

## ARTICLE II DEFINITIONS AND RULES OF CONSTRUCTION

### Sec. 27-11 - Definitions.

For the purposes of these LDRs, the following words, terms and phrases shall have the meanings attached to them, except where the context clearly indicates a different meaning or where a specific definition is contained within an individual chapter, section or subsection.

Words and phrases inherent to the regulation and legislation of land uses and the land development process in the state, and that are not defined below, shall use those definitions contained in the applicable sections of the Florida Statutes.

*Accessory building or structure* means a separate, subordinate building or structure devoted to an accessory use on the same plot with a building which is occupied by, or devoted to a principal use.

*Accessory use* means a use that is subordinate to and serves a principal use; is subordinate in area, extent and purpose to the principal use; and is located on the same lot or lots under the same ownership and in the same land use district as the principal use.

*Acreage, gross* The area contained within the boundary lines of a lot or tract including one-half of the right of way of fee simple grants or dedications of right-of-way for public or private roads.

*Acreage, net* The area contained within the boundary lines of a lot or tract excluding easements, fee simple grants, or dedications of right-of-way for public or private roads.

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

*Adult entertainment establishment or regulated use.....* Any body rub or bath house establishment, adult store, adult motion picture theater, adult mini-motion picture theater, adult cabaret or theater, escort service, body painting studio, encounter parlor, sex consultation business (except for consultations with a licensed medical professional), nude photography studio, nude modeling business, nude dancing studio, dating service, Sec. 27-111 (b), or any other similar adult entertainment establishment.

*Affected person* means any person having a legally recognizable interest in the development permit, which interest is directly and affected by a decision, and which interest is different than the interest of the community as a whole; or any person having a definite interest exceeding the general interest in the community good shared in common with all citizens. Factors to be considered in determining the sufficiency of a person's interest include, but shall not be limited to: (i) proximity of the person's property to the property at issue in the decision; (ii) character of the

neighborhood including the existence of common restrictive covenants and set-back requirements that directly relate to the property at issue in the decision; and (iii) the fact that the person is among those entitled to receive notice of the decision-making.

*Agency.* As affixed to a business, shall mean a representative business as a relationship between a principal and his agent, not engaging in any type of production for the principal.

*Alcoholic beverage.* A beverage containing more than one percent of alcohol by weight, including but not limited to, beer and wine.

(1) It shall be prima facie evidence that a beverage is an alcoholic beverage if proof exists that:

- a. The beverage in question was or is known as whiskey, moonshine whiskey, shine, rum, gin, tequila, vodka, scotch, scotch whiskey, brandy, beer, malt liquor, or by other similar name or names; or
- b. The beverage was or is contained in a bottle or can labeled as any of the above names, or a name similar thereto, and the bottle or can bears the manufacturer's insignia, name, or trademark.
- c. A person who, by experience in the handling of alcoholic beverages, or who by taste, smell, or drinking of such alcoholic beverages has knowledge of the alcoholic nature thereof, may testify as to his or her opinion about whether such beverage is an alcoholic beverage.

*Alcoholic beverage sales A.P.S. beer and wine* means the sale of alcoholic beverages, specifically limited to beer and or wine, by an establishment licensed by the Florida Division of Alcoholic Beverages and Tobacco as an Alcoholic Package Store (A.P.S.) for consumption off the premises of the establishment selling the alcoholic beverages.

*Alcoholic beverage sales A.P.S. beer, wine and liquor* means the sale of alcoholic beverages, which may include beer, wine and or liquor, by an establishment licensed by the Florida Division of Alcoholic Beverages and Tobacco as an Alcoholic Package Store (A.P.S.) for consumption off the premises of the establishment selling the alcoholic beverages.

*Alcoholic beverage sales C.O.P. beer and wine* means the sale of alcoholic beverages, specifically limited to beer and or wine, by an establishment licensed by the Florida Division of Alcoholic Beverages and Tobacco for consumption on the premises (C.O.P.) of the establishment selling the alcoholic beverages.

*Alcoholic beverage sales C.O.P. beer, wine and liquor* means the sale of alcoholic beverages, which may include beer, wine and or liquor, by an establishment licensed by the Florida Division of Alcoholic Beverages and Tobacco for consumption on the premises (C.O.P.) of the establishment selling the alcoholic beverages.

*Alley.* A public way dedicated to public use and not more than twenty-five (25) feet in width, unless otherwise officially designated as a street, and which normally provides a secondary means of access to abutting property.

*Alteration* is any change, removal, replacement, reinforcement or addition of beams, ceiling and floor joists, reinforced concrete slabs (except those on fill), load-bearing partitions, columns, exterior walls, stairways, roofs, corridors or other structural materials used in a building that supports the said beams, ceiling and floor joists, load-bearing partitions, columns, exterior walls, stairways, roofs, or materials used in the building or structure. The above defined structural alteration is applicable to any building or structure or any part thereof, whether or not permanent or temporary shoring is used during construction and whether or not additions to or rebuilding the major portion of an existing building is being accomplished.

*Ambulatory health care facility.* A medical facility that includes both medical office and medical facilities for minor surgical and medical procedures on an outpatient basis.

*Amusement arcade.* That portion of an interior premise, incidental and accessory to the primary use of said interior premise, consisting of three (3) or more amusement devices.

*Amusement device.* An amusement device shall mean any table, platform, mechanical or electronic device or apparatus operated or intended to be operated indoors for amusement, pleasure, test of skill, competition or sport, where the use or operation of which is conditioned upon payment of a consideration either by insertion of a coin, electronic card, or token in a slot or otherwise. The definition of an "amusement device" shall include, but not be limited to, devices commonly known as simulated baseball, simulated football, simulated basketball, simulated hockey, simulated boxing, pinball, shuffleboard, laser guns, bowling games, bumper games, skee ball, electronic video games, and shall also include billiard tables and pool tables (whether coin operated or not).

