

ORDINANCE NO. 21-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY AMENDING "APPENDIX A-DEFINITIONS", BY REMOVING DEFINITIONS FOR AUTOMATED EXTERNAL DEFIBRILLATORS AND BLEEDING CONTROL KITS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Ordinance 11-24 was adopted on June 18, 2024 to set minimum standards for use, maintenance, and installation of Automated External Defibrillators and Bleeding Control Kits; and

WHEREAS, the definitions section was inadvertently placed in Section 3 to be included in Appendix A to the Land Development Regulations when it should have been placed in the body of Section 96.18 of the City of Delray Beach's Ordinances; and

WHEREAS, the purpose of amendment to the City of Delray Beach's Land Development Regulations is to remove the definitions of Automated External Defibrillators and Bleeding Control Kits from Appendix A to the Land Development Regulations so that the definitions can be placed in Section 96.18(A) of the City of Delray Beach's Ordinances; and

WHEREAS, the City Commission determines that this Ordinance is in the best interest and promotes the health, safety, and welfare of the citizens, residents, and businesses of the City of Delray Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance as if fully restated herein.

Section 2. Appendix A-Definitions of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

Appendix A- DEFINITIONS

The following words, terms and phrases, when used in these Land Development Regulations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

24-HOUR OR LATE NIGHT BUSINESSES. Any restaurant, bar, lounge, nightclub, music hall, club, gasoline station, convenience store, convenience business, retail store, grocery store, laundromat or similar use which is or will, at any time during a calendar year, be open for business at any time between the hours of 12 midnight and 5 a.m. A 24-Hour or late night business shall not mean a hotel or motel unless any of

the aforementioned uses are operated or will be operated between the hours of 12 midnight and 5 a.m. on the same property as, or otherwise in conjunction with, a hotel or motel use.

ABUSED SPOUSE RESIDENCE. A building, single-family dwelling, apartment, or part of a building utilized for the purposes of providing temporary residential shelter, emergency counseling, and information and referral services to abused spouses and their minor or dependent children, whether such residencies are operated on a profit or not-for-profit basis.

ACCENT/TRIM. An architectural element such as moldings, stucco banding, tile inset, medallions, pilasters, vents and louvers, etc. that is used to emphasize or supplement the architectural composition of a building.

ACCESS ROADWAY. A private roadway intended for access from private residences or private parking to a public or private street. An "Access Roadway" shall not exceed 600 feet in length or projected traffic count of 1,000 trips per day.

ACCESSORY BUILDING STRUCTURE, OR USE. A building, structure, or use on the same lot with, and incidental and subordinate to, the principal building, structure, or use.

ADDITION (TO EXISTING BUILDING). Any walled and roofed expansion to the perimeter of a building in which the addition is connected to a load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall and is separated by independent perimeter load-bearing wall is new construction.

ADULT ARCADE. Any place or establishment operated for commercial gain which invites or permits the public to view adult material.

ADULT BOOKSTORE/ADULT VIDEO STORE. An establishment which sells or offers adult material for sale or rent 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 forty percent (40%) 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 ten percent (10%) of the individual items, as stock in trade, publicly displayed in the establishment and which is not accessible to minors at the establishment.

ADULT DANCING ESTABLISHMENT. An establishment where employees engage in nudity or partial nudity regardless of whether the employees actually engage in dancing.

ADULT DAY CARE CENTER. Any establishment whether operated for profit or not, which undertakes through its ownership or management to provide, for a part of the 24-hour day, basic services to three or more adults, not related to the owner/operator by blood or marriage, who require such services. "Basic services" shall include, but not be limited to, providing a protective setting, social activities, leisure-time activities, self-care training, rest, nutritional services, and, when possible, speech and physical therapy.

ADULT ENTERTAINMENT ESTABLISHMENT. (A) Any adult arcade, adult bookstore/adult video store, adult novelty store, or adult dancing establishment; or any other establishment or business operated for commercial gain where any employee, operator or owner engages in nudity or partial nudity, including but not limited to: massage establishments, whether or not licensed pursuant to Chapter 480, Florida Statutes, tanning salons, modeling studios, or lingerie studios. (B) Excluded from this definition are any educational institutions where engaging in nudity or partial nudity is associated with a curriculum or program. (C) An establishment that possesses an Adult Entertainment License through Palm Beach County is presumed to be an Adult Entertainment Establishment.

ADULT GAMING CENTER. Means any place or premises catering to persons 18 and over that mimic the look and feel of gambling venues where there are more than six (6) amusement games or machines which operate by the means of the insertion of a coin and which by means of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played are available to the public. The presence of games or gaming devices that are similar to, or in the nature of slot machines, shall result in a rebuttable presumption that the business at which such machines are located is an adult gaming center.

ADULT MATERIAL. 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.

ADULT NOVELTY STORE. An establishment which sells or offers instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.

ALCOHOLIC BEVERAGE ESTABLISHMENT. Any business or commercial establishment, whether open to the public at large or entrance is limited by cover charge or membership requirements, including those licensed by the state for sale and-or service of alcoholic beverages, which include but are not limited to, any bar, stand alone bar, cocktail lounge, bottle club, hotel, motel, restaurant, night club, country club, cabaret, and meeting facility located in the City of Delray Beach in which alcoholic beverages, beer or wine are, or are available to be sold, dispensed, served, consumed, provided, possessed or offered for sale or consumption on the premises.

ALLEY. A roadway which provides a secondary means of access to abutting properties, and not intended for general traffic circulation use by pedestrians or vehicles.

ALTERATION. Any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance, or structural changes involving changes in form, texture, materials, or color or any such changes in appearance in a specially designated historic site or historic interior. or; as applied to a building or structure, a change or rearrangement in the structural parts of the existing facilities, or an enlargement, whether by extending on a side, or by increasing the height, or the moving from one location or position to another.

AMUSEMENT GAME FACILITIES. Means any place or premises not considered an adult gaming center, which caters to families and children and where there are games such as pinball, air hockey, electronic games, and other similar coin operated games and the premises does not meet the definition of an Adult Gaming Center.

ANIMAL HUSBANDRY. An agricultural business for the breeding and caring for farm animals.

ANIMAL SHELTER. A county, municipal, or public animal shelter or a duly incorporated or organized nonprofit organization operated as a bona fide charitable organization under Section 501(c)3 of the Internal Revenue Code devoted to the rescue, care, and/or adoption of stray, abandoned, or surrendered animals, and which does not breed animals.

ANIMATED SIGN. A sign which uses movement or change of lighting to depict action or to create a special effect or scene.

ANTENNA. A transmitting and/or receiving device used for personal wireless services that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas,

and omni-directional antennas, such as whips, but excluding radar antennas, amateur radio antennas, and satellite dish antennas.

ANTIQUE. An object having special value or significance because of its age, made in a former period of at least 40 years ago. Such objects may include but are not limited to furniture, tableware, art, handicrafts, artifacts, linens, rugs, jewelry, curios, and vintage clothing and accessories.

APARTMENT. A type of dwelling unit, occupied by tenants, and located within a multiple family dwelling.

APARTMENT BUILDING OR HOUSE. A type of multiple family dwelling.

APPROPRIATE TO SURROUNDINGS. Bringing new buildings into an orderly relationship with landscape and nature, other buildings, and open areas; but this term does not mean uniformity in style or subordination to existing buildings. Again, scale and composition come into importance, related here to adjacent properties. Surroundings are not only the buildings within a neighborhood, but shall be considered as the total picture. Future surroundings must also be weighed. Advertising signs on buildings must be appropriate to the surroundings in the same way.

APPURTENANCES. That which is an accessory to another structure, including but not limited to stonewalls, fences, light fixtures, steps, paving, sidewalks, shutters, and signs.

ARCADE. A covered walk with mixed-uses, residential, or non-residential uses on one side and a line of arches or colonnades raised on columns or piers on the other side. For the purposes of this Code, a street is usually located adjacent to the side of the arcade which contains the line of arches or colonnades.

ARCHAEOLOGICAL SITE. Earthworks; any subsurface remains of historical, archaeological, or architectural importance; or any unusual ground formations of archaeological significance.

ARCHITECTURAL COMPOSITION. The scale, height, mass, proportion, color, form, style, detail, treatment, texture, construction material, and roof design of a project or building.

ARCHITECTURAL FEATURES. Any prominent element, including but not limited to spires, steeples, belfries, cupolas, domes, monuments, and widow's walks or distinctive characteristics related to architectural style, mass, general design, and general arrangement of the exterior of a building or structure, including the type, style, or color of roofs, windows, and doors. Architectural features include interior architectural features where the interior has been given historic designation.

AREA OF SHALLOW FLOODING. A designated AO or VO Zone on the Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flood is unpredictable and indeterminate, and when velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

ARTICULATED PARAPET. A parapet with height variations and decorative architectural treatment.

ARTIFICIAL TURF OR SYNTHETIC GRASS. An artificial grass mat manufactured with natural materials or man-made materials such as polypropylene, polyethylene, and/or other materials, which is intended to replicate the appearance of natural grass.

ARTIST OR PROFESSIONAL ARTIST. Means a practicing fine artist, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person's status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent

art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts.

ARTWORK OR WORKS OF ART. Means tangible creations by artists exhibiting the highest quality of skill and aesthetic principles and includes all forms of visual art conceived in any medium, material, or combination thereof, including paintings, sculptures, statues, engravings, carvings, frescos, stained glass, mosaics, mobiles, tapestries, murals, photographs, video projections, digital images, bas-relief, high relief, fountains, kinetic, functional furnishings such as artist designed seating and pavers, architectural elements designed by an artist, and artist designed landforms or landscape elements.

ASSISTED LIVING FACILITY. Any building or buildings, section of building, or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administration. "Personal services" means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services, which the Department of Elderly Affairs may define by rule. "Personal services" shall not be construed to mean the provision of medical, nursing, dental, or mental health services. An Assisted Living Facility that does not function in accord with the definition of "Community Residence" in these LDRs is not a community residence.

~~AUTOMATED EXTERNAL DEFIBRILLATOR: A lifesaving device that is:~~

- ~~1. Commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act;~~
- ~~2. Is capable of recognizing the presence or absence of ventricular fibrillation and is capable of determining without intervention by the user of the device whether defibrillation should be performed; and~~
- ~~3. Upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.~~

AUTOMOBILE BROKERAGE. The conduct of business resulting in the sale of an automobile other than when a part of new and/or used car sales.

AUTOMOBILE DEALERSHIP, FULL SERVICE. The provision of all services necessary to accommodate the sale and service of new automobiles including franchise sales. At a minimum, all of the following must be accommodated at the dealership site in order to qualify as a full service automobile dealership, franchise auto sales, auto repair, and auto service.

AUTOMOTIVE RENTAL FACILITY, ACCESSORY. A commercial establishment where the renting of small trucks and cargo vans up to and including three-quarter-ton trucks is accessory to a large-scale home improvement/hardware retail establishment. A large-scale home improvement/hardware retail establishment shall occupy at least 25,000 sq. ft. gross floor area. This use is regulated by Section 4.3.3(C).

