

Sec. 94-611. - Definitions.

For the purposes of this chapter, the following definitions are established:

"A" frame sign. See *Sign*.

Abandon means to discontinue a use for more than a specified period of time.

Abandoned sign. See *Sign*.

Abutting. See *Adjoining* or *Adjacent*.

Access, point of, means a paved driveway or other opening intended to provide vehicle or pedestrian access to or from a public or private right-of-way to or from a public or a private premises including off-street parking areas.

Access point means a driveway or other opening for vehicles to enter from or exit to a right-of-way. An access point may include multiple ingress and egress lanes and a divider median provided that all features utilize the same apron.

Accessory apartment means a dwelling unit that may be inhabited separable from the primary use or structure.

Accessory use, building, or structure means a use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or structure. Accessory structures include, but are not limited to the following: sheds, unattached garages, swimming pools, docks, gazebos, satellite dishes, screen enclosures, and accessory apartments.

Accessory vehicular use area means all land upon which vehicles traverse property, excluding a parking lot.

Acre, gross, means 43,560 square feet.

Acre, net, means gross land area, less existing or proposed public and private points of access, roads or streets, roadways, rights-of-way, and easements.

Add on sign. See *Sign*.

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

Adjacent means nearby but not necessarily adjoining.

Adjoining means a lot or parcel of land sharing all or part of a common lot line with another lot or parcel of land, or two or more structures sharing all or part of a common wall.

Adjusted development rights means the sum of the sending site's maximum allowable development rights, less all development rights sold by the sending site through the TDR program.

Adult entertainment establishments means adult entertainment establishments and other terms in subsection 94-273(d)(3) shall include those uses and terms as defined by section 17-147 "Definitions" of article V "Adult Entertainment Code" of the Palm Beach County Code and chapter 10, article IV of this Code, as amended from time to time.

Advertising structure means any structure installed for advertising purposes, with or without any advertisement display thereon, situated upon or attached to real property upon which any poster, bill, printing, painting, or other advertisement or device of any kind whatsoever may be placed, posted, painted, tacked, nailed, or otherwise fastened, affixed, or displayed, provided, however, that this term shall not include buildings.

Affordable housing means housing for which monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of the amount for the gross annual income for the households or persons within the following income groups:

Extremely Low/Very Low/Low =	0—80% of Area Median Income (AMI)
Moderate (Attainable) =	81—120% of AMI
Middle (Workforce) =	121—150% of AMI

Airport means a special facility designed to accommodate the departure and landing of aircraft, equipped with hangars, facilities for refueling and repairing airplanes, taxiways, tie-down areas, and various accommodations for passengers. For purposes of the flight path protection regulations, the term "airport" shall mean the Palm Beach International Airport.

Airport elevation means the highest point of the airport's usable landing area measured in feet above mean sea level.

Airport hazard means any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR 77.21, 77.23, 77.25, 77.28 and 77.29 or which obstructs the airspace required for flight of aircraft in taking-off, maneuvering or landing at an airport or may otherwise be hazardous to the taking-off, maneuvering or landing of aircraft.

Airport obstruction means any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR 77.21, 77.23, 77.25, 77.28 and 77.29 or which obstructs the airspace required for flight of aircraft in taking-off, maneuvering or landing at an airport or may otherwise be hazardous to the taking-off, maneuvering or landing of aircraft.

Airspace height means the height limits as established in all surfaces set forth in this chapter. (Measured in feet above mean sea level.)

Alley means a public right-of-way which affords only a secondary means of access to abutting property.

Alteration means any change in the internal or external arrangement of a building, including work affecting the structural parts of a building or any change in occupancy. For historic preservation purposes, alteration shall be defined as any construction or change of a resource.

Animal hospital means an enclosed facility for the diagnosis, treatment, and convalescence of animal patients which may be boarded on the premises for such purposes.

Animal kennel means an establishment offering to the general public lodging and boarding facilities for dogs, cats, and other domestic pets.

Animated sign. See *Sign*.

Apartment means a room or suite of rooms intended or designed for use as a residence by a single-family, including bath and culinary accommodations.

Apartment house. See *Dwelling, multiple-family*.

Appurtenance means, for historic preservation purposes, any accessory or subordinate building, or structure, fence, street furniture, fixture, vending machine, fountain, public artwork, parking lot or area, historic landscaping, or bicycle rack located on the historic site, within a historic district, or otherwise located on the affected property.

Apron means the paved area which connects a driveway to the paved portion of a right-of-way, including that section of the sidewalk which is crossed for the purpose of entering and exiting the driveway.

Aquifer recharge areas means those land areas overlying the surficial aquifer.

Arcade means an open or enclosed pedestrian-oriented passageway located on the ground floor of a building and connecting two or more public rights-of-way, including streets, alleys, and sidewalks, generally accessible to the public during specific hours.

Architect means a person registered by the state as an architect.

Architectural features means, for historic preservation purposes, the architectural style, scale, massing, setting, general design and general arrangement of the exterior of a building including the type and style of roofs, windows, doors and appurtenances.

Area, buildable, means the space remaining upon a lot after deduction of minimum required setbacks, open spaces and yards, and upon which a building may be located.

Area of shallow flooding means a designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land within a community subject to a one percent or greater chance of flooding in any given year.

Arterial road means a roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

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

Artificial turf means an artificial product manufactured from synthetic materials that effectively simulate the appearance of live/natural turf, grass, sod, or lawn.

Attainable housing means housing that is affordable to those households earning 81 percent to 120 percent of the Area Median Income (AMI).

Automated teller machine means an electronic banking facility that is open to the general public and allows customers to perform financial transactions without the assistance of any bank employees.

Baby sitting agency. See *Child care facility*.

Background area of sign. See *Sign*.

Bank means a financial institution that is open to the general public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

Barrier means a solid and unbroken visual screen including a masonry or solid wood fence which presents a 100 percent visually opaque screen.

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

Basement means a story either completely below grade or having part, but not more than one-half, of its height above grade and used for storage, vehicle parking by building occupants, janitor or watchman facilities, or other utilities common to the rest of the building. For purposes of the flood prevention and control regulations of this chapter, the basement is that portion of a building having its floor below ground level on all sides.

Bed and breakfast establishment means any building originally constructed for residential use that is a contributing structure in an historic district as designated by the city commission or in any individually designated structure listed on the city register of historic places or the national register, outside of historic districts and that is a place of temporary lodging that provides up to five rooms for rent for a length of stay not to exceed two weeks, that is the owner's primary residence and is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Bed and breakfast inns means any building where the entire building is devoted to lodging transients and is used for temporary lodging that provides up to 20 rooms for rent for a length of stay not to exceed two weeks. A bed and breakfast inn must be licensed by the state and may provide additional services, such as restaurants and meeting rooms.

Berm means the mounding of soil, which is planted with living plant material designed as a natural landscape feature or buffer to screen incompatible land uses or to absorb or otherwise reduce undesirable impacts, such as noise, smoke, glare, or other similar nuisances.

Billboard. See *Sign*.

Blade sign. See *Sign*.

Boardinghouse means a building, other than a hotel, where lodging or lodging and meals are provided on a fee basis for three or more persons.

Boatel means a motel and marina combination accessible to boats as well as automobiles and which may include boat sales and servicing facilities, overnight accommodations for transients, and eating and drinking facilities.

Borrow pit means a source, other than required excavation, of material for creating embankments, for providing fill, and for related purposes.

Botanical gardens and accessory offices means a place where a wide variety of plants are cultivated for scientific or educational purposes, often including a library, a herbarium, a greenhouse or arboretum.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specified lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Brewpub/microbrewery/micro-distillery/micro-winery means any facility for the manufacturing of malt beverages, beer, wine, and other beverages with alcoholic content. Such facilities may also offer tours, tasting rooms, bars, restaurants, package sales, and distribution components.

Brownfield means real property; the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

Buffer and **buffer strip** mean a screening device used to moderate the adverse impacts of one land use upon another. Buffers may include walls, hedges, landscaped areas, berms, additional setbacks, or combinations of such.

Buffer, landscape, means a continuous area of land which is required by this chapter to be set aside along the perimeter of a lot in which existing native vegetation, relocated native vegetation, and landscaping is used to provide a transition between and to reduce the negative environmental, aesthetic, compatibility and other impacts of one land use upon another.

Building (See *also, structure*) means a structure built, erected and framed, whether portable or fixed, having a roof (supported by columns or walls), to form a structure for the shelter or enclosure for any occupancy or storage. For historic preservation purposes, the term "building" shall be defined as a structure, such as a house, garage, church, or hotel, created principally to shelter any form of human activity.

Building facade means that portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of any building elevation.

Building, height of, means the vertical distance from the mean grade of a lot at the frontage of the building to the highest point of the top of the structure of a flat roof, or to the deck line of a mansard roof, or to the mid-height level between eaves and ridge for gable, hop, and gambrel roofs.

Building measurement definitions. See *Building facade; Building, height of; Story; Floor area ratio; etc.*

Building official means the director of the department of building and all inspectors working under that official's authority and direction.

Building, principal, means a building or, where the context so indicates, a grouping of buildings in which is conducted the principal use of the lot on which such building or such grouping is located.

Building setback line means that line establishing building setback distance from street or lot lines, established by this chapter.

Bulkhead line means a line established in or along a body of water delineating the maximum distance from the existing shoreline within which dredge and fill, bulkhead construction, and related activities may be permitted.

Business services means establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building and maintenance, employment service, management and commercial research, development and testing, photo finishing, and personal supply services.

Cabana means an accessory building or portion of the main building used as a bathhouse or a dressing area not containing a kitchen in connection with a swimming pool or a tennis court.

Canopy means a detachable, rigid multisided structure covered with fabric, or similar vinyl material, and must be supported by a building at one or more points or extremities and by columns or posts embedded from the ground, deck, floor or walls of a structure at other points or extremities, and typically used for protection from the sun or weather.

Canopy with respect to a tree, means the upper portion of a tree consisting of limbs, branches and leaves.

Carport means a roofed accessory structure open on two or more sides, intended or used for the parking and storage of automobiles.

Cellar. See *Basement*.

Cemetery means property used for interring of the dead.

Certificate of appropriateness means a document evidencing approval by the historic preservation board or the historic preservation division for work proposed by an applicant.

Certificate of economic hardship means, for historic preservation purposes, a document evidencing approval by the board of an application for economic hardship.

