

ARTICLE 7. - DEFINITIONS

Sec. 7-101. - Definitions.

For the purposes of these land development regulations, the following words and terms have the meanings so specified:

A

Abandoned building means a building or structure that is intentionally and voluntarily deserted by the owner and left unsecured or that is not maintained. Evidence of desertion and lack of maintenance shall include, but shall not be limited to: unaddressed code violations; lack of required building permits or certificate of occupancy; lack of business tax receipt; and lack of active utilities.

Abut or abutting means parcels of land which share a property line or are separated by an alley.

Access means the right to enter an area and the means or facilities provided to accomplish entrance.

Accessory dwelling unit means an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.

Accessory use, building or structure means a use or structure subordinate to the principal use of a building or parcel of land, on the same or contiguous to that parcel of land and serving a purpose customarily incidental to the use of the principal building or parcel of land.

Accessory use, for the purpose of article 5, division 18, means a secondary use including a use that is not related to, incidental to, subordinate to and subservient to the main use of the property on which an antenna and/or telecommunications tower is sited.

Acre means an area containing forty-three thousand five hundred sixty (43,560) square feet.

Addition means an extension or increase in floor area or height of a building or structure.

Adjacent means properties that are across a local street or waterway from a parcel of land.

Adjacent multifamily or nonresidential means, for the purposes of the NRO District, property which is across the street or contiguous and which has existing multifamily or nonresidential development or has been allocated multifamily units pursuant to section 4-404 of these LDRs.

Adult day care center means any building or buildings, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a part of the twenty-four-hour day, basic services to three (3) or more adults, not related to the owner/operator by blood or marriage, who require such services.

Adult entertainment business means any premises within the city where members of the public, or any person for consideration, are offered any live or recorded performance, or any visual image tangibly fixed in any medium, which performance, image, or recording has as its primary or dominant theme subject matter depicting, describing, or relating to specified sexual

activities or specified anatomical areas, and which performance, recording, or visual image requires the exclusion of minors from the premises pursuant to F.S. ch. 847.

Adult family-care home means a full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five (5) disabled adults or frail elders who are not relatives.

Adult living facility means any building or buildings, section 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 (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator, not including substance abuse facilities.

Adult living facility unit means that common space shared by no more than two (2) individuals for sleeping purposes in an adult living facility.

Affordable means that the annual cost of housing (not including utilities) does not exceed thirty (30) percent of the adjusted gross income of a workforce household.

Affordable/workforce household means a household comprised of one (1) or more persons at least one (1) of which is an essential services personnel comprised of teachers and educators; artist and creative professionals; school district, community college and university employees; law enforcement personnel; fire and rescue personnel; health care personnel; persons employed in local businesses essential to the county's economy; county and local government personnel; utility (water/sewer, electric, communication) personnel; information technology personnel; child care personnel; and skilled trades and others employed in positions that provide government and municipal services essential to maintaining a high quality of life in and for North Miami, Florida.

Affordable/workforce housing means housing which is affordable to an affordable/workforce household with an adjusted gross income which is not less than fifty (50) percent and does not exceed one hundred forty (140) percent of the median income in the city.

Aggregate area/aggregate width means the sum of two (2) or more designated areas or widths to be measured, limited, or determined under these regulations.

Aggrieved party means, for the purposes of appeal in article 3, division 7, a person who participated in the public hearing of the matter which is the subject of the appeal and who has a special interest in the matter not shared by the public at large.

Alcoholic beverage: As defined by F.S. § 561.01(4).

Alcoholic beverage establishment means any premises devoted during any time of operation predominantly or totally to serving alcoholic beverages, for consumption on the licensed premises, in which the serving of food, if any, is merely incidental to the consumption of any such beverage, however, certain establishments may be excluded from regulation under this definition, or otherwise regulated, by applicable law.

Alley means a roadway dedicated to public use which affords only secondary means of access to abutting property and which is not intended for general traffic circulation.

Allowable or allowed use. See “Permitted use.”

Alterations as applied to a building or structure, means 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. Change in rearrangement in the structural parts includes wiring, plumbing, heating and air conditioning.

Alternative tower structure means a design mounting structure that camouflages or conceals the presence of an antenna or tower. For example, manmade trees, clock towers, bell steeples, light poles, utility poles and similar alternative designs. Any construction or renovation to an existing tower or antenna structure other than repair or addition.

Ambient noise means the all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far.

American National Standards Institute A-300 Tree Care Standards Manual (“ANSI A-300 Standards”) means the tree manual that establishes industry-developed performance standards for the care and maintenance of trees, shrubs, and other plants.

Animal grooming establishments means all stores, shops or other business wherein animals are accepted for personal treatment not overnight such as, but not limited to, hair trimming, fur cutting, bathing, washing, pedicuring, combing or brushing, shampooing, or any and all other measures and treatments designed or performed for the purpose of improving the cleanliness or appearance of animals.

Animal overnight boarding facilities means any place of business where dogs and/or cats or other animals are maintained for overnight boarding for a fee. Animal boarding facility may include grooming but shall not include any animal control center or any veterinary hospital, or any animal facility operated by any subdivision of local, state or federal government. Animal boarding facility shall not include any research facility subject to inspections under any provision of any state and/or federal law.

Antenna means a transmitting and/or receiving device mounted on a tower, building or structure and used in telecommunications [personal wireless] services that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, 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 earth stations.

Antique store means an establishment which sells works of art, pieces of furniture, or decorative objects fabricated in and representative of earlier time periods according to then existing customs and trends, and having an intrinsic value as a result of their historical background or scarcity.

Appliance, furniture and electronic rental and repair means any place of business which provides for the repair and rental of small appliances, electronics and furniture.

Applicant means a person or entity with an application before the city for a permit or other approval.

Arborist means an individual certified by the International Society of Arboriculture (“ISA”) and who possesses the technical competence and experience to provide for or supervise the

management of trees and other vegetation, tree surgery, tree removal, tree relocation, tree hazard assessment, and the prevention and cure of tree diseases, and the control of insects.

Arcade means an area contiguous to a street or plaza that is open and unobstructed to a height of not less than twelve (12) feet and is accessible to the public at all times, not including offstreet loading or parking areas, driveways, or open pedestrian walkways.

Arterial means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. The primary purpose of arterials is to provide service to major traffic movements; access to abutting property is a subordinate purpose. An arterial street (or road) is also typically characterized by restricted parking, access control, signals at important intersections and stop signs on the side streets, and typically distributes traffic to and from collector streets or roadways.

Assembly uses for the purpose of the Florida Building Code means uses when a building or portion thereof are used for meetings or gatherings by the public including education activities, schools, special and technical facilities, indoor recreation and religious institutions.

Atrium means an opening connecting two (2) or more stories other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment which is closed at the top and not defined as a mall under the provisions of the Florida Building Code (FBC section 404.1.1).

Attic means the space between the ceiling beams of the top story and the roof rafters.

Automatic irrigation system means an irrigation system with a programmable controller or timing mechanism.

Automobile means a self-propelled, free-moving vehicle, with four (4) wheels, usually used to transport not more than six (6) passengers and licensed by the department of motor vehicles as a passenger vehicle, not including trucks.

Automobile service station means any building, structure, or lot used for the following: dispensing, selling or offering for retail sale gasoline, kerosene, lubricating oil, or grease for the operation and maintenance of vehicles. This may include buildings or structures that are used for the retail sale and direct delivery to motor vehicles of candy, soft drinks and other related items for the convenience of the motoring public, and may include facilities for hand car washing, lubricating, minor repairs or vehicle service. Such establishments shall not include facilities for major vehicle service.

Avenue means a thoroughfare running north and south.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or DBA.

Awning means any rigid or moveable (retractable) roof-like structure, cantilevered or otherwise, entirely supported from a building.

B

Backhaul network means the lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Bakery means a place of production and/or retail sale of baked goods, primarily on the premises.

Balcony means a platform that projects from the wall of a building and has a parapet or railing. The platform may service one (1) unit or it may be a continuous platform serving more than one (1) unit with a wall separating the platform between units.

Banquet hall means a facility or hall available for lease by private parties for the purpose of dining and social events.

Bar, lounge or tavern shall mean any place of business where alcoholic beverages are sold or offered for sale for consumption on the premises and where the sale of food is incidental to the sale of such beverages or where no food is sold, and includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale for consumption on the premises of alcoholic beverages as a principal use. Establishments where alcoholic beverages are permitted for consumption on the premises as an incidental or accessory use are not considered a bar.

Barbed wire means a device characterized by wire segments twisted around a central wire strand or strands. 2. Concertina wire: A device characterized by metal barbs attached to a metal tape which is usually installed in a coiled fashion. 3. Razor tape: A device characterized by elongated metal barbs attached to a metal tape which is usually installed in a linear-string fashion. 4. Razor ribbon: A device similar to razor tape which is usually installed in a coiled fashion. 5. Linear-string installation: A method of installation whereby the device is attached to a fence, wall or between stanchions in a more or less taut line. 6. Coiled installation: A method of installation whereby the device forms a cylindrical or helix shape. 7. Security wire: A generic term encompassing all types of barbed wire, concertina wire, barbed razor tape and other similar barriers.

Basement means that portion of a building that is partly or completely below grade.

Basic services, in the context of adult day, care means providing a protective setting that is as noninstitutional as possible, therapeutic programs with social and health activities and services, leisure activities; self-care training; rest; nutritional seminars and respite care.

Block means the length of a street between two (2) intersections. A parcel of land surrounded by public streets (other than alleys) or any other major physical barriers.

Block frontage means that portion of a block that fronts on a single street.

Board means the duly appointed members of the North Miami Business Development Board, the North Miami Downtown Redevelopment Board or the board of adjustment, created by the city council and any successor to its functions, duties, rights and obligations.

Board of Adjustment means the board appointed by the city council pursuant to the provisions of these regulations. See article 2, division 3.

Boat shall include, but not be limited to, power, sail, floats and rafts plus the normal equipment to operate such.

Boat/auto trailer means a vehicle on which a boat or an auto may be transported and which is towable by a passenger car, station wagon, pickup truck or mobile recreational vehicle. When removed from the trailer, a boat is termed an unmounted boat and an auto a vehicle.

Boat repair shall include the painting, refinishing or repair of boat bodies or the repair or assembly of boat engines. See "Major vehicle service."

Boat repair "activities" includes the activities of boat repair, as well as any receiving, shipping, storage and parking incidental to the boat repair activity.

Boat yard and way means a commercial establishment which provides facilities for the construction or reconstruction, repair, maintenance or sale of boats, marine engines, marine equipment and marine services of all kinds; including but not limited to rental of covered or uncovered boat slips, dock space, enclosed dry storage space, marine railways or lifting or launching services. See "Major vehicle service" and "Major vehicle/sales."

Boathouse means noncommercial accessory building for the express purpose of providing space for housing boats and boating accessories.

Bonafide agricultural activities means any land used for the growing of food crops, nurseries for the growing of landscape material, the raising of livestock, horse farms, and other good faith agricultural uses, except any portion of the property not eligible for agricultural exemption.

Broadcasting facility means any tower built primarily for the purpose of broadcasting AM, FM or television signals.

Buffer means a combination of vegetation, fencing, berms and/or open spaces which is used to physically separate or screen land uses.

Buffer, perimeter landscape means an area of land, which is set aside along the perimeter of a parcel of land in which landscaping is required to provide an aesthetic transition between different land uses and to eliminate or reduce the adverse environmental impact, and incompatible land use impacts.

Building means a structure used or intended for supporting or sheltering any use or occupancy.

Building face means the vertical and horizontal dimensions of any one (1) side of a building elevation extending from the base of the building to the roofline and between the main exterior building walls, exclusive of any nonstructural architectural feature, extension, or projection.

Building frontage means any building elevation facing a public street, right-of-way, or any public parking area between such building and street or right-of-way.

Building line means that line adjoining the right-of-way or a fixed distance from such right-of-way (setback) or adjoining any natural barrier or a fixed distance from said such natural barrier.

Building official means the individual appointed by the city manager to administer and enforce the Florida Building Code in the city.

Building permit shall mean the permits issued by the city authorizing the construction of buildings according to standards set out in all applicable development regulations and the State of Florida Building Code. The term "building permit", as used herein, shall not be deemed to include permits required for demolition of an existing structure.

Building separation means the distance between principal and/or accessory buildings on a site, as the context requires.

Building site means that parcel of land designed to be occupied by one (1) or more buildings and the accessory buildings or uses customarily incidental to it, including such open spaces as arranged and designed to be used in connection with such buildings.

Building site/building parcel means any improved or unimproved lot, plot, or parcel of land where there may exist a main permitted structure and any accessory building or structure under these LDRs.

Bus means a large motor-driven passenger vehicle, licensed by the State of Florida, and by which one (1) or more person(s) or property may be transported.

Bus pool means subscription bus service between locations on a regular and prearranged basis responsive to commuter needs.

Business area means all of the commercially zoned properties located within the City of North Miami.

Business owners means tenants, merchants, and business people who operate a place of business open to the general public in North Miami or who own premises on which a business is located.

Business tax receipt means the document issued by the city indicating all fees, taxes and other associated costs associated with conducting the business at any and all appropriate locations within the city have been paid.

C

Cabana means an accessory building used as a bathhouse or a shelter in connection with a swimming pool or beach.

Café—Outdoor means a use characterized by outdoor table service of food and beverages prepared for service in an adjacent or attached main structure for consumption on the premises. This definition does not include an accessory outdoor bar counter, which is considered to be a separate accessory use to an outdoor cafe or a hotel pool deck.

Café—Sidewalk means an outdoor cafe located on a public right-of-way which is associated with a restaurant where food or beverages are delivered for consumption on the premises but not having cooking or refrigeration equipment. It is characterized by tables and chairs and may be shaded by awnings, canopies or umbrellas.

Cafeteria means a place where food is obtained by self-service and primarily eaten with nondisposable utensils.

Caliper means the trunk diameter of a tree and is measured at a height of six (6) inches above natural grade for trees under four (4) inches in diameter, or at twelve (12) inches above natural grade for trees four (4) inches and greater in diameter.

Camper means a structure or unit of construction designed primarily to be mounted upon a motor vehicle and with sufficient facilities to render suitable for use as a temporary dwelling for camping, travel, recreational and vacation purposes.

Camping trailer and full-tent trailer means a type of trailer or trailer coach, the walls of which are so constructed as to be collapsible and made out of either canvas or similar cloth, or some form of rigid material such as fiberglass or plastic or metal. The walls are collapsed while the vehicle becomes temporary living quarters and is not being moved.

Canopy means any fixed roof-like structure, not movable like an awning, and which is cantilevered in whole or in part self-supporting, but having no side walls or curtains other than valances not more than eighteen (18) inches (457 mm) deep. Structures having side walls or valances more than eighteen (18) inches (457 mm) deep shall be classified as a tent.

Canvas carport means an open sided structure to shelter automobiles, the cover of which structure is made of canvas.

Car pool means a vehicle carrying two (2) to five (5) persons to and from work on a regular schedule.

Carport/shelter means a canopy or roof-like structure, open on all sides, if detached from the main building, or open on all sides except for those sides attached to the house, for the purpose of providing shelter for one (1) or more motor vehicles.

Carwash bay means that space, confined within a carport structure, required to perform hand car washing operations.

Carwash, hand means a for-profit service involving the washing and/or waxing, and/or buffing of vehicles by hand labor. This definition shall not include self-service mechanical hose car washes, or car washing operations serving as an incidental use to businesses which are primarily involved in the selling, renting or leasing of vehicles.

Car washing means the operation performed on a vehicle in order to clean it; it may include both exterior and interior washing and cleaning functions.

Car washing, mechanical means a structure containing facilities for the automatic or semi-automatic washing, waxing and drying of automobiles.