AUTOMOTIVE RENTAL FACILITY, NEIGHBORHOOD. A commercial establishment used principally for renting vehicles such as cars, sport utility vehicles, small pick-up trucks and mini-vans that is located within a large retail shopping center or in an outparcel to a large retail shopping center. This use is regulated by Section 4.3.3(C).

AUTOMOTIVE REPAIR FACILITY. An establishment used for body work, mechanical repairs, or the painting of automotive vehicles.

AUTOMOTIVE SALES AND SERVICE. A commercial establishment used primarily for the display of automobiles for sale, along with their customary repair and maintenance facilities.

AWNING SIGN. A tenant identification sign designed as part of the awning.

BALCONY. A projecting platform on a building, sometimes supported from below, sometimes cantilevered; enclosed with a railing or balustrade.

BANNER. A temporary sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind with only the material for a backing. "Banner" shall include any animated or fluttering devices designed to attract attention.

BASE BUILDING ELEVATION. For the purposes of measuring building height, (1) for sites not located within a FEMA designated special flood hazard area (SFHA), a minimum of 18 inches (or less with approval by the City Engineer) and a maximum of 30 inches (which allows for 12 inches of freeboard) above the mean elevation of the crown of the street along the lot frontage or the average of the mean elevation of the crowns of the streets-for lots with multiple lot frontages; or, (2) for sites located within FEMA designated SHFA, as amended, the higher of (a) the minimum required base flood elevation, as required by FEMA and the Florida Building Code, as amended, and allowing up to 12 inches addition for freeboard; or, (b) the average crest of the dune located within the property limits, measured from north to south on the subject site.

BASE FLOOD. See Section 10.2.2.

BASE FLOOD ELEVATION. The regulatory requirement for the elevation of structures as set forward by the adopted flood insurance rate maps (FIRM) created by the Federal Emergency Management Agency (FEMA).

BASEMENT. That portion of a building having its floor subgrade below ground level on all sides.

BAY WINDOW. An angular or curved cantilevered feature that projects outward from an exterior wall predominantly comprised of fenestration.

BAZAAR. A market characterized by shops and stalls along a pathway, usually for the sale of miscellaneous articles.

BEACH. The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. Beach is alternatively termed "SHORE."

BED AND BREAKFAST INN. A use within a designated historic or contributing structure which provides temporary overnight guest accommodations for rent to nonpermanent residents.

BEDROOM. A room intended for, or capable of, being used for sleeping and that is at least 70 square feet in area. A room designated on building plan submittals as a "den", "library", "study", "loft", or other extra room that satisfies the definition and is not a kitchen, living room, dining room or bath will be considered to be a bedroom for the purpose of computing bedroom area.

BENEFITED AREA. The geographical boundaries of the City including all future annexations and consolidations.

BLANK WALLS. Any wall or portion of a wall twenty (20) or more feet in length that is visible to the public and is without windows, doors, wall openings, or other architectural treatments.

~~**BLEEDING CONTROL KIT:** A collection of equipment specified by the fire department and housed in a container that displays the universal medical symbol that is used to attempt to control bleeding from a patient who has suffered a traumatic injury. The fire department may update the list of equipment as necessary.~~

BLOCK. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

BOARDING OR ROOMING HOUSE. A building other than a hotel, motel, residential inn, or bed and breakfast used to provide lodging for compensation, and where more than one of the partitioned sections are occupied by separate families or rent is charged separately for the individual rooms or partitioned areas occupied by the renter or occupant. Individual living units may or may not be equipped with kitchen facilities; congregate dining facilities may be provided for the guest. A boarding or rooming house is not a community residence.

BOAT. Any watercraft, including barges and airboats, designed, used, or capable of being used as a means of transportation on water.

BOAT LIFT. Any device fixed to the ground, a seawall, or a dock, designed to lift watercraft clear of the water.

BOAT SLIPS. An excavated area within a platted lot, which lot must abut a canal, lake, or other waterway, which excavated area may be used for docking or mooring of boats.

BOAT TRAILER. A trailer which is being used for, or is designated for, carrying boats.

BOND. A form of security including a cash deposit, surety bond, or instrument of credit in an amount satisfactory to the City Engineer and form approved by the City Attorney.

BOTTLE CLUB. A commercial establishment, operated for a profit, whether or not a profit is actually made, wherein patrons consume alcoholic beverages which are brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises, and which is located in a building or other enclosed structure. This definition does not apply to sporting facilities where events sanctioned by nationally recognized regulatory athletic or sports associations are held or to bona fide restaurants licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building on supporting foundation system.

BREAKAWAY WALL OR FRANGIBLE WALL. A partition independent of supporting structural members that will withstand design wind forces, but will fail under hydrostatic, wave, and runup forces associated with the design storm surge. Under these conditions, the wall shall fail in a manner such that it breaks up into components that will minimize the potential for damage to life or adjacent property. It shall be a characteristic of a "BREAKAWAY WALL" or "FRANGIBLE WALL": that it shall have a horizontal design loading resistance of not less than ten nor more than 20 pounds per square foot.

BUFFER, PERIMETER LANDSCAPE. A strip of land which is required along the perimeter of a lot in which landscaping is used to provide a transition between abutting properties and/or adjacent rights-of-way.

BUILDABLE AREA. The portion of a lot remaining after the required setbacks have been provided.

BUILDING. A structure which encloses space; a structure which gives protection or shelter for any occupancy. The term "building" shall be construed as if followed by the phrase or part thereof. When separated by fire walls, each portion so separated shall be deemed a separate building.

BUILDING ARTICULATION. Delineation that expresses distinct portions of a building, typically through changes in the location of the building façade, in building height, and fenestration patterns.

BUILDING FRONTAGE.

- (a) The building frontage for an interior lot is the portion of the lot abutting the primary street minus the required side setbacks.
- (b) The building frontage for the primary street side of a corner lot is the portion of the lot abutting the primary street minus the required side setbacks.
- (c) The building frontage for the secondary street side of a corner lot is the portion of the lot abutting the secondary street minus the required front and rear setbacks.
- (d) Building frontage is expressed in percentages and may vary from floor to floor.

BUILDING HEIGHT. The vertical distance from grade to the highest finished roof surface of a flat roof or to the mean level between eaves and ridge for gable, hip, or gambrel roofs. Within the CBD zoning district, vertical distance shall be measured to the soffit of a gable, hip, or gambrel roof and building height is also measured by stories.

BUILDING SUPPORT STRUCTURE. Any structure which supports floor, wall, or column loads, and transmits them to the foundation. The term shall include beams, grade beams, or joists, and includes the lowest horizontal structural member exclusive of piles, columns or footings.

BUSINESS OFFICE. Any commercial activity conducted primarily in an office, which does not involve the sale of commodities or goods on the premises. This definition does not include a Medical Office.

CALIPER. An instrument used to measure the diameter of a tree. In common vernacular, often used interchangeably with the term diameter.

CALL CENTER. A centralized business office used for the purpose of receiving and transmitting a large volume of requests by telephone, operated by a company to administer incoming product support or information inquiries from consumers. Includes outgoing calls for, but not limited to, telemarketing, clientele, product services, and debt collection.

CAMPER. Any separate structure designed or used for human habitation, which can be attached to or detached from a pickup truck, and which has sufficient headroom for an adult six feet in height to stand upright. A pickup truck with a cap shall not be construed as a CAMPER.

CANOPY COVERAGE. The coverage of a tree, by its limbs and leaves, of the ground below. Often referred to as 'spread of canopy'.

CANOPY SIGN. A pedestrian oriented sign which is suspended from, attached to, supported from, or forms a part of a canopy.

CAPITAL IMPROVEMENT PROJECT. Means all construction projects, excluding underground infrastructure projects, (which include, but are not limited to water mains, sewer main, storm drainage, wastewater or any other underground utility), included in the City's Capital Improvement Annual Plan

involving construction of new capital facilities, additions to capital facilities, or major remodeling of capital facilities. Land, equipment purchases, repair, software, personal property purchases and maintenance costs are excluded.

CARETAKER. A person or couple employed for security or maintenance purposes.

CARPORT. A roofed area used for the storage of one or more motor vehicles.

CAR WASH. A commercial activity used primarily for the washing of motor vehicles.

CERTIFICATE OF APPROPRIATENESS. A written document allowing specified alterations, demolition, construction, or other work to a designated historic site, or for a building or structure within a designated historic district.

CHANGEABLE COPY SIGN. A sign on which a message copy is changed through moveable letters, numbers, etc.

CHILD CARE FACILITY. An establishment in which custodial care is rendered to six or more children unrelated to the operator, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit. [Amd. Ord. 25-10 10/19/10]

CIVIC BUILDING. A public building dedicated to arts, culture, education, recreation, worship, or government.

CLUB. A building or facility owned or operated by an association, corporation, person, or persons, for an educational, recreational, or social purpose, and to which membership is required for participation, but not primarily for profit or to render a service which is customarily restricted to members and their guests. For the purpose of this code, a building or facility owned by a residential homeowners association and operated by it for the social, educational, or recreational benefit of its members, and to which membership is reserved exclusively for the on-site residents, shall not be considered a "Club."

CLUSTER DEVELOPMENT. A group of single or multiple-family dwelling units developed around an open space area which is owned in common by all the owners living within the development.

COASTAL BARRIER ISLANDS. Geological surface features which are completely surrounded by marine waters that front upon the open waters of the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida and are composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment, or other material, including soil disposal. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce shall not be considered "COASTAL BARRIER ISLANDS."

COASTAL BUILDING ZONE. For mainland areas which front directly upon the open waters of either the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida, the land area between the seasonal high-water line and a line 1500 feet landward from the coastal construction control line.

COASTAL CONSTRUCTION CONTROL LINE. See Section 10.2.2.

COASTAL HIGH HAZARD AREA. See Section 10.2.2.

COIN-OPERATED AMUSEMENT DEVICE. Means an amusement machine, device, or instrument operated by means of the insertion of a coin, bill, currency, credit card, debit card, token or slug for use as a game, contest of skill or amusement of any description operated in accordance with 849.161, Fla. Stat. This definition is not intended to and does not include merchandise vending machines or coin-operated mechanical or electrical instruments or devices.

COLLECTOR STREET. A street which carries traffic from local streets to arterial streets and includes the principal entrance streets from a subdivision or development where projected traffic count on the "Collector Street" exceeds 2,000 trips a day.

COMBUSTIBLE SIGN. Any sign or sign structure which has an internal electrical circuit which may ignite or support flames and which has a low flame point. Prime examples of combustible signs would be wood, cloth, and the like.

COMMISSION. The Commission of the City of Delray Beach.

COMMUNITY GARDEN. Any piece or pieces of land gardened by a group of people, utilizing either individual or shared plots on private or public land. The land may be used only for the production of fruits, vegetables, herbs, edible mushrooms, flowers, and/or ornamental plants and the gardens are reviewed by the City's Green Implementation Advancement Board, pursuant to the Community Garden Program.

COMMUNITY RESIDENCE. Except as required by state law, a community residence is a residential living arrangement for up to ten unrelated individuals with disabilities living as a single functional family in a single dwelling unit who are in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the staff of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff, which provides habilitative or rehabilitative services, related to the residents' disabilities. A community residence seeks to emulate a biological family to normalize its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter in a family-like environment; treatment is incidental as in any home. Supportive inter-relationships between residents are an essential component.