*Amusement enterprise, indoor.* An amusement enterprise shall mean an amusement arcade that is the sole or primary use of an interior premise.

*Animal* means a living organism other than a plant or bacterium, including fish, amphibians, reptiles, birds, and mammals other than human beings; every living nonhuman creature.

*Animal, small (domesticated)* means an animal no larger than the largest breed of domesticated dogs. This term includes fish, birds, and mammals customarily kept as domestic pets within a dwelling unit. This excludes livestock such as pigs, swine, goats, and horses.

*Apartment hotel.* A building containing both dwelling units and rental sleeping units, under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the units and which may furnish dining room service.

*Area and district.* The words "area" and "district" may indicate and include the word "zone."

*Area, conditional use.* Area is described as that portion of the City of Plantation and surrounding communities lying within a two-mile radius of a circle having the conditional use at its center (an overall four-mile diameter with the conditional use permit in the center of such diameter).

*Assigned covered parking.* An off-street, covered parking space for a motor vehicle designated for a specific individual or user within a private office development.

*Banquet facility* is defined as a building which is primarily devoted to providing sit down food and beverage service at one sitting simultaneously for guests assembled in one (1) or more large rooms for the common purpose of attending a private meal, or honoring one (1) or more persons or in celebration of a special occasion, day, event or holiday, may include as an incidental aspect only to sit down meal service sufficient to accommodate all of the guest and invitees of the banquet facility, live music, entertainment, or dancing. This definition does not include banquet rooms or halls which are clearly incidental or accessory to a restaurant or hotel (motel) primary use where the restaurant and hotel functions remain on going during the incidental banquet function.

*Bar.* Any place permitting the retailing and drinking of malt, vinous, or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtained for consumption on the premises, which is not classified as a nightclub, restaurant bar, restaurant entertainment facility, hotel bar, restaurant, banquet hall, golf course facility, or fraternal, charitable, or membership-only private club.

*Beauty parlor.* A retail service business providing non-surgical/non-medical cosmetic services to the human body, including barber shops, beauty salons, beauty parlors, cosmetologists, electrolysis, nail salons, and hair stylists as licensed by the state.

*Block face* means all development on the same side of the block as the subject development from cross-street to cross-street, but does not include development across any street from the subject development.

*Body art studio* means any establishment where tattooing, permanent make-up and/or body piercing (other than ear piercing) takes place.

*Brewery* means a building or establishment where malt beverages or beer, as described in chapter 563, Florida Statutes, are produced.

*Brewpub or microbrewery* means a combination brewery and restaurant; beer is brewed for consumption on the premises and served along with food.

*Board.* Board shall mean the Planning and Zoning Board of the City of Plantation.

*Body wrapping* is defined as a weight loss, and skin reconditioning and toning technique, which involves wrapping a subject with an elastic material, by a licensed physician, nurse, physical therapist, masseuse, or beautician.

*Building.* Any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels or property of any kind.

*Building, completely enclosed.* A building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

*Building, principal.* The building and the use of which conforms to the primary use permitted by the zone classification in which it is located.

*Certificate of completion* means a certificate issued by the City's Building Official as proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as a shell building, prior to the issuance of a certificate of occupancy.

*Certificate of occupancy* means a certification issued by the City's Building Official that the building or structure may be used or occupied for habitable and other purposes and that the building or structure meets the requirements of the Florida Building Code. No change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the Building Official has issued a certificate of occupancy as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of this jurisdiction.

*Check cashing store* shall mean any person, except any financial institution created and regulated pursuant to Chapters 655, 658, 660, 663, 665 and 667 of the Florida Statutes, or created and regulated pursuant to federal law, engaged in the primary and principal business of, and providing facilities for cashing checks, drafts, money orders and all other evidences of money for a fee, service charge or other consideration. Nothing in this section shall be held to apply to any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or non-negotiable documents, jewels or other property of great monetary value, nor to any person engaged in the business of selling tangible personal property at retail, nor to any person licensed to practice a profession or licensed to engage in any business in the City, who in the course of such business or profession, as an incident thereto, cashes checks, drafts, money orders or other evidences of money. Check cashing stores often offer additional services such as deferred deposits, fax services, money wire services, may sell pre-paid phone cards or transit passes, and may accept utility bill payments. Check cashing stores are also known as currency exchanges or community currency exchanges.

*Chief administrative officer* means the department head of Administration.

*Citizen with standing* means anyone having a legally recognizable interest in the comprehensive plan or LDR amendment, which interest is directly affected by the comprehensive plan or LDR amendment, and which interest is different than the interest of the community as a whole; or any person having a definite interest exceeding the general interest in the community good shared in common with all citizens. Factors to be considered in determining the sufficiency of a person's interest include, but shall not be limited to: (i) proximity of the person's property to the property

subject to a comprehensive plan or LDR amendment; (ii) character of the neighborhood including the existence of common restrictive covenants and set-back requirements that directly relate to the interpretative opinion; and (iii) the fact that the person is among those entitled to receive written notice (other than by newspaper or other legal advertisement) of a comprehensive plan or LDR amendment.

City means the City of Plantation.

City-licensed businesses means those businesses that were granted a Business Tax License (BTL) issued by the City.

*Club, private.* Shall pertain to and include those associations and organizations of a fraternal or social character, not operated or maintained for profit, but the term shall not include casinos, nightclubs, or other institutions operated as a business.

Commercial recreation, outdoor means a building, group of buildings, structures, or outdoor facilities used for recreational purposes not of a temporary nature which may include the use of coin operated or digital currency interactive entertainment machines.

*Commercial vehicle.* Any vehicle designed, intended or used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private nonprofit transport of goods and recreational vehicles.