Carrier means a company licensed by the Federal Communications Commission (FCC) that provides wireless services. A tower builder or owner is not a carrier unless licensed to provide personal wireless services.

Ceases operations means, for purposes of the discontinuance of a nonconforming use, a voluntary termination of the use by the property owner, where the property owner has not actively and diligently sought to continue the use or the necessary equipment for the use, if any, has not been continuously maintained on the property.

Centerline means a line running parallel with the two (2) edges of a right-of-way, located, in general, a distance halfway between the extreme edges of official and platted rights-of-way.

Centralized parking means offsite parking areas or garages which are shared by one (1) or more development which may be privately or publicly owned.

Certificate of occupancy means a document issued by the building official allowing the occupancy of a building and certifying that the structure has been constructed in compliance with all applicable codes, regulations and ordinances.

Certified survey. See "Survey, certified."

Change of occupancy/use means a discontinuance of an existing use and the substitution therefore of a use of a different kind of class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Chassis mounts, motor homes, motorized homes and mini-motor homes means recreational structures constructed, integrally with a truck or motorvan chassis having single or double rear wheels and incapable of being separated there from.

Check cashing store means any person, except any financial institution created and regulated pursuant to F.S. chs. 655, 658, 660, 663, 665 and 667, or created and regulated pursuant to federal law, engaged in the primary and principal business of providing facilities for cashing checks, drafts, money orders and all other evidences of money for a fee, service charge or other consideration. This definition shall not 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, cashes checks, drafts, money orders or other evidences of money. Check cashing stores may offer additional services, such as deferred deposits, fax services, money wire services, prepaid phone cards or transit passes and may accept utility bill payments. Check cashing stores are also known as currency exchanges or community currency exchanges.

Child care means the care, protection, and supervision of a child, for a period of less than twenty-four (24) hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.

Child care center includes any child care arrangement which provides child care for more than five (5) children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- (a) Public schools and nonpublic schools and their integral programs, except as provided in F.S. § 402.3025;
- (b) Summer camps having children in full-time residence;
- (c) Summer day camps;
- (d) Bible schools normally conducted during vacation periods; and
- (e) Operators of transient establishments, as defined in F.S. ch. 509, which provide child care services solely for the guests of their establishment or resort, provided that all child

care personnel of the establishment are screened according to the level 2 screening requirements of F.S. ch. 435.

Cinema. See "Movie theaters."

City means the City of North Miami, an incorporated municipality of the State of Florida, in its present form or in any later reorganized, consolidated, or enlarged form.

City council or "Council" means the North Miami City Council and any succeeding governing body of the city.

Civic, fraternal or veterans organizations or associations means an organization whose character is that of a fraternal or social nature, one of whose functions is providing services or selling, including but not limited to alcoholic beverages, only to members and guests of the organization or association and which is not operated or maintained for profit.

Clearance pruning means the type of pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

Collectibles store means an establishment which sells preowned and/or new collectible items such as, but not limited to, books, stamps, jewelry and other accessories, china, toys, furnishings, tools, etc., which by virtue of their nature and demand generally maintain their value over time, and for which price guides are generally available.

Collector means a route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Traffic movement is a priority but there is a higher degree of land access than with an arterial road, allowing such a route to collect and distribute traffic between local roads or arterial roads and serve as a linkage between land access and mobility needs. A collector street (or road) is also one which typically collects traffic from local streets and which generally connects with arterials.

College/university dormitory means a property owned or operated by the college or university that is used to accommodate the residential needs of college or university students only.

Collocation, colocation or co-location means the use of a common mount by two (2) or more wireless carriers.

Colonnade means the roof or building structure, extending over the sidewalk, open to the street and sidewalk, except for supporting columns or piers.

Commencement of development means visible, tangible evidence of proceeding with construction, including application for and receipt of a building permit, carrying out building activity, and requesting inspection of improvements constructed pursuant to a building permit.

Commercial area means any area designated for commercial uses under the city's land development regulations.

Commercial districts mean the C-1, C2BE, C2BW, and C-3 districts.

Commercial establishment means an establishment operated for profit or not for profit; .

Commercial message means any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Commercial mobile radio services means pursuant to Section 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data and video. According to the FCC, these services are "functionally equivalent services." Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

Commercial uses mean any activity where there is an exchange of goods or services for monetary gain. Such activities include, but are not limited to, retail sales, offices, eating and drinking establishments, theaters and similar uses.

Commercial vehicle means any vehicle including, but not limited to, trucks, trailers, semi-trailers, tractors and motor homes, utilized in connection with the operation of a commerce, trade or business, and not utilized as a dwelling.

Commercial watercraft means any vessel used or operated for commercial purposes on the navigable waters of the city, that is either carrying passengers, freight, towing, or for any other use, for which compensation is received, either directly or indirectly, or where provided as an accommodation, advantage or privilege, at any public or private place, or public accommodation, resort or amusement.

Commercially exploited tree species mean species of plant native to the state, which are subject to being removed in significant numbers from native habitats in the state and sold or transplanted for sale.

Commission means the Planning Commission of the City of North Miami, Florida.

Common open space means the area required as open space for various zoning districts, as set forth in the generalized table of development standards of these LDRs.

Community facility means a building or facility owned and operated by a governmental, civic, fraternal or veterans organization or association or nonprofit entity which is open to the public or a designated part of the public for recreational, social and educational activities, which primarily serve the immediate community in which the facility is located.

Community residential home means a dwelling unit licensed to serve residents, who are clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, or the department of children and family services or a dwelling unit licensed by the agency for health care administration which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Commuter van service means a transportation service provided in a multioccupant vehicle, which offers commuter service from a place of residence or its immediate vicinity to a place of employment or its immediate vicinity on an on-going basis. For the purposes of this definition, immediate vicinity shall mean a distance of less than one thousand (1,000) feet.

Comprehensive plan means a plan that meets the requirements of F.S. §§ 163.3177 and 163.3178.

Compressed workweek means a limitation by an employer on the number of days worked during the week by increasing the hours worked each day. An example would be a forty-hour workweek of four (4) ten-hour workdays.

Concurrency means that adequate public facilities meeting the level of service standards established in the city's comprehensive plan are or will be available no later than the impacts of a development are imposed.

Concurrency determination means a document issued by the director of the community planning and development department, stating that there appears to be sufficient public facility capacity so that designated levels of service shall be adequate for the project for which the concurrency determination is issued. A concurrency determination reserves no public facility capacity and is in no way binding on the city.

Concurrency management system means the procedure and process that the city utilizes to ensure that development orders and permits issued by the city shall not result in an unacceptable degradation of the adopted level of service in the City of North Miami Comprehensive Plan.

Conditional use permit means a permit issued subject to specified conditions. See article 3, division 4.

Condominium means ownership of real property comprised of units having an undivided share of appurtenant common elements.

Consignment shop means an establishment wherein goods limited to clothing, shoes and/or accessories for adults and/or children are sold by the operator of the shop, acting as the agent for the owner of such goods, in return for a percentage of the profits, or other consideration. Such goods may be comprised of a combination of used goods and new goods, or of used goods only.

Construction means any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition.

Construction office means a mobile home, travel trailer or truck trailer, when used as a construction office or enclosed storage area in conjunction with a construction project.

Contiguous means parcels of land which share a property line or are separated by an alley.

Controlled plant or tree species mean those tree species listed in the Miami-Dade County Landscape Manual, as amended from time to time, which tend to become nuisances because of their ability to invade proximal native plant communities or native habitats, but which, if located and cultivated properly may be useful or functional as elements of landscape design and are otherwise protected from removal without a permit.

Convention center means a building or group of buildings that may be used for single or multipurpose activities, such as trade shows, exhibitions, performances and other like activities.

Converted and chopped van means recreational structures which are created by altering or changing an existing auto or van to make it into a recreational vehicle.

Cooperative means ownership of improved real property evidenced by an ownership interest in an association and a lease or other muniment of title or possession granted by the association as the owner of all the cooperative property.

Country club means a public or private facility including eating and recreational facilities which may include a standard size golf course having nine (9), eighteen (18) or more holes installed on tracts having an area greater than forty (40) acres.

Court means a thoroughfare located and running next and parallel to an avenue.

Critical government facilities means fire stations, police stations, storage of critical records, and similar facilities.

Crown or canopy means the upper portion of a tree measured from the lowest branch, including all internal structural and lateral branches and foliage.

Customer service area means floor area normally open to the public where no special permission from the owner or operator is required to enter.

D

Day care means an enterprise involving the care of no more than five (5) preschool and elementary school children from more than one (1) unrelated family including preschool children living in the home and preschool children received for day care who are related to the resident care giver.

Day spa means an establishment that provides at least three (3) services for personal wellness or grooming (including massage and body care treatments, facials, and other aesthetic treatments) and no more than one (1) chair for makeup or hair treatments.

Dead tree means a tree with no evidence of vital functions.

Decibel (Db) means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

Deck means a generally floored, flat and uncovered area used primarily for outdoor passive recreation areas.

Demolition means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Density means a ratio determined by maximum number and type of dwelling units per acre measured to the property line.

Density bonus means a density increase over the otherwise maximum allowable residential density which may be granted under specific provisions as further outlined in the city's comprehensive plan and article 4 of these LDRs.

Department means the community planning and development department, or other city department, as the context may determine.

Depth of lot means the depth between a lot's mean front property line and its mean rear property line.

Design excellence means architectural designs which rise above the ordinary because of design, treatments and materials which provide character and diversity and contribute to establishing an "address" and a sense of place. See article 5, division 8, for specific criteria.

Developable property means property which is suitable for development in accordance with the provisions of these LDRs.

Development means:

- (1) The subdivision of a parcel of land;
- (2) The construction, reconstruction, conversion, structural alteration, relocation, enlargement, or demolition of a structure, but not including repair of an existing structure or addition;
- (3) The mining, excavation, landfill, drilling, grading, deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- (4) The alteration of the shore or bank of a pond, lake, river, or other waterway; or
- (5) Any change in the intensity of use of any structure or use of land, including redevelopment.

(6) Development shall also have the meaning given it in F.S. § 380.04, subject to the exclusions contained herein, unless a more restrictive definition or standard is provided herein.

Development agreement means an agreement between the City of North Miami and one (1) or more persons entered into pursuant to F.S. § 163.3220 et seq.

Development approval means any approval, permit or other official action of the city granting, denying, or granting with conditions an application for development.

Diameter at breast height (DBH) means the standard measurement of a tree trunk as measured at a height four and one-half (4.5) feet above natural grade. In the case of multiple-trunk trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four and one-half (4.5) feet above natural grade.

Differential operation schedule means a method of scheduling an irrigation system to apply different quantities of water, and/or apply water at different frequencies as appropriate, for different hydrozones.

Dish antenna means a dish antenna intended for the purpose of receiving communication from orbiting satellites and other extraterrestrial sources, a low-noise amplifier (LNA) which is situated at the focal point of the receiving component for the purpose of magnifying and transferring signals with or without a coaxial cable for the purpose of carrying signals to the interior of a building, or a combination of any of these elements. Dish antenna height means the distance measured vertically from the bottom of the base which supports the dish antenna to its highest point when positioned for operation.

Dissimilar land uses mean proximate or directly associated land uses which are contradictory, incongruous, or discordant such as higher intensity residential, commercial or industrial uses located adjacent to lower intensity uses.

Distance means as measured in a straight line, without regard to intervening structure from property line to property line.

District or zoning district means an area or areas of the city designated on the zoning map as being subject to the uniform regulations and requirements of a particular zoning category established in these land development regulations.

District wide open space shall mean open space usable by the general public in the form of parks, plazas, pocket parks and other urban open space areas, including water areas if part of the parks and plazas, but not including landscaped areas not part of a park or a plaza.

Dock means any fixed or floating structure projecting into or abutting a waterway, created for the purpose of securing vessels, and for the loading and unloading of people and/or property.

Downtown and downtown area means the area established by the C-3 central business zoning district.

Dripline means an imaginary vertical line extending from the outermost horizontal circumference of a tree's branches to the ground. It shall also mean the largest outside perimeter of the canopy of a tree. For excurrent species, leaning trees, trees with suppressed canopies, irregular rooting areas (due to infrastructure or geological factors), trees with asymmetrical canopies or canopies altered through pruning, the trunk diameter method shall be used.

Drive-through means a driveway or roadway that is designed and intended to provide access for vehicles whereby occupants of vehicles receive and/or obtain a product or service.

Driveway means a private road giving access from a public way to offstreet parking and/or loading spaces.

Dry cleaning drop and pick up station means any establishment whose function is to operate as a drop-off and a pick-up place where customers may bring clothes and other items but where no dry cleaning will take place.

Dry cleaning establishment means any fully equipped steam laundry or dry cleaning and dyeing establishment wherein the actual processing of garments is done. A dry cleaning establishment shall also engage in collecting clothes from customers, over the counter, processing them, and returning them to the customers.

Dry cleaning plant means a facility in business to provide dry cleaning services, on a large scale, for offsite customers. A dry cleaning plant is an industrial operation, is not open to serve the general public, and is regulated by environmental laws that require the safe disposal of contaminated solvents and wash water used in the cleaning process.

Dumpster enclosures means an area enclosed by use of fences, or walls combined with landscaping of sufficient height to screen all trash and garbage from public view.

Duplex dwelling means a residence building designed for, or used as the separate homes or residences of two (2) separate and distinct families, but having the appearance of a single family dwelling house. Each individual unit in the duplex shall comply with the definition for a one-family dwelling.

Dwelling means a building or portion thereof, designed or used exclusively for residential occupancy, but not including trailers, mobile homes, hotels, boardinghouses and lodging houses, tourist courts, or tourist homes.

Dwelling, multifamily means a dwelling unit that shares common walls with at least one (1) other dwelling unit, including such dwellings known as duplexes, triplexes, and apartments.

Dwelling, single-family means a dwelling detached from any other principal building and containing only one (1) dwelling unit.

Dwelling unit means a building or portion of a building providing independent living facilities for one (1) family including provision for living, sleeping and complete kitchen facilities.

E

Easement means any strip of land created for public or private utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude. "Public utility" includes any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, telephone line, whether underground or overhead.

Educational facility means a building or group of buildings used primarily as an institution of higher learning established and operated for profit or not-for-profit, or recognized by the State of Florida as an institution offering post high school curriculum, including college/university dormitories.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Emitters mean devices, which are used to control the discharge of irrigation water from lateral pipes.

Encroachment means any protrusion of a vehicle outside of a park-space, display area or accessway into a landscaped area.

Endangered trees mean species of plant native to the state that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continues, and includes all species determined to be endangered or threatened pursuant to the Federal Endangered Species Act.

Energy conservation zone means a zone located no more than twenty-two (22) feet from a structure in a one hundred eighty (180) degree band from due east of the northeast point of the structure, to due south, to due west of the northwest point of the structure.

Environmentally endangered lands mean lands that contain natural forest, wetland or native plant communities, rare and endangered plants and animals, endemic species, endangered species habitat, a diversity of species, outstanding geologic or other natural features, or land which functions as an integral and sustaining component of an existing ecosystem.

Equivalent value means an amount of money which reflects the replacement cost of a tree based on size, condition, location and market value, or as determined by use of the tree canopy replacement chart.

Escrow means a deposit of cash with the city in lieu of an amount required and still enforced on a performance or maintenance bond.

Essential service means those services provided by the city and other governmental entities that directly relate to the health and safety of its residents, including fire, police and rescue.

Exempt trees mean prohibited plant species that do not require a permit for removal and are not to be used as replacement trees, pursuant to section 24-49.9, Miami-Dade County Code, as amended from time to time.

Existing development means a site with structures that were legally approved through the issuance of a certificate of use and occupancy or a certificate of completion as of the effective date of these LDRs.