A community residence shall be considered a residential use of property for purposes of all zoning, building, and property maintenance codes. The term does not include any other group living arrangement for unrelated individuals who are not disabled nor residential facilities for prison pre-parolees or sex offenders. Community residences include, but are not limited to, those residences that comport with this definition that are licensed by the Florida Agency for Persons with Disabilities, the Florida Department of Elderly Affairs, the Florida Agency for Health Care Administration, and the Florida Department of Children and Families, and functional family sober living arrangements also known as recovery residences certified by the state's designated credentialing entity established under Section 397.487 of the Florida Statutes.

Per state law, community residences for people with developmental disabilities located in a "planned residential community" as defined by Section 419.001(1)(d) of the Florida Statutes, are exempt from the spacing requirements between community residences established in these LDRs.

To implement these LDRs, an application that the City of Delray Beach designates must be completed in full and submitted to the Director of the Planning, Zoning, & Building Department prior to occupancy or construction of the proposed community residence to determine whether the proposed community residence is a permitted use or requires a conditional use permit, to determine the maximum number of occupants allowed under city code provisions that apply to all residential uses, and to identify whether any further accommodation is needed in accord with Section 2.4.7(G), "Requests for Accommodation" of these LDRs.

A community residence or its operator that loses its license or certification must cease operations and vacate the property within 60 days of the date on which its licensing or certification was discontinued or the date required by state law, whichever is less.

A "community residence" occupied by four to ten unrelated individuals with disabilities can be a "family community residence" or a "transitional community residence." The owner or operator of a community

residence may apply for an administrative reasonable accommodation to house more than ten residents in accord with the standards and procedures established in Section 2.4.7(G) of these LDRs.

COMPATIBLE/COMPATIBILITY. Design which utilizes accepted site planning (e.g. building placement orientation and siting) and the elements of architectural composition within the context of the surrounding area. Similar adjacent land uses or square footage shall not necessarily constitute architectural compatibility.

COMPLEMENT/COMPLEMENTARY. Having similar architectural composition.

CONDITIONAL USE. A use that would not be appropriate generally or without restriction throughout a zoning classification or district. Such uses, however, if controlled as to area, location, number, or relation to the neighborhood, would promote public appearance, comfort, convenience, general welfare, good order, health, morals, prosperity, and safety of the city.

CONDOMINIUM. A form of ownership, wherein interest of a dwelling unit in a multiple family structure is conveyed through air rights, and owners share ownership and maintenance responsibility for common areas (grounds, exterior walls, recreational facilities, etc.).

CONSTRUCTION. The building of or substantial improvement to any structure or the clearing, filling, or excavation of any land. When appropriate to the context, "CONSTRUCTION" refers to the act of construction or the result of construction.

CONTINUING CARE FACILITY. A facility which furnishes shelter and either nursing care or personal services, pursuant to an agreement, whether such nursing care or personal services are provided in the facility or in another setting designated by the contract for continuing care to an individual not related by consanguinity or affinity to the provider furnishing such care, upon payment of an entrance fee. Other personal services provided shall be designated in the continuing care contract. Contracts to provide continuing care include agreements to provide care for any duration, including contracts that are terminable by either party. "Personal services" means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services which the Department of Elderly Affairs may define by rule. "Personal services" shall not be construed to mean the provision of medical, nursing, dental or mental health services. Continuing Care Facilities shall be accommodated in the same manner with respect to the number of residents and the number of units as required for the respective structures of either a single family unit, duplex unit or multi-family unit in the zoning districts where allowed. Requests for exemptions to the number of residents can be requested through a reasonable accommodation request pursuant to LDR Section 2.4.7(G).

CONTRIBUTING STRUCTURE. (Also referred to as a Historic Structure): A structure which adds to the historical architectural qualities, historic associations, or archaeological values for which a district is significant because it was present during the period of significance of the district, possesses historic integrity reflecting its character at that time, is capable of yielding important information about the period, or independently meets the National Register of Historic Places criteria for evaluation.

COST OF ALTERATIONS OR REPAIRS. The estimated cost of repairs or alterations if done by a professional contractor, duly licensed to effect those repairs or alterations, as determined by the Chief Building Official using generally accepted practices for estimating cost; through the use of current construction cost data.

DEBRIS. Remains of anything broken down or destroyed, ruins, fragments, rubbish, trash, waste material, litter, and rubble.

DEMOLITION. The act or process of wrecking, destroying, or removing any building or structure, or any exterior or structural part thereof. The process of removing or destroying an archaeological site or a part thereof.

DENSITY. The ratio of the number of dwelling units in relation to the area included within the property lines.

DEPARTMENT STORE. A retail establishment conducted within one building and which provides for the sale of specialty items (hardware, clothing, toys, auto accessories, kitchen/bath accessories, appliances, cards, and the like) in individual departments which, generally, have a separate cashier. However, a central cashier system may be used. This definition does not preclude the sale of specialty items on an incidental basis in a general retail establishment; nor does it apply to retail establishments of less than 5,000 square feet.

DESIGNATED EXTERIOR. All outside surfaces of any improvement, building, or structure defined in a historic preservation survey as having significant value to the historic character of the building, district, or city.

DIAMETER. The Diameter of a tree measured at 4½ feet above grade.

DIRECTIONAL SIGN. An on premise, incidental sign designed to guide or direct pedestrians or vehicular traffic.

DIRECTORY SIGN. A sign listing the tenant's names, locations, buildings or group of buildings.

DISABILITY. A disability is a physical or mental impairment that substantially limits one or more of an individual's major life activities, impairs an individual's ability to live independently, having a record of such an impairment, or being regarded as having such an impairment. People with disabilities do not include individuals who are currently using alcohol, illegal drugs, or using legal drugs to which they are addicted nor individuals who constitute a direct threat to the health and safety of others.

DOCK. Any structure and appurtenances thereto extending into or above any body of water, designed and used primarily for the securing of watercraft, fishing, swimming, or other water-related activity.

DOLPHIN. A single pile or cluster of closely driven piles used as a fender for a dock or as a mooring or a guide for watercraft, but not used as a channel marker or as a dock piling.

DOMESTIC ANIMALS. Historically domesticated companion animals such as dogs, cats, birds, or other tamed animals.

DOMESTIC ANIMAL SERVICES. Places of business, either for profit or not for profit, that provide services for the care and well-being of domestic animals including veterinary clinics, pet service facilities, pet hotels, and animal shelters.

DRIPLINE. An imaginary line on the ground defined by the vertical lines which extend from the outer most tips or canopy, to the ground.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND. Any place or premise where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles or on the premises or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a DRIVE-IN RESTAURANT for purposes of these zoning regulations. A barbecue stand or pit having characteristics noted in this definition shall be deemed a DRIVE-IN RESTAURANT.

DRIVE THRU RESTAURANT. Any place or establishment where provision is made on the premises for the selling, serving of food, or refreshments and beverages, and dispensing of such items in a manner where the customer orders from his vehicle, picks up his order, and leaves the premises. Such a customer may not eat or drink the food, refreshments, or beverages on the premises.

DUNE. A mound or ridge of loose sediments, usually sand-sized, deposited by natural or artificial means, which lies landward of the beach.

DWELLING. A structure designed, for occupancy by permanent residents. A dwelling may include incidental uses normally associated with permanent residential use, eg. garages, storage, etc. This excludes trailers, hotels, lodging houses, motels, tents and recreational vehicles.

DWELLING, MULTIPLE FAMILY. A residential building containing three or more dwelling units, or one or more dwelling units in a building that contains non-residential uses in the Central Business District.

DWELLING, SINGLE-FAMILY. A detached residential building other than a mobile home, designed for occupancy by one family.

DWELLING, TWO-FAMILY (DUPLEX). A detached residential building containing two dwelling units, designed for occupancy by two families.

DWELLING UNIT. One or more rooms connected together, designed to be occupied by one family, constituting a separate, independent housekeeping establishment and physically separated from any other dwelling unit which may be in the same structure, and which contains independent sanitation, living, cooking and sleeping facilities.

DWELLING UNIT, EFFICIENCY. A type of dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

EASEMENT. A right granted for limited use of private property for a public or quasi-public purpose.

ECOSYSTEM. A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

ELECTRICAL CONSTRUCTION. All work and material used in installing, maintaining, and extending a system of electrical wiring for lights, heat, or power, and all appurtenances thereto; and all apparatus or equipment used in connection therewith, inside of, or attached to any building, lot or premises, done by licensed electricians, public utilities, companies, or firms, corporations, or individuals.

ELECTRICAL CONTRACTOR. A person engaging in the business of electrical contracting. The individual in charge of the electrical installations for that person shall have passed the Department of Professional Regulation or the county competency test and registered same with the state or have passed the state certification examination.

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE (EPAMD). Any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with an average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour.

ELEVATED BUILDING. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

ENCROACHMENT, VEHICULAR. Any protrusion of a vehicle outside of a parking space, display area or accessway into a landscaped area. There shall be no "Encroachment" over or into any landscaped area. Car stops shall be placed at least two feet from the edge of the landscaped area. In order to prevent encroachment and maintain a neat and orderly appearance of all planting islands adjacent to accessways or traffic, a proper protective curbing is required. Where car stops in parking spaces prevent encroachment, no other curbing is required.

ENGINEER. A person registered to practice engineering by the Florida State Board of Engineers and Land Surveyors Examiners.

ENTRANCE GATES. An identification structure to a city-approved subdivision or commercial development and necessary directional signs.

EXCEPTIONAL SPECIMEN TREE. Any tree determined to be of value to the public because of its size, location, age, historic association, ecological value, aesthetics or other unique characteristics.

- (a) *Size:* Diameter at Breast Height (DBH) of 18 inches or more.
- (b) *Location:* Proximity to a thoroughfare or highly traveled area.
- (c) *Age:* Approximate-based on size.
- (d) *Historic Association:* Tree is associated with a notable or local or regional historical event.
- (e) *Aesthetics:* Exceptional representation of a certain species of tree because of its form or character.

EXEMPT TREES. Trees that do not require a permit for removal.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A parcel (or contiguous parcels) of a land divided into two 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, and the construction of streets) is completed before May 8, 1978.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

EXTERIOR. All outside surfaces of any building or structure.

EYEGLASS STORE. An establishment offering eyeglasses, sunglasses, and related optical goods for sale. An Eyeglass Store may also offer accessory optometry services such as eye exams and eye tests to assist customers in purchasing prescription eyeglasses, sunglasses, and related optical goods. No more than 20 percent of the floor area shall be allocated for optometry services, and the optometry services area shall not be positioned at the front of the store, in order to be considered retail.