Common area means a room or designated area within a building or adjacent to a complex of buildings zoned for residential use served by shared parking areas, which is reserved for the exclusive use of the residents of the building or complex and their invited guests, and is an accessory use to the primarily residential use of such buildings.

Comprehensive plan or plan means the City's comprehensive plan as adopted by Ordinance No. 1626 and as may be amended from time to time.

Conditional use means a use which may be allowed under certain circumstances in a particular zoning district after review and approval.

*Convenience store* means a neighborhood-oriented sundries store, which is not associated with a gasoline station, which is usually a free standing facility or a facility located within an in line shopping center having exterior frontage, which has extended operating hours and which sells convenience items such as dairy products, essential sundries, prepackaged food for immediate consumption, beverages and auto supplies. Sales of items are usually dependent upon the convenience of the location, and are not reliant or dependent upon comparison shopping or pedestrian traffic within the site or on an adjoining site.

Council means the City Council of the City of Plantation.

*Coverage.* See lot coverage.

Cure means a variance granted pursuant to this ordinance, which authorizes the continued use and enjoyment of private property, as a lawful use, subsequent to the creation of a nonconformity by an acquiring authority.

*Day care center.* An agency or institution offering or supplying group care to five (5) or more children or adults who have not the same parentage, for a portion or all of a day and on a regular schedule more often than once a week.

*Day nursery* An agency or institution offering or supplying group care to five (5) or more children or adults who have not the same parentage, for a portion of the day or a short period of time, not on a regular schedule.

*Density, net* A numerical measure of the number of dwelling units per net acre of land obtained by dividing the total number of dwelling units in a development by the net area of a tract of land (in acres) within a development.

*Density, gross* A numerical measure of the number of dwelling units per gross acre of land obtained by dividing the total number of dwelling units in a development by the gross area of a tract of land (in acres) within a development.

Developer means any person, corporation, partnership or governmental agency, undertaking any development as defined in these LDR's.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels. The following activities or uses shall be construed for the purposes of this LDR to involve development:

- (a) A construction, reconstruction, alteration of or material change in the extent or appearance of a structure on land.
- (b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land, or an increase in the number of businesses, manufacturing establishments, or offices.
- (c) Alteration of a shore or bank of a lake, pond, or canal, including any "coastal construction" as defined in § 161.021, Florida Statutes.
- (d) Commencement of drilling, mining, or excavation on a parcel of land, except obtaining soil samples.
- (e) Demolition of a structure.
- (f) Clearing of land as an adjunct of construction.
- (g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be construed for the purpose of this Code to involve "development":

- (a) Work by a highway or road agency or railroad company for the maintenance of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
- (b) Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks, or the like.
- (c) Work for the maintenance, renewal, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- (d) The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.
- (e) A change in the ownership or form of ownership of any parcel or structure.
- (f) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.
- (g) The use of any land for the purpose of growing plants, crops, trees, and other agriculture or forestry products; raising livestock; or for other agricultural purposes.
- (h) A change in use of a structure from a use within a zoning district to another use in the same zoning district.

"Development" includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of development or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

*Development agreement* means an agreement between a property owner and the City pursuant to the "Florida Local Government Development Agreement Act" pursuant to Sections 163.3220-163.3243, Florida Statutes. A developer, if other than the property owner of the parcel of land subject to the agreement, may also be required by the City to execute the agreement, and the holders of all security interests in privately owned portion of the parcel of land subject to the development agreement must also join in and consent to the agreement.

*Development approval* means approval or approval with conditions of any building permit, site plan, conditional use, temporary use permit, subdivision, change of land use district boundary, plan amendment, or any other official action by any official, council, or board of the City having the effect of permitting development.

Development order means any order granting, denying, or granting with conditions an application for a development permit.

Development parcel means a parcel of land and water used for residential or non-residential structures, accessory structures, utilities, rights-of-way, easements, agriculture, open space and other public or private uses.

Development permit means any building permit, subdivision approval, rezoning, special exception, physical variance, conditional use or any other official action of the City having the effect of permitting the development of land.

*District.* A portion of the territory of the City of Plantation to which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the Land Development Regulations. District may be the predominant zoning district within the neighborhood, (i.e., residential, commercial, parks and recreation, etc.)

Drugstore means a retail establishment which provides for the dispensing and sale of pharmaceutical drugs, and which may offer various retail items and accessory services such as photo processing, eyeglass care, etc

*Dwelling.* A building or portion thereof containing one (1) or more dwelling units.

*Dwelling, multi-family* A building which is used as a residence for three (3) or more families living in separate dwelling units.

*Dwelling, one family.* A dwelling containing one (1) dwelling unit.

*Dwelling, two family.* A dwelling containing two (2) dwelling units.

*Dwelling unit.* A building or a portion thereof, designed for and occupied by one (1) family for living and sleeping purposes with a single kitchen facility for exclusive use of the one (1) family.

*Enforcing official.* Shall mean the officers and employees of the City of Plantation to whom the duty of enforcing the terms of the Land Development Regulations are assigned.

*Existing development:* means constructed developments, developments under construction, and development approvals granted and still in effect within the area.

*Existing grade* shall be determined on any structure with a height limitation (such as, for example, fences or signs) as being the lesser permitted height as measured at the site of installation or as measured from the grade elevation of the crown of the road nearest to the structure to be erected; provided, on parcels having double streets in the front and rear of said parcels or corner street parcels, the existing grade determination shall be uniform in height for said parcel and shall be determined by the side facing the front door of the primary structure of said parcel, if any, or by what the Planning, Zoning and Economic Development department determines is the front

property line if no such structure exists (based on similar structures in existence on similar parcels located on corner lots or with double street frontage) it being still further provided that any applicant for a permit who feels the application of this existing grade determination would result in a undesirable structure (either aesthetically or functionally) may seek a variance in the form of an exception that may be granted, if deemed justified, by either the plans adjustment committee or the City Council (if referred to the council by the plans adjustment committee). All references to permitted height of a structure shall mean from existing grade as herein defined.