Certificate of occupancy means a document signed by a building official that certifies that a building and the use of such building or structure complies with all applicable requirements of this chapter, the building code, and all other applicable laws and regulations at the date the building permit is issued. Official certification that a premises conforms to provisions of this chapter and the building code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures.

Certificate of transfer means a certificate that permits the transfer (sale) of development rights from a sending site to a receiving site.

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

1. Issuance of a development order for parcels identified on the map of known archaeological sites;
2. To removal of a suspension order on a site where artifacts or fossilized human remains or nonhuman vertebrate fossils are found during the development process; or
3. Issuance of a development order for a type III excavation.

Certificate of use means the method by which the city grants approval for a business, as defined in the City Code of Ordinances, article II, section 22-31, to occupy a given location.

Certified local government (CLG) means a local government approved by the state department of state, division of historical resources, to perform certain historic preservation functions.

Changeable copy sign. See *Sign*.

Church or other places of worship means any structure or site used primarily as a place of public or private worship on a permanent basis by a recognized and established religious sect or denomination and registered as a not-for-profit organization pursuant to Section 501(c) of the Internal Revenue Code of 1954.

City means the City of West Palm Beach, a municipal corporation created under the laws of the state. Unless the context clearly discloses contrary intent, the term "city" shall mean the City of West Palm Beach, Florida.

City commission means the governing legislative body of the city.

Clear gazed areas means a window made of clear, transparent glass. Reflective glass, bronze-tinted glass, and frosted materials are prohibited.

Clear trunk means the point above the root ball along the vertical trunk or trunks of a tree at which lateral branching begins.

Climb gradient means an aircraft instrument departure procedure requiring adherence to a minimum climb slope or grade expressed in feet per nautical mile.

Clinic means a facility providing medical, dental, surgical, therapeutic, veterinary and related services. Medical, dental, surgical, therapeutic clinics provide services on an outpatient basis and do not provide overnight accommodations. Veterinary clinics providing the majority of services on an outpatient basis but may also provide overnight boarding for animals receiving required treatment.

Club or lodge means an establishment operated by a corporation or association of persons for social, literary, political, educational, fraternal, or charitable purposes, registered as a not-for-profit organization pursuant to Section 501(c) of the Internal Revenue Code of 1954.

Coastal high hazard area means the area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges for Hurricanes (SLOSH) computerized storm surge model. [F.S. § 163.3178(9)(c).]

Coldframe means an unheated outdoor structure consisting of a wooden or concrete frame with a top made of glass or clear plastic, used for protecting seedlings and plants from the cold.

Columbariums means a structure or building which is intended to be used for the internment of cremated human remains in urns.

Commencement of construction or start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction or a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, vertical construction, construction of columns, tie-beams, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the excavation for a basement, footings, piers or foundations or the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Commercial amusement, enclosed, means a commercial amusement establishment conducting operations entirely within the confines of an enclosed building or structure, including but not limited to the following: bowling alleys, billiard and pool establishments, skating rinks, video arcades, and indoor theaters, but excluding any adult entertainment uses as defined in this chapter.

Commercial amusement, temporary, means a commercial amusement established as a temporary use, including but not limited to the following: circuses, carnivals, festivals, fairs, and special exhibitions.

Commercial amusement, unenclosed, means a commercial amusement conducted in an outdoor area or in an unenclosed structure, including but not limited to the following: drive-in theaters, miniature golf courses, golf driving ranges, animal or mechanical race tracks, amusement parks, and stadiums, but excluding any adult entertainment uses as defined in this chapter.

Commercial amusements means establishments engaged primarily in providing amusement or entertainment for a fee or admission charge.

Commercial vehicle means any motor vehicle licensed by the state as a commercial vehicle.

Community center means a multipurpose facility providing a wide range of social, cultural, educational, and recreational services and activities of particular interest to the community, including daycare facilities for children. Such facilities shall meet all state and city licensing requirements for that use. A community center may be newly constructed or converted from an existing commercial building, single-family residence, or multifamily dwelling unit.

Community garden means an area of land managed by an individual or a group of individuals growing and harvesting a mixture of food crops and/or non-food, ornamental crops, such as flowers, for noncommercial personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group.

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

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

Except as required by State law, to house more than 10 unrelated people in a community residence, the owner or operator of the community residence must apply for a special use permit in accord with the standards and procedures established in 94-273(a)(3)d. of this Code.

A community residence shall be considered a residential use of property for purposes of all city codes. The term does not include any other group living arrangement for unrelated individuals who are not disabled nor any halfway house, recovery community, boarding or rooming house, lodging house, short-term rental or other use as defined in this Code. Community residences include, but are not limited to, those residences that comport with this definition that are licensed by the Florida Agency for Persons with Disabilities, the Florida Department of Elderly Affairs, the Florida Agency for Health Care Administration, and the Florida Department of Children and Families, and functional family recovery residences certified by the state's designated credentialing entity established under Section 397.487 of the Florida Statutes.

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

Comprehensive plan means a plan meeting the requirements of F.S. §§ 163.3177 and 163.3178 (Local Government Comprehensive Planning and Land Development Regulation Act).

Comprehensive survey and inventory and survey mean, for historic preservation purposes, a systematic listing of cultural, historical, architectural, or archaeological resources prepared by a historic preservation authority, following standards set forth by federal, state and city regulations for evaluation of such resources.

Construction sign. See *Sign*.

Contiguous means next to, abutting, or touching and having all or a portion of a boundary which is continuance.

Contributing property means a property that contributes to the historic significance of a historic district by location, design, setting, materials, workmanship, feeling, and association and thus adds to the district's sense of time, place, and historical development.

Convenience/grocery store and accessory motor fuel sales means an establishment which sells prepackaged and/or prepared food, beverage, and sundry items for consumption off the premises to customers who almost exclusively arrive by means of an automobile. Sales of items are dependent upon the convenience of location, speed of service and roadway accessibility and are not dependent on comparison shopping or pedestrian traffic within the site or on adjoining sites. Such establishments may also offer gasoline products for sale, but at a level secondary to the sale of convenience items.

Copy area of a sign. See *Sign*.

Corner clearance distance means the distance between the nearest edge of a driveway to the edge of the closest intersecting right-of-way (See Figure X-2).

County means, unless the context clearly discloses contrary intent, Palm Beach County.

Crime prevention through environmental design (CPTED) means a proactive multi-disciplinary approach to deterring criminal behavior through environmental design by utilizing design principles such as natural surveillance, natural access, territorial reinforcement and maintenance of landscaping and lighting treatments.

Cultivated landscape area means the planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

Cultural and civic facility means a building or complex of buildings that houses public or private not-for-profit facilities, offices or services and which may include civic or community centers, theaters predominantly used for live performances, libraries, zoological or botanical gardens, historical landmarks, museums, and similar facilities.

Decision height means the height at which a pilot must decide, during an instrument landing system (ILS) approach, to either continue the approach or to execute a missed approach.

Dedication means a conveyance of land to the public for a specified public purpose made by written instrument and accepted by a governmental agency.

Demolition means, for historic preservation purposes, any act or process that partially or totally destroys a resource.

Density means a measure of the intensity of land use and development per unit area of land, usually expressed as the number of persons, families, or dwelling units per acre or as a floor area ratio.

Department means the planning department.

Design guidelines means, for the purposes of historic preservation, a document published by the city which illustrates examples of design features, historic styles and treatment options which preserve the historical, cultural and architectural character of a historic district or property.

Designated ecosites means those ecological sites, other than wetlands, that are designated in the Inventory or Native Ecosystems in Palm Beach County, and on its accompanying aerial photographs as "A" quality representing high quality state upland ecosystems. Those sites are indicated on the aerial photographs (received by the county on May 30, 1989), as amended from time to time, that are on file at the county department of environmental resources management and are incorporated herein by reference.

Developer means any person, including a governmental agency, undertaking any development as defined in this chapter.

Development means the carrying out of any building or land activity, or mining operation, the making of any material change in the use or appearance of any structure or land.

1. The following activities or uses shall be taken for the purposes of this chapter to involve "development," as defined in this section:
 - a. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
 - b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
 - c. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in F.S. § 161.021.
 - d. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
 - e. Demolition of a structure.
 - f. Clearing of land as an adjunct of construction.
 - g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
 - h. Work by a highway or road agency or for the maintenance or improvement of a road or, if the work is carried out on land within the boundaries of the right-of-way.

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

Development permit means any rezoning, special exception, special permit, site plan, subdivision plat, excavation or land clearing permit, building permit, or any other official action of the city having the effect of permitting the development of land, excluding the following: a site specific amendment to the land use element of the City of West Palm Beach 1989 Comprehensive Plan and a variance pursuant to section 94-38.

Development sign. See *Sign*.

Diameter at breast height (dbh) means the standard measurement of a single-stemmed tree at 4 1/2 feet above grade.

Directional sign means any sign permanently or temporarily installed on public property by or with approval of the city or any authorized governmental agency.

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

- a. An aged person as defined in F.S. § 400.618(3).
- b. A physically disabled or handicapped person as defined in F.S. § 760.22(7)(a).
- c. A developmentally disabled person as defined in F.S. § 393.063(11).
- d. A mentally ill person as defined in F.S. § 394.455(3).
- e. An individual in recovery from drug and/or alcohol addiction who is not currently using.

District means any section of the city for which the zoning regulations are uniform. For historic preservation purposes, see *Historic district*.

Double-faced sign. See *Sign*.

Downtown means, for the purposes of historic preservation, that area of the city defined as follows: bounded by a line beginning at the Intracoastal Waterway and running west along the southern property line of lots on the south side of Eighth Street to the Florida East Coast Railroad spur, then west to Clear Lake, then south to the southern property line of the lots on the south side of Okeechobee Boulevard, then east to the Intracoastal Waterway, then north to the point of origin.

Dripline means an artificial line along the ground which conforms to the perimeter of the crown of a tree as projected vertically to the ground.

Drive-in business means any place of business or premises which serves, sells, or otherwise makes available its services to customers situated in motor vehicles.

Drive-through or drive-window means a window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles.

Drought tolerant tree, shrub or grass means a tree, shrub or grass excluding prohibited or limited use species, classified as drought tolerant in the South Florida Water Management District Xeriscape Plant Guide. A listing of drought tolerant tree, shrub and grass species can be obtained from the planning, zoning and building department.