FACADE. That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

FAMILY. "Family" shall mean two or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, and/or a group of persons not more than three in number who are not so interrelated, occupying the whole or part of a dwelling as a single housekeeping unit that shares common living, sleeping, cooking, and eating facilities. Any person under the age of 18 years whose legal

custody has been awarded to the State Department of Health and Rehabilitative Services or to a child-placing agency licensed by the Department, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this definition. Occupancies in excess of the number allowed herein shall have 12 months from the date of the enactment of this definition or the termination of the current lease agreement to come into compliance, whichever occurs first. Anyone who has applied for or received a reasonable accommodation from this definition prior to June 16, 2009 shall be allowed to proceed under the definition in existence on June 16, 2009 with the total number granted under the reasonable accommodation without having to re-file an application for a reasonable accommodation. A family does not include any society; nursing home; club; boarding or lodging house; dormitory; fraternity; sorority; or group of individuals whose association is seasonal or similar in nature to a resort, motel, hotel, boarding or lodging house.

FAMILY COMMUNITY RESIDENCE. A family community residence is a relatively permanent living arrangement for four to ten unrelated people with disabilities with no limit on how long a resident may live in the home. The length of tenancy is measured in years. Oxford House is a family community residence.

FAMILY DAY CARE HOME. An accessory use conducted in an occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit. Baby-sitting services provided by an individual at the home of the parents or legal guardians is not deemed to be a Family Day Care Home.

FENESTRATION. The arrangement of windows and doors on the elevations of a building.

FINGER PIER. A structure, not exceeding five feet in width, which projects into the waterway perpendicular to the seawall, bulkhead line, or property line and extends more than five feet from the seawall, bulkhead line, or property line.

FLAG. A piece of cloth usually attached at one edge to a staff/pole or cord.

FLAT WALL SIGN. A sign erected parallel to the building to which it is attached, and supported entirely by the façade.

FLEA MARKET. A market, usually in the open air, selling antiques, used household goods, curios, or the like.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the area of special flood hazard have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM). See Section 10.2.2.

FLOOD INSURANCE STUDY. See Section 10.2.2.

FLOOD OR FLOODING. See Section 10.2.2.

FLOODWAY. See Section 10.2.2.

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

FLOOR AREA RATIO. The term "Floor Area Ratio" shall mean the ratio of the "total floor area" of the structure(s) to the area of the lot. "Total Floor Area" shall be defined as the gross horizontal areas of all floors

of all buildings measured from the exterior walls or other types of enclosures and shall include garages, carports and port-cocheres. The floor areas of attics (unless used as a living space), enclosed decks or patios, covered porches, exterior balconies (covered or uncovered) or crawl spaces are excluded from the total floor area used in the Floor Area Ratio calculation.

FREEBOARD. The allowance for additional height in the base building elevation above minimum requirements solely for the purpose of providing additional floodproofing; may not be used for the purpose of increasing building volume.

FREE-STANDING FEATURES. Equipment not intended for human occupancy and placed or constructed on a property, parcel, or site without being attached to a building such as antennae, satellite dishes, industrial conveyors, flag poles, radio and television towers, and silos. Free-standing features do not include signs.

FREESTANDING SIGN. A free-standing sign is not affixed to any other structure and is limited to no more than two (2) faces. It may be either a pole sign or monument sign. All signs erected on a pole shall have a pole cover. All free-standing signs shall contain the street number.

FRONTAGE. A lot boundary adjoining a street.

FRONTAGE WALL FACE. The building facade, including parapet and fascia, excluding soffit, mansard, and roof, which faces the frontage of the premises.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility for loading and unloading of cargo or passengers, ship building, ship repair, or seafood processing facilities, excluding long-term storage, manufacture, sales, or service facilities.

GARAGE APARTMENT. A dwelling unit in an accessory building which contains an enclosed space for one (1) or more motor vehicles; and which dwelling unit is for occupancy by permanent residents. However, habitation as a non-permanent residence is allowed on a one-time basis per annum for an annual/seasonal tenancy.

GARAGE, PRIVATE. A detached accessory building, or a portion of the principal structure, used for the storage of automobiles owned by the occupants of the premises.

GARAGE, STORAGE. Any building or portion thereof, excluding a private garage, used exclusively for the parking or storage of motor vehicles. Services other than storage shall be limited to lubrication, polishing, refueling, and washing.

GARISH. Too bright or gaudy; showy, glaring; also cheaply brilliant or involving excessive ornamentation.

GASOLINE PRICING SIGN. A sign incorporated into a gasoline station identity sign, for display of the price changes.

GASOLINE STATION. An establishment used for the sale and delivery of fuel, lubricants, and other products necessary to the operation of automobiles. It may also include the sale and installation of accessories, tires, batteries, seat covers, tire repair, minor engine tune-ups, wheel balancing and aligning, brake servicing, washing, and minor automotive repair. (See 4.3.3(J)).

GREENHOUSE. An enclosed structure (usually with glass) for the production of fruits, vegetables, herbs, flowers, and/or ornamental plants.

GROSS FLOOR AREA. The total floor area contained within a building measured from the exterior surface of outer building walls.

GROUND COVER. Plant materials characterized by low, dense growth, generally horizontal and providing 100% ground coverage of a specified area at maturity.

GROUND SIGN. A sign affixed to the ground and supported by poles, uprights, or braces extending from the ground or a permanently mounted object on the ground but not attached to any part of a building.

GROUND FLOOR BUILDING AREA. The square feet of floor space measured from the exterior faces of the exterior walls of the ground floor of all principal and accessory buildings on the lot.

GUEST APARTMENT. A room or suite of rooms which is part of the main structure, and is intended to be occupied as the home or residence of the immediate family.

GUEST COTTAGE. An accessory building used exclusively for housing members of the family occupying the principal dwelling, their nonpaying guests, paying guests at a Bed and Breakfast Inn, or persons employed for service on the premises. A Guest Cottage shall consist of no more than one dwelling unit and may be affixed to an accessory structure.

GUEST HOUSE. A dwelling containing rooms which are rented for the temporary care or lodging of transients and travelers, and advertised as such to the general public. **GUEST HOUSES** are prohibited.

GUEST UNIT. A dwelling unit which is located within a single family dwelling. A Guest Unit may only be occupied by members of the immediate family of the occupants of the single family dwelling or occupied by persons employed for service on the premises.

GUYED TOWER. A telecommunication tower that is supported, in whole or in part, by guy wires and ground anchors.

HARDSCAPE. Consists of the inanimate elements of landscaping, especially masonry or wood work such as concrete or brick patios and pool decks, tile paths and wooden decks.

HATRACKING. To flat-cut the top of a tree, severing the leader or leaders; or pruning a tree by stubbing off mature wood larger than three (3) inches in diameter; or reducing the total circumference or canopy spread not in conformance with National Arborists Association standards.

HEDGE. A landscape barrier consisting of continuous, dense planting of shrubs, all of the same species.

HEIGHT (OF A SIGN). The vertical distance measured from the highest point of the sign, to the grade at the base of the sign.

HISTORIC DISTRICT. A geographically defined area which has been designated as a historic district under the procedures described in this code. Any historic district may have within its area non-historic buildings or other structures that contribute to the overall visual character of the district.

HISTORIC SITE. (Also referred to as Individually Designated Site/Property): Any site, building, structure, feature, or improvement which has been designated as a historic site and which may be located outside of a designated historic district.

HISTORIC SITE SURVEY. A comprehensive survey designed to identify, research, and document building sites, and structures of any historic, cultural, architectural, or landmark importance in the city, which may be compiled in cooperation with state and local public and non-profit historic preservation organizations.

HISTORICAL IDENTIFICATION SIGN. A sign which contains only historical information of general interest concerning the building or site upon which it is placed.

HOME SUBDIVISION. A parcel (or contiguous parcels) of a land divided into two 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, and the construction of streets) is completed before May 8, 1978.

HONEST DESIGN CONSTRUCTION. Proper design of all work in its details, the uses of weather-resistant material, and the like, and applies also to advertising. Poorly designed work must always be discouraged.

HORIZONTAL ARTICULATION. Modulation of the scale of a building by stepping a portion of the structure either outward or inward from the predominant facade plane.

HOTEL. A facility offering transient lodging accommodations to the general public (open to the public at large), usually at a daily rate. A hotel may also contain accessory uses as otherwise permitted within the underlying zone district. A hotel shall have an inner lobby through which seventy-five percent (75%), or more of all occupants must pass to gain access to their rooms.

IDENTIFICATION SIGN. A sign, indicating the name of the primary use.

ILLEGAL SIGN. A sign which does not meet the requirements of this code and which has not received legal nonconforming status.

ILLUMINATED SIGN. A sign with an internal or external artificial light source.

IMPROVEMENT. Any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, foundation, sign, work of art, earthworks, sidewalk, or other man-made object constituting a physical change or betterment of real property, or any part or portion of such change or betterment.

INCLUDES. Shall not limit a term to the specified examples, but is intended to extend its meanings to all other instances or circumstances of like kind or character.

INDEPENDENT TRUSTEE. A trustee, not affiliated with a commercial bank, providing any of the following trust services: as personal representative (executor) of estates; trustee of living and testamentary trusts; and as custodian of securities

INDUSTRIAL EQUIPMENT. Bulldozers, cranes, drag lines, derricks, tractors, and implements, heavy earth moving equipment, tar pots or boilers, and road grading equipment, normally used in farming or heavy construction activities.

IN-FILL DEVELOPMENT. The development of a single parcel having frontage on one street or two streets for a corner parcel, and is surrounded by buildings on two or more sides.

INSTITUTIONAL USES. Shall mean a facility which provides intense around the clock treatment and/or testing such as: Hospitals, Treatment Centers, Rehabilitation Centers, Testing Facilities, Mental Health Treatment Facilities, and Non-Residential Licensed Service Provider Facilities.

IRRIGATION SYSTEM. A permanent, artificial watering system designed to transport and distribute water to plants.

KITCHEN. Any room containing any or all of the following equipment; dishwasher, large refrigerator, stove, microwave oven, counters for food preparation, and/or cabinets or shelves for the storage of food. However, a room containing a small refrigerator, a coffee pot or a wet bar shall not be considered a kitchen.

LAND CLEARING. The removal or grubbing, by any means, of any type of vegetation from land. Land clearing also includes the removal of trees greater than 4 inches in caliper when measured at six (6) inches above grade.

LAND DEVELOPMENT APPLICATION. A request for any of the processes which are necessary to obtain development permission including, but not limited to, the processing of annexations, rezonings, conditional uses, site plans, landscaping plans, architectural elevations.

LANDSCAPE PLAN OF RECORD. The landscape plan approved by the City during the initial development proposal, or the most recent approved modification or revision of the approved plans. This plan shall govern the landscaping permitted and required on the site, and shall be maintained for the life of the project.

LAND SURVEYOR. A land surveyor registered under F.S. Chapter 472, who is in good standing with the Florida State Board of Engineers and Land Surveyors.

LANDSCAPE FEATURE. Any improvement or vegetation including, but not limited to: outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture, exterior lighting. **LANDSCAPE FEATURES** also include site improvements such as, but not limited to, subsurface alterations, site regrading, fill deposition, paving, and signs.

LANDSCAPING. Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as organic mulch, rocks or stones, walls, fences, or decorative paving materials).

LARGE FAMILY CHILD CARE HOME. An occupied residence in which custodial care is regularly provided for up to twelve children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.