*Family.* One person or a group of two or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, or a group of persons not more than three in number who are not so interrelated, occupying the whole or part of a dwelling unit as a separate housekeeping unit with a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants. Any person under the age of 18 years whose legal custody has been awarded to the State Department of Children and Family Services (DCF) or to a child-placing agency licensed by DCF, 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 these LDR's. Nothing herein shall be construed to include any roomer or boarder as a member of a family.

*Fast food restaurant.* An eating establishment whose principal business is the sale of food and beverages in a ready-to-eat state for consumption on premises or for carry out and consumption off-premise, and whose principal method of operation is food which is packaged for delivery in paper, plastic, metallic foil, or disposable containers, and where service is provided over-the-counter with no table waiting service. Usually menus are posted in plain view at the area where the order is taken and this area is different than the area where food is consumed. Any eating establishment with drive-through service shall be considered a fast food restaurant. If a particular restaurant could reasonably be classified as either a fast food restaurant or a high turnover, sit-down restaurant, it shall be deemed a fast food restaurant for purposes of this zoning code.

*Fitness center, health club* A building, room or facility (except any outdoor stadium or the like) which is designed and used for one (1) or more physical activities (such as, but not limited to, weightlifting, indoor running, swimming, racquetball, the martial arts, yoga, etc.). The term also includes any exercise or fitness center, health studio, academy or spa, as well as all amenities usually related to, associated with and housed within the use, such as, but not limited to, a locker room, lounge area, juice bar or restaurant.

*Floor area, gross.* The gross horizontal area, measured from the exterior faces of the exterior walls, or from the centerline of party walls separating two (2) buildings, exclusive of exterior spaces such as balconies, unglazed porches or patios, loading docks, covered walkways, or outdoor playcourts.

*Floor area, minimum.* The minimum allowable net floor area for a specified unit

*Floor area, net, (paint to paint)* The total floor area of a building or buildings measured from the interior faces of the enclosing fixed walls of a building or from the interior face of party walls separating two buildings, exclusive of exterior spaces such as balconies, unglazed porches or patios, loading docks, covered walkways, or outdoor playcourts.

*Floor area ratio.* The total gross floor area of the building or buildings on a lot, divided by the area of the lot.

*Garage, repair.* A building, or part thereof, where motor vehicles are received and a charge is made for repairs to any part thereof, but does not include wholesale rebuilding of motor vehicle parts, and paint and body works.

*Gasoline filling station.* An establishment that provides retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automotive accessories. Additional services may include retail sales of food or other items typically found in a convenience store or small market and minor vehicle repair and maintenance.

*Guest house.* A building, or part thereof, intended for intermittent or transient occupancy; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

*Governmental administrative office* means an office use for government functions which is not oriented to providing a government service to general or limited visiting members of the public and which will not necessitate the regular or periodic visitation of the premises by members of the public which are not government employees working at the site. For example, an office for governmental investigative services with no on-site contact with the public or with the subjects of investigation, or a licensing office where, by virtue of the license on the office, licensees may only occasionally visit the premises in an irregular, nonperiodic manner, would be considered "government administrative offices." By further example, a parole facility involving any onsite parolee monitoring interviews, etc. would not constitute a "government administrative office" since such use would be oriented to providing a governmental service to periodically visiting general or limited members of the public.

*Heavy commercial uses.* Uses which typically have material amounts of inventory, operations, or activity stored or occurring outside of fully enclosed buildings, or stored or occurring in a warehouse environment which have floors that consist of ground concrete as opposed to having finished floor coverings of wood, terrazzo, ceramic tile, or carpet, or stored or occurring in a building or structure that is not air-conditioned. Heavy commercial uses may involve a material amount of site fabrication, or the use of materials or chemicals in making or performing the service or product marketed, and involve the use of motorized machinery. Often, heavy commercial uses have a standard business practice of selling a material amount of inventory or services at wholesale, or at discount to certain industry or business buyers (e.g., "contractor's discount"), or buying or selling a material amount of inventory in bulk. Sometimes, the items sold or leased are large or heavy pieces of equipment or machinery. Additionally, heavy commercial uses often sell materials and equipment used by others in further fabrications. Heavy commercial uses are distinguished from other retail merchandizing and office commercial uses by these attributes, and by the special concerns they present in the nature of noise, fumes, pollution, vibration, and heavy vehicular traffic (including truck traffic) accessing the site.

*Height of building.* The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof surface for a flat roof, to the deck

line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs. All references to a height of a specified number of stories or a specified number of feet shall mean a maximum of that number of stories and within that number of stories the number of feet enumerated may not be exceeded. For example, a maximum height of three (3) stories or forty (40) feet means that the maximum number of stories shall be three (3) and that the maximum height of the building, including any walls necessary to hide air-conditioning equipment and all other equipment except elevator housing and stairwells shall be forty (40) feet.

Hookah Bar/Lounge means a commercial establishment that has water pipes (also known as a hookah, shisha, boory, argileh, nargile, hubble-bubble, goza, meassel, sheesha) for people to share pipefuls of either tobacco or an herb or a dried fruit or a combination of those which is burnt using coal and becomes smoke, then passes through an ornate water vessel and is inhaled through a hose.

*Hospital.* An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury and other physical or mental conditions and requiring overnight care and including, as an integral part of the institution, related facilities, such as laboratories, medical testing facilities, outpatient facilities, training facilities, medical offices, surgery rooms, pharmacy, and staff residences.