Existing structure means a structure erected prior to the date of adoption of these LDRs, or one for which a legal building permit has been issued.

Exotic tree species mean plant species that have been introduced from other regions, and are not native to the local region to which it is introduced. These species may or may not be prohibited.

Extraordinary conditions means subsequent to a hurricane, flood, or other natural hazard or subsequent to a defective finding on a previous inspection.

F

FAA means the Federal Aviation Administration.

Facade means the exterior face of a building which is the architectural front, sometimes distinguished from the other faces by elaboration of architectural details.

Facultative plants mean plants with a similar likelihood of occurring in both wetlands and uplands, which are not recognized indicators of either wetland or upland conditions.

Fair market value for the purposes of article 5, division 18, means the price at which a willing seller, or tower owner, and willing buyer, or service provider seeking to rent space on owner's tower, will trade.

Family means one (1) or more persons, but not more than three (3) unrelated persons occupying a dwelling unit and living as a single housekeeping unit.

Fatally diseased tree means a tree that has a condition that impairs its normal functioning, as manifested by distinguishing signs and symptoms that will eventually cause the death of the tree, and for which there is no known effective cure or treatment.

FCC means the Federal Communications Commission.

Fence means a barrier intended to mark a boundary, provide security and/or provide a decorative function.

Film studios means a facility for the making of a motion picture.

Final plat means a map, plan or record of a subdivision and any accompanying material, as provided in article 3, division 8.

Financial feasibility means that sufficient revenues are currently available or will be available from committed funding sources for the first three (3) years, or will be available from committed or planned funding sources for years four (4) and five (5), of a five-year capital improvement schedule for financing capital improvements.

Financial institution means any premises where the principal use is concerned with such activities as banking, and/or savings and loans, and/or loan companies, and/or investment companies.

Firearm sales means any component portion of the sale transaction, including the agreement to purchase or the payment of whole or part of purchase price or the delivery of the firearm.

Fitness center means an enclosed building or structure containing facilities used in conducting, including but not limited to, the following recreational activities: aerobic exercises, weight lifting, running and swimming, racquetball, handball and squash. A fitness center may also include the following customarily accessory activities as long as they are primarily intended for the use of members of the center and not for the general public: day spa, food service, and the serving of alcoholic beverages consumed on the premises.

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

Flag means any fabric or bunting containing distinctive colors, patterns or symbols, including flags used as a symbol of government or an institution, and not including a commercial message.

Flex time means work schedules whereby employees choose their regular arrival and departure times within reasonable limits imposed by the employer.

Floating vessel platforms (FVPs) means a floating platform or floating boat lift (hydro-hoist) that floats at all times in the water and is utilized for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use. Floating vessel platforms (FVPs) and hydro-hoists require administrative site plan approval and registration.

Florida Building Code means the state-adopted building code.

Florida-friendly landscaping means standards, practices, materials or actions developed by the Florida Yards and Neighborhood Program, which help to preserve Florida's natural resources and protect the environment.

Florida Yards and Neighborhood Program means a partnership of the University of Florida/Institute of Food and Agricultural Sciences, Florida's water management districts, the Florida Department of Environmental Protection, the National Estuary Program, the Florida Sea Grant College Program and other agencies, managed locally by the Miami-Dade Cooperative Extension Division of the Consumer Services Department.

Forbs mean herbaceous plants other than grasses.

Front street/frontage means at street corners, or in other situations where a lot abuts more than one (1) street, the front street shall be the street upon which the front of the building faces and where the primary or main entrance is located. The front property line shall be that property line parallel to said street. In cases when the front of the building faces neither street directly, the front shall be the street upon which the address is based.

Frontage means the distance measured along a highway, street or waterfront right-of-way.

Funeral home means an establishment with facilities for the preparation of the dead for burial, for viewing of the deceased and for funerals.

G

Garage, private means any building used for the storage of noncommercial automobiles, boats or other personal property owned and used by the owner or tenant of the structure for a purpose accessory to the use of the structure not including vehicle service(s).

Garage, public means a building other than a private garage used primarily for repair of trucks, trailers or automobiles, whether or not accessory or incidental to another use.

Geologic feature mean a natural rock or mineral formation.

Girdling means the removal of a strip of bark around a tree trunk or a branch of a tree or circling roots around the trunk so as to block or dramatically reduce the flow of water and nutrients.

Government uses shall mean buildings or facilities owned or operated by the United States of America or any agency thereof, a sovereign state or nation, the state or any agency thereof, a county, a special district, a school district, a municipal corporation, or a charter school organized and approved as a public school under F.S. § 228.056.

Grade means a datum or reference level to be the average level of the finished ground surface immediately adjacent to the exterior walls of the building.

Graywater means that portion of domestic sewage emanating from residential showers, residential baths, residential bathroom washbasins, or residential clothes washing machines.

Green building principles means principles consistent with those established by the United States Green Building Council (USGBC) or the Florida Green Building Coalition from time to time.

Green roof means a roof of a building that is partially or completely covered with vegetation and soil, or a growing medium. The term may include roofs that utilize some form of green technology such as solar panels or rooftop ponds which are used to treat greywater.

Gross floor area means the total interior floor area of a building measured at the inside face of the exterior walls, but excluding parking garages, carports, stairwells and elevator shafts.

Gross receipts means all cash, credits or property of any kind or nature, with deductions for bad debt expense, reported as revenue items to the registrant's audited income statements arising from, or attributable to recurring local service revenues of registrant within the city. The city reserves the right to amend the definition contained herein as permitted by applicable law. The definition herein shall not be applicable as of October 1, 2001, or such other date as provided by law, provided that F.S. § 337.401, is amended effective October 1, 2001, as set forth in Chapter 00-260, Laws of Florida, 2000.

Ground cover means a dense, extensive growth of low-growing plants, other than turfgrass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

Gun shop means an establishment engaged in the business of selling firearms, regardless of whether said business is solely engaged in the sale of firearms or sells firearms and additional merchandise.

Guyed tower means a telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

H

Hardware store means a commercial establishment which sells at retail to the general public goods and supplies which are generally employed in maintaining or improving dwellings and yards, but not including heavy construction supplies, such as raw lumber and cement supplies.

Hatrack or Hatracking means to uniformly remove the major part of the tree's crown reducing it in height and leaving a number of large bare limbs, characterized by a number of stubbed off branches; or pruning a tree by removing any branch three (3) inches or greater in diameter at any point other than the point where the lateral branches meet the main trunk.

Hazard pruning means the removal of dead, diseased, decayed, or obviously weak branches two (2) inches in diameter or greater.

Hazardous tree means a tree with the potential to fail or fall in an environment that may contribute to that failure, and such that a person could be injured and/or property damaged by that failure. A tree removal permit shall be issued for a hazardous tree, provided the hazard cannot be abated by any other means, such as pruning, trimming, fruit removal, and removal of hazardous limbs.

Heat island means an unnaturally high temperature microclimate resulting from radiation from unshaded impervious surfaces.

Hedge means a landscape barrier consisting of a continuous, dense planting of shrubs, not necessarily of the same species.

Height bonus means an additional number of dwelling units or floor area above what would otherwise be permissible within a particular zoning classification or future land use classification.

Height, building means the vertical number of feet above the finished elevation at the center of the front of the building, including parking, excluding chimneys, solar arrays, cooling towers, elevators, fire towers, flag poles, steeples, or necessary mechanical appurtenances; provided however, no chimneys, solar arrays, cooling towers, elevators, fire towers, flag poles, or necessary mechanical appurtenances shall exceed the height limitations in the zoning district in which they are located by more than twenty (20) percent. Unless otherwise expressly provided in these LDRs, building heights shall be measured from the minimum base flood elevation of any structure to the mid-eve of the roof; flat roofs shall be measured from the minimum base flood elevation to the top of the roof.

Height, telecommunication tower means the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Herbaceous plant means a plant having little or no woody tissue.

Historic property means any prehistoric or historic site, building, structure, or other real or personal property of historic, architectural, or archaeological value, and designated as such by the city council. Historic properties may include, but are not limited to, Indian habitations, ceremonial sites, artifacts, and other properties, or any part thereof, having intrinsic historical, architectural, or archaeological value relating to the history, government and culture of the city.

Home occupation means an occupation, craft or profession conducted entirely within a dwelling unit such that the use is incidental to the residential use of the dwelling unit and does not change the residential character of the dwelling unit.

Hospital means a building or group of buildings having room facilities for overnight patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities, and staff offices.

Hotel or motel means a building in which lodging or boarding and lodging are provided and offered to the transient public, emphasizing tourist and business travelers for compensation in which ingress and egress to and from all rooms is made through an inside lobby or office which is supervised normally by a person at all hours. As such it is open to the transient public in contradistinction to a condo hotel, boarding, lodging house or an apartment building.

Hotel unit means a room, or group of rooms, with ingress and egress which is through a common lobby, intended for rental to transients on a day-to-day, week-to-week, or month-to-month basis, not intended for use or used as a permanent dwelling and with limited kitchen facilities.

Houseboat means a watercraft used or designed for use as a dwelling, office or business enterprise.

Hydro-hoist means a floating boat lift that floats at all times in the water and is utilized for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use. Hydro-hoists require administrative site plan approval and registration.

Hydromulch means a sprayed application of seed, mulch and water.

Hydrozone means a zone in which plant material with similar water needs are grouped together.

I

Impervious means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including surfaces such as compacted sand, lime rock, shell or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Included bark means bark that is embedded in a crotch between a branch and trunk or between co-dominant stems, causing a weakened structure.

Including means merely introducing illustrative examples and not as limiting in any way the generality of the inclusive term.

Industrial means manufacturing, assembly and processing of materials, including outdoor storage of materials, transmission of TV and radio, including tire vulcanizing, retreading or sale of used tires and the sale of building materials.

Industrial, light means a use involving limited showrooms, accessory offices, fabrication, or processing of materials that are already in processed form, warehousing, wholesaling, distribution, communication, scientific and research facilities but not including outdoor storage.

Inoperative means not in working condition as designed, or not capable of being operated lawfully.

Institutional use means a use that serves the educational or cultural needs of the community, including museums and other similar uses.

Intensity means the measure of permitted development expressed as floor area ratio or density, or both.

Invasive exotic plant means a plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality. Invasive exotic plants are those plants recognized on the State of Florida's Noxious Weed and Invasive Plants List (F.A.C. section ~~5B-57.007~~).

Irrigation detail means a graphic representation depicting the materials to be used and dimensions to be met in the installation of the irrigation system.

Irrigation plan means a plan drawn at the same scale as the landscape plan, indicating location and specification of irrigation system components and other relevant information as required by these LDRs.

Irrigation system means a system of pipes or other conduits designed to transport and distribute water to keep plants in a healthy and vigorous condition.

J

Joint access (shared access) means a driveway connecting two (2) or more contiguous sites to the public street system.

Junk means inoperative, dilapidated, abandoned, or wrecked materials, including but not limited to automobiles, trucks, tractors, wagons, boats and other kinds of vehicles and parts thereof, scrap materials, scrap building material, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, household appliances or furniture, tree clippings other than for immediate pickup or any other kind of scrap or waste material which is stored, kept, processed or displayed within the city limits.

K

Kiosk means a small pavilion used as a bus stand upon which a place is provided for the placement of a sign.

Kitchen means a portion of a building which contains a cooking unit such as a range, stove, oven, microwave oven or similar device, a refrigeration unit either together as a unit or as separate component parts.

L

Land development regulations (LDRs) means ordinances enacted by the city council of the city for the regulation of any aspect of development, which includes these land development regulations and any other regulations governing subdivision, building construction, or any other regulations controlling the development of land.

Landscape encroachment means any protrusion of a vehicle outside of a park-space, display area or accessway into a landscaped area.

Landscape feature means trellis, arbor, fountain, pond, garden sculpture, garden lighting, decking, patio, decorative paving, gazebo, and other similar elements.

Landscape manual means the Miami-Dade County Landscape Manual, latest edition, which is the official landscape manual issued by Miami-Dade County, Florida, and incorporated herein by reference, as amended from time to time. If a conflict arises between the landscape manual and these LDRs, the latter shall prevail.

Landscape material means plants such as grass, ground cover, forbs, shrubs, vines, hedges, trees and non-living material such as rocks, pebbles, sand, mulch, or pervious decorative paving materials.

Landscape plan means a plan indicating all landscape areas, stormwater retention/detention areas, areas which qualify to be excluded from maximum permitted lawn area, existing vegetation to be retained, proposed plant material, landscape legend, landscape features, planting specifications, and details, and all other relevant information in compliance with these LDRs.

Landscaping means the following or combination thereof: material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees and similar living material commonly used in landscaping. See article 5, division 12.

Lane means a thoroughfare located and running next and parallel to a terrace.

Lattice tower means a communication tower that is constructed to be self-supporting by lattice type supports and without the use of guy wires or other supports.

Law for the purposes of article 5, division 18, means any local, state or federal legislative, judicial or administrative order, certificate, decision, statute, constitution, ordinance, resolution, regulation, rule, tariff, guideline or other requirements, as amended, now in effect or subsequently enacted or issued including, but not limited to, the Communications Act of 1934, 47 U.S.C. § 151 et seq. as amended by the Telecommunications Act of 1996, Pub. L. No. 104-104 § 101(a), 110 Stat. 70 codified at 47 U.S.C., and all orders, rules, tariffs, guidelines and regulations issued by the federal communications commission or the governing state authority pursuant thereto.

Lawn area means an area planted with lawn grasses.

LEED (leadership in energy and environmental design) certification means the rating system established by the United States Green Building Council (USGBC) or in the case of bonuses described in article 4 of this Code, the Florida Green Building Coalition.

Level of service means an indicator of the extent or degree of service provided by, or proposed to be provided by a public facility on and related to the operational characteristics of

the public facility. Level of service shall indicate the capacity per unit of demand for each public facility as established by the city in the adopted comprehensive plan.

Licensing entity or licensing entities means the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, the department of children and family services, or the agency for health care administration, all of which are authorized to license a community residential home to serve residents.

Limited kitchen facilities means a microwave, sink and refrigerator and similar facilities but not including a stove.

Liquor package store means a state licensed vendor selling alcoholic beverages in sealed containers only for consumption off the premises subject to the limitations provided in the city's Code.

Loading and unloading space means a space, clearly marked, reserved for pickup and delivery of goods and merchandise scaled to the size of the vehicle expected to be used, and designed so as to be accessible to such vehicle when adjoining spaces, building sites and other open or reserved space is used.

Local street means a vehicular right-of-way designed to provide vehicular access primarily to abutting property, not exceeding thirty (30) feet of pavement.

Lot means a parcel of land occupied, or designed to be occupied by one (1) or more building(s) and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings.

Lot, corner means any lot situated at the junction of and abutting on two (2) or more intersecting streets or public highways. If the angle of intersection of the direction lines of two (2) highways is more than one hundred thirty-five (135) degrees, the lot fronting on said intersection is not a corner lot.

Lot coverage means the portion of the lot which is covered by structures, both accessory and principal.

Lot depth means the mean horizontal distance between the front and rear lot lines.

Lot frontage means the distance for which the front lot line and the street line are coincident.

