; slaughterhouses and tanneries; steel works; and petroleum refineries.

Hedge means shrubs planted in a continuous line which will block at least 80 percent of a view in a maximum of two (2) growing seasons after installation.

Helipad/helistop means an area designated for the landing and departure of helicopters.

Heliport means an area designated for the landing or departure of helicopters, and including any or all of the area or buildings which are appropriate to accomplish these functions, including refueling.

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

Historical Growth Rate Table means, for the purposes of Art. 15, a table prepared by the County Traffic Division and /or the Village Engineer showing the preceding three (3) year's increase or decrease in average annual daily traffic on various links, based upon traffic counts and which provide the information to be used in projecting the background traffic during the buildout period of the proposed project.

Home instruction, inside means teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.

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Home instruction, outside means teaching which takes place outside the dwelling unit, on the property of the instructor. This type of instruction is limited to subject matter which necessitates outside instruction. Typical instruction includes tennis, swimming lessons, dog training and equestrian lessons.

Home occupation means a business, profession, occupation or trade conducted within a dwelling unit for gain or support by a resident of the dwelling unit pursuant to the limits of this code.

Hospital means a medical facility as provided in Section 395.002(12), Florida Statutes, as amended.

Hospital or medical center means a facility licensed by the State of Florida which maintains and operates organized facilities for medical or surgical diagnosis, care, including overnight and outpatient care, and treatment of human illness. A hospital is distinguished from a medical center by the provision of surgical facilities.

Hotel or motel means a commercial establishment used, maintained or advertised as a place where sleeping accommodations are supplied for short term rent to tenants, in which rooms are furnished for the accommodation of such guests, which may have as an accessory use one (1) or more dining rooms. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses.

Impact Fee Coordinator shall mean the Person appointed by the Village Manager to perform such functions as designated under this Ordinance or the designee of such Person.

Impervious surface means any area of land consisting of or covered by material that prevents absorption of water into the ground.

Incinerator means a permanent facility operated alone or in conjunction with a resource recovery facility or landfill for the purpose of burning biohazardous waste, solid waste or trash to ash as regulated by the Environmental Control Board under Ordinances 92-22 and 92-23.

Incompatibility of land use means issues arising from the proximity or direct association of contradictory, incongruous or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation and similar environmental conditions.

Inconsistent use means for the purpose of Sec. 6.5, Property Development Regulations, any and all construction not related to the purpose of the easement, and any and all landscaping other than turf grass (seed/sod).

Independent calculation/independent analysis means the data, analysis and report prepared by a fee-payer for the purpose of establishing a different impact fee amount.

Industrial equipment/heavy machinery means farm tractors and implements, bulldozers, drag lines, cranes, derricks, heavy earth moving equipment normally used in farming, excavation or heavy construction activities. For the purposes of this definition, all machinery that uses steel tracks for traction shall also be considered heavy machinery.

Industrial waste means waste generated from commercial and industrial operations, other than agricultural, including but not limited to the processing, manufacturing, packaging, repair, maintenance or production of marketable goods. Construction and demolition debris shall be considered industrial waste.

Industrial wastewater means, wastewater generated by commercial or industrial establishments as a result of manufacturing, preparation, processing, or handling of materials, chemicals and/or food products, and from cleaning or washing operations. Laundromats, food service establishments, bakeries and car wash facilities are specifically included in this definition.

Ingress means entry.

In-kind contribution means the conveyance, dedication, construction, placement, delivery or remittance of land, buildings, improvements, fixtures, personal property or money to the Village of Wellington or the Palm Beach County School Board for capital facilities for which impact fees are levied.

Intensity means the number of square feet per acre and specific land use for non-residential uses.

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Internal Trips means, for the purpose of Art. 15, trips from a Proposed Project that do not exit the Project or enter the Wellington Roadway system.

Inundation means the presence of water, in motion or standing, of sufficient depth to damage property due to the mere presence of water or the deposition of silt or which may be a nuisance, hazard or health problem.

Invasive non-native plant species or invasive non-native vegetation refers to those species defined as Category 1 invasive plant species by the Florida Exotic Pest Plant Council.

Irrigation system means a system of pipes or other conduits designed to transport and distribute water to plants.

Kennel, commercial means a commercial establishment, including any building or land used, for the raising, boarding, breeding, sale or grooming of such domesticated animals as dogs and cats, not necessarily owned by the occupants of the premises, for profit.

Kennel, private means any building used, designed or arranged to facilitate the non-commercial care of dogs or cats owned by the occupants of the premises.

Kitchen means that portion of a structure used or designed to be used for the preparation of food, and including or designed to include a stove, refrigerator and sink.

Kitchen, estate means an accessory kitchen physically integrated within the principal dwelling.

Laboratory means a designated area or areas used for testing, research, experimentation, quality control, or prototype construction, but not used for repair or maintenance activities (excluding laboratory equipment), the manufacturing of products for sale, or pilot plant testing.

Laboratory, industrial research means an establishment engaged in research of an industrial or scientific nature, other than medical testing and analysis and routine product testing, which is offered as a service or which is conducted by and for a private profit-oriented firm.

Lake finger means that portion of a dead-end water body which is less than 50 feet in width and longer than one and one-half (1½) times its width, as measured from the point at which the dead-end water body is less than 50 feet wide.

Lake maintenance easement see Easement, lake maintenance.

Land means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

Land application means the application or disposal of effluent or sludge on, above or into the surface of the ground through spray irrigation, land spreading, of other methods.

Land development permit means, for the purposes of Art. 8, the development permit issued by the Village of Wellington authorizing construction of required improvements for a subdivision.

Land development regulations mean ordinances enacted by the Village of Wellington for the regulation of any aspect of development and include any zoning, rezoning, subdivision, health, environmental, or sign regulations controlling the development of land.

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

Landscape architect means an individual engaged in the professional practice of landscape architecture. Such individual shall be licensed and currently registered within the state to practice under the bylaws as established by F.S. Chapter 481, Part II.

Landscape barrier means a landscape design feature constructed within a landscape buffer that is intended to channel pedestrian movement and impede vehicular access and to provide an abrupt

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transition between otherwise incompatible uses. A landscape barrier may consist of living plants (such as a hedge), structures (such as a wall or fence), or changes in grade (such as a berm).

Landscape buffer means a continuous area of land which is required by Sec. 7.3, Landscape and Buffering, to be set aside along the perimeter of a lot or parcel in which existing native vegetation, relocated native vegetation, and landscaping is used to provide a transition between and to reduce the negative environmental, aesthetic, compatibility and other impacts of one (1) use upon another. Buffers may contain both signage and pedestrian paths.

Landscape maintenance service means an establishment engaged in the provision of landscape installation or maintenance services, but excluding retail or wholesale sale of plants or lawn and garden supplies from the premises.

Landscaping means any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) or nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials). Landscaping may include the preservation and incorporation of existing trees, vegetation, or ecosystems into site development.

Laundry service means an establishment that provides home-type washing, drying, dry-cleaning, or ironing machines for hire, to be used by customers on the premises, or that is engaged in providing household laundry and dry cleaning services with customer drop-off and pick-up.

Legal access see Access, legal.

Legal positive outfall means the permanently established connection of a stormwater discharge conveyance facility serving a development site to a watercourse or water body under the control and jurisdiction of one (1) or more public agencies, said connection being subject to all applicable agency permitting and approval requirements.

Level of Service (LOS) means an indicator of the extent or degree of service provided by, or proposed to be provided by a public facility or service based on and related to the operational characteristics of the public facility or service. For the purposes of Art. 15, the measure of the functional and operational characteristics of a roadway or intersection based upon traffic volume in relation to road capacity or the amount of vehicle delay or average speed. For the purposes of adequate public school facilities, level of service shall mean the measure of the utilization, expressed as a percentage, which is the result of comparing the number of students enrolled in any school with the satisfactory student stations (FISH capacity) at a given location or within a designated area (i.e., a CSA); e.g., a facility with 1,000 students and a FISH capacity of 970, has a LOS of 103 percent, also referred to as the utilization of a facility.

Library services mean those services provided by the Palm Beach County Library Taxing District.

Light cutoff means a luminaire with elements such as shields, reflectors or refractor panels which direct light and eliminate light spillover and glare.

Limb means the same as the definition for branch.

Limited access easement see Easement, limited access.

Limited access street see Street, limited access.

Link means, for the purposes of Art. 15, the portion of a Wellington Roadway between two (2) Wellington Intersections.

Listed species means those plant and animal species indicated as endangered, threatened, rare, commercially exploited, or species of special concern by the Florida Fish and Wildlife Conservation Commission, the Florida Department of Agriculture and Consumer Services or the United States Fish and Wildlife Service.

Litter means any garbage, rubbish, trash, refuse, can, bottle, box, container, paper, tobacco product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood,

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motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, or air pollution control facility, or substance in any form resulting from domestic, industrial, commercial, mining, or government operations.

Littoral Zone means that region of the shoreline beginning at the OHW and extending waterward to a maximum depth of minus three (-3) feet OHW.

Live/Work Unit means a residential dwelling unit combining residential living space with and accessory work space used by one (1) or more of the residents of the dwelling unit.

Livestock raising means the breeding, raising and caring for animals that are used for products. Livestock shall also include horses.

Loading space means the off-the street area designated for loading and unloading of trucks, in the form which may include one (1) or more truck berths located either within a building or in an open area on the same lot.

Local government means the Village of Wellington.

Local government development order means a Development Order properly issued by the Village through procedures established by Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by the Village of particular detailed development concept. It shall include Affidavits of Exemption and Subdivision approval. It typically involves the submission and review of a master plan, site plan, or building plans, but may not necessarily involve such. It shall not include land use designations established by a Local Government's Comprehensive Plan. It does not include comprehensive general rezoning/district boundary changes initiated by the Village. It typically involves a petition of the land owner for his property alone and not adjoining properties. It does not include vegetative removal, clearing, grading or demolition permits.

Local government comprehensive plan means the Comprehensive Plan of a local government adopted pursuant to Sec. 163.3161, et seq. Fla. Stat.

Local planning agency means the local planning agency designated by the Village of Wellington to prepare the Comprehensive Plan pursuant to Sec. 163.3161, et seq., Fla. Stat.

Local street see Street, local.

LOS for Rural Service Area means the LOS established for the areas identified as the Rural Service Area in the Future Land Use Map of the Comprehensive Plan.

LOS for Urban Service Area means the LOS established for those areas identified as the Urban Service Area in the Future Land Use Map of the Comprehensive Plan.