Drug store means a retail establishment that combines a "pharmacy" with the sale of products typically associated with a convenience store, and provides services such as photo processing or basic health assessment (e.g. vaccinations, minor examination, etc.)

Dry cleaner/laundry, commercial, means a professional dry cleaning/laundry establishment serving individual or commercial customers.

Dry cleaner/laundry, self-service, means an establishment open to the public that provides coin-operated laundry and dry cleaning machines, including clothes washers and dryers.

Duplex. See *Dwelling, two-family*.

Dwelling means any building or portion thereof designed for or used for residential purposes.

Dwelling, single-family, means a detached dwelling designed for only one family.

Dwelling, two-family, means a building designed for only two families with separate housekeeping, sanitary, and cooking facilities for each family.

Dwelling, multiple-family, means a building designed for three or more families, with separate housekeeping, sanitary, and cooking facilities for each family.

Dwelling unit means any combination of two or more of the following: living rooms, bedrooms, dens, studios, playrooms, or kitchen, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household. All rooms in the dwelling unit must be accessible from the interior of the unit. A dwelling unit may be used for owner occupancy, rental, lease, or other occupancy for a minimum of 28 consecutive days or longer.

Easement means a grant of one or more rights by a property owner to another individual, group, or governmental unit to make limited use of a portion of real property for a specified purpose.

Economic hardship means an onerous, extreme and exceptional economic burden that would be placed upon a property owner by the denial of an application for a certificate of appropriateness or by the imposition of conditions placed on the granting of such certificate.

Ecosites, designated, means those ecological sites, other than wetlands, that are designated in the Inventory of Native Ecosystems in Palm Beach County, and on its accompanying aerial photographs as "A" quality representing high quality state upland ecosystems. Those sites are indicated on the aerial photographs (received by the county on May 30, 1989), as amended from time to time, that are on file at the county department of environmental resources management and are incorporated in this chapter by reference.

Ecosystem means a characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species and between species within that specific environment.

Effect means, for historic preservation purposes, a change in the quality of the historical, architectural, archaeological or cultural significance of a property or district, or in the characteristics that qualify the property or district as historically important.

Electric sign. See *Sign*.

Elevated building means a nonbasement building built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

Enclave means a parcel of land that is surrounded on all sides by another parcel of land, subdivision or PUD, and where there is no connectivity or relationship between the parcels.

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

Engineer means a person registered by the state as a professional engineer.

Entrance sign. See *Sign*.

Environmental assessment means an assessment which shall include an identification and analysis of vegetation associations, topography, soils, elevations, and flooding levels, drainage patterns, threatened endangered, or rare species, an aerial photography map, and a description of the likely impacts of the proposed development on the resources features assessed.

Environmentally sensitive lands means the water catchment area, water wellfields, wetlands, aquifer recharge areas, and designated ecosystems.

Erosion means the detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.

Erosion control measure means a practice or combination of practices to control erosion and attendant pollution.

Family means one or more persons who occupy a single dwelling unit, all of whom are related by blood, marriage or adoption, or a group of persons all of whom are not somehow related which does not exceed three persons in number. The term "family" shall not include the occupants of a roominghouse, an adult congregate living facility, a fraternity or sorority house or other similar use with shared cooking or sanitary facilities.

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

Family community residence means a community residence occupied by four to ten unrelated individuals that provides a relatively permanent living arrangement for people with disabilities which, in practice and under its rules, charter, or other governing document, does not limit how long a resident may live there. The intent is for residents to live in a family community residence on a long-term basis, typically a year or longer.

Farm means an area used for the growing of farm products, such as vegetables, fruits and grain, and their storage, as well as for raising poultry and animals, and grazing, pasture, or running areas. The term "farm" also means, the operation of an area for one or more of the uses stated in this definition, including dairy farms with the necessary accessory uses for treating or storing the product; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

Fence means a freestanding structure of any material or combination of materials erected for confinement, screening, or partition purposes.

Filling station. See *Vehicular service and maintenance establishment*.

Fixed projecting sign. See *Sign*.

Flag, commercial, means a cloth emblem or banner that is a recognized representation or symbol of any nonpublic agency or establishment, including not-for-profit organizations, political parties, commercial or business establishments, and similar organizations; including emblems, banners, and similar devices with or without letters or symbols that are placed for the purpose of advertising or attracting attention.

Flag, official, means a cloth emblem or banner that is the officially recognized representation or symbol of the United States, or any state, county or municipal government or agency thereof, including special districts created by the state.

Flashing sign. See *Sign*.

Flat or wall sign. See *Sign*.

Flea market means a site where space inside or outside a building is rented to vendors for sale of merchandise. This would involve the setting up of two or more booths, tables, platforms, racks or similar display areas for the purpose of selling merchandise, apparel, home furnishings, housewares, personal effects (such as jewelry), art work, and similar merchandise, objects or equipment in small quantities. The term "flea market" shall not be intended to include a garage sale, bake sale, fruit or produce stands, wholesale establishments, repair service establishments or any similar activities or sales done by a civic group or by nonprofit organizations.

Flood and flooding mean a general and temporary condition of partial or complete inundation of normally dry land from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation of runoff or surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency delineating both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Emergency Management Agency delineating both the areas of special flood hazard and the risk premium zones applicable to the community.

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

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

Floor area ratio means a regulatory technique, generally expressed in numeric fashion, which relates total developable site area and the size (square feet) of development permitted on a specific site.

Floor area ratio commercial means a numeric rating assigned to each citywide or city center commercial zoning district which determines the total gross square feet of a structure, as measured from the structure's exterior walls, based upon the actual land area of the parcel upon which the structure is to be located. Total gross square feet calculated using the assigned floor area ratio shall not include such features as parking lots or structures, aerial pedestrian crossovers, open or partially enclosed plazas, or exterior pedestrian and vehicular circulation areas.

Florida native plant means a species occurring within the state boundaries prior to European contact, according to the best available scientific and historical documentation. Florida native plants include those species understood as indigenous, occurring in natural associations in habitats that existed prior to significant human impacts and alterations of the landscape.

Flowering tree means a tree reaching a minimum mature size of at least 15 feet tall and 15 feet in canopy spread at maturity that has ornamental value because of its production of flowers at some time during the year.

Food vendor mobile means a mobile food-vending cart or similar conveyance, licensed by the county, offering food and beverages for general public consumption at one or more locations during the day.

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

Fraternity or sorority house means a building occupied by and maintained exclusively for college or university students who are affiliated with a social, honorary, or professional organization recognized by the college, university, or other institution of higher learning that the students attend.

Freestanding sign. See *Sign*.

Frontage means all or a portion of a lot line which directly abuts an officially recorded street or separates property from a street, excluding alleys and private driveways.

Frontage line means the property lines of a lot which coincide with a street right-of-way or with the boundary of an open space (such as a new setback or a park) as shown on the regulating plan.

Frontage, street facade, means that portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building wall elevation which parallels a street. In the event the parapet wall or eaves are over 40 feet high, only the first 40 feet shall be considered the frontage street facade.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term "functionally dependent facility" does not include long-term storage, manufacture, sales or service facilities uses.

Garage, apartment, means a detached, accessory structure of not more than 750 square feet, that contains a private garage permanently available for the parking or storage of at least one automobile and one dwelling unit. The enclosed garage portion shall have a minimum size of ten feet by 20 feet. A carport and/or porte cochere shall not be used to meet the parking requirement for a garage apartment.

Garage, commercial, means a building or portion thereof designed or used exclusively for prearranged or shortterm storage of motor vehicles, excluding daily storage furnished to transients, and at which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.

Garage, residential, means an accessory building or a portion of a main building, (including a carport or porte cochere) designed and used for the parking or storage of vehicles owned or used by the occupants of the building to which it is an accessory use.

Garage, public, means a building or a portion thereof, other than a private or storage garage or service station, designed or used for equipping, servicing, repairing, hiring, selling, or storing of motor vehicles.

Garden wall means a freestanding wall built along the rear, and/or interior side property lines, behind the front facade.

Gazebo means an accessory building consisting of a detached, covered, free standing open-air structure not exceeding 300 square feet.

Grade of lot means the average finished or final elevation of a lot measured at the front building line.

Green building means a building that yields environmental benefits, such as savings in energy, building materials, and water consumption, or reduced waste generation.

Greenhouse means a building made of glass, plastic, or fiberglass in which plants are cultivated.

Grocery store means a retail sales store whose principal activity is the sale to the public of foodstuffs and consumer commodities for human consumption. Such foodstuffs may be prepackaged or prepared on the premises for consumption off the premises.

Ground cover means low-growing or low-maintenance living plant material or inanimate material other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

Ground sign. See *Sign*.

Resident. The term "resident" as used in type I and type II group homes means any of the following:

- a. An aged person as defined in F.S. § 400.618(3).
- b. A physically disabled or handicapped person as defined in F.S. § 760.22(7)(a).
- c. A developmentally disabled person as defined in F.S. § 393.063(11).
- d. A nondangerous mentally ill person as defined in F.S. § 394.455(3).
- e. A child as defined in F.S. § 39.01(8) and (10).

Grubbing means the mechanical or manual removal of any type of rooted vegetation and associated soil.

Habitable space means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, screen enclosures, sunroom categories I, II and III as defined in the Florida Building Code, storage, utility space, and similar areas are not considered habitable space.

Halfway house means a facility providing transitional housing, including housing on an emergency basis, as well as food, supervision, rehabilitation, and counseling to juvenile or adult persons who have been placed in the facility on release from, or in lieu of, more restrictive custodial confinement under the criminal justice system or to abused and/or homeless persons. A halfway house is not a community residence or recovery community as defined in this Code.

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

Heavy machinery means mechanical land-clearing, earth-moving, or earth working equipment with a gross weight in excess of 5,000 pounds, including all machinery which utilizes steel tracks for traction.

Hedge means a solid, unbroken row of shrubs or certain tree species maintained at a desired or required height and width, including such plant material as *Ficus benamina*, *Figustrum luctoum*, *Podocarpus macrophylla*, *Hibiscus rosa-sinensis*, and *Murrays paniculata*.

Height of structure means the vertical distance from the average elevation of the finished grade of the structure to the highest portion of the structure, subject to specified height requirements of this chapter. For buildings, the height shall be measured as the vertical distance from the average elevation of the finished grade of the building to the highest point of the top of the structure of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

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

Historic building. See *Historic properties or districts*.