LAUNDRY AND DRY CLEANING, SELF-SERVICE. A business rendering a retail service to individual customers by renting equipment, on-site, for the cleaning, drying, and washing of laundry.

LICENSED SIGN ELECTRICIAN. A person who possesses the necessary qualifications, training, and technical knowledge to plan, build lay out, and supervise the installation of all types of electrical signs.

LIMITED INDOOR DINING ESTABLISHMENT. A restaurant or retail establishment where food or beverages are prepared, processed, or assembled for customers to consume on or off site, with no more than eight seats provided indoors. These establishments shall meet Florida statutory and regulatory requirements for a food service license.

LINER BUILDING. A building, minimum twenty foot (20') in depth, taken from the building frontage line to the rear of the building, with a storefront or a nonresidential use along the street. These buildings also are used to hide the ground floor of parking garages or blank building walls, restore gaps in the streetscape between buildings, or create new mixed-use spaces in small increments of development. When done in continuous sections, these buildings can provide continuous street frontages. Typically, a liner building footprint is not deeper than one row of parking spaces.

LIVE/WORK UNIT. A residential dwelling unit that includes flex space which may be used for an approved non-residential use.

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to vehicles when required off-street parking spaces are filled. Required OFF-STREET LOADING SPACE is not to be included as off-street parking space in the computation of required off-street parking space.

LOCAL REGISTER OF HISTORIC PLACES. A listing and a means by which to identify, classify, and recognize various archaeological sites, buildings, structures, improvements, districts, and appurtenances as historically and/or architecturally significant.

LOGGIA. An arcade that is roofed but open along the front or side of a building, and often on an upper level

LOGO. A symbol bearing the name or initials of a company or business.

LOT. A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and provide the required setbacks and other open space as are herein required. A lot shall have frontage on an improved public street or on an approved private street. LOT includes the words plot or parcel.

LOT CORNER. A lot located at the intersection of two or more streets.

LOT DEPTH. The distance from the midpoint of the front lot line to the midpoint of the opposite main real line of the lot.

LOT DOUBLE FRONTAGE. A lot other than a corner lot having frontage on two non-intersecting streets.

LOT FRONT. The front of a lot is the side with frontage on a street. For corner lots, the side having the least street frontage shall be the front for setback purposes. Where a corner lot or through lot has frontage on an arterial or collector street, the front shall be the side with frontage on the arterial or collector. For lots with frontage on both an arterial and a collector, the front shall be the arterial frontage. Notwithstanding the previous description, if a limited access easement or limited access right-of-way runs the length of the frontage on a street, then the front of the lot shall be on a frontage without such access restrictions.

LOT INTERIOR. A lot other than a corner lot with frontage on one street only.

LOT OF RECORD. A lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court of Palm Beach County, Florida. Whenever a portion of an existing lot of record is replatted and contained in a new plat, that portion of the lot on the original plat which has not been replatted and included in the new plat shall not be considered a lot of record and shall not be presumed to satisfy the definition of lot as contained in this section or in 172.03.

LOT THROUGH. A lot other than a corner lot with frontage on more than one street. Through lots are also referred to as double frontage lots.

LOT WIDTH. The distance between the side lines of the lot measured at right angles to the depth at a point being at the front setback line.

LOWEST FLOOR. See Section 10.2.2.

MAJOR STRUCTURE. Residential buildings including mobile homes, commercial, institutional, industrial and other construction having the potential for substantial impact on coastal zones.

MAJOR SUBDIVISION. Any subdivision other than a minor subdivision.

MANGROVE STAND. An assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and buttonwood (*Conocarpus erecta*).

MANSARD. A roof with a pitch greater than eight inches vertically for every 12 inches horizontally and which is attached to the side of a building for decorative purposes.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MARGINAL ACCESS STREET. A street which is parallel and adjacent to another street, the principal purpose of "Marginal Access Streets" being the reduction or elimination of the number of traffic conflicts caused by direct access points to abutting property from the other street, and the improvement of capacity, safety, and reduction of accidents thereby.

MARIJUANA. All parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or seed or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in § 499.0295, F.S., including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient as defined in § 381.986, F.S. Marijuana includes any strain of marijuana or cannabis, in any form, that is authorized by State law to be dispensed or sold in the State of Florida. Also referred to as "medical marijuana."

MARINA. A recreational boating establishment located on a waterway which may provide covered or uncovered boat slips or dock space, dry boat storage, marine fuel and lubricants, marine supplies, restaurants or refreshment facilities, and boat sales or rentals. Minor pleasure boat and boat motor repair which is incidental to the principal marina use is allowed as an accessory use. Boat construction or reconstruction, dredge, barge, or other work dockage or service is not inherently a part of this definition.

MARQUEE SIGN. A sign attached to or supported by a marquee structure, which is a permanent roof-like structure or canopy extending from the façade of the building.

MEAN HIGH WATER LINE. The intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters over a 19-year period.

MEAN SEA LEVEL. The average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the flood plain. The term is synonymous with National Geodetic Vertical Datum (NGVD).

MEDICAL CLINIC. An establishment where patients, not lodged overnight except for emergency treatment and observation, including out-patient surgery, are admitted for examination and treatment by one or more persons practicing any form of healing or medical health services. Such persons may be chiropractors, dentist, naturopaths, opticians, optometrists, psychologist, surgeons, or any other medical profession, the practice of which is lawful in the state.

MEDICAL LABORATORY. An establishment whose primary role is the collection and/or testing of medical samples obtained from a medical office or on-site sampling of patients.

MEDICAL MARIJUANA TREATMENT CENTER (MMTC)— DISPENSING FACILITY. A retail establishment, licensed by the Florida Department of Health as a "dispensing organization," "dispensing organization facility," or similar use, that sells and dispenses marijuana, products containing marijuana, or related supplies, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana, marijuana products, or related supplies, and does not allow on-site consumption of marijuana or marijuana products.

MEDICAL OFFICE. Shall mean an office providing services to the public by physicians, dentists, surgeons, chiropractors, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, optometrists, psychiatrists, (who are also known as health care practitioners) or others who are duly licensed to practice their respective professions in the State of Florida, as well as others, including but not limited to technicians and assistants, who are acting under the supervision and control of a licensed health care practitioner. Also included in this section shall be all providers or facilities licensed under Fla. Stat. Sections 397.311 (25)(a)3., "Day or Night Treatment", 397.311(25)(a)6, "Intensive Outpatient Treatment" and 397.311(25)(a)8, "Outpatient Treatment" and 397.311(25)(a)9., "Residential Treatment Levels 1 and 2 only as defined by F.A.C. 65D-30.007, as amended from time to time.

MENU BOARD SIGN. A changeable copy sign for displaying a menu selection and pricing of the items for sale.

MERCHANDISE MART. A market where groups of retailers sell goods at discounted, warehouse, or cost prices.

METAL CURTAIN WALL. An exterior building wall which carries no roof or floor loads and consists entirely or principally of metal, or a combination of metal and glass, and other surfacing materials supported by a metal framework.

MINOR STRUCTURE. Pile-supported, elevated dune, and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas; earth retaining walls, sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave, and storm forces.

MINOR SUBDIVISION. Any subdivision which is, or involves, one of the following: 1. The creation of not more than three lots each of which fronts on an existing street, and which involve neither the extension of utilities, nor the providing of additional right-of-way; 2. The creation of a plat solely for the purpose of creating divided interests for a previously approved development, which is to be constructed pursuant to a master development or site plan, other than residential development. 3. A boundary plat; or 4. A one time splitting of an existing lot of record.

MOBILE HOME. A single-family dwelling unit designed for long-term occupancy, with plumbing and electrical connections provided for attachment to outside systems. A mobile home is transported to the site after fabrication, affixed to a foundation, and connected to utilities.

MOBILE HOME. Manufactured housing which conforms to the Federal Manufactured Housing Construction and Safety Standards or the Uniform Standards Code ANSI A-119.1 pursuant to _____.

MONOPOLE TOWER. A telecommunication tower consisting of a single pole or spire self supported by a permanent foundation, constructed without guy wires and ground anchors.

MONUMENT SIGN. A freestanding low profile sign with the sign area at the top of a solid base. [

MOTEL. A facility offering transient lodging accommodations to the general public (open to the public at large), usually at a daily rate, with more than twenty-five percent (25%) of the rooms having individual entrances from outside the building. No provisions may be made for cooking in any individual room. Motels may have one (1) or more dining rooms, restaurants or cafes as accessory uses.

MULCH. Non-living organic and/or synthetic materials customarily used in landscape design to retard erosion and retain moisture, stabilize soil temperatures and reduce weed growth. Inorganic materials such as rocks and pebbles are not considered to be mulch materials. The use of plastic under mulch is discouraged as it reduces groundwater discharge.

MURAL. An original, one-of-a-kind unique mosaic, painting, or graphic art or combination thereof (including collage effects) that is professionally applied to aesthetically enhance the exterior of a building or accessory structure such as a dumpster enclosure, fence, or site wall, that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message.

NAMEPLATE SIGN. A non-electric, on-premise identification sign giving only the name, address and/or occupation of the occupants.

NATIONAL GEODETIC VERTICAL DATUM (NGVD). A geodetic datum established by the National Ocean Service and frequently referred to as the 1929 Mean Sea Level Datum. The 1929 correction of the vertical control reference used for establishing varying elevations within the flood plain.

NATIONAL REGISTER OF HISTORIC PLACES. A federal listing maintained by the United States Department of the Interior of buildings, structures, and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended.

NATURAL RESOURCE UTILITY. A use which derives a primarily retail product directly from an extractive material, the atmosphere, or a naturally flowing fluid medium and which does not emit noxious fumes, glare, or noise not commonly expected or associated with the other uses surrounding the use.

NATIVE PLANT COMMUNITY. Associations of native plants which are found in areas with similar soil types and fertility, water availability, and climate, which result in a balanced and self-sustaining system.

NEIGHBORHOOD ELECTRIC VEHICLE (NEV). Any four-wheeled electric vehicle whose top speed is not greater than 25 miles per hour and a maximum load of 3,000 lbs., pursuant to the National Highway Traffic Safety Administration definition in 63 Federal Register 33913 published on June 17, 1998, and subject to the safety standards in 49 Code of Federal Regulations Section 571.500 and Section 316.2122, Florida Statutes, all as may be amended from time to time.

NET FLOOR AREA. The total floor area of a building, measured from the finished interior wall surface of the outer building walls, excluding major vertical penetrations of the floor (elevator and other mechanical shafts, stair wells), mechanical equipment, parking areas, common restrooms, common lobbies, and common hallways. Storage area is included in the net square feet calculation unless it is demonstrated that it cannot be converted to habitable space.

NEW DEVELOPMENT. The construction of a building or buildings or other improvement(s) on vacant property or a new stand alone building on a developed property, excluding in-fill development.

NEW MANUFACTURED HOME PARK OR NEW MANUFACTURED HOME SUBDIVISION. A parcel (or contiguous parcels) of land divided into two 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, and the construction of streets) is completed on or after May 8, 1978.

NON-COMMERCIAL SIGN. A temporary sign erected for purposes other than advertising a commercial business.