*Hotel.* A building or part thereof, in which rental sleeping units are offered to the public and which maintains an inner lobby through which all occupants must pass to gain access. Most often, hotel sleeping rooms are accessed solely through interior hallways, even on ground floors. It is not unusual for guests to stay more than one (1) night and typically hotels have amenities that cater to longer staying guests such as exercise rooms, spas, restaurants, meeting rooms, ballrooms, convention facilities, reading areas, and limited shopping areas. Hotels cater to transient occupancy, and may have limited kitchenette facilities (i.e., microwave, coffee maker, small sink, miniature refrigerator) for use by the occupants in rooms.

*Hotel bar* means a bar operated in connection with a hotel, motel, or apartment hotel of more than one hundred (100) hotel rooms or apartments, and operated by the same management, such bar being equipped with adequate and sanitary equipment. The sale of beers, wines and liquors shall be strictly incidental to the principal use as a hotel, motel, or apartment hotel.

House of Worship means any specially designed structure or space for a church, denominational or ecclesiastical organization at which nonprofit religious services and activities are regularly conducted.

*Kitchen facilities.* For the purpose of this article shall include a kitchen sink and cooking facilities.

*Land.* The word land shall include water surface and land under water.

Land development regulations (LDR) means ordinances enacted by the City Council for the regulation of any aspect of development and includes any City zoning, rezoning, subdivision, building construction, sign regulations or any other regulations controlling the development of land.

Land use plan means the land use element of the City's comprehensive plan.

Local planning agency means the City's Planning and Zoning Board.

*Lot.* A parcel of land considered as a unit occupied or to be occupied by a main building or group of main buildings and accessory buildings, or by a principal use and uses accessory thereto, together with such yards and open spaces as are required by this article. The word lot shall include the words plot, site, tract, and parcel.

*Lot area.* The total horizontal area within the lot lines of a lot.

*Lot, corner.* A lot abutting on two (2) or more streets at their intersection, said intersection having an interior angle of less than one hundred thirty-five (135) degrees.

*Lot coverage.* The percent of the total lot area occupied by the ground floor of all principal and accessory buildings, inclusive of covered exterior spaces such as covered balconies, porches or patios, covered walkways, cantilevers, and overhangs.

*Lot depth.* The horizontal distance between the front and rear lot lines measured in the same mean direction of the side lot lines.

*Lot, interior.* A lot, the side line of which does not abut on any street.

*Lot line, front.* A line separating the narrowest street frontage of the lot from a street except in those cases where deed restrictions specify another line as the front lot line.

*Lot line, rear.* A lot line which is opposite and most distant from the front lot line.

*Lot line, side.* Any lot boundary line not a front lot line or a rear lot line.

*Lot width, average.* The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

*Low impact accessory or incidental alcoholic use:* accessory use that (a) takes up less than ten (10) percent of a building's overall gross square feet or two thousand (2,000) square feet, whichever is less; (b) at all times is owned and operated by the owner and operator the principal use; and (c) does not because of its described characteristics: (i) generate any material noise, traffic, or parking impacts; (ii) have any external sign message identifying the accessory or incidental use; (iii) does not materially increase foot traffic to the principal use; (iv) does not result in any changes to the outward elevation of any building; (v) does not involve any use which is otherwise a prohibited use in any zoning district or which is a use variance in the applicable zoning district; (vi) does not involve a principal or accessory or incidental use which is a heavy commercial use, a nightclub, a restaurant entertainment facility, or another use which generates a potential for adverse negative secondary effects or which is nonconforming or which is incompatible with the surrounding property or neighborhood as such terms are used in the City's conditional use ordinance; and (vii) is conducted within a completely enclosed building.

*Mail order processing* shall mean the receipt and administrative processing of customer orders and related documentation to allow for shipment of goods or items to customers from another location. No storage, warehousing, manufacturing, packaging, distribution or any activity other than the processing functions (and office functions directly related to such functions as described above) are permitted.

*Massage establishment* means a site or premises, or portion thereof, wherein a licensed massage therapist practices massage, and which meets the requirements of Florida Statutes Chapter 480.043, as may be amended from time to time, and Chapter 64B7-26, Florida Administrative Code et seq., as may be amended from time to time, and Plantation LDR's, as may be amended from time to time. A massage establishment is a type of a personal services business listing that is subject to special rules and regulations.

*Mental health care establishment* means a location at which a licensed professional psychologist, psychiatrist, social worker, hypnotist or any other similarly licensed professional person primarily engages in the rendering of, or practice of, delivering mental health services, such as consultations, evaluations, treatments, therapy or similarly licensed services, to individual patients or clients.

*Motel.* A building, or series of buildings, being attached, semi-detached, or detached, containing rental sleeping units, and where each unit has convenient exterior access to a parking space for the use of the unit's occupants. Typically, access to sleeping rooms is from the exterior of the building as opposed to through the interior.. These units may have limited kitchenette facilities (i.e., microwave, coffee maker, small sink, and miniature refrigerator) for use by the occupants in rooms.

*Neighborhood:* A neighborhood shall be the area within one (1) square mile of the site on which a conditional use permit is sought.