Lot means the smallest division of land identified as a single unit of ownership for conveyance and legal development purposes, and delineated by a closed boundary which is either:

- Depicted on a record plat;
- Depicted on a survey, map, or drawing for which an affidavit or waiver or affidavit of exemption has been recorded; or
- Described on a recorded deed or agreement for deed.

The total area of abutting lands joined pursuant to a recorded unity of title shall be deemed a single lot for the purposes of this code. As used herein, the term shall be synonymous with the terms "plot," "parcel," or "tract" when referring to lands within a closed boundary not further divided by one (1) or more interior property lines.

Lot area means the total horizontal area included within lot lines.

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Lot, corner means either a lot bounded entirely by streets, or a lot which adjoins the point of intersection of two (2) or more streets.

Lot depth means the horizontal length of a straight line drawn from the midpoint of the front property line of a lot to the midpoint of the rear property line.

Lot frontage means that side of the property line abutting a legally accessible street right-of-way. On a corner lot, the frontage may be designated by the owner, subject to the approval by the Zoning Division who will determine whether it is consistent with the orientation of the other lots and improvements on the same side of the accessible street right-of-way.

Lot, interior means any lot neither a corner lot nor a through lot.

Lot line, front means the lot line adjacent to a street.

Lot line, interior means any lot line not adjacent to a street.

Lot line, rear means that lot line which is opposite, generally parallel to, and most distant from the front lot line.

Lot, through (double frontage) means any lot having frontage on two (2) nonintersecting streets.

Lot width means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear property lines.

Lounge, cocktail means a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, lounges, and similar uses other than restaurants or alcohol sales for off-premises consumption. A cocktail lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.

Luminaire means a complete lighting unit, consisting of a light source and all necessary mechanical, electrical and decorative parts.

Machine or welding shop means a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.

Machinery, heavy see Industrial equipment.

Wellington Intersection means, for the purposes of Art. 15, the intersection of two (2) or more Wellington Roadways or the intersection of a Wellington Roadway with a County or State Major Thoroughfares.

Wellington Roadways means for the purposes of Art. 15, either:

- All streets as defined in the Wellington Roadway Analysis Map as it may be amended from time to time;
- All roadways that function as Wellington Roadways as determined by the Village Engineer based on the following criteria:
 1. Provides continuity of an existing roadway;
 2. Provides connectivity to other Links of the roadway network;
 3. Carries or is projected to carry a volume of at least 800 peak hour directional trips.

All proposed and approved roads that would, if built, function as arterials and major collectors during the buildout period of the proposed project as determined by the Village Engineer in accordance with accepted traffic engineering principles.

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Manufactured building means a closed structure, building assemble, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured with or without other specified components, as a finished building or as part of a finished building, which is used as a dwelling unit or residence or office. This above definition does not apply to mobile homes. Manufactured building may also mean, at the option of the manufacturer, any dwelling unit or residence of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.

Manufacturing and processing means an establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include factories, large-scale production, wholesale distribution, publishing and food processing.

Map of known archaeological sites means a map adopted as part of this ordinance and updated as needed identifying known archaeological sites in the Village of Wellington.

Marginal access street see Street, marginal access.

Marina see Marine facility.

Marine facility means a commercial facility relating to boating. Typical uses include boat docks, marinas, boatyards, yacht clubs and marina boatels.

Mass transit facilities mean the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or the construction of or purchase of mass transit facilities and equipment necessary to meet the LOS for mass transit facilities.

Master property owner's association means a Property Owner's Association of which membership is mandatory with the ownership of property subject to the Master Property Owner's Association and which has the authority to represent the members and bind the members by such representation.

Material, excess means excavated material not required for backfill or grading of the premises as determined by a final site plan.

Material, extractive or excavated means earth, sand, gravel, rock, shellrock, muck, or other mineral or organic substance, other than vegetation, which naturally occurs upon a lot.

Maximum contaminant level means, for the purpose of Section 16.2 (Water Supply Systems), the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a water system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

Maximum day means, for the purpose of Section 16.2 (Water Supply Systems), the highest day of water consumption within any 24 hour period from midnight without fire flow expected or recorded by the water supply system.

Medical or dental office or clinic means an establishment where patients, who are not lodged overnight are admitted for examination and treatment by one (1) person or group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida.

Medical or dental laboratory means a facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.

Meeting hall means a building designed for public assembly.

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Mezzanine means a low-ceilinged story between two (2) main stories of a building. A mezzanine shall be counted as one (1) story if it covers more than one-third (1/3) of the area of the floor next below.

Migrant farm labor quarters means one (1) or more residential buildings occupied or intended for seasonal occupancy by transient farm workers who are employed by the owner of the farm.

Military installation means a facility designed for use by a branch of the Armed Forces.

Mined lake means a body of water, excluding canals of conveyance, greater than one (1) acre in size or greater than six (6) feet in depth from OHW and which will remain open for longer than 180 days. Multiple (more than one (1)) bodies of water constructed on a parcel or parcels of property under common ownership or control shall be considered a mined lake when such water bodies have a combined surface area greater than one (1) acre.

Mined lake, existing means a lake constructed, under construction or to be constructed under a permit of a jurisdictional agency prior to the effective date of Sec. 7.6 (Excavation).

Mining operation means the extraction of subsurface materials for use at a location other than the immediate construction site.

Minor street see Street, minor.

Minor vehicle repair and related services means limited vehicle repairs, including tire repair and changing, belt, water pump and steering pump replacement, electrical system repair, tune-ups, oil changes, light bulbs and headlight replacement, fluid replacement and similar minor services including the hand washing, waxing or detailing of a vehicle. Such services as paint and body work, reupholstering of seats, replacement of roof linings, replacement or rebuilding of engines, transmission repair, muffler replacement, and brake repair shall not be considered minor repair.

Mitigation means an action or series of actions that will offset the adverse impacts to the native upland ecosystems in the Village of Wellington that cause a project to be not approved.

Mixed use means a group of different uses of land within a building for which applications for development permits are sought.

Mobile home means a detached, transportable single family dwelling unit, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.

Mobile home dwelling means the use of a lot or a unit for one (1) mobile home.

Mobile minor vehicle repair and related services means a business which travels to the customer's vehicle in order to perform minor repairs or related services.

Monument sales, retail means an establishment primarily engaged in the retail sale of monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, gargoyles and ledges, for placement on graves, including indoor or outdoor storage.

Motion picture production studio means the use of a lot or building for the production of films or videotapes for exhibition or sale.

Motor vehicle shall have the meaning ascribed by the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida.

Mound system means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a drainfield system in which the distribution pipe is installed in fill material above natural grade.

Mulch means nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture,

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Multifamily means the use of a structure designed for two (2) or more dwelling units which are attached, or the use of a lot for two (2) or more dwelling units excluding mobile homes. Typical uses include apartments and residential condominiums.

Municipality means a general purpose local governmental entity created by the State Legislature and governed by Sec. 166.01, et. seq., Florida Statutes. For the purposes of adequate public school facilities, municipalities means all municipalities in Palm Beach County, except those that are exempt from participating in the school concurrency program, pursuant to Section 163.3180, Florida Statutes.

Native plant materials mean that material recognized as such by the Florida Department of Agriculture.

Native plant species see Plant species, native.

Native upland vegetation means the plant component of a native Florida upland community (a characteristic assemblage of native plant and animal species which are interrelated and occupy predominantly upland terrain), which includes intact upland vegetation include, but are not limited to, Florida scrub, pine flatwoods, scrubby flatwoods, coastal dune and strand, hammocks (natural, tropical, mesic, and hydric), dry prairies, and drained cypress heads.

Natural area means waterways, wetlands, nature preserves, and other lands designated on the preliminary development plan to be preserved in perpetuity.

Neighborhood means the developed and undeveloped areas of a TND, including the "neighborhood proper", adjacent "edge areas", and adjacent through streets. A TND may consist of one (1) or more neighborhoods.

Neighborhood park means the smallest class park that is less than 10 acres in size and usually less than five (5) acres. Recreational facilities are generally few in number due to size restraints and developed according to the demands and character of the neighborhood that they serve.

Neighborhood proper means the area of a neighborhood, including its blocks, streets, alleys, squares, and parks, but excluding adjacent edge areas and through streets.

Net Trips means, for the purposes of Art. 15, Project Trips minus Pass-by Trips and the Previous-Approval Traffic or traffic from the Existing Use established in accordance with Section 15.2.2.

Net usable land means, for the purpose of Section 16.1 (Environmental Control Rule I), the total area of a parcel less all street, wet areas, canals, right-of-ways, drainage easements and other impairments to the owner's unrestricted use thereof as a building site.

New capital facilities means newly constructed, expanded or added capital facilities which provide additional capacity. New capital facilities shall not include that portion of reconstruction or remodeling of existing facilities that does not create additional capacity.

New construction means structures for which the start of construction commenced on or after the effective date of this code.

New manufactured home park or manufactured home subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, or the construction of streets) is completed on or after the effective date of this code.

News stand or gift shop means a small establishment, occupying no more than 1,500 square feet of gross floor area, primarily engaged in the retail sale of gifts, novelties, greeting cards, newspapers, magazines or similar items.

Noncombustible refuse means wastes that are unburnable at ordinary incinerator temperature (800 to 1,800 degrees F) such as metals, mineral matter, appliances, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeping or to operation of stores or offices.

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Non-commencement means the failure to begin, or the discontinuation of, construction activity that would make a material change in a structure as evidenced by the cancellation, lapsing, or revocation of a building permit; or the failure to begin, or the discontinuation of, any other land use activity that would make a material change in the use of land. It shall include the over-payment of an impact fee due to miscalculation.

Non-community water supply means, for the purpose of Section 16.2 (Water Supply Systems), a water system for provision of piped water under pressure for human consumption, culinary, sanitary or domestic purposes that serves at least 25 individuals daily at least 60 days out of the year but is not a community water system.

Nonconforming lot means a single lot, tract or parcel of land of record that was conforming at the time of its creation, but which fails to meet the requirements for area, width or depth under the current district regulations of this Code or the Comprehensive Plan.

Nonconforming structure means a structure that was lawfully established before this Code was adopted or amended, that does not conform to the property development regulations of area, height, lot coverage, yard setbacks, lot location, parking, or other dimensional requirements for the zoning district in which it is located.

Nonconforming use means a use that was lawfully established before this Code was adopted or amended which does not conform to the use regulations of the zoning district in which it is located.

Nonconformities mean uses of land, structures, lots and landscaping that were lawfully established before this Code was adopted or amended, that are not in conformity with the terms and requirements of this Code.

Nonplan collector street see Street, collector, nonplan.

Nonputrescible materials mean materials incapable of decomposition or causing environmental nuisances or obnoxious odors.

Nonresidential activity means any activity which occurs in any building, structure or open area which is not used primarily as a private residence or dwelling.

Non-transient non-community water supply means, for the purpose of Section 16.2 (Water Supply Systems), a water system for provision of piped water under pressure for human consumption, culinary, sanitary, or domestic purposes that regularly serves at least 25 of the same person over six (6) months per year but is not a community water system.

Nursery, retail means the cultivation, for wholesale or retail sale, of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes.

Nursery, wholesale means the cultivation for wholesale sale of horticultural specialties such as flowers, shrubs, sod, and trees, intended for ornamental or landscaping purposes.

Nursing or convalescent facility means an establishment where, for compensation pursuant to a previous arrangement, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.

"O" Horizon means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), the layer of organic matter on the surface of a mineral soil. This soil layer consists of decaying plant residues.

Off-site improvements means improvements constructed outside of the boundaries of the project which are required as a part of a development approval.

Office means a building used primarily for conducting the affairs of or the administration of a business, organization profession, service, industry or similar activity.

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Office, business or professional means an establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include property and financial management firms, employment agencies, travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations.

Office of industrial nature means an establishment providing executive, management, or administrative support, but not involving medical or dental services, the sale of merchandise, or professional services (business or professional offices). Typical uses involve corporate headquarters or other similar offices whose function does not include frequent visits by the public or the provision of services.

Off-street loading space means the stall and berth along with the apron or maneuvering area incidental thereto.

One-foot drawdown contour means the locus of points around a well or wellfield where the free water elevation is lowered by one (1) foot due to a specified pumping rate of the well or wellfield.

On-site sewage disposal system means, for the purpose of Section 16.1, a system of piping, tanks, or treatment devices and a drainfield for treatment and disposal of domestic sewage.

Open space means unbuilt land reserved for but not limited to one (1) or more of the following uses: conservation, passive recreation, protection, ornamentation (i.e., scenic corridor), linkage and buffer/development barrier use and water retention.

Open to the public means those park acres developed according to the Park and Recreation Department's adopted Park Master Plan and made available to the general public for specific recreational purposes whether for a fee or free of charge.

Operating permit means the permit required of certain activities to operate within wellfield zones, the criteria for which are set forth under Sec. 9.6.

Ordinary High Water (OHW) means, for areas with an established control elevation, the control elevation will be the OHW. For areas without an established control elevation, the wet season water table prior to the excavation activity will be OHW.

Original value of the structure means the value of the structure at the time it was issued a Certificate of Occupancy, based upon an appraisal by a Member of the Appraiser's Institute (MAI).

Outbuilding means, for the purpose of Sec. 6.8.4, a detached accessory building constructed on a residential lot housing a garage, accessory apartment or handicapped or elderly apartment.

Owner means the owner of the freehold estates, as appears by deed of record, or agreement for deed. It shall not include short-term lessees, reversioners, remainderman, or mortgagees. It shall include lessees with a lease of more than 25 years.

Owner, motor vehicle means the person to which the motor vehicle is registered on the motor vehicle certificate of title and shall include, if under lease, rental agreement or loan under any other type of arrangement, gratuitous or otherwise, the person having possession or control of the vehicle.

Package wastewater treatment facility means a facility consisting of a prefabricated wastewater treatment unit and on-site disposal system, intended to provide sewer service to a single development which does not have central sewer service available.

Package, water treatment facility means a facility consisting of a prefabricated water treatment unit, intended to provide water service to a single development which does not have central water service available.

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Packing plant means a facility, accessory to bona fide agriculture, used for the packing of produce not necessarily grown on site.

Pain Management Clinics: A privately owned pain management clinic facility or office which advertises in any medium for any type of pain management services or employs a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications and is required to register with the Florida Department of Health pursuant to Section 458.309(4) or Section 459.005(3) Florida Statutes (2009), as amended from time to time. A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain, or for more than 90 days after surgery.

Parcel means a unit of land legally established property lines.

Parcel Control Number means a Palm Beach County identification number assigned for each parcel of land.

Park means for the purpose of the Adult Entertainment Establishment provisions of this Code, a tract of land within a municipality or unincorporated area which is (1) kept for ornament and/ or recreation, and which is open to the public, whether or not the land is publicly owned, or (2) land privately owned which is kept for ornament and/ or recreation purposes and which is limited to surrounding landowners. A playground shall be considered a park.

Park means a developed or planned site owned by a governmental entity that offers the general public an opportunity to partake in a variety of recreational activities that may be active, passive, or special in nature in a safe and convenient manner that is compatible with its environs.

Park, neighborhood means, for the purpose of Sec. 6.8.4, an open space area providing passive and active recreation and usable open green space within walking distance of housing.

Park, passive means a public or private outdoor recreational use relying on a natural or man-made resource base and developed with a low intensity of impact on the land. Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relates to the natural qualities of the area, and support facilities for such activities.

Park, public means a publicly-owned or operated park or beach providing opportunities for active or passive recreational activities to the general public.

Parking garage, commercial means a building or other structure that provides temporary parking or storage for motor vehicles, where some or all of the parking spaces are not accessory to another principal use.

Parking lot means an off-street, private or public area constructed at grade which is used for the temporary parking of automobiles, motorcycles and trucks. Parking lots include access aisles, ramps, maneuvering and all vehicle use areas.

Parking lot, commercial means a paved area intended or used for the off-street parking or storage of operable motor vehicles on a temporary basis, other than accessory to a principal use.

Parking lot, shared or common means a parking lot or area that serves more than one (1) lot, use or residential dwelling.

Parking, off-street means the minimum number of parking spaces per land use as required by this section.

Parking space means a surfaced or grassed area, enclosed or unenclosed, sufficient in size and approved to store one (1) motor vehicle.

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Parking tract means a parking lot delineated on a plat or otherwise created by instrument of record for the purpose of providing common vehicular parking and legal access for owners of abutting lots.

Pass-by Trips means, for the purposes of Art. 15, trips generated by a proposed project which are passing trips already on the road LINK on which the proposed project is located.

Passive recreation and observation uses means activities, such as walking, hiking, and bird watching, which rely on the natural qualities of the area for enjoyment and have a low impact on the land.

Patio means an open unoccupied space which may be partially enclosed by wall, fence, or building and not considered part of the residential living structure.

Patio home see Zero lot line dwelling.

Peak Hours means, for the purposes of Art. 15, the period as established pursuant to Section 15.4.4.

Peak Season means, for the purposes of Art. 15, the time from January 1 through March 31, inclusive.

Percolation pond means an artificial impoundment similar to a holding pond for which the design and operation provides for fluid losses through percolation of seepage.

Percolation test means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a test conducted in compliance with Section 11 hereof to determine the rate of percolation or seepage of water through soils in the area of the drainfield, the result of which test is expressed as time in minutes per one-inch drop of water.

Performance security means funds irrevocably committed by written instrument that are sufficient to secure the complete performance of a contract or condition of a development order, Development Agreement, or covenant. Performance securities shall be denominated in United States dollars. The form of the security shall be approved by the Village Attorney, and may include:

- An irrevocable letter of credit;
- An Escrow Agreement;
- A Surety Bond;
- A cash bond; or
- Any other form of comparable security.

Person means any individual, public or private corporation, governmental agency, business trust, estate, trust, partnership, association, property owners' association two (2) or more persons having a joint or common interest, governmental agency, or any other legal entity.

Person means for the purpose of the Adult Entertainment Establishment provisions of this Code, includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and all other or any other similar entity.

Personal services mean an establishment engaged in the provision of frequently or recurrently needed services of a personal nature, or the provision of informational, instructional, personal improvement or similar services, which may involve the limited accessory sale of retail products. Typical uses include art and music schools, beauty and barber shops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons.

Pervious surface area means all that area of land that can be landscaped or planted, allows natural passage through by water, and is not covered by nonpervious manmade materials or structures, such as buildings or paving.

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Phased development means development which is designed, permitted or platted in distinct, sequential stages to be developed over a specified period of time.

Plan means the Village of Wellington Comprehensive Plan as amended from time to time.

Plan collector street see Street, plan collector.

Planned Development means a planned development district or a previously approved planned development. A regulation containing the term "planned development" means that the regulation applies to a planned development district and a previously approved planned development.

Planned Development District means a zoning district which is approved pursuant to the policies and procedures of Section 6.8, Planned Development Districts of this code including: PUD, Residential Planned Unit Development District; TND, Traditional Neighborhood Development District; MXPD, Mixed-Use Planned Development District; MUPD, Multiple Use Planned Development District; PIPD, Planned Industrial Park Development District; MHPD, Mobile Home Park Planned Development District; RVPD, Recreational Vehicle Park Planned Development District; and, SWPD, Solid Waste Disposal Planned Development District.

Planning & Development Services Director means the department head of the divisions including, but not limited to, planning and zoning, code compliance, and building, as directed by the Village Manager. For the purposes of the Land Development Regulations, references including "Planning Director", "Planning & Zoning Director", "Growth Management Director", "Executive Director" or "Director of Community Services" or similar title as directed by the Village Manager.

Planning & Zoning Manager means the division head of the Village of Wellington Planning & Zoning Division.

Plant species, controlled means those plant species, as listed in Sec. 7.3 (Landscaping and Buffering), that are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.

Plant species, native means any plant species with a geographic distribution indigenous to all or part of South Florida. Plant species which have been introduced by man are not native vegetation.

Plant species, prohibited means those species as defined in the landscape section of this code, as being demonstrably detrimental to native plants, wildlife, the ecosystem or public health, safety, or welfare.

Plat means a map or delineated representation of the subdivision of lands, being a complete, exact representation of the subdivision and other information in compliance with the requirements of all applicable provisions of Art. 8 and Chapter 177, Fla. Stat., and may include the terms "replat," "amended plat," or "revised plat."

Plat, boundary means a map or delineated representation for recordation of a single lot for development purposes prepared, approved, and recorded in accordance with requirements and procedures for a plat pursuant to Art. 8 and Chapter 177, Fla. Stat.

Plat, final means a finished plat including all signatures required for recordation except those signifying approval by the Village.

Plat, preliminary means a copy of the plat in sufficient form to readily compare the plat with the subdivision plan and construction plans.

Plat of record means a plat which conforms to the requirements of the applicable state laws and Art. 8, Subdivision, which has received all required Village approvals for recordation, and which has been placed in the official records of the Village of Wellington and Palm Beach County Clerk of the Courts.

Pole trailer shall have the meaning ascribed by the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida.

Pollutant means any substance which is harmful or threatening to plant, animal or human life.

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Porch means an unairconditioned, roofed structure attached to a dwelling unit.

Positive drainage means the provision of a stormwater management system which conveys stormwater runoff to a point of legal positive outfall.

Potable water facilities mean the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of potable water facilities necessary to meet the LOS for potable water facilities.

Pottery shop, custom means an establishment engaged in the manufacture of products from clay.

Potting soil manufacturing means an establishment engaged in producing potting soil, including the use of incineration.

Preliminary development plan means a generalized depiction of use categories presented to the appropriate review body for planned development districts, previously approved planned developments (master plans and site plans), and conditional use A and B approvals.

Premises mean any lot, area, or tract of land whether used in connection with a building or not.

Preservation management plan means a plan that will provide for the perpetual viability of a designated preserve area including the ongoing control of invasive non-native plant species.

Preserve or preserve area means that portion of native vegetation which is required to be set aside from development or other alteration activities, protected from the removal of any native plant species, managed to maintain viability for wildlife habitat, and maintained free of non-native plant species.

Previously Approved Planned Development means a Planned Development approved by rezoning, special exception or conditional use prior to the effective date of this code. Previously Approved Planned Developments include: Planned Unit Developments; Traditional Neighborhood District Developments; Mixed-Use Developments; Planned Neighborhood Commercial Developments; Planned General Commercial Developments; Large Scale Community and Regional Shopping Center Developments 30,000 square feet and 50,000 square feet; Planned Office Business Park Developments; Planned Industrial Park Developments; Planned Industrial Park District Developments; Mobile Home Rental Park, Condominium, and Conditional Use Developments; Recreational Vehicle Park Developments; Sanitary Landfill, Resource Recovery Facility, Volume Reduction Plant and Incinerator Developments; and other special exceptions, or conditional uses approved prior to the effective date of this code which support land uses regulated by Sec. 6.8.

Previous Approval means, for the purposes of Art. 15 a development order which in the unincorporated area received a Concurrency Exemption Determination based on a development order for which completed application was made prior to or on May 21, 1987. It does not include an amendment or amendments to a Previous Approval applied for after May 21, 1987; and in the incorporated area is a valid development order formally approved by a municipality which either:

- 1) for which a complete application was made to, and accepted by, a Municipality, prior to February 1, 1990; or
- 2) in the case of a Development of Regional Impact, a Development of Regional Impact which received a report and recommendation by the Treasure Coast Regional Planning Council prior to February 1, 1990, all pursuant to formally established procedures pursuant to the Municipality's land development regulations. It does not include applications for Site Specific Development Orders on a lot subject to an Interlocal Agreement entered by the municipality and the County, after May 21, 1987, as a result of an annexation where the agreement requires compliance with traffic performance standards. It does not include an amendment or amendments to a Previous Approval applied for on or after February 1, 1990.

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Previous Approval Traffic means, for purposes of Art. 15, Project Traffic resulting from units or square footage of a Previous Approval established pursuant to Section 15.2.2. of this Article.

Previously Captured Project means, for purposes of Art. 15, a Project approved after February 1, 1990.

Principal use see Use, principal.

Printing and copying services means an establishment engaged in retail photocopy, reproduction, or blueprinting services.

Privacy fence or wall means a structural barrier of an opaque quality, constructed such that the privacy of the area to be enclosed is maintained.

Private street see Street, private.

Private water system means, for the purpose of Section 16.2 (Water Supply Systems), a well, spring, cistern or other similar source of water and appurtenances of piped water for human consumption and other domestic purposes used only by individual family units including private homes, duplexes and a building of four (4) family units or less.

Project means a land use or group of land uses involving the development of a particular parcel of land at a particular density which was granted a Valid Local Government Development Order, or which substantially complies with applicable provisions of the Village of Wellington LDR as determined by the Planning & Zoning Director.

Project Traffic/Project Trips means, for the purposes of Art. 15, the number of trips generated by the proposed project (this includes reductions for internal trips). In the event no specific use, size, or density is proposed, the maximum Trips possible under the development order shall be Project Traffic. Project traffic shall be generated using the latest edition of Trip Generation handbook published by the Institute of Transportation Engineers unless local trip generation rates are documented.

Prop root means the structures originating below the lowest limbs of the red mangrove that are also known as stilt roots.

Property owners' association means an organization recognized under the laws of the State, operated under recorded maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, home, property or any other interest, is automatically a voting member, and each such member is automatically subject to a charge for a prorated share of expenses, either direct or indirect, for maintaining common properties within the subdivision, such as roads, parks, recreational areas, common areas and other similar properties. Within the text of this Code, a property owners' association is considered to be a single entity for property ownership. As used in this Code, the term "property owners association" shall also be deemed to include a homeowners' association, condominium association or cooperative (apartment) association, as defined in Chapter 711, Fla. Stat., as amended, having a life tenure of not less than 20 years, as well as a third party having an agreement with a condominium or cooperative association as permitted by Chapter 711, Fla. Stat., as amended.

Proportionate Share Program means, for the purposes of Art. 15, the established method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors as required by and in a manner consistent with §163.3180, F.S. and as detailed in Section 15.6.

Proposed New Residential Development means any application for residential development or amendment to a previously approved residential development that increases the number of housing units. This shall include any request for any approval of the type that establishes a density of development and which approves a site-specific development order on a specific parcel of property.

Pruning means the removal of plant parts, dead or alive, in a careful and systematic manner so as to not damage other parts of the plant.

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Public agency means any government or governmental agency, board, commission, authority or public body of the Village of Wellington, Palm Beach County, the State of Florida, or of the United States government, or any legally constituted governmental subdivision or special district.

Public easement see Easement, public.

Public facilities means capital facilities including but not limited to for roads, parks and recreation, fire-rescue, library, law enforcement, public buildings, and school sites.

Public Facilities Agreement means an agreement entered into by the Village of Wellington or a Service Provider and a developer or landowner for the purpose of ensuring public facility capacity is reserved for a proposed development.

Public Health Unit means the HRS/Palm Beach County Public Health Unit.

Public street see Street, public.

Public utility means an entity owning, operating, managing or controlling a system or proposing construction of a system that is providing or proposing to provide water or sewer service, electricity, natural or manufactured gas, or any similar gaseous substance, telephone, telegraph or other communication service to the public for compensation.

Public works projects means projects that may be conducted by government agencies or are linear projects, such as pipelines, transmission lines, telephone lines, etc., that are constructed for no single property.

Quasi-public easement see Easement, quasi-public.

Quasi-public use means a use or group of uses open for general public use, such as stadiums, amphitheaters, civic centers, and colleges. It does not include shopping centers or other retail uses, and hotels.

Queuing area means a one-way aisle that provides a waiting area for a specified number of cars.

Raised basement means, for the purpose of Sec. 6.8.4, a semi-underground story of a building.

Reclamation means increasing land use capability to be made suitable for development, by changing the land's character or environment through drainage, fill or revegetation.

Recreation and park facilities mean the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of buildings and park equipment necessary to meet the LOS for Urban Park and Recreation Facilities and Rural Park and Recreation Facilities.

Recreation facility means a facility designed and intended for use by occupants of a residential development. Typical uses include golf courses, swimming pools and tennis courts and required recreational areas.

Recreational vehicle means any vehicle designed as a temporary living quarters for recreational, camping or travel use, which is self-powered or is mounted on or drawn by another vehicle.

Recreational vehicle park means a land area under unified control designed and intended to accommodate short-term, overnight parking of recreational vehicles and not for permanent residential use.

Rectified Plan means, a site plan, master plan or subdivision plan submitted to the Development review Officer and/or the Village Engineer for final administrative approval, following project approval by the Village Council. A rectified plan must be consistent with the plan reviewed by the Village Council. Changes are limited to those necessary to comply with conditions of approval imposed by Village Council and minor changes as authorized for administrative approval within Article 5 of this Code.

Recycling center means a permanent facility designed and used for collecting, purchasing, storing and redistributing pre-sorted, recyclable materials that are not intended for disposal. A recycling center shall be used for limited processing of recyclable materials, such as can and glass crushing and sorting.

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Recycling collection station means a mobile container designed and used for deposit of recyclable materials and typically monitored by a person.

Recycling drop-off station means a totally enclosed structure, containing no more than five hundred (500) square feet of gross floor area, within which pre-sorted, non-biodegradable recyclable materials are collected for redistribution or sale for the purpose of reuse.

Recycling plant means a permanent facility designed and used for receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as chipping and mulching.

Regional park means the largest class park in the Village of Wellington. It generally exceeds 250 acres in size and also provides access to a substantial resource base. Regional parks primarily provide passive recreational facilities and to a lesser degree active recreational facilities where no adverse impact on the resource base results. Recreational facilities in regional parks are primarily passive or resource based in nature with picnicking, camping, hiking, fishing, and boating as the main activities. Special facilities such as museums, golf courses, or water skiing facilities may also be included, as well as some of those active facilities often found in district parks.

Regulating plan means, for the purpose of Sec. 6.8.4, a graphic and written representation of the detailed land use and development regulations applicable to a particular TND.

Regulated Substances means:

- Those deleterious substances and contaminants, including degradation and interaction products which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristic, may cause significant harm to human health and environment (including surface and groundwater, plants, and animals).
- Those substances set forth in, but not limited to, the Lists of Hazardous Wastes (40 CFR Part 261, Subpart D), 40 CFR, Part 261, Appendix VIII-Hazardous Constituents, and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA (40 CFR 302, effective July 3, 1986); as amended from time to time provided, however, that this section shall only apply whenever the aggregate sum of all quantities of any one (1) Regulated Substance at a given facility/building, at any one time, exceeds five (5) gallons where said substance is a liquid, or 25 pounds where said substance is a solid. The section shall also apply if no single substance exceeds the above reference limits but the aggregate sum of all Regulated Substances present at one facility/building, at any one time, exceeds 100 gallons if said substances are liquids, or 500 pounds if said substances are solids.
- Where Regulated Substances are dissolved in or mixed with other non-Regulated Substances, only the actual quantity of the Regulated Substance present shall be used to determine compliance with the provisions of this section. Where a Regulated Substance is a liquid, the total volume of the Regulated Substance present in a solution or mixture of said substance with other substances shall be determined by volume percent composition of the Regulated Substance, provided that the solution or mixture containing the Regulated Substance does not itself have any of the characteristics identified in paragraph one of this definition.

Religious activities means for the purpose of the Adult Entertainment Establishment provisions of this Code, any daily, weekly, or periodic activity associated with or that occurs at a religious institution.

Religious institution means for the purpose of the Adult Entertainment Establishment provisions of this Code, a premises or site which is used primarily or exclusively for religious worship and related religious ecclesiastical or denominational organization or established place of worship, retreat, site, camp

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or similar facilities owned or operated by a bona fide religious group for religious activities shall be considered a religious institution.

Repair means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), modification or addition to a failing on-site sewage disposal system which are necessary to allow the system to function or which are necessary to eliminate a public health or pollution hazard. Pumping of septage from a system and making minor structural corrections to a tank or building sewer do not constitute repair.

Repair and maintenance, general means an establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, golf carts, mopeds, motorcycles and trucks, excluding paint and body work. Typical uses include automobile repair garages, automobile tune-up stations, automotive glass shops, quick-lubes and muffler shops.

Repair services, limited means an establishment engaged in the repair of personal apparel and household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, small motor repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops.

Required recreation areas means recreational tracts of land with facilities required within a residential development, dedicated or reserved to a property owners association for the perpetual use by all residents of the development for recreation.

Residence see Dwelling unit.

Residential access street see Street, residential access.

Residential development means a building, or many buildings or dwelling units, or portion of a building or land used primarily for human habitation and for the purposes of adequate public school facilities, it shall mean any development that is comprised in whole, or in part, of dwelling units for permanent human habitation.

Residential district means any area that has a district classification of AR, CRS, RE, RTS, RS, RM and RH, as well as residential pods of any Planned Development District. Any creation of an additional residential district by amendment to the Future Land Use Map which occurs shall automatically be included in the definition of residential district for the purposes of this Code.

Residential zoning district includes, for the purpose of the Adult Entertainment Establishment provisions of this Code, the following zoning districts which have not been designated in the comprehensive plan as commercial or industrial:

- AR - Agricultural Residential
- PUD - Planned Unit Development

Respondent/Alleged violator means those persons including both landowners and tenants who have been issued a Notice of Violation.

Restaurant, fast food means an establishment where the principal business is the sale of food and non-alcoholic beverages to the customer in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer's table, where the food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle.

- **Restaurant, general** means an establishment excluding drive-thrus, where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation consists of one (1) or more of the following:
 - A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed; or

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- A cafeteria of cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant; or
- A restaurant, which may have characteristics of a fast food restaurant, having floor areas exclusively within a shopping or office center, sharing common parking facilities with other businesses within the center, and having access to a common interior pedestrian access way.
- This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use.

Restaurant, specialty means an establishment, excluding drive-thrus, engaged in the retail sale of a limited variety of baked goods, candy, coffee, ice cream or other specialty food items, which may or may not be prepared for on-premises sale and which may be consumed on the site.

Retail sales, general means an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified in another use type. Uses include typical retail stores such as but not limited to clothing stores, auto parts stores, bookstores, business machine sales, food stores (excluding convenience stores), and marine supply sales (excluding boat sales). Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may rent and perform incidental repair to their products. For impact fee purposes, general retail will also include services such as entertainment, eating and drinking establishments, and personal services.

Retail sales, mobile, temporary or transient means retail sales operation without a fixed or permanent location. Typical uses include sales of flowers or food products; transient sales operations which include travel to several locations in one (1) day, such as lunch wagons, or ice cream trucks; temporary seasonal sales such as Christmas trees or sparklers; and special event sales which require a tent or temporary structure.

Retention means the collection and storage of a specific portion of stormwater runoff without subsequent direct release to surface waters of said portion or any part thereof.

Retention or detention pond means any pit, pond, or excavation excluding canals of conveyance which creates a body of water by virtue of its connection to groundwater, and which is intended to receive stormwater.

Right-of-way means a strip of land dedicated or deeded to the perpetual use of the public.

Road facilities mean the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of roads on the major road network system necessary to meet the LOS for road facilities.

Rooming house see Boarding house.

Rubbish means waste consisting of any accumulation of paper, excelsior, rags, wooden or paper boxes or containers, sweeping, and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, and also any bottles, cans, container, or any other products which due to their ability to retain water may serve as breeding places for mosquitoes or other water-breeding insects; rubbish shall not include noncombustible refuse.

Rural subdivision means a division of land within an Agriculture Residential (AR) district.

Salvage or junk yard means a lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof.

Sand means sediments having a distribution of particle diameters between 0.074 and 4.76 millimeters, as defined in the Unified Soils Classification System. Sand grain analyses shall follow the

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methodology described in Folk, Robert L. 1980, Petrology of Sedimentary Rocks to determine grain size distribution.

Sanitary hazard means any percolation pond for domestic wastewater effluent disposal, the land application of domestic wastewater sludge or domestic wastewater effluents that have not received high-level disinfection as defined in Florida Administrative Code Chapter 17-610, and any on-site sewage disposal system (septic tank).

Sanitary landfill means a permitted disposal facility employing an engineered method of disposing of solid waste on land in a manner which minimizes environmental hazards by spreading the solid wastes in thin layers, providing a sand fill or approved substitute cover.

Sanitary nuisance means any act, or the keeping, maintaining, propagation, existence or permission of anything, by an individual, municipality, organization or corporation, by which the health or life of an individual may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused.

Sanitary sewer facilities mean the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of sanitary sewer facilities necessary to meet the LOS for sanitary sewer facilities.

Sanitary survey means, for the purpose of Section 16.2 (Water Supply Systems), on-site review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing drinking water meeting the quality standards of this regulation.

School, primary means a premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes and courses of study required for accreditation as an elementary or middle school by the State Department of Education of Florida.

School, secondary means a premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes and courses of study required for accreditation as an high school by the State Department of Education of Florida.

School, public means a use and attendant buildings operated by the Palm Beach County School District for educational or training purposes, including charter schools, as follows:

- a primary school
- a secondary school

School, private means a use and attendant buildings operated by a private organization for educational or training purposes, as follows:

- a primary school
- a secondary school

School Board means the Palm Beach County School Board.

School Concurrency Agreement means, for purposes of adequate public school facilities, the Interlocal Agreement among the Palm Beach County Board of County Commissioners, the municipalities of Palm Beach County, and the Palm Beach County School Board effective January 25, 2001, and recorded in the Official Records Book 12272, Page 973, Public Records, Palm Beach County, Florida.

School District means the school district for Palm Beach County created and existing pursuant to Section 4, Article IX of the State Constitution.

School District Five-Year Capital Facilities Plan means the School District of Palm Beach County Five-Year Work Plan and Capital Budget as authorized by Section 235.185, Florida Statutes.

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School District Six-Year Capital Improvement Plan means a table of expenditures and revenues detailing how the School District of Palm Beach County shall achieve and maintain the LOS for public school facilities.

Screen enclosure means a structure, which may or may not be roofed, used to completely enclose an outdoor living space with screening.

Screening means landscaping, berms, fences, walls or any combination thereof used to block or significantly obscure, in a continuous manner, the view from one (1) area to another.

Security or caretaker quarters mean a residence located on a site for occupancy by a caretaker or security guard.

Seedling, sapling, runner, or sucker means any young plant or tree in early stages of growth.

Self-service storage, limited-access means a multi-storied self-service storage facility, with limited access points from the exterior of the building to interior halls that serve individual bays.

Self-service storage, multi-access means a one-story self-service storage facility with multi-access points from the exterior of the building to individual bays.

Semi-public water system means, for the purpose of Section 16.2 (Water Supply Systems), a water system for provisions of piped water under pressure for human consumption, culinary, sanitary or domestic purposes to:

- Less than 25 individuals daily at least 60 days out of the year, or
- At least 25 individuals daily less than 60 days out of the year.

Senior housing means housing for seniors within a multi-family residential district, where the residents of the entire building and lot shall be limited to persons 65 years of age or older, which is licensed by the Florida Agency for Health Care Administration (AHCA) pursuant to Chapter 58A-5, F.A.C.

Septage means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a mixture of sludge, fatty material and wastewater removed during the pumping of on-site sewage disposal systems, grease traps, laundry interceptors and portable toilets.

Septic tank means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a watertight receptacle constructed to promote separation of solid and liquid components of sewage, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a drainfield.

Septic tank system means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a building sewer, septic tank, distribution box and drainfield. When pump equipment is utilized, it is also considered part of the septic tank system.

Service provider means any agency that is responsible for the provision of public facilities to development in the Village of Wellington.

Service station see Automotive service station.

Service truck means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a vehicle used to pump out the contents of on-site sewage disposal systems, grease traps, laundry interceptors or portable toilets.

Setback means the required minimum horizontal distance between any structure and the related front, side, or rear property lot line or base building line.

Setback, front means the setback extending along the full length of the front lot line.

Setback, interior side means the setback extending along an interior side lot line between the front and rear setbacks.

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Setback, rear means the setback extending along the full length of the rear lot line.

Setback, street side means the setback extending along a street side lot line between the front and rear setbacks.

Sewer system, central means a regional sewerage system, owned and operated by a municipal, county, special district or other governmental entity, which provides sewer service to several developments located within its service area.

Sewer system, individual means a privately owned sewerage system, which provides sewer service to a single development, because of unavailability of a central sewer system.

Shade house means an accessory agricultural structure consisting of a screened enclosure with a screened or roll plastic roof used to protect plants from insects, heat and exposure to the sun.

Shade tree means a tree that reaches a minimum height of 15 feet at maturity, provides relief from direct sunlight for at least six (6) months each year, and is indicated as a shade tree on the Recommended Tree List.

Shared parking means the approved use of the same off-street parking spaces for two (2) or more distinguishable uses where peak parking demand of the different uses occurs at different times of the day, or where various uses are visited without moving the automobile, and where the provision of parking spaces is a net decrease from the combined total of each use's individual off-street parking requirements if provided separately.

Shooting range, private means a private facility, not used for the general public or commercial purposes, for the discharging of firearms.

Shopping center means a group of commercial establishments planned, developed, managed and operated as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

Shrub means a self-supporting woody perennial plant more than 30 inches in height at maturity, characterized by multiple stems and branches continuous from the base.

Sidewalk, curb or vehicular sign means signs placed on or affixed to vehicles or trailers which are parked on a public right-of-way, public land, or private land so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, service or activity, or direct people to a business or activity located on the same or nearby land.

Sight distance means the extent of unobstructed vision in a horizontal and vertical plane.

Sight triangle means a point of measurement whereby an individual in a vehicle has the ability to sight a prescribed distance without pulling onto a vehicular thoroughfare.

Significant means, for the purposes of Art. 15, significant or significance shall refer to the amount of traffic that has been deemed to be of a level that requires the analysis of roadway Links and or intersections.

Significant archeological value An archaeological site, fossil or artifact which could yield or has yielded information deemed by a qualified archaeologist to be of significant scientific, historical, ethnic or public significance to the history or prehistory of the Village of Wellington, County, State or Nation.

Single-family means the use of a lot or a structure for one (1) detached dwelling unit, excluding a mobile home but including a manufactured building.

Single-family cluster means a dwelling unit which is part of a cluster of similar dwelling units within a planned development but which is separated from other similar units by common areas dedicated to a property owners' association.

Single-family district means the AR district, as well as single-family pods of Planned Development districts.

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Site-related improvements mean road construction or road improvements at or near the development site which is necessary to interface the development's external trips with the major road network system, or which are necessary to interface the development's internal trips with the major road network system where a portion of the major road network system is included within the development.

Site-specific development order means a development order issued by the Village of Wellington which establishes the density or maximum density, and which approves a specific plan of development on a lot or lots pursuant to an application by or on behalf of an owner or contract purchaser, including applications initiated by the Village of Wellington. It may apply to a lot or lots under single ownership or a group of lots under separate ownership. It shall apply to all parcels or lots in their entirety taken together of any subdivision. It includes site specific rezonings, special exceptions, conditional uses, special permits, master plan approvals, site plan approvals, plat approvals, building permits, and any "Development of Regional Impact" development order as defined in Section 380.06, Florida Statutes. It may or may not authorize the actual commencement of development. Two (2) or more development orders which individually do not constitute a site-specific development order shall be considered a site-specific development order if when taken together, they meet the definition of a site-specific development order.

Soil classification means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), the soil mantle as classified in accordance with the U.S. Department of Agriculture Soil Classification Methodology.

Soil limitation ratings means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), the three (3) rating categories, which are:

- **Slightly limited** means soils with favorable properties for the use of drainfield systems.
- **Moderately limited** means soils that have properties moderately favorable for use of a drainfield system. Limitations in this category may be overcome by site alteration involving removal of impervious or too rapidly percolating soil layers, addition of fill, or lowering of high water table through approved drainage methods, or any combination of the above.
- **Severely limited** means soils which have one (1) or more properties unsuitable for the use of a drainfield system.

Solid waste means garbage, rubbish, refuse, sludge, septage, dewatered domestic wastewater residuals, grit and screenings from a domestic wastewater treatment facility or other discarded solid or liquid material resulting from domestic, commercial, industrial, agricultural activities or governmental operations but does not include storm water discharges or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants.

Solid waste facilities mean the planning of, engineering for, preparation of acquisition documents for, acquisition of land for, or construction of solid waste facilities necessary to meet the LOS for solid waste facilities.

Solid waste transfer station means a facility where solid waste from several relatively small vehicles is placed into one relatively large vehicle before being transferred to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at the transfer station.

Source property means the land from which the subject sound is originating including public or private streets, sidewalks or other public or open space areas.

Special allocation means the assignment by the Village Council of impact fee credits for in-kind contributions to a feepayer, or a portion of a development. It may involve the pro rating of impact fee credits for in-kind contributions.

Special needs facility means a residential land use consisting of any building or section thereof, residence, private home, boarding home, home for those who require support, or any other residential

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structure, whether or not operated for profit, which undertakes, for a period extending twenty-four (24) hours, housing, food service, and one (1) or more personal services for persons not related to the owner or administrator by blood or marriage.

Specified anatomical areas means less than completely and opaquely covered:

- Human genitals and pubic region; or
- The opening between the human buttocks, i.e., the anal cleft; or
- That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or
- Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- Human genitals in a state of sexual stimulations, arousal or tumescence;
- Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
- Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
- Excretory functions as part of or in connection with any of the activities set forth in subsections 1. through 2.

Specimen tree means a tree that substantially contributes to the aesthetics of an area and which is protected through the permitting process, or which attains one-third (1/3) (33 percent) or greater of the champion tree diameter at breast height (dbh). A specimen tree may be native or non-native and must be in good health.

Speculative clearing means the clearing of property for which no final development order has been issued.

Spent means the commitment of funds to a particular capital facility acquisition by the awarding of a contract.

Spill means the unpermitted release or escape of a Regulated Substance, irrespective of the quantity thresholds identified in the definition of "Regulated Substance," directly or indirectly to soil, surface water or groundwater.

Spillover light means light that is distributed into areas where the illumination is not needed or intended.

Sport vehicle includes but is not limited to: dune buggy, racing vehicle, all-terrain vehicle or other type of off-road vehicle designed primarily for off-road use.

Square footage means the gross constructed area of all buildings and structures covered by a solid or screened roof and totally or partially enclosed by walls or other material. Nonresidential outdoor areas covered or uncovered which functionally extend the primary use, such as open seating and open retail are included, except that uses which generally completely occur outdoors, such as vehicle or monument sales, nurseries, gasoline sales, salvage yards, and outdoor storage, are not included. Nonresidential

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canopies and screened enclosures which functionally extend the primary use are included. Decorative canopies or canopies designed to protect from weather are not included. For impact fee purposes of residential development, the square footage means the conditioned area of the building as measured to the outside of the exterior wall. If the residential structure or addition has no conditioned area, square footage shall be the living area of the building as measured to the outside of the exterior wall.

Stable, commercial means an establishment for boarding, breeding, training or raising of horses not necessarily owned by the owners or operators of the establishment, rental of horses for riding, or other equestrian activities, excluding uses classified as equestrian arena.

Stable, private means an establishment for the care of horses owned by the occupants or owners of the premises.

Stall or berth means the space within which vehicles are placed during actual loading or unloading operations.

Stand for sale of agricultural products means a roadside stand for the retail sale of fruit, vegetables, flowers, and house plants not necessarily grown on the site.

Standard subsurface means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), an on-site sewage disposal system consisting of a treatment receptacle, distribution box and a gravity-fed drainfield installed below the natural ground surface.

State standards for the purpose of Art. 8, Subdivision, Platting and Required Improvements, means the various design and construction guidelines, policies and standards promulgated, and amended, by the departments and agencies of the State, including but not limited to the Policy and Guidelines for Vehicular Connections to Roads on the State Highway Systems, Manual of Uniform Traffic Control Devices for Streets and Highways (as adopted by the Department of Transportation), Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (a/k/a "The Greenbook"), Standard Specifications for Road and Bridge Construction, Roadway and Traffic Design Standards, and Handbook for Drainage Connection Permits.

Storage, agricultural means the storage of equipment or products accessory or incidental to a primary agricultural use.

Stormwater means the flow of water that results from and occurs immediately following a rainfall event.

Stormwater management plan means an engineering drawing and written report outlining the proposed secondary and tertiary stormwater management system needed for the proper development of a specific increment of the Village of Wellington, including details of drainage-related conditions and characteristics of the existing development site and surrounding lands.

Stormwater management system means a comprehensive system designed and constructed or implemented to collect, convey, store, absorb, inhibit, treat, use or reuse stormwater in order to prevent or reduce inundation, flooding, over-drainage, environmental degradation, and water pollution, or otherwise affect the quantity and quality of stormwater runoff.

Stormwater runoff means that portion of stormwater which occurs either as overland surface flow or subsurface lateral flow through normally unsaturated soils, and which is neither intercepted by vegetation, evaporated, nor recharged to groundwater.

Stormwater system, primary means classified surface waters of the State which convey stormwater runoff toward the ocean or a major inland water body.

Stormwater system, secondary means that component of a stormwater management system which consists of facilities and features designed to provide for treatment and control of stormwater runoff generated by specifically delineated lands, in order to meet regulatory requirements governing the quality and quantity of stormwater discharged to the primary stormwater system.

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Stormwater treatment means removal of pollutants, debris, and other undesirable materials from stormwater runoff by means of natural chemical, biological or physical processes, including, but not necessarily limited to, detention, retention, filtration, percolation, sedimentation, floatation, and skimming. This definition does not normally include active treatment processes, requiring the consumption of electrical or mechanical energy.

Stormwater system, tertiary means that component of a stormwater management system which consists of facilities and features designed to provide for rapid removal of stormwater from structures, building sites, streets, and other areas of development or uses sensitive to damage or disruption by inundation.

Story, building means that part of a building between the surface of a floor and the ceiling immediately above. The maximum height shall be 14 feet measured from the finished floor to the finished ceiling. Attics and raised basements shall not be included in calculations of a building story unless they are used for residential or parking purposes.

Stream means any river, creek, slough, or other natural watercourse whether or not the bed shall have been dredged or otherwise improved in whole or in part.

Street means a strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Street" includes road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, and square, or however otherwise designated. Streets are further classified according to the function they perform.

Street, arterial means a major street of higher classification than a plan collector street, used primarily for traffic traveling considerable distance within or through an area not served by an expressway, of considerable continuity, and used primarily as a main traffic artery.

Street, collector means a street which carries traffic from local streets to arterial streets. Collector streets have more continuity, carry higher traffic volumes and may provide less access than local streets.

Street, collector, non-plan means a collector street which is not included on the Thoroughfare Plan and which is the highest classification of minor street.

Street, collector, plan means a collector street which is part of the Thoroughfare Plan, and which is the lowest classification of major street.

Street, dead-end means a street with only one (1) outlet.

Street, limited access means a street to which access from abutting property is under the control and jurisdiction of the Village of Wellington or the County pursuant to a limited access easement or other regulatory access restriction.

Street local means a street designed and maintained primarily to provide legal and vehicular access to abutting land. A local street is of limited continuity, is not for through traffic, and is the middle order street of minor streets, being of a higher classification than a residential access street.

Street, major means a street depicted on the adopted thoroughfare plan; a thoroughfare plan road. Major streets are further classified as collector street, arterial street, and expressway.

Street, marginal access means a special purpose local street which is parallel and adjacent to a plan collector street, expressway, arterial street or other limited access street and which has its principal purpose of relieving such streets from local service of abutting property by providing access to abutting property and separation from through traffic. A marginal access street may also be called a "frontage street".

