

## Sec. 31-1. Definitions.

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

*Accessory building or structure* means a subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

*Accessory use* means a use that is customarily incidental to the principal use and so necessary or commonly to be expected that it cannot be supposed that the Code intended to prevent it. Accessory uses, unless otherwise provided, shall be located on the same premises as the principal use.

*Advertisement* means a form of communication used to persuade potential customers to purchase or consume a particular brand, product or service. Common methods used for advertising may include, but are not limited to: banners, billboards, business cards, brochures, electronic communication, fliers, the internet, letter head, magazines, mailings, newspapers, phone books, prints, publications, radio, signage, stamps, and television.

*Affected Area* means the area on a plan or a development that is subject to the proposed modification, including but not limited to lot, structures, uses, or site elements.

*Affordable housing* means an owner-occupied or rental dwelling unit with a purchase cost, value, or monthly rental, as applicable, equal to or less than the amounts established by the applicable standards for those individuals whose income is at or below 60 percent of area median income as published by the United States Department of Housing and Urban Development and certified by the department of community and economic development.

*Alley* means a right-of-way which affords only a secondary means of access to property abutting thereon and is not intended or used for general traffic circulation, and is not over 20 feet in width.

*Alterations, building* means any change in the structure which will increase the number of dwelling units, the floor area or the height of the structure, or change the occupancy of the structure as established in the city's building code.

*Apartment* means a room or a suite of rooms occupied, or which is intended or designed to be occupied, as the home or residence of one individual, family or household, for housekeeping purposes.

*Baling* means to tightly compress and secure into bales by wires, hoops, cords, or the like.

*Bars, saloons, taverns, cocktail lounges, or nightclubs* means any premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption and where food may be available for consumption on the premises as accessory to the primary use.

*Boardinghouse or lodging house* means a building other than a hotel, where lodging or meals or both are served for compensation.

*Building* means any structure having a roof impervious to weather designated and suitable for the habitation or shelter of human beings or animals and the shelter or storage of properties or for use in any occupation for some purpose of trade and manufacture.

*Building façade* means an exterior building wall facing a street, path, or park.

*Building frontage* means the percentage of the total width of a lot which is required to be building façade(s).

*Building, principal* means a building for which the main or principal use of the lot on which the building is situated is contracted.

*Briquetting* means a molded block of any material.

*CDD* means the community development department.

*Child care facility* means an establishment, including any child care center or child care arrangement, other than a family day care home or large family child care home, which provides care to any number of children, which receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit.

*Church* means an enclosed structure for public or semipublic religious worship, irrespective of denomination. For the purposes of this code, churches include synagogues, mosques, temples, etc.

*Coastal construction setback control line* means a line established by the state department of environmental protection to prevent or reduce beach erosion and damage to coastal life and property pursuant to F.S. ch. 161.

*Community garden* means a defined area of land utilized collectively by a group of people to grow plant material including flowers or produce for profit or not-for-profit, including supplementary uses and structures associated with gardening and community gathering spaces.

*Community residential home* means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

*Construction demolition debris recycling* means the separation of reusable commodities (e.g. rebar) from those construction waste materials (concrete rubble, wood scraps, pieces of drywall, etc.) that remain after demolition and must be disposed of at a sanitary landfill.

*Contractor storage yard* means a fenced in area utilized by a contractor for the purpose of storing material and equipment.

*Contiguous* means lands which abut each other, or if separated by streets, ways, easements, pipelines, power lines, conduits and rights-of-way, are under one ownership.

*Density* means the total number of residential dwelling units per acre of land as specified within and limited by this chapter.

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

*Development permit* means and includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

*Drive-up, drive-through facility* means any place of business or premises which serves, sells, or otherwise makes available its goods or services directly to customers situated in motor vehicles.

*Driveway* means the standard means of ingress and egress from private properties to public rights-of-way.

*Dune* means a ridge, mound or hill of sand which extends parallel to the shoreline along sandy coasts formed by wind and waves.

*Dune, crest of* means the highest point of a dune, or a line formed by such points.

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

*Dwelling, duplex* means a building designed for two-family occupancy.

*Dwelling, multiple family* means a building designed for three or more families.

*Dwelling, single-family* means a building designed exclusively for one-family occupancy.

*Dwelling unit (DU)* means a room or suite of two or more rooms suitable and designated for residential use and not occupied by more than one family doing its own cooking therein and having only one kitchen facility, located within a building.

*Easement* means a grant to the general public, a corporation or a certain person for use of a strip or parcel of land for a specific purpose.

*Expression line* means a continuous line on a building façade expressed by a variation in material or by a cornice or molding.

*Family* means one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit exclusive of household servants.

*Family day care home* means an accessory use conducted in an occupied residence in which custodial care is regularly provided 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.

*Ferrous metal* means any metals containing significant quantities of iron or steel.

*Filling (service) stations* means any building or plot of land used or designed to be used for the storage and retail sale of automotive fuels and lubricants and which may include facilities for washing, polishing, greasing, waxing, tire repairing and other minor repairs. No major vulcanizing, tire recapping or other major mechanical repairs shall be included in the operation of a filling station.

*Floor area ratio (F.A.R.)* means the total floor area built on a zoning lot, divided by the total lot area of that zoning lot.

*Floor area, total* means the sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding garage space which is in the basement or lower floors of a building. Carports, garages, breezeways and porches shall be excluded from the computation of floor area when a minimum floor area is specified in these provisions.

*Floor footprint* means the total indoor and outdoor footprint of a building at any given story. The 100-percent floor footprint is calculated by multiplying the maximum lot coverage by the overall size of the parcel. Some districts may limit the floor footprint by percentage at certain stories.

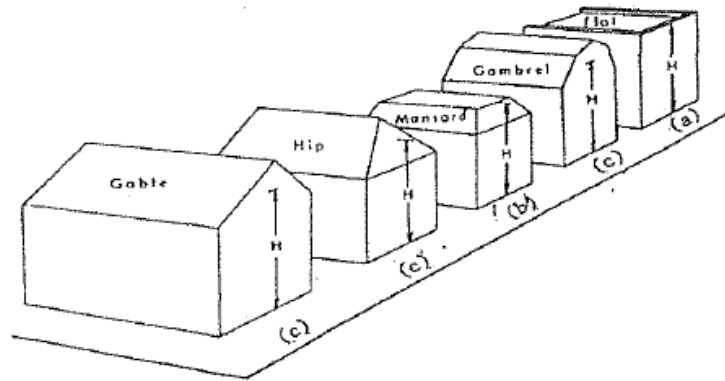
*Garage, private* means an accessory building or a portion of a main building designed or used for the storage of automobiles of the occupants of the main building. A carport would be considered a private garage.

*Garage, public* means a building or portion thereof, other than a private or storage garage, designed or used for the storage, servicing, repairing and equipping of motor vehicles.

*Garage, storage* means a building or portion thereof designed or used exclusively for the storage or parking of automobiles. Services, other than storage, shall be limited to refueling, lubrication, washing, waxing and polishing.

Health Club means an establishment that provides members and non-members with equipment, space, and/or facilities for the purpose of physical exercise as a primary or secondary use.

*Height of building* means the vertical distance measured from the minimum required floor or base flood elevation or 18 inches above the crown of the road, whichever is less, to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof.



*Home based business*~~occupation~~ means a business activity which:

- (1) Has its primary location in a residential dwelling and any on site retail transactions are only conducted at the residential dwelling unit;
- (2) Is conducted entirely within the dwelling by the occupants;
- (3) Is clearly incidental and secondary to the use of the dwelling for residential purposes; and
- (4) Does not change the residential character of the dwelling.

*Hotel* means any building containing principally sleeping rooms in which transient guests are lodged with or without meals, with no provision made for cooking in any individual room or suites. Such building would, structurally and for purposes of safety, be obliged to conform to the laws of the state regulating hotels.

*Industrial equipment* means farm tractors and implements, bulldozers, drag lines, cranes, derricks, heavy earth moving equipment normally used in farming, excavation and/or heavy construction activities.

*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 at least two full-time child care personnel on the premises during the hours of operation.

*Laundry, self-service* means a business rendering a retail service by renting to the individual customer equipment for the washing, drying and otherwise processing of laundry, with such equipment to be serviced and its use and operation supervised by the management.

*Liner building* means a building or part of a building constructed to shield parking, manufacturing, or industrial uses from the street that contains active uses with doors and windows opening onto the sidewalk to create an attractive, pedestrian-friendly, safe environment.

*Lot* means a parcel of land occupied or intended to be occupied by one main building and its accessory building with such openings and parking spaces as are required by the provisions of this chapter and having its principal frontage upon a street.

*Lot area* means the total horizontal area within the boundary lines of the lot.

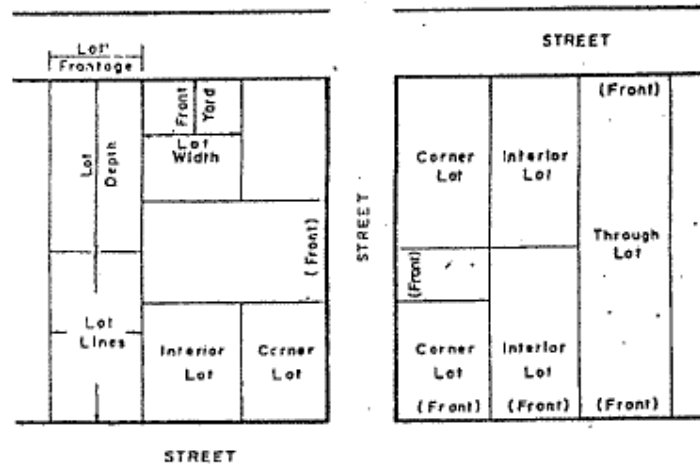
*Lot, corner* means a lot abutting upon two or more streets at their intersection.

*Lot coverage* means the percentage of the total area of a lot covered by all principal and accessory buildings, or portions thereof, unless otherwise specified in this Code. The method of measuring lot coverage shall be by measurements to the outside face of exterior walls and shall include carports, garages, breezeways and porches unless otherwise specified.

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

*Lot front* means and shall be construed to be the portion nearest the streets. For corner lots, the lot front shall be the narrowest portion abutting the street unless determined otherwise by the director of the CDEC.

*Lot width* means the horizontal distance between the side lot lines measured at the required front yard line and parallel to the front street line.



*Low-THC cannabis* means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center as defined in F.S. § 381.986.

*Major recreational vehicle* means any travel trailer, pickup camper or coach designed to be mounted on motorized vehicles, motorized dwelling or motor home, tent trailer, popout camper, case or box used for transporting recreational equipment, whether occupied by such equipment or not, any boat and boat trailer.

*Marijuana* means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC Cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient as defined in F.S. § 381.986.

*Marina* means a facility or structure which provides mooring, docking, anchorage, fueling, repairs or other services for watercraft.

*Mean high water* means the average height of the high waters over a 19-year period. For shorter periods of observation, mean high water means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

*Mean high water line* means the intersection of the tidal plane of mean high water with the shore.

*Medical cannabis* has the same meaning provided at F.S. § 381.986(1)(f), titled "Marijuana".

*Medical marijuana cultivation facility* has the same meaning as "cultivation facility" as provided at Rule 64-4.001(11)(a), Florida Administrative Code, and includes any area approved by the state department of health for the cultivation of medical Cannabis.

*Medical marijuana dispensary* has the same meaning as "dispensing facility" as provided at Rule 64-4.001(11)(c), Florida Administrative Code, and includes any area approved by the state department of health for the dispensation of medical Cannabis.

*Medical marijuana processing facility* has the same meaning as "processing facility" as provided at Rule 64-4.001(11)(b), Florida Administrative Code, and includes any area approved by the state department of health for the processing of medical Cannabis.

*Medical marijuana treatment center (MMTC) and/or medical marijuana treatment center dispensing facility (MMTC-DF)* means a retail establishment, licensed by the state department of health as a "medical marijuana treatment facility," facility established by a licensed "medical marijuana treatment center," "dispensing organization," "dispensing organization facility," or similar use, that sells and dispenses marijuana, products containing marijuana, or related supplies, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana, marijuana products, or related supplies, and does not allow on-site consumption of marijuana or marijuana products.

*Mezzanine* means an open and unobstructed floor level (except for railings for low walls not more than 42 inches tall) within a story, not exceeding one-third of the floor area of space in which it is located.

*Mobile home, house or coach* means a manufactured detached, transportable, single-family dwelling unit designed for long-term occupancy and arriving at the site where it is to be occupied as a complete dwelling unit, containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems. To retain mobility, under-carriage and axles must remain attached to the unit.

*Mobile home park or camp* means any area where one or more mobile homes can be parked, designed or intended to be used as living quarters of one or more families. The site plan and all sanitary facilities of a mobile home park must conform to the requirements of the state and county health authorities.

*Motel, tourist court or automobile court* means a group of two or more attached, detached or semi-detached buildings, containing guest rooms or apartments with automobile storage or parking space provided in connection therewith, designed for use primarily by automobile transients.

*Nonconforming building or structure* means a building or structure or portion thereof existing at the effective date of this chapter, or any amendment thereto, which was designed, erected or structurally altered in such a manner that characteristics of the building or structure, other than use regulations, do not meet the provisions of this chapter.

*Nonconforming use* means the lawful use of land which use does not conform with the use regulations of the district in which it is located because the use existed prior to March 17, 1982.

*Nonferrous metals* means metals not containing significant quantities of iron or steel, including, without limitation, copper, brass, aluminum, bronze, lead, zinc, nickel, and alloys thereof.

*Open space* means that part of a lot, including courts and yards, which:

- (1) Is open and unobstructed from its lowest level upward;
- (2) Is accessible to all residents on the lot without restrictions except as may be required for safety; and
- (3) Shall, in general, be available for entry and use by the occupants of the building or buildings on the premises;

but may include space located and treated to enhance the amenity of the development by providing landscaping, screening for the benefit of the occupants or neighboring area, or a general appearance of openness.

*Outdoor storage area* means an area permitted by the City of Riviera Beach, utilized for the permanent storage of goods, wares, merchandise, commodities, supplies or materials as an accessory use to an enclosed primary building.

*Overlay zoning* means a zoning district which is superimposed over another zoning district. The provisions of the overlay district are controlling if there is a conflict between the underlying zoning district and the overlay zoning district.

*Parking lot* means a durably surfaced area or plot of ground used for the storage or parking of more than four motor vehicles, either for compensation or as an accessory service to a business, industrial or residential use.

*Patio home* means a single-family dwelling unit designed with one windowless zero lot lined exterior site wall site planned to accommodate cluster development creating a sheltered, private outdoor living area for each dwelling unit.

*Pawn shop* means an establishment that is regularly engaged in the business of loaning money with products being used as collateral for a loan, but does not include financial institutions or any person who regularly loans money or any other thing of value on stocks, bonds, or other securities.

*Place of worship* means a special purpose building such as a church, synagogue, temple, or mosque that is used for religious observance by persons of similar beliefs, and that is architecturally designed and particularly adapted for the primary use of conducting, on a regular basis, formal religious services by a religious congregation.

*Planned unit development (PUD)* means a land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an officially approved final master land use and site plan which does not necessarily correspond to the property development and use regulations of the zoning district in which the development is located.

*Platted lot size* means the minimum size of a buildable lot. For single family residential, see minimum property size per zoning classification, and for fee-simple town home (or similar type) multifamily residential the minimum platted lot size is 15 feet x 50 feet. For other multifamily residential, see minimum property size per zoning classification. Properties developed according to these standards shall be required to establish a property owners association for the continued maintenance of common areas. Note: Applicable density and setback regulations are regulated per specific zoning classification.

*Private passenger vehicles* means that type of vehicle primarily used to transport not more than nine persons for personal transportation. The term does not include such vehicles as campers, recreation vehicles, motor homes, or any other type of vehicle other than private passenger vehicles.

*Private school* means any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge by a private business including but not limited to instruction in dance or music or cheerleading as well as traditional studies such as math and/or science.

*Professional office* means a place used for conducting a business, profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, banks, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices, and exclude manufacturing activities.

*Property line* means the boundary line surrounding a lot.

*Recess line* means a continuous building setback occurring at a prescribed height.

*Recycling* means to treat or process used or waste materials so as to make suitable for reuse.

*Recycling center* means a facility solely for the collection and sorting and/or separating of recyclable materials from the general public. On-site storage containers and bins used solely for the recycling of material such as aluminum, food and beverage containers, glass, paper, and plastic generated by residential property and business offices may be placed on the site.

*Recycling facility* means a facility for the collection and/or processing of recyclable materials with on-site storage containers or processing facilities used solely for the recycling of materials. These materials include aluminum, glass, paper, plastic, and excluding toxic and heavy metals such as but not limited to lead, cadmium, mercury, chromium, nickel, copper, arsenic, ferrous metals other than food and beverage containers generated by residential property, business or light manufacturing and are not recycling centers for the purposes of this section.

*Restaurant (excluding drive-through)* means an establishment where the principal business is the sale of food in a ready-to-consume state to persons who are seated within the principal building, seated outside on the premises, or for carryout.

*Restaurant, drive-through, drive-in*, means an establishment where the principal business is the sale of food in a ready-to-consume state to customers within the establishment and directly to customers on premises situated in motor vehicles.

*Retail establishment* means a place of business providing the sale and display of goods and/or sale of services directly to customers, with goods available for immediate purchase and removal from the premises by the customer. Retail goods include, but are not limited to, clothing, food, furniture, pharmaceuticals, books, art objects and the like. Retail services include, but are not limited to, barber shops, beauty salons, travel agencies, dry cleaning, health clubs, photo studios, funeral homes (no embalming on premises), pet care, repair establishments, and employment offices. For the purposes of this definition, retail establishments exclude adult entertainment, weapons sales, and the sale and servicing of vehicles or watercraft with engines larger than 50 horsepower.

*School* means any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

*Scrap metal processing* means a process by which metal materials ferrous or nonferrous, which would otherwise become solid waste, are collected, separated or processed, and reused or returned to use in the form of raw materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing of products.

*Screen enclosure* means an area enclosed by screens, and having a screen roof.

*Screen room* means an area enclosed fully or partially by screens, and having a solid roof.

*Self-service storage (self storage)* means a place of business providing individual self-contained units which are available for short-term or long-term lease to the general public for the storage of goods and belongings. As a customary secondary use, designated areas may also be utilized for the storage of automobiles, trailers, recreational vehicles and similar rolling stock, as provided by an approved site plan. Outdoor storage must be shielded from view of adjacent property owners and public right-of-way.

*Setback* means the minimum distance required between buildings or buildings and property lines, to provide for the required open space. All setbacks shall be measured at a right angle from the property lines or building lines as the case may be.

*Setback line* means a line marking the minimum horizontal distance between the property line and the beginning point of the required setback or the buildable area, as this chapter may require in each particular case. All setback lines shall run parallel to the relevant property lines.

*Shredding* is a process by which metal is smashed, split, ripped, ground and cut into smaller pieces.

*Site plan* means a presentation drawing drawn to scale illustrating a proposed development and prepared in accordance with this chapter. Specific requirements for site plan approval submission are included in appropriate districts.



Slope means the amount of deviation of a surface from the horizontal, measured as a numerical ration, as a percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise), as 2:1. A 2:1 slope is a 50 percent slope.

*Smelting* is a metallurgical thermal processing operation in which the metal or matte is separated in fused form from nonmetallic materials or other undesired metals with which it is associated.

*Special exception* means a use, structure or PUD that would not be appropriate generally or without restriction throughout a particular zoning district, but would, if controlled as to number, area, location, or relocation to neighborhood, be appropriate.

*Storefront church* means the temporary or permanent use of space in a multi-tenant commercial building for public or semipublic religious worship.

*Story* means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then space between the floor and the ceiling is a story.

*Street* means a public or private thoroughfare which affords the principal means of access to abutting property.

*Street line* means the dividing line between a lot, tract or parcel of land and the contiguous street right-of-way.

*Streetwall* means a low wall or hedge used to screen surface parking lots from view.

*Structure* means anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, fences and pergolas.

*Structure alterations* means any change, except for repair or replacement, in the supporting members of a building such as bearing walls, columns, beams or girders, floor joists or roof joists. See also *Building alterations*.

*Temporary labor employment office* means an establishment engaged in providing temporary labor for the construction or industrial trades.

*Timesharing* means a form of ownership of property where use of the property is limited to certain time periods for varied individuals; also known as "interval ownership."

Town House means a dwelling unit, attached by party walls on one or both sides to one or two other dwelling units, which has its own ground level entrance and front and rear yards.

*Toxic and heavy metals* are metals that are poisonous, such as lead or mercury also metals that form poisonous soluble compounds and are not essential minerals, or are in a form that can negatively impact persons health.

*Trailer* means any portable structure or vehicle designed so as to be used as a conveyance upon the public streets and highways, containing a self-contained plumbing system which is not connected to an external sewerage and constructed in such a manner so as to permit occupancy thereof for dwelling or sleeping purposes.

*Trailer coach* means all types of mobile homes, self-propelled trucks or buses which have been converted or equipped with living and/or sleeping quarters, such as pickup trucks with living quarters installed, and converted buses. However, this excludes suburbans and other similar types of automobiles for private use which have been equipped with camping equipment and relocated materials.

*Trailer court, camp or park* means an area where one or more automobile trailers can be parked, designed or intended to be used as temporary living quarters of one or more families and intended primarily for automobile transients. The site plan and all sanitary facilities of a trailer camp must conform to the requirements of the state and county health authorities.

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

*Variance* means a relaxation of certain regulations contained in this chapter where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant or owner, a literal enforcement of this chapter would result in unnecessary and undue hardship.

*Vegetation line* means a line, as identified by the state department of environmental protection, of the first appearance of permanent vegetation west of the Atlantic Ocean.

*Veterinarian office or animal medical clinic* means a business that provides medical care to domestic pets. Limited overnight boarding of pets incidental to and associated with the medical care shall be permitted as accessory to the medical services.

*Warehouse* means a structure, or part of a structure, for storing goods, wares and merchandise, whether for the owner or for others; and whether it is a public or private warehouse.

*Yard* means a required open space clear from the ground upward, unoccupied and unobstructed by any structure, except for fences, walls and vegetation as provided herein.

*Yard, front* means a yard across the full width of the lot extending between the front line of the lot and the main building.

*Yard, ocean* means any yard abutting the Atlantic Ocean.

*Yard, rear* means a yard across the full width of the lot extending between the rear line of the lot and the main building.

*Yard, side* means a yard extending between the side line of the lot and the main building and between the front yard setback line or the lot lines in absence of setback requirements.