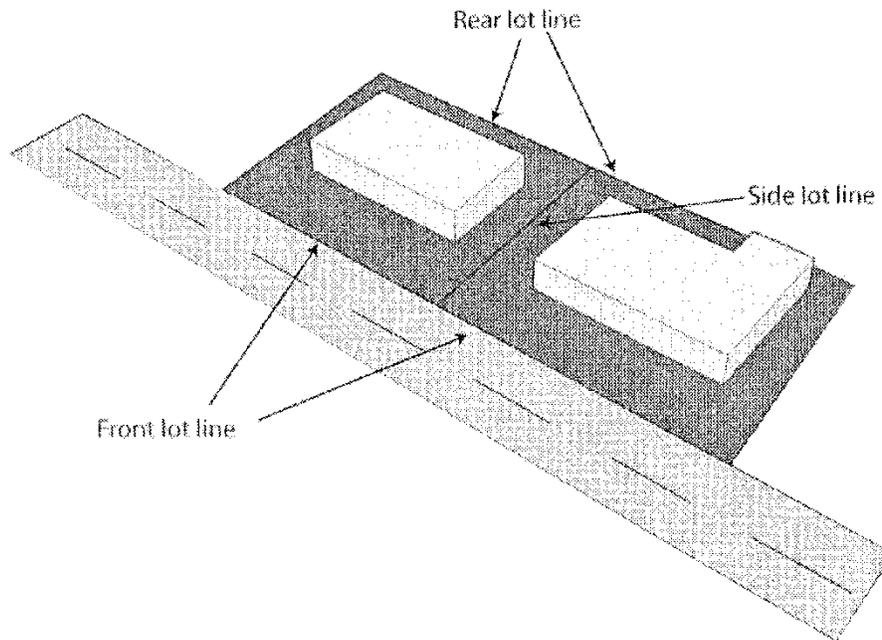
Lot, interior means a lot, other than a corner lot.

Lot line means any property line.

Lot line, front means in the case of a lot abutting upon only one (1) street, the front lot line is the line separating such lot from such street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the front lot line. In the case of any through lot abutting two (2) streets, one (1) such line shall be elected to be the front lot line for the purpose of these regulations, provided it is so designated by the building plans which meet the approval of the director of the department of community planning and development, and provided such front line corresponds with the designated front lines of other existing structures upon the same street.

Lot line, rear means that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear or any odd-shaped lot, the rear lot line shall be determined by the director of community planning and development.

Lot line, side means any boundary lot line, not a front lot line nor a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



Lot of record means a parcel of land shown as a lot on a legally recorded plat, or any parcel of land described as a lot by a legally recorded deed.

Lot, through (double frontage) means any lot having frontages on two (2) parallel or approximately parallel streets.

Lot, width means the distance between side lot lines, as measured along the minimum front building setback as required for the district in which it is located.

M

Major redevelopment and/or expansion means a project wherein the cost of the redevelopment or expansion constitutes twenty-five (25) percent or more of the latest available appraised value of the building, as determined from the records of the Miami-Dade County Property Appraiser.

Majority without clarification means a majority of the entire membership.

Manual irrigation system means an irrigation system in which control valves and switches are manually operated rather than operated by automatic controls.

Manufacturing means the transformation of materials or substances into new products, including the assembly of component parts, and the production or refining of goods, materials, or substances into new products, including the assembly of component parts, a bottling plant or food product processing, packaging and storage, but not including research and technology production uses.

Marina means 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, boat and boat motor sales or rentals. Repairs which are incidental to the principal marine use are permitted as an accessory use; however, no dredge, barge or other work dockage or service is permitted, and no boat construction or reconstruction is permitted.

Median Income (MI) means the estimate of median income in the city that is determined periodically by the US Department of Housing and Urban Development (HUD), adjusted for household size.

Medical means an office, health care facility, or clinic, licensed by the State of Florida or operated by two (2) or more physicians or medical practitioners licensed by the State of Florida, that is not part of a hospital and that provides elective care for patients on-site who remain less than twenty-four (24) hours. Medical clinics shall not include sanitariums, convalescent homes, or nursing homes but may include, but is not limited to, outpatient surgical clinics and sleep disorder centers.

Mezzanine means an intermediate floor in any story or room. When the total floor area of any such mezzanine floor exceeds one-third (1/3) the total floor area in that room or story in which the mezzanine occurs, it shall be considered as constituting an additional story. The clear height above or below the mezzanine floor construction shall be not less than seven (7) feet.

Microwave dish antenna means a dish-like antenna used to link communication (personal wireless service) sites together by wireless transmission of voice or data.

Minor means any person under the age of eighteen (18) years.

Mixed-use development means a development that encompasses three (3) or more uses, one (1) of which shall be residential.

Mobile home means a residential living unit, ten (10) feet or more in width, movable and equipped with a chassis, designed to be transported to and affixed to a site in accordance with Florida Statutes, where it is to be occupied as a dwelling, containing any of the following mechanical systems and equipment: plumbing, heating, electrical, cooking and refrigeration.

Mobile home park means any property or properties under the same ownership or under individual, separate ownership where ten (10) or more mobile homes are parked within five hundred (500) feet from one another, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee, paid or to be paid, for the rental or use of facilities or to offer space in connection with securing the trade or patronage of such person. A mobile home park shall have all electrical and sanitation facilities as are required for residential development.

Model home means a residential structure used for demonstration purposes or sales promotion, not occupied as a dwelling unit, and open to the public for inspection.

Modular structure means a structure prefabricated offsite at a factory manufactured or constructed to be used for uses permitted in the M-1 zoning district.

Moisture and rain sensor switches mean devices which have the ability to switch off an automatic irrigation controller after receiving a predetermined amount of rainfall or moisture content in the soil.

Monopole tower means a communication tower consisting of a single pole or spire self-supported on a permanent foundation, constructed without guy wires, ground anchors, or other supports.

Mooring means any appliance, equipment or device including but not limited to mooring pilings, used to secure a vessel to a dock or pier, which may not be carried aboard such vessel as regular equipment when the vessel is under way, or the attaching of a vessel to a permanent or floating structure or other vessel.

Motor vehicle means a self-propelled device, licensed by the State of Florida, by which any person or property may be propelled, moved or drawn upon a street or highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

Movie theater means any enclosed premises in which motion pictures, slides, or similar photographic reproductions are shown as the principal use of the premises or are shown as an adjunct to some other business activity which is conducted on the premises and constitutes an attraction, and wherein such movies and photographic reproductions are shown on a regular basis; not to include school or public auditoriums used for generally noncommercial purposes.

Mulch means materials customarily used in landscape design to retard erosion, weed infestation, and retain moisture and for use in planting areas.

Multifamily residential development means any residential development other than attached or detached single-family or duplex.

Multiple single-family developments means attached and detached single-family developments, such as townhouses, which are planned as a total project and not as a single family unit on a single lot.

Museum means a facility devoted to the procurement, care, study, and display of objects of lasting interest or value, and open to the general public for viewing.

N

Native habitat means an area enhanced or landscaped with an appropriate mix of native tree, shrub and groundcover species that resembles a native plant community or natural forest community in structure and composition or is naturally occurring.

Native plant community means a natural association of plants dominated by one (1) or more prominent native plant species, or a characteristic physical attribute.

Native plant species mean plant species with a geographic distribution indigenous to all or part of Miami-Dade County. Plants that are described as being native to Miami-Dade County in botanical manuals such as but not limited to "A Flora of Tropical Florida" by Long and Lakela, are native plant species within the meaning of this definition. Plant species that have been introduced into Miami-Dade County by man are not native plant species.

Native tree species mean plant species with geographic distribution indigenous to all or part of Miami-Dade County. Plants that are described as being native to Miami-Dade County in botanical manuals, such as the landscape manual are considered native plant species within the meaning of this definition.

Natural forest community means all assemblages of vegetation designated as Natural Forest Communities on the Miami-Dade County Natural Forest Community Maps and approved by the Board of County Commissioners, pursuant to Resolution No. R-1764-84 and further defined in Section 24-5 of the Miami-Dade County Code.

Net lot area means the area within lot boundaries of all lands comprising the site. Net lot area shall not include any portion of the abutting dedicated streets, alleys, waterways, canals, lakes or any other such dedications.

Nightclub means a restaurant, dining room or other establishment, which operates after 11:00 p.m., where food and/or alcoholic beverages are licensed to be sold and consumed on the premises, and where music, dance, floor shows or other forms of entertainment are provided for guests and patrons with or without an admission fee.

Noise, for a commercial purpose means the making of noise for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to or advertising for, or soliciting patronage of customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any sound producing equipment, or for the purpose of conducting a business.

Noise, for a noncommercial purpose means the making of noise for other than a commercial purpose. Noncommercial purpose shall mean and include, but shall not be limited to, philanthropic, political, patriotic, and charitable purposes.

Noise disturbance means any sound that endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

Nonconforming lot means a lot of record which does not meet the lot area or lot width requirements of these land development regulations for the zoning district in which it is located.

Nonconforming sign. See "Sign, nonconforming."

Nonconforming structure means a building or structure lawfully established which does not conform to the requirements of these land development regulations for location or other dimensional requirement for such building or structure in the zoning district assigned to the property, i.e., the minimum setback, maximum height, maximum building coverage, parking or landscaping.

Nonconforming use means a use which exists lawfully prior to the effective date of these land development regulations and is maintained at the time of and after the effective date of these land development regulations, although it does not conform to the use restrictions of these land development regulations.

Nuisance means as defined in F.S. § 823.05 and (1) any continuing condition or use of premises or of building exteriors or of land that causes substantial diminution of the value of property in the vicinity of such condition or use; (2) any continuing condition or use of premises,

building exteriors or land which unreasonably annoys, injures or endangers the comfort, health, repose, privacy or safety of the public through: offensive odors; noises; substances; smoke; ashes; soot; flooding; disturbance and vibrations of earth, air or structures; emanations; light; sights; entry on adjoining property by persons or vehicles; or (3) other unreasonable intrusions upon the free use and comfortable enjoyment of the property of the citizens of the city.

Number unit means each twelve and one-half (12½) feet of every lot shall be deemed a number unit.

Nursing or convalescent home means a home, institution, building or residence, public or private, whether operated for profit or not which provides maintenance, personal care or nursing for a period exceeding twenty-four (24) hours to three (3) or more ill, physically infirm or aged persons, who are not related by blood or marriage or adoption to the operator.

O

Occupational license/business tax receipt means the required license to conduct business within the city. See "Business tax receipt" definition.

Office means a use involving a business, profession, service, including banks and financial institutions, or government activity which does not involve retail activities on site and not including veterinary offices and problematic uses.

Office complex means any office development containing two (2) or more tenant spaces that are under common land ownership or that share common property frontage.

One-family or single-family dwelling means a private residence building used or intended to be used as a home or residence in which all living rooms are accessible to each other from within the building and in which the use and management of all sleeping quarters, all appliances for sanitation, cooking, ventilating, heating or lighting are designated for the use of one (1) family only.

Opaque means any nontranslucent, nontransparent material which provides a visual barrier from one (1) side to the other.

Open space means ground level areas on a lot which are landscaped or designed for pedestrian or recreational use, including covered arcades and plazas under buildings which are accessible to the public.

Outdoor ovens and coolers means a use that is accessory to a restaurant, catering facility, or similar use, and is subject to administrative site plan review and the following conditions:

- (1) Is located in the rear of the primary use;
- (2) Is adjacent to the primary structure;
- (3) Is enclosed with an opaque fence or wall painted in the same color as the primary structure; and
- (4) Meets all the requirements of the Florida Building Code for installation and use and is approved for outdoor use.

Outdoor storage means any use of property which involves the sale, leasing, display or storage of commodities, goods, materials or equipment in a location other than in an enclosed building, excluding vehicle sales.

Overhead irrigation system means a high pressure, high volume irrigation system.

Overlay district constitutes a set of regulations which are superimposed upon and supplement, but do not replace, the underlying zoning district and regulations otherwise applicable to the designated areas.

Owner of record or owner means any person, entity, corporation, partnership, trust, holding company, limited liability company or any other legally recognized entity that is the legal, beneficial or equitable owner of any interest in the property. Owner shall include any purchaser, assignee, successor, or transferee of any interest in the property regarding any penalty imposed pursuant to these LDRs.

P

Parcel means a portion of land with frontage on a public street right-of-way or an officially approved private street or easement. For zoning purposes, a parcel may consist of: (a) single lot of record; (b) combination of complete lots of record; (c) combination of complete lots of record and portions of lots of record; (d) portions of lots of record, provided that such lots or combination of lots are sufficient size to meet the requirements of the districts in which located; (e) land defined by metes and bounds description where such parcels are in conformity with these regulations.

Parking aisle means the area to the rear of offstreet parking spaces utilized for maneuvering motor vehicles in a parking lot or parking garage.

Parking garage means a substantially enclosed structure used for the parking of motor vehicles.

Parking lot means an at-grade, level area used for the parking of motor vehicles.

Parking lots, public means offstreet parking as a principal use of a parcel of land.

Parking, off-street means an enclosed or unenclosed parking area located on private property and not within a street right-of-way.

Parking space means an area for the temporary storage and parking of a motor vehicle together with adequate provision for maneuvering and for passage to and from streets or alleys either directly or over a private driveway.

Parking space (handicapped) means an area for the temporary storage and parking of a motor vehicle which has a minimum of twelve (12) feet in width, twenty (20) feet in length, and seven (7) feet of clear height.

Parkway means, for the purpose of obtaining a bonus under the provisions of article 4, division 4, a four-foot area between the back of curb or edge of pavement (if no curb) which is landscaped with trees.

Pawnshop means an establishment used for the business of lending money secured by taking possession of personal property, with the right to sell such property if it is not redeemed, regardless of whether the pawn transaction is in the form of a loan by the pawnbroker secured by the property, or a sale to the pawnbroker with the right to repurchase within a stated period of time.

Pedestrian amenities mean characteristics of a development which increase the desirability of the use of an area by pedestrians, such as pedestrian connections, street furniture, public art or other feature.

Pedestrian connection means a clearly defined pedestrian walkway between the public sidewalk and a building entrance.

Permitted use means the specific purpose for which land or a building is designed, arranged, intended or for which it may be occupied or maintained in accordance with the district regulations in article 4 and the development standards in article 5 of these regulations.

Person means any individual, corporation, partnership, association, joint venture, organization or legal entity of any kind, and any lawful trustee, successor, assignee, transferee or personal representative, but shall not mean the city.

Personal instruction means a practice or profession that teaches, lectures, counsels or conducts classes or meetings for five (5) or fewer persons at one (1) time.

Personal services means a commercial establishment which provides personal services directly to the consumer, such as a barbershop, beauty shop or dry cleaners or masseuse and which does not have as its primary function the sale of retail goods, but not including astrologists, palm readers, tarot card readings and other similar uses.

Personal services in the context of assisted living 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 may define by rule. "Personal services" shall not be construed to mean the provision of medical, nursing, dental, or mental health services.

Personal watercraft means a vessel of less than sixteen (16) feet in length that is propelled by machinery, commonly a jet pump, and which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than being operated by a person sitting or standing inside the vessel.

Personal wireless services means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. This definition includes analog and digital (800 MHz) cellular, broadband PCS (1850—1990 MHz) services and enhanced specialized mobile radio and paging services.

Pet shops means all stores, shops or business establishments wherein animals, mammals or fowls are kept and offered for sale or trade.

Place means a thoroughfare located and running next and parallel to a court.

Place of business means any building, structure, yard, area, lot, premises or part thereof, or any other place in or on which one (1) or more persons engage in a profit-seeking business.

Planned development means a residential, commercial, industrial or mixed use project of a minimum two (2) acres or greater, which is developed to promote greater innovation and creativity in the development of the land; is a development which is appropriate and compatible with adjacent land uses; and is approved as a rezoning and issuance of a conditional use permit.

Planned shopping center means a development comprising four (4) or more retail establishments, or combination of retail, offices, and restaurants, designed in such a manner as to

establish a dominant and primary theme which promotes the design and land use goals of the district.

Planting detail means a graphic representation of the plant installation depicting the materials to be used and dimensions to be met in the placement of plants and other landscape materials.

Plaza means an area that is open to the public for passive recreational purposes, limited public assembly and social interaction which is designed and intended for common use and employment of the public.