Historic district means, for historic preservation purposes, a geographically definable area designated by the city commission as possessing a significant concentration, linkage, or continuity of properties united historically or aesthetically by plan or physical development.

Historic properties means those properties designated by the city commission as being of historical, cultural, architectural or archaeological importance.

Historic tree means a tree determined to be of notable historic interest to the city, due to its age, type, size, or historic association with the community, and designated as such by the city commission.

Home nameplate means a nameplate indicating only the name of the occupant.

Home occupation means any occupation or activity carried on as an accessory use by a member of the immediate family residing within a dwelling unit.

Hoophouse means a structure covered with translucent plastic, constructed in a "half-round" or "hoop" shape in which plants are cultivated.

Hospital means an institution licensed by the state department of health which have facilities for one or more overnight patients, which provide services for in-patient medical or surgical care of sick or injured humans, and which may include related facilities such as laboratories, out-patient departments, training facilities, state offices, utilities, and support facilities.

Hotel means a public lodging establishment licensed by the state which offers transient or permanent lodging accommodations to the general public, and may provide additional services, such as restaurants, meeting rooms, and recreation facilities.

Hotel unit means a room or suite of rooms in which lodging or boarding is provided.

Hydroponics means a method of growing plants using mineral nutrient solutions, in water, without soil. Terrestrial plants may be grown with their roots in the mineral nutrient solution only or in an inert medium, such as perlite, gravel, or mineral wool.

Identification sign. See *Sign*.

Illuminated sign. See *Sign*.

Impervious surface means any surface incapable of being penetrated by water under normal circumstances, including such surfaces as roofs, areas paved or covered with concrete, asphalt, artificial turf, or similar materials, etc.

Improvement means, for the purposes of historic preservation, any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, foundation, sign, work of art, earthworks, sidewalk or other manmade object constituting a physical change of real property, or any part thereof.

Inanimate materials means rocks, gravel, pebbles, driftwood, garden ornaments, statuary, sculptures, artificial grass, or similar nonliving objects.

Industrial activity means the treatment, processing, fabrication, preparation, assembly, packaging, cleaning, servicing, testing, storage or repairing of material, products, or equipment on the premises.

Infill or infill development means the development or redevelopment of vacant or abandoned parcels in otherwise built-up urban areas.

Install means to erect or place into position.

Institution means a governmental facility, nonprofit corporation, or a nonprofit establishment existing for public or quasipublic purpose, including such uses as churches, schools, hospitals, government buildings, and parks or open space.

Instructional sign. See *Sign*.

Inventory means a systematic listing of cultural, historical, architectural or archaeological resources prepared by a city, state or federal government or a recognized local authority on architecture and history, following standards set forth by federal, state and city regulations for evaluation of properties.

Irrigation means the methods of supply and application of water other than natural rainfall to foster plant growth. Methods shall include an automated irrigation system or hand watering.

Irrigation system means a permanent, artificial watering system designed to transport and distribute water to plants.

Junk vehicle means a vehicle which cannot be moved under its own power.

Junkyard means a commercial establishment where waste or discarded or salvaged materials are stored or handled, including but not limited to auto wrecking yards, house-wrecking yards, used lumber yards, and places or yards for salvaged house wrecking and structural steel materials and equipment or salvaged machinery, used furniture and household equipment, and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

Kennel. See *Animal kennel*.

Kitchen means a portion of a building intended for the preparation of food including cooking appliances, sink, food refrigerator, cabinets and countertops and food and utensil storage. Any of such features and related improvements, i.e. wiring, plumbing and the like, shall be removed when a kitchen has been determined by the planning director or his/her designee to be installed in violation of this Code.

Land area definitions. See *Lot definitions*.

Land clearing means the removal from land of any type of vegetation or structure by mechanical, manual, or other means.

Land development activities means the construction of buildings, roads, parking lots, paved storage areas, demolition of structures, installation of utilities, or other similar facilities.

Land disturbing construction activities means any man-made change of the land surface, including removing vegetative cover, excavating, filling and grading landscaping modifications, and demolition.

Land stabilization means the restoration of a construction site to grade, tilling, planting of sod with provision for irrigation. Land stabilization does not include the removal of structures except temporary construction fences.

Land use plan means an element of the comprehensive plan, as defined in F.S. § 163.3161 (The Local Government Comprehensive Planning and Land Development Regulation Act.) The term "land use plan" means a set of documents and maps that categorize existing patterns of land development and set guidelines for the desirable intensity, density, quantity, type, location, and timing of future development based upon the goals and policies set forth in the adopted comprehensive plan.

Landscape strip means a strip containing trees, barriers, ground cover, or other plant material.

Landscape unit species means a composition of landscape materials other than street trees, which is designed to enhance the pedestrian environment.

Landscaping means the area within the boundaries of a given site that consists of living plant material.

Large family child care home means an occupied residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit, and which has a least two full-time child care personnel on the premises during the hour of operation. One of the full-time child care personnel shall be the owner or occupant of the residence.

Lawn grass. See *Natural grass*.

Limited service hotel or motel means a hotel or motel with not more than 7.5 percent of gross building area devoted to guest amenities such as dining areas, bars and lounges, and meeting rooms, excluding swimming pools and swimming pool deck areas, none of which are advertised to the general public.

Live/work lofts means buildings or spaces that are used jointly for commercial and residential purposes.

Loading off-street means space located outside of any street right-of-way and designed to accommodate the temporary parking of vehicles used for pickups and deliveries.

Lot definitions:

1. **Lot** means a parcel of land possessing specific boundaries established by a legal instrument such as a deed or recorded plat, recognized as a separate legal entity for purposes of transfer of title.
2. **Lot, corner**, means a lot abutting upon two or more intersecting streets.
3. **Lot, double frontage**, means a lot, excluding corner lots, having frontage on more than one street.
4. **Lot line** means the boundary of a lot.

- a. **Lot line, front**, means the line separating a lot from a street, road or other public or private right-of-way. At all corner lots, the front lot line shall be the public street right-of-way line which possesses the narrowest length. The other public street right-of-way shall be considered the corner lot line.
- b. **Lot line, rear**, means the line separating a lot from abutting property, an alley or other secondary means of access, an easement, or similar items.
- c. **Lot line, side**, means any lot line which is not a front or a rear lot line.
5. **Lot depth** means the horizontal length of a straight line drawn from the midpoints of the front and rear lot lines.
6. **Lot, nonconforming**, means a legally subdivided lot shown on a legally recorded plat, existing at the time regulations were adopted, requiring greater minimum width or area than provided on such lot or establishing other limitations which such lot does not meet.
7. **Reserved** .
8. **Lot width** means the horizontal length of a straight line drawn from the midpoints of the side lot lines.
9. **Lot area** means the total area contained within the lot lines.
10. **Lot, irregular**, means a lot containing curved, uneven, reversed, or other asymmetrical lot lines. Required measurements, including lot area, depth, etc., shall be determined on an individual basis by the city engineer.
11. **Lot, interior**, means a lot abutting only one street or right-of-way.

Low and moderate income household means a family or individual whose income is less than or equal to the annual income level established by the United States Department of Housing and Urban Development for eligibility to participate in the Section 8 Housing Program, or families whose income does not exceed 80 percent of the median income for the area.

Low and moderate income housing target area means a specific geographic area within the city identified by the city as the location of housing construction or rehabilitation pursuant to the provisions of the city center plan low and moderate income housing bonus system.

Main building means the principal building situated or erected on a lot.

Maintenance and storage facility means land, buildings, or structures devoted primarily to the maintenance or storage of equipment and materials.

Major subdivision means the division of a parcel of land into more than four lots.

Mangrove means any or all of the following species of aquatic woody plants: Red mangrove (*Rhizophora mangle*), Black mangrove (*Avicennia germinans*), White mangrove (*Laguncularia racemosa*).

Manufactured building means structures designed for residential, commercial, industrial, and related uses, constructed in whole or in part away from the building or installation site and constructed pursuant to F.S. ch. 553, pt. IV.

Manufactured home means, for purposes of the flood prevention and control regulations, a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Marina, commercial, means a facility for mooring, launching, storing, sales, construction, and repairing of boats, including the sale of marine supplies and services and other ancillary uses such as restaurants and yacht clubs.

Marquee sign. See *Sign*.

Massage parlor, licensed, means an establishment offering massages and related treatments by masseurs, licensed and operated pursuant to F.S. ch. 480.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter the term "mean sea level" is synonymous with national geodetic vertical datum (NGVD).

Medical marijuana dispensary means a facility licensed or registered by the Florida Department of Health which dispenses medical marijuana or products containing marijuana and related supplies, to qualifying patients or their caregivers, pursuant to statute. A medical marijuana dispensing facility does not cultivate process, transfer, or prepare any form of marijuana or marijuana product.

Mezzanine means the definition of mezzanine shall be the definition contained in the Standard Building Code, 1997 Edition, as amended from time to time. The definition of "mezzanine" in the Standard Building Code, however, shall not effect the calculation of permissible stories in a building located in the downtown master plan area.

Minimum descent altitude (MDA) means the lowest altitude above mean level altitude to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure (SIAP) where electronic glide slope is not provided.

Minimum en route altitude (MEA) means the lowest published altitude between radio fixes that ensures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

Minimum obstruction clearance altitude (MOCA) means the lowest published altitude between radio fixes on federal VOR airways, off-airway routes, or route segments that meet obstruction clearance requirements for the entire route segment and assures acceptable navigational signal coverage only within 22 miles of a VOR.

Minimum vectoring altitude (MVA) means the lowest AMSL altitude at which aircraft operating on instrument flight rules (IFR) will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches.

Minor means any person who has not attained the age of 18 years, or as otherwise defined by the state.

Minor subdivision means the division of a parcel of land into less than five lots.

Mixed-use means a development that combines residential with commercial, retail, or office uses in a vertical fashion (in a single building).

Mobile home means a single or multifamily dwelling unit constructed on an integral chassis that is transportable over the roadway on wheels attached to the chassis in one or more sections and containing appropriate connections for plumbing and electrical service and that is constructed to standards adopted by the United States Department of Housing and Urban Development.

Mobile home park means an area of land under unified control and operation designed exclusively for use by mobile homes that are residential dwelling units.

Model dwelling unit or home means a residential structure used for demonstration or sales purposes, open to the public for inspection, and designed for ultimate sale or reuse or a mobile home unit used for demonstration or sales purposes which will be removed from the site upon completion of project.

Motel means a public lodging establishment licensed by the state which contains units with sleeping accommodations easily accessible to guests with an exit to the outside of each unit, daily or weekly rates, off-street parking for each unit, and a bath for each rental unit.

Motel unit means a room or suite of rooms in which lodging or boarding is offered to the public for compensation and access to the outside is provided for each unit.

Motor vehicle fuel sales and service means an establishment whose principal business is the dispensing at retail of gasoline, oils, greases, batteries, tires and accessories principally for automobiles, and where the following accessory services may be rendered:

1. Sales and servicing of spark plugs, batteries, and distributors;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing, provision of water and the like;
5. Washing and polishing services, sales of automotive washing and polishing materials, but not car laundries;
6. Providing and repairing fuel pumps, injectors, and lines;
7. Minor servicing and repair of carburetors;
8. Emergency wiring repairs;
9. Adjustment and repair of brakes and alignment of wheels and headlights;
10. Adjustment of engines, which may involve removal of the head/and or crank case, but not the racing of the engine;

11. Sale of nonalcoholic beverages and packaged foods from vending machines, coolers or racks, as accessory only to principal operations; and
12. Provision of road maps and other informational material to customers and provision of restroom facilities.

Motor vehicle fuel sales (no service) and accessory convenience stores means an establishment that offers gasoline and related automobile lubricants and fluids for sale to the public as its primary purpose. Sale of consumer convenience items are secondary to that of gasoline and related products.

Motor vehicle repair, heavy, means an establishment that provides motor vehicle repair services, including body repair and painting, axle straightening, brake system repair, carburetor and fuel system repair, electrical and electronic system repair, exhaust system service, frame repair, generator and starter service, glass repair and replacement, muffler installation, radiator repair, transmission repair, and front end and wheel alignment services.

Motor vehicle repair, light, means an establishment that provides motor vehicle repair services, excluding body repair and painting, axle straightening and frame repair; but including brake system repair, carburetor and fuel system repair, exhaust system service, front end and wheel alignment services, generator and starter service, glass repair and replacement, muffler installation and transmission repair.

Motor vehicle sales and rental establishments (no service) means establishments for the storage and display for sale or rental of new and used motor vehicles, excluding repairs and service.

Motor vehicle sales and service agencies means establishments for the storage and display for sale or rental of new and used motor vehicles, including repairs and service.

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

Multiple faced sign. See *Sign*.

Multiple use means a development that includes residential and nonresidential uses in multiple buildings which are functionally integrated through a vehicular and pedestrian circulation system that connects the different uses and open spaces.

Murals means a work of art in the form of a painting or tile mosaic applied directly to the side of a building or structure which contains no promotional or commercial message, and does not include flashing or intermittent lighting or sound effects. A mural which contains promotional or commercial material, or includes flashing or intermittent lighting or sound effects, shall be deemed a sign and shall be regulated accordingly.

National geodetic vertical datum (NGVD) means a vertical control used as a reference for establishing varying elevations within the floodplain (as corrected in 1929).

National Register of Historic Places means the official federal list of historic districts, sites, buildings, structures, and objects significant in American history, architecture, landscape architecture, engineering, archeology, and culture, authorized under the National Historic Preservation Act of 1966, and by 36 CFR 60, as each may be amended from time to time, and maintained by the U.S. Department of the Interior.

Natural grass means green herbage, commonly referred to as grass or sod, commonly grown year round in the city.

New construction means site preparation for, and construction of: entirely new structures; the erection of the whole or any part of a new principal or accessory building or structure on a lot; significant extensions to existing structures (see *addition*) whether or not the site was previously occupied; or removal, destruction or reconstruction of more than 50 percent of the exterior walls or structural members of a building. The term "new construction" means, for the purposes of historic preservation, the erection of a new principal or accessory building or structure on a lot or property.

Nonconforming lot. See *Lot definitions*.

Noncontributing property means a classification applied to a property within a historic district signifying that it does not contribute to the qualities that give the historic district cultural, historical, architectural, or archaeological significance as embodied in the criteria for designation of a district, but which because of its location within a district should follow the review procedures required by the historic preservation provisions of this chapter.

Nonprecision instrument runway means a runway having an instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision instrument approach facilities are planned or indicated on an appropriate civil or military airport planning document.

Nonstandard take-off minimums means conditions of existing weather required for take-off at an airport which exceed the standards prescribed in Federal Aviation Regulations, part 91.

Non-thoroughfare roadway means a right-of-way not identified as Interstate/Turnpike, arterial, or collector on the city's comprehensive plan's TE-Map 7 Future Roadway Functional classification, also known as a local street segment.

Nontree removal verification statement means a statement signed by an applicant for a land clearing or grubbing permit, land use permit, or building permit certifying that removal of one or more protected trees is not required for construction purposes.

Not-for-profit use or facility. See *Public or quasipublic not-for-profit use or facility*.

Nursing home means a facility for unrelated individuals providing lodging, meals, "intermediate care level one" and "intermediate care level two" medical services, as defined by the state department of health, and related support services.

Object means, for the purposes of historic preservation, a construction primarily artistic in nature and relatively small in scale and simply constructed, such as a statue, milepost, statuary, or fountain.

Official zoning map means a map depicting the boundaries and identification of the zoning districts established by this Code.

Offices, professional (medical), means offices and clinics of individuals engaged in the provision of health care to the general public, including but not limited to chiropractors, chiropractors, Christian Science practitioners, dentists, dietitians, medical record services, midwives, naturopaths, nurses (registered and practical), nutritionists, occupational therapists, optometrists, osteopathic physicians and surgeons, physiotherapists, psychiatrists, psychoanalysts, psychologists, psychotherapists, podiatrists, public health agencies, and visiting nurse associations.

Offices, professional (nonmedical), means offices of individuals engaged in the conduct of business in the following professions: architecture, art, clerical services, court recorders, engineering, finance services (excluding banks, savings and loan associations and related institutions), insurance services (excluding automobile insurance claims centers), interior design, landscape architecture, law, music and planning.

Off-premises sign. See *Sign*.

Open space means an open, unenclosed area consisting of setbacks, landscaping, buffers, vehicular and pedestrian circulation features, and surface parking.

Open-space measurement means the aggregate of all of the components of open space expressed in square footage.

Organic farming means a form of agriculture that relies on crop rotation, green manure, compost, biological pest control, and mechanical cultivation to maintain soil productivity and control pests, excluding the use of synthetic fertilizers and synthetic pesticides, plant growth regulators, livestock feed additives, and genetically modified organisms. Organic farming relies on ecological processes, biodiversity and cycles adapted to local conditions, rather than the use of inputs with adverse effects.

Outdoor storage means the keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

Painted sign. See *Sign*.

Palm means a monocotyledonous tree having fronds with parallel veination and no true woody bark.

Parapet means that portion of the facade wall which extends vertically above the roof line.

Parcel of real property. See *Premises*.

Parking area, off-street. A site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and which provides vehicular access to a street.

Parking space, interior, means any parking space which is not adjacent to a required landscape strip.

Parks, means a pedestrian oriented passive or active recreational area intended to accommodate the changing needs and preferences of residents.

1. **Community park** means an activity-based park, a minimum of ten acres in area, which serves the recreational needs of several neighborhoods or provides a unique service or facility which can serve the entire city. These parks primarily provide active recreation facilities such as lighted courts and ball fields, play equipment and open play fields. One or more major facilities should be included such as a swimming pool, gymnasium or

recreation center. Passive type facilities such as picnic areas, botanical gardens or nature trails may also be included in a community park, as size and conditions permit.

2. **Regional park** means a park with a minimum of 50 acres in area and having a service area encompassing the entire city. Recreation facilities should provide a diversity of active and passive uses that take advantage of the park's size and unique resources. Special facilities in or adjacent to metropolitan parks can include botanical gardens, museums, zoos, and similar types of facilities.
3. **Public parks.** See *public parks and recreation area*.
4. **Urban open space** means a landscaped park for passive uses. They are generally smaller spaces, too small to accommodate any recreational facilities or are landscape buffers that are aesthetically pleasing. These spaces may include benches, tot lots, shade trees and water fountains.
5. **Passive park** means a park featuring passive recreation pursuits, such as interpretive programs and trail systems that take advantage of geological, biological, or scenic resources located within a park but not including recreational facilities, such as swimming pools, gyms, and playing fields.

Party wall means a common wall or parallel, adjacent solid walls with no visible separation between walls.

Pawnbroker means a person who is regularly engaged in the business of making pawns, but does not include a bank or financial institution as defined in this chapter or any person who regularly loans money or any other thing of value on stocks, bonds, or other securities.

Pedestrian blade sign. See *Sign*.

Pedestrian oriented uses means, for the purpose of the Northwood Mixed-Use District, a variety of commercial and retail land uses which attract pedestrian interest and stimulate walk-in traffic from passersby, including, but not limited to the following: restaurants and delicatessens, both enclosed and open-air; drug stores, specialty retail shops, theaters, banks and financial institutions.

Permeable paver system means a self-draining system consisting of individual paving blocks that is specifically designed to reduce stormwater run-off versus areas paved with conventional paving and to promote rainwater infiltration and natural groundwater recharge, while still managing to provide a stable surface for vehicles. This increased infiltration occurs either through the paving block material itself or through void spaces between the individual paving blocks.

Person means and shall include individuals, partnerships, associations, and corporations.

Personal service, commercial, means an establishment that primarily provides services, involving the care of an individual or his apparel, including but not limited to the following: barber shops, beauty salons, seamstress shops, shoe repair shops, dry cleaning and laundry pickup facilities, coin-operated laundry and dry cleaning facilities, health spas, and similar establishments providing related services.

Pharmacy means a retail establishment primarily offering on-site dispensing of prescription drugs, nonprescription drugs or both. A retail pharmacy may also offer goods for retail sale and accessory services such as photo processing, eyeglass care, etc.

Planning board means that body created by the city's zoning and land development code codified in this chapter.

Plant community means a natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

Plant material means natural grass, ground cover, shrubs, hedges, vines and trees.

Plat means a map or drawing on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends to record in final form to record.

Point of purchase sign. See *Sign*.

Pole sign. See *Sign*.

Political sign. See *Sign*.