*Nightclub* means any commercial establishment that is not a restaurant but may serve food and beverages, and which is determined to be a nightclub by application of the factors set forth in this definition. (Clubhouses, recreation centers, or other buildings used primarily for social gatherings of members of condominiums, cooperatives, homeowner associations, civic, charitable or fraternal organizations which may periodically have dances, stage shows, or music, and alcoholic beverage consumption, and admission fees are not "commercial establishments".) If a commercial establishment could reasonably be classified as either a nightclub or as a restaurant entertainment facility, it shall be deemed a nightclub for purposes of these LDR's. If a commercial establishment could reasonably be classified as either a nightclub or some different use, it shall be deemed a nightclub for purposes of these LDR's. Although nightclubs are prohibited in the City, the use is being defined for regulatory purposes (i.e., the City may have nonconforming nightclub uses and the definitions are intended to be consistent with chapter 3 definitions). In determining whether an establishment is a nightclub, the City shall consider the following factors:

- (1) If any one (1) of the following is answered in the affirmative, then the establishment is a nightclub:

- (a) Whether the establishment charges a cover charge, door charge, or one-time membership fee which is paid at the door; or,
  - (b) Whether there is a minimum drink requirement.
- (2) If none of the factors listed in subsection (1) above are present, then if six (6) of the following are answered in the affirmative, then the establishment is a nightclub:
- (a) Whether there is a dance floor or other open area used by patrons for dancing;
  - (b) Whether the hours of operations where the use is open to the public include time between 12:00 midnight and 8:00 a.m.;
  - (c) Whether the maximum capacity for the establishment as established by the Building Official in light of various regulatory provisions is over two hundred (200) persons. [The fact that the facility may restrict its capacity to some number shall not prevent the Building Official from applying code provisions that determine a different and increased capacity. The Building Official may use various codes for this purpose (i.e., Fire Code provisions)];
  - (d) Whether the establishment has a 4-COP liquor license;
  - (e) Whether the establishment advertises as a nightclub or a cabaret;
  - (f) Whether advertisements for the establishment routinely specify entertainment engagements (e.g. "Tony & Trio this Saturday and Sunday night"; special unlimited engagements; "Sally Jones sings tonight");
  - (g) Whether the establishment has a stage show or has a stage or platform used in connection with performances or entertainment;
  - (h) Whether the establishment has a high density area that exceeds ten (10) percent of gross square feet of floor area. The definition of "high density area" is set forth within the definition of restaurant entertainment facility,
  - (i) Whether the establishment has an entertainment area that exceeds five (5) percent of gross floor area. The definition of "entertainment area" is set forth within the definition of restaurant entertainment facility.

*Nonconforming building or structure.* A building or structure or portion thereof, existing at the effective date of this ordinance, or any amendment thereto, which was legal, occupied, designed, erected, intended, or structurally altered for a use not permitted at its location by the provisions of these LDR's for a new use, and/or which does not conform to all of the regulations applicable to the district in which it is located.

*Nonconforming use.* The use of a structure or premises legally existing at the effective date of this ordinance from which this section was derived, or any amendment thereto, for any purpose not permitted for a new use in the district in which it is located.

*Office support—High density occupation area* means that portion of a business or office location which has a high concentration of staff who perform clerical work, customer services, billing functions or any similar services for a profit or non-profit organization, group or business. A "high concentration" shall mean where at least forty (30) percent of the gross leasable square feet of the use has persons who perform tasks at work stations, cubicles, or the like where the planned or actual occupancy is less than or equal to one (1) person for each seventy-five (75) square feet of work space. Work space shall be defined as including only the work stations or cubicle area and that portion of floor space occupied by such person's chair for the usual and customary sitting area

within same (work space shall not include aisles or hallways). This shall include telemarketing centers and call centers.

*Out parcel.* This definition is only to be used when trying to calculate how many out parcels can be permitted within a larger project, and is intended to be used for no other purpose. An out parcel is a quantity of real property sufficient in size to completely accommodate within its boundaries all required parking, open space, setbacks, landscaping, and vehicular use areas needed to service a building, when such building is to be separated from other buildings within the project wherein it is located, and where such building is to be used and marketed independently by a single user or for a use different and distinct from other uses within the project. Where no building is proposed, zoning regulations may otherwise fix a minimum parcel size requirement for an out parcel. Out parcels as used within this definition may or may not be reflected on a plat, may or may not be reflected on a site plan, and may or may not be under different ownership or control from other property within the project. The City shall, for zoning purposes and for the purposes set forth in this definition, calculate the required size of the building site proposed to become an out parcel regardless of actual ownership and control of same.

*Outpatient surgical center* means medical facilities that specialize in elective same-day surgical procedures, do not offer emergency care, and patients treated in these surgical centers do not require admission to a hospital and are well enough to go home after the procedure.

*Package store* means a location at which a vendor is licensed under Florida law to sell alcoholic beverages, but only in sealed containers, for consumption off-premises.

*Park.* A tract of land devoted primarily to recreational purposes and the maintenance of open space. Such areas are usually planted and landscaped and may, or may not, include community buildings and structures or a playground or playfield as defined in this article.

*Parking lot.* An off-street open area, the principal use of which is for the parking of automobiles by the public, whether for compensation or not, or an accommodation to clients or customers, or otherwise provided in the comprehensive zoning ordinance.

*Pawn shop.* A business location at which a pawnbroker conducts business. A pawnbroker is any person who engages in the business of making pawns. A pawn means the advancement of funds on the security of pledged goods (tangible personal property) left in the possession of a pawnbroker by a pledgor of such goods for a stipulated period of time, which goods may be redeemed by the pledgor under terms and conditions as specified in the applicable Florida Statutes.

*Personal services.* A business primarily engaged in the provision of frequent or recurrent services involving the care of a person and/ or his or her personal goods or apparel. Typical uses include, but are not limited to, beauty and barber shops, day spas, hat or shoe cleaning and repair services, nail studios, reducing salons, seamstress shops, tailor shops, toning and tanning salons, and massage parlors as permitted and regulated under chapter 480 of the Florida Statutes, or its successor.

Plat means a map or delineated representation of the subdivision of a tract or parcel of land being a complete exact representation of the subdivision and showing the designation of such land as lot(s), block(s), parcel(s), or other portions thereof, however the same may be designated

Platted lot means a lot which is identified on a recorded plat.