Pleasure craft or pleasure boat means a vessel not within the classification of a commercial vessel, house barge or houseboat and which is designed primarily for the purpose of movement over a body of water and which is equipped with a means of propulsion, in operating condition, which is appropriate to the size and type of vessel.

Pool deck means an impervious area of various materials that surrounds a swimming pool that may extend from the swimming pool to the building for which the pool is accessory.

Porch-patio means an open projection from the outside wall, either roofed or nonroofed, without window sash or any form of permanent enclosure.

Porte-cochere means a structure attached to a building and erected over a driveway to a building entrance, not exceeding one (1) story in height, and open on three (3) sides.

Pre-existing towers and pre-existing antennas means any tower or antenna for which a building permit has been properly issued prior to the effective date of former chapter 29A of the city's code, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Premises means land and all buildings and structures thereon.

Principal building means a building which houses the main use or activity occurring on a lot or parcel of ground.

Private club means a property owned or leased and operated by an individual, group, or an association of persons and maintained and operated solely by and for the members of such a group or association and their guests and which is not available for unrestricted public access or use.

Private dish antennas means an accessory dish-shaped antenna intended for the purpose of receiving communications from satellites or other extraterrestrial sources and which is erected solely for the use of its owners, and is not used for commercial purposes or commercial gain. The antenna may not be used for the purpose of obtaining revenue, nor may the owners thereof charge for its use in any manner, notwithstanding its location on commercial or multifamily-zoned districts.

Private school or nonpublic educational facility means an institution which provides child care and/or instruction from the infant level through the college level and which does not come under the direct operation and administration of the Miami-Dade County School Board or the State of Florida.

Problematic uses mean commercial retail and service uses including, but not limited to, day labor, tattoo parlors, body piercing, pawn shops, check cashing centers and blood plasma centers which are typically characterized by poorly maintained facilities, loitering and other indication of neighborhood deterioration or urban blight.

Program certification means certification from the USGBC, FGBC, Green Building Initiative's Green Globes Rating System or any nationally recognized high performance green building rating system.

Prohibited plant species mean those plant species specifically listed in the Miami-Dade Landscape Manual, as amended from time to time, and in these LDRs, which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare. that are detrimental to native plants, native wildlife, ecosystems, and/or human health, safety or welfare.

Project open space means amenities of a development which are open to the sky and which enhance the project, including a recreational amenity deck, landscaped and/or recreational areas for the use of residents, or a green roof.

Property owner means the fee owner of any land on which development is located.

Protected trees mean species of plant that are identified in the Miami-Dade Landscape Manual, in accordance with the Florida Protection Status section 581.185, F.S., that provides recognition to plant species native to the state that are endangered, threatened, or commercially exploited.

Protective barriers mean physical barriers that are placed around existing trees to provide protection during demolition or construction on a subject property.

Pruning or trimming means to cut away, remove, cut off or cut back parts of the tree which will alter the natural shape.

PSC means the Florida Public Service Commission.

Public art means the creative application of skill and taste by artists to the production of permanent tangible objects according to aesthetic principles, including but not limited to: paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, and bas-reliefs. The following shall not be considered public art:

- a) Art objects which are mass produced;
- b) Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site;
- c) Architectural rehabilitation or historical preservation;
- d) Signs or business logos.

Public facilities or purpose means facilities relating to comprehensive plan elements required by F.S. § 163.3177 for which level of service standards must be adopted. The public facilities and services mean roads, sanitary sewer, solid waste, drainage, potable water, recreation and mass transit.

Public notice means a notice given in accordance with state and city laws.

Public park means a park, playground, swimming pool, community center, reservoir, golf course, or athletic field, within the city, which is under the control, operation, or management of the city or any other governmental agency.

Public purpose uses means those uses devoted to the general welfare and accessible to or shared by all members of the general public.

Public rights-of-way means the surface, the airspace above the surface and the area below the surface of any public street, highway, road, boulevard, concourse, driveway, freeway, thoroughfare, parkway, sidewalk, bridge, tunnel, park, waterway, dock, bulkhead, wharf, pier, court, lane, path, alley, way, drive, circle, public easement, public place, or any other property in which the city holds any kind of property interest or over which the city exercises any type of lawful control and may lawfully grant access to pursuant to applicable law, but shall not include private property. "Public rights-of-way" shall not include any real or personal city property except as described above and shall not include city buildings, fixtures, and other structures or improvements, regardless of whether they are situated in the public rights-of-way.

Public transit means publicly provided and regularly scheduled transportation, typically by bus or rail, or a combination of both.

Public utility means any state-regulated facility for rendering electrical, gas, communications, transportation, water supply, sewage disposal, drainage, garbage or refuse disposal or fire protection service or the like, to the general public.

R

Real property boundary means a line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person from that owned by another person, but not including intrabuilding real property divisions.

Recording and TV/radio means a station for the production of radio or television broadcasts and/or the recording of film or sound. Recovery residence means a residential dwelling unit, or other form of group housing, that is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment. A "certified recovery residence" means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.

Recreation/entertainment, indoor means a business which is open to the public where customers pay the proprietor for the use or enjoyment of recreational facilities or equipment within an enclosed building. This category of use includes: auditoria, bowling alleys, movie theaters, racquetball facilities, skating, fitness centers, gymnastic facilities, and billiard facilities.

Recreation/entertainment, outdoor means a business which is open to the public where customers pay for the use of recreational facilities or equipment on site but not within an enclosed building.

Recreational vehicle, as distinguished from a mobile home, truck, or the like, is considered a transportation structure, self-propelled or capable of being towed by a passenger car, station wagon or small pickup truck of such size and weight as not to require any special highway movement permits, and primarily designed or constructed to provide temporary, movable living quarters for recreational, camping or travel use, or to carry such equipment, but not for profit nor

commercial use. Included as recreational vehicles, but not to the exclusion of any other types not mentioned herein are: trailers, trailer coaches; camping trailers; motor homes; pickup (slide-in) campers; chassis mounts; converted vans; chopped vans; mini-motor homes; fifth-wheel trailers or recreational vehicle construction; design and intent (as opposed to commercial fifth-wheel trailers); boat trailers (mounted or unmounted) and truck caps.

Recurring local service revenues means revenues from the monthly recurring charges for local telecommunications service including, but not limited to:

- (1) Recurring basic area revenues derived from the provision of flat-rated basic area services;
- (2) Recurring optional extended area revenues derived from the provision of optional extended area services;
- (3) Local private line revenues derived from local services which provide communication between specific locations, either through dedicated circuits, private switching arrangements, predefined transmission paths, whether virtual or physical, or any other method of providing such services;
- (4) Revenues from the sale of local services for resale; and
- (5) Other local service revenues from the provision of secondary features that are integrated with the telecommunications network, including, without limitation, services such as call forwarding, call waiting, and touchtone line service. Except as provided herein, revenues from all recurring local services provided by a registrant over a telecommunications facility or system in the public rights-of-way shall constitute recurring local service revenues subject to this article. Recurring local service revenues do not include revenues from:
 - a. Toll charges for the transmission of voice, data, video, or other information;
 - b. Access charges paid by carriers for origination and/or termination of toll telephone service as defined in F.S. § 203.012(7), or other charges required by the federal communications commission which are directly passed through to end users;
 - c. Interstate service;
 - d. Ancillary services such as directory advertising, directory assistance, detailed billing services, inside wire maintenance plans, bad check charges, and nonrecurring charges for installation, move, changes or termination services;
 - e. Cellular mobile telephone or telecommunications services; or specialized mobile telephone or telecommunications service; or specialized mobile radio, or pagers or paging service, or related ancillary services;
 - f. Public telephone charges collected onsite;
 - g. Teletypewriter or computer exchange services as defined in F.S. § 203.012(6); or
 - h. Local message rated (message, unit or time basis) and minutes of use charges in excess of the minimum flat-rated charges for similar services. This definition shall not be applicable as of October 1, 2001, or such other date as provided by law,

provided that F.S. § 337.401, is amended effective October 1, 2001, as set forth in Chapter 00-260, Laws of Florida, 2000.

Redevelopment area means that portion of the city designated by the city council pursuant to F.S. § 163.330 et seq., and amendments thereto.

Redevelopment plan means the city council adopted plan prepared pursuant to F.S. § 163.330 constituting the redevelopment plan for the redevelopment area as well as the redevelopment element of the city's comprehensive plan.

Registrant or facility owner means a telecommunications company that has registered with the city in accordance with the provisions of these LDRs .

Registration and register means the process described in article 5, division 18, whereby a telecommunications service provider provides certain information to the city.

Regulation means a rule or order issued by a government or government agency.

Religious institution means a church, synagogue, temple, mosque or other place of religious worship, which may include administrative facilities, schools, day care center or dwelling physically associated with the institution.

Renovation means the act or process of applying measures designed to sustain and protect the existing form and integrity of a property, or re-establishing the stability of an unsafe or deteriorated property while maintaining the essential form of the property as it presently exists.

Replacement tree or tree mitigation means any number of trees required planted, or the equivalent value in monetary payment to the tree mitigation fund, as a condition of approval of a tree removal permit or as may be required to meet the conditions of article 5, division 12 and due to its condition, type, size and location, as determined by the Sustainability Administrator, to be equivalent to the tree removed.

Research and technology use means a use such as medical, optical and scientific research facilities, laboratories, pharmaceutical compounding and photographic processing facilities and facilities for the assembly of electronic components, optical equipment and precision instruments or laboratories or buildings the primary use of which is the research, testing and development of goods, materials, foodstuffs or products.

Resident, in the context of a community residential home, means any of the following: a frail elder as defined in F.S. § 429.65; a physically disabled or handicapped person as defined in F.S. § 760.22(7)(a); a developmentally disabled person as defined in F.S. § 393.063; a nondangerous mentally ill person as defined in F.S. § 394.455(18); or a child who is found to be dependent or a child in need of services as defined in F.S. §§ 39.01(14), 984.03(9) or (12), or F.S. § 985.03.

Residential means or is characterized by having a single-family, duplex, townhouse or multifamily dwelling unit which contains a sleeping area, bathroom, kitchen and eating area.

Residential area means an area designated and used for any residential use under these land use regulations or an area within which are situated conforming, or nonconforming residential uses.

Residential complex means a land area of three (3) or more acres under unity of title which is designed to accommodate multiple family residential projects of greater than ten (10) units.

Restaurant means a facility with the following characteristics: a varied, nonstandardized menu; preparation of food by cooks or chefs; primary orientation to eat-in service; utilization of nondisposable eating utensils, plates, glasses, and cups; waiter or waitress service at tables.

Restaurant, fast-food means a restaurant facility with the following characteristics: standardized limited menu; fast food preparation; orientation to take-out or eat-in service; utilization of disposable eating utensils and packaging; no waiter or waitress service at the tables.

Restaurant, open-air means a use characterized by outdoor table service of food and beverages prepared for service in an adjacent or attached main structure for consumption on the premises. This definition does not include an accessory outdoor bar counter, which is considered to be a separate accessory use to an outdoor cafe or a hotel pool deck.

Retail, sales, and service mean a use, the principle use or purpose of which is the sale of primarily new goods, products, materials, or services directly to the consumer from within an enclosed building, including grocery stores, bakeries, hardware stores, antique and collectible stores, dry cleaning drop-off and pick-up station, dry cleaning establishments, pet shops, personal services, indoor recreation, personal instruction, art galleries, and including the sale of alcoholic beverages for off-premises consumption provided that the sale of alcoholic beverages is subordinate to the principal use and the display of alcoholic beverages occupies less than twenty-five (25) percent of the floor area of the use, sale of principally new automobiles involving the outdoor display of a maximum of twenty (20) automobiles of which no more than thirty (30) percent shall be pre-owned, not including street vendors, farmer's markets, consignment shops, automobile services stations, thrift stores, self-service laundries, the on-premise consumption of alcoholic beverages or problematic uses.

Retail showroom, automobile means a use, the principal use or purpose of which shall be the marketing and display of new automobiles, whether by sale, lease, or other commercial or financial means to the consumer from within an enclosed building and attendant parking structures; said use, which shall be operated on a site of at least one (1) acre, may include, among other secondary supporting uses, an inventory of vehicles for sale or lease, and on-site facilities for minor servicing of vehicles previously sold, or leased of the same brand or manufacturer licensed to the retail showroom owner, provided that the sale of pre-owned/preleased automobiles by the retail owner, shall be subordinate to the principal use, and that no more than forty-nine (49) percent of the total stock should be pre-owned/preleased. Furthermore, no more than fifteen (15) percent of the gross building area (GBA) assigned to the retail automobile showroom business shall be devoted to minor vehicle service.

Ride matching means the process of identifying interested drivers and interested riders with other drivers and riders of similar interests, employment origins and destinations for purposes of sharing rides by car pooling, van pooling or other.

Ride sharing means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of the driver. The term shall include ride-sharing arrangements known as car pools, vanpools, and bus pools.

Right-of-way means that portion of land, duly defined, either public or private, designed for the express purpose of transporting persons or vehicles, utilities and transmission lines or canals.

Right-of-way line means 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.

Road means a thoroughfare running diagonally and not a continuation of a north and south or east and west thoroughfare.

Roots or root system means the tree part containing the organs, generally found underground, created for structural support and used for extracting water, gases and nutrients from the soil and atmosphere.

S

School means an educational institution, public or private, within the city, offering a curriculum acceptable by local and state educational officials to fulfill legal requirements of education for nursery, elementary through high school levels, or any part thereof.

School, nursery means a school designed to provide educational instruction for two (2) or more children from two (2) to five (5) years of age inclusive and operated on a regular basis.

School, special or technical means any institution, private or public for specialized education, sometimes associated with a university offering practical knowledge of a vocational, technical, scientific or other special nature such as art or dance.

Screening (concealing) means a structure or landscape planting or other suitable opaque material, for the purpose of concealing from view those areas so screened.

Search area means the geographic area, in which a telecommunications facility must be located in order to provide FCC required coverage, as certified through an affidavit by a radio frequency engineer as to radio frequency waves or other such appropriate technical expert.

Self-service laundry means a business establishment equipped with customer operated automatic washing machines having a capacity per unit not exceeding twenty-five (25) pounds of dry clothing.

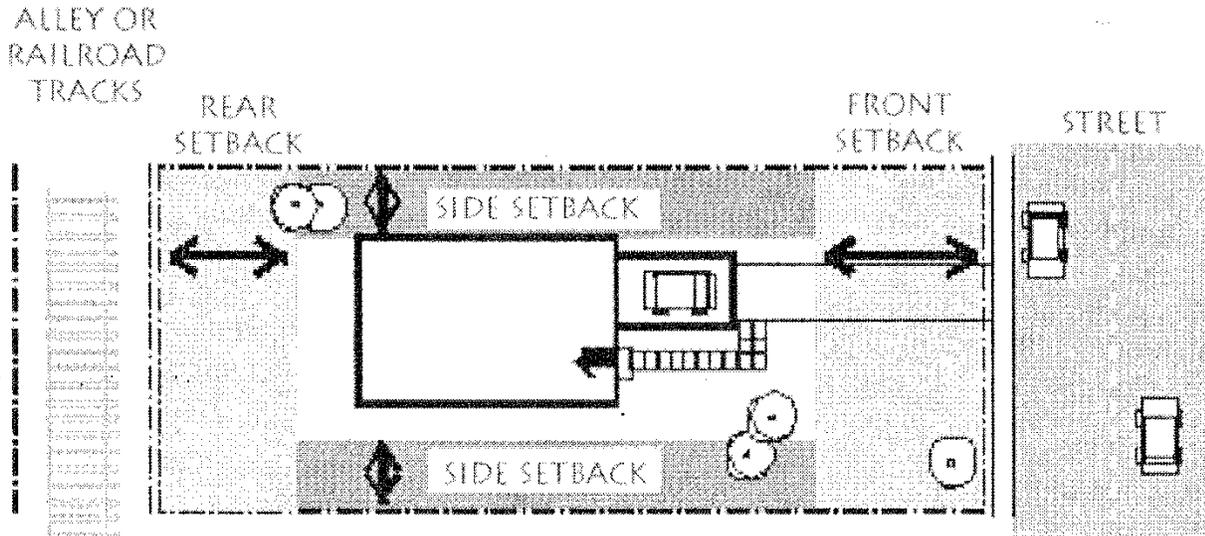
Self-service storage facilities mean fully enclosed spaces used for warehousing which contain individual storage units with floor area no greater than four hundred (400) square feet and an interior height not to exceed twelve (12) feet. No wholesale or retail sales are permitted.