Precision instrument runway means a runway having an instrument approach procedure utilizing an instrument landing system (ILS), microwave land system (MLS), or a precision approach radar (PAR) including a runway for which such a system is planned and is so indicated on an approved civil or military airport layout plan; other Federal Aviation Administration planning documents, or comparable military service planning documents.

Premises means any land together with any structures occupying it.

Primary facade means, for historic preservation purposes, any one or more exterior facades of a building, site or structure which faces a public right-of-way.

Professional services means the conduct of business in any of the following related categories; law, architecture, landscape architecture, medicine, dentistry, engineering, planning, music, art, finance, and insurance.

Property means

1. A lot, parcel, or tract of land together with the building and structures located thereon.
2. For historic preservation purposes, the area of land containing a single historic resource or a group of resources, which may include any combination of a building, site, structure, object, or district.

Protective barrier means a physical structure limiting access to a protected area, composed of suitable material, which complies with the specification requirements and intent of the chapter.

Protective services, private, means firms serving the general public for a fee, providing emergency or nonemergency police, fire, rescue, ambulance, security, and related services, excluding funeral homes.

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

Public or private utility means a public or closely regulated private enterprise with an exclusive franchise for providing a public service, including but not limited to the following: water, electricity, natural gas, sewage treatment or telephone service

1. **Public or private utility, heavy**, means a centralized facility for the provision of a public utility that is of sufficient scale and intensity to warrant special site considerations to limit the impact on surrounding properties. Heavy utility uses include, but are not limited to transmission towers, electrical power-generating plants and facilities, sewage treatment and disposal facilities, utilities supply yards, electrical transmission lines in excess of 23 kilovolts, electrical substations, and water purification facilities.
2. **Public or private utility, light**, means a facility used in the transmission or delivery of a public or private utility, in which the facility is relatively small in scale and which can, with suitable screening, be compatible with residential and other low intensity uses. Light utility uses include but are not limited to electrical distribution facilities and transformers, sewage pumping facilities, water storage, control and pumping facilities, and structures, equipment and rights-of-way for telephone, electricity, gas, or water services, and electrical transmission lines of 23 kilovolts or less.

Public parks and recreation area means a use, area, building, or structure, including parks, playgrounds, athletic fields, piers, docks, and boat launching areas, that are publicly owned and used for recreational purposes by the general public and under the control and management of the city or other public agency.

Public property means property owned by any governmental entity, including public right-of-way, streets, alleys, sidewalks, and parks and all structures located upon such property, including but not limited to street and traffic signs, utility poles, fire hydrants, parking meters, trees, newspaper racks, and telephone booths.

Public, quasipublic, or not-for-profit use or facility means the use of land, buildings, or structures by a governmental agency or not-for-profit institution registered under the provisions of Section 501(c) of the Internal Revenue Code of 1954, to provide cultural, educational, governmental, scientific, medical, and related services directly to the general public.

Publishing and printing plant means a commercial establishment primarily engaged in preparing, publishing, and printing newspapers, periodicals, books and other reading material, or similar printed materials.

Pylon sign. See *Sign*.

Quasipublic means an activity, use of structures, or land and related or accessory operations generally open to the public on a nonprofit basis for religious, cultural, medical, entertainment, and similar purposes.

Real estate sign. See *Sign*.

Reconstruction means, for historic preservation purposes, the process of reproducing by new construction, the exact form and detail of a demolished property as it appeared at a certain point in time.

Recovery community means multiple dwelling units in multi-family or single-family housing that are available only to people in recovery from drug and/or alcohol addiction to rent or occupy that provides a drug-free and alcohol-free living arrangement for people in recovery from drug and/or alcohol addiction, which, taken together, do not emulate a single biological family and are under the auspices of a single entity or group of related entities. Recovery communities include land uses for which the operator is eligible to apply for certification or license from the State of Florida. When located in a multiple-family structure, a recovery community shall be treated as a multiple-family structure under building and fire codes applicable in West Palm Beach.

Recreation facility, commercial, means a recreation facility operated as a business and open to the public for a fee, excluding adult entertainment uses.

Recreational vehicle means a self-propelled or nonmotorized vehicle that may be primarily designed as temporary living quarters for recreation, camping, or travel purposes, including but not limited to travel trailers, camping trailers, truck campers, and motor homes, as defined by F.S. § 320.01.

Recreational vehicle park means an area under unified control which is and designed exclusively for temporary accommodations for travel trailers, camping trailers, truck campers, and motor homes, and which is not intended as an area to establish permanent residency.

Redevelopment means the conversion of a building or project from an old use to a new one.

Rehabilitation means, for the purposes of historic preservation, the process of repairing or altering a property so that an efficient contemporary use is achieved, while preserving those significant historical, architectural, or cultural features which establish the character of the property.

Rehabilitation facility is a medical facility with the primary function of assisting individuals withdraw from the physiological and psychological effects of substance use disorder by achieving a substance-free state, relieving immediate symptoms of withdrawal, and treating any comorbid medical or psychiatric conditions. This treatment helps prepare patients for entry into long-term treatment or rehabilitation and living in a community residence or recovery community. Typical Uses include, but are not limited to: (a) addiction receiving facility; (b) Detoxification Treatment Facility; (c) Residential Treatment Facility (F.S. ch. 394 and 397) and includes inpatient treatment classified as former substances abusers.

Relocation means, for historic preservation purposes, any change of the location of a building, structure or object, from its present setting to another setting.

Remove and **removal** mean the actual removal of a tree or causing the effective removal of a tree by damaging, poisoning, or other direct or indirect actions.

Renovation (See also, *alteration*) means any work to the exterior or interior of a structure, including but not limited to rehabilitation, reconstruction, restoration, replacement, or rearrangement of structural part or elements, or any change that affect the plan configuration of walls, spaces, or bulk of a building, excluding painting and stucco finish work.

Rental license means a license permitting the temporary or permanent occupancy of a dwelling unit where one-time or periodic payments are made to the owner or other designee from the tenant for residential occupancy and any other consideration due the owner or designee from the tenant, which may be designated as rent.

Reproduction means the act or process of duplicating by new construction the form, detail and appearance of a property and its setting as it appeared at a particular period of time using the same materials or those materials available which are as close as possible to the original.

Residence/residential means a structure or structures intended privately for human habitation.

Resource means, for historic preservation purposes, a building, site, structure, object, or district.

Restaurants (excluding drive-ins), means establishments, excluding drive-ins where the principal business is the sale of food, desserts, or beverages to the customer in a ready-to-consume state and where the design or principal method of operation includes one or more of the following:

1. Customers are provided with a menu and are served generally by a restaurant employee at the same table or counter at which such items are consumed;
2. Ice cream parlors and other small specialty restaurants having floor area exclusively within a shopping or office center and sharing common parking facilities with other businesses within the center;
3. A cafeteria or cafeteria-type operation where foods, desserts, or beverages generally are served and consumed within the restaurant building;

4. Customers purchase food, desserts, or beverages for carryout.

Restaurants (drive-ins), means establishments selling food and beverages in a form ready for consumption where all or a significant portion of the consumption takes place or is intended to take place in a motor vehicle or at another location.

Restaurants, take out, means establishments selling food and beverages in a form ready for consumption, all or a significant portion of the consumption occurs off the premises.

Restoration means, for historic preservation purposes, the process of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

Retail sales and services, general, means establishments which sell products and services required to meet the recurring day-to-day commercial needs of a community as well as the less frequent consumer demands for more durable commercial products or services. These establishments include but are not limited to convenience stores, supermarkets, department stores, discount stores, variety stores, hardware and garden supply stores, apparel and footwear stores, florists, gift shops, jewelry stores, book and stationery stores, sporting goods stores, furniture and home furnishing stores, office equipment and supplies, automotive supply stores, appliance stores, and similar retail sales and services. General retail sales and services expressly exclude the sale of motor vehicles, except small parts and accessories, sale of construction materials, except paint fixtures, and hardware, vehicular service and maintenance activities including service stations, and the commercial storage or rental of vehicles.

Retail sales and services, marine-related, means establishments engaged in selling goods or merchandise or providing services that are supportive of waterfront activities.

Retail shops, specialty, means commercial establishments such as boutique shops and other specialty shops that cater to custom markets, such as tourists, collectors, design clientele, and similar specialized user groups and offering goods not generally available in convenience or more general goods establishments.

Revolving sign. See *Sign*.

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

Roof sign. See *Sign*.

Roominghouse means a public lodging establishment providing lodging on a fee basis for three or more individuals that do not emulate a family and function as a single housekeeping unit. A roominghouse excludes the following: community residences for people with disabilities, recovery communities, single and multifamily dwelling units, dormitories operated in conjunction with an educational institutions, fraternity and sorority houses, hospitals, hotels, motels, and apartments.

Rotating sign. See *Sign*.

Runway means a defined area on an airport prepared for landing and take off of aircraft along its length.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sandwich sign. See *Sign*.

Satellite dish antenna means a commercial or noncommercial communications device installed as an accessory use and designed to receive television or radio signals broadcast from communications satellites or other remote, wireless sources.

Savings and loan. See *Bank*.

School, public, means educational institutions operated by a school district, the state university system, or the state department of education, providing kindergarten, primary, secondary, post-secondary, vocational, adult, and other specialized forms of learning.

Secondary facade means, for historic preservation purposes, any one or more exterior facades of a building, site or structure which do not face a public right-of-way.

Secretary of the Interior's standards for rehabilitation means a federal document set forth at 36 CFR 67 as amended from time to time, which provides guidance on the sensitive rehabilitation of a historic property.

Seeding means the planting of vegetative cover, such as grasses or legumes, over disturbed areas.

Semifreestanding sign. See *Sign*.

Service station. See *Vehicular service and maintenance establishment*.

Setback line means a line marking the required building setback distance from one or more lot lines.

Setback, front, means the required open space extending across the full width of the front of a lot between the front property line and the required building setback line.

Setback, rear, means the required open space extending across the full width of the rear of a lot between the rear lot line and the required building setback line.

Setback, required, means the minimum setback required by this chapter. Any setback provided in excess of the minimum amount specified shall not be deemed to be a part of the required setback.

Setback, side, means the required open space extending across the full width of the side of a lot between the side property line and the required building setback line.

Setting means the physical environment of a property.

Shade tree means a hardwood tree which, by virtue of its natural shape, provides at maturity a canopy with a minimum diameter of 25 feet and provides relief from direct sunlight for at least six months each year.

Shared parking means parking spaces assigned to more than one use where persons utilizing the spaces are unlikely to need the spaces at the same time of day.