NONCONFORMING USE. Any building or land lawfully occupied by a use at the effective date of an ordinance, or amendment thereto, which does not conform after the passage of the ordinance, or amendment, with the use requirements of the district in which it is situated.

NONCONFORMING SIGN. A sign which was erected legally but no longer complies with the current sign code regulations.

NON-CONTRIBUTING STRUCTURE. (Also referred to as a Non-historic Structure): A structure which does not add to the historic architectural qualities, historic associations, or archaeological values for which a district is significant because it was not present during the period of significance of the district, due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or it does not independently meet the National Register of Historic Places criteria for evaluation.

NONHABITABLE MAJOR STRUCTURE. Swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants; electrical power plants, transmission and distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.

NONPERMANENT RESIDENCE. Occupancy of a structure by a person or persons other than as a permanent resident.

NON-RESIDENTIAL LICENSED SERVICE PROVIDER. Shall mean a provider or facility licensed under Fla. Stat. Sections 397.311(25)(a)1., "Addictions Receiving Facility", 397.311(25)(a)4., "Detoxification"; 397.311(25)(a) 5., "Intensive Inpatient Treatment"; and 397.311(25)(a)7., "Medication Assisted Treatment for Opiate Addiction", as amended from time to time.

NURSING HOME. Any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.

NUDITY. Means the exposing to public view of the human male or female genitals, pubic area, cleavage of the human buttocks, or that portion of the human female breast encompassed within an area following 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).

OFFICE OF THE RECORDER. The recorder of deeds of the county.

OFFICIAL ZONING MAP. The official map upon which the boundaries of each zoning district are designated and established as approved and adopted by the Commission, and made a part of the official

public records of the City. The map shall be the final authority as to the present zoning status of buildings, land, water areas, and other structures within the city.

OFF-PREMISE SIGN. A sign advertising a business which is not located on the property where the sign is located.

ONE-HUNDRED-YEAR STORM OR 100-YEAR STORM. A shore incident hurricane or any other storm with accompanying wind, wave, and storm surge intensity having a one percent chance of being equaled or exceeded in any given year, during any 100-year interval.

OPEN SPACE. All areas of natural plant communities or areas replanted with vegetation after construction, such as: revegetated natural areas; tree, shrub, hedge or ground cover planting areas; and lawns. Water bodies and artificial turf areas cannot be used to calculate open space areas.

OPEN SPACE, CIVIC. An outdoor space that is maintained as an urban amenity and is accessible to the general public. Civic open spaces may be constructed and maintained by government agencies but are usually constructed by landowners when they build on the property (see Section 4.4.13(G)). Civic open spaces typically take the form of a green, a plaza, a playground, or a square.

OPEN SPACE, COMMON. Any open spaces under common ownership and control.

ORDINARY MAINTENANCE OR REPAIR. Any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any physical deterioration or damage of an improvement or any part thereof, by restoring it, as nearly as practical, to its appearance prior to the occurrence of such deterioration or damage.

OXFORD HOUSE. A self-governed community residence for people in recovery that is part of Oxford House, Inc. An Oxford House places no time limit on residency, operates as a democratic system and utilizes self-support to pay all the household expenses. Sanctioned by Congress, each Oxford House is operated in accord with the Oxford House Manual© and is subject to annual inspections which serve as the functional equivalent of the certification or licensing of community residences required by these Land Development Regulations.

OWNER. When used in relation to a motor vehicle the term shall mean the individual or firm to which the vehicle is registered, and whose name appears on the motor vehicle certificate of title. This shall include, if under lease, rental agreement, or on loan under any type of arrangement, gratuitous, or otherwise, the individual or firm having possession or control of the vehicle. When used in relation to private property in a residential district, the term shall mean the recorded owner of the property appearing in the records of Palm Beach County, Florida. This shall include if under lease, rental, agreement for deed, or similar land contract, the person or persons having possession and control of the premises.

PAINTED WALL SIGN. A sign applied with paint or similar substance on the face of a wall.

PANEL ANTENNA. An array of antennas designed to concentrate a radio signal in a particular area.

PARAPET. A wall extension above the roof line designed to screen flat roofs and rooftop appurtenances.

PARKING AREA. The total area devoted to the parking and maneuvering of vehicles.

PARKING GARAGE, AUTOMATED. A parking facility using mechanical equipment to autonomously hoist individual vehicles from receiving areas to multi-level storage areas within the same structure.

PARKING LOT. An open area which is used for the parking of automobiles.

PARKING SPACE. A surface area, enclosed or unenclosed, which is sufficient in size to park one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

PARTIAL NUDITY. Means the exposing to public view of the human male or female cleavage of the human buttocks or that portion of the human female breast encompassed with 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) with less than a full opaque covering; or the depiction of covered human male genitals in a discernibly turgid state.

PERIMETER. The whole outer boundary of any structure designated as a sign.

PERMANENT RESIDENCE. Occupancy of a structure by a person, or persons, who declares the structure is his/her permanent residence of record; or who is temporarily having such occupancy while gainfully employed or seeking employment within the community, attending school within the community, or who habitually occupies the same dwelling periodically and recurrently. For zoning and land use purposes, the term also applies to habitation of a structure by its fee simple owner for any period of time.

PERSONAL SERVICE PROVIDERS. (Beauty Salons, Spas, etc.) Commercial establishments providing personal services varying in range and scope including but not limited to hairstyling, manicuring, pedicures, facials, massages, etc.

PET HOTEL. A place of business that provides both daily and overnight boarding accommodations for domestic animals.

PET SERVICES. A place of business that provides temporary care and services for domestic animals such as grooming, bathing, training, and daytime boarding.

PHARMACY. Shall mean a retail establishment primarily offering goods for retail sale and on-site dispensing of prescription drugs, nonprescription drugs or both. A retail pharmacy may also offer accessory services such as photo processing, eyeglass care, etc. No more than 15% of the total number of prescriptions sold within a thirty (30) day period can be derived from the sale of Schedule II controlled substances as listed in Florida Statute 893.03, as determined by an audit/information obtained from an entity that has jurisdiction to request and review such information. All pharmacies shall be staffed by a state licensed pharmacist.

PICKUP TRUCK. Any motor vehicle designed primarily for the transportation of property within a permanently attached open cargo box and having a carrying capacity of $\frac{3}{4}$ ton or less.

PLANT SPECIES, CONTROLLED. Those plant species which tend to become nuisances because of their undesirable growth habits, but which, if property cultivated, may be useful or functional elements of landscape design.

PLANT SPECIES, PROHIBITED. Those plant species which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.

PLAT. A map depicting the division or subdivision of land into lots, blocks, parcels, tracts, or other portions thereof.

POCKET PARK. A park that is less than one-half acre in size, and which may include benches, limited playground equipment, and similar amenities intended primarily for use by residents of the surrounding neighborhood.

POLE SIGN. A freestanding sign that has the sign area at the top of a pole.

POOL HOUSE. A permanent, detached accessory structure located in close proximity to a swimming pool, not intended to function as a dwelling unit or guest quarter, providing a bathroom, changing area, or storage.

PORCH. A covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.

PORTABLE SIGN. Any sign designed to be easily moved, such as a sidewalk or sandwich boards sign, and is not permanently affixed to the ground or to a building.

POTABLE WATER. Water of quality satisfactory for drinking, culinary, and domestic purposes.

PREVENTION EDUCATION SERVICE PROVIDER. Shall mean a service provider or facility licensed under Chapter 397, Fla. Stat. for the sole purpose of providing Prevention Education Services as defined in 397.311(18)(g), Fla. Stat. aimed at precluding, forestalling, or impeding the development of substance abuse problems in order to promote responsible personal and social growth of individuals and families toward full human potential.

PRINCIPAL BUILDING. A building which houses the main use or activity occurring on a lot or parcel of ground.

PRIVATE STREET. Any street which has not been dedicated for public use and not accepted for ownership and maintenance by the City.

PROFESSIONAL OFFICES. A business that offers services to the public by those vocations in which professed attainments in special knowledge are practiced, as distinguished from mere skills, and shall be limited to those professions so classified by the Laws of Florida, and which are conducted as professions and not as a trade or other business, such as attorneys, engineers, architects, and other similarly licensed professionals. **PROFESSIONAL OFFICES** do not include offices for the treatment of animals on the premises. This definition does not include a Medical Office.

PROGRAMMED PUBLIC PARKING FACILITY. A parking lot or parking structure that has been identified in the City's Comprehensive Plan and/or as a potential site in the City's Parking Master Plan, which will be constructed or owned by a governmental entity or a partnership that includes a governmental entity, which provides parking for the general public.

PROJECTING SIGN. A sign which is attached at a right angle to the outside wall of the building.

PROPER DESIGN CONCEPTS. Architectural planning and the analysis of the whole structure in terms of form and function as it relates to aesthetics and composition, color, materials, and surface decoration. It includes scale in relationship to scale of adjacent buildings and landscape. It applies to inner character of the individual project. It applies in the same manner to alterations and advertising on the project (building). No one will be permitted the excuse that the area contains other unsightly buildings.

PROPORTION. The relation of one portion to another, or to the whole, or of one thing to another, as respects to magnitude, quantity or degree, and ratio.

PROTECTED TREE. Any tree, other than nuisance trees, as defined in this section, with a minimum trunk diameter of four (4) inches, measured at six inches above grade.

PROTECTIVE BARRIER. Fencing used to separate protected trees from other activities on a construction site. The barrier must extend to the drip line of the tree and these areas shall remain free of vehicular traffic and stockpiling of materials.

PUBLIC ART. Means artwork or works of art including, but not limited to sculptures, integrated architectural or landscape architectural work, community art, digital media installations, or murals, that are: located in the public right-of-way; on City owned property; located on structures that are located in the public right-of-way or on City owned property; or located on private property and funded by the City.

PUBLIC PARKING FACILITY. A parking lot or parking structure/garage that is owned by a governmental agency or a partnership that includes a governmental entity, which provides parking for the general public.

PUBLIC PLAZA. A portion of land which is available to the public for respite, civic or assembly uses. Seating or dining area for a tenant shall not be counted as part of the public plaza. Public plazas must have a minimum size of 150 square feet in area and a minimum length or width of ten feet (10') may and may include impervious surfaces such as concrete, pavers, brick, or other decorative surface treatment.

PUBLIC STREET. Any street which is dedicated to the public use and accepted for ownership and maintenance by the city.

PUBLIC WATER SUPPLY SYSTEM. Any system for the provision to the public of piped water for human consumption if the system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

REAL ESTATE SIGN. Any temporary sign advertising the real estate where the sign is placed, stating as being for sale, rent or lease.

REAL PROPERTY. The portion of land or buildings contained in a legal description setting forth the boundaries of the property and legally acknowledged under the laws of the state and county.

RECREATIONAL VEHICLE. An automobile, bus, camp-car, pick-up camper, trailer, or other vehicle with or without motive power, designed and constructed to travel on public thoroughfares without special permit in accordance with the provisions of the Vehicle Code of the State of Florida.

REMOVAL OF A TREE OR TREE REMOVAL. Shall mean either removing a tree from the ground in which it grew or effectively removing a tree through damaging the trunk, topping, damaging, or removing major roots, limbs, or removing sufficient canopy which results in the decline or death of the tree, or becomes a hazard to public safety and actually must be removed.