Plot see Lot

*Playfield.* A tract of land devoted to active recreational purposes, primarily for the use of older children and adults. Such areas usually contain facilities for organized sports and accommodations for spectators and may or may not include community buildings or structures.

*Playground.* A tract of land devoted to active recreational purposes for the primary use of preschool and elementary school age children. Such areas are usually equipped with play apparatus and facilities and may or may not include community buildings and structures.

*Premises.* Any lot with or without a building or buildings or structures thereon.

Public utility means any publicly owned, franchised or regulated facility for rendering electrical, gas, communications, transportation, water supply, sewage disposal, drainage, and garbage or refuse disposal to the general public.

*Resale boutique.* A business engaged in the purchasing, selling, and consigning of qualified, previously owned or used merchandise which is not "second-hand goods" as defined in section 538.03, Florida Statutes (1991), as same may be amended, and which principally deals with buying and selling only one specific type or category of tangible personal property which is not identified as an item of extra value within the definition of "second-hand dealer" in section 14-91 of this Code, as amended, or which is subject to state certificate of title laws where the item is registered and a certificate of title is issued to identify ownership. A resale boutique shall not be defined to include the business of a "secondary dealer" as defined in section 14-91 of this Code of Ordinances, as same may be amended, or a "second-hand dealer" as defined in section 538.03, Florida Statutes (1991), as amended.

*Residential.* The term "residential" or "residence" is applied herein to any lot or any building used exclusively for human habitation or intended to be used, including accessory uses specified in this article.

*Restaurant, dine in* means any establishment where the principal use is the service of food for consumption on the premises. Typically, complete meals are prepared on the premises and served at all times when the establishment is open, for pay and for consumption on the premises at tables with chairs, or booths, or both.

*Restaurant bar* means a bar housed completely within a dine-in restaurant or a banquet facility (as defined in this article, which bar and food service uses are both operated simultaneously and in conjunction with each other by the same owner, management or both. A restaurant bar must be designed and used primarily to support (i.e., be accessory to) the serving of full-course meals for

consumption on the premises by the public in the restaurant or by patrons of a banquet facility. The restaurant bar's principal use is the service of full-course meals for consumption on premises by the public. A "full-course meal" for purposes of this section means that the service of food is provided in courses, including the availability for consumption of appetizers, salads, entrees accompanied by side dishes such as vegetables, rice, pasta or the like, desserts, nonalcoholic and alcoholic beverages, all of which are prepared on the premises by one (1) or more full-time preparers and served to patrons seated at tables, booths or both by waiters, waitresses or both.

*Restaurant entertainment facility* means a restaurant bar having either a high density area that exceeds fifteen (15) percent of its gross floor area or an entertainment area that exceeds fifteen (15) percent of its gross floor area. Entertainment area means an area set aside for any one (1) or more, or any combination of the following: dancing, band, orchestra, disc jockey, stage show, or other form of musical or comedy entertainment. High density areas means interior areas [exclusive of areas designed and actually used for kitchen, garbage, food storage, closet, bathrooms, behind the bar service areas, floor areas under tables and chairs, and areas designated for and used exclusively for dining (with such designation to be approved by the director of planning, zoning and economic development or his or her designee)] that could be used for waiting areas, standing areas, and aisles (including aisles around any dance floor or area). If a facility could reasonably be classified as either a restaurant entertainment facility or a restaurant bar, it shall be deemed a restaurant entertainment facility.

*Retail sale.* shall mean a sale to the ultimate consumer (i.e., a sale for any purpose other than resale), and including but not limited to all transactions for which there is collected or due by the seller a sales tax pursuant to Chapter 212 of the Florida Statutes, as it may be amended.

*Rooming House* A dwelling containing multiple rental sleeping units or suites of rooms where lodging is provided for compensation.

*Self-storage, warehouse* means a business or building used primarily for storage of materials and personal goods by businesses and persons. A warehouse—self storage building is leased in small increments to businesses and persons which do not conduct any business activity from the leased area and do not require an occupational license pursuant to the City code.

*Setback.* The minimum distance between the street line, rear, or side lot lines, and the front, rear, or side of the building or structure.

*Site Data Record.* A map or delineated representation of a subdivision of land showing the boundaries and location of individual lots or tracts, streets, and other information required by this Code.

*Small scale development* shall have the same meaning given in Florida Statutes § 163.3187(1)

*Specialty school* means a place in which instruction or teaching in a classroom environment. The instruction or teaching shall not involve or provide for any use of heavy equipment, industrial machinery, use of chemicals (other than for photography instruction) manufacturing apparatus or actual vehicles or aircraft. If a particular Master Business Listing pertains to a "school" use, as

defined above, then the specific school provisions, supplemental use regulations or both will prevail

*Stadium* A commercial structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. This does not include municipal owned sites.

*Story.* That portion of a building included between the surface of any floor and the surface of the floor next above, or if there be not a floor above it, then the space between such floor and the ceiling next above it.

*Street, mapped.* Officially adopted future streets, as shown on the master plan.

*Structure.* That which is built or constructed (including but not confined to buildings) or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires more or less permanent location on the ground, or which is attached to something having a permanent location on the ground. The term shall be construed as followed by the words or part thereof.

*Surrounding property:* Surrounding property shall be the properties and zoning surrounding the tract or parcel of land within which such conditional use permit is sought, (i.e., residential surrounding a commercially zoned tract within which a conditional commercial use request is sought).

*Tavern.* See "Bar."

*Technology based industry.* A business primarily engaged in the research, development, engineering or production of technological advances in hardware or software, limited to the computer and communications (including radio, data transmitting, phone, voice video and internet) industries.