Shopping area means a commercial establishment or a group of commercial establishments related in this location, size, and types of shops to the trade area which the unit serves.

Shoreline means the mean high water level.

Shrubs means self-supporting, woody, evergreen plants smaller than a tree and usually branching from or near the ground, including, but not limited to, such plant material as *Hibiscus rosa-sinensis*, *Ligustrum lucidum*, *Podocarpus macrophylla*, and *Murraya paniculata*.

Sidewalk sign means a temporary A-frame or T-frame sign, menu or sandwich board sign which is not permanently secured or attached to the ground or any other building or structure.

Sign means a display of banners and flags, characters, letters, illustration or ornamentations, or the complete structure on which any such characters, letters, illustrations, or ornamentations are stated or applied, excluding buildings used for identification, directional advertising, or promotional purposes, provided, however, that the term "sign" shall not be construed so as to include self-contained fixtures approved by the National Board of Fire Underwriters of nonelectrical display, wholly contained within a store building and not visible from any public right-of-way.

1. **Abandoned sign** means a sign advertising a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location.
2. **Add-on sign** means an additional sign added to a previously permitted or nonconforming sign.
3. **"A" Frame sign** means a movable sign not secured or attached to the ground.
4. **Animated sign** means a sign with action or motion using electrical energy, electronic or manufactured sources of energy, or wind-actuated elements, including rotating, revolving, or flashing signs.
5. **Background area of signs** means the area of a sign upon which a copy can be placed. To determine the area of a sign back ground, only that face which can be seen only from one direction at one time shall be utilized.
6. **Billboard (off-premises sign)** means a sign or framework installed for the purpose of advertising merchandise, services, or entertainment that are sold, produced, manufactured or furnished at places other than the location of the sign.
7. **Changeable copy sign** means a sign which is characterized by changeable copy or letters, regardless of the method of attachment.
8. **Construction sign** means a temporary sign identifying those engaged in construction on any building site, including but not limited to the following: the builder, contractor, developer, architect, engineer, painter, plumber, or other persons or artisans participating in the construction activities.
9. **Copy area of a sign** means the actual area of the sign copy applied to any background. The copy area is computed by straight lines drawn closest to copy extremities, encompassing individual letters or words.
10. **Development sign** means a temporary sign advertising the sale or rental of structures under construction.

11. **Double-faced sign** means a sign with two faces which are parallel to each other and back to back.
12. **Electric sign.** See *Illuminated sign*.
13. **Entrance sign** means an identification structure located at the main entrance to a city-approved subdivision or development.
14. **Fixed projecting sign** means a sign projecting at an angle from the outside wall or walls of any building and rigidly affixed thereto.
15. **Flashing sign** means a sign used for identification, directional, advertising, or promotional purposes, including approved lighting fixtures which flash, blink, operate intermittently, and are used as exterior signs or interior signs visible from a public right-of-way.
16. **Flat or wall sign** means a sign erected parallel to the facade or on the outside wall of any building and supported throughout its length by the wall of the building.
17. **Freestanding sign** means a sign which is supported by one or more columns, uprights, or braces in or upon the ground, including pole and ground signs.
18. **Ground sign.** See *Freestanding sign*.
19. **Identification sign** means a sign painted on a wall used to identify the name of the business located therein, its principals, and its address.
20. **Illuminated sign** means a sign in which an internal or external source of light is used to make the text or copy legible.
21. **Instructional sign** means a sign conveying instructions with respect to the premises on which it is maintained, such as, but not limited to, "Exit," "Entrance," "Parking," etc.
22. **Marquee sign** means a sign attached to the side of or front of or hung under a marquee.
23. **Multiple-faced sign** means a sign with more than two faces.
24. **Nonconforming sign** means a sign which does not comply with the regulations of this chapter or subsequent amendments.
25. **Off-premises sign.** See *Billboard*.
26. **On-premises sign.** See *Point-of-purchase sign*.
27. **Painted sign** means a sign painted on any surface, including the roof of any building, visible from any public right-of-way.
- 27.1. **Pedestrian blade sign** means a small, pedestrian-oriented sign which is extending from a building face or wall so that the sign face is perpendicular to the building facade. The bottom of the pedestrian blade sign shall be a minimum of eight feet above the ground surface when projecting over a private or public right-of-way (i.e. walkway or road).
28. **Point-of-purchase sign** means a structure, device, display board, screen, surface or wall, characters, letters, or illustrations where the matter displayed is used for advertising a product or service actively offered for sale or rent on the premises.
29. **Pole sign.** See *Freestanding sign*.
30. **Political sign** means a sign urging the election or defeat of any candidate seeking any political office or urging the passage or defeat of any ballot measure.
31. **Projecting sign** means a sign projecting at an angle from the outside wall or walls of any building and rigidly affixed thereto.
32. **Pylon sign** means an advertising structure projecting from a wall or extending over the roof of any building, comprising a framework and display surface, the structural members of which are an integral part of the building upon which the sign is installed.
33. **Real estate sign** means a sign installed by an owner or his agent on a temporary basis, advertising that the real property upon which the sign is located is for rent or for sale, excluding roominghouse signs.
34. **Revolving sign.** See *Animated sign*.
35. **Roof sign** means any outdoor advertising display sign installed, constructed or maintained on or above the roof of any building.
36. **Rotating sign.** See *Animated sign*.
37. **Sandwich sign.** See *"A" frame sign*.

38. **Semifreestanding sign** means a sign which is supported by one or more uprights or braces in or upon the ground and partially attached to any building.
39. **Sidewalk sign** means a temporary A-frame or T-frame sign; menu or sandwich board sign which is not permanently secured or attached to the ground or any other building or structure.
40. **Sign background** means that part of a sign which is around or between elements of the sign content.
41. **Sign code** means [ARTICLE XIII](#) of this chapter.
42. **Sign content** means any letters, numbers, illustrations, decorations, or ornamentations which convey information or attract attention.
43. **Sign face** means the surface of a sign on which the content of the sign is located.
44. **Sign height** means the vertical distance from the natural grade over which the sign is placed to the highest point on the sign.
45. **Sign structure** means a structure including any trailer or other vehicle, which supports or is designed to support or hold together a collection of sign content or sign background; including any trailer or other vehicle, and any balloon or similar device attached to the ground or anything thereon, and any other device which is readily movable and designed or used primarily for the display of signs. A sign structure shall be limited in accordance with this article.
46. **Snipe sign** means a sign of any size, made of any material, including paper, cardboard, wood, and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, or other objects, containing advertising matter that is not applicable to the premises upon which such sign is located.
47. **Swinging sign** means a sign that swings freely from or on supports, regardless of the guy wires used in connection therewith.
48. **Time and temperature sign** means a display containing illuminated numerals flashing alternately to show the current time and temperature.
49. **Vee shaped sign** means a sign other than a flat or wall sign, that is attached to a building other than a flat or wall sign, and which has two faces which are not parallel.
50. **Vehicular sign** means a sign affixed to or painted on a motor transportation vehicle or trailer for the purpose of business advertising, excluding signs affixed to vehicles or trailers for identification purposes as required by licensing ordinances of the city or other governmental agency.
51. **Wall sign.** See *Flat or wall sign* or *Wall mounted sign*.
52. **Wall mounted sign** means a sign which is painted on or affixed to any building exterior wall is completely supported by such wall.
53. **Window sign** means a sign installed or maintained in the window of any building and visible from any public right-of-way.

Sign code. See *Sign*.

Significant archaeological value means an archaeological site, fossil or artifact which could yield or has yielded information deemed by a qualified archaeologist to be of significant scientific, historical, ethnic or public significance to the history or prehistory of the county, state or nation.

Site means the entire area included in the legal description of the land on which the land disturbing construction or land development activities are proposed in the permit application or are occurring.

Site means, for historic preservation purposes, the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historical, cultural, or archaeological value regardless of the value of any existing structure.

Site specific planting means the selection of plant material that is particularly well suited to withstand the physical growing conditions which are normal for that location.

Skilled nursing means direct physical assistance with or supervision of essential activities of daily living such as eating, bathing, grooming, dressing, and ambulating; supervision of self-administered medication and such other similar services as may be defined by the State of Florida Department of Health and Rehabilitative Services and Assisted Care Communities and described in F.S. ch. 429.02 (12), (14), and (18). state-licensed building, buildings, sections or distinct part of a building where occupants are provided short-term or long-term lodging, meals, and resident support services, such as counseling, guidance and varying levels of medical care, without emulating a family like a community residence does. The use encompasses lodging or rooming houses, nursing homes, assisted living arrangements that do not emulate a “family,” and other group living arrangements that do not comport with the definition of a “community residence” or a “recovery community.”

Snipe sign. See *Sign*.

Sodding means the placement of permanent vegetative cover over disturbed areas as a method of permanent stabilization.

Solar energy system, accessory use means a solar energy system, the legally permitted use of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating for the use or benefit of the primary use onsite. The solar energy system should be sized such that the energy produced is reasonably equivalent to the onsite use or less; any selling of excess energy is incidental and in accordance with state law and utility net metering policy.

Solar energy system, ground-mounted means a solar energy system, the solar collectors of which are arranged on one or more racking systems structurally anchored to the ground by foundations or mounted on ballasted footings where appropriate.

Solar energy system, pole-mounted means a solar energy system, the solar collectors of which are arranged on a racking system elevated from and structurally attached to the ground by a pole anchored directly into the ground.

Solar energy system, primary use means a solar energy system, the legally permitted use of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating for use primarily offsite.

Solar collector means a component of a solar energy system, the primary purpose of which is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Sorority house. See *Fraternity or sorority house*.

Special noncommercial events of public interest, minor, means a public event sponsored by a religious institution, public or private school, or nonprofit organization, as defined by Section 501(c) of the Internal Revenue Code of 1954, and held in an area greater than 1.50 acres.

Special use means a specific use that generally would not be appropriate within a particular zoning district, but that may be permitted subject to specific limitations and restrictions.

Specimen tree means a tree which has been determined, in the judgment of a professional forester, landscape architect, arborist, horticulturist, or similar expert, to be of high value to the community, because of its type, size, age, or other professional criteria, and has been so designated by the city commission.

Start of construction. See, *commencement of construction*.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction or a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the excavation for a basement, footings, piers or foundations or the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State of Florida Resort Condominium License means a license, issued by the State of Florida Department of Business and Professional Regulation, for a resort condominium, which is any unit or group of units in a condominium, cooperative, or timeshare plan which is rented more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or one calendar month, whichever is less.

State of Florida Resort Dwelling License means a license, issued by the State of Florida Department of Business and Professional Regulation, for a resort dwelling, which is any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit which is rented more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or one calendar month, whichever is less.

Stormwater Pollution Prevention Plan (SWPPP). A plan prepared in accordance with good engineering practices with a written description of the number, location and sizes of control measures designed to reduce pollutants in stormwater discharge associated with construction activity.

Story means the portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

Street means a public right-of-way which affords the principal means of access to abutting property.

Street line means the right-of-way line abutting the frontage of a lot.

Streetscape means that part of the urban environment which is within the normal field of vision of a person walking at ground level and which can generally be considered to include everything within public view extending upward from ground level to a height no greater than the width of the street that the pedestrian is standing or moving along. The elements of a streetscape include but are not limited to building facades, landscaping, paving, street furnishings, and graphics.

Structural alterations means any change in the supporting members of a structure, such as bearing walls, columns, beams, and girders or in the dimensions or configuration of the roof or exterior walls.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, mobile homes, towers, walls, fences, billboards, poster panels, recreational facilities, and swimming pools. For purposes of the flood prevention and control regulations, the term "structure" mean a walled and roofed building, including a manufactured home, and a gas or liquid storage tank that is principally above the ground. For historic preservation purposes, the term "structure" means a combination of materials to form a construction, generally used to distinguish from buildings those functional constructions made for purposes other than creating human shelter (for example, a bridge, kiln, bandstand, or canal).

Structure, temporary, means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Subdivision means a subdivision of land is either:

1. The division of land into two or more lots, sites or parcels of three acres or less in area;
2. The establishment or dedication of a road, highway, street or alley through a tract of land, regardless of area; or
3. Resubdivisions of land heretofore divided or platted into lots, sites or parcels; provided, that the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchanges does not create additional lots, shall not be considered as subdivision of land.

Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include any improvement of a structure to comply with existing health, sanitary, or safety codes which are solely necessary to ensure safe living conditions.

Surrounding buildings means, for historic preservation purposes, for a property on an interior lot, the properties adjacent to, across the street, and on either side of the property across the street from the subject property; for a property on a corner lot, the properties adjacent to, across both streets, the property on the diagonal corner, and the properties adjacent to the properties across both streets and adjacent to the diagonal corner from the subject property.

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

Swimming pool means a portable pool or permanent structure that contains a body of water 18 inches or more in depth or 250 square feet or more of water surface area and intended for recreational purposes, including a wading pool. Excluded is an ornamental reflecting pool, fish pond, or other type of pool regardless of size, unless located and designed so as to create a hazard or be used for swimming or wading.

Swimming pool, above ground means any pool which is installed one foot or more above adjacent natural grade and meets one or more of the following criteria: requires filtration, circulation and purification; exceeds 18 inches in depth; exceeds a water surface of 100 square feet; or requires braces or supports. Exclusions include a swimming pool located on the second floor or above, an ornamental reflecting pool or fountain, fish pond, pre-manufactured jacuzzi or hot tub not exceeding 100 square feet of water surface area, unless located and designed so as to create a hazard or to be used for swimming or wading.

Swinging sign. See *Sign*.

Synthetic plants means synthetic or artificial material in the form of trees, shrubs, ground covers, or vines.

Temporary labor office means an office which provides on a fee basis the services of generally unskilled or semiskilled laborers on a daily or shortterm basis.

Temporary use building means a building, consisting of one or more modules not intended for residential use and not attached to a permanent or semipermanent foundation.

Threatened, endangered, or rare species means those species of flora and fauna formally adopted as threatened, endangered, or rare by the state fish and wildlife conservation commission.

Time and temperature sign. See *Sign*.

Time share unit means a room or suite of rooms with or without kitchen or cooking facilities in which the right of use or occupancy circulates on an annual basis among various persons for specific periods of time in accordance with a fixed time schedule.

Townhouse means a single-family residential building attached to a series of other single-family residential buildings by not more than two party walls.

Townhouse complex means a group of townhouses connected by party walls.

Townhouse unit means a multistory single-family residential dwelling unit sharing not more than two common walls.

Transitional community residence means a community residence that provides a temporary living arrangement for four to ten unrelated people with disabilities with a limit on length of tenancy of less than a year that is measured in weeks or months as determined either in practice or by the rules, charter, or other governing document of the community residence. A community residence for people with mental illness is an example of a transitional community residence.

Transportation concurrency exception area (TCEA) as identified in F.S. § 163.3180(5), means a specific geographic area or areas delineated in comprehensive plan for urban infill development, urban redevelopment, or downtown revitalization within a central business district designated in a comprehensive plan which are exempt from traffic concurrency requirements.

Tree means a self-supporting, woody plant of a species which normally grows to an overall height of a minimum of 15 feet, and three inches in caliper.

Tree abuse means any action or inaction which causes the decline or death of a tree. This includes improper cutting and trimming, inflicted damage by machinery or equipment, destruction of the natural shape or any action which causes infection, infestation or decay.

Tree removal means to change the location of a tree or to cause damage to or destruction so as to cause death of the tree.

Trimming means reducing or shortening gradually a plant or parts of a plant without altering the natural shape.

Turf means a continuous plant coverage consisting of grass species suited to growth in the city.

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

Urban market garden means an area of land managed and maintained by an individual or group of individuals growing and harvesting food crops and/or non-food, ornamental crops, such as flowers, for commercial sale, frequently sold directly to consumers and restaurants. Urban market gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. It is distinguishable from other types of farming by the diversity of crops grown on a small area of land, typically from under one acre to a few acres, or sometimes in greenhouses grown on site, including but not limited to using growing methods such as hydroponics.

Use means the purpose or activity for which land or buildings is designed, arranged or intended, or for which land or buildings are occupied or maintained.

Use, temporary, means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the designated time period.

Vacant lot means any parcel of land not containing a structure excluding a fence.

Vacation rental, short-term means any dwelling unit or structure originally constructed for residential use that is used for temporary lodging and is listed with an agent, advertised or made available by referral, word of mouth, Internet, recommendation and/or reputation as a vacation or tourist rental and rented or made available for rent for a minimum of seven consecutive days. Short-term vacation rentals shall possess a State of Florida Resort Condominium or Dwelling Licenses.

Variance means a departure from the dimensional or numerical requirements of this Code when such variance is not contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the actions of the applicant, a literal enforcement of the code would result in unnecessary and undue hardship.

Vee-shaped sign. See *Sign*.

Vehicular sales and service means the retail or wholesale or rental of motor vehicles and related equipment, with incidental service and maintenance.

Vehicular sign. See *Sign*.

Vehicular use areas means either:

1. An area designed or used for off-street parking; or
2. An area used for loading, circulation, drive-in, access, storage, or display of motor vehicles. Designated parking areas on public or private streets shall not be considered a vehicular use area.

Vertical construction [means] approved inspections of tie-beams, columns, or similar vertical construction, as applicable.

Vista means an intentionally arranged view or prospect through a long avenue or passage as between rows of trees, buildings or other similar devices used to enhance that perspective.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedure planned or indicated on an approved civil or military airport layout plan, or by any other planning document submitted to the Federal Aviation Administration by competent authority.

Wall sign. See *Sign*.

Water catchment area means that area described in Laws of Fla. ch. 67-2169 as amended by Laws of Fla. ch. 89-479 and subsequent chapters, as amended from time to time.

Water wellfields means those wellfields and their zones of influence with the city which are delineated on the maps adopted from time to time pursuant to the county wellfield protection ordinance and which are incorporated in this chapter by reference.

Wellfield protection ordinance means Palm Beach County Ordinance No. 88-7 as it has been and may be amended from time to time.

West Palm Beach Register of Historic Places means an official listing maintained by the city of all historic properties and historic districts so designated by this chapter, or its predecessor ordinances.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wholesale trades and services means that area which lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this chapter.

Window sign. See *Sign*.

Workforce housing means housing that is affordable to those households earning 121 percent to 150 percent of the area median income (AMI).

Xeriscape means a combination of landscape features and techniques that in the aggregate reduce the demand for and consumption of water, including very drought tolerant plant species, mulches, low turf coverage, efficient irrigation techniques and systems, appropriate maintenance and soil improvements.

Yard means that area which lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this chapter.

Yard, required, means the minimum yard required by this Code, any yard space supplied in excess of the minimum amount specified shall both be deemed to be required yard except as provided elsewhere in this chapter.

Zero lot line means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zoning board of appeals means that body created by the city's zoning and land development code codified in this chapter.

(Code 1979, § 33-290; Ord. No. 3554-02, art. I, § 3, 7-22-2002; Ord. No. 3612-02, § 4, 10-15-2002; Ord. No. 3629-03, § 2, 2-3-2003; Ord. No. 3800-04, § 5, 9-13-2004; Ord. No. 3744-04, § 5, 9-27-2004; Ord. No. 3953-06, § 2, 5-22-2006; Ord. No. 3959-06, § 1, 6-5-2006; Ord. No. 4041-07, § 2, 6-4-2007; Ord. No. 4213-09, § 9, 6-29-2009; Ord. No. 4309-10, § 7, 12-13-2010; Ord. No. 4356-11, § 3, 10-3-2011; Ord. No. 4370-11, § 6, 10-3-2011; Ord. No. 4401-12, § 4, 2-21-2012; Ord. No. 4420-12, § 3, 6-11-2012; Ord. No. 4449-13, § 27, 3-19-2013; Ord. No. 4449-13, § 27, 3-19-2013; Ord. No. 4450-13, § 7, 4-1-2013; Ord. No. 4594-15, § 5, 10-13-2015; Ord. No. 4648-16, § 2, 9-26-2016; Ord. No. 4689-16, § 16, 4-11-2017; Ord. No. 4714-17, § 5, 9-14-2017; Ord. No. 4746-17, § 4(Exh. D), 1-16-2018; Ord. No. 4756-17, § 8, 2-12-2018; Ord. No. 4772-18, § 12(Exh. J), 5-21-2018; Ord. No. 4780-18, § 8, 6-18-2018; Ord. No. 4829-19, § 3, 01-27-2020; Ord. No. 4952-21, § 4, 07-26-2021; Ord. No. 4957-21, § 13, 11-15-2021)