Setback means the horizontal distance from a lot line to the part of the building or of the story, which is nearest to such lot line, which shall be deemed to be the distance that such building or story is "set back" or that it "sets back" from such lot line. Such lot line may be a property line, bulkhead line or shoreline. Submerged lands cannot be used in the calculation of a setback.

Setback, front means the setback between the front property line and a structure.

Setback, rear means the setback between the rear property line and a structure.

Setback, side means a yard extending from the front yard to the rear yard, between the side plot line and the required set back line. Every required side yard shall be measured at the closest point between the lot or parcel line and the structure.



FRONT, REAR AND SIDE SETBACKS

Shared shuttle means a vehicle that is owned by a group of businesses and used to transport employees from transit stop locations to places of employment.

Shopping center means a group of commercial establishments planned, developed or managed as a unit with offstreet parking provided on the property.

Shoreline means a straight or smoothly curving line which, on tidal waters, follows the general configuration of the mean high water line; and which, on nontidal waters, is determined by the annual average water level. Boat slips and other manmade or minor indentations shall be construed as lying landward of the shoreline and are considered upland when computing the lot area of waterfront property.

Shrub means a self-supporting woody perennial plant normally growing to a height of twenty-four (24) inches or greater, characterized by multiple stems and branches continuous from the base. Shuttle means a privately or publicly owned vehicle used to transport employees from transit stop locations to places of employment.

Sidewalk means that portion of the right-of-way, which is located between the curb line or the lateral line of a street and the adjacent property line, which is intended for use by pedestrians.

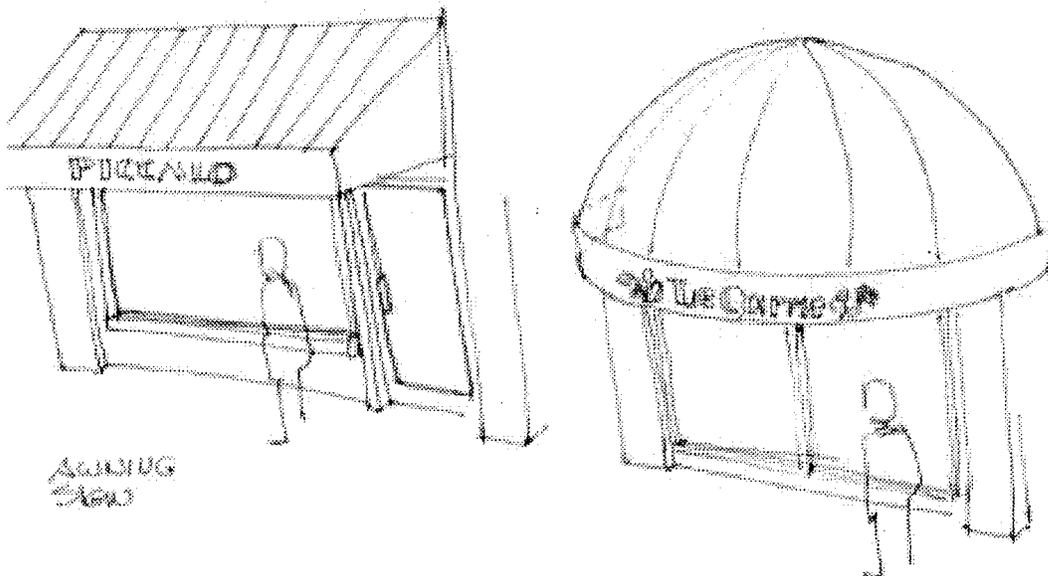
Sidewalk cafe means the placing, locating or permitting of the placement of chairs, umbrella, benches and or tables within the sidewalk area adjacent to a business licensed to operate as a restaurant.

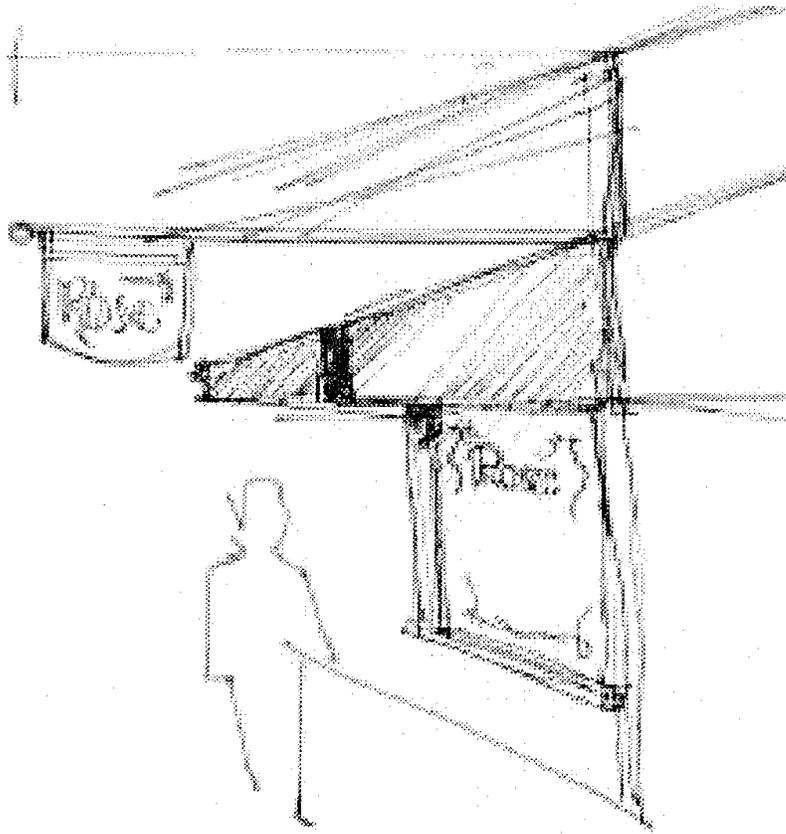
Sign means any visual device, that is visible and capable of comprehension from a public right-of-way, and which is used for identification, instruction, attraction, guidance, the expression of a belief, idea, or opinion or advertisement and can be seen.

Sign, abandoned means a sign which relates to a use that ceases for a period of more than twelve (12) months or is destroyed such that the cost of repair exceeds fifty (50) percent of the current replacement value of the sign.

Sign, area means the total surface area of a sign, not including structural supports and not including the face of the building except that portion which forms the field and any permitted decorative area, within a single-continuous perimeter containing the words, letters, signatures or symbols; together with any frame, materials or color forming an integral part of the display. The words, letters, figures or symbols are free from any encompassing structure for integral background space. The sign area will be construed as that percentage of the building face that is permitted for sign purposes. In case of cutout letters and displays, the sign area should include the sign area measured within the periphery of the cutout letters or displays.

Sign, awning or canopy means a sign incorporated into, attached, affixed to, stamped, perforated, stitched or otherwise applied or painted on a structure made of cloth, canvas, metal or similar material that is affixed to a building and projects. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building, an awning or canopy. The sign shall only be permitted on the valence of the awning (see illustration).





Sign, blade means an on-site sign which projects from and is supported by a wall or parapet of a building with the sign face perpendicular or approximately perpendicular to the wall.

Sign, changeable copy means any on-site sign designed for changeable copy.

Sign, detached means an on-site sign not attached to or painted on a building but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall not a part of the building, shall be considered a detached sign.

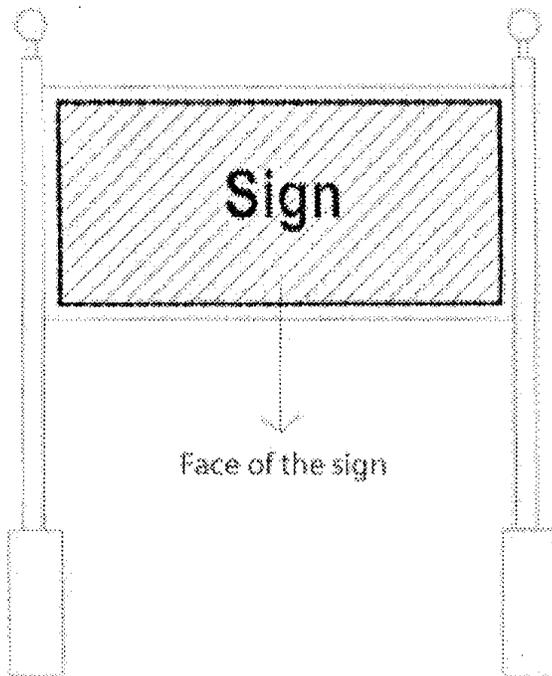
Sign, development banner means an on-site sign composed of durable or vinyl material affixed to a building.

Sign, directional means any on-site sign containing words or symbols indicating an entrance to, exit from, location of, or distance to structures or sites upon the premises the sign serves. Such sign may include a name and/or logo for the person, group, or business conducting activities at the location.



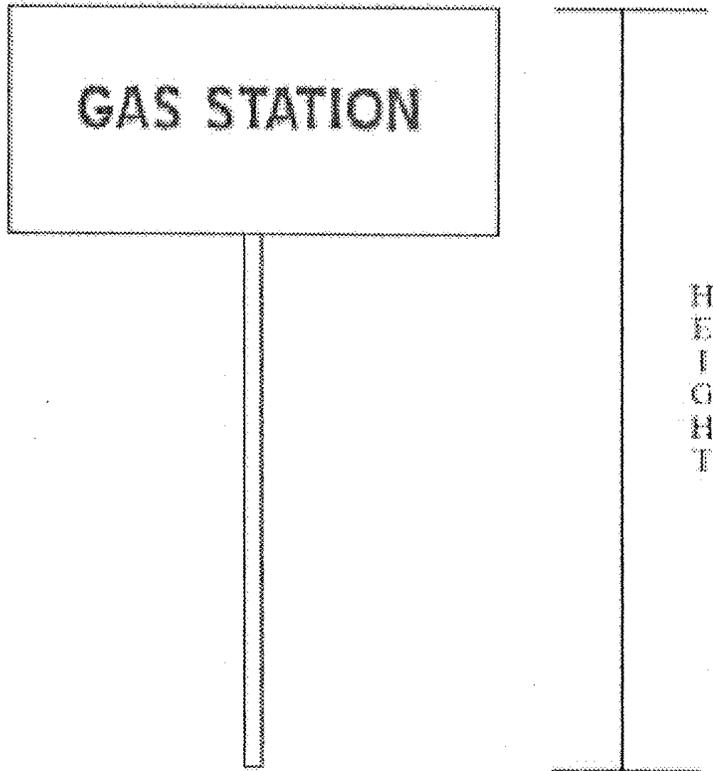
Sign, double-faced means a sign with two (2) parallel, or nearly parallel, faces, back to back and located not more than twenty-four (24) inches from each other.

Sign, face means the part of the sign that is or can be used to identify, display, advertise, communicate information, or for visual representation which attracts or intends to attract the attention of the public for any purpose.



Sign, flashing, animated or rotating sign means any sign that rotates, moves, flashes, reflects, or blinks or appears to do any of the foregoing.

Sign, height means a height limitation applied to any sign composed of any material, which height shall be measured from the average surface grade immediately surrounding the base of the sign to the top of its highest element including any structural element.



Sign, identification, means any on-site sign that indicates only the name and/or address of the development, firm, and/or the major enterprise or a maximum of three (3) principal products offered on the premises at which the sign is located. ** Important Note ** Businesses that are located on properties that abut the right-of-way of either N.W. 6th Court or I-95 may, in addition to copy allowed, add the telephone number as a component of the primary identification sign for that business.

Sign, illuminated means any sign that uses an artificial source of light, or reflective or glowing material, to make the contents visible, regardless of whether such light source is internal or external.

Signs, incidental means signs for secondary uses which are located outside of the building, i.e., automated bank teller machines (ATMs), book depositories, etc.

Sign, information means any on-site sign containing information such as hours of operation, telephone numbers, affiliation, etc.

Sign, location means the location where a sign may be placed or maintained.

Sign, marquee means any on-site sign which is attached to, or hung from, a permanent roof-like structure which is supported by a building wall and which projects out from the line usually, but not necessarily, over a public right-of-way, such as a sidewalk.

Sign, menu means an on-site sign containing only a listing of products, with prices, offered for sale by a restaurant.

Sign, monument means an on-site freestanding sign permanently affixed to a monument or other similar detached architectural feature without the need of posts and/or poles. A monument sign may be a double-faced sign or part of a wall.

Sign, nameplate means a small on-site sign located at an entrance to a building or structure indicating only the name and/or address and/or professional qualifications and/or major enterprise residing or conducting activities at such building or structure.

Sign, neon or decoration means any sign or decoration composed of lamps in which the primary element is that colorless, odorless, and inert gas found in air, and known as neon.

Sign, noncommercial speech means any sign expressing only noncommercial speech.

Sign, nonconforming means any sign which legally exists on the date these land development regulations are adopted but which is not in compliance with the provisions contained in these regulations.

Sign, on-site means any sign containing commercial or noncommercial speech relating to any activity conducted, service rendered, belief or opinion espoused, or good sold or displayed at the place where such sign is located.

Sign, pedestrian means any on-site sign that may indicate name and/or address, and/or telephone number of the firm, and/or the major enterprise, products or services offered on the premises to which the sign is incidental.

Sign, pole and/or freestanding sign means any on-site sign having its face above ground level, attached to a pole permanently affixed to the ground, which pole is wholly or partially independent of any building or structure for support.

Sign, portable means any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a vehicle, or on its own trailer, wheels, or otherwise is designed or intended to be transported from one another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols. A portable sign shall not include a sandwich sign or a sign which conveys warnings of traffic situations, special events or other messages even though the sign may be portable.

Sign, prohibited means any sign located within the city:

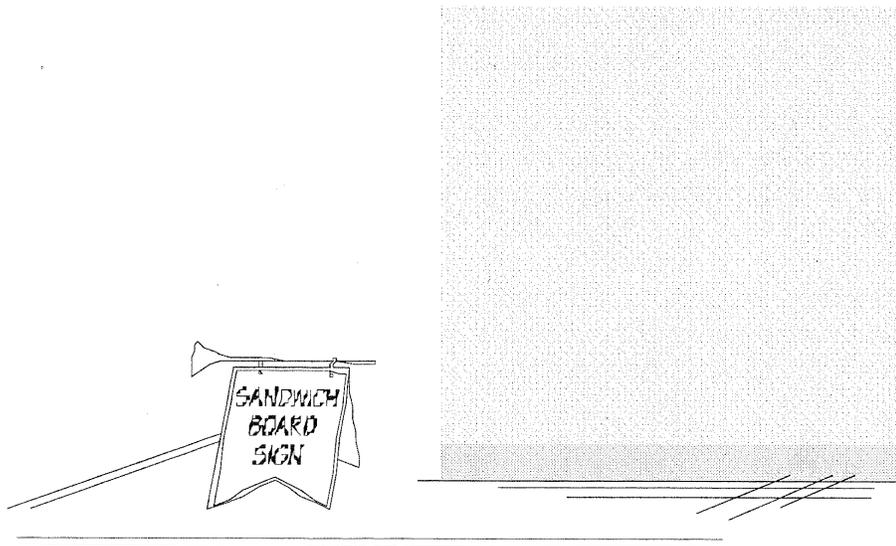
- (1) Not authorized under article 5, division 15; or
- (2) Although authorized, requires a permit, but for which no permit has been issued by the city.