Street, minor means any street not classified as a major street, and includes streets providing traffic circulation within the development.

Street, private means any street which:

- Has not been dedicated for public use;

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- Is reserved to a property owners' association pursuant to recorded restrictions and covenants or a plat of record; or
- Is dedicated for public use but has not been accepted for maintenance by the Village of Wellington, the State or a special district.

Street, residential access means the lowest order of minor street which is intended to carry the least amount of traffic at the lowest speed.

Street frontage see Lot frontage.

Structure means that which is three (3) feet or more in height, built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices, and poster panels.

Subdivision means the division of land, whether improved or unimproved, whether previously platted or not, into two (2) or more contiguous lots for the purpose, whether immediate or future, of transfer of ownership. The term shall include any modification of legal boundaries for the purpose of redividing or combining any lot(s) depicted on a record plat, or on a certified survey or other map recorded pursuant to an affidavit of exemption or affidavit of waiver. When appropriate to the text, the term refers to the process of subdividing or the land proposed to be or which has been subdivided.

Substantial change in land use means either (1) a change in land use or site design that increases the intensity of land use, (2) a change in land use or site design that creates or increases incompatibility of adjacent land uses, or (3) an increase in the total floor area of multiple-family dwellings or nonresidential buildings which results in increased traffic.

Substantial compliance means a minor redesign or change to a project or site that would not increase impacts from the approved master or site plan.

Substantial improvement means any combination of repairs, reconstruction or improvement of a structure, where the improvement creates additional enclosed space that contains equipment or utilities relative to the primary structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any development for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Place.

Sugar mill or refinery means an establishment for the extraction and refining of sugar from agricultural products.

Superintendent means the Superintendent of the Palm Beach County School Board.

Supplier of water means, for the purpose of Section 16.2 (Water Supply Systems), any person who owns or operates a water supply system.

Surface water means water upon the surface of the earth whether contained within natural or artificial boundaries or diffused.

Surveyor means a land surveyor registered in the State of Florida.

Suspension Order means suspension of construction work directly over the potential archaeological find. During the initial site visit, a qualified archaeologist may extend the boundary of the suspension order based on the potential significance and geographic coverage of the find.

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Swale means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a stabilized and graded depression designed to convey stormwater runoff and retain water for only a brief period following a rainfall event.

Swimming pool means any confined body of water, located either above or below the existing finished grade of the site, exceeding 15) square feet in surface area, and two (2) feet in depth, designed, used, or intended to be used for swimming or bathing purposes.

Temporary means a single period or an accumulation of periods not exceeding 90 days in any 365-day period unless further restricted.

Temporary sign means any sign erected and maintained for a specified length of time.

Theater, drive-in means an establishment for the outdoor viewing of motion pictures by patrons while in their automobiles.

Theater, indoor means an establishment for showing motion pictures or live performances in an enclosed theater.

Thoroughfare plan, thoroughfare right of way protection map or plan means that which is described in the Transportation Element of the Comprehensive Plan, III; Existing Conditions; D; Thoroughfare Right of Way Protection Map.

Through street see Street, through.

Tinted glass shall mean any window which has:

- A visible light transmittance value of 45 percent or less;
- A minimum five (5) year warranty; and
- Performance claims which are supported by approved testing procedures and documentation.

Too numerous to count (TNTC) means, for the purpose of Section 16.2 (Water Supply Systems), equal to or greater than 200 non-coliform bacteria per 100 milliliters of sample.

Topping means undesirable pruning practices resulting in internodal cutting back of branches with little regard to the natural shape of the tree.

Total Trips means, for the purposes of Art. 15, the sum of Existing Traffic, Net Trips and Background Traffic.

Towing service and storage means the use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, with no sales or repair or salvage activity occurring on the lot.

Townhouse means a dwelling unit located on an individual lot and attached by at least one (1) but no more than two (2) party wall(s) along 50 percent of the maximum depth of the unit, to one (1) or more other dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots.

TPS Database means, for the purposes of Art. 15, a database which was initially approved by the Palm Beach County Board of County Commissioners. On an ongoing basis, the Database compiles traffic from existing traffic counts as well as approved but unbuilt developments for each Wellington Roadway Link and Intersection on the roadway network in order to provide Background Traffic volumes for use in traffic studies addressing compliance with the Project Buildout Test. The Background Traffic data shall be maintained by the County and updated to reflect all new project concurrency approvals as well as the buildout status of previously approved projects.

Trailer coach shall have the meaning ascribed by the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of

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Florida. The term shall also include all types of mobile homes and those types of self-propelled trucks or buses that have been converted or equipped with living or sleeping quarters, such as pick-up trucks with sleeping quarters installed, and converted buses. This definition shall exclude suburban, passenger vans and other types of automobiles for private use that have been equipped with camping equipment.

Transportation facility means a facility for loading, unloading, and interchange of passengers, baggage, and freight or package express between modes of transportation. Typical uses include bus terminals, railroad stations and yards, and major mail-processing centers.

Transportation transfer facility (distribution) means an establishment providing for the transfer of transportation or other motorized vehicles, but not involving vehicle sales or rental (retail or wholesale). Typical uses include the transfer of automobiles, trucks, heavy equipment, or other motorized vehicles prior to distribution to retail dealers.

Transient occupancy means residential occupancy when it is the intention of the parties that the occupancy will be for less than one (1) month.

Treatment receptacle means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), that part of an on-site sewage disposal system which provides treatment of sewage prior to its disposal into a drainfield.

Tree means a woody perennial plant commonly with a single four (4) foot clear stem having a more or less defined crown that usually grows to at least 15 feet in height at maturity.

Tree survey means a comprehensive survey document or site plan that provides the following information for trees greater than four (4) inches diameter at breast height (DBH), or palm trees with an overall height of eight (8) feet, that delineates the location and identifies the species of trees and vegetation upon a lot, and that meets the tree survey requirements of Sec. 7.3 (Landscaping and Buffering). The Department shall determine the applicability and the extent of each survey. The survey shall provide the following information:

- The surveyed location, by a Florida licensed land surveyor, in relation to all proposed development, of all existing trees that are proposed to be destroyed, relocated or preserved.
- The common and scientific name of each tree.
- The diameter at breast height (DBH) of each tree, or, if a multiple trunk tree, the sum of the DBH of all trunks.

Trip means a one-way movement of vehicular travel from an origin (one (1) trip end) to a destination (the other trip end).

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

Truck shall have the meaning ascribed by the statutes of the State of Florida providing for the regulation, registration, licensing and recordation of ownership of motor vehicles in the State of Florida.

Ultimate right-of-way means an area set aside for future road widening or used as means of ingress, egress or approach as determined by the Department of Transportation, the Office of the Village Engineer, the Village Council, or by this Code whichever provides the widest right-of-way.

Understory means the structural, component of a forest community below the canopy and above the ground layer composed of a complex of woody, fibrous or herbaceous plant species.

Unit means a building or portion of a building, or a mobile home used primarily for human habitation purposes with separate bathing, cooking and/or dining facilities. In the case of a hotel or motel, or a congregate living facility, it shall mean the room and bathrooms.

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Unity of control means a covenant stipulating that a lot, lots, or project with different owners shall be developed according to a common site or master plan providing unified control and the combined lots shall meet land development requirements as if they are one (1) lot.

Unity of title means a document recorded in the office of the Clerk of the Circuit Court of Palm Beach County stipulating that a lot, lots or parcel of land shall be held under single ownership, shall not be eligible for further subdivision and shall not be transferred, conveyed, sold or divided in any unit other than in its entirety.

Unmarked human burial means any human skeletal or fossilized remains discovered during any land development activity or archaeological excavation.

Unobstructed land means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), those areas on a lot or property not used for such purposes as pools, concrete slabs, buildings, driveways, parking, tennis courts, and similar areas which would prohibit, hinder or affect the installation, operation and/or maintenance of an on-site sewage disposal system.

Upholstery shop means an establishment engaged in furniture repair and reupholstery.

Urban services area means that portion of the Village of Wellington designated as the "Urban Services Area" by the Village of Wellington Comprehensive Plan, as such area may change from time to time, pursuant to the procedures set forth within said plan.

Use means any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use regulations table(s) shall refer to the tables set forth in Article 6 "Zoning Districts" listing permitted, conditional, restricted uses within various zoning and land use combinations and classifications as currently set forth in Table C of Section 6.10.7., Table 6.8-2 and Table 6.4-1 as the same may be amended and/or relocated from time to time.

Use, accessory means a permitted use that is customarily associated with the principal use and clearly incidental to the principal use and is subordinate in area, extent, or purpose to and serves only the principal use.

Use, principal means the primary and major purpose for which land or building is used as allowed by the applicable zoning district.

Utility means a government or franchised provider of water, sewer, electric, gas, phone, cable television, or similar service.

Utility easement see Easement, utility.

Utility, minor means elements of utility distribution, collection, or transmission networks, other than electrical generation and transmission voltage facilities, required by their nature to be relatively dispersed throughout the service area. Typical uses include gas and water regulations, electrical distribution substations, sewage lift stations, and telephone exchange buildings and substations.

Valid means, for the purposes of impact fees, a development order or other authorization which was legally issued, and that has not expired, lapsed, or been abandoned, revoked, or canceled; or is not subject to such by the passage of time or the conduct of the owner or developer, and on which or for which all conditions of approval are satisfied that must be satisfied by the terms or conditions of approval.

Value means, in the case of land, the appraised value as determined by an appraiser from a list of approved appraisers of the Village of Wellington. In the case of improvements to real property or chattel, it means the actual cost to the feepayer or developer of such improvements or chattel. In all cases, the values shall be established in or as if in an arm's length, bona fide transaction in a competitive market between a willing seller and a willing buyer, neither of whom is under any special circumstances. If the Impact Fee Coordinator rejects an appraised value, the Impact Fee Coordinator may obtain another appraisal using an appraiser from the approved list, in which case that appraisal shall prevail.

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Variance means an abatement of the terms of the Land Development Regulations for a use, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

Vegetation, native means any plant species with a geographic distribution indigenous to all or part of the State of Florida. Plant species which have been introduced by man are not native vegetation.

Vegetation, protected means all vegetation other than:

- Prohibited plant species; or
- Invasive, non-native plant species or invasive, non-native vegetation.

Vegetation, removal means

- The actual extraction of vegetation; or
- Direct or indirect actions resulting in the effective removal of vegetation through damaging or poisoning; or
- Similar actions directly or indirectly resulting in the death of vegetation.