RENTAL UNIT. A dwelling or dwelling unit occupied by a tenant.

REPLAT. A change in a map of an approved or recorded subdivision plat.

RESIDENT, ABUSED SPOUSE. Shall mean an abused spouse and the minor or dependent children of an abused spouse.

RESIDENTIAL DISTRICTS. All R-1AAA, R-1AAA-B, R-1AA, R-1AA-B, R-1-A, R-1A-B, RL, RM, PRD, A, RR, and MH zoning districts.

RESIDENTIAL STREET. A street conveying traffic from private residence to collector streets. Also known as a local street.

RESIDENTIAL-TYPE INNS. A facility offering transient lodging accommodations on a daily, weekly, or monthly rate to the general public (open to the public at large). It may consist of one building which contains the principal and accessory uses, or groups of buildings. Suites may or may not include kitchens or kitchenettes. Accommodations may be comprised entirely of suites, or may include a combination of single

rooms and suites. The facility may also contain accessory uses as otherwise permitted in the applicable zoning district.

RESORT. A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation, such as golf, tennis, health spas, etc. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals.

RESORT DWELLING UNIT. A dwelling unit as defined herein modified as follows: a unit for which the exclusive right of use has been segmented over time so that the owners, lessees, or holders of such exclusive use rights have a periodically recurring right of use (to either that unit or another unit in the same development) according to a predetermined fixed schedule, and only if the schedule would permit in any one year a change or turnover of occupancy five or more times.

RESTAURANT (BONA FIDE).

- (a) A bona fide restaurant shall mean an establishment engaged primarily in the service of food where the sale or service of alcoholic beverages is incidental to the sale and service of food. A cafeteria or fast food establishment shall be deemed a bona fide restaurant for the purposes of zoning classification. All other establishments must meet the following criteria:
1. A bona fide restaurant must, during all hours of operation, continually offer food service consisting of full course meals;
 - a. Full course meals shall include a salad or vegetable, entrée and dessert.
 2. A bona fide restaurant must have full kitchen facilities, which are located in a completely enclosed room, under roof of the main structure, or in an interior court and food preparation staff capable of preparing and serving full course meals during all hours of operation.
 3. A bona fide restaurant must have a customer service area consisting of tables, chairs or customer counters. The tables or customer counters within the customer service area must be of adequate size to accommodate the service of full course meals.
 4. In order for tables, chairs or customer counters to be included in the customer service area, the service of full course meals must be available at each seat or chair at each table or customer counter in accordance with the following:
 - a. The total number of seats or chairs at the tables, customer counters and bars within the customer service area must be sufficient to accommodate the maximum occupant load of the restaurant;
 - b. The full occupant load shall be determined in accordance with the provisions of the standard Florida Building Code or its successor code.
 5. A bona fide restaurant must have the appropriate license issued by the state as well as all municipal or county permits required by law, and must meet all local zoning requirements.

RIGHT-OF-WAY. A strip of land dedicated or deeded to the perpetual use of the public.

RIGHT-OF-WAY LINE. The outside boundary of a right-of-way whether such right-of-way be established by usage, dedication, or by official right-of-way map.

ROADWAY BANNER. A temporary sign that is constructed with a standard vinyl awning material that drapes above the roadway, attached to City installed poles on both sides of the road.

ROOF EAVE. In pitched roofs, the eave is the lower edge of the roof which projects beyond the face of the wall. In flat roofs, the eave is the cantilevered portion of the roof which projects beyond the face of the wall.

ROOF SIGN. A sign or any portion of a sign which is located on the roof or top of the building or which projects above the roof eave of a gable or hip roof or above the top of a parapet, tower, or any other architectural feature.

ROOFTOP APPURTENANCES. Structures and equipment, or other features necessary to operate and maintain the building, not intended for human occupancy, and required to be placed on or extended above the roof such as chimneys, elevator equipment, air-conditioning units, spiral stairs, tanks, ventilating fans, skylights, flagpoles, photovoltaic cells or solar panels, wireless masts, and television antennae.

ROOFTOP GARDENS. A garden located on the roof of a building that is used for the commercial and/or private production of fruits, vegetables, edible mushrooms, herbs, flowers, and/or ornamental plants.

ROOFTOP TERRACE. An open-air space on a roof that accommodates access and use by the building occupants.

ROOT BARRIER. A barrier placed between a tree's roots and adjacent sidewalks, utilities, pavement, or any other improvement, which is installed with the express purpose of providing protection from the invasion of the tree's roots into that improvement.

SAND DUNES. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SCALE. The character of any architectural work is determined both in its internal space and in its external volume by the fundamental factor of scale, the relation between the dimensions of man.

SCHOOL GARDENS. Garden plots that are owned by or used exclusively by a public or private school and are used exclusively for educational or on site consumption purposes to teach students about the production of produce fruits, vegetables, edible mushrooms, herbs, flowers, and/or ornamental plants.

SCREENED ENCLOSURE. A framed structure completely covered with open mesh screening only. Such enclosure shall not have any type of opaque or transparent roof or sides such as glass or similar materials.

SCREENING (CONCEALING). A structure of metal, masonry, wood, landscape planting, or other suitable opaque material, for the purpose of totally concealing from view those areas so screened.

SECONDHAND MATERIAL. Objects and clothing of the modern period that have been previously used or worn.

SEASONAL HIGH-WATER LINE. The line formed by the intersection of the rising shore and the elevation of 150% of the local mean tide range above mean high water.

SELF-SERVICE STORAGE FACILITY (SSSF). An individual building or group of buildings arranged in such a fashion to create a compound like structure, which contain varying sizes of individual self-contained storage units or bays, rented or leased for the express purpose of the dead storage of a tenant's goods or wares.

SELF-SUPPORT/LATTICE TOWER. A telecommunication tower that is constructed without guy wires and ground anchors.

SENIOR HOUSING. A facility which is owned or operated by a public or nonprofit agency, offering affordable housing for a period exceeding 24 hours, accommodating between 6 and 30 residents 60 years of

age or older unrelated to the owner or administrator by blood or marriage, excluding the on-site property manager. The facility shall not offer food, medical, or personal services to the residents.

SETBACK. The horizontal distance between a building and the boundary lines of the lot, or the boundary lines of a building site joined by a Unity of Title, where no building, structure, or portion thereof shall be allowed, except as provided in Section 4.3.4(H)(4). Setbacks shall be measured from the right-of-way line for public streets, and from the access easement line for private streets.

SHADE TREE. A tree which can develop a large canopy and provide shade and reduce the effects of heat and light, which can help moderate the temperature through the cooling effects of evapotranspiration.

SHOPPING CENTER. A group of commercial predominately retail or service establishments planned, developed, managed, and operated as a unit and which utilize a common parking area.

SHRUB. A self supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base.

SIDEWALK OR SANDWICH SIGN. A movable sign not secured or attached to the ground.

SIGN. Any device, structure or fixture using graphics, symbols or written copy designed to advertise, or identify an establishment, product, goods or services.

SIGN AREA. The sign area shall be the area of a rectangle enclosing all lettering, illustrations, ornamentation and logos which form an integral part of the display, or differentiates the display area from the background on which it is placed.

SIMULATED GAMBLING DEVICE. Means any mechanical or electrical device, computer, terminal, video or other equipment that may or may not be capable of downloading games from a central server system, machine, computer or other equipment upon connection with or the insertion of, swiping, passing in range, or any other technical means of physically or electromagnetically connecting to a coin, bill, ticket, token, card, or similar object, including entering a password obtained directly or indirectly through payment of consideration or obtained as a bonus or supplement to another transaction involving the payment of consideration, which makes the device available to play (by skill, chance, or both) or operate a computer or video simulation of any game such as slot machines, bingo, poker, keno, craps, or any other type of game ordinarily played in a casino, including a game involving the display of the results of a raffle, sweepstakes, drawing, contest, lottery, or other promotion, and which may deliver or entitle the person or persons playing or operating the device to a payoff of cash, money, or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or merchandise, or any other thing of value, whether made automatically from the machine or manually.

SINGLE PURPOSE SPECIALTY RETAIL SALES. A retail establishment specializing in a specific market such as a bath shop, book store, florist, gift shop, hobby shop, kitchen shop, dress shop and boutique.

SITE AND DEVELOPMENT PLAN. A graphic and informative representation of a specific design solution for an entire project or development phase thereof.

SITE SPECIFIC PLANTING. The selection of plant material that is particularly well suited to withstand the physical growing conditions which are normal for that location

SLOPED PARAPET. Means an angled false front or wall extension above the roof line.

SLOT MACHINE. Means a coin-operated amusement device allowable pursuant to law that pays off according to the matching of symbols on wheels spun by a handle or by a push button.

SNIPESIGN. Any sign located in the public right-of-way or placed in the ground for commercial purposes, excluding garage sales, yard sales, homeowners and civic meeting signs.

SPECIAL EVENT SIGN. A sign which announces a special event or function which is of general benefit to the community at large.

SPECIALTY FOOD STORE. A retail store specializing in a specific type or category of foods such as an appetizer store, bakery delicatessen, fish, gourmet and similar foods.

SPECIFIED ANATOMICAL AREAS. Specified anatomical areas shall include less than completely and opaquely covered human genitals and the pubic region; the opening between the human buttocks, i.e., the anal cleft; 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; 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 that the areola is not exposed; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Specified sexual activities shall include human genitals in a state of sexual stimulation, arousal or tumescence; or 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 above.

STAND ALONE BAR. Any licensed premises, including but not limited to, cocktail lounges, bars, nightclubs, dance clubs, piano bars and cigar bars, devoted during any time of operation predominantly or totally to serving alcoholic beverages, intoxicating beverages, or intoxicating liquors, or any combination thereof, for consumption on the licensed premises, in which the serving of food, if any, is merely incidental to the consumption of any such beverage; and the licensed premises is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including any business for which the sale of food or any other product or service is more than an incidental source of gross revenue. A place of business constitutes a stand alone bar in which the service of food is merely incidental in accordance with this definition if the licensed premises derives no more than ten percent (10%) of its gross revenue from the sale of food consumed on the licensed premises.

START OF CONSTRUCTION. For other than new construction or substantial improvement under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date for building permit was issued, provided the actual start of construction is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs on footings, installation of piles, construction of columns, or any work beyond the slope of excavation or the placement of a manufactured home on a foundation — does not include land preparation, such as clearing, grading, filling — nor does it include installation of streets or walkways, the excavation for a basement, footing piers on foundation or the erection of temporary forms, the installation of the property's accessory building, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STATE MINIMUM BUILDING CODE. The building code adopted by a municipality or county pursuant to the requirements of the Florida Statute, Chapter 553, Section VII.

STEALTH FACILITY. Any telecommunication facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunication towers designed to look like light poles, power poles, or trees.

STEP-BACK. The horizontal shifting of the building massing inward from the predominate plane of the building facade.