*Thrift shop.* A shop wherein the items sold (or given away to the needy) have been obtained through donations or gifts and where the donor receives no value upon the sale (or gift) of such merchandise to a thrift shop customer, where the use is designed to sell donated merchandise at a price below reasonable market value, and where the revenue received from selling same is retained by a charitable, not-for-profit, or religious organization or institution. The term "resale boutique," as used in this chapter, shall not be deemed to include "thrift shops."

*Town house.* A building consisting of three (3) or more individual residences placed side by side, separated by a party wall or adjoining walls, with each individual unit having a first floor exterior entrance and without an interior or exterior corridor or hall serving more than one (1) unit. For the purpose of this ordinance, row housing is a special classification of multifamily dwelling subject to certain regulations and allowed only as a conditional use.

*Trafficways plan* means the Broward County Trafficways Plan or any subsequently adopted major and collector street plan of the City.

Trip means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end). For the purposes of these provisions, trip shall have the meaning which it has in commonly accepted traffic engineering practice and which is substantially the same as that definition in the ITE Trip Generation Manual, most current edition.

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

*Urgent care facility.* An establishment where patients, who are not lodged overnight, are admitted for examination and medical treatment by one (1) person or a group of persons practicing any form of medicine which is lawful in the State of Florida. Urgent care facilities generally provide walk-in treatment for sudden or unexpected illnesses and injuries that do not require hospital emergency room care. Appointments aren't necessary and these establishments are generally open for extended hours and treat individuals of all ages. The City has a separate definition for mental health care establishments; consequently, urgent care facilities shall not provide mental health care services.

*Use.* The purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

*Used or occupied.* The words used or occupied shall include arranged, designed, constructed, altered, converted, rented or leased.

*Villas.* A group of three (3) or more one-story dwelling units per building, located on one (1) or more adjoining lots and having separate outside entrances on the ground floor level for each one (1) family dwelling.

*Variance.* A modification of, or deviation from, any regulations, except the land use regulation, for a specified zone district of the LDR which is authorized and approved by the Planning and Zoning Board.

*Warehouse.* A warehouse is a building or structure primarily devoted to the storage of large quantities of commercial goods, products, materials, equipment or apparatus, frequently stored in bulk, which building or structure is ordinarily used as a temporary storage space for subsequent distribution of such items for re-sale, manufacturing or industrial use. A warehouse is staffed by employees who directly perform operations involving the placement, movement and removal of the goods or items stored. Such items or goods are typically delivered to and removed from a warehouse by the use of large commercial vehicles such as trucks, truck tractors and trailers or semi-trailers. A warehouse may provide an office within the building or structure if the office is directly related to the warehouse operation.

*Wholesale.* For the purpose of this ordinance the term wholesale, wholesaler, or similar terms shall mean a person, firm or corporation regularly engaged in sales which are not retail sales.

*Yard.* A space on the same lot with a structure or use, open and unobstructed from the ground to the sky.

**Sec. 27-12 – Rules of Construction.**

In the interpretation of the language of these LDRs, the rules set out in this section shall be observed unless such construction would be inconsistent with the manifest intent of the City Council.

- (a) Generally. Terms used in these regulations, unless otherwise specifically provided, shall have the commonly understood meanings, per definition contained within the plan, or the meaning reasonably ascribed to them by the City Council.

In the interpretation and application of any provision of these regulations, the provision shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of these LDRs imposes greater restrictions upon the subject matter than a general provision imposed by another provision of these regulations or other City ordinance, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

- (b) Computation of time. The time within which an act is to be performed and completed shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by the City, that day shall be excluded.
- (c) Administrative delegation of authority. Whenever a provision of these LDRs requires any City officer or employee to do some act or perform some duty, these land development regulations shall be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise. Following any reorganization of the structure or duties of existing departments, authority shall be delegated to the appropriate successor department or division.
- (d) Gender. Words importing the masculine gender shall be construed to include the feminine and neuter.
- (e) Non-technical and technical words. Words and phrases shall be construed according to the common and approved usage of the language. Technical words and phrases and such others as may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.
- (f) Number. A word importing the singular number may extend and be applied to several persons or things as well as to one person or thing. The use of the plural number shall be deemed to include any single person or thing.
- (g) Shall, may. The word "shall" is mandatory; "may" is permissive.
- (h) Tense. Words used in the past or present tense include the future as well as the past or present.
- (i) Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

- (j) Year. The word "year" shall mean a calendar year, unless otherwise indicated.
- (k) Day. The word "day" shall mean a calendar day, unless otherwise indicated.
- (l) Boundaries. Interpretations regarding boundaries of zoning districts shown on the official zoning map shall be made in accordance with the following:
  - (1) Centerlines as boundaries. Where district boundaries appear to follow centerlines of streets, alleys, easements, railroads and the like, they shall be construed as following such centerlines.
  - (2) Property lines and the like as boundaries. Where district boundaries appear to follow street edge, lot, property or similar lines, they shall be construed as following such lines.
  - (3) Boundaries in or adjacent to bodies of water.
    - a. Where district boundaries appear to follow shorelines or centerlines of bodies of water, they shall be construed as following such shore lines or centerlines. In case of change in shore lines or course or extent of water, the boundaries shall be construed as moving with the change.
    - b. Boundaries indicated as entering any body of water, but not continuing to intersect with other zoning boundaries or with the limits of jurisdiction of the City, shall be construed as extending in the direction in which they enter the body of water to intersect with other zoning boundaries or with the limits of jurisdiction.
  - (4) Boundaries indicated as parallel to or extensions of features listed. Where district boundaries are indicated as parallel to or extension of features listed above, they shall be so construed.
  - (5) Dimensions. Where dimensions are not otherwise indicated on or by the official zoning map, the scale of the map shall govern.
  - (6) Variation of actual location from mapped location. Where physical or cultural features existing on the ground are at variance with those shown on or by the official zoning map, the actual location shall govern.

**Sec. 27-13 – 27-20. Reserved**