Sign, projecting means a sign which is attached to and projects more than twelve (12) inches from the face of a wall of a building. The term projecting sign includes a marquee sign. A projecting sign which extends more than thirty-six (36) inches above a roofline or parapet wall shall be considered as a roof sign.

Sign, real estate means any on-site sign displayed for the purpose of offering real property for sale, lease, rental, or development.

Sign, roof means any on-site sign erected upon or above the roof or parapet of a building or structure, exclusive of any sign attached to an architectural feature such as a mansard roof, and/or any other feature simulating a roof. Note: roofline of a mansard roof and/or any other architectural feature simulating a roof shall be defined as the uppermost line of that architectural feature, which uppermost line shall never extend beyond the top of the existing parapet.

Sign, sandwich means any single or double faced A-FRAME sign which is portable and may readily be moved from place to place. This sign is generally freestanding and not affixed to the ground in any way, although some temporary type of attachment to the ground is occasionally used.



Sandwich Board Sign

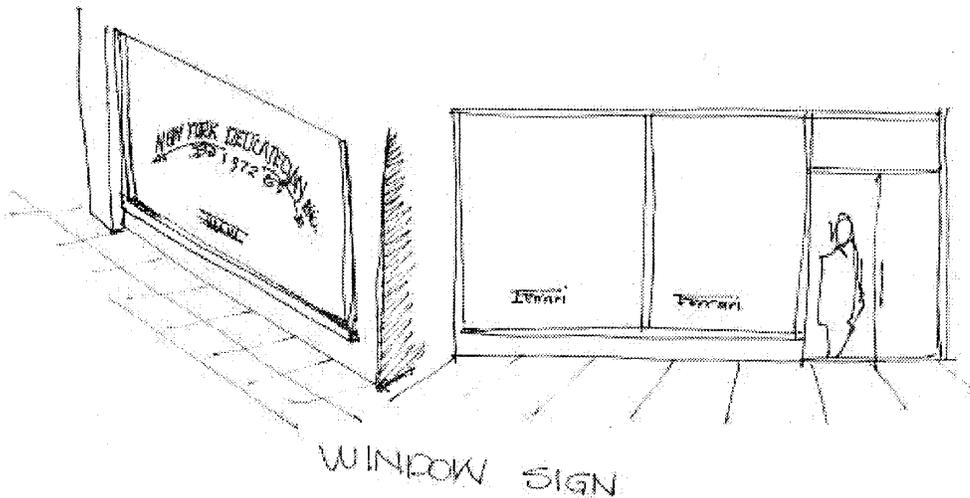
Sign, shopping center means an on-site sign for a neighborhood, community, or regional shopping facility composed of various commercial sales, services and the like containing a group of businesses (three (3) or more) that function as an integral unit utilizing common offstreet parking and access.

Sign, snipe means an off-premises sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

Sign, vehicle or portable trailer means any sign erected upon a vehicle where the principal purpose of the vehicle is not general transportation, but the support of the sign itself. Signs mounted upon taxis, buses, or other modes of general public transportation when in the course of their normal service are excluded from this definition.

Sign, wall means any on-site sign attached to or erected against the wall of a building with the face of the sign in a plane approximately parallel to the plane of the wall on which it is attached or erected. This definition includes signs painted on the surface of a wall.

Sign, window means any display of lettering, text, words, graphics, symbols, pictorial presentation, numerals, trademarks, numbers, logos, crests, emblems, or any part or combination or other devices used to attract attention, or to identify, or as an announcement that is posted, painted, placed, or attached to or projected upon a window exposed to public view or is visible to persons outside the building. This shall include signs visible or located within ten (10) feet of the interior of a glass area with the intent of being visible from the exterior portions of the building. This does not include merchandise displays or similar fixtures (see illustration).



Site plan means a comprehensive plan drawn to scale indicating site elements, roadways and location of all relevant site improvements including structures, parking, paved areas, ingress and egress access, landscaped areas, open spaces and signage.

Site plan approval means an approval of the site plan by the properly designated city agency, department or official.

Sound level meter means an instrument or apparatus including a microphone, an amplifier, an output meter, and weighting networks for the measurement of sound pressure. The output meter accurately reads sound pressure level when properly calibrated, and the instrument is of type 2 or better, as specified in the American National Standards Institute Publication S1.4-1971.

Sound nursery practices mean the procedures of landscape nursery work that comply with the standards set by the Florida Department of Agriculture and Consumer Services.

Sound truck means any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound-amplifying equipment.

Sound-amplifying equipment means any machine or device for the amplification of the human voice, music, or any other sound. The term sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment, as used in this chapter, shall not

include warning devices of authorized emergency vehicles or horns or other warning devices or any vehicle used only for traffic safety purposes or security alarm systems of any vehicle.

Spa or hot tub means a pool used exclusively in conjunction with high velocity air or high velocity water recirculation systems, utilizing hot, cold or ambient temperature water. A spa or hot tub shall have a maximum capacity of three thousand two hundred fifty (3,250) gallons and shall have a maximum depth of four (4) feet.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - a. Human genitals or pubic region;
 - b. Buttocks;
 - c. Female breast below a point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of cunnilingus, fellatio, masturbation, sexual intercourse, or sodomy, whether such acts are actual or simulated;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

Specimen tree means almost any tree with a trunk diameter (or the sum of multiple tree trunk-diameters) at breast height of eighteen (18) inches and greater when measured at a point four and one-half (4 ½) feet from the ground at natural grade, and not listed on the prohibited species list. It may also be a tree having a significant purpose or designation, or of a rare species as determined by the community planning and development department.

Spiking means the insertion, whether vertically or horizontally, of foreign objects into the base of the tree or its root system.

Sponsoring agency means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.

Spray head means an irrigation device which applies water to the soil or plant surface by fixed spray or mist nozzles.

Sprinkler head means a sprinkler head that provides aboveground or overhead irrigation.

Stabilized lawn area means an area of ground underlain with structural support in the form of grass pavers or stabilized soil prepared to withstand the load of intended vehicular use, such as automobiles, fire trucks and garbage trucks.

Staggered work hours means a situation where an employer varies work shifts for employees by staggering beginning and end times. For example, twenty (20) employees work from 7:00

a.m. to 4:00 p.m., and another forty (40) employees work from 8:00 a.m. to 5:00 p.m., thereby reducing the number of trips arriving or leaving a place of employment at one (1) time.

State of the art means existing technology where the level of facilities, technical performance, capacity, equipment, components and service equal to that developed and demonstrated to be more technologically advanced than generally available for comparable service areas in South Florida.

Stealth facility means any telecommunications facility that is designed to blend into the surrounding environment. For example, architecturally screened roof mounted antennae, building-mounted antennae painted to match the existing structure, antennae integrated into architectural elements, and communication towers designed to look like light poles, power poles, or trees.

Stormwater retention/detention area means an area designed, built and used for temporary storage of stormwater; these areas are intended to be permanently exempt from wetland regulations.

Storage and wholesaling facility means any premises where the principal use is the storage of goods and materials, or the sale of goods and materials in bulk quantities primarily for purposes of resale.

Storage warehouse means a structure which is designed and used for the containment of bulk products or materials of either dry, liquid, or cold storage nature and where goods are received and/or stored for delivery to an ultimate customer at remote locations primarily for the purpose of resale.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it; or if there is no floor next above, then the space between such floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is equal to or greater than four (4) feet above grade.

Street means a thoroughfare that runs east and west.

Street Tree Management Plan means the street tree management manual adopted by the city council, which may be amended from time to time.

Structure means anything constructed or erected, the use of which requires a permanent location in or on the ground or attachment to something having a permanent location on the ground (section 29-2).

Structure, substantially destroyed means a structure where the cost of reconstruction is fifty (50) percent or more of the fair market value of the structure before the calamity.

Studio (fine arts) means an indoor use for the business of instructing one (1) or more persons, either children or adults in any of the following fine arts: voice, music, dancing, gymnastics, graphic/visual art, craft, design, art gallery/studio, pilates, martial arts, and ceramic studios and other like uses as determined by the city.

Substance abuse treatment facility means a service provider or facility that is:

- (1) Licensed or required to be licensed pursuant to F.S. § 397.311 (18); or

- (2) Used for room and board only and in which treatment and rehabilitation activities are provided at locations other than the primary residential facility, whether or not the facilities used for room and board and for treatment and rehabilitation are operated under the auspices of the same provider. For the purposes of this subsection, service providers or facilities which require tenants or occupants to participate in treatment and rehabilitation activities, or perform testing to determine whether tenants or occupants are drug and/or alcohol free, as a term or condition of, or essential component of, the tenancy or occupancy shall be deemed to satisfy the "treatment and rehabilitation activities" component of this definition.
- (3) In addition, community residential homes are regulated by article 4 and F.S. § 419.001, and therefore are not substance abuse treatment facilities.

Substantial improvement means as defined in the Florida Building Code and F.S. § 161.54.

Substantial rehabilitation means rehabilitation, the cost of which exceeds fifty (50) percent of the replacement value of the building, structure or improvement, as determined by the county property appraiser's office, and resulting in a structure which meets all applicable requirements of the city property maintenance standards, the Florida Building Code, and the fire prevention and safety code.

Summer kitchen means an outdoor cooking facility not intended or used as the primary cooking facility or kitchen that may consist of an under the counter refrigerator, grill, burner(s), rotisserie, smoker or sink, or any combination of the above.

Survey, certified means a survey, sketch, plan, map or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by a registered surveyor, and shall show property corner stakes; property line dimensions; interior property line angles; existing structures, their dimensions and relation to property lines; general elevation of property; all existing utilities and related data; existing right-of-way; easements of record; existing sidewalks; general block plan and other pertinent survey data.

Swimming pool means a structure containing a body of water intended for recreational purposes, including a wading pool having a depth of more than eighteen (18) inches and a water surface area of more than two hundred fifty (250) square feet, but not including an ornamental reflecting pool or fish pond located and designed so as not to create a hazard or be used for swimming or wading.

T

Tattoo parlor means any place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

Telecommunications company shall have the meaning set forth in F.S. § 364.02(12), as amended. The term "Telecommunications company" does not include an open video system or cable services provider.

Telecommunications facilities, facilities or systems means cables, conduits, converters, splice boxes, cabinets, handholes, manholes, vaults, equipment, drains, surface location markers, appurtenances, and related facilities located, to be located, used, or to be used, by a telecommunications service provider in the public rights-of-way of the city and used or useful for the transmission of telecommunications services.

Telecommunications facility means a facility that is used to provide one (1) or more telecommunications services, including, without limitation, radio transmitting towers, other supporting structures, and associated facilities used to transmit telecommunications signals. An open video system is not a telecommunications facility to the extent that it provides only video services; a cable system is not a telecommunications facility to the extent that it provides only cable service.

Telecommunications service shall include, without limitation, local service, toll service as defined in F.S. § 203.012(7), telegram or telegraph service, teletypewriter service, private communication service as defined in F.S. § 203.012(4), or any other provision of two-way communications services to the public for hire. "Telecommunications service," as contemplated herein, does not include the provision of service via an open video system, or cable services which shall require separate authorizations from the city.

Telecommunications service provider shall refer to any person providing telecommunications services, as defined herein, through the use of a telecommunications facility.

Telecommunications services means the offering of telecommunication (or the transmission, between or among points, specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received), for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. Personal wireless communication services shall not be considered as essential services, public utilities or private utilities.

Telecommunications tower height when referring to a communications tower or other structure, the distance measured from the finished grade of a parcel to the highest point on the tower or other structure, including the base pad and any antenna, but excluding lights and lighting rods.

Telecommunications tower or tower means any structure, and support thereto, designed and constructed primarily for the purpose of supporting one (1) or more antennas intended for transmitting or receiving personal wireless services, telephone, radio and similar communication purposes, including lattice, monopole and guyed towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and alternative tower structures, among others.

Telecommuting means the use of communication devices such as facsimile, modem, computer, or other machine to perform a minimum of twenty (20) percent of an employee's business activities at the employee's home or employee's satellite location without commuting to a principal place of employment.

Temporary irrigation systems means a system including surface distribution elements (hose, pipe, etc.) which may be easily removed when landscape is established.

Temporary use means a nonpermanent use permitted for a limited period of time by these regulations. See article 5, division 19.

Terrace means a thoroughfare located and running next and parallel to a street.

Threatened trees mean species of plant native to the state that are in rapid decline in the number plants within the state, but which have not so decreased in such numbers as to cause them to be endangered.

Thrift store or resale shop means an establishment wherein secondhand articles are sold, such as clothing, shoes, accessories, furniture and other assorted items, the value of which is only a fraction of the original cost, for which price guides are not available, and which normally have no collectible or antique value. This term shall not apply to businesses which sell primarily new goods, and which may occasionally sell secondhand articles as a result of trade-ins, or unclaimed merchandise.

Towing or wrecking yard means a place where more than one (1) tow truck is parked and/or where damaged, inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought or sold.

Townhouse means a building or structure designed for or occupied by no more than one (1) family or household and attached to other similar buildings or structures by not more than two (2) party walls extending from the foundation to the roof, providing two (2) direct means of access from the outside, and cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse. A townhouse may include a building or structure in fee simple, condominium, cooperative or leasehold ownership or any combination thereof.

Townhouse lot means the lot upon which an individual townhouse dwelling unit is constructed.

Townhouse row means a group of attached townhouses.

Trailer means a portable living unit other than a mobile home and less than ten (10) feet in width, and may include the following:

- (1) Dependent trailer. A trailer having sleeping and usually kitchen facilities only and which is dependent upon a service building for toilet and lavatory facilities.
- (2) Self-contained trailer. A trailer which can operate for short periods of time independent of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.
- (3) Pickup coach. A pickup coach is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- (4) Motor home. A motor home is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

Trailers, trailer coaches and fifth-wheel trailers means recreational vehicles constructed with integral wheels to make them mobile and intended to be towed by passenger cars, station wagons and/or light pickup or panel trucks and similar motor vehicles, but not including truck tractors of any type.

Transient means an individual passing through a place with only a brief stay or sojourn.

Transient lodging facility means a dwelling in which each unit contains sleeping facilities, and which may or may not include cooking facilities, intended for more or less temporary occupancy. Motels are typical transient lodging facilities.

Transit subsidies means the provision of reimbursement or payment of transit fare (for example, tickets, tokens, or passes) to business occupants of a building to encourage use of public transit.

Transportation demand management program or TDM program means the alteration of travel behavior through programs of incentives, services, and policies shall be a program comprised of one (1) or more of the following program elements: bus pool, car pool, compressed work week, flex time, public transit, ride-matching, ride sharing, shared shuttle, shower and locker facilities, shuttle, staggered work hours, telecommuting, transit subsidies or van pool.

Travel trailer means a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses permanently identified as a travel trailer by the manufacturer.

Tree means any self-supporting woody plant or palm which usually has a single main axis or trunk, with a minimum trunk diameter at breast height of two (2) inches and a minimum overall height of twelve (12) feet. This definition excludes plants which are defined as shrubs, hedges, vines, or ground covers. Palms shall have a minimum height of fourteen (14) feet in order to be classified as a tree.

Tree abuse means:

- (1) Damage inflicted upon any part of a tree, including the root system, by machinery, construction equipment, cambium layer penetration, storage of materials, soil compaction, excavation, chemical application or spillage, or change to the natural grade.
- (2) Hatracking.
- (3) Girdling or bark removal of more than one-third (1/3) of the tree diameter.
- (4) Tears and splitting of limb ends or peeling and stripping of bark resulting from improper pruning techniques not in accordance with the current ANSI A300 Standards.

Tree canopy means the aerial extent of the branches and foliage of a tree as defined by the drip line.

Tree removal means the act of cutting down, destroying, moving, or effectively destroying any tree situated on any private or public property within the city.

Tree services means any licensed person, arborist, company, corporation, or service provider which for compensation or a fee, transplants, removes, prunes, trims, repairs, injects or performs surgery upon a tree, whether or not in addition to other services.

Triplex means a building designed for and occupied exclusively as home or residence for three (3) families. Such building shall have three (3) separate entrances and each dwelling unit shall be self-contained.

Truck means a self-propelled device, licensed by the State of Florida, having a classification of one-half (½) ton or greater and by which any person or property may be propelled, moved or drawn upon a street or highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

Trunk Diameter Method shall have the meaning as defined by the current edition of the International Society of Arboriculture's Best Management Practices (BMP), Managing Trees During Construction.

U

Understory means the complex of woody, fibrous, herbaceous and graminoid plant species that are typically associated with a natural forest community, native plant community, or native habitat.

Urban place of public assembly means an open space, or plaza that is open to the public and is improved with pavers, decorative paving and amenities such as seating, and ornamental fountains.

Usable open space for multifamily structures means that space upon the lot or parcel to which it is appurtenant, which can be used by inhabitants of the property for outdoor activity and/or recreation and shall include landscaping. All such areas shall be readily accessible to the inhabitant(s) of the property. Usable open space does not include driveways, balconies, open or covered parking areas or utility space such as trash or garbage areas. The required yards may be counted if they are directly accessible to the dwelling units. Artificial water area, created from privately owned land within lots or project areas in which this regulation applies, may be calculated as usable open space, provided that water area shall not be credited as more than ten (10) percent of the total required open space. When development projects include several dwelling structures and common land and/or water open space, the total usable open space shall equal or exceed the area required by the total number of dwelling units.

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

Utility shed means a permanent structure, which may be attached to or separated from the main building, used for the storage, shelter or enclosure of chattels or property of any kind related to the maintenance of the premises to which it serves, but shall not be used as a place of abode, garage or for the keeping of animals.

V

Van means usually an enclosed wagon or motor truck, licensed by the State of Florida, and by which one (1) or more people or property may be transported.

Van pool means five (5) or more people traveling together on a continuing and pre-arranged basis in a van-type or similar type vehicle.

Variety store means a retail store that sells a wide variety of relatively small and inexpensive items.

Vegetation required to be preserved by law means any portion of a site, including but not limited to specimen trees, natural forest communities and native vegetation which are clearly delineated on site plans, plats, or recorded restrictions, or in some other legally binding manner that are to be protected from any tree or understory removal or effective destruction and maintained without any development.

Vegetation survey means a drawing provided at the same scale as the landscape plan which includes relevant information as required by article 5, division 12.

Vehicle means a conveyance for persons or materials.

- (1) Commercial vehicle. Any vehicle, designed, intended, or used for transportation of people, goods or things, whether requiring a commercial license or not, whether for hire or not, except those private passenger vehicles and private trailers used for nonprofit transportation of goods, and except those light (less than three-quarter ($\frac{3}{4}$) ton capacity) vehicles, displaying no advertising and used solely for personal transportation.
- (2) Private vehicle. A vehicle no larger than three-quarter ton capacity, displaying no advertising and is used for personal transportation.
- (3) Recreational vehicle. See definition in this section.

Vehicle rental means the leasing or rental of new or low mileage automobiles, small trucks (one (1) ton and under) and vans (less than one (1) ton) on a single parcel of land in the C-1 district, not including an out parcel, independent of any other uses on the same parcel of land and specifically not including vehicle service or car washing.

Vehicle sales/displays means a business or commercial activity involving the display and/or sale of principally new automobiles, small trucks and vans and other small vehicular or transport mechanisms and including vehicle service. The sale of previously owned vehicles shall only be permitted as subordinate to the principal use.

Vehicle sales/displays, major means a business or commercial activity involving the display and/or sale or rental of boat and marine vessels, recreational vehicles, heavy equipment, mobile homes, and other vehicular or transport mechanisms and including vehicle service.

Vehicle service means an activity conducted entirely within an enclosed structure primarily involved in servicing or repairing of automobiles, motorcycles, trucks, recreational vehicles and other similarly sized vehicular or transport mechanisms or heavy machinery. Vehicle services include washing, waxing, changing oil, tuning, installing mufflers or detailing, window tinting, shock absorbers, and painting.

Vehicle sales/displays, used means a business or commercial activity involving the display, rental and/or sale of used automobiles, small trucks and vans on a single parcel of land, not including an out parcel, independent of any other uses on the same parcel of land and specifically not including vehicle service or car washing.

Vehicle service, major means vehicle and boat repairs conducted entirely inside a building which include engine repairs where the cylinder head, pan or exhaust manifold is removed; steam cleaning of engines; undercoating; vehicle spray painting; auto glass repair and

replacement; repair and replacement of transmission, differential, transaxles, shaft and universal joints, wheel and steering linkages and assemblies; rebuilding and upholstering the interior of vehicles; customizing, restoration or rebuilding of vehicles; chassis, frame, body, fender and bumper molding, straightening, replacement and finishing; and repairs involving extensive welding, racing of engines or lengthy or overnight idling of engines.

Vehicle service, minor means an activity conducted entirely within an enclosed structure primarily involved in servicing or repairing of automobiles, motorcycles, trucks, recreational vehicles and other similarly sized vehicular or transport mechanisms or heavy machinery. Vehicle services include washing, waxing, changing oil, tuning, installing mufflers or detailing, window tinting, shock absorbers, and painting.

Vehicle sign means a sign affixed in any manner to, contained within, or painted on a transportation vehicle including automobiles, trucks, van, boats, trailers, bicycles, golf carts, and recreational vehicles, whether stationary or in motion, with the primary purpose of calling attention to a business establishment, service, production or event. This term shall not be interpreted to apply to vehicles that are operational with signs that identify the owner make, model or contents of the vehicle, which are moved and used daily for delivery or service purposes, and are not used, or intended for use, as portable signs. This term shall also not be interpreted to apply to common carrier vehicles which are licensed or certified by the city or other governmental agency, or information on vehicles required by law.

Vehicular use area means a hard surface area designed or used for off-street parking and/or an area used for loading, circulation, access, storage, including fire trucks, garbage trucks, or display of motor vehicles.

Vessel means any watercraft or other artificial contrivance used or capable of being used as a means for transportation on water.

Vested rights determination means a certificate issued by the department of community planning and development after city council approval, indicating the possession of vested rights to development, the extent of these vested rights and the time period during which these vested rights remain valid (article 3, division 12).

Veterinary clinics means an establishment providing for the short-term care of domestic animals by a veterinarian when such is conducted wholly within a building having no provision for outside storage and for which the keeping of animals is limited to short-term medical care.

Vine means a plant with a flexible stem that normally requires support to reach mature form. Visibility or sight triangle means the area of the corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.

W

Wall means a masonry structure forming an enclosure or demarcating a division.

Warehouse means a structure which is designed and used for the containment of bulk products or materials of either dry, liquid, or cold storage nature.

Watercraft (see Vessel).

Waterfront premises means any site when any or all of its lot lines abut on or are contiguous to any body of water, including creek, canal, bog, river or any body of water, natural or artificial, not including a swimming pool, whether said lot line is front, side or rear.

Waterway means all waters within the city boundaries included in its charter, or as defined by state law, the State Constitution, or the Federal Constitution or acts of congress.

Weekday means any day Monday through Friday that is not a legal holiday.

Whip antenna means a cylindrical antenna that transmits signals in three hundred sixty (360) degrees.

Wholesale facility means an establishment which, usually as an intermediate distributor, sells goods or products in bulk quantity to retail and personal service stores or other commercial establishments and does not deal directly with the ultimate consumer.

Workforce household means a household comprised of one (1) or more persons at least one (1) of which is an essential services personnel comprised of teachers and educators; artists and creative professionals; school district, community college and university employees; law enforcement personnel; fire and rescue personnel; health care personnel; persons employed in local businesses essential to the county's economy; county and local government personnel; utility (water/sewer, electric, communication) personnel; information technology personnel; child care personnel; and skilled trades and others employed in positions that provide government and municipal services essential to maintaining a high quality of life in and for North Miami, Florida.

Workforce housing means housing which is affordable to a workforce household with an adjusted gross income which is not less than eighty (80) percent and does not exceed one hundred forty (140) percent of the median income in the city.

Wrecker means a motor vehicle designed to be used primarily for removing or towing wrecked or disabled or stuck vehicles. Also known as a "tow truck."

Y

Yard, required means an open space of prescribed width and/or depth on the same land with a building or group of buildings, which open space lies between the nearest lot line and the required setback line and is unoccupied and unobstructed from the ground upward except for landscaping, fences, walls or other permitted structures and permitted accessory uses.

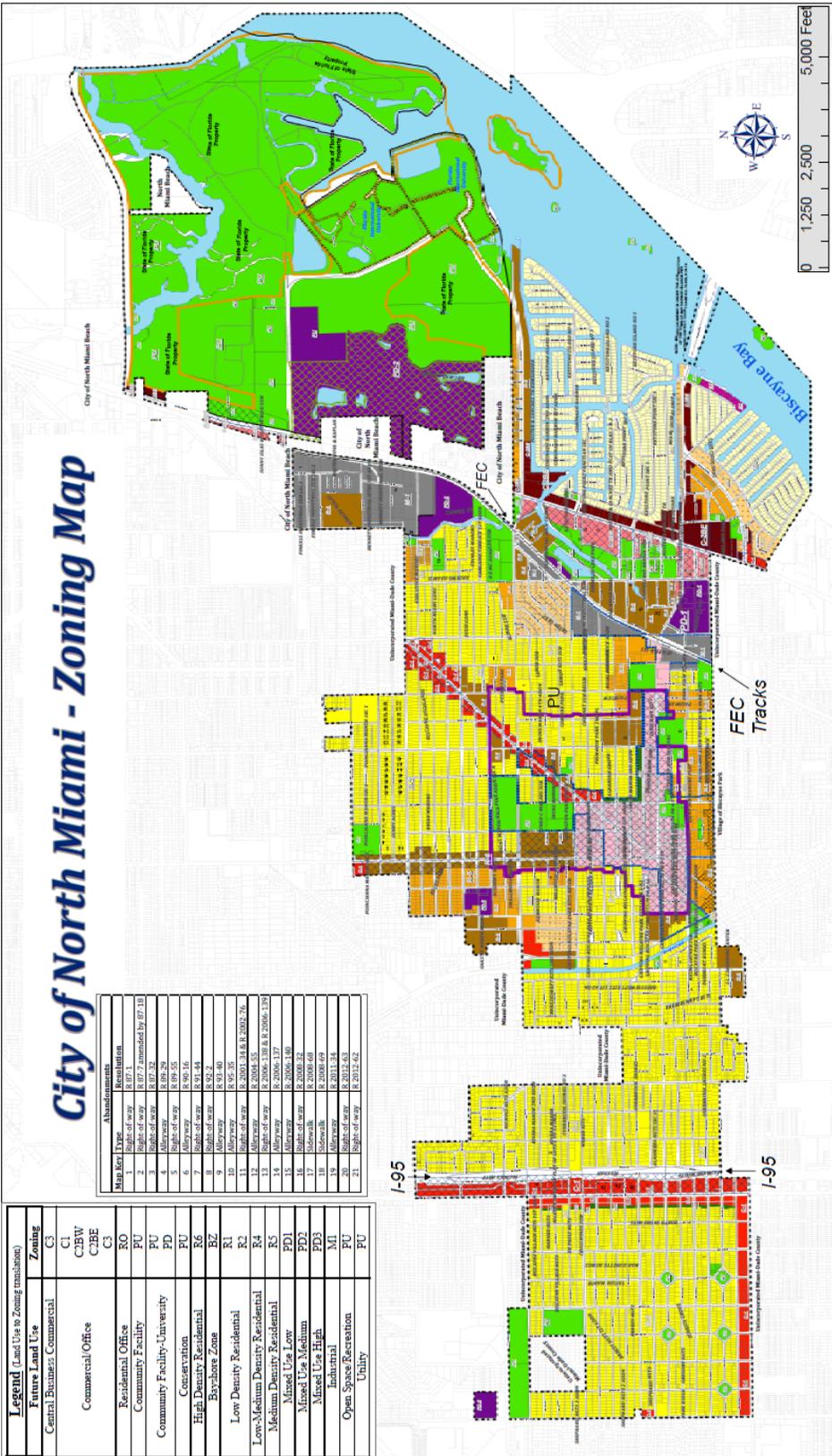
Yard sale, garage sale, lawn sale, moving sale, rummage sale means the sale of used or old personal effects, such as clothing, furnishings, decorative objects, furniture, books, appliances, home grown produce, or items customarily found on a residential property that were not purchased or obtained for resale (article 5, division 19).

(Ord. No. 1278, § 1(exh. 1), 4-28-09; Ord. No. 1293, § 1, 2-9-10; Ord. No. 1343, § 1, 10-23-12; Ord. No. 1387, § 1, 6-23-15)

City of North Miami - Zoning Map

Legend (Land Use to Zoning translation)	
Future Land Use	Zoning
Central Business: Commercial	C1
Commercial Office	COB, CBE
	C3
Residential Office	RO
Community Facility	PU
Community Facility-University	PU
Conservation	PD
High Density Residential	PD
Medium Density Residential	R6
Bayshore Zone	BZ
Low Density Residential	R1
	R2
Low-Medium Density Residential	R4
Medium Density Residential	R5
Mixed Use Low	PD1
Mixed Use Medium	PD2
Mixed Use High	PD3
Industrial	M1
Open Space/Recreation	PU
Utility	PU

Map Key Type	Abandonments	Revolutions
1	Right-of-way	R 07.1
2	Right-of-way	R 07.7 amended by 07.1B
3	Right-of-way	R 09.2
4	Right-of-way	R 09.25
5	Right-of-way	R 09.25
6	Right-of-way	R 09.16
7	Right-of-way	S 41.44
8	Right-of-way	S 41.44
9	Right-of-way	R 04.60
10	Right-of-way	R 05.25
11	Right-of-way	R 2001.34 & R 2002.24
12	Right-of-way	R 2004.55
13	Right-of-way	R 2006.17
14	Right-of-way	R 2006.17 & R 2006.20
15	Right-of-way	R 2006.17
16	Right-of-way	R 2006.140
17	Right-of-way	R 2006.32
18	Right-of-way	R 2006.68
19	Right-of-way	R 2011.24
20	Right-of-way	R 2012.63
21	Right-of-way	R 2012.62



New Zoning

- C-1 (55 ft)
- C-2BE (55 ft)
- C-2BW (55 ft)
- C-3 (150 ft)
- M-1
- PD-1 (55 ft, 25 DU/AC)
- PD-2 (75 ft, 40 DU/AC)
- PD-3 (110 ft, 45 DU/AC)
- PU (55 ft / 110 ft univ)
- R-1 (35 ft, 5.1 DU/AC)
- R-2 (35 ft, 5.1 DU/AC)
- R-4 (35 ft, 12 DU/AC)
- R-5 (75 ft, 16.3 DU/AC)
- R-6 (110 ft, 25 DU/AC)
- BZ (115 ft, 100 DU/AC)
- RO (35 ft)

Other Legend Items:

- City Limits
- Florida International University
- Arts & Design Overlay District
- Regional Activity Center
- State of Florida Land
- Neighborhood Redevelopment Overlay Boundary
- Biscayne Park Height Transition Zone
- Planned Corridor Development Overlay
- Planned Community Urban Design Overlay