Vegetation required to be preserved by law means areas of vegetation which are clearly delineated on a Site Plan/Plat, or in some other legally binding manner based upon which the lot area is being preserved.

Vehicle sales and rental means an establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment or mobile homes, along with incidental service or maintenance. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, mobile home, manufactured housing and recreational vehicle sales, construction equipment rental yards, moving trailer rental, and farm equipment and machinery sales and rental.

Vehicular use area means either: (1) an area designed or used for off-street parking; or (2) an area used for loading, circulation, access, storage, or display of motor vehicles. Designated parking areas on public or private streets shall not be considered a vehicular use area.

Vehicular use area, specialized means an area designed for storage of vehicles in operative condition, or for warehousing, transportation or trucking operations, and which is not open to the general public.

Vested means vested pursuant to the application of Florida law.

Veterinary clinic means an establishment engaged in providing medical care and treatment for animals.

Village shall mean the Village of Wellington, Florida.

Village Attorney means the Village Attorney of the Village of Wellington, Florida.

Village Council means the Village Council of the Village of Wellington, Florida.

Village Engineer means the Village Engineer of the Village of Wellington, Florida.

Village Manager shall mean the Chief Administrative Officer of the Village, appointed by the Council or the designee of such Person.

Village Standards means the minimum standards, specifications, and details for design and construction of streets and other infrastructure improvements, as promulgated by the Village Engineer pursuant to Resolution R-90-740 of the Village of Wellington as may be amended.

Vine means a plant with a flexible stem which normally requires support to reach mature form.

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Violator means a person who has been ordered by Code Enforcement to correct a violation.

Vocational school means an establishment, for profit or not, offering regularly scheduled instruction in technical, commercial, or trade skills such as, but not limited to business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology, or other types of vocational instruction.

Warehousing means an establishment engaged in the storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement, breaking of bulk and storage of products or equipment. Typical uses include motor freight transportation, moving and storage facilities, cold storage, warehousing and dead storage facilities, but exclude self-service storage facilities and office-warehouse combinations.

Waste means discarded material including but not limited to garbage, rubbish, yard trash, litter, non-combustible refuse and industrial wastes.

Wastewater residuals means the solid, semisolid, or liquid residue removed during the treatment of municipal wastewater. Not included is the treated effluent or reclaimed water from domestic wastewater treatment plant.

Wastewater residuals (Dry) means domestic wastewater residuals that contain sixty-five (65) percent solids or greater, by weight.

Wastewater treatment facility means a facility designed for treatment and disposal of more than 5,000 gallons per day of wastewater, including large regional plants and above ground package treatment facilities.

Water management tract means a parcel of land under single ownership, identified and created as a single unit on a plat or other instrument of record, established for the purpose of delineating a complete facility or unified area to be utilized for detention, retention, or groundwater recharge of stormwater runoff prior to discharge from a development site.

Water supply system or **Water supply facility** or **Water system** or **Water facility** means, for the purpose of Section 16.2 (Water Supply Systems), any or all works and auxiliaries for collection, treatment, storage and distribution of water from the source or sources of supply to the consumer or processing plants including ice-making vending machines and bottled water plants.

Water system, central means a regional water supply system owned and operated by municipal, county, special district or other governmental entity, which provides water service to several development located within its service area.

Water system, individual means a privately owned water supply system which provides water service to a single development because of unavailability of a central water system.

Water table elevation means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), the upper surface of the groundwater or that level below which the soil or underlying rock material is saturated with water. Water table elevation is measured from the soil surface down or up to the free water level.

Water treatment facility means a facility designed for treatment of ground or surface water for potable and sanitary purposes, with a design capacity of more than 10,000 gallons per day.

Water well means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), a source of water used for drinking, culinary, sanitary and other domestic purposes. The following classifications of wells are used in this Section:

- **Private well** means a well used to provide water only for residential purposes and serving no more than four (4) dwelling units;
- **Semi-public well** means a well used to provide water for:

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- Less than 25 individuals daily at least 60 days out of the year, or
- At least 25 individuals daily less than 60 days out of the year;
- **Non-community well** means a well used to provide water to at least 25 individuals daily at least 60 days out of the year but is not a community water system;
- **Community water well** means a well used to provide water to at least 15 service connections used by year-round residents or which regularly serves at least 25 year-round residents;
- **Non-potable well** means a well intended exclusively for irrigation purposes, or for supplying water to a heat pump system or a well for receiving discharge water from a heat pump system;

Watercourse means any stream, canal, ditch, or other natural or artificial channel in which water normally flows within a defined bed, banks, or other discernible boundaries, either continuously or seasonally, whether or not such flow is uniform or uninterrupted.

Waters of the state means waters, as defined in Sec. 403.031(12), Fla. Stat., subject to compliance with State Water Quality Standards adopted pursuant to Chapter 403, Fla. Stat., and set forth in Chapter 17-3, F.A.C.

Watershed means the land area which contributes to the total flow of water entering a receiving stream or water body.

Well means, for the purpose of Section 16.2 (Water Supply Systems), any opening in the ground designed to conduct water from a ground water supply to the surface by pumping or natural flow when water from such opening is used or is to be used for a drinking water supply system or irrigation purposes.

Wellfield means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), an area of land which contains more than one (1) potable well that is designed for a pumping rate of at least 100,000 gallons per day.

Wellfield Zones 1 and 2 means zones of influence delineated by iso-travel time contours around public water supply wellheads. Zone 1 is identified as the land area within a 30 day travel time and Zone 2 is the land area within a 210 day travel time. Zones of influence maps, including zones 3 and 4 are developed pursuant to the Wellfield Protection Section and are on file and maintained by ERM Department.

West County Agricultural Area (WCAA) means that area roughly bounded by Lake Okeechobee, Palm Beach County/Hendry County Line, South Florida Water Management District Levees L-4, L-5, L-6, L-7 and L-8 and is the agriculture production designation on the land use map of the land use element of the comprehensive plan, also known as the Everglades Agricultural Area (EAA).

Wet detention/retention means detention or retention in a storage facility not designed, constructed, and operated so as to provide dry detention/retention.

Wetland means those areas defined in Section 373.019(22), Florida Statutes, and those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal

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marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Wettest season means, for the purpose of Section 16.1 (On-Site Sewage Disposal Systems), that period of time each year in which the groundwater table elevation can normally be expected to be at its highest elevation.

Wholesaling, general means an establishment engaged in the display, maintaining inventories of goods, storage, distribution and sale of goods to other firms for resale, or the supplying of goods to various trades such as landscapers, construction contractors, institutions, industries, or professional businesses. In addition to selling, wholesale establishments sort and grade goods in large lots, break bulk and redistribute in smaller lots, delivery and refrigeration storage, but excluding vehicle sales, wholesale greenhouses or nurseries, wholesale of gas and fuel, and wholesale building supplies.

Wildlife corridor means a continuous corridor of habitat with a width of at least one (1) mile that is established by linking conservation areas, wildlife preserves, sanctuaries, refuges, parks, open space areas, and agricultural areas to provide a pathway for wildlife movement.

Wood or lumber processing means an establishment engaged in the production of lumber or similar building material products from wood.

Woodworking or cabinetmaking means an establishment engaged in the production of finished products from wood.

Work means all required construction as shown on approved construction plans and specifications for all facilities and features of any kind which are required, related to the process of subdivision of land under Art. 8, Subdivision, Platting and Required Improvements.

Yard see Setback.

Zero lot line home means the use of a lot for one (1) detached dwelling unit with at least one (1) wall, but not more than two (2) walls or a portion thereof, located directly adjacent to a side lot line, excluding a mobile home but including a manufactured building.

Zones of Influence means zones delineated by iso-travel time contours and the one (1) foot drawdown contour within cones of depression of wells which obtain water from the unconfined or surficial aquifer system. These zones are calculated, based on the rate of movement of groundwaters in the vicinity of wells at a specified pumping rate.

Zones of Influence Maps mean aerial photographs at scales determined by the Department showing the location on the ground of the outer limits of Zones of Influence for present and future public potable water supply wells and wellfields permitted for 100,000 gallons per day or more.

Zoo means a place where animals are kept in captivity for the public to view.

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AADT	Average annual daily traffic
AASHTO	American Association of State Highway and Transportation Officials
ACLF	Adult Congregate Living Facility
ADT	Average daily trips
ANSI	American National Standards Institute
CIE	Capital Improvement Element
CO	Certificate of Occupancy
CRALLS	Constrained Road At A Lower Level of Service
CSA	Concurrency Service Area
Db	Decibel
DCS	Director of Community Services
dbh	Diameter at breast height
DEPW	Department of Engineering and Public Works
DO	Development Order
DRC	Development Review Committee
DRI	Development of Regional Impact
EAA	Everglades Agricultural Area
ECR I	Palm Beach County Environmental Control Rule I (Onsite Sewage Disposal Systems)
ECR II	Palm Beach County Environmental Control Rule II (Water Supply Systems)
ESL	Environmentally Sensitive Land
ESLO	Environmentally Sensitive Lands Ordinance
F.A.C.	Florida Administrative Code
FAR	Floor area ratio
FIRM	Flood Insurance Rate Map
FDER	Florida Department of Environmental Regulation
FDOT	Florida Department of Transportation
FHBM	Flood Hazard Boundary Map
Fla. Stat.	Florida Statutes
GOPs	Goals, Objectives and Policies of the Comprehensive Plan

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HCM	Highway Capacity Manual
LDP	Land Development Permit
LDR	Land Development Regulations (Wellington)
LOS	Level of Service
MAI	Member of the Appraiser's Institute
MF	Multifamily
MPO	Metropolitan Planning Organization
NGVD	National Geodetic Vertical Datum
OHW	Ordinary High Water
OLW	Ordinary Low Water
PBC	Palm Beach County
PBCPHU	Palm Beach County Public Health Unit
PUD	Planned Unit Development
PZAB	Planning, Zoning and Adjustment Board
SF	Single Family
SFWMD	South Florida Water Management District
SIC	Standard Industrial Code
TCRPC	Treasure Coast Regional Planning Council
TIS	Traffic Impact Study (or Statement)
tntc	Too numerous to count
TPS	Traffic Performance Standards
USA	Urban Services Area
USB	Urban Services Boundary
v/c	Volume to capacity
VDBP	Voluntary Density Bonus Program
VPPO	Vegetation Preservation and Protection Ordinance
WPZ	Wellfield Protection Zones
ZLL	Zero lot line