STORMWATER MANAGEMENT ASSESSMENTS. Non-ad valorem assessments imposed by the City pursuant to Chapter 56 and Section 403.0893, Florida Statutes, as amended and supplemented, on all developed property which is not non-assessed property, and on all unimproved land which is not non-assessed property, in the Benefited Area in relation to each such property's estimated contribution of stormwater runoff to the System and the benefit derived from the use of the facilities of the System, and the future improvements to be funded from Stormwater Management Assessments. Such Stormwater Management Assessment, shall include the pro rata cost of the operation and maintenance of the System, based on the same proportion of benefit assessed against each parcel within the Benefited Area.

STORY. The portion of a building included between the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Height as applied to a story implies the vertical distance from top to top of two successive finished floor surfaces.

STREET. 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.

STREETWALL. A short freestanding wall or hedge located in line with building facades or front setbacks.

STREET CENTERLINE. The line midway between the right-of-way lines.

STREET PRIVATE. Any street which has not been dedicated for public use and not accepted for ownership or maintenance by the City.

STREET PUBLIC. Any street which is dedicated to the public use and accepted for ownership or maintenance by the City.

STREET TREES. Trees or palms on land lying within public rights-of-way or easement(s). Within subdivisions, street trees may be planted on private property abutting the street, if utilities or easements restrict placement in the right-of-way. A street tree planting plan is required with all residential subdivision plats.

STRUCTURE. A walled and roofed building that is principally above ground, as well as a manufactured home. or; anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

STUDIO. A type of dwelling unit, located within a multiple family dwelling and which consists of combined sleeping and living facilities for occupancy by permanent residents.

SUBDIVISION. Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, or plots for the purpose of offer, sale, or development either on the installment plan or upon any and all other plans, terms, and conditions. The act "Subdivision" includes the division or development of residential and nonresidential zoned land, as well as the division of units, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. For purposes

of this chapter, "Subdivision" includes condominiums, cooperatives, and rental units. "Subdivision" includes resubdividing as replats.

SUBDIVISION ENTRANCE SIGN. An entrance sign identifying the name of the subdivision or residential development.

SUBSTANTIAL IMPROVEMENT. (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds a cumulative total of 50% of the market value of the structure either: (a) Before the repair or improvement is started; or (b) If the structure has been damaged and is being restored, before the damage occurred. (2) 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 project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specification which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

SUSTAINABILITY AND RESILIENCE FUND. A fund dedicated for green initiatives including but not limited to the following: education and training of City staff; education and outreach for the public: energy efficient improvements to municipally owned properties including weatherization, lighting upgrades, heating, ventilation and air conditioning upgrades; open space/green space improvements such as right-of-way tree plantings: pollution mitigation; drainage and sanitary sewer improvements: and other additional green initiatives as deemed appropriate by the Office of the City Manager.

SWIMMING POOLS. Any confined body of water, the top of which is no higher than grade level, exceeding 150 square feet in surface area, and two feet in depth, which is designed, used, or intended to be used for swimming or bathing purposes.

SWINGING SIGN. A flexible swinging sign hanging from the outside wall or walls of any building or any pole structure which is not rigidly affixed thereto.

SYSTEM. The City's unified Stormwater Management System, as more particularly described in Section 56.03(B).

TELECOMMUNICATION TOWER. A guyed, monopole, or self-support / lattice tower, constructed as a free-standing structure, containing one or more antennas used in the provision of personal wireless services.

TEMPORARY SIGN. Any sign erected for a limited time period not to exceed six (6) months.

TENANT. A person who pays rent to occupy or use, but who acquires no interest, in land, a building, dwelling, or dwelling unit.

THRESHOLD BUILDING. (a) Is greater than three stories or 50 feet in height; (b) Has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

TIME SHARE UNIT. A type of ownership and use of a dwelling unit for which the exclusive right of use has been segmented over time so that the owners, lessees or holders of such exclusive use rights have a periodically recurring right of use (to either that unit or another unit in the same development) according to a predetermined fixed schedule, and only if the schedule would permit in any one year a change or turnover of occupancy five (5) or more times.

TOT LOT - PLAY LOT. A small area designed for the play of preschool-age children. It serves as a substitute for a backyard or family lot. Play lots are seldom provided by a City except in apartment house districts or in high density, underprivileged neighbors where other play opportunities are not available. Its size ranges from 1,500 to 8,000 square feet depending upon space available and number of children to be served. Features include swings, slides, sandboxes, benches, etc., and should be enclosed by a fence or hedge for safety. Children should not have to cross a major street to reach a play lot.

TOWING SERVICES AND ATTENDANT STORAGE FACILITIES. A business whose primary service is the towing and storage of motor vehicles, and does not include the towing of motor vehicles incidental to an automobile repair facility. Motor vehicles meeting the definition of inoperable per 90.01 must be turned over to a licensed junkyard within 72 hours unless housed within an enclosed building.

TOWNHOUSE. A building or structure designed for or occupied by no more than one family or household, and attached to at least two or more similar buildings or structures by not more than two party walls extending from the foundation to the roof, and providing two direct means of access from the outside. Each dwelling unit shall contain cooking, sleeping, and sanitary facilities for use by each family or household of the townhouse. Each individual townhouse unit shall have fee simple ownership of the lot occupied by that unit. In addition, each individual townhouse lot shall be platted. or; a form of ownership, wherein interest in a dwelling unit is conveyed fee simple and owners share ownership and maintenance responsibility for common areas (grounds, exterior walls, recreational facilities, etc.).

TRANSIENT RESIDENTIAL USE Shall mean the entire dwelling unit or any part thereof, which is located in Single Family, Rural Residential, or Planned Residential Development Zoning Districts and is operated or used in such a way that any part of the dwelling unit turns over occupancy more often than three times in any one year and the entire dwelling unit or any part thereof, which is located in Low Density Residential (RL) or Medium Density Residential (RM) Zoning Districts and is operated or used in such a way that any part thereof turns over occupancy more often than six times in any one year. A community residence is not a Transient Residential Use.

TRANSITIONAL COMMUNITY RESIDENCE A transitional community residence is a temporary living arrangement for four to ten unrelated people with disabilities with a limit on length of tenancy that is measured in weeks or months, not years.

TREE. For the purpose of this section, the term tree will also apply to palms, unless a distinction is made.

TREE ABUSE. Shall mean any act which will cause a tree to die within a period of two years, e.g., damage inflicted on the root system by heavy machinery; changing the natural grade around the root system or the trunk; damage inflicted on the tree permitting infection or pest infestation or application of any chemical; or paving with concrete, asphalt or other impervious materials to within six feet of the outside diameter of the tree, without prior approval from the City.

TREE TRUST FUND. An account into which in-lieu fees for the planting or replacement of trees or palms are deposited to off-set the City's costs for future trees and palms, tree trimming, and tree maintenance. No more than ten percent of the annual balance may be used for tree trimming and maintenance.

TRIPARTITE. Consisting of three parts; in building facades, a base, a middle, a top.

TURF. (Sod or lawn grass) continuous plant coverage consisting of perennial grass species suited to growth in Delray Beach.

UNDUE ECONOMIC HARDSHIP. An exceptional financial burden that might otherwise amount to the taking of property without just compensation, or failure to achieve a reasonable economic return.

UNDER-CANOPY SIGN. A sign attached or suspended under the canopy or roof of a walkway.

UNITY OF TITLE. A document recorded in the Office of the Clerk of the Circuit Court of Palm Beach County, stipulating that a lot, lots, or parcels 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.

UNLAWFUL SIGN. A sign which does not meet the requirements of this code and which has not received legal nonconforming status.

UNSAFE BUILDING. Any building or structure in any condition, such that the life, health, property, or safety of the general public, its occupants, or others are endangered.

URBAN AGRICULTURE. The science or practice of cultivation of the soil for the growing of crops to provide food or other plant-based products within the city limits of the City of Delray Beach.

URBAN FARM. A small-scale commercial operation which includes the production and sale of fruits, vegetables, edible mushrooms, herbs, flowers, and/or ornamental plants which may be conducted indoor or outdoor.

USE, PRINCIPAL. A primary purpose for which land or building is used.

USED CAR LOT. A lot or group of contiguous lots used for the storage, display, and sales of used automobiles, and where no repair work is done, except the necessary reconditioning of the cars to be displayed and sold on the premises.

USED FOR. Includes "Arranged For," "Designed For," "Maintained For", or "Occupied For."

USED OR OCCUPIED. Include the words intended, designed or arranged to be used or occupied.

VALUATION OR VALUE. The assessed value of a building or structure as determined by the County Tax Assessor.

VEGETATION, NATIVE. 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 considered to be native vegetation.

VEHICULAR ENCROACHMENT. The protrusion of a vehicle or mobile equipment outside of a parking space, display area, or accessway into a landscaped area.

VEHICULAR USE AREA. Shall mean both: (1) An area designed or used for off-street parking for any and all types of vehicles except areas used for parking and other vehicular uses under, on or within buildings; or (2) An area used for loading, circulation, access, storage of materials or heavy equipment, and all land upon which vehicles traverse the property as a function of the primary use, including but not limited to activities of a drive-in nature such as, but not limited to gasoline stations, grocery and dairy stores, banks and restaurants and the display of motor vehicles.

VETERINARY CLINIC. A clinic or hospital facility for treatment of animals and pets operated by a licensed veterinarian.

VINES. Plants which normally require support to reach mature form.

WALL SIGN. A sign painted or attached parallel to the outside of a building.

WAREHOUSE. A structure designed or used for the storage of goods or merchandise.

WATERCOURSE. Includes channel, creek, ditch, drain, canal, dry run, spring and stream.

WAYFINDER SIGN. An off-premise sign designed to guide or direct pedestrians or vehicular traffic.

WELL. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the excavation is for the location, acquisition, or development of groundwater.

WHIP ANTENNA. A cylindrical antenna that transmits signals in 360 degrees.

WIND SIGN. Signs consisting of banners, pennants, ribbons, spinners, streamers, balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.

XERISCAPE. A landscape design that conserves water through the utilization of design principles which include the use of drought tolerant plant materials, soil amendments, efficient irrigation, reduced turf areas, mulches and appropriate maintenance.

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

YARD FRONT. A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps.

YARD REAR. A yard extending across the rear of the lot measured between the lot lines and being the minimum horizontal distance between the building or any projections other than steps, unenclosed balconies, or enclosed porches. On corner lots the rear of the main building or any projections other than steps, unenclosed balconies, or enclosed porches. On corner lots the rear yard street upon which the lot has its least dimension. On both corner and interior lots the REAR YARD shall in all cases be at the opposite end of the lot from the front yard.

YARD SIDE. A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line.

ZERO LOT LINE DEVELOPMENT. A residential development where the residential structures are placed contiguous to the side lot line.

ZONING CERTIFICATE OF USE AND OCCUPANCY. An inspection method by which the city documents the existing conditions of a non-residential property; identifies any non-conformities to be addressed by occupant/owner; establishes current land use and zoning; and grants approval to occupy a given location for a specified permitted commercial use prior to the issuance of a Business Tax Receipt. A Zoning Certificate of Use and Occupancy is required for any change in use to a permitted use, additional use, or change in business within an existing tenant space.

Section 3. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 6. This Ordinance shall become effective and enforceable eighteen months